

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 29 July 1998

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN, G.B.S., J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

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

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE HO SAI-CHU, J.P.

THE HONOURABLE CYD HO SAU-LAN

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE MICHAEL HO MUN-KA

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

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LEE CHEUK-YAN

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

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

THE HONOURABLE LEE KAI-MING, J.P.

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

THE HONOURABLE FRED LI WAH-MING

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

THE HONOURABLE MARGARET NG

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

THE HONOURABLE RONALD ARCULLI, J.P.

THE HONOURABLE MA FUNG-KWOK

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE AMBROSE CHEUNG WING-SUM, J.P.

THE HONOURABLE HUI CHEUNG-CHING

THE HONOURABLE CHRISTINE LOH

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE BERNARD CHAN

THE HONOURABLE CHAN WING-CHAN

THE HONOURABLE CHAN KAM-LAM

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

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE GARY CHENG KAI-NAM

THE HONOURABLE SIN CHUNG-KAI

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

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH

THE HONOURABLE LAU WONG-FAT, G.B.S., J.P.

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

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

THE HONOURABLE EMILY LAU WAI-HING, J.P.

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

THE HONOURABLE TIMOTHY FOK TSUN-TING, J.P.

THE HONOURABLE LAW CHI-KWONG, J.P.

THE HONOURABLE TAM YIU-CHUNG, J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MRS ANSON CHAN, J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

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

THE FINANCIAL SECRETARY

THE HONOURABLE ELSIE LEUNG OI-SIE, J.P.

THE SECRETARY FOR JUSTICE

MR MICHAEL SUEN MING-YEUNG, J.P.

SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR CHAU TAK-HAY, J.P.

SECRETARY FOR TRADE AND INDUSTRY

MR RAFAEL HUI SI-YAN, G.B.S., J.P.

SECRETARY FOR FINANCIAL SERVICES

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

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

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

MR STEPHEN IP SHU-KWAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR LEUNG CHIN-MAN, J.P.
SECRETARY FOR HOUSING

MR GREGORY LEUNG WING-LUP, J.P.
SECRETARY FOR HEALTH AND WELFARE

MRS CARRIE LAM CHENG YUET-NGOR, J.P.
SECRETARY FOR THE TREASURY

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:

Subsidiary Legislation	<i>L.N. No.</i>
Census and Statistics (Monthly Survey of Retail Sales) (Amendment) Order 1998	289/98
Census and Statistics (Quarterly Survey of Service Industries) (Amendment) Order 1998.....	290/98
Designation of Libraries (Urban Council Area) (No. 2) Order 1998	291/98
Mandatory Provident Fund Schemes Ordinance (Cap. 485) (Commencement) Notice 1998.....	292/98
Provident Fund Schemes Legislation (Amendment) Ordinance 1998 (4 of 1998) (Commencement) Notice 1998	293/98
Mandatory Provident Fund Schemes (General) Regulation (L.N. 201 of 1998) (Commencement) Notice 1998	294/98
Dangerous Drugs (Amendment) (No. 2) Ordinance 1994 (63 of 1994) (Commencement) Notice 1997 — Corrigendum	295/98

Sessional Papers

- No. 8 — Report by the Commissioner of Police on Police Welfare Fund for the period 1 April 1996 - 31 March 1997

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- No. 9 — Clothing Industry Training Authority
Annual Report 1997
- No. 10 — Report of the Independent Police
Complaints Council 1997
- No. 11 — Independent Commission Against Corruption
Complaints Committee
Annual Report 1997
- No. 12 — Statement of Accounts for the
Customs and Excise Service Welfare Fund
together with the Director of Audit's Report (1997-98)
- No. 13 — Sir David Trench Fund for
Recreation Trustee's Report 1997-98
- No. 14 — Revised list of works of the Provisional Urban Council
for the 1998/99 financial year
(during the first quarter ended 30 June 1998)
- No. 15 — Hong Kong Export Credit Insurance Corporation
Annual Report 1997-98
- No. 16 — 1997 Annual Report by the Commissioner of
the Independent Commission Against Corruption
Hong Kong Special Administrative Region
- No. 17 — Pneumoconiosis Compensation Fund Board
Annual Report 1997
- No. 18 — Securities and Futures Commission
Annual Report 1997-1998

Report

Report of the Bills Committee on Holidays (Amendment) Bill 1998

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Dr the Honourable LEONG Che-hung will address the Council on the Report of the Independent Police Complaints Council 1997. Dr LEONG Che-hung.

Report of the Independent Police Complaints Council 1997

DR LEONG CHE-HUNG (in Cantonese): Madam President, on behalf of the Independent Police Complaints Council (IPCC), I shall now address the Legislative Council on the Report of the Independent Police Complaints Council 1997.

The IPCC is an independent advisory body appointed by the Chief Executive to monitor and review the investigation of public complaints against the police. Whilst the investigation work is carried out by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force, case files and documents are examined in depth by the IPCC, which is supported by a full-time secretariat. A case will not be finalized until the IPCC has endorsed its investigation results.

In 1997, the IPCC reviewed and endorsed a total of 3 006 complaint cases involving 4 854 allegations. Of these, assault, over-bearing/impolite conduct/abusive language, neglect of duty/improper action, unnecessary use of authority and fabrication of evidence constituted the bulk of the complaints with overbearing/impolite conduct/abusive language allegations topping the list, representing over thirty percent of the total number. Of the 4 854 allegations endorsed, 1 016 were resolved by informal resolution; 135 classified as "Substantiated" or "Substantiated Other Than Reported"; 60 as "Not Fully Substantiated"; 856 as "Unsubstantiated"/"Curtailed"; 330 as "False"; 2 314 as "Withdrawn/Not Pursuable" and 143 as "No Fault".

The IPCC often raises queries on CAPO's investigation reports in the course of its deliberations. A total of 630 queries were raised in 1997, some of which led to the reclassification of 37 allegations. Arising from the investigation results endorsed by the IPCC, criminal proceedings, disciplinary and other forms of internal action were taken against 280 police officers last year.

Furthermore, in line with a recommendation arising from an independent review of the police complaints system in 1996, a Special Panel was formed within the IPCC in 1997 to monitor selected serious complaint cases on which CAPO would provide monthly progress reports. The Special Panel made special monitoring on two cases during 1997. The first case involved a complaint lodged by Mr LAU Shan-ching, who accused the police of abusing their powers when they tried to drown the voices of the protesters with music on the reunification day. The investigation into this case was completed in 1998, and as Members may be aware, the IPCC has come to the conclusion that the complaint is substantiated. However, since the conclusion of the IPCC is different from that of the CAPO, the report on the complaint has been submitted to the Chief Executive. The second case involved a complaint lodged by a foreigner who alleged that she made several calls to "999" to ask for help on a day when Typhoon Signal No. 9 was being hoisted, but the police telephone operators on duty hung up several times while answering her calls. She claimed that as a result her husband subsequently died of drowning.

The Bill to make the Council a statutory body was introduced to the Legislative Council in July 1996 but was withdrawn by the Administration at the Legislative Council Sitting on 23 June 1997 as some of the amendments proposed by Legislative Council Members at the Committee stage would cause fundamental changes to the existing police complaints system and hence were considered unacceptable. Notwithstanding the withdrawal of the Bill, the Administration undertook to implement administratively the provisions which had been accepted during the Committee stage as far as practicable. These included:

- (1) The widening of the definition of "witness" to include any person whom the IPCC considers would be able to provide assistance;
- (2) The IPCC may, if it considers appropriate, request CAPO to submit an interim report on the progress of the investigation of a complaint within six months from the date of the request; and
- (3) IPCC Members may, with the consent of the Commissioner of Police, interview any witness after an interim report has been submitted in connection with a complaint. The Commissioner of Police shall give his consent for the interview unless he is of the opinion that such interview would likely prejudice the investigation of any crime or complaint. However, as the powers of the IPCC

are limited, the public may tend to think that the IPCC is only a rubber stamp. To clear such misunderstandings, members of the IPCC must take actions to prove that the opposite is the case. The conclusion drawn by the IPCC in relation to Mr LAU Shan-ching's complaint has shown the public that the IPCC is not a rubber stamp. In order to dispel the misunderstandings of the public, the IPCC has, for many years, urged for the establishment of an independent secretariat that is not staffed by civil servants on secondment. Regrettably, our request has not been supported by the Government. Once again, on behalf of the IPCC, I would like to urge the Government to consider this proposal and to introduce a bill on the IPCC to the Legislative Council as soon as possible, so as to further review the police complaints system.

Upon the IPCC's request, the Census and Statistics Department conducted a Special Topic Enquiry (STE) to ascertain public awareness and perception of the IPCC as part of the General Household Survey launched during July - September 1997. The STE statistics showed that public awareness of the IPCC was on the low side. The Special Committee tasked to examine the IPCC publicity programme/surveys undertook to re-examine in 1998 the Council's strategy in launching IPCC Opinion Surveys in the light of the STE statistics.

To improve the efficiency in the scrutiny of police complaint investigation reports and to cope with the workload arising from the implementation of the major improvement measures and reforms of the IPCC, an additional vetting team comprising one Senior Executive Officer and one Executive Officer I was established in October 1997.

In December 1997, the Council set up an IPCC HomePage on the Internet for public access. The IPCC HomePage was uploaded to the World Wide Web Server of the Government Information Centre (GIC) and linked to the GIC HomePage and those of other government departments.

The IPCC continued to interview witnesses in 1997 to clarify matters directly with them and observe CAPO's investigation processes including mainly interviews, statement taking and scene visits. To enhance the monitoring role of the IPCC, IPCC Members also agreed in principle in 1997 to undertake observation of informal resolution sessions in addition to those already arranged under the IPCC Observers Scheme.

In 1997, the IPCC also participated in the "Courteous Police Officer Selection Scheme" organized by the police. The main objective of the Scheme is to help prevent complaints against the police.

Moving on to 1998, the IPCC made an attempt to reach out to district representatives by organizing two luncheon seminars, which share a common theme "The Way Forward", for Provisional District Board and District Fight Crime Committee members in January with a view to enhancing public understanding of and confidence in the Council's work.

In March 1998, the IPCC Secretariat moved into its new office premises in Wan Chai. The new office features a much larger conference room which is fitted with simultaneous interpretation facilities and public seating to permit observation of IPCC meetings by the public. On 30 March 1998, part of the IPCC-CAPO Joint Meeting was opened to the public for the first time. The IPCC hopes that opening part of the meeting to the public would enhance the transparency of and public confidence in the work of IPCC.

I would also like to report that the Chief Executive has appointed with effect from January this year, two new IPCC Members. They are Dr LO Chi-kin and Mrs Grace TAM CHEUNG Kit-ying. Before I end my presentation, I would like to express my appreciation, on behalf of the IPCC, of the valuable contribution made by Mr Justein WONG Chun, JP who, having served the Council for six years, ceased to be a Council member on 31 December 1997, Mr CHA Mou-sing, Payson, JP who resigned on 31 July 1997 and Miss SHUM Mun-ling, Elle, who resigned on 14 February 1998. Starting from January this year, Mr Justein WONG, however, has been appointed as a special adviser to the IPCC primarily to assist in the expansion of the IPCC Observers Scheme. I would also like to thank the Commissioner of Police and his staff in CAPO for their co-operation during the year.

Furthermore, the IPCC has always maintained a good relationship of co-operation with the Security Bureau, thanks to Mr Peter LAI, the Secretary for Security. It is a pity that Mr LAI will soon be leaving the Civil Service; we are going to miss him a lot. On behalf of the IPCC, I would like to wish Mr LAI and his family every happiness and success in their future endeavours. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Howard YOUNG will address the Council on the Independent Commission Against Corruption Complaints Committee Annual Report 1997. Mr Howard YOUNG.

**Independent Commission Against Corruption Complaints Committee
Annual Report 1997**

MR HOWARD YOUNG (in Cantonese): Madam President, I would like to present to the Council the Independent Commission Against Corruption Complaints Committee Annual Report 1997 on behalf of the Independent Commission Against Corruption Complaints Committee.

This is the third annual report published by the Committee, stating in detail the functions and mode of operation of the Committee and outlining the work handled by the Committee in the past year. The objective of the Committee in publishing this report is to brief the public on the work of the Committee regularly.

If Honourable Members have any views on the contents of the annual report, please feel free to contact the Secretariat of the Committee at the office address and telephone number of the Secretariat printed on the annual report.

PRESIDENT (in Cantonese): The Honourable Fred LI will address the Council on the 1997 Annual Report by the Commissioner of the Independent Commission Against Corruption Hong Kong Special Administrative Region. Mr Fred LI.

**1997 Annual Report by the Commissioner of the Independent Commission
Against Corruption Hong Kong Special Administrative Region**

MR FRED LI (in Cantonese): Madam President, as a member of the Advisory Committee on Corruption, I am honoured to be here to give Members a brief introduction of the 1997 Annual Report by the Commissioner of the Independent Commission Against Corruption Hong Kong Special Administrative Region which is being submitted to this Council today.

In 1997, the Independent Commission Against Corruption (ICAC) received a total of 3 057 reports on corruption, a slight decrease of 1% as compared to the figure for 1996, and the ICAC did not see any resurgence of organized corruption. According to an opinion survey conducted in 1997, 99.1% of the interviewees were supportive of the work of the ICAC. Besides, 68% of the complainants about corruption were also willing to identify themselves. This showed an increased public confidence in the ICAC and its work of fighting corruption. All these were indeed very encouraging.

During the year, the ICAC adopted a more active strategy and took more initiation in its investigation. It continued to enhance its connection and co-operation with the various law enforcement agencies, government departments and regulatory bodies to make fighting corruption a shared responsibility. The ICAC also stepped up professional training for investigators in the area of computer forensics to fight against the crimes facilitated by the latest information technology. In addition, the ICAC made progress in its restructuring plan to achieve greater efficiency in the use of staff resources.

As regards the community relations work, an important focus of the ICAC was the Civil Service and a series of seminars for the middle-ranking civil servants were organized. The year also saw the conclusion of the Business Ethics Programme. It received very positive response and many companies and industrial and commercial organizations have drawn up codes of conduct for their staff. To strengthen its presence, the ICAC produced two new advertising packages, a radio programme and a television spot series. It also maintained close contact with both the local and the international press.

For the prevention of corruption, the ICAC completed 101 detailed studies. The main target of the scrutiny was government departments and public bodies with special attention given to those areas where corruption and related malpractice could easily take place as discovered by the Operations Department during its investigations. The ICAC has also set up an inquiry hotline to provide free and confidential advice to private businesses on plugging corruption loopholes in their practices and procedures.

Madam President, Mrs Lily YAM, the Commissioner of the Independent Commission Against Corruption, and I wish to take this opportunity of submitting this report to this Council to express our gratitude to all members of

the public for their support to the ICAC. We would also like to thank all members of the various ICAC Advisory Committees for their great contributions over the year. Last but not least, we would like to record our appreciation for the hard work, loyalty and dedication of all staff of the ICAC.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. Question time normally does not exceed one and a half hours, with each question being allocated about 15 minutes on average. Supplementaries should be as concise as possible and should be kept to one question at a time, and Members should not make statements when asking supplementaries, as this contravenes the Rules of Procedure.

First question. Mr LEE Cheuk-yan.

Supplementary Labour Scheme

1. **MR LEE CHEUK-YAN** (in Cantonese): *Regarding the situation since the implementation of the Supplementary Labour Scheme (SLS), will the Government inform this Council of:*

- (a) *the approved quota of imported workers, the respective numbers of jobs involved in the applications received by the authority, the employment visas issued and the imported workers who actually came to Hong Kong;*
- (b) *in respect of each work type, the approved quota of imported workers (in descending order), the minimum wage as well as the number of jobs involved in the applications received by the authority, the respective numbers of employment visas issued and the imported workers who actually came to Hong Kong; and*
- (c) *the reasons that the minimum wage of care workers in care and attention homes under the Scheme was revised only recently from \$6,100 per month, fixed two years ago, to \$6,800; and the criteria for determining such an amount?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the SLS operates on the basis of the twin cardinal principles of ensuring priority of employment for local workers, and allowing employers who are proven to have been unable to find the required number and type of local workers to fill certain vacancies to bring in imported workers for such vacancies. It is not, and I repeat not, the objective of the SLS to replace local workers with imported workers.

It follows that each application under the SLS has to go through a stringent vetting mechanism, which includes a mandatory open local recruitment process and consideration by both the employer and employee representatives of the Labour Advisory Board (LAB), before it is submitted to the Administration for approval or otherwise.

I now reply to the points raised in the question:

- (a) Since the operation of the SLS in February 1996, the Labour Department has received applications for imported workers involving 42 032 vacancies as at 15 July 1998. Approval-in-principle has been given for the importation of 5 927 workers. 4 539 visas have been approved and 3 610 imported workers are working in Hong Kong.
- (b) Applications for the 5 927 imported workers which have been granted approval-in-principle as at 15 July 1998 fall under some 180 job categories. Applications for a total of 35 928 vacancies have been received in respect of these 180 job categories since the commencement of the SLS. The breakdown of the number of imported workers approved, visas approved and imported workers remaining in Hong Kong by job categories is at Annex A.

As a necessary safeguard to deter employers from importing cheap labour under the SLS, all employers applying for imported workers under the SLS are required to pay their imported workers no less than the latest monthly median wage of local workers in comparable positions, as published by the Census and Statistics Department (CSD). The median wage figures are revised every six months by the CSD to reflect the wage movements in the labour market. The latest edition of the median monthly wage figures under the SLS is at Annex B.

- (c) Before the last updating exercise of median monthly wages figures under the SLS, the monthly median wage of care workers (elderly home) at \$6,100 was compiled on the basis of a periodic survey conducted by the Social Welfare Department on the monthly wages of those care workers working in private elderly homes only.

Recently, we have reviewed the methodology of compiling the monthly median wage of care workers (elderly home), and considered that the figures should also take into account the monthly wages of those working in subvented homes, so as to arrive at a median wage figure which was representative of the entire occupation in the labour market. Arising from this change in methodology, it was also decided that the responsibility for producing the monthly median wage for care workers (elderly home) should be taken over by the CSD to tie in with the half-yearly revision pattern of the other job titles under the SLS. The latest figure of \$6,870 was compiled using the revised methodology and wage figures obtained in September 1997.

The CSD is conducting a similar wage survey on all principal job titles including care workers (elderly home) with a view to updating the median wage figures to reflect the market wage levels as of March 1998. The result will be available in September this year.

Annex A

No. of Vacancies Approved by the Secretary for Education and Manpower (SEM) for Importation of Labour, Visas Approved, Imported Workers Remaining in Hong Kong and the Vacancies Received under Respective Job Titles by Job Title
(for Period from 1 February 1996 to 5 July 1998)

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Care Worker (Elderly Service)	694	569	492	3156
Farm Worker (Pig)	526	487	416	1338
Security Guard	464	421	286	3199
Cook	248	202	174	1984
Sewing Machine Operator	236	150	130	1751
Machine Operator	214	160	133	1093
Mechanical Engineering	201	105	79	524
Carpenter	180	141	81	1221
(Formwork)/Aluminium				
Leveller	162	162	149	577
Structural Steel Erector	149	57	9	150
Driller/Borer	143	110	46	505
Hair Washer	115	98	89	360
Merchandiser	110	88	73	657
Sales Supervisor	105	101	82	603
Plant and Equipment Operator	93	37	11	790
Construction Plant Mechanic	84	13	11	421
Electric Arc and Gas Welder	68	68	61	456
Fettler	68	52	50	147
Quality Inspector	67	34	27	379
Bean Curd/Soya Bean/Bean	65	57	49	270
Sprout Processing Worker				
Captain	63	54	45	527
Electrician	63	33	19	312

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Linking Machine Operator	57	55	53	104
Mason	46	26	17	87
Knitwear Mender/Handstitcher	45	45	32	119
Electrical Engineering Technician	44	20	15	353
Knitting Machine Operator	43	5	5	177
Quality Assurance/Control Technician	41	34	27	70
Dyeing Machine Leader	39	8	6	118
Skilled Operative	39	29	27	453
Captain (Soda Fountain Captain)/Bartender	37	37	30	250
Repairer	37	17	16	170
Godown Supervisor	36	30	23	350
Baker	35	29	25	302
Gardener	35	35	28	281
Welder	34	21	21	301
Continuous Dyeing Machine	33	17	17	118
Diver	32	30	30	99
Electroplating and Metal Coating Worker	31	20	16	137
Civil/Geotechnical Engineering Technician	30	10	0	89
Project Assistant	29	31	27	117
Forklift Truck Driver	27	30	27	274
Machinist	27	23	19	74
Food Processing Worker	24	24	23	613
Singeing/Scouring and Bleaching Machine Leader	24	0	0	52
Vehicle Mechanic	24	10	10	330
Concretor	23	18	17	606
Electronics Technician	23	3	1	122

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Foreman/Supervisor	23	19	6	255
Metal Scaffolder	23	20	0	80
Scouring/Bleaching Machine	22	17	16	52
Color Matcher	21	10	9	47
Electrical Appliances Service Mechanic	21	7	6	146
Rolling Mill/Extrusion Press Craftsman	21	22	20	62
Printing Machine Operator	20	15	13	93
Pantry Captain	18	14	12	190
Cleaning Worker	17	23	20	499
Labourer (Construction)	17	20	19	588
Marble Polishing Craftsman	17	11	6	100
Sample Maker	17	4	4	29
Sewing Machine Operator	17	7	7	136
Farm Worker (Poultry)	16	7	6	38
Building Automation System	15	15	15	20
Crane Operator	15	7	7	25
Mechanic	15	48	34	36
Paint Spraying Gun Operator	15	16	15	15
Safety Supervisor	15	15	15	31
Computer Analyst/Computer Programmer	14	3	2	36
Polishing Worker	14	6	6	27
Vehicle Body Repairer	14	9	9	157
Bamboo Scaffolder	13	3	3	333
Farm Worker (Fish)	13	11	9	14
Press Operator	13	9	7	97
Vehicle Electrician	13	9	9	107
Asphalter	12	12	12	80
Fabric Mender	12	12	11	29

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Mould/Tool/Die Maker	11	3	3	65
Draughtsman	10	6	3	13
Draughtsman (Engineering)	10	11	10	18
Secretary/Personal Secretary	10	5	2	71
Steamer	10	8	8	91
Textile Mechanic	10	10	9	43
Decorator	9	4	1	98
Die Casting Machine Operator	9	6	6	45
Maintenance Supervisor	9	6	6	45
Make Through Craftsman	9	7	6	37
Mechanical Fitter	9	9	7	103
Roof Tiler	9	8	0	188
Sheetmetal Fabricator	9	13	8	61
Waste Collecting Worker	9	9	6	47
Dim Sum Fryer	8	6	6	102
Mirror Cutting Worker	8	6	6	77
Plasterer	8	8	8	611
Production/Knitwear	14	17	12	172
Public Relations Officer	8	5	5	70
Surveying Technician	8	6	6	69
Television Technician	8	8	8	9
Co-ordinator (Production)	7	7	7	22
Metal Worker	7	3	2	141
Painter	7	8	8	148
Production Supervisor	7	5	4	48
Typesetter (Chinese)	7	5	5	22
Audio/Visual Equipment	6	5	3	17
Bar Supervisor	6	6	5	43
Bookbinder	6	3	3	59
Machine Setter	6	0	0	31
Preparatory Machine Tender	6	6	6	35

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Rigger/Metal Formwork Erector	6	2	0	276
Room Attendant	6	5	5	17
Screen Process Printer	6	6	6	14
Display Supervisor	5	4	3	51
Glazier	5	2	2	52
Security Supervisor	5	5	5	13
Vehicle Painter	5	5	5	58
Chlorine Supply, Emergency Repair and Maintenance	4	0	0	8
Clothing Machine Mechanic	4	2	2	10
Die Cutter	4	2	0	27
Fish Supervisor	4	5	5	13
Furniture Carver	4	4	2	26
Furniture Maker (Metal)	4	6	4	12
Leather Craftsman	4	2	2	37
Pattern Maker	4	3	3	34
Production Engineering	4	1	1	22
Sonar Operator	4	4	3	4
Telecommunications Technician	4	1	1	12
Delivery Gangleader	3	3	2	29
Draughtsman (Architectural)	3	3	3	57
Draughtsman (Mechanical)	3	3	2	17
Electric-Resistance Welder	3	3	3	27
Film Blowing Machine Operator	3	3	3	15
Finishing Machine Tender	3	2	2	37
Furniture Maker (Wood)	3	4	3	92
Injection Mould Machine	3	3	3	19
Knitting Mechanic	3	2	1	9
Offset Lithographic Platemaker	3	1	1	15
Paymaster	3	3	0	26
Proofing Press Operator	3	2	2	13

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Shift Operator	3	1	0	4
Steel Fabricator (Thick Plate)	3	0	0	172
Stock Handler	3	4	0	59
Twisting Machine Tender	3	3	0	6
Chemical Technician	2	0	0	3
Claims Supervisor	2	2	2	6
Color Mixing Technician	2	2	2	11
Color Scanner Operator	2	2	2	6
Design Technician (Transformer)	2	2	2	2
Design Technician (Watch Movement Parts)	2	2	2	2
Despatcher	2	2	2	18
Farm Worker (Plant)	2	2	1	15
Fish Cultivation Technician	2	0	0	17
Furniture Packer	2	2	2	46
Gardening Designer	2	2	1	9
Printers' Estimator	2	1	0	13
Training Officer (Barbecue Cook)	2	3	2	14
Training Officer (Meat)	2	2	2	10
Tyre Technician	2	2	1	2
Wax Pattern Moulder	2	2	2	10
Beautician	1	0	0	18
Bricklayer/Floor Layer	4	4	4	559
Cargo Space Controller	1	1	1	5
Customer Service Representative	1	1	1	2
Furniture Making Machine	1	1	0	10
Goldsmith	1	1	1	6
Jewellery Designer	1	1	1	6
Laboratory Technician (Chinese Medicinal Products)	1	0	0	13

<i>Job Title</i>	<i>No. of Vacancies Approved by SEM</i>	<i>No. of Visas Approved*</i>	<i>No. of Imported Workers Remaining in Hong Kong</i>	<i>No. of Vacancies Received</i>
Laser and Opto-electronic Product Engineer	1	1	1	2
Launch Mechanic	1	0	0	11
Music Teacher	1	1	1	49
Travel Supervisor/Tour Guide	1	1	1	3
Paper Joss Stick Craftsman	1	1	1	12
Plumber	1	1	1	285
Potassium Gold Cyanide Analyst	1	0	0	1
Puppet Controlling Performer	1	1	1	2
Puppet Maker	1	1	1	4
Recipe Preparer	1	1	1	51
Sales Assistant/Officer	1	1	1	1116
Stone Selector	1	1	1	5
Tester	1	1	0	46
Ticketing Supervisor	1	1	1	5
Training Officer (Pantry Cook)	1	2	0	4
Typesetter (English Computer- Typist	1	1	1	1
Vehicle Upholsterer	1	1	1	95
				41
Total	5927	4539	3610	35928

* including visas approved for substitute workers to replace the outgoing workers whose employment contracts end prematurely.

SUPPLEMENTARY LABOUR SCHEME
補充勞工計劃

(Revised on 2 March 1998)
(1998年3月2日修訂)

- (A) LIST OF PRINCIPAL JOB TITLES IN THE RESPECTIVE INDUSTRIES / SERVICES TOGETHER WITH THEIR MEDIAN MONTHLY WAGES (HK\$) AND NUMBER OF NORMAL WORKING HOURS PER DAY
- (甲) 各工業 / 服務行業內主要職位及其每月中位工資(港幣)與每日正常工作時數表
- (B) LIST OF SELECTED JOB TITLES IN THE RESPECTIVE INDUSTRIES / SERVICES TO BE NORMALLY EXCLUDED FROM THE SUPPLEMENTARY LABOUR SCHEME, TOGETHER WITH THEIR MEDIAN MONTHLY WAGES (HK\$) AND NUMBER OF NORMAL WORKING HOURS PER DAY
- (乙) 在一般情況下將不包括在補充勞工計劃的各工業 / 服務行業內選定職位及其每月中位工資(港幣)與每日正常工作時數表

- Notes : 1. The job titles in lists (A) and (B) are applicable to male and female workers.
註 : (甲)及(乙)表內所列職位適用於男性及女性僱員。
2. The lists of job titles in (A) and (B) are not exhaustive. Each application for imported workers in individual job categories, whether or not specifically shown on the lists, will be considered on its own merits.
(甲)及(乙)表內所列職位並不齊備。每個僱主提出的申請，不論其涉及的職位是否在該表內列出，均按每宗申請的個別情況批核。
3. Requests for imported workers of job categories in (B) will not normally be approved. However, employers who can demonstrate a genuine need for imported workers in these jobs may submit applications to the Labour Department for special consideration.
要求輸入(乙)表內所列職位類別工人的申請，通常不會被批准。不過，僱主如能證明確實有特別理由或需要輸入這類工人，亦可向勞工處提出申請。
4. The median monthly wage figures refer to the position as at September 1997.
每月工資是為一九九七年九月的統計數字。
5. The median monthly wage statistics are subject to review by the Census and Statistics Department at half-yearly intervals. The latest published wage figures available at the time when visa applications are received by the Immigration Department shall apply for the purpose of the Supplementary Labour Scheme.
政府統計處每半年檢討這些每月中位工資統計數字。入境事務處在收到有關補充勞工計劃的簽證申請時，將以最新發佈的工資數字為準。
6. Prefix number of the job title denotes the job code.
職位名稱前的數字代表職位編號。
7. Job titles in the lists of (A) and (B) are grouped under 4 categories with reference to generally accepted recruitment requirements relating to education and work experience.
(甲)及(乙)表內所列職位，按與學歷及工作經驗有關的一般入職要求，分為四個類別。

**General guidelines on recruitment of local workers
in relation to the Supplementary Labour Scheme
(For general reference only)**

**就補充勞工計劃招聘本地工人指引
(只供參考用)**

Notes for employers 僱主須知

1. With regard to vacancies notified to the Labour Department (LD) in connection with employers' applications for imported workers under the Supplementary Labour Scheme (hereafter referred to as the Scheme), it is government policy that local workers be given priority to filling these vacancies. For this purpose, employers are advised to relax their job requirements for local workers as far as practicable.

僱主在申請輸入外地工人前於勞工處登記的職位空缺，應優先考慮由本地工人填補，此為政府一貫政策。僱主應盡可能放寬招聘本地工人的條件。

2. Employers who are found to have set restrictive job requirements will risk their applications for imported workers under the Scheme being rejected.

如僱主訂立有限制性的招聘條件，其輸入外地工人的申請將不獲接納。

3. If employers refuse to take on eligible local workers referred to them by the LD without good reasons, their applications for imported workers under the Scheme will not be considered.

如僱主拒絕聘用由勞工處轉介的合資格本地工人，而並無充分理由，其輸入外地工人的申請將不獲考慮。

4. The following criteria are set according to LD's operational experience. They serve as a reference for recruitment requirements relating to age, sex, general education and related experience that are considered acceptable by the LD in the recruitment of local workers.

勞工處根據提供就業服務的運作經驗，訂立以下各項準則，為僱主就年齡、性別、學歷及工作經驗的入職要求提供參考。

Age and sex considerations 年齡及性別的考慮

No age or sex requirement/preference set by employers for any job will be accepted by the LD. Employers should make sure that when considering local workers for a position, ability instead of age or sex is the primary consideration. However, if an employer can prove beyond doubt that an age or sex requirement is essential to satisfactory performance of the job duties, the proposed age or sex requirement may be granted special consideration on its own merits.

勞工處決不接受任何設有年齡或性別限制的職位空缺。僱主在審核本地工人的求職申請時，應首要考慮申請人的工作能力而非其年齡或性別。如僱主能提出充分證據，顯示年齡或性別的限制實為執行有關職責的必要條件，則勞工處會因應個別的情況作出考慮。

Acceptable general education and work experience requirements

學歷及工作經驗的要求

Job Category 職位類別	General Education 一般學歷要求	Year(s) of Related Experience 有關經驗年資
Category 1 第一類別	Form 5 ^(a) or below 中五或以下 ^(甲)	5 or less 五年或以下
Category 2 第二類別	Form 5 or below 中五或以下	3 or less 三年或以下
Category 3 第三類別 * Construction 建造業 * Other than construction 非建造業	* Requirement not expected ^(b) 不設要求 ^(乙) * Form 3 or below 中三或以下	3 or less 三年或以下 3 or less 三年或以下
Category 4 第四類別 * Clerical 文職 * Non-clerical 非文職 - Construction 建造業 - Other than construction 非建造業	* Form 3 or below ^(c) 中三或以下 ^(丙) - Requirement not expected ^(b) 不設要求 ^(乙) - Primary 6 or below 小六或以下	1 or less 一年或以下 1 or less 一年或以下 1 or less 一年或以下

Notes 備註：

- (a) Post-secondary qualification may be required where appropriate.
(甲) 在合理情況下，僱主可要求申請人持預科或大專學歷。
- (b) If justified, appropriate education requirement may be considered on a case-by-case basis having regard to the nature of the job.
(乙) 因應工作需求，勞工處可個別考慮適當的入職學歷限制。
- (c) Form 5 qualification may be required depending on the nature of the job.
(丙) 視乎工作性質，僱主可要求申請人持中五學歷。

LIST OF INDUSTRIES / SERVICES

各工業 / 服務行業表

Industry / service 工業 / 服務行業	Page No. 頁數	
	List A 甲表	List B 乙表
1. Automobile repairing 汽車修理業	1	-
2. Banking and finance 銀行及財經業	1	24
3. Catering 飲食業	1-3	24-25
4. Clothing 製衣業	3-4	25
5. Construction work sites 建築地盤業	4-6	26
6. Electrical 電機業	6-7	-
7. Electronics 電子業	7-8	26
8. Footwear 製鞋業	8-9	-
9. Furniture 傢俬業	9	-
10. Handbag 手袋業	10	26
11. Hotel 酒店業	10-13	26-27
12. Insurance 保險業	-	28
13. Jewellery 珠寶業	13	-
14. Machine shop 金屬品製造業	14-15	28
15. Plastics 塑膠業	15	28
16. Printing 印刷業	16-17	-
17. Shipbuilding and repairing 船舶修建業	17-18	-
18. Textile 紡織業	18-19	29
19. Tourism 旅遊業	19-20	29
20. Transport and physical distribution 貨運業	20-22	29-32
21. Wholesale, retail and import / export trades 批發、零售及進出口貿易	22	32
22. Others 其他	23	33

(A) LIST OF PRINCIPAL JOB TITLES IN THE RESPECTIVE INDUSTRIES / SERVICES TOGETHER WITH THEIR MEDIAN MONTHLY WAGES (HK\$) AND NUMBER OF NORMAL WORKING HOURS PER DAY

(甲) 各工業 / 服務行業內主要職位及其每月中位工資（港幣）與每日正常工作時數表

		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
1. AUTOMOBILE REPAIRING 汽車修理業			
JOB CATEGORY 3 職位類別三			
8.1.5	VEHICLE BODY REPAIRER 車身修理工	\$13,810	8
8.1.6	VEHICLE ELECTRICIAN 汽車電工	\$13,150	8
8.1.7	VEHICLE MECHANIC 汽車機械工	\$12,700	8
8.1.8	VEHICLE PAINTER 汽車噴漆工	\$13,460	8
8.1.9	VEHICLE UPHOLSTERER 車內裝飾工	\$14,350	8
2. BANKING AND FINANCE 銀行及財經業			
JOB CATEGORY 4 職位類別四			
10.2.10	GUARD 守衛	\$9,550	8
3. CATERING 飲食業			
I. CHINESE RESTAURANTS 中式酒樓			
JOB CATEGORY 1 職位類別一			
6.1.101	ACCOUNTS SUPERVISOR (PAYABLE / RECEIVABLE) 會計主管 (應付賬 / 應收賬)	\$12,500	8
6.1.102	BAR SUPERVISOR 酒吧主管	\$11,740	10
6.1.104	CAPTAIN 樓面部領班	\$11,470	9
6.1.106	MAINTENANCE SUPERVISOR / TECHNICAL SUPERVISOR 保養部主管 / 技術監督	\$11,170	9

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	Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
6.1.109 PANTRY CAPTAIN 傳菜部部長	\$10,410	9
6.1.114 STORE SUPERVISOR 倉務監督	\$10,350	8

JOB CATEGORY 3 職位類別三

6.1.103 BARBECUE COOK 燒烤廚師	\$13,850	9
6.1.107 NO. 2 COOKS 二廚	\$13,660	9
6.1.108 NO. 3 COOKS 三廚	\$12,750	9
6.1.110 PANTRY COOK / SAUCIER 幫上什	\$11,630	9
6.1.112 SECOND BUTCHER 二砧	\$14,200	9
6.1.113 SENIOR COOK 上什	\$13,670	9
6.1.115 VEGETABLE COOK 蔬菜廚師	\$11,430	9

JOB CATEGORY 4 職位類別四

6.2.111 BARTENDER / SODA FOUNTAIN CAPTAIN 調酒員 / 冷飲櫃領班	\$10,060	9
6.2.102 DIM SUM COOK 點心廚師	\$11,940	9
6.2.103 DIM SUM FRYER 煎炸工	\$11,640	9
6.2.106 PAYMASTER / PAYMISTRESS 出納主任	\$8,770	9
6.2.112 STAFF COOK / GENERAL COOK / SERVICE COOK 打荷 / 普通廚師	\$11,580	9
6.2.113 STEAMER 蒸籠工	\$11,690	9
6.2.116 TRIMMER 發乾貨員	\$11,360	9

II. CATERING OTHER THAN CHINESE 非中式飲食業

JOB CATEGORY 2 職位類別二

6.1.120 HEAD CASHIER 總出納員	\$9,240	9
6.2.132 SECRETARY 秘書	\$14,100	9

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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JOB CATEGORY 3 職位類別三

6.1.118	ENGINEERING CRAFTSMAN 工程部技工	\$10,490	9
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JOB CATEGORY 4 職位類別四

6.2.121	BAKER / PASTRY COOK 麵包師傅 / 糕餅師傅	\$11,330	9
6.2.122	BARTENDER / SODA FOUNTAIN CAPTAIN 調酒員 / 冷飲櫃領班	\$10,960	9
6.2.123	COOK 廚師	\$12,010	9

4. CLOTHING 製衣業

JOB CATEGORY 1 職位類別一

9.1.1	CAD TECHNICIAN 電腦輔助設計技術員 (針織衣物)	\$11,790	8
9.1.27	INDUSTRIAL ENGINEERING TECHNICIAN 工業工程技術員	\$11,100	8
9.1.11	KNITTING TECHNICIAN 針織技術員	\$13,170	8
9.1.15	PATTERN GRADING / MARKER MAKING SUPERVISOR 放樣 / 嘜架組管理員	\$12,690	8
9.1.20	PRODUCTION SECTION SUPERVISOR 生產組管理員 (組長)	\$12,390	8
9.1.28	QUALITY TECHNICIAN 品質技術員	\$11,800	8

JOB CATEGORY 2 職位類別二

9.1.13	MERCHANDISER 營銷採購員	\$13,540	8
9.1.18	PRODUCTION PLANNING CONTROLLER 生產統籌員	\$12,480	8

JOB CATEGORY 3 職位類別三

9.1.3	CLOTHING MACHINE MECHANIC 製衣機械工	\$10,490	8
9.1.4	CLOTHING OPERATOR INSTRUCTOR 車衣指導員	\$8,640	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
9.1.5	COMPUTER PATTERN GRADER / MARKER MAKER 電腦放樣 / 嘜架員	\$11,660	8
9.1.25	FASHION / SAMPLE CO-ORDINATOR 時裝 / 樣辦統籌員	\$12,170	8
9.1.7	FUR TAILOR / FINISHER 皮草裁縫 / 上裡技工	\$10,940	8
9.1.8	FURRIER 皮草技工 (毛毛匠)	\$11,320	8
9.1.10	KNITWEAR CRAFTSMAN / SAMPLE KNITTER 針織衣物技工 / 樣辦織造技工	\$10,400	8
9.1.12	MAKE-THROUGH CRAFTSMAN 全件制技工	\$7,970	8
9.1.14	PATTERN GRADER / MARKER MAKER 放樣 / 嘜架員	\$11,470	8
9.1.16	PATTERN MAKER 紙樣設計員	\$13,000	8
9.1.23	QUALITY INSPECTOR 品質檢查員	\$9,530	8
9.1.24	REPAIRING CRAFTSMAN 成衣修補技工	\$7,950	8
9.1.26	SAMPLE MAKER 樣辦製造技工	\$9,970	8

JOB CATEGORY 4 職位類別四

9.2.8	GENERAL SEWING MACHINE OPERATOR 平車車工	\$6,460	8
9.2.10	HAND STITCHER / KNITWEAR MENDER 挑縫工 / 織補工	\$6,550	8
9.2.9	KNITTING MACHINE OPERATOR 針織機織工	\$7,280	8
9.2.12	LINKING MACHINE OPERATOR 縫盤工	\$6,810	8
9.2.15	SPECIAL SEWING MACHINE OPERATOR 特種衣車車工	\$7,060	8

5. CONSTRUCTION WORK SITES 建築地盤業

JOB CATEGORY 1 職位類別一

2.1.1	ARCHITECTURAL TECHNICIAN / DRAUGHTSMAN 建築技術員 / 繪圖員	\$19,670	8
2.1.25	ASSISTANT SAFETY OFFICER / SAFETY SUPERVISOR 助理安全主任 / 安全督導員	\$17,690	8
2.1.4	BUILDING SERVICES ENGINEERING TECHNICIAN 屋宇設備工程技術員	\$20,880	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
2.1.7	CIVIL / STRUCTURAL / GEOTECHNICAL ENGINEERING TECHNICIAN 土木 / 結構 / 土力工程技術員	\$20,260	8
2.1.8	CLERK OF WORKS / INSPECTOR OF WORKS / WORKS SUPERVISOR 監工	\$27,840	8
2.1.11	ELECTRICAL ENGINEERING TECHNICIAN 電機工程技術員	\$20,240	8
2.1.15	LABORATORY TECHNICIAN (CONSTRUCTION MATERIALS / SOILS) 建築材料試驗員	\$17,070	8
2.1.19	MECHANICAL ENGINEERING TECHNICIAN 機械工程技術員	\$18,440	8
2.1.13	SITE FOREMAN 地盤管工	\$20,880	9
2.1.28	SURVEYING TECHNICIAN (BUILDING) 屋宇測量員	\$18,970	8
2.1.29	SURVEYING TECHNICIAN (LAND) 土地測量員	\$18,270	9
2.1.30	SURVEYING TECHNICIAN (QUANTITY) 工料測量員	\$19,280	9

JOB CATEGORY 3 職位類別三

2.1.2	BAMBOO SCAFFOLDER 竹棚工	\$20,300	9
2.1.3	BRICKLAYER 砌磚工	\$20,270	9
2.1.5	CARPENTER (FORMWORK) 木模板工	\$23,190	9
2.1.9	CONSTRUCTION PLANT MECHANIC 建造機械技工	\$16,830	9
2.1.10	DIVER 潛水員	\$32,780	9
2.1.12	ELECTRICIAN (BUILDING CONTRACTORS) 電氣技工 (承建商所僱用)	\$17,380	9
2.1.6	JOINER 細木工	\$24,680	9
2.1.16	LEVELLER 平水工	\$14,660	9
2.1.21	METAL WORKER 金屬工	\$19,180	9
2.1.22	PAINTER & DECORATOR 髹漆及裝飾工	\$18,090	9
2.1.23	PLASTERER 批盪工	\$20,280	9
2.1.24	PLUMBER 水喉工	\$18,040	9
2.1.31	TILER 鋪瓦工	\$20,460	9

JOB CATEGORY 4 職位類別四

2.2.1	ASPHALTER 瀝青工	\$17,130	9
2.2.3	CONCRETOR 混凝土工	\$20,450	9

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
2.2.11	FLOOR LAYER 鋪地板工	\$16,530	9
2.2.8	GLAZIER 玻璃工	\$18,260	9
2.2.6	GROUND INVESTIGATION OPERATOR / DRILLER / BORER 岩土勘探工 / 鑽井工 / 鑽孔工	\$19,540	9
2.2.12	PLANT AND EQUIPMENT OPERATOR (BUILDER'S LIFT AND OTHER MACHINERY) 機械設備操作工 (地盤升降機及其他機械)	\$16,520	9
2.2.13	PLANT AND EQUIPMENT OPERATOR (EARTHMOVING MACHINERY) 機械設備操作工 (推土機械)	\$17,290	9
2.2.14	PLANT AND EQUIPMENT OPERATOR (HOIST AND CRANE) 機械設備操作工 (升降機及吊機)	\$17,340	9
2.2.10	RIGGER / METAL FORMWORK ERECTOR 索具工 (叻券) / 金屬模板裝嵌工	\$16,050	9

6. ELECTRICAL 電機業

JOB CATEGORY 1 職位類別一

4.1.1	AIR-CONDITIONING TECHNICIAN 空氣調節技術員	\$13,390	8
4.1.4	DRAUGHTSMAN 繪圖員	\$13,010	8
4.1.6	ELECTRICAL ENGINEERING TECHNICIAN 電機工程技術員	\$14,490	8
4.1.10	ELECTRONICS TECHNICIAN 電子技術員	\$13,630	8
4.1.11	FOREMAN / CHARGEHAND 管工 / 領工	\$14,050	8
4.1.13	LINE TELECOMMUNICATION TECHNICIAN 有線電訊技術員	\$17,080	8
4.1.16	MECHANICAL ENGINEERING TECHNICIAN 機械工程技術員	\$15,050	8
4.1.25	PRODUCTION ENGINEERING TECHNICIAN 生產工程技術員	\$13,160	8
4.1.26	QUALITY CONTROL / ASSURANCE TECHNICIAN 品質控制 / 保證技術員	\$11,460	8
4.1.30	SUPERVISOR 監督	\$14,690	8

JOB CATEGORY 3 職位類別三

4.1.2	CABLE JOINTER (POWER) 強電流電纜接駁技工	\$13,180	8
4.1.3	CARPENTER 木工	\$12,760	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
4.1.5	ELECTRICAL APPLIANCES SERVICE MECHANIC 電器用具維修技工	\$10,510	8
4.1.9	ELECTRICIAN 電工	\$12,520	8
4.1.12	INSTRUMENT MECHANIC 儀器工	\$13,200	8
4.1.14	MACHINE SETTER 機器調校工	\$12,000	8
4.1.15	MACHINIST 機床工	\$12,380	8
4.1.17	MECHANICAL FITTER 機械打磨裝配工	\$12,350	8
4.1.18	OFFICE EQUIPMENT SERVICE MECHANIC (GENERAL OFFICE MACHINES) 文儀機器維修工	\$10,400	8
4.1.21	OVERHEAD LINE JOINER 架空電線技工	\$13,270	8
4.1.22	PAINTER 髹漆工	\$12,330	8
4.1.23	PLASTIC MOULD MAKER 塑膠工模製造工	\$12,670	8
4.1.24	PLUMBER AND PIPE FITTER 喉管工	\$14,250	8
4.1.29	SHEET METAL WORKER 薄片金屬構造工	\$13,040	8
4.1.31	WELDER 焊接工	\$11,570	8

7. ELECTRONICS 電子業

JOB CATEGORY 1 職位類別一

4.1.119	AV / TV TECHNICIAN 影音 / 電視技術員	\$13,370	8
4.1.102	DRAUGHTSMAN 繪圖員	\$10,300	8
4.1.104	ELECTRONICS TECHNICIAN 電子技術員	\$14,050	8
4.1.109	MECHANICAL TECHNICIAN 機械技術員	\$13,830	8
4.1.111	PRODUCTION TECHNICIAN 生產技術員	\$11,850	8
4.1.112	PROGRAMMER 程序編製員	\$17,710	8
4.1.113	QUALITY CONTROL / ASSURANCE TECHNICIAN 品質控制 / 保證技術員	\$12,000	8
4.1.116	SUPERVISOR / FOREMAN 監督 / 管工	\$13,410	8
4.1.117	TELECOMMUNICATIONS TECHNICIAN 電訊技術員	\$16,090	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 3 職位類別三			
4.1.114	AV AND RF MECHANIC 影音及射頻技工	\$9,950	8
4.1.101	CABLE JOINTER / WIRE JOINTER 電纜接駁技工 / 駁線技工	\$12,570	8
4.1.103	ELECTRICIAN 電氣技工	\$11,560	8
4.1.105	EQUIPMENT / INSTRUMENT MECHANIC 裝備 / 儀器工	\$10,520	8
4.1.106	LEADER / JUNIOR SUPERVISOR 組長 / 初級監督	\$8,390	8
4.1.107	MACHINIST 機床工	\$11,370	8
4.1.110	MOULD AND DIE MAKER AND REPAIRER 工模製造及修理技工	\$12,360	8
4.1.115	REPAIRER (ELECTRONICS MANUFACTURING) 修理技工 (電子製造)	\$9,680	8
4.1.118	TOOL AND DIE MAKER 工具及工模製造技工	\$12,340	8

JOB CATEGORY 4 職位類別四

4.2.101	ALIGNER / TESTER 校整 / 測試工	\$7,990	8
4.2.102	ASSEMBLER 裝配工	\$7,160	8
4.2.104	MACHINE OPERATOR / ATTENDANT 機器操作工 / 看值工	\$7,690	8
4.2.106	SOLDERING WORKER 焊錫工	\$7,130	8
4.2.107	STOCK HANDLER 物料搬運工	\$7,530	8

8. FOOTWEAR 製鞋業

JOB CATEGORY 1 職位類別一

17.1.4	PRODUCTION DEPARTMENT SUPERVISOR 生產部總管	\$11,460	8
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JOB CATEGORY 2 職位類別二

17.1.3	MERCHANDISER 營銷採購員	\$9,920	8
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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 3 職位類別三			
17.1.6	SHOE MAKER / MAKE-THROUGH CRAFTSMAN 鞋匠 / 製鞋技工	\$7,320	8

JOB CATEGORY 4 職位類別四

17.2.4	LASTING WORKER 完鞋工	\$8,940	8
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9. FURNITURE 傢俬業

JOB CATEGORY 1 職位類別一

12.1.1	FOREMAN 管工	\$12,220	8
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JOB CATEGORY 3 職位類別三

12.1.3	METAL FURNITURE MAKER 金屬傢俬製造技工	\$9,660	8
12.1.4	PAINTER / DECORATOR (FURNITURE) 傢俬髹漆 / 裝飾技工	\$9,060	8
12.1.6	WOOD FURNITURE CARVER 木傢俬雕刻技工	\$8,580	8
12.1.7	WOOD FURNITURE MAKER 木傢俬製造技工	\$11,030	8

JOB CATEGORY 4 職位類別四

12.2.1	FURNITURE MAKING MACHINE OPERATOR 傢俬製造機械操作工	\$9,310	8
12.2.2	FURNITURE PACKER 傢俬包裝工	\$8,100	8
12.2.3	UPHOLSTERER (FURNITURE) 傢俬裝璜工	\$10,730	8

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10. HANDBAG 手袋業**JOB CATEGORY 1 職位類別一**

	Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
9.1.102 FOREMAN 管工	\$12,810	8
9.1.105 PRODUCTION DEPARTMENT SUPERVISOR 生產部總管	\$16,700	8

JOB CATEGORY 2 職位類別二

9.1.107 MERCHANDISER 營銷採購員	\$13,560	8
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JOB CATEGORY 3 職位類別三

9.1.103 HANDBAG MAKER / MAKE-THROUGH CRAFTSMAN 手袋製造 / 製辦技工	\$10,350	8
9.1.104 PATTERN MAKER 格樣設計員	\$14,120	8

JOB CATEGORY 4 職位類別四

9.2.105 SEWING MACHINE OPERATOR 車縫工	\$9,370	8
9.2.104 SKIVING / FOLDING WORKER 鑄皮 / 摺邊工	\$9,420	8

11. HOTEL 酒店業**I. CHINESE RESTAURANTS OPERATED BY HOTELS
酒店中菜部****JOB CATEGORY 1 職位類別一**

6.1.1 CAPTAIN 樓面部領班	\$12,010	9
6.1.7 PANTRY CAPTAIN 傳菜部部長	\$11,070	9

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 3 職位類別三			
6.1.2	DIM SUM COOK 點心廚師	\$12,920	9
6.1.9	SENIOR COOK 上什	\$13,550	9
6.1.10	SERVICE COOK / KITCHEN SUPERVISOR / GENERAL COOK 打荷 / 廚房主管 / 普通廚師	\$11,080	9

JOB CATEGORY 4 職位類別四

6.2.1	DIM SUM FRYER 煎炸工	\$10,740	9
6.2.2	STEAMER 蒸籠工	\$12,480	9

II. HOTELS 酒店

JOB CATEGORY 1 職位類別一

6.1.11	ACCOUNT EXECUTIVE / SALES EXECUTIVE / MARKETING OFFICER / GROUP SALES CO-ORDINATOR 客戶主任 / 營業主任 / 市場拓展部主任 / 團體營業聯絡主任	\$15,860	7
6.1.12	ACCOUNTS SUPERVISOR 會計主管	\$15,700	7
6.1.22	BANQUET SALES EXECUTIVE / BANQUET CO-ORDINATOR 宴會部營業主任 / 宴會部聯絡主任	\$16,280	8
6.1.23	BELL CAPTAIN / BELL SUPERVISOR / BAGGAGE MASTER / BAGGAGE MISTRESS / TRANSPORTATION SUPERVISOR / ASSISTANT HEAD CONCIERGE / VALET SERVICES SUPERVISOR 行李領班 / 行李部主管 / 運輸部主管 / 庶務部副總管 / 泊車服務主管	\$10,940	8
6.1.24	CAPTAIN (FOOD AND BEVERAGE DEPT) 領班 (飲食部)	\$11,890	8
6.1.26	CHIEF STORE SUPERVISOR / STORE SUPERVISOR 倉務總監	\$13,080	8
6.1.27	CONCIERGE / BELL SUPERINTENDENT 庶務部 / 行李部總管	\$11,340	8
6.1.34	FOOD AND BEVERAGE CASHIER SUPERVISOR / HEAD CASHIER / FRONT OFFICE CASHIER SUPERVISOR 飲食部出納主管 / 大堂出納主管	\$14,620	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
6.1.35	HOUSEKEEPING SUPERVISOR / HEAD HOUSEKEEPER / FLOOR SUPERVISOR / SERVICE APARTMENT SUPERVISOR / ASSISTANT HOUSEKEEPER / UNIFORM AND LINEN SUPERVISOR / PUBLIC AREA SUPERVISOR / PUBLIC AREA HOUSEKEEPER 房口部督專員 / 房口部總管 / 月租套房服務主管 / 助理管家 / 公眾地方主管 / 公眾地方管事	\$13,740	8
6.1.17	PERSONNEL OFFICER / HUMAN RESOURCES OFFICER 人事部主任	\$15,460	7
6.1.37	RECEPTION SUPERVISOR / CHIEF RECEPTIONIST / CHIEF ROOM CLERK / FRONT OFFICE SUPERVISOR / RESERVATIONS SUPERVISOR / MAIL AND INFORMATION SUPERVISOR / LOBBY SERVICES SUPERVISOR 接待處主管 / 總接待員 / 總客務部文員 / 客務部主管 / 訂房部主管 / 郵務及詢問處主管 / 大堂服務主管	\$14,210	8
6.1.46	STAFF CANTEEN SUPERVISOR / STAFF FACILITIES SUPERVISOR / EMPLOYEE RESTAURANT SUPERVISOR 職員飯堂主管 / 職員設施主管 / 職員餐廳主管	\$13,040	8
6.1.47	TELEPHONE SERVICE SUPERVISOR 電話服務主管	\$14,720	8
JOB CATEGORY 2 職位類別二			
6.2.24	SECRETARY 秘書	\$14,190	7
JOB CATEGORY 3 職位類別三			
6.1.20	BAKER 麵包師傅	\$12,590	8
6.1.28	COOK (WESTERN) 廚師 (西菜)	\$12,070	8
6.1.30	ENGINEERING CRAFTSMAN 工程師技工	\$10,900	8
6.2.35	WINE STEWARD / WINE STEWARDESS / SOMMELIER 酒管事	\$13,410	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 4 職位類別四			
6.2.6	AIRPORT REPRESENTATIVE / TOUR CO-ORDINATOR / GROUP CO-ORDINATOR 駐機場代表 / 團體聯絡主任 / 團體聯絡員	\$11,400	8
6.2.7	ARTIST / DRAFTSMAN / PHOTOGRAPHER / PRINTSHOP STAFF 美術設計師 / 繪圖員 / 攝影師 / 印刷房職員	\$10,070	8
6.2.26	BARTENDER / SODA FOUNTAIN CAPTAIN 調酒員 / 冷飲櫃領班	\$11,460	8
6.2.9	DOOR ATTENDANT 司閘	\$8,720	8
6.2.16	LAUNDRY AND VALET ATTENDANT 洗衣乾衣部侍應生	\$9,050	8
6.2.23	ROOM ATTENDANT / HOUSE ATTENDANT 房口服務員 / 房間服務員	\$10,440	8
6.2.25	SECURITY OFFICER / UNIFORM GUARD 保安員 / 護衛員	\$11,100	8
6.2.36	WATCHMAN / GUARD 看更 / 守衛	\$9,920	8

13. JEWELLERY 珠寶業

JOB CATEGORY 1 職位類別一

7.1.1	FOREMAN / SUPERVISOR 工場主管	\$19,110	8
7.1.5	JEWELLERY DESIGNER 珠寶設計員	\$14,310	8

JOB CATEGORY 3 職位類別三

7.1.2	GEMSTONE CUTTER / POLISHER 寶石割切 / 打磨工	\$11,450	8
7.1.4	GOLDSMITH (K-GOLD) 打金工 (西金)	\$12,620	8
7.1.6	JEWELLERY PATTERN MAKER 首飾鑄模樣板工	\$13,590	8
7.1.7	MOULD MAKER / CASTER 製模鑄造工	\$11,080	8
7.1.8	PRECIOUS STONE SETTER 首飾鑲嵌工	\$12,340	8

JOB CATEGORY 4 職位類別四

7.2.1	JEWELLERY PLATER / POLISHER 珠寶首飾電鍍 / 打磨工	\$10,100	8
7.2.2	STONE SELECTOR 配石工	\$10,850	8
7.2.3	WAX PATTERN MOUNTER / MAKER 蠟樣工	\$7,400	8

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14. MACHINE SHOP 金屬品製造業

Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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JOB CATEGORY 1 職位類別一

1.1.4	ELECTRICAL ENGINEERING TECHNICIAN 電機工程技術員	\$16,880	8
1.1.9	FOREMAN / SUPERVISOR 管工 / 監督	\$15,540	8
1.1.2	MECHANICAL DRAUGHTSMAN 機械繪圖員	\$11,240	8
1.1.14	MECHANICAL ENGINEERING TECHNICIAN 機械工程技術員	\$15,430	8
1.1.21	QUALITY CONTROL SUPERVISOR 品質控制主管	\$14,060	8

JOB CATEGORY 3 職位類別三

1.1.3	ELECTRIC ARC AND GAS WELDER 電焊氣焊工	\$11,090	8
1.1.5	ELECTRICIAN 電工	\$12,870	8
1.1.7	ELECTROPLATING AND METAL COATING WORKER 電鍍及金屬塗層工	\$9,900	8
1.1.11	INSTRUMENT MAKER / REPAIRER 儀器製造 / 修理工	\$11,690	8
1.1.12	MACHINE SETTER 機器調校工	\$12,680	8
1.1.13	MACHINIST 機床工	\$10,950	8
1.1.18	MOULD MAKER 製模技工	\$11,280	8
1.1.15	MOULDER AND CORE MAKER (SAND) 砂模及模心製造工	\$9,970	8
1.1.16	PAINTER 髹漆工	\$10,980	8
1.1.27	ROLLING MILL / EXTRUSION PRESS CRAFTSMAN 軋壓 / 擠壓技工	\$10,740	8
1.1.23	SHEETMETAL FABRICATOR 薄片金屬構造工	\$12,080	9
1.1.24	SILK SCREEN PRINTER 絲網印刷工	\$10,110	8
1.1.28	STEEL FABRICATOR (THICK PLATE) 鋼板構造工	\$13,370	8
1.1.29	TOOL AND DIE MAKER 工具及工模製造工	\$11,540	8

JOB CATEGORY 4 職位類別四

1.2.1	CRANE OPERATOR 起重機操作工	\$10,680	8
1.2.2	DIE - CASTING MACHINE OPERATOR 金屬壓鑄機操作工	\$8,780	8
1.2.3	ELECTRIC - RESISTANCE WELDER 電阻焊接工	\$9,720	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
1.2.4	FETTLER 鑄件整理工	\$7,590	8
1.2.5	INJECTION MOULDING MACHINE OPERATOR 注塑機操作工	\$8,190	9
1.2.12	MACHINE OPERATOR 機器操作工	\$8,740	8
1.2.8	PRESS OPERATOR 啤機操作工	\$8,130	8

15. PLASTICS 塑膠業

JOB CATEGORY 1 職位類別一

13.1.16	ELECTRONICS / ELECTRICAL ENGINEERING TECHNICIAN 電子 / 電機工程技術員	\$12,990	8
13.1.9	MECHANICAL ENGINEERING TECHNICIAN 機械工程技術員	\$14,660	8
13.1.14	SUPERVISOR / FOREMAN 監督 / 管工	\$15,420	8

JOB CATEGORY 3 職位類別三

13.1.2	ELECTRICIAN 電氣技工	\$11,910	8
13.1.7	LEADER 組長	\$11,290	8
13.1.10	MOULD AND DIE MAKER 製模技工	\$11,400	8
13.1.11	PATTERN / MODEL / PROTOTYPE MAKER 樣本 / 模型 / 生產原型製造工	\$10,840	8
13.1.12	PLASTICS MACHINE SETTER 校機技工	\$10,650	8
13.1.15	TAILOR (PLASTICS / FABRIC) 裁剪技工 (塑膠 / 布料)	\$10,040	8

JOB CATEGORY 4 職位類別四

13.2.5	FILM BLOWING MACHINE OPERATOR 吹膜機工	\$10,120	8
13.2.9	POWER PRESS OPERATOR 動力沖壓機操作工	\$7,740	8
13.2.10	PRINTING OPERATOR 印刷工	\$8,780	8
13.2.13	SEWING OPERATOR 縫工	\$8,360	8

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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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16. PRINTING 印刷業

JOB CATEGORY 1 職位類別一

5.1.9	OVERSEER / SUPERVISOR 督導員 / 管理員	\$17,510	8
5.1.13	PRINTERS ESTIMATOR 印刷估價員	\$13,600	8
5.1.18	PRODUCTION PLANNER / CONTROLLER 生產策劃員 / 管制員	\$14,550	8

JOB CATEGORY 3 職位類別三

5.1.1	BOOKBINDER 裝訂技工	\$11,690	8
5.1.2	CHINESE TYPESETTER 中文植字機操作員	\$10,540	8
5.1.3	COLOUR SCANNER OPERATOR 分色機操作員	\$12,640	8
5.1.4	COMPOSITOR (METAL) 排字技工 (鉛合金屬)	\$10,200	8
5.1.5	DIE CUTTER 啤盒工	\$9,830	8
5.1.24	ELECTRONIC PREPRESS SYSTEM (DESKTOP PUBLISHING (DTP)) OPERATOR 桌面排版系統操作員	\$12,320	8
5.1.6	ENGLISH COMPUTER-AIDED TYPESETTER 英文電腦排字員	\$10,780	8
5.1.14	GRAVURE PRINTING EQUIPMENT OPERATOR 凹版印刷設備操作員	\$11,080	8
5.1.25	LABEL PRINTING MACHINE OPERATOR (RELIEF PROCESS) 凸版標籤印刷機技工	\$11,080	8
5.1.8	OFFSET LITHOGRAPHIC PLATEMAKER 柯式版製作技工	\$12,360	8
5.1.10	PACKAGE FINISHING MACHINE OPERATOR 包裝盒完成機技工	\$9,750	8
5.1.15	PRINTING MACHINE OPERATOR (LETTERPRESS) 活版機印刷技工	\$11,140	8
5.1.16	PRINTING MACHINE OPERATOR (OFFSET LITHO) 柯式平版機印刷技工	\$12,880	8
5.1.17	PROCESS CAMERA OPERATOR 影版技工	\$11,840	8
5.1.19	PROOF READER 校對員	\$10,470	8
5.1.20	PROOFING PRESS OPERATOR 四色稿打稿員	\$12,110	8
5.1.21	QUALITY CONTROLLER 品質管制員	\$12,940	8
5.1.22	SCREEN PROCESS PRINTER 絲網印刷技工	\$10,470	8

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JOB CATEGORY 4 職位類別四	Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
5.2.1 BOOKBINDING MACHINE OPERATOR 裝訂機械操作工	\$8,930	8

17. SHIPBUILDING AND REPAIRING 船舶修造業

JOB CATEGORY 1 職位類別一

15.1.4 ELECTRONICS TECHNICIAN 電子技術員	\$14,770	8
15.1.5 ESTIMATOR 估計員	\$16,990	8
15.1.7 FOREMAN / SUPERVISOR 管工 / 管理員	\$15,570	8
15.1.16 SHIP DRAUGHTSMAN 造船繪圖員	\$17,440	8

JOB CATEGORY 3 職位類別三

15.1.1 AIR-CONDITIONING MECHANIC 冷氣技工	\$11,010	8
15.1.2 DIVER 潛水員	\$12,200	8
15.1.3 ELECTRICIAN 電工	\$11,840	8
15.1.6 FITTER 打磨裝配工	\$12,040	8
15.1.8 INSTRUMENT MAKER / REPAIRER 儀器製造修理工	\$13,110	8
15.1.9 MACHINIST 機床工	\$11,140	8
15.1.15 SHEET METAL WORKER 薄片金屬構造工	\$11,120	8
15.1.17 STEEL FABRICATOR (BOILER MAKER / STEEL PLATER / RIVETER / CAULKER / BLACKSMITH) 鋼鐵構造工 (鍋爐製造工 / 銅板工 / 鉚工 / 捻縫工 / 鐵工)	\$12,710	8
15.1.18 TOOL MAKER / REPAIRER 工具製造修理工	\$10,720	8

JOB CATEGORY 4 職位類別四

15.2.3 GRP - WORKER 玻璃纖維工	\$9,680	8
15.2.4 PAINTER 髹漆工	\$9,250	8
15.2.5 RIGGER 索具工	\$9,780	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
15.2.6	SHIP CLASSIFICATION QUALIFIED WELDER 船級協會認可焊接工	\$11,870	8
15.2.7	WELDER 焊接工	\$11,720	8

18. TEXTILE 紡織業**JOB CATEGORY 1 職位類別一**

11.1.9	ELECTRICAL SUPERVISOR 電氣領班	\$14,410	8
11.1.14	MAINTENANCE SUPERVISOR 保全領班	\$13,000	9
11.1.16	PATTERN DESIGN SUPERVISOR 織物設計領班	\$12,980	8
11.1.20	PRODUCTION SUPERVISOR 生產領班	\$15,730	9
11.1.30	QUALITY CONTROL SUPERVISOR 品質領班	\$14,120	8

JOB CATEGORY 3 職位類別三

11.1.1	AIR-CONDITIONING MECHANIC 空調技工	\$9,390	8
11.1.3	BOILER MECHANIC 鍋爐技工	\$10,730	9
11.1.7	COLOUR MATCHER 配色員	\$10,990	9
11.1.8	DYEING MACHINE LEADER 染色機組長	\$10,740	10
11.1.10	ELECTRICIAN 電器技工	\$12,150	8
11.1.12	KNITTING MECHANIC 針織機械技工	\$11,320	8
11.1.17	PATTERN MAKER 紋板技工	\$11,310	8
11.1.35	PATTERN PREPARER 劃花技工	\$9,320	8
11.1.19	PRINTING MACHINE LEADER 印花機組長	\$10,540	8
11.1.31	RECIPE PREPARER 秤料員	\$9,610	8
11.1.11	SECTION LEADER 組長 / 指導工	\$14,930	9
11.1.32	SINGEING / SCOURING AND BLEACHING MACHINE LEADER 燒毛 / 煉漂機組長	\$9,770	8
11.1.34	TEXTILE MECHANIC 紡織機械技工	\$10,480	8

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 4 職位類別四			
11.2.2	BEAM GAITER 架軸工	\$10,090	8
11.2.3	BLENDING MACHINE TENDER 饅花工	\$8,890	8
11.2.4	BUNDLING MACHINE TENDER 打小包機值車工	\$8,140	8
11.2.6	CARDING MACHINE TENDER (COTTON) 梳棉機值車工	\$7,240	8
11.2.9	COMBING MACHINE TENDER 精梳機值車工	\$7,640	7
11.2.11	DRAWING - IN OPERATOR 穿綜工	\$9,410	8
11.2.39	DRYING MACHINE TENDER 烘乾機值車工	\$7,880	10
11.2.16	FABRIC MENDER 修布工	\$7,070	7
11.2.18	FINISHING MACHINE TENDER (CALENDERING / RAISING / SHEARING / EMERIZING / STENTERING / PRE-SHRINKING / WASHING) 後整理機值車工 (軋光 / 抓毛 / 剪毛 / 磨毛 / 漿拉 / 定型 / 縮水 / 洗水)	\$8,810	8
11.2.40	GARMENT WASHING AND DYEING MACHINE TENDER 成衣洗染機值車工	\$8,880	10
11.2.19	KNITTING MACHINE TENDER 針織機值車工	\$8,490	8
11.2.20	PREPARATORY MACHINE TENDER (SINGEING / SCOURING / BLEACHING / MERCERISING) 前處理機值車工 (燒毛 / 煮煉 / 漂白 / 絲光)	\$7,580	8
11.2.21	PRINTING MACHINE TENDER 印花機值車工	\$8,170	10
11.2.25	ROVING FRAME TENDER 粗紗機值車工	\$8,560	8
11.2.13	SCREEN MAKER 製網技工	\$9,450	8
11.2.27	SENIOR WEAVER 接幫工	\$7,870	7
11.2.29	SPINNING FRAME DOFFER 紡紗機落紗工	\$7,770	8
11.2.31	TESTER 試驗工	\$7,340	10
11.2.33	TWISTING FRAME TENDER 捻線機值車工	\$7,930	8
11.2.35	WARP TYING MACHINE OPERATOR 接軸工	\$9,000	7
11.2.36	WARPING MACHINE TENDER 整經機值車工	\$9,540	8
11.2.38	WEAVER 織布工	\$7,190	7

19. TOURISM 旅遊業

JOB CATEGORY 1 職位類別一

6.1.208	TICKETING SUPERVISOR 票務部主管	\$15,830	8
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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 2 職位類別二			
6.2.210	SECRETARY 秘書	\$14,290	8
JOB CATEGORY 4 職位類別四			
6.2.203	CARGO OFFICER (PASSENGER SERVICE) 貨物裝卸主任 (旅客服務)	\$13,350	8
6.2.204	CHECK-IN STAFF 行李過磅處人員	\$10,520	7
6.2.206	GROUND SERVICES STAFF 地勤服務員	\$10,250	8
6.2.207	INFORMATION COUNTER STAFF / CUSTOMER SERVICES STAFF 詢問處人員 / 客戶服務部職員	\$10,750	8
6.2.208	OPERATIONS OFFICER 航機事務主任	\$12,430	8
6.2.213	TRAFFIC OFFICER 交通事務主任	\$13,940	8

20. TRANSPORT AND PHYSICAL DISTRIBUTION 貨運業

I. AIR FREIGHT CARRIERS 空運

JOB CATEGORY 3 職位類別三

14.1.1	AIRCARGO LOADING OFFICER 航空貨物裝載主任	\$12,990	7
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II. CARGO HANDLING TERMINALS 貨運站

JOB CATEGORY 4 職位類別四

14.2.5	COMMUNICATIONS ASSISTANT 聯絡助理	\$11,120	8
14.2.7	FORK LIFT TRUCK DRIVER 鏟車操作員	\$7,910	8

III. FORWARDING AGENTS 貨運代理

JOB CATEGORY 4 職位類別四

14.2.16	FORK LIFT TRUCK DRIVER 鏟車操作員	\$7,850	8
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Median Monthly Wage (HK\$)	Number of Normal Working Hours Per Day (Excluding Meal Break)
每月中位工資 (港幣)	每日正常工作時數 (不包括用膳時間)

IV. SEA FREIGHT COMPANIES 海運

JOB CATEGORY 1 職位類別一

14.1.9	BOARDING OFFICER 上船檢驗員	\$15,760	8
14.1.10	CARGO SPACE CONTROLLER 艙位主任	\$14,630	8
14.1.11	CLAIMS SUPERVISOR 索償主任	\$14,890	7
14.1.13	FREIGHT / CUSTOMER SERVICE / DOCUMENTATION SUPERVISOR 客務主任	\$14,700	8

V. TRUCKING AND CONTAINER HAULAGE COMPANIES

貨車及貨櫃拖車運輸

JOB CATEGORY 1 職位類別一

14.1.17	DESPATCHER / LOAD PLANNER 調度 / 裝載策劃員	\$13,870	8
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JOB CATEGORY 3 職位類別三

14.1.16	DELIVERY GANGLER 送貨組長	\$13,780	8
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JOB CATEGORY 4 職位類別四

14.2.29	FORK LIFT TRUCK DRIVER 鏟車操作員	\$8,380	8
14.2.31	MATERIAL HANDLING EQUIPMENT OPERATOR 搬運設備操作工	\$11,470	8

VI. WAREHOUSING AND COLD STORAGE COMPANIES

貨倉及冷藏庫

JOB CATEGORY 1 職位類別一

14.1.22	DESPATCHER / LOAD PLANNER 調度 / 裝載策劃員	\$15,150	8
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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 3 職位類別三			
14.2.42	REFRIGERATED CONTAINER ELECTRICIAN 冷藏貨櫃電工	\$12,550	8
JOB CATEGORY 4 職位類別四			
14.2.39	FORK LIFT TRUCK DRIVER 叉車操作員	\$8,080	8
14.2.41	MATERIAL HANDLING EQUIPMENT OPERATOR 搬運設備操作工	\$10,840	8

21. WHOLESALE, RETAIL AND IMPORT / EXPORT TRADES 批發、零售及進出口貿易

JOB CATEGORY 1 職位類別一

3.1.2	DISPLAY SUPERVISOR 商品陳列主任	\$15,170	8
3.1.3	MERCHANDISER / BUYER 商品 / 採購主任	\$15,480	8
3.1.4	PUBLIC RELATIONS OFFICER / ADVERTISING SUPERVISOR 公共關係主任 / 廣告主任	\$15,520	8
3.1.5	SALES SUPERVISOR 營業主任	\$14,530	8
3.1.6	STORE / GODOWN SUPERVISOR 儲物室 / 貨倉主任	\$14,460	8

JOB CATEGORY 2 職位類別二

3.2.5	PERSONAL SECRETARY/STENOGRAPHER 私人秘書 / 速記員	\$15,950	8
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JOB CATEGORY 3 職位類別三

3.1.15	QUALITY INSPECTOR 品質檢查員	\$14,600	8
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JOB CATEGORY 4 職位類別四

3.2.10	TYPIST 打字員	\$9,710	8
3.2.11	WATCHMAN / GUARD 看更 / 守衛	\$8,350	9

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22. OTHERS 其他

		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 1 職位類別一			
18.1.1	AIR-CONDITIONING TECHNICIAN 空氣調節技術員	\$13,390	8
JOB CATEGORY 3 職位類別三			
18.1.101	BARBECUE COOK 燒烤廚師	\$13,850	9
18.1.2	BOOKBINDER 裝訂技工	\$11,690	8
18.1.3	ELECTRIC ARC AND GAS WELDER 電焊氣焊工	\$11,090	8
18.1.6	PAINTER 髹漆工	\$10,400	8
JOB CATEGORY 4 職位類別四			
18.2.101	BAKER 麵包師傅	\$11,330	9
18.2.104	CARE WORKER (ELDERLY SERVICE) 護理員 (長者服務)	\$6,870	9
18.2.112	CARETAKER / WATCHMAN / GUARD (REAL ESTATE) 樓宇管理員 / 看更 / 守衛 (物業管理)	\$7,080	11
18.2.3	MACHINE OPERATOR 機器操作工	\$8,740	8
18.2.1	MIRROR CUTTING / POLISHING WORKER 磨鏡 / 磨光工	\$8,740	8
18.2.4	WATCHMAN / GUARD (MANUFACTURING SECTOR) 看更 / 守衛 (製造業)	\$7,480	9

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- (B) LIST OF SELECTED JOB TITLES IN THE RESPECTIVE INDUSTRIES / SERVICES TO BE NORMALLY EXCLUDED FROM THE SUPPLEMENTARY LABOUR SCHEME, TOGETHER WITH THEIR MEDIAN MONTHLY WAGES (HK\$) AND NUMBER OF NORMAL WORKING HOURS PER DAY
- (乙) 在一般情況下將不包括在補充勞工計劃的各工業 / 服務行業內選定職位及其每月中位工資 (港幣) 與每日正常工作時數表

Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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2. BANKING AND FINANCE 銀行及財經業

JOB CATEGORY 4 職位類別四

10.2.2	AUDIT CLERK 稽核文員	\$12,940	8
10.2.3	BILLS CHECKER 押匯文件核對員	\$14,310	8
10.2.4	BILLS CLERK 押匯文員	\$11,060	8
10.2.1	BOOKKEEPER / ACCOUNTS CLERK 簿記員 / 會計文員	\$11,920	8
10.2.5	COMPUTER / DATA ENTRY OPERATOR 電腦 / 數據輸入操作員	\$12,000	8
10.2.6	MAILING CLERK 郵件處理文員	\$10,130	8
10.2.9	TELLER 櫃檯員	\$11,980	8

3. CATERING 飲食業

I. CHINESE RESTAURANTS 中式酒樓

JOB CATEGORY 4 職位類別四

6.2.101	ACCOUNTING CLERK / GENERAL CASHIER 會計部文員 / 出納員	\$8,540	8
6.2.104	GENERAL OFFICE CLERK 寫字樓文員	\$8,090	7

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
6.2.105	JUNIOR COOK / NO. 4 COOKS OR BELOW 見習廚師 / 四廚或以下	\$8,970	9
6.2.107	PERSONNEL CLERK / PERSONNEL ASSISTANT 人事部文員 / 人事部助理	\$9,150	8
6.2.108	PURCHASING CLERK 採購部文員	\$8,970	9
6.2.110	RESTAURANT CASHIER 樓面出納員	\$7,070	9
6.2.109	RESTAURANT RECEPTIONIST 樓面接待員	\$9,990	10
6.2.114	STORE AND RECEIVING CLERK 貨倉及收貨文員	\$8,970	9
6.2.117	UNIFORM AND LINEN ATTENDANT 制服及布草侍應生	\$6,280	9
6.2.119	WAITER / WAITRESS 侍應生	\$9,150	10

II. CATERING OTHER THAN CHINESE 非中式飲食業

JOB CATEGORY 4 職位類別四

6.2.120	ACCOUNTING CLERK 會計部文員	\$9,180	8
6.2.126	GENERAL CASHIER 出納員	\$7,480	9
6.2.127	GENERAL OFFICE CLERK 寫字樓文員	\$8,340	8
6.2.128	GENERAL STOREKEEPER / STORE AND RECEIVING CLERK 管倉員 / 貨倉及收貨文員	\$8,570	9
6.2.129	PERSONNEL CLERK 人事部文員	\$8,500	8
6.2.130	PURCHASING CLERK / QUALITY CONTROL CLERK 採購部文員 / 品質控制文員	\$9,240	8
6.2.134	RECEPTIONIST / WAITER / WAITRESS 接待員 / 侍應生	\$9,080	9

4. CLOTHING 製衣業

JOB CATEGORY 4 職位類別四

9.2.2	CUTTER / CUTTING ROOM OPERATIVE 裁剪工 / 裁床工	\$8,190	8
9.2.14	PRESSER 整熨工	\$6,850	8

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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per: Day (Excluding Meal Break) 每日正常工作時間 (不包括用膳時間)
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5. CONSTRUCTION WORK SITES 建築地盤業

JOB CATEGORY 4 職位類別四

2.2.4	DEMOLITION WORKER 清拆工	\$15,430	9
2.2.5	DRAINLAYER 地渠工	\$19,200	9
2.1.18	MASON 石工	\$18,430	9

7. ELECTRONICS 電子業

JOB CATEGORY 4 職位類別四

4.2.103	ELECTRONIC DATA PROCESSING OPERATOR 電腦操作員	\$12,890	8
4.2.105	QUALITY CONTROL / ASSURANCE OPERATOR 品質控制 / 保證工	\$8,060	8

10. HANDBAG 手袋業

JOB CATEGORY 4 職位類別四

9.2.106	CUTTER 嗶料工 / 裁斷工	\$9,350	8
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11. HOTEL 酒店業

1. CHINESE RESTAURANTS OPERATED BY HOTELS

酒店中菜部

JOB CATEGORY 4 職位類別四

6.1.4	JUNIOR COOK / NO.4 COOKS OR BELOW 見習廚師 / 四廚或以下	\$9,860	9
6.2.4	WAITER / WAITRESS 侍應生	\$10,060	9

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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
II. HOTELS 酒店			
JOB CATEGORY 4 職位類別四			
6.2.5	ACCOUNTING CLERK (PAYROLL / RECEIVABLE / PAYABLE / NIGHT AUDITING) / COST CONTROL CLERK / PURCHASING CLERK / STORE AND RECEIVING CLERK / COSTING CLERK 會計部文員 (薪酬 / 應收賬 / 應付賬 / 夜間核數) / 成本控制文員 / 採購文員 / 貨倉及收貨文員 / 成本統計文員	\$10,750	7
6.2.10	FOOD AND BEVERAGE CASHIER 飲食部出納員	\$10,450	8
6.2.11	FRONT OFFICE CASHIER 大堂出納員	\$11,270	8
6.2.12	FRONT OFFICE CLERK / MAIL AND INFORMATION CLERK / ROOM CLERK / RECEPTIONIST / ROOM SALES REPRESENTATIVE / FRONT DESK CLERK / RESERVATION CLERK / GUEST RELATIONS OFFICER / BUSINESS CENTRE OFFICER 客務部文員 / 郵務及詢問處文員 / 接待員 / 大堂接待文員 / 訂房部文員 / 客戶關係主任 / 商務中心主任	\$11,420	8
6.2.15	HOUSEKEEPING CLERK / ORDER - TAKER (HOUSEKEEPING) 房口部文員 / 寫單員 (房口部)	\$10,820	8
6.2.17	LAUNDRY AND VALET CLERK / ORDER TAKER (LAUNDRY) 洗衣乾衣部文員 / 寫單員 (洗衣部)	\$10,050	8
6.2.34	RESTAURANT RECEPTIONIST / WAITER / WAITRESS 餐廳接待員 / 侍應生	\$11,010	9
6.2.27	SORTER / WASHER / IRONER / PRESSER / CHECKER / DRY CLEANER 衣物布草整理員 / 洗衣工人 / 熨工 / 檢查員 / 乾洗工	\$9,950	8
6.2.29	SYSTEMS SUPPORT OPERATOR / EDP OPERATOR / COMPUTER OPERATOR 系統輔助操作員 / 電子資料處理操作員 / 電腦操作員	\$11,500	8
6.2.30	TELEPHONE OPERATOR 電話接線生	\$11,270	8

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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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12. INSURANCE 保險業**I. GENERAL INSURANCE SECTOR 一般保險****JOB CATEGORY 4 職位類別四**

16.2.1	CLAIMS CLERK 索償文員	\$10,660	7
16.2.2	REINSURANCE CLERK 分保文員	\$10,270	7
16.2.4	UNDERWRITING CLERK 核保文員	\$10,420	7

II. LIFE INSURANCE SECTOR 人壽保險**JOB CATEGORY 4 職位類別四**

16.2.5	CLAIMS CLERK 索償文員	\$10,660	7
16.2.7	UNDERWRITING CLERK 核保文員	\$10,420	7

14. MACHINE SHOP 金屬品製造業**JOB CATEGORY 4 職位類別四**

1.2.9	QUALITY CONTROL OPERATOR 品質控制操作工	\$7,560	8
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15. PLASTICS 塑膠業**JOB CATEGORY 4 職位類別四**

13.2.11	QUALITY CHECKER 品質檢查工	\$7,670	8
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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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18. TEXTILE 紡織業**JOB CATEGORY 4 職位類別四**

11.2.14	FABRIC EXAMINER 複驗布工	\$9,130	8
11.2.15	FABRIC INSPECTOR 驗布工	\$7,330	9
11.2.22	RECORDER 書記員 / 收發員	\$7,330	8

19. TOURISM 旅遊業**JOB CATEGORY 2 職位類別二**

6.2.209	SALES REPRESENTATIVE / MARKETING EXECUTIVE 營業代表 / 市場拓展主任	\$12,110	8
6.2.214	TRAVEL CONSULTANT 旅遊顧問	\$12,410	8

JOB CATEGORY 4 職位類別四

6.2.216	ACCOUNTING CLERK / GENERAL CASHIER 會計部文員 / 出納員	\$10,180	8
6.2.211	STATISTICAL CLERK 統計部文員	\$9,500	8
6.2.212	TICKETING OFFICER / TARIFF OFFICER 票務部主任 / 價目主任	\$9,860	8
6.2.215	VISA CLERK 簽證部文員	\$10,130	8

20. TRANSPORT AND PHYSICAL DISTRIBUTION 貨運業**I. AIR FREIGHT CARRIERS 空運****JOB CATEGORY 2 職位類別二**

14.2.3	SALES REPRESENTATIVE 營業代表	\$17,200	8
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		Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
JOB CATEGORY 4 職位類別四			
14.2.1	CUSTOMER SERVICES CLERK 顧客服務員	\$9,670	8
14.2.2	OPERATIONS ASSISTANT / SHIPPING / FREIGHT CLERK 操作助理 / 船務 / 貨運文員	\$10,770	8

II. CARGO HANDLING TERMINALS 貨運站

JOB CATEGORY 2 職位類別二

14.2.11	SALES REPRESENTATIVE 營業代表	\$17,200	8
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JOB CATEGORY 4 職位類別四

14.2.6	CONTROL CLERK 管理文員	\$10,460	8
14.2.9	ON BOARD CHECKER 船上貨櫃檢查員	\$14,810	8
14.2.12	TALLY CLERK 理貨文員	\$9,820	8
14.2.13	WAREHOUSE KEEPER 貨倉管理員	\$9,530	9

III. FORWARDING AGENTS 貨運代理

JOB CATEGORY 2 職位類別二

14.2.18	SALES REPRESENTATIVE 營業代表	\$16,110	8
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JOB CATEGORY 4 職位類別四

14.2.14	CUSTOMER SERVICES CLERK 顧客服務員	\$10,530	8
14.2.15	DOCUMENTATION CLERK 船務文件文員	\$9,030	8
14.2.17	OPERATIONS ASSISTANT / SHIPPING / FREIGHT CLERK 操作助理 / 船務 / 貨運文員	\$9,980	8
14.2.19	TALLY CLERK 理貨文員	\$9,500	8
14.2.20	WAREHOUSE KEEPER 貨倉管理員	\$9,240	9

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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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IV. SEA FREIGHT COMPANIES 海運

JOB CATEGORY 2 職位類別二

14.2.24	SALES REPRESENTATIVE 營業代表	\$15,090	8
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JOB CATEGORY 4 職位類別四

14.2.21	CUSTOMER SERVICES CLERK 顧客服務員	\$10,150	8
14.2.22	DOCUMENTATION CLERK 船務文件文員	\$9,440	8
14.2.23	OPERATIONS ASSISTANT / SHIPPING / FREIGHT CLERK 操作助理 / 船務 / 貨運文員	\$9,950	8

V. TRUCKING AND CONTAINER HAULAGE COMPANIES

貨車及貨櫃拖車運輸

JOB CATEGORY 2 職位類別二

14.2.33	SALES REPRESENTATIVE 營業代表	\$14,980	8
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JOB CATEGORY 4 職位類別四

14.2.26	CARGO CLERK 貨物事務文員	\$11,460	8
14.2.27	CONTROL CLERK 管理文員	\$9,170	8
14.2.28	CUSTOMER SERVICES CLERK 顧客服務員	\$10,360	8
14.2.30	GODOWN WARRANT / SIGNING CLERK 倉單 / 簽署文員	\$8,960	8
14.2.34	TALLY CLERK 理貨文員	\$11,020	8
14.2.35	WAREHOUSE KEEPER 貨倉管理員	\$9,070	9

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Number of Normal
Working Hours Per
Day (Excluding
Meal Break)
Median Monthly
Wage (HK\$)
每月中位工資
(港幣) 每日正常工作時數
(不包括用膳時間)

VI. WAREHOUSING AND COLD STORAGE COMPANIES

貨倉及冷藏庫

JOB CATEGORY 2 職位類別二

14.2.43	SALES REPRESENTATIVE	營業代表	\$15,330	8
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JOB CATEGORY 4 職位類別四

14.2.36	CARGO CLERK	貨物事務文員	\$9,330	8
14.2.37	CONTROL CLERK	管理文員	\$10,130	8
14.2.38	CUSTOMER SERVICES CLERK	顧客服務員	\$9,240	8
14.2.40	GODOWN WARRANT / SIGNING CLERK	倉單 / 簽署文員	\$9,420	8
14.2.44	TALLY CLERK	理貨文員	\$9,790	8
14.2.45	WAREHOUSE KEEPER	貨倉管理員	\$9,630	9

21. WHOLESALE, RETAIL AND IMPORT / EXPORT TRADES

批發、零售及進出口貿易

JOB CATEGORY 4 職位類別四

3.2.1	BOOKKEEPER / ACCOUNTING CLERK	簿記員 / 會計文員	\$10,590	8
3.2.2	COMPUTER / KEY-PUNCH OPERATOR	電腦 / 打孔機操作員	\$9,680	8
3.2.3	DOCUMENTATION / SHIPPING / RECEIVING CLERK	出入口文件處理 / 船務 / 收發文員	\$11,150	8
3.2.4	GENERAL OFFICE CLERK	普通文員	\$9,780	8
3.2.6	RECEPTIONIST / TELEPHONE OPERATOR	接待員 / 電話接線生	\$9,740	8
3.2.7	SALES CLERK / SALES ASSISTANT	售貨員	\$9,210	8
3.2.9	STOCK / PURCHASING CLERK	貨倉 / 採購文員	\$9,930	8

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Median Monthly Wage (HK\$) 每月中位工資 (港幣)	Number of Normal Working Hours Per Day (Excluding Meal Break) 每日正常工作時數 (不包括用膳時間)
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22. OTHERS 其他

JOB CATEGORY 4 職位類別四

18.2.102	BEAN CURD / SOYA BEAN PROCESSING WORKER 豆腐 / 黃豆加工工人	\$8,970	8
18.2.103	BOOKKEEPER / ACCOUNTING CLERK 簿記員 / 會計文員	\$10,590	8
18.2.105	COMPUTER PAGING OPERATOR 電腦傳訊員	\$9,740	8
18.2.106	FOOD PROCESSING WORKER 食品加工工人	\$8,970	8
18.2.107	GENERAL OFFICE CLERK 普通文員	\$9,780	8
18.2.108	JUNIOR COOK 初級廚師	\$8,970	9
18.2.2	QUALITY CONTROL OPERATOR 品質控制操作工	\$7,560	8
18.2.110	WAREHOUSE KEEPER 貨倉管理員	\$9,630	9
18.2.111	WASHER 洗衣工人	\$9,950	8

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, in part (c) of the main reply, it was mentioned that under the SLS, the median wage of care workers (elderly home) was \$6,100. This figure was compiled on the basis of a survey conducted in late 1995 while the survey conducted in early 1998 indicated that the median wage was \$6,870. For two years, not a single survey was conducted and I think this is outrageous. Does the Secretary for Education and Manpower consider this negligence or a deliberate move on the part of the Government? If it is negligence, it implies administrative malpractice; and if it is a deliberate move, then it is the Government colluding with the private sector. Does the Secretary admit that the Government's failure to conduct a survey will lead to the wages of the trade being suppressed in general? Will the Secretary*

PRESIDENT (in Cantonese): Mr LEE, please state your question clearly.

MR LEE CHEUK-YAN (in Cantonese): *My question is: was the Government negligent or deliberate in doing so; and what remedies will it make, such as whether or not it will make a public apology, or suspend the importation of labour by private elderly homes as a remedial gesture?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I have already made it very clear in part (c) of my main reply that before the last updating exercise, we learned from the periodic survey conducted by the Social Welfare Department that the monthly wage of the care workers employed by private elderly homes was \$6,100. In the recent review, we decided that the wages of care workers employed in subvented homes should also be taken into account. Therefore, no matter whether it was the figure we have come up with recently or the one set before, both were arrived at after a survey.

Part (c) of the main reply also indicated that in order to arrive at a median wage figure that was representative of the entire occupation in the labour market, we took into account the monthly wages of care workers (elderly home) working in subvented homes also and raised the median wage from \$6,100 to \$6,870. Therefore, in respect of this, I think that the Government has handled it properly and the employment opportunity of local workers is also better protected this way.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan.

MR LEE CHEUK-YAN (in Cantonese): *The Secretary has not answered my question. I was asking whether the Government was at fault for not conducting any survey for two years. The Secretary always mentioned the survey before the last, and then he talked about the recent one. The fact is that no survey has been conducted for two years. Is this a fault or not?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, in fact, the median wage of \$6,100 was compiled on the basis of a survey. In the past one or two years, if only the monthly wages of the care workers (elderly home) employed in the private sector were taken into account, they were more or less in this range. As we have included the wages of the care workers (elderly home) working in subvented homes as part of the basis in our recent survey, and the wages of the latter are higher than which of those working in private homes, the median wage has thus been raised from \$6,100 to \$6,870.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan.

MR LEE CHEUK-YAN (in Cantonese): *It would of course be great to have the chance to ask further questions, but I will queue and wait for my turn again.*

PRESIDENT (in Cantonese): Mr LEE, I understand your question, which is, why no survey was conducted for two years but the Secretary answered that the wages should be more or less so. Hence, the Secretary has not answered your supplementary question directly.

MR LEE CHEUK-YAN (in Cantonese): *Since no survey has been conducted, the Secretary has no right to speak. He has no grounds for saying that.*

PRESIDENT (in Cantonese): Secretary, could you answer whether or not there was a survey when this figure of \$6,100 was fixed?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): There had been a survey, Madam President.

PRESIDENT (in Cantonese): When Mr LEE Cheuk-yan was asking the supplementary questions, nine Members put up their hands. I will start the next question as soon as these nine Members have finished with their questions. Mr TAM Yiu-chung.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, how would the Government handle it if all employee representatives of the LAB unanimously object to a certain application during the scrutiny of the applications? Will the Government consider reviewing the SLS again?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, all the applications that I have approved were submitted to me after being examined by both the employee and employer representatives together with an agreement reached by the majority of them. I know that recently, the employee representatives have objected to certain applications and I am waiting for the detailed report of the Commissioner for Labour, which

will include the scope and particulars of the applications. I have to go through all details, such as the reasons for the employee representatives' objection to these applications, before a decision could be taken.

PRESIDENT (in Cantonese): Mr LEE Kai-ming.

MR LEE KAI-MING (in Cantonese): *Madam President, the unemployment rate has risen to 4.5%. For positions that have once been approved under the SLS, some were advertised in the newspaper again and are receiving responses. Under this circumstance, I would like to ask the Secretary whether the Government will halt or conduct an overall review on the SLS?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, in the last debate held in this Council, I have already pointed out clearly the Government's standpoint which is that it does not support the total termination of the SLS. Nevertheless, we are very willing to discuss and find out how to improve the procedures or the mechanism. I wish to stress here that the spirit of the SLS is to ensure priority of employment for local workers. The SLS also includes an open local recruitment process. Through the SLS, we have already succeeded in securing new jobs for 864 local workers. In addition, in 3 882 cases, the employers were willing to employ local workers but the offers were turned down by workers owing to various reasons. The whole operation of the SLS of course needs to tie in with the changes in the market, so it is obvious that the applications for importation of workers have reduced substantially and the number of approved ones has also decreased substantially as compared to the past.

PRESIDENT (in Cantonese): Mr Andrew CHENG.

MR ANDREW CHENG (in Cantonese): *Madam President, it was mentioned in part (b) of the main reply that the Government will adopt a safeguarding measure which requires that the imported workers cannot be paid less than the latest monthly median wage of local workers. Among the quotas that have been approved by the Government under the SLS, 20 are construction site security guards, but I cannot find the median wage for this category in Annex B. According to the information provided by a director of the Hong Kong Building Services and Management Workers' Union, at present a construction site security guard works 12 hours a day and receives \$4,500 a month, but many unemployed people are still applying for these posts. Why does the Government still insist on importing 20 workers to fill these posts? Is this a divorce from reality and has the Government paid no regard to the employment opportunities of local workers?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the median wage of the construction site security guard is \$9,340. Because of the time now, I cannot find the figure in Annex B, but I would be glad to supply it later. As regards why we have approved the importation of construction site security guards, I think that we have to look at the whole operation of the SLS which is based on a vetting and approval procedure, including the open local recruitment. If after the open local recruitment has completed, there is still a shortage of local workers to fill all vacancies of a certain job, we will consider allowing the importation of workers. This also applies to the case of construction site security guards. I also wish to add that concerning this post, other than a local recruitment process, we have worked with the Employee Retraining Board to open a retraining course. In fact, through this retraining course, a number of local workers have filled these vacancies. Recently, there was a case in which the employer agreed to take in 19 retrained local workers while he was applying for labour importation.

PRESIDENT (in Cantonese): Mr LAU Chin-shek.

MR LAU CHIN-SHEK (in Cantonese): *Madam President, the former Legislative Council has set down two restrictions for the SLS: first, there was an upper limit for the number of applications; second, the approval conditions were very stringent, which involved the consideration by both the employer and the employee before the application was submitted to the Government for approval. When the upper limit was abolished later, I already felt that it was outrageous because everyone could see that the unemployment rate has remained high for a long time; why should Government abolish the upper limit? When the Secretary answered Mr TAM Yiu-chung's question, he said that he had to see why the employee representatives of the LAB stopped examining those applications before a decision would be taken. Since the employee representatives have already refused to consider those applications, does the Secretary still intend to have some other ways to replace the SLS? Otherwise, why does the Government not terminate the Scheme immediately?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam, President, actually two questions are involved here. The first is about the 2 000 visas. In fact, we already explained very clearly in the former Legislative Council, Provisional Legislative Council as well as in many public documents that after we had granted 2 000 visas, we would review the whole SLS. Therefore, we repeatedly clarified that there was no such thing as the so-called upper limit in this Scheme. Early this year, having granted over 2 000 visas, we conducted a review and the result was that the Scheme could remain and was to be reviewed each year. This result was also supported by the LAB.

Secondly, as I said when I answered Mr TAM Yiu-chung, I have learned from the newspaper that recently, over 50 applications were turned down by all employee representatives of the LAB. I hope that I can make a decision after I receive the detailed report from the Commissioner for Labour and understand the situation. For example, I have to find out whether the employee representatives of the LAB turned down the applications because they were dissatisfied with some of our procedures, or there were any other reasons. Since I do not have all the information on hand at the moment, I cannot make a decision now.

PRESIDENT (in Cantonese): Mr LAU Chin-shek, which is the part of your supplementary question that the Secretary has not answered?

MR LAU CHIN-SHEK (in Cantonese): *The Secretary said that he has yet to understand the situation as he only learned about it from the newspaper. I feel a little puzzled, because*

PRESIDENT (in Cantonese): The Secretary has answered your supplementary question. He said that he could make a further response after he obtained all the information. Please point out which part of your question that has not been answered.

MR LAU CHIN-SHEK (in Cantonese): *He knows it definitely that the employee representatives have already stopped examining the applications. Will the operation of the SLS thus be ceased?*

PRESIDENT (in Cantonese): Mr LAU Chin-shek, the Secretary has already explained it when he answered Mr TAM Yiu-chung's question. He said that he could not say whether the operation of the Scheme should be ceased. He has already answered your question. If you do not agree with him, you can follow up through other channels.

PRESIDENT (in Cantonese): Mr Ronald ARCULLI.

MR RONALD ARCULLI: *Madam President, the whole of Hong Kong knows that eight groups of politicians have met and asked the Government to speed up and increase infrastructural and public works programmes. What I would like to ask the Secretary is that against that background, how does he foresee carrying out this proposal of increasing or speeding up of public works and infrastructural programmes without increasing importation of labour in the construction industry? Will it have a great impact on both the efficiency and the cost?*

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

SECRETARY FOR EDUCATION AND MANPOWER: Madam President, the Government is fully aware that in the coming months, the huge infrastructural projects will put a strain on the manpower needs in Hong Kong. There will be a need for additional manpower in order to carry out all these infrastructural projects. The Supplementary Labour Scheme, of course, provides an avenue for importation of construction workers into Hong Kong. Earlier on, we have contemplated a proposal on a special labour importation scheme for the construction industry. But subsequently, we decided to defer the consideration of the proposal. We are keeping the situation under close monitoring. Our primary objective must always be that in preserving priority employment of local workers, we should always keep open an avenue for the importation of workers to ease any bottlenecks, should it be considered necessary in the circumstances.

PRESIDENT (in Cantonese): Mr James TIEN.

MR JAMES TIEN (in Cantonese): *Madam President, the Hong Kong General Chamber of Commerce and I are highly supportive of this cardinal principle of the Government, that is, the requirement for ensuring priority of employment for local workers, and to import foreign workers to fill any shortfall that may arise. Part (a) of the main reply mentioned about receiving 42 032 applications for imported workers but there are only 3 610 imported workers working in Hong Kong, representing less than 3% of the total number of unemployed workers at present. Will the Government inform the employers what it has done in regard to the simple term "stringent vetting mechanism" to enhance the credibility of the SLS so that the employers will not think that for whatever reason they are to make the application, the Government will not approve it and that the mechanism becomes an "unreasonable vetting mechanism". How would the Government explain the word "stringent"?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the "stringent vetting mechanism" refers to the way in which both the employee and employer representatives work together to consider carefully whether the application complies with the two principles mentioned above. I think that as far as the whole Scheme is concerned, the major point is our principles, and that both parties support this procedure and the major point also includes an open local recruitment process. Therefore, the number of applications and the final numbers approved do not necessarily bear any relation.

PRESIDENT (in Cantonese): Mrs Sophie LEUNG.

MRS SOPHIE LEUNG (in Cantonese): *Madam President, part (b) of the main reply mentioned about Annex A. I know that some craftsmen with special skills were applied for under the SLS for the construction of a massive Tang-styled building in Hong Kong last year. But Annex A has not listed the total number of approved workers imported or under what job titles the applications were made. I would like to ask the Secretary under what principles these workers were granted approval to come and what is the present effect?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, in the motion debate of last Legislative Council Meeting, I also mentioned the case that Mrs Sophie LEUNG just brought up. We did grant approval for a small number of workers to come to Hong Kong but I do not have the exact figures at hand. These imported workers were mainly sculpture craftsmen responsible for the carpentry and stone works of the Tang-styled building. We had undergone the relevant mechanism and the open recruitment procedure and only imported those workers after making sure that no suitable workers could be found in Hong Kong. They have indeed facilitated the smooth reconstruction project of the Chi Lin Nunnery.

PRESIDENT (in Cantonese): Mr Kenneth TING.

MR KENNETH TING (in Cantonese): *Madam President, would the Secretary inform this Council that in the past, before resorting to have their vacancies filled through the SLS, what has been the average time that the employers have advertised in the newspapers, and also how long have they participated in the recruitment plan of the Labour Department and still failed to recruit workers? In addition*

PRESIDENT (in Cantonese): You may only ask one supplementary question.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, according to the procedures of this Scheme, the open recruitment must be advertised in the newspaper for two weeks. The recruitment procedure also includes the six weeks taken by the Labour Department when it is necessary to make referrals for workers.

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

MR CHAN WING-CHAN (in Cantonese): *Madam President, the Government also admits that the catering industry is the most heavily hit by unemployment and I am in this industry. Cooks and waiters are also listed in the paper, and recently the Government has approved the importation of over 200 foreign workers to work as bakers. Recently, over 400 restaurants have been closed. Under this circumstance, the Government should abolish the SLS. I would like to ask the Secretary whether the Government will abolish the SLS so that the employers do not have the excuse to import more workers in this unemployment-stricken industry?*

PRESIDENT (in Cantonese): Mr CHAN, you seem to have raised two supplementary questions. Let me sum up your questions. As far as I understand, the question is, considering this unemployment-stricken industry, will the Secretary for Education and Manpower suspend or even abolish the SLS? Secretary for Education and Manpower.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, we will consider the relevant procedures and carry out studies on various job types in order to further improve the Scheme. However, up till now, we will not consider abolishing the Scheme.

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

Operation of the New Airport

2. **MR CHAN WING-CHAN** (in Cantonese): *The chaos at the new airport at Chek Lap Kok since its opening have created a bad impression on both local and overseas travellers about Hong Kong's airport. Moreover, the operation of the cargo terminals at the new airport have almost been at a standstill, resulting in the repeated extension of the deadline for suspending air freight services for the import and export of goods. In this connection, will the Government inform this Council:*

- (a) *whether it will assess the impact of this incident on Hong Kong's tourism industry and of the remedial measures to be taken; of the measures to be taken to restore the confidence of travellers in the operation of Hong Kong's airport;*
- (b) *of the economic losses suffered by Hong Kong as a result of the suspension of air freight services, and the impact of the suspension on Hong Kong's economic development;*
- (c) *whether it has assessed the blow suffered by local small and medium enterprises (SMEs) as a result of this incident; if so, what the results are; and whether there are plans to compensate them for their losses;*
- (d) *whether it knows the exact date when the cargo terminals at the new airport can fully resume normal operation;*
- (e) *whether the authorities will, in the light of this incident, review the franchise of the cargo terminals at the new airport; and*
- (f) *of the role of the Airport Development Steering Committee (ADSCOM) in this incident?*

PRESIDENT (in Cantonese): Secretary for Economic Services.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, since the problems occurred in the initial operation of the airport, the Government, Airport Authority (AA), Hong Kong Air Cargo Terminals Limited (HACTL), airlines, ramp handlers and so on have taken immediate action and worked together to rectify the problems. After continuous hard work, the facilities and service standards of the new airport have quickly shown marked improvements.

On passengers services, starting from the second week of operation, more than three quarters of all flights left on time or within 30 minutes of schedule. The remaining flights could also leave within one hour. The average waiting time for in-bound passengers to re-claim their baggage was about 20 minutes. This was shortened to 15 minutes on an average in the last few days. In addition, relevant facilities such as escalators and public telephone services have also been functioning smoothly.

As regards cargo services, HACTL is implementing a phased programme for the handling of cargo. This gives the shippers and freight forwarders and so on a timetable to plan their transport arrangements. As a result of HACTL's efforts and assistance by the Government, Airport Authority and other parties concerned, the volume of cargo handled by HACTL has been increasing. Good progress is being made.

I hope that Members would recognize that the operation of the new airport has quickly shown marked progress and improvements. We and the Airport Authority will continue to ensure that all the facilities and services will achieve the best standard.

Regarding the six parts of the question raised by the Honourable CHAN Wing-chan, after consulting the AA and the government departments concerned, our replies are as follows:

- (a) There were problems in the operation of the new airport during the first few days after its opening and they had caused inconvenience to visitors. However, there has been so far no significant impact on the tourist industry of Hong Kong. According to the preliminary figures provided by the Immigration Department, the numbers of visitor arrivals by air within the period of two weeks before and after the opening of the new airport were 212 000 and 217 000 respectively. No obvious increase or decrease was recorded. When compared with the same period in last year, there was even a 10% percentage increase in the number of visitor arrivals in the first two weeks after airport opening.

Of course, the smooth operation of the airport is very important to the development of tourism. The AA, airlines, ramp handlers and so on have made their utmost efforts to resolve various problems in the operation of the airport.

As a result of efforts by all the parties concerned, the new airport is offering convenient and efficient services to more than 80 000 passengers every day.

Furthermore, to avoid misunderstanding, it is especially important to provide latest information on the operation of the new airport to overseas visitors. To this end, the Government has been explaining, through the Information Services Department, Hong Kong Economic and Trade Offices overseas, overseas offices of the Hong Kong Tourist Association as well as the internet, to the overseas media, tourism industry and potential visitors that there has been significant improvement to the operation of the new airport. The Government and the AA will continue to further improve the service level of the airport and step up overseas publicity.

- (b) The Government Economist estimated that the suspension of most of the HACTL's import/export air cargo handling services at the new airport since 8 July until the recovery of the services by the end of August in accordance with HACTL's phased recovery programme could result in a loss in income of around \$4.6 billion, which is equivalent to 0.35% of Gross Domestic Product (GDP) for the Hong Kong economy.

- (c) The income loss to SMEs is estimated by the Government Economist at around 60% of the overall income loss, that is, \$2.7 billion or 0.2% of GDP. Some SMEs may face specific problems to a greater extent than larger enterprises. Such problems may affect their income. These include cash flow problem, relatively weakened bargaining power against counterparties overseas, erosion of competitive edge, and more limited scope to manoeuvre in the event of a supply disruption.

As for the question of compensation, the Department of Justice advised that the Government is not a party to any contracts between cargo customers and carriers. It is not, therefore, in a position to comment on the customers' legal entitlement to compensation under the contracts, nor would it be appropriate for the Government to comment on where legal responsibility for any loss lies.

- (d) HACTL has announced a four-phase recovery programme. Under the time-table set by HACTL, it would handle 50% of the expected throughput starting from 18 July. This would be increased to 75% by the end of July. It is expected to be able to handle all its import and export goods by mid-August using facilities at Kai Tak and Superterminal One. The company plans to resume normal operation of Superterminal One as soon as possible and before the end of August. The above plan is being implemented gradually and good progress is being made. We and the AA will continue to monitor and provide assistance and hope that normal air cargo services can be resumed before the end of August as scheduled.
- (e) The two air cargo franchises at the new airport were awarded in 1995 to two experienced air cargo operators after an open and competitive tender process and thorough evaluation of the bids by the AA. The AA has no intention to review the two existing franchises at the present stage. However, it will closely monitor whether the services of the air cargo handlers at the new airport are in compliance with the franchise requirements, and then consider whether there is a need for a review on the question of franchises.

- (f) The terms of reference of the ADSCOM are to review the general progress of the new airport project and associated works, including the transport infrastructure and to resolve problems referred to it by Policy Secretaries. ADSCOM oversees the overall development of the Airport Core Programme Projects through its executive arm, the New Airport Project Development Co-ordination Office.

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

MR CHAN WING-CHAN (in Cantonese): *Madam President, the people of Hong Kong have pinned an extremely high hope on the new airport. Under the economic recession as at present, members of the public hope that the opening of the airport can produce a "joyous stimulant" effect, revive the economy, promote tourism, and bring about employment opportunities. But the new airport turned out to be in a mess after its opening. Numerous mistakes were made on the part of management, cargo traffic was at a standstill, and our economy has suffered huge losses.*

PRESIDENT (in Cantonese): Mr CHAN, please raise your supplementary question.

MR CHAN WING-CHAN (in Cantonese): *Yes. Madam President, I would now raise my supplementary question. (Laughter)*

The efforts made by the Hong Kong people as well as their aspirations were just like the poem which reads "dews drop down from the lotus leaves on failing to brave the east wind", and our situation is precisely like "a house with the roof already leaking having to experience the rain which fell throughout the night". (Laughter)

PRESIDENT (in Cantonese): Please raise your supplementary question.

MR CHAN WING-CHAN (in Cantonese): *Madam President, my supplementary question is: is it because the AA and the airport steering committee have failed to exercise stringent supervision and proper management, and suffered the lack of proper guidance that led to the occurrence of a series of problems as mentioned above?*

PRESIDENT (in Cantonese): Secretary for Economic Services.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, the supplementary question raised by Mr CHAN Wing-chan just now concerns the performance of the AA or the ADSCOM in carrying out its supervisory work. I believe many people would like to know the answer. Members should have also known that the Commission of Inquiry on the New Airport (the Commission) has been established and one of the terms of reference of the Committee is the same as the supplementary question raised by Mr CHAN just now. According to legal advice, as the Commission has already started its work and will conduct investigation in this aspect, it is therefore not advisable for me to answer the supplementary question here.

PRESIDENT (in Cantonese): Mr MA Fung-kwok.

MR MA FUNG-KWOK (in Cantonese): *Madam President, the Government mentioned in paragraph (e) of the main reply that it had no intention to review the issue pertaining to franchises at the present stage but it would closely monitor whether the services of the air cargo handlers at the new airport are in compliance with the franchise requirements. Will the Government inform this Council whether or not such provisions as assistance rendered by the Government or the AA, the practice of using the cargo terminals at the Kai Tak Airport and so on have been clearly specified in the franchise agreements? If not, will the Government be able to, pursuant to the agreements, have sufficient grounds to believe that the handlers have failed to comply with the franchise requirements?*

PRESIDENT (in Cantonese): Secretary for Economic Services.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, regarding the issue as to whether the franchise agreements have touched upon the offer of assistance by the Kai Tak Airport, as far as the agreements are concerned, what we are talking about is Superterminal One of the new airport at Chek Lap Kok. There should be no need to use Terminal No. 2 at the Kai Tak Airport. Nevertheless, Members should understand that this is an extraordinary situation. We have now set up the Commission to look into the causes of the problem, such as the responsibility issue, where the mistakes occurred and so on. For the overall interests of Hong Kong, the Government and the AA will, of course, render all assistance because it is most important to enable air freight to resume its normal cargo handling capacity as soon as possible. For the time being, the most important thing is to monitor the operation of the cargo terminal given the fact that a time-table has been proposed. We should, therefore, exercise supervision to see if it can proceed with its work as scheduled. We will only pursue where the problems lie and who should be held responsible if the circumstances permit. All these involve the provisions of the agreement signed between the AA and the HACTL. Of course, the AA will clarify these issues with the HACTL, and will follow up the provisions of the agreement. For these reasons, it is not advisable for me to answer the supplementary question in respect of the provisions of the agreements today.

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

MR CHAN KAM-LAM (in Cantonese): *Madam President, according to paragraph (f) of the main reply, the ADSCOM is obviously the government department responsible for monitoring the development of the airport. Did the ADSCOM know clearly, in deciding to open the new airport on 6 July, that the new computer systems for the passenger terminal and the cargo terminal have been tested adequately and assessed in terms of operational capacity?*

PRESIDENT (in Cantonese): Secretary for Economic Services.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): I am grateful to Mr CHAN for raising the supplementary question. Mr WINGFIELD told

me that this supplementary question was similar to the question raised just now. It is not advisable for me to answer this question here because one of the main duties of the Commission is to look into the issues raised by Mr CHAN Kam-lam in his supplementary question earlier. These include the decision to open the new airport on 6 July 1998, how far the preparatory work has been carried out to enable the new airport to start operation immediately on that day, and to confirm which party should be held responsible. As the Commission is going to look into the abovementioned issues, upon legal advice, it is not advisable for me to answer this supplementary question.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, after the occurrence of the accident at Superterminal One, contingency measures adopted by the HACTL include making use of Terminal No. 2 at Kai Tak and Superterminal One to handle import and export goods simultaneously. But this arrangement will come to an end when Superterminal One resumes its normal operation by the end of August. The Government has previously made the decision that Kai Tak Terminal No. 2 will be awarded through open tender, but it will be stipulated that the terminal will not be used for the purpose of cargo transport. Will the Secretary inform this Council whether the Government will, after learning the lesson and acquiring the experience this time, consider preserving Kai Tak Terminal No. 2 and all facilities therein and, at the same time, ask the AA to require the HACTL to prepare a set of comprehensive contingency measures to prevent Superterminal One from making mistakes again?*

PRESIDENT (in Cantonese): Mrs Miriam LAU, you have in fact raised two supplementary questions. Which question would you like the Secretary to answer?

MRS MIRIAM LAU (in Cantonese): Madam President, in fact they belong to the same supplementary question because Kai Tak Terminal No. 2 and the contingency measures are both the same thing. What contingency measures will the Government take?

PRESIDENT (in Cantonese): Secretary for Economic Services.

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, I would try to answer the two supplementary questions raised by Mrs Miriam LAU. The first one concerns the usage of Kai Tak Terminal No. 2 after September. The Government Property Agency did mention that before but as problems have already arisen, we can only continue to use it as an emergency measure. I have said in the main reply just now that according to the timetable set by the HACTL, they are confident that they will no longer need to use Terminal No. 2 by the end of August and they can rely solely on Superterminal One at Chek Lap Kok to handle the normal volume of cargo. Such being the case, is it still necessary for us to keep Terminal No. 2 at Kai Tak as a contingency measure? Of course, the Government Property Agency will award Terminal No. 2 through open tender. As such, we can now say that there is no need to keep it.

The second supplementary question is connected with contingency measures. I wonder if Members have visited the terminal last Friday to see how it operates. As far as I remember, some Members have raised questions on the contingency measures and the back-up computer system, and the HACTL has replied clearly that contingency measures are already put in place in such areas as back-up computers.

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): *Madam President, I feel that there is one very serious point and that is after the raising of supplementary questions by Members just now, a government official said as the Commission was conducting an investigation, he could not therefore, according to the legal advice given by Mr WINGFIELD, answer the supplementary questions raised by Members. I hope the President can make a ruling because I am afraid this could become a precedent. This Council is protected by the privileges provisions, but under legal principles, are government officials allowed to choose not to answer questions? If so, this could lead to serious consequences in the future. Mr LAU Kong-wah will later move a motion to set up a select committee. If the abovementioned circumstances hold water, all witnesses will*

say the same thing. If the President does not think that there is a need to make a ruling and that it is acceptable for the official to choose not to answer, does it imply that this Council does not have the power to require him to answer, or the President concurs with the legal advice he obtained, which means to say that this Council cannot compel him to answer? I think these are two extremely serious issues.

PRESIDENT (in Cantonese): I also agree that this is an extremely serious issue. I therefore adjourn the Council now and I will make a ruling after thinking it over clearly.

3.36 pm

Meeting suspended.

3.55 pm

Council then resumed.

PRESIDENT (in Cantonese): Honourable Members, Mr James TO has raised a point of order earlier and this is the way I see it: First, I allowed several Members to raise their questions because their questions have not contravened Rule 25(1)(g) of the Rules of Procedure which reads: "A question shall not reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law."

As for the inquiries conducted by the Commission, they are considered to be judicial proceedings in the legal sense and officials are therefore allowed to choose how to present their replies. During the Question Time, officials will normally answer the questions. However, for certain reasons, they can choose not to answer or to give a written reply instead. This is also a normal procedure. If this Council endorses the setting up of a select committee later, the committee will be conferred with certain powers by law to carry out its duties. The legal power of the committee will not be affected whatsoever. Nor will it be affected by what had happened during the Question Time today.

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

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, a point of order. Regarding the second oral question raised by Mr CHAN Wing-chan earlier, many of my colleagues and I wished to take turns to raise their questions. But as a point of order has been arisen just now, queries relating to the question have come to a halt. Madam President, I would like ask if you have ruled that Members are not allowed to raise questions in respect of this question anymore?*

PRESIDENT (in Cantonese): Before Mr James TO raised the point of order, I was already prepared to go to the third oral question because we have spent almost 19 minutes on that question and have also spent nearly 30 minutes on the first question. And this has made our Question Time too long.

Third question. Mr LAU Kong-wah.

Enterovirus 71

3. **MR LAU KONG-WAH** (in Cantonese): *It is learnt that as soon as the first confirmed case of Enterovirus 71 (EV-71) infection was found, the Hospital Authority (HA) immediately notified the Department of Health (DH) to call for an interdepartmental joint meeting. However, the DH did not convene the meeting concerned until two weeks later. In this connection, will the Government inform this Council:*

- (a) *of the reasons why the DH convened the meeting concerned two weeks after being notified by the HA;*
- (b) *whether efforts have been made to trace the origin of the virus after the first confirmed case of infection was found in Hong Kong; if so, what the results are; if not, why not;*

- (c) *whether instructions have been given to all public hospitals and private clinics in Hong Kong, requiring them to report suspected cases of infection to the DH, so as to monitor the spreading of EV-71 in the territory; if so, what the contents of the instructions are; and*
- (d) *whether a review has been conducted on any deficiency in the co-ordination between the HA and the DH on this matter; if so, of the findings of the review and the measures to be adopted to improve the co-ordination mechanism between the HA and the DH?*

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

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

- (a) The HA informed the DH on Friday, 26 June of this year, of the first suspected case of EV-71 infection. According to quick test results obtained in one of the HA's hospitals, the HA believed that the patient concerned had been affected by EV-71. While the DH was still conducting confirmatory tests for the above mentioned case, professionals from both parties held a meeting on Monday, 29 June, that is, three days later, to discuss matters to the testing of enterovirus.
- (b) Enterovirus is not a new virus to Hong Kong. The group of enterovirus includes many types, EV-71 being one of them. Over the years, diseases caused by enterovirus have occurred in Hong Kong and many places worldwide. The main mode of transmission is through contact with faeces, saliva and respiratory secretion of infected persons. According to the latest test results, the EV-71 discovered in Hong Kong is different from that discovered in Taiwan.

The DH will investigate each suspected and confirmed case of EV-71 infection. According to the current studies, there is no evidence indicating a particular type of premises as the sources where patients are infected.

- (c) The DH has implemented a sentinel surveillance network since 14 June 1998 to closely monitor the occurrences of enterovirus infection and the spread of this virus.

The sentinel surveillance network now comprises the public hospitals in Hong Kong, the DH's 63 general out-patient clinics and 26 private medical practitioners. They will submit to the DH relevant information for study once a case of EV-71 is found.

The DH has uploaded information on enterovirus on the Internet since mid-June this year. The DH has also, at the same time, disseminated such information to all local doctors through letters of the Hong Kong Medical Association. In the letter, the DH requested all medical professionals to promptly inform the DH of any unusual developments of enterovirus infection that come to their notice, for example, a sudden increase of the number of infected cases.

- (d) The HA and the DH assume different responsibilities in the handling of enterovirus infection. The HA is mainly responsible for clinical diagnosis and curative treatment, while the DH is mainly responsible for laboratory support and implementing the preventive and control measures against the virus. There is no lack of co-ordination between the HA and the DH.

The HA's representative is one of the members of the Interdepartmental Working Group on Enterovirus Infection headed by the DH, working together with other organizations involved to eliminate the threat posed by enterovirus on the health of Hong Kong citizens.

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

MR LAU KONG-WAH (in Cantonese): *Madam President, as the number of enterovirus infection cases keeps on rising, the recent development has somehow puzzled me. While the whole government system was going all out to monitor the EV-71 cases, the girl who died did not suffer from the infection of this virus. While the Government thought the deceased patients in Taiwan*

died from EV-71 infection, it was proved recently that out of the 50 fatal cases of enterovirus infection, only one was involved with EV-71. More ironically, we have once and again sent batches of people to Taiwan to learn from their experience, but yesterday

PRESIDENT (in Cantonese): What exactly is your supplementary question about?

MR LAU KONG-WAH (in Cantonese): *My question is, when on earth will we be able to find out what exactly is the type of virus that has been fatal? How can we prevent it? When will we know the answer?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, under this monitoring system, what we are watching is the overall situation of the enterovirus. Therefore, after the laboratory test, we will find out not only whether the virus concerned is EV-71 but also whether it belongs to other types. In the case just mentioned by Mr LAU, according to the result of the quick test, the girl concerned was not infected with EV-71, but as to whether she was infected with other types of virus such as the Coxsackie, the test is still underway. We hope that the result will be ready within a week to 10 days' time.

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

DR TANG SIU-TONG (in Cantonese): *Madam President, in part (b) of the main reply, the Government indicated that many types of enterovirus can cause diseases. I would like to ask the Government what types of enterovirus have caused death in the past three years, the death rate and the way to handle it?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, because enterovirus is a relatively common virus and the diseases caused by it are usually rather mild, it has not been under close monitoring by the DH not until this year, hence we do not have the exact statistics. However, in respect of death cases, take the myocarditis as an example; the figures for the last five years are: 11 cases in 1993, 12 in 1994, 10 in 1995, 18 in 1996 and 16 in 1997. The Coxsackie may likely be the main cause of death but this is not conclusive.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, enterovirus is highly contagious among young children and it can sometimes be deadly. It can be transmitted through sucking fingers, licking toys or drinking contaminated water. When the virus is spreading, how can the Government monitor and ensure that the toys and facilities in places frequented by children, such as the thousands and thousands of balls in the ball ponds, the water in the public swimming pools, toys in the kindergartens or even the game machines in the places of amusement are all cleaned and disinfected in the way required by the Government so as to prevent this enterovirus from being spread quickly among young children through playing or contacting with one another?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, beginning from June, the DH and other departments concerned have done a great deal of work in this respect. Take the public swimming pools as an example: the colleagues of the two Municipal Councils take samples of the water from the pools every hour to test whether the chlorine is strong enough to kill the enterovirus in the water. In respect of the private pools, we also require the same of them. Colleagues of the Urban Council will also check on these swimming pools from time to time to make sure that the water quality is up to standard. As regards the playgrounds, the colleagues of the two Municipal Councils have already written to the persons-in-charge, requesting them to clean their facilities and the balls in the ball ponds every day in the

hope of maintaining sanitary condition there up to a certain level. Now, the colleagues of the Urban Council inspect these premises every two weeks and hope that the persons-in-charge will keep their facilities up to our standard.

PRESIDENT (in Cantonese): Mr Michael HO.

MR MICHAEL HO (in Cantonese): *Madam President, the Government's disease-prevention policy should not focus on EV-71 only, as there are many other viruses and bacteria that cause diseases. How will the Government alert the people's awareness to move reasonably from just EV-71 to all other types of enterovirus as well? Can the Government effectively call to the attention of the people through television spot series that if they do not wash their hands thoroughly, they will ingest the EV-71, 69, 68 and all other viruses? These are all of great concern to the public lately. Could the Government's spot series achieve that?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, other than the work directed at the viruses, actually we have launched a three-year campaign in mid-May this year called "Healthy Living into the 21st Century". We hope that through education, publication and public participation, the sanitary level of the whole territory will be raised. The various departments will of course undertake relevant work, and whenever necessary, we will also step up prosecution to alert the people's awareness.

MR MICHAEL HO (in Cantonese): *Madam President, the Secretary has not answered my question, for the "Healthy Living into the 21st Century" campaign is yet to start, and I was asking the Secretary what is being done currently? The Government should start publicizing the matters in this respect now rather than wait for the three-year large-scale campaign of "Healthy Living into the 21st Century".*

PRESIDENT (in Cantonese): Will the Secretary give a little explanation to this?

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, as I have indicated before, the publicity campaign was already launched in May this year. When people watch the television, they will find that we have pushed out a large variety of new publicity spot series which introduce the importance of sanitation, including film strips having the restaurant as the background as well as those on personal hygiene and healthy living.

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

DR LEONG CHE-HUNG (in Cantonese): *Madam President, the Secretary clearly pointed out in part (b) of the main reply that the EV-71 discovered in Hong Kong is different from that discovered in Taiwan. And then in the latter part of the reply, she said that the HA and the DH were indeed doing similar work in the same Interdepartmental Working Group. We know that the DH has sent representatives to Taiwan earlier to acquire an understanding of the situation there, but the virus there is different from Hong Kong's; we also know that the HA has also sent people to Taiwan yesterday and I wonder what effect the Government thinks that this will achieve?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I have mentioned that the DH and the HA assumed different responsibilities. The DH sent people to Taiwan mainly in the hope of gathering more information on its own about the transmission and spread of the virus. But since the HA is mainly involved with clinical diagnosis and curative treatment, their trip to Taiwan is for the purpose of exchanging ideas with the doctors there and gathering more information concerning these. Therefore, the trips to Taiwan organized by the two departments have had different purposes, but are both made in the hope of bringing back more up-to-date information.

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

MR CHAN KAM-LAM (in Cantonese): *Madam President, as the Secretary has expressed in her reply earlier, it seemed that the HA needed to learn from Taiwan's experience about this virus. I would like to ask the Secretary whether Hong Kong has ever had cases involving the infection of EV-71 in the past?*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, Hong Kong has seen this type of enterovirus as EV-71 before, but as I have said earlier, enterovirus is a commonly and relatively mild virus, therefore we do not have a detailed record of it.

PRESIDENT (in Cantonese): Fourth question. Mr HUI Cheung-ching.

Impact of Lingdingyang Bridge on Hong Kong's Import and Export Industry

4. **MR HUI CHEUNG-CHING** (in Cantonese): *In view of the far-reaching implications of cross-boundary infrastructure projects between Hong Kong and the Mainland on the import and export industry in the territory, will the Government inform this Council whether:*

- (a) *it knows the current progress of the Hong Kong and Mainland Cross-Boundary Major Infrastructure Co-ordinating Committee (ICC) in its study on the construction of the Lingdingyang Bridge;*
- (b) *it has studied the impact on the territory's import and export industry upon the completion of the Lingdingyang Bridge; if so, what the findings are; and*
- (c) *it has conducted planning studies on the linking of the Lingdingyang Bridge with road networks, the new airport and*

container terminals in Hong Kong, with a view to strengthening the Territory's position as a re-export centre and facilitating the use of Hong Kong's new airport and container terminals by the central and western parts of the Mainland for the import and export of goods; if so, what the findings are?

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

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

- (a) The ICC and its relevant Panel and Technical Group have held several meetings to discuss the studies on the proposed Lingdingyang Bridge. Good progress has been made.

In January this year, we understood that the State Council had approved the creation of a project item for the Lingdingyang Bridge. "Creation of item" is a necessary vetting procedure conducted after the completion of the pre-feasibility study of the project and before the commencement of the detailed feasibility study. The State Council will further examine the project after the detailed feasibility study and financial arrangement of the project have been completed.

At the ICC meeting, we have reached a consensus with the relevant authorities of the Mainland that we would only be able to take a final view on the proposed Lingdingyang Bridge after Stages I and II of the Crosslinks Further Study have been completed and their recommendations considered internally. We could only decide by then whether or not to proceed with the detailed feasibility study under Stage III of the study and to construct the connecting roads on the Hong Kong side. Stages I and II of the study commenced respectively in April and November 1997, and are expected to be completed by October 1998 and mid-1999 respectively. The studies investigate thoroughly into specific issues such as cross-boundary traffic capacity, environmental impact assessment, economic and financial assessment, land use planning, land acquisition and so on. Through meetings and liaison channels

under the Technical Group, the Hong Kong side maintains close contact with the Mainland side. We also regularly report progress of the studies and exchange information between each other.

- (b) In 1996, the Administration carried out an initial study on the proposed Lingdingyang Bridge. The initial study estimated the cross-boundary traffic demand on the basis of past economic development trend and assumptions made in respect of future port cargo forecasts. Considerations have included the relevant import and export statistics. The initial study confirmed that in the long term, there was a trend for an increase in the capacity of cross-boundary crossings. Moreover, the initial study also recommended that further research should be conducted on the economic and financial aspects of the proposed Lingdingyang Bridge. Therefore, the Stage II of the Crosslinks Further Study, which is being carried out, will examine the economic and financial aspects of the proposed cross boundary crossings. The study will also assess generally the impact of the proposed cross-boundary crossings on the economic development of Hong Kong and that of areas in the vicinity.
- (c) In the initial study carried out in 1996, we had already preliminarily considered the connection between the Lingdingyang Bridge and Hong Kong's existing and proposed connecting road network. The initial study put forward preliminary recommendation of a series of road connection options as well as preliminary priority. In-depth investigations on these preliminary options are being examined in Stages I and II of the Crosslinks Further Study.

The study area of the Crosslinks Further Study is confined to Hong Kong and Guangdong Province. Although it does not cover the central and western parts of China, the study area is already very extensive and the issue being studied are very complicated. To further extend the study area would likely create difficulties and delay the progress of the study.

PRESIDENT (in Cantonese): Mr HUI Cheung-ching.

MR HUI CHEUNG-CHING (in Cantonese): *Madam President, in paragraphs (a) and (b) of the main reply, the Secretary stated that the Lingdingyang Bridge project has entered into Stage II of the study. Given the fact that Hong Kong has spent a huge sum of money on constructing the new airport and has recently awarded new container terminal projects, has the Government put in place other road supporting plans, in addition to the Route 3, for raising the status of Hong Kong as a re-export centre?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): *Madam President, as far as the Lingdingyang Bridge construction project, no roads are at present available for connecting the inner part of the bridge. For this reason, we need to conduct studies on the arrangement as well as planning in respect of traffic and roads upon the linkage of this cross-harbour bridge with Hong Kong. In fact, if the project were implemented, we must have a series of roads to cope with different situations. Only in doing so can we give full play to the usefulness of the Lingdingyang Bridge. In addition, we need to study the assistance rendered by the Bridge to our economy and our import and export industries in future as well as the degree of its impact.*

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

MR NG LEUNG-SING (in Cantonese): *Madam President, as regards paragraph (b) of the Government's reply, I would like to ask the Government if it will include, during Stage II of the Crosslinks Further Study, which is being carried out at the moment, the study of the impact of tourism and transport on our economy upon the completion of the new Bridge; and when will the relevant details be publicly announced?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, during Stage II of the study, the Government will make assessment in terms of the economy. We will not only study the problems pertaining to goods, but will also make assessment in three aspects including people, vehicles and goods. In respect of people, our study will include the potential of local tourism. As for part two of the supplementary question, if the study is to be completed in the middle of next year, we will publish the contents of the study in due course. In fact, if the project item is to be implemented, we will need to apply for funds from this Council and amend the relevant town planning plans. Therefore, we will publish the relevant details as well.

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

MR LAU KONG-WAH (in Cantonese): *Madam President, in the main reply, the Secretary stated that the Mainland would proceed with the "creation of a project item" for this project, whereas Hong Kong is still conducting the study. It seems that the paces of the two sides differ. I would like to ask the Government if, upon the completion of Stage II of the study in the middle of next year, it could then decide whether it will continue with this project?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, Mr LAU may have misunderstood the vetting procedure of public works in the Mainland. "Creation of item" does not mean that their progress is quicker than ours. In fact, as far as the overall study is concerned, the progress of Hong Kong is quicker than that of the Mainland. This is because "creation of item" means that a status or an identity is given to a certain item so that the study can be continued, but Hong Kong has already conducted the relevant study. Regarding the Mainland's part, just as what I have illustrated in paragraph (a) of the main reply, the feasibility study and financial arrangement of the project have not yet started. The State Council has only given the proposed bridge item an identity so that further studies can be made in respect of the item. We are now carrying out Stages I and II of the study for the purpose of examining the transport networks of Hong Kong in

detail as well as making assessments in such areas as land, planning, economy, finance and environment. Upon the completion of the two stages of the study and if it is considered feasible upon the completion of internal vetting, we will be able to make a preliminary decision by the middle of next year to see if we shall conduct such work as the detailed design, investigation and project study in respect of contingency roads and apply to the Finance Committee for funding.

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

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, while the Central Government has approved the creation of a project item for the Lingdingyang Bridge, Hong Kong has also embarked on the study. We entirely agree with the point that this item will be conducive to the development of traffic and road networks. The Government just mentioned that, during Stages I and II of the study, it would conduct study on such aspects as people, vehicles and goods. In that case, I would like to ask if the Government will consider, after developing the project item, whether or not the high level of development in that area will affect the re-export status enjoyed by Hong Kong at the moment, or will it bring changes to our economy in future?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, as a matter of fact, one of the main reasons for our studying the project item is to strengthen future traffic between Hong Kong and cities situated on the western coast of the Pearl River Delta, that is, Zhuhai, Zhongshan, Foshan and so on. At the moment, many of the goods from these areas are transported to Hong Kong by water or via Shenzhen for re-export purpose. As such, the Lingdingyang Bridge is going to shorten the distance and the time needed, and it is not going to lower the freight to be re-exported or handled by Hong Kong in future. On the contrary, our freight capacity might be raised. But regarding the actual outcome and the mutual economic relationship between Hong Kong and the western coast of the Pearl River Delta, or even regions beyond the western coast, we will still need to conduct detailed studies.

PRESIDENT (in Cantonese): Mr James TIEN.

MR JAMES TIEN (in Cantonese): *Madam President, the Secretary indicated just now that the Lingdingyang Bridge was going to link up with Zhuhai, Zhongshan, Shunde, Foshan and so on, and that there are many factory zones in those areas. Recently, our import and export figures dropped significantly because of the economic doldrums. Therefore, the business sector is earnestly hoping that this Bridge can be completed. I would like to ask the Secretary if the decision has been made to build the Bridge, what will the tentative time-table be? Will it be built in five, six, eight, nine or 10-odd years' time?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, the project item must seek the agreement and approval of the two parties before it can go ahead. Hong Kong is not going to be responsible for building the Bridge because the greater part of it is situated outside the Special Administrative Region. Therefore, the relevant unit in the Mainland will be responsible for the construction work. We can only study and co-ordinate the transport systems within our boundary. As regards how long it will take to build these connecting road systems, we can only make calculations after our study is completed by next year. Why? First, we need to know the routing; second, we need to assess the need for land acquisition; third, we can only calculate the actual time needed for completing the project after the design is available. But even if the study of this stage is completed, it is still impossible for us to control the Mainland as to when it should approve the implementation of this project item. In other words, even if it is assumed that the whole project will run from Zhuhai to the Kwai Chung Terminal, the answer is still not available as to when it will fully open to traffic.

PRESIDENT (in Cantonese): Mr Albert HO.

MR ALBERT HO (in Cantonese): *Madam President, the Secretary indicated in his reply just now that, in carrying out this project, many decisions will need to be made with the consent from both parties. In that case, what will the decision-making procedure be like? This is because approval from the Mainland, that is the State Council, will be involved. According to the explanation furnished by the Secretary earlier, I understand that the State Council is going to approve the part of the project that falls within the Mainland only. Does it imply that for any part of the project, consent from both parties must be obtained before it can be carried out? Does it mean that it is necessary for all views, such as where the Bridge should be linked with Hong Kong and even the effectiveness of our work, assessable in future, to be reflected and to obtain a consensus from both parties before the project could be proceeded with, instead of proceeding with the plan on a unilateral basis just on the approval of the State Council?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, Mr HO's interpretation is right. One of the reasons for our setting up the ICC is to seek consensus between both parties. Instead of giving one party the power to make the final decision, we have been examining the matter in the ICC with a co-operative spirit. Both parties will negotiate on any matters.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, given the fact that there will be such a Lingdingyang Bridge project, will the Government re-consider the selection of sites for Container Terminals 10, 11 and 12 in order to cope with the construction of the Bridge and the development of road networks?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, we do not see that there is such a need for the time being. This is because as far as the existing operation is concerned, cargo coming to Hong Kong from the west coast of the Pearl River Delta is mainly transported in bulk form. Such an operational pattern is quite different from those of large-scale container terminals. We are now studying in which form cargo traffic shall develop in Hong Kong as well as these regions in future. We are not talking about a five-year or 10-year investment item. We hope to see how the whole pattern will develop 20 or 30 years after. Therefore, it is premature to say whether we should review whether there is a need to alter the plan in respect of Container Terminals 10, 11 or 12. Of course, in implementing this item, we will consider whether there is a need to adjust other plans, but the information currently available is still inadequate to justify the implementation of this item.

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

Mainland-born Adult Children of Hong Kong Permanent Residents

5. **MR YEUNG YIU-CHUNG** (in Cantonese): *Will the Government inform this Council:*

- (a) *whether it knows the number of adult children aged 18 or above born in the Mainland to Hong Kong permanent residents, and of the channels and established procedures for these adult children, who are entitled to the right of abode in Hong Kong under the Basic Law, to apply for settlement in Hong Kong;*
- (b) *whether it knows if a specified sub-quota out of the existing daily quota of 150 One-Way Permits (OWPs) has been set aside for those adult children; if so, of the sub-quota allocated to them; if not, why not;*
- (c) *of the number of Hong Kong permanent residents' Mainland-born adult children who have not yet been granted the right of abode in Hong Kong but are staying in Hong Kong at present; and*

- (d) *of the existing channels for adult children born and living in the Mainland whose mothers were born in Hong Kong to apply for settlement in Hong Kong?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) We do not have information on the number of adult children aged 18 or above who were born in the Mainland to Hong Kong permanent residents.

Under present arrangements, eligible children of all ages in the Mainland have to obtain an OWP from the Public Security Bureau in the Mainland and a Certificate of Entitlement (C of E) from the Immigration Department of the Hong Kong Special Administrative Region (SAR) Government for entry into Hong Kong to exercise their right of abode (ROA). Applications for an OWP from these eligible children may be regarded as applications for a C of E made to the Director of Immigration. There is no need for them to make a separate application for a C of E. After verification of the applicants' status, the Department will issue the C of Es and send them to the Public Security Bureau, which will in turn issue the OWPs affixed with a C of E to the applicants.

- (b) Within the 150 OWPs daily quota, there is a specified sub-quota of 60 for eligible children irrespective of their age. There is no specified sub-quota for the adult eligible children. Like younger eligible children, adult eligible children can also enter Hong Kong under other unspecified quota. On average, there is a daily admission of about 10 eligible children under the unspecified quota.
- (c) As at 21 July 1998, there was a total of 272 adult children aged 20 or above who claim to have the ROA under Article 24(3) of the Basic Law in SAR but whose claim has not been established and are staying in Hong Kong, pending the conclusion of the related legal proceedings.

- (d) The arrangements set out in my reply at (a) above apply equally to all eligible children in the Mainland as long as either of their parents had the ROA in Hong Kong at the time of their birth.

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

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, according to the Government, the entry applications submitted by adult children and minor children have all been handled equally without any reference to their age. However, as far as I know, many adult children have to wait for 10 years or even 20 years, and this is far longer than the waiting time of minor children. May I ask if the Government is aware of this situation? And, has the Government ever considered any ways of assisting adult children in reuniting with their families at an early date?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, since many mainland children born to Hong Kong residents have wanted to come to live in Hong Kong, they do indeed have to wait for quite some time between the submission of their applications and the granting of approval. Generally speaking, the waiting time is rather long. However, we think that when arrangements are made for these children of Hong Kong residents to come to live here, certain appropriate priority will be accorded to those who have not yet reached majority. We believe that the people of Hong Kong in general do share our view. In other words, the people of Hong Kong will find it appropriate to accord priority to minor children, so that they can reunite with their parents before their adult counterparts who are aged 20, 30 or even 40.

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): *Madam President, I get an impression from paragraph (a) of the main reply that the Public Security Bureau of the Mainland would also issue OWPs to eligible adult children. "Adult" children are in fact the main point in Mr YEUNG's question. May I ask the Secretary whether this principle has obtained the consent of all the authorities concerned in the Mainland, be they the Central Government, the provincial authorities or the city authorities? And, can the Secretary, to the best of his understanding tell us whether the various provincial authorities and city authorities have all adhered strictly to this principle? Or, have these authorities in fact adhered to a different set of principles, as a result of which some eligible persons have failed even to get an application form?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, as far as we can understand from our discussions with the Public Security Bureau of the Central Government, it is a nation-wide practice to receive OWP applications from adult children. In fact, as we have found out most recently, the various provinces and cities in the Mainland have so far received as many as 20 000 OWP applications from eligible adult children.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): *Madam President, the Secretary has just pointed out that at the level of the Central Government such a practice has been adopted throughout. However, I have in fact received quite a number of complaints about this issue. I have been told that the Public Security Bureau in different localities actually adopt vastly different practices. To sum up, the situation can well be described as chaotic. Honestly speaking, and as everybody knows, the crux of the problem is nothing but not having enough to go round. Since all these people are entitled to the ROA in Hong Kong, may I ask whether the SAR Government has any intention of negotiating with the Central Government on the possibility of allocating a larger portion of the daily quota to these people, who are in fact entitled to permanent residence in Hong Kong under the Basic Law?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the Honourable Mrs Selina CHOW is right in saying that the crux of the problem is in fact not having enough to go round. Under the current system, the number of OWPs to be issued everyday is subject to a quota of 150, and this has naturally imposed a limitation of some kind. All mainland children born to Hong Kong residents, be they adults or minors (but let me repeat that we consider that minor children should have an appropriate priority over their adult counterparts), do have their entitlements under the Basic Law. For this reason, we of course agree that we should absorb them as soon as possible. That said, let us not forget that the spouses of many Hong Kong residents are also living in the Mainland. On this issue, we have negotiated several times with our counterparts in the Public Security Bureau of the Mainland. Both sides agree that there is a common problem to be tackled: a larger quota for children will necessarily mean a smaller quota for spouses. It is indeed very difficult to strike a proper balance when setting the quotas or making the relevant decisions. Putting aside the technicalities, let me just remind Honourable Members that out of the daily quota of 150, 70 OWPs have already been reserved for eligible mainland children. We will continue to discuss the issue with the relevant public security authorities in the Mainland from time to time, so as to see whether it is at all possible to speed up the entry of eligible mainland children into Hong Kong.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Madam President, I think the main point of the Honourable Mrs Selina CHOW's question actually concerns whether or not there is any intention to increase the daily quota all together. The reason is that the crux of the problem is not having enough to go round. That being the case, even if the daily quota is not increased, these people will still rush to submit their applications. My main concern is that the public security authorities in different localities of the Mainland may well be adopting different practices. May I therefore ask the SAR Government whether it will discuss with the Mainland, with a view to ensuring the adoption of uniform practices throughout the whole country? I have heard that some adult children of Hong Kong residents have failed to get even an OWP application form; the

situation is indeed very chaotic, and there is no point in talking about the formulae of quota allocation, when some people cannot even get an application. Is the Secretary aware of these situations?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Some half a year ago, I did hear of such stories, which pointed out that the various provinces and cities of the Mainland might well be adopting different practices. We subsequently approached the public security authorities of the Mainland on this matter, and we were told in very clear and specific terms that they would always receive applications from adult children of Hong Kong residents. Recently, I have heard less about people being unable to get application forms. If the Honourable Andrew WONG can provide us with the details of some actual cases, we will be prepared to approach the public security authorities of the Mainland on the basis of the information provided.

As for Mr WONG's question on whether or not we will increase the daily quota, I must reply that the answer is "no". We all know very well that a daily arrival of 150 persons will actually mean some 55 000 people a year. This in itself is already a very heavy burden for our community, whether in terms of education (particularly because many young people are involved), social services or infrastructure. As far as all these areas are concerned, I simply do not think that any substantial changes can actually be introduced in the foreseeable future to cope with any substantial increase in the daily quota. I believe that it will indeed be very difficult for us increase the quota.

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

MISS CHOY SO-YUK (in Cantonese): Madam President, as pointed out by the Secretary in paragraph (a) of his main reply, applications for OWPs from eligible children may at the same time be regarded as applications for C of E made to the Director of Immigration of the SAR Government. Will the Government consider the idea of discussing with the relevant Mainland authorities on the possibility of allowing eligible children to apply for C of E in Hong Kong before they apply for OWPs from the public security authorities in the Mainland?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, under the relevant immigration legislation, eligible children are basically required to apply for OWPs in the Mainland, but such applications may at the same time be regarded as applications for C of E, thus saving them the trouble of having to submit two separate applications. This in itself is already a simplified procedure. Besides, we must note that it is in fact the very core intention of the whole system to require eligible children to submit their applications in the Mainland. If procedures for these two documents are again separated for this application, I must say, there is no such a need in the very first place. Second, this will not in any way enable an applicant to come to Hong Kong any more quickly because after all, everything will have to depend on how quickly an OWP is issued to him.

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

MR TAM YIU-CHUNG (in Cantonese): Madam President, as a follow-up on paragraph (b) of the main reply, may I know the total number of adult eligible children being granted approval to settle in Hong Kong since the establishment of the SAR Government?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, from 1 July 1997 to 30 June 1998, a total of 2 244 adult eligible children (that is, eligible children at the age of 20 or above) have come to settle in Hong Kong on OWPs.

PRESIDENT (in Cantonese): Last Oral Question. Mr LAU Chin-shek.

Future Use of Kai Tak Airport

6. **MR LAU CHIN-SHEK** (in Cantonese): *Will the Government inform this Council:*

- (a) *of the short-term and long-term plans to use the facilities, buildings and land at the vacated Kai Tak airport; and*
- (b) *whether it will consider allowing the Mass Transit Railway Corporation to start preparatory work of its East Kowloon Line (EKL) on the land of the vacated Kai Tak airport, so as to expedite the completion of the whole project and to provide employment opportunities for the personnel who have finished working on the Airport Railway project?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, before I reply to this question, I wish to clarify that the short-term management of the Kai Tak airport, including its facilities, buildings and premises, is the responsibility of the Government Property Agency, and the Agency will report to the Finance Bureau in this particular respect. The Planning, Environment and Lands Bureau is responsible for the long-term planning and land uses of the Kai Tak airport and the neighbouring sites. Having clarified this, both of us, the Secretary for the Treasury and I, will try to answer this question as much as we can.

(a) *Long-term Use*

The Government's long term plan for the Kai Tak airport site is to develop it as one of the Strategic Growth Areas to eventually provide home to a population of 310 000, together land for commercial, community and transport infrastructure uses. The whole development, called the South-East Kowloon Development (SEKD), includes the existing Kai Tak airport site, and reclamation of the Kai Tak Nullah, Kwun Tong Typhoon Shelter and Kowloon Bay. We are aiming to gazette draft Outline Zoning Plans for

public consultation in a few weeks' time. We hope to commence the first development package at the Kai Tak airport site in late 1998/early 1999.

Short-term Uses

As redevelopment of Kai Tak will have to take place in stages, we are planning to make use of the sites there for government, community and commercial purposes in the short term as far as possible.

(Main Apron Areas and the Airport Operation Related Leases)

We would first need to decontaminate the main apron areas from September this year. Starting from January 1999, works will start on the first phase of the development package at the north western corner of Kai Tak which will involve the demolition of most of the commercial buildings there. We expect all existing users to vacate Kai Tak completely by the middle of 1999.

(Passenger Terminal Building/Carpark Building)

The passenger terminal building, the multi-storey car park, the runway and the apron area in the south will not be affected by permanent development in the near future. For the passenger terminal building, we will allocate office space on the upper floors to government departments in need of expansion or reprovisioning. Separately, we are inviting public expressions of interest on possible uses for the arrival/departure halls and the baggage handling area, as well as suggestions from government departments. We will consider all views received and then decide how the available space should be used. The multi-storey car park will be retained to support these new activities.

(Runway/South Apron)

For the runway and the apron area in the south, we have already earmarked parts of them for government uses. Examples are a Transport Department test centre for electronic road pricing and a

concrete crushing plant and various work areas required by the Territory Development Department. We intend to offer the parts which are not required for government purposes for commercial and community use where appropriate. The area is likely to be suitable for uses like storage, workshops and entertainment. We are working out the details on how this should be done. In the meantime, we have approved some applications from commercial or community organizations for organizing one-off events. Some of them have already been held in the runway area such as the sports activities organized by the Hong Kong Triathlon Association on 19 July and the Evangelical meeting organized by the Kowloon City Baptist Church on 23 July.

- (b) The EKL has been identified as one of the longer term projects in the 1994 Railway Development Strategy (RDS). The proposed alignment of EKL would link Diamond Hill with Hung Hom, running through the re-developed Kai Tak site. We are currently examining the EKL in greater detail in the Second Railway Development Study (RDS-2). Interim recommendations from the RDS-2 on the most urgent projects for the next phase of railway development will be available in early 1999. Until then, no decision would be made as to whether to proceed with the EKL and if we do, which organization will construct and operate the railway.

In determining the temporary and permanent uses of sites in the Kai Tak area, we will ensure that any sites which may be required for railway development in future will be available in time should we decide to proceed with the development.

PRESIDENT (in Cantonese): Mr LAU Chin-shek.

MR LAU CHIN-SHEK (in Cantonese): *Madam President, since the areas of Kowloon City, Hung Hom and To Kwa Wan are not directly accessibly by the Mass Transit Railway (MTR), the residents there have long been tortured by the problem of traffic congestion. That is why they very much hope that an MTR extension could be constructed there. They think that with the moving in of*

300 000 people following the removal of Kai Tak airport, they will have a very good chance of realizing their hope. However, after listening to the reply of the Secretary, I am sure that they will all start to worry, particularly because of the information mentioned in paragraph (b) of the main reply. May I therefore ask the Secretary this question: If the EKL is not going to be constructed, will any alternatives be adopted to solve the problem of traffic congestion experienced by the residents in the aforesaid areas?

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I think Mr LAU's question is really hypothetical because the Government has not yet said that the railway extension in question will not be constructed. What I really said a moment ago is that the RDS-2 is already underway, and the results will be released early next year. I believe that the Secretary for Transport will certainly make an appropriate decision then.

PRESIDENT (in Cantonese): Mr LAU Chin-shek.

MR LAU CHIN-SHEK (in Cantonese): *I do not agree that my question is hypothetical because it is said in the Secretary's reply that "no decision would be made as to whether to proceed with the EKL". Had he said that the Government would construct the EKL or decide to designate an organization to construct and operate the railway, he would have been right. However, since he used the word "whether", the possibility of "not" is indeed implied. Perhaps, the Secretary may like to amend the wording of this particular sentence. Thank you, Madam President. (Laughter)*

PRESIDENT (in Cantonese): I do not think that this should be regarded as a question. The Secretary may choose not to reply. Secretary, do you wish to reply?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I suppose the very important words should be the expression "until then", which goes before the statement quoted by Mr LAU. What I was trying to say is that tentative recommendations regarding this particular works project will be released in early 1999, and before this, the Government cannot make any decisions. I am sure that this does not conflict in any way with my main reply.

PRESIDENT (in Cantonese): Mr Ambrose CHEUNG.

MR AMBROSE CHEUNG (in Cantonese): *Madam President, in regard to the use of the old airport site, may I ask the Secretary whether there are any plans to reserve part of the land for the purposes of constructing a regional stadium, or an aviation museum, and with the inclusion of a park? And, will any land be used for the setting up of a flea market, so as to make good use of the valuable facilities and equipment of the old airport? This will increase the number of our tourist spots, in addition to increasing local employment opportunities.*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, when we study the uses of the site in question, we will certainly reserve land for cultural, recreational and even sporting purposes. As far as I can remember, land use plans are not as specific and as detailed as what Mr CHEUNG would have loved to see, and for this reason, the land use plan for the old airport site will not be so detailed as to reserve land for the construction of an aviation museum, for example. And, in fact, it is possible that the site concerned may be designated generally for use by the Government or community bodies. As for the issue of superstructure land uses, further studies are required. In the meantime, we must first work out the size of the land which can be made available for development in the future and then designate the broad uses of different plots. Only when such planning work is completed could we carry out detailed studies on the issue of superstructure land uses.

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

MISS CHOY SO-YUK (in Cantonese): *Madam President, it is pointed out by the Government in the main reply that the passenger terminal building and the multi-storey car park will not be affected by permanent development in the near future. May I ask the Government how long these two buildings can be retained for temporary uses?*

PRESIDENT (in Cantonese): Secretary for the Treasury.

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, the information we have so far received indicates that the passenger terminal building and the multi-storey car park will not be affected by permanent development in the next three years. That is why when we invited members of the public to submit their statements of intent on the temporary uses of these two buildings, we informed them that the time available for temporary uses would be roughly three years. As for the situation three years later, no concrete decision can be made at this very stage.

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

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, I am only concerned about two aspects — one being the old airport site and the other the railway extension. However, since I know that you will allow me to ask one supplementary question only, I will just talk about the railway extension and leave the old airport site aside for the moment. I myself work in To Kwa Wan. The Government has said several times that a railway extension would be constructed in this area. That is why the residents there have cherished very high hopes. And, it is also mentioned in the main reply of the Government that the construction of this railway extension has been identified as one of the longer term projects in the 1994 RDS. I think the Government really has the intention to launch this works project. However, I also share Mr LAU's view that the Secretary's use of the word "whether" will lead people to worry about the possibility of "not". I too would like to ask the Secretary to make a*

clarification, because the message we received was that many works projects have been held up recently. Following the removal of the airport, Diamond Hill will become directly accessible by the East Kowloon extension of the MTR. That is why many people are waiting with high expectations. May I ask the Government whether there is indeed a problem with the main reply? Can the word "whether" be deleted, despite the Secretary's reminder on "until then"?

PRESIDENT (in Cantonese): What is your supplementary question all about?

MISS CHAN YUEN-HAN (in Cantonese): *My supplementary question seeks to confirm that the possibility of "not" is not implied. Should the Government construct the EKL? Thank you, Madam President.*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I can only say that before the final report of the Study is completed, the Government will not be able to make any decision. Of course, it must be pointed out that this railway extension has already been identified as one of the required railway projects in the RDS-2. That is why we are of the view that the project is indeed a positive one.

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, do you wish to ask a second supplementary question?

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, thank you for allowing me to ask a supplementary question again. In regard to short-term uses, does the Government intend to set up a night bazaar for the masses, one such as a flea market? I think this is not a bad idea, because it can relieve the hardship of those who are suffering from unemployment in the current economic downturn. Has the Government ever considered such an idea?*

PRESIDENT (in Cantonese): Secretary for the Treasury.

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, the answer to this question will have to depend on whether or not such an idea has ever been raised, either by those people requested by us to express their views or by any other organizations. The case referred to by the Secretary for Planning, Environment and Lands just now is an example. According to the Secretary, we have already started to invite applications for organizing different events in those parts of the south apron which are not required for government purposes. So far, we have received 24 applications, and seven of them have already been approved. All these events are more of a "one-off" nature. And, of course, we do have a number of applicants who intend to hold activities like Christmas bazaars on the south apron and the runway during some specific periods of time. When we receive this kind of applications, we will certainly give them due consideration as long as the purposes under application do not conflict with the purposes laid down by the Government.

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

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, I actually want to ask whether the Government itself has ever considered such an idea. Even the nine supplementary measures recently announced have mentioned the setting up of a flea market in the former HMS Tamar site. That being the case, has the Government ever considered doing the same in the old airport site?*

PRESIDENT (in Cantonese): Secretary for the Treasury.

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, I think that when it comes to the holding of such activities, the setting up of a flea market, for example, the relevant proposals should best be put forward, not by the Government itself, but by community or commercial organizations instead. From the standpoint of the Government as a whole, and from that of the Government Property Agency in particular, it is very much hoped that the facilities and premises remaining in the old airport site can all be appropriately

utilized in this short interim. We will certainly welcome any resultant returns, be they tangible or intangible benefits of any kind. Therefore, we would like to encourage all sectors of the community to put forward their views for our consideration.

PRESIDENT (in Cantonese): I shall draw a line for Oral Questions here.

WRITTEN ANSWERS TO QUESTIONS

Suspension of Land Sale

7. **MR LEE WING-TAT** (in Chinese): *In connection with the Government's decision to suspend land sales for nine months, will the Government inform this Council:*

- (a) *how it will dispose of the land not put up for sale during the suspension period, and whether such land will be put up for sale in 1999-2000;*
- (b) *of the impact of such a decision on the production of private housing units in 2000-01 and 2001-02; and*
- (c) *of the increase in the waiting time for the allocation of public housing flats as a result of the suspension of land sales.*

SECRETARY FOR HOUSING (in Chinese): Madam President, following the implementation of a package of special relief measures to address the present adjustment of the local economy on 22 June 1998, the Government has been closely monitoring the situation. We have yet to decide on the Land Sales Programme for 1999-2000. When we draw up the programme, we will take into account many factors including the stability of the property market and the performance of other sectors of the economy.

The suspension on sale of all land by auction and public tender until 31 March 1999 affects 34 sites for private housing. The deferment of sale of these sites will mean a smaller supply of private residential units in three to four years' time. But if private developers have little interest in buying land for housing development at this time, the effect on housing supply would be the same even if there were no changes to the Land Sales Programme.

While the suspension of land sales has been introduced in response to market conditions, the Government will continue to form and service land for housing and other needs so as to create a land bank which the Government can draw on when market conditions improve and demand rises.

The Government remains committed to its public housing programme. Although the suspension of land sales will defer the development of six Private Sector Participation Scheme (PSPS) sites (about 20 700 flats), this will have only a marginal impact on long-term flat production, and such impact will be ameliorated by the additional number of loans (from 4 500 in 1997-98 to 10 000 in 1998-99) to be offered under the Housing Authority's Home Purchase Loan Scheme. Therefore we are still confident of meeting our target of reducing the average waiting time for public rental housing to five years by 2001, to four years by 2003 and to three years by 2005.

Impact of Devaluation of Renminbi on Hong Kong Dollar

8. **MISS EMILY LAU:** *Will the Executive Authorities inform this Council:*

- (a) whether and how the Hong Kong dollar was affected by the devaluation of the Renminbi in the past few years; and*
- (b) whether they have studied the impact of any future devaluation of the Renminbi on Hong Kong dollar; if so, what the findings are?*

SECRETARY FOR FINANCIAL SERVICES: Madam President,

- (a) The Renminbi has not been devalued significantly in the past few years. But in January 1994, the mainland authorities successfully merged the official exchange rate with the swap rate which then differed by about 33%. The new unified rate was set close to the swap rate prevailing at that time. As the swap rate had been adopted extensively for foreign exchange transactions for some time, the true extent of the devaluation in early 1994, if any, was a lot less than 33%.

As is well known, the Hong Kong-US dollar exchange rate has been very stable ever since the linked exchange rate system was established in October 1983.

- (b) Our studies on the Renminbi indicate that notwithstanding the Asian currency turmoil, there is no need for the Renminbi to be devalued. In this regard, it is reassuring that leaders have repeatedly reaffirmed China's resolve in maintaining the stability of the Renminbi. But whatever is the exchange rate policy for the Renminbi pursued by the Mainland, it would be a policy arrived at after due consideration and should, therefore, be one in the best and long-term interests of the Mainland's economy. This should in turn be beneficial to the Hong Kong economy and, therefore, the stability of the Hong Kong dollar.

In the short term, however, the exchange rate of any currency may be affected by market sentiment prevailing at the time, which is not necessarily borne out by economic fundamentals. There is a view held by some market participants that in the unlikely event of a devaluation of the Renminbi, this may put pressure on the Asian currencies including the Hong Kong dollar. However, given the robustness of the linked exchange rate system, the Hong Kong dollar should be able to withstand such pressure, as clearly demonstrated by the resilience of the Hong Kong dollar in the face of very severe external shocks during the Asian financial turmoil.

Private Housing Units Built on Land Not Sold by Auction or Tender

9. **MR LEE WING-TAT** (in Chinese): *Will the Government inform this Council:*

- (a) *of the number of private housing units built on land not sold by auction or tender (but made available through out of channels such as land acquired through urban renewal schemes or by redemption of land exchange entitlements) in the past five years;*
- (b) *of the estimated number of private housing units to be built on such land in the next five years; and*
- (c) *whether it has examined the possibility of real estate developers shelving or putting off housing projects on such land in the wake of the Asian financial turmoil; if so, how far housing production in Hong Kong is expected to be affected?*

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

- (a) About 113 000 private residential units could be built on land made available through lease modifications, land exchanges, private treaty grants, urban renewal and village housing developments approved by the Government in the five-year period from 1994-95 to 1998-99;
- (b) The Government estimates that some 96 400 private residential units could be built on such land from 1999-2000 to 2003-04; and
- (c) The estimate mentioned in part (b) above was made in October 1997. At that time, the Asian financial turmoil did not have a marked impact on the property market. At present, individual real estate developers might adjust their development plans in the wake of the Asian financial turmoil. However, whether they will shelve or postpone their housing projects is a matter of commercial decision.

Impact of Aircraft Noise on Schools

10. **MR CHEUNG MAN-KWONG** (in Chinese): *Will the Government inform this Council:*

- (a) *whether it has assessed which schools are affected by noise created by the new flight path; if so, of the names of these schools and their locations, and how seriously they are affected by such noise; if not, whether such an assessment will be made as soon as possible;*
- (b) *of the schools for which air-conditioning systems will be installed under the existing noise abatement programme as a result of their being affected by aircraft noise; when the installations will be carried out;*
- (c) *regarding those schools for which air-conditioning systems have been installed because they used to be affected by aircraft noise, whether the systems will be removed now as they are no longer affected by such noise; and whether the allowance which they receive now for air-conditioning system maintenance and electricity charges will be cut down; and*
- (d) *whether it will consider reviewing the noise abatement programme and re-formulate the policy on installation of air-conditioning systems so that air-conditioning systems will be installed at all schools, with a view to facilitating the abatement of noise and improving the teaching environment; if so, whether the review will be conducted immediately, in order to have the installations completed before the beginning of the new school year?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, my replies to the above questions are as follows:

(a) and (b)

The Airport Authority completed the new airport environmental impact assessment in 1992. The assessment has followed the standard set by the Hong Kong Planning Standards and Guidelines

for the new airport (that is, excessive noise if within the domain on the 25 Noise Exposure Forecast (NEF) contour). The assessment results were reviewed before the operation of the new airport. According to the assessment results, no schools would be affected by excessive aircraft noise to the extent that installation of air-conditioning systems would be necessary. Indeed, the adopted standard mentioned above is stricter than the standard we adopted in the past (30 NEF contour) under the noise abatement programme for installing air-conditioning systems for schools affected by aircraft noise.

- (c) We are considering various options and will consult the schools concerned. Before a decision is made on the issue, the air-conditioning systems already installed in these schools will not be removed and the allowance granted for air-conditioning maintenance and electricity charges will not be cut.
- (d) We have studied the proposal to install air-conditioning systems in all classrooms and special rooms, with the Government being responsible for the non-recurrent expenditure for the installation works and the parents for the recurrent electricity and maintenance charges. The implementation of the proposal involves huge expenditure. An initial estimate reveals that the Government would have to bear \$5,000 million capital cost, and each student would have to pay \$200 per annum for electricity and maintenance charges. The provision of air-conditioning systems to all classrooms and special rooms would be a heavy burden on resources for education.

The Government has invested heavily in, and is actively pursuing, various initiatives such as whole-day primary schooling, information technology in education, school improvement programme and improving school designs; all these initiatives have far-reaching impact on education. At the present stage, we will not consider providing air-conditioning systems in all classrooms and special rooms.

On the other hand, air-conditioning classrooms and special rooms may help individual schools, including some special schools, eliminate or alleviate serious environmental disturbances or help them address special needs. We will, on a case by case basis, consider air-conditioning these schools.

Unemployment of Young People

11. **MR JAMES TIEN** (in Chinese): *In view of the continuous rise in the unemployment rate in Hong Kong, in particular in consideration of a higher rate of unemployment among young people than the overall rate, will the Government inform this Council:*

- (a) *in the past two years, how the unemployment rates for the 15-19 and 20-29 age groups compare to the unemployment rates for the other age groups (with each age group covering 10 years), and to the overall unemployment rates; and*
- (b) *whether it has formulated any measures to assist young people to secure jobs, and whether training and retraining courses are available to them; if so, of the details of such measures and courses?*

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

- (a) A table showing the number of unemployed persons and unemployment rate by age group from the first quarter of 1996 to March-May 1998, together with the overall unemployment rates in the corresponding periods is at Annex. The information is based on data from the General Household Survey.
- (b) In tackling unemployment, the Government's prime tasks are to help the unemployed re-enter the workforce as soon as possible, and to equip them with the necessary skills to stay competitive in the workforce so as to secure and hold down a job.

To this end, we have been making sustained and continued efforts on all fronts, and are in the process of implementing a series of measures, mainly through strengthening employment services, enhancing vocational training and employees retraining, as well as promoting further and continuing education. These measures will benefit unemployed of all age groups, including those in the 15-29 age group.

- (i) As regards employment service, the Local Employment Service (LES) of the Labour Department provides a semi-self-help mode of free employment and counselling services to all job seekers irrespective of age. The Job Matching Programme (JMP), which is specifically designed for the unemployed, provide job seekers joining this programme with in-depth interviews and counselling as well as active job matching and placement services.

During the first six months of 1998, the LES managed to find jobs for 6 455 job-seekers within the age group of 15-29, which represented an increase of 8.7% from the same period last year.

To strengthen its employment services to help the unemployed, including those aged 15-29, find jobs, the Labour Department has been implementing a series of measures since early this year. The major ones are summarized in the following paragraphs.

Firstly, the Department has extended the daily opening hours of the LES for one hour as from 30 March, computerized all the 11 LES offices of the Labour Department, and set up a special employment web site on the Internet to solicit vacancy orders from employers and providing vacancy information to job-seekers as from April.

Secondly, it introduced a package of further measures in July. Specifically, it has strengthened the JMP by doubling its capacity through an additional team of two at all LES offices from 2 July, and introduced a telephone job matching

service since 6 July, on a trial basis, at all LES offices. It will also install additional self-serve touch-screen computers to enhance job-seekers' access to vacancy information in the coming two months, and launch an Employment Information and Promotion Programme to reach out to employers so as to canvass more job vacancies for the LES in August.

Apart from placement service, the Labour Department also provides careers information to help young people make good careers choice through its Careers Advisory Service (CAS). Each year the CAS organizes a variety of careers activities for some 440 000 young people. These include operating two careers information centres, organizing programmes like the Education and Careers' Expo, providing careers counselling to help young people understand their own talents and abilities, and operating a Bulletin Board System to disseminate careers information through micro-computers with modems.

To provide young secondary school graduates with useful advice on how to start their careers after leaving school, the CAS has launched 11 Careers Days for Secondary 3, 5 and 7 school leavers in July this year. The Careers Day comprises talks, careers exhibitions and visits to work places. The CAS will also organize special careers advisory activities for Secondary 5 school leavers, which include careers counselling and talks on vocational training, job interviewing techniques and ways to choose a career.

- (ii) As regards vocational training, different training programmes are mainly provided through the Vocational Training Council, the Construction Industry Training Authority and Clothing Industry Training Authority.

The Vocational Training Council (VTC) provides a wide range of technical training and skills upgrading courses at different levels for those with Secondary 3, 5 and 7 education through its two Technical Colleges and seven Technical Institutes.

In addition, the VTC's 24 Industrial Training Centres offer a variety of short courses in both the industrial and services sectors which aim to equip our young people, within a short period of time, with practical skills needed to join a new industry, or upgrade their existing skills.

In 1998-99, the VTC will have an intake capacity of 87 000 places. All the unemployed within the age group of 15-29 who can meet the relevant entry requirements are eligible to apply for such courses.

To help ease the unemployment problem, the VTC has been launching two new training programmes jointly with the Employees Retraining Board, both of which are targeted at the unemployed including those who are less than 30 years of age.

The first one is a special nine-month Certificate of Skills Training (Service Industries) Course for 1 000 unemployed persons with Secondary 3 or equivalent education, on a pilot basis. Some 4 000 applications have been received and the course will commence in September.

The second one is a special training programme for the maritime industry which is targeted at the unemployed with secondary education and at least one to two years of working experience who are willing to take up a seafaring career. The VTC has started inviting applications in the week commencing 20 July and will launch a publicity campaign to promote the course by the end of July.

The Construction Industry Training Authority (CITA) provides full-time basic craft training in construction industry for Secondary 3 and Secondary 5 school leavers, short courses targeted at adults, and part-time courses for serving workers.

To equip the unemployed, including those aged 15-29, with the requisite skills to rejoin the workforce through the construction industry and to cope with the anticipated increase in manpower demand arising from the massive housing and infrastructural development projects in the next few years, the Government and the CITA have been making concerted efforts in enhancing the latter's training programmes. The major ones are as follows:

First, the CITA has been providing intermediate trade tests and refresher courses for local construction workers and those who would like to join the industry since January 1998. To facilitate the placement of those who have passed such tests, their names are all put on a register at both the CITA and the Labour Department.

Second, in April this year, the Government has approved a capital grant of \$80 million to the CITA, so that it could increase its training capacity to 19 900 in 1998-99 from 13 556 in 1997-98.

Third, in late May, the CITA launched a Co-operative Training Scheme in conjunction with contractors of the construction industry to provide training to new blood in those special trades which are in demand in the industry, but its required training cannot be effectively provided through an off-the-job CITA training environment. Twelve trades have been identified and a total of 500 training places are initially planned for adult job-seekers. Recruitment for the course on "tunnel boring machine operation" has commenced. Trainees will be offered a monthly salary of \$10,000 by the contractor, on top of a \$2,000 allowance from the ERB and another \$2,000 from CITA during the six-month training period.

The Clothing Industry Training Authority (CITA) offers a wide range of training courses in textiles and clothing industry for Secondary 3 and Secondary 5 school leavers who wish to join the industry. All the unemployed who are aged 15-29 who possess the requisite qualifications are eligible to apply for these courses.

The two CITAs together will provide about 25 700 training places in the 1998-99 training year.

- (iii) As far as employees retraining is concerned, the Employees Retraining Board (ERB) provides an extensive range of market-driven and placement-oriented retraining programmes primarily for the unemployed aged 30 or above with no more than lower secondary education. To enable more unemployed persons to benefit from the ERB's training programmes in the light of rising unemployment, the ERB has, since 1 April 1998, relaxed both the age and qualifications requirements whilst retaining priority for the above target group. For the period from 1 April 1998 to 30 June 1998, the ERB had received a total of 26 966 eligible applications. 2 008 (7%) applicants were under 30 years of age. The majority of these applicants opted for clerical, computer and job search skills courses.

In addition, the ERB has also been launching a number of new measures to enhance its retraining programmes and services for the unemployed, including those aged below 30.

Firstly, it has been focusing its efforts in organizing special tailor-made retraining programmes for individual employers which comprise classroom training with retraining allowance of \$4,000 per month, on-the-job training for up to three months with on-the-job training allowance averaging \$2,000 per month, and one-year post-employment follow-up service. Some 2 000 job vacancies have so far been identified for this purpose.

Secondly, it will set up a "One-stop" unit at its main office to provide a centralized and personalized service for both the unemployed and employers in both the areas of retraining and placement. Two telephone hotlines — one for employers and the other for employees have been provided from 9 July. The team will come into full operation in August.

Lastly, in respect of further education, we have implemented two measures to facilitate more qualified graduates, including those who have become unemployed, to upgrade themselves through continuing and professional education at local tertiary institutions, thereby enhancing their competitiveness in the job market. The latest position on the two measures are:

- Most of the tertiary education institutions funded by the Universities Grants Committee are prepared to over-enrol by about 10% to 20% of taught postgraduate courses in the 1998-99 academic year to meet increasing demand from qualified graduates for further education.
- We have sought the approval of the Finance Committee of the Legislative Council to extend the Non-Means-Tested Loan Scheme to benefit some 61 000 additional tertiary students as from the 1998-99 academic year.

The Government will continue to work closely with employers, employees, training institutions, legislators and all concerned parties to draw up effective and appropriate measures to identify additional job and training opportunities with a view to helping the unemployed, including those aged 15-29, rejoin the workforce and sustain their employability in the longer term.

Annex

Unemployed persons and unemployment rate by age, 1st Quarter 1996 to March - May 1998

Age group	1996										1997										1998			
	Q1		Q2		Q3		Q4		Annual average		Q1		Q2		Q3		Q4		Annual average		Q1		March - May	
	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)	No. (<i>'000</i>)	Rate (%)
15-19	10.9	11.7	9.6	12.0	10.3	13.0	11.6	13.4	10.6	12.5	9.0	10.6	6.9	9.1	7.9	10.2	9.3	10.6	8.2	10.2	11.1	13.4	12.2	16.3
20-29	29.5	3.7	31.5	3.9	31.5	3.9	25.3	3.1	29.5	3.6	21.7	2.7	21.8	2.7	28.1	3.4	20.6	2.4	23.0	2.8	31.3	3.8	35.8	4.3
30-39	22.2	2.2	23.0	2.2	17.1	1.7	18.5	1.8	20.2	2.0	17.9	1.7	15.4	1.5	15.7	1.5	19.7	1.8	17.2	1.6	24.7	2.3	31.0	2.8
40-49	17.5	2.5	16.0	2.2	14.4	2.0	16.0	2.1	16.0	2.2	14.4	1.9	14.5	1.9	10.9	1.4	15.9	1.9	13.9	1.8	23.8	2.9	31.5	3.8
50-59	10.3	3.3	8.9	2.9	6.5	2.1	8.2	2.6	8.5	2.7	7.0	2.2	8.4	2.5	6.4	1.9	8.9	2.5	7.7	2.3	13.7	3.7	16.8	4.4
≥ 60	1.4	1.1	1.5	1.2	1.0	0.8	1.7	1.4	1.4	1.1	0.7	0.6	1.0	0.8	0.8	0.7	2.3	1.9	1.2	1.0	1.7	1.4	2.5	2.1
Overall	91.8	3.0	90.5	2.9	80.9	2.6	81.2	2.6	86.1	2.8	70.7	2.2	68.0	2.1	69.7	2.2	76.8	2.3	71.3	2.2	106.2	3.2	129.7	3.9
	(3.2)		(3.1)		(2.6)		(2.6)				(2.5)		(2.4)		(2.2)		(2.5)				(3.5)		(4.1)	

Note: The rates shown in this table refer to the seasonally unadjusted unemployment rates, other than those in square brackets which are the seasonally adjusted unemployment rates.

Transport Arrangements Concerning Early and Late Flights

12. **MR FRED LI** (in Chinese): *Will the Government inform this Council:*

- (a) *of the respective arrival and departure times of the first and last passenger flights arriving at and departing from Hong Kong every day, according to the current flight schedule; and*
- (b) *how it ensures that there is adequate provision of public transport services, such as buses and Airport Railway services, for use by the departing or arriving passengers taking those flights, so that they will not miss their flights or be stranded in the airport?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, according to the current flight schedule, the timing of the first and last passenger flights is as follows:

	<i>First</i>	<i>Last</i>
Arrival	0555	2355
Departure	0700	0010

A wide range of public transport services including the Airport Railway (AR), franchised bus, ferry and taxis are being provided for passengers and greeters/well-wishers travelling to and from the new airport. The Airport Express Line of the AR operates from 0600 to 0100 of the following day, while a total of 27 bus routes are serving the new airport. These include:

- seven airbus routes which operate from 0600 to midnight;
- eight external routes which operate from 0520 to midnight; and
- four overnight services which operate from midnight to 0515.

With the operation of external routes and overnight services, we are in a position to ensure that round-the-clock transport services are provided for the new airport. In the event of flight delay, the bus operators will strengthen their services or deploy buses to run at more frequent intervals to cope with additional demand.

Credit Squeeze Policy of Banks

13. **MR KENNETH TING** (in Chinese): *As banks in Hong Kong are adopting a credit squeeze policy at present, many companies are short of working capital. In this connection, will the Government inform this Council:*

- (a) *of the measures in place to encourage banks, in deciding the loan application of a company, to take into account the operational effectiveness of the company concerned, as well as the soundness and development prospects of its business, apart from considering the value of the property given as security; and*
- (b) *whether it will consider setting up a central credit information centre to supply information on loan applicants to the banks concerned, so as to assist them in determining whether or not to approve individual loan applications and the amounts of loan to be granted?*

SECRETARY FOR FINANCIAL SERVICES (in Chinese):

- (a) It has been an established policy of the Hong Kong Monetary Authority (HKMA), in its supervision of the lending operations of all authorized institutions, to promote and ensure that they have in place an adequate and effective system of internal credit control. This includes the adoption and exercise of prudent lending as well as comprehensive credit assessment policies. These policies emphasize the importance of the need for any credit assessment to take into account all relevant information and risks of a borrower (including financial soundness, business prospects, repayment ability, sectoral environment, and other credit track records), and to avoid reliance solely on the value of any particular type of collateral (for example property), which should be taken only as a second line of defence to give the lending bank additional comfort.

The HKMA takes a serious view of the above prudential requirements, and regularly conducts on-site examinations of authorized institutions to ensure that they are complied with. In fact, the adequacy of internal control systems (including credit control system) and loan provision are part of the continuing

criteria for authorization under the Banking Ordinance. The HKMA has also issued guidelines to authorized institutions in relation to the expected standards of credit control and lending policies for different types of lending covering various industry sectors, such as property lending, motor vehicle financing and so on.

In terms of collateral, however, it must be recognized that it is generally prudent for a loan to be secured against some form of asset of value, since this would reduce the risk of loss in the event of a default. Apart from evaluating the credit worthiness of their borrowing customers based on the factors mentioned above, banks would normally require borrowers to offer some kind of acceptable collateral to cover the proposal credit facilities, or at least part of such facilities, but it should not be their normal practice to base their lending decisions merely on the value of a particular type of collateral.

We recognize that some small and medium enterprises (SMEs) have difficulties in obtaining loans from lending institutions under the present market conditions. Subject to the approval of the Finance Committee of this Council, the Government will set up a \$2.5 billion Special Finance Scheme to provide guarantees for loans or credit facilities for SMEs. The intention is to help those SMEs which are creditworthy, have a good track record and can demonstrate business prospects but are unable to obtain adequate financing from banks due to the credit crunch.

- (b) There are already credit reference agencies providing corporate and consumer credit information to lending institutions in Hong Kong. The HKMA supports the development of such agencies as this would benefit the banking industry in terms of better informed and more accurate assessment of customers' credit standing. It issued in March 1998 a letter to all authorized institutions recommending their full participation in the sharing and use of credit information through a credit reference agency.

In line with international practice, the HKMA will not be directly involved in the setting up of a central credit reference agency or in

the expansion of existing agencies as it is considered that this should best be left to the market. Nevertheless, the HKMA will monitor the effectiveness of the credit reference service in Hong Kong particularly in terms of the amount of credit information disclosed to credit reference agencies and the level of participation by authorized institutions.

Applications for Change of Land Use

14. **MR LAU WONG-FAT** (in Chinese): *Will the Government inform this Council of:*

- (a) *the total number of applications received last year for changing land use from agricultural land to building land (excluding land for building small houses), together with the total area of agricultural land involved;*
- (b) *the respective numbers of cases where the applications are approved, being processed, pending and rejected; and*
- (c) *the total area of agricultural land involved, the total permissible floor area and the total amount of regrant premium incurred in those approved cases?*

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

- (a) During the period from 1 July 1997 to 30 June 1998, the Town Planning Board considered seven cases (excluding small houses cases) involving the change of land use within "agricultural" zone to residential use. Five of them were requests for rezoning from "agricultural" to "residential" or "comprehensive development area" zone on statutory plans and the remaining two were planning applications under section 16 of the Town Planning Ordinance for residential development within "agricultural" zones. These seven cases involved a total site area of about 321 382 sq m.

- (b) For the five rezoning requests, four were unsuccessful and the Town Planning Board has yet to make a decision on the last case. For the two planning applications, one was approved and the other was rejected.
- (c) The approved planning application involved a total site area of about 1 421 sq m with a total gross floor area of about 74 sq m. The case has yet to be executed and therefore no premium has been charged at this stage.

Prices of Textbooks

15. **MR FRED LI** (in Chinese): *A Consumer Council survey reveals that the prices of textbooks for primary and secondary schools this year have increased by 7% to 8.7% as compare to those of last year, which is higher than the inflation rate for the corresponding period. In this connection, will the Government inform this Council whether:*

- (a) *it has studied the reason why the rate of increase of textbook prices is higher than the inflation rate despite the drop in the prices of paper and printing costs this year, and given that the authority has stipulated that the edition of textbooks can only be revised once every three years; if so, what the findings are;*
- (b) *there are signs of correlation between high textbook prices and publishers' joint efforts to manipulate the market;*
- (c) *it has requested schools to take into account, in the selection of textbooks, the question of reasonable prices and the affordability of parents; if not, why not; and*
- (d) *from next year onwards, annual guidelines on textbook prices for primary and secondary schools will be drawn up for the reference of schools and parents, in accordance with the actual needs of students and the affordability of parents; if not, why not?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, my replies to the above questions are as follows:

- (a) In the spirit of free market economy, publishers can freely set the prices of their textbooks taking into account factors like market situation and operating cost. In the current issue of the *Choice* magazine, two publishers responded to the enquiry of the Consumer Council and gave the following reasons for the comparatively high increase in textbook prices this year: that the prices of his textbooks had not been adjusted in the past two to three years; that the production costs had gone up; that the publisher had to employ additional resources to meet the demand of the market as a result of changes to the curriculum in the past three years; that the publisher had to make more investment to meet the demand of the market to tie in with the Government's policy in promoting quality education; and that the publisher had to produce multi-media teaching materials to tie in with the Government's policy of promoting information technology in education, leading to an increase in production costs.

At the moment, we are not able to judge the impact of the above factors on textbook prices and whether there are other factors leading to increase in textbook prices at rates above the inflation rate. The Consumer Council will conduct a preliminary study on the various factors affecting textbook prices. The Education Department (ED) will refer to the result of the study and consider taking follow-up action.

- (b) In the absence of sufficient information, we are not in a position to judge if publishers are acting together to manipulate the textbook market. The Consumer Council will keep in view operation of the retail market, especially about the allegations that booksellers set among themselves a standardized discount rate. The Government will establish a close link with the Consumer Council and, where necessary, take appropriate follow-up action, including seeking the views of the Competition Policy Advisory Group.
- (c) The ED issues guidelines on the selection of textbooks to schools every year. Among other things, the guidelines stipulate that in the selection of textbooks, due regard should be given to the

financial burden on parents, consumer rights and the findings of annual surveys on textbook prices conducted by the Consumer Council. For example, where textbooks/learning materials of comparable quality are available, preference should be given to those which are lower in price. Furthermore, schools should not compel students to purchase new edition textbooks if the previous edition can be used with teachers' assistance.

- (d) In the spirit of free market economy, textbook prices should be set by publishers, taking into account factors like market situation and operating cost. The Government has no intention to draw up guidelines on textbook prices for primary and secondary schools. However, we are liaising with the Consumer Council, the Independent Commission Against Corruption and the Council on Professional Conduct in Education to find out whether sales practices running counter to fair competition are prevailing in the textbook market and to see what further measures can be adopted to safeguard consumer interests. We will take appropriate follow-up action, where necessary, including updating and strengthening the guidelines on textbook selection for schools.

Re-assessment on Housing Supply

16. **MR LAU WONG-FAT** (in Chinese): *Will the Government inform this Council whether reassessment has been made of the housing supply in Hong Kong in the next five years in the wake of its decision to suspend land sales for nine months; if so, of the respective numbers of private and public housing units to be produced in each of the next five years?*

SECRETARY FOR HOUSING (in Chinese): Madam President, the suspension on sale of land by auction and public tender until 31 March 1999 affects 34 sites (about 12 700 flats) for private housing. In theory, the deferment of sales of these sites will mean a smaller supply of flats in three to four years' time. However, if private developers have little interest in buying land for housing development at this time, the effect on housing supply would be the same even if there were no change to the programmes for land sale and land disposal.

As regards public housing, the temporary suspension of land sales affects six Private Sector Participation Scheme sites (about 20 700 flats) and six Sandwich Class Housing sites (about 9 200 flats). This does not significantly affect our long-term target of providing 50 000 public housing flats a year.

Since the Government introduced on 22 June 1998 a package of special relief measures including the temporary suspension of land sales to address the present economic adjustment, we have been monitoring the situation closely. The revised flat production figures in the next five years are not yet available as the Government has yet to decide on the revised Land Disposal Programme for this period.

Regulating Textbook Prices

17. **MR YEUNG YIU-CHUNG** (in Chinese): *Will the Government inform this Council whether:*

- (a) *it knows the rates of increase in the prices of textbooks published locally for primary and secondary schools respectively in each of the past five years, and how the price increases compared with the inflation rates in the corresponding years;*
- (b) *it knows the respective rates of increase in the prices of Chinese textbooks and those of English textbooks published locally during the same period;*
- (c) *any mechanism is currently in place for monitoring the rates of increase in textbook prices; if so, what the details are; if not, why not; and*
- (d) *measures will be taken to ensure that textbook prices are set at a reasonable level; if so, what the details are?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, my replies to the above questions are as follows:

- (a) The following table, based on surveys conducted by the Consumer Council, sets out the rates of increase in the prices of textbooks for primary and secondary schools respectively in each of the past five years and the rates of increase in Consumer Price Index A in the corresponding years:

	<i>Average increase in the prices of primary school textbooks</i>	<i>Average increase in the prices of secondary school textbooks</i>	<i>Rates of increase in Consumer Price Index A in the same year</i>
1994	11.78%	10.70%	8%
1995	15.30%	14.24%	9.0%
1996	12.44%	11.23%	6.9%
1997	9.33%	8.85%	5.8%
1998	8.76%	7.55%	4.3%

- (b) The surveys conducted by the Consumer Council are based on the rates of increase in the prices of textbooks of each subject for primary and secondary schools. The Council has not conducted surveys on the respective rates of increase in the prices of Chinese and English textbooks. Therefore, we are not able to provide the relevant information.
- (c) The Consumer Council conducts annual surveys on textbook prices. Apart from providing information to the Council, the Education Department (ED) also recommends schools to refer to the findings of the surveys and to take into account the financial burden on parents and consumer rights. Where necessary, the ED will follow up on the recommendations of the Council.

- (d) In the spirit of free market economy, publishers can freely set the prices of their textbooks taking into account factors like market demand and supply, and production cost. However, the Government has been taking the following measures to prevent textbook prices from causing unnecessary financial burden on parents:

Reducing the frequency of non-essential textbook revision

Except for textbooks of a few subjects such as Social Studies, Economic and Public Affairs, Economics, and Government and Public Affairs which need more frequent updating, the ED will not review textbooks which have been revised within three years from the date of listing in the Textbook List. New edition textbooks not reviewed by the ED will not be included in the Textbook List. This would help avoid increase in textbook prices caused by frequent revision.

Where a publisher wishes to make limited amendments to a textbook already in the Textbook List, such as updating information or amending errors, the ED will treat the request as "reprint with minor amendments" and will review the proposed amendments only. In these cases, the publisher will not be allowed to change the edition of the textbook so as not to mislead parents. Moreover, the Department encourages publishers to produce leaflets of annexes or corrigenda for the revisions made, which can be distributed through schools to students for reference.

Through regular meetings with the publishers, reminding them not to use unreasonable practice to sell their textbooks

In meetings with textbook publishers, the ED frequently:

- reminds publishers not to force students to buy textbooks together with workbooks, that is, tie-in sales. Publishers are encouraged to prepare leaflets of annexes for textbook revisions, so that students can continue to use old edition textbooks and need only to buy the workbooks.

- calls on booksellers not to set among themselves a standardized discount rate and remind publishers that they should not boycott booksellers selling textbooks at a higher discount.
- requests publishers to set out clearly the textbook prices in promotion leaflets to schools for reference.
- reminds publishers to use light-weighted papers for textbooks, thereby reducing both the producing cost of textbooks and the weight of students' school bags.

Issuing guidelines on textbook selection to schools

The ED regularly issues guidelines to schools on these selection of textbooks and learning materials. Among other things, the guidelines recommend schools to take into account the learning needs and ability of students, the financial burden on parents, consumer rights, and the weight of textbooks. Moreover, schools should not compel students to purchase new edition textbooks if the previous edition can be used with teachers' assistance.

The ED also issues guidelines on the procedures for textbook selection and on the acceptance of donations from publishers. The guidelines specifically remind schools that their decisions on textbook selection should not be affected by any donations from publishers. This would help avoid publishers from shifting their cost of donations to the prices of textbooks.

Prosecutions Against Illegal Workers

18. **MR LEE KAI-MING** (in Chinese): *Will the Government inform this Council of:*

- (a) *the number of illegal workers coming to Hong Kong on Two-way Exit Permits or visit visas who have been prosecuted since 1 January 1996, and the maximum penalty imposed on them upon conviction;*

- (b) *the number of people who were prosecuted for employing such illegal workers during the same period, and how many of them were subsequently convicted by the court; and*
- (c) *the major difficulties encountered in dealing with such cases?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) From 1 January 1996 to 30 June 1998, a total of 5 607 (2 246 in 1996, 1 774 in 1997 and 1 587 in January-June 1998) Two-way Permit holders were prosecuted for taking up illegal employment in Hong Kong. During the same period, another 1 239 (459 in 1996, 468 in 1997 and 312 in January-June 1998) visitors were prosecuted for illegal employment. (These visitors include those who entered with visit visas or visa-free, but do not include imported workers and foreign domestic helpers.)

Persons (including Two-way Permit holders and other visitors) who have taken up illegal employment in Hong Kong are prosecuted for the offence of breach of condition of stay under section 41 of the Immigration Ordinance. The maximum penalties are a fine of \$50,000 and imprisonment for two years. The maximum fine was increased from \$5,000 to the present level in January 1996. Regarding the Two-way Permit illegal workers prosecuted since January 1996, the heaviest fine imposed was \$7,000 whilst the highest immediate custodial sentence handed down by the court was six months imprisonment. For other visitors who have taken up illegal employment, the heaviest fine was \$10,000 whilst the highest immediate custodial sentence was seven months.

- (b) During the same period, the number of prosecutions and convictions of employers of Two-way Permit holders and other visitors working illegally are as follows:

No. of prosecution of employers of
Two-way Permit holders and other visitors working illegally

	1996		1997		1998 (January-June)	
	<i>Prosecuted</i>	<i>Convicted*</i>	<i>Prosecuted</i>	<i>Convicted*</i>	<i>Prosecuted</i>	<i>Convicted*</i>
Employers of Two-way Permit holders	352	348	201	203	161	154
Employers of other visitors	32	32	19	17	16	15

(Note for *: the figure refers to the number of persons convicted in a calendar year, not the number prosecuted in that calendar year and subsequently convicted.)

- (c) Under section 17I of the Immigration Ordinance, it is an offence to employ a person who is not lawfully employable. There are, however, difficulties in gathering sufficient evidence to prosecute the employers of illegal workers as there are often no employment contracts and many illegal workers are unwilling to testify against their employers. We also have particular difficulties in prosecuting employers of illegal workers on construction sites under this section. Because of the sub-contracting system adopted by the construction industry, it is difficult to identify the employer of illegal workers for prosecution under this section. Section 38A of the Immigration Ordinance was introduced in 1990 to hold construction site controllers liable for illegal immigrants found on their sites. However this section does not cover other types of illegal workers, such as Two-way Permit holders and visitors, taking up illegal employment in construction sites. To overcome this problem, we plan to introduce to this Council later in the year a bill to expand the scope of section 38A, with a view to making a construction site controller liable for an offence if a person not lawfully employable has breached a condition of stay by taking up employment on the site.

Return of Confiscated Goods

19. **MISS EMILY LAU** (in Chinese): *It is reported that in August last year, a shipment of strategic commodities worth \$5.7 million manufactured by the China North Industries Corporation was seized by the Customs and Excise Department from a cargo vessel from Thailand bound for the Mainland via Hong Kong. In September of the same year, the captain of the vessel pleaded guilty in the court of importing strategic commodities without a licence. The captain and the shipping company were consequently fined \$111,000, with all the goods being confiscated. Early this year, the China North Industries Corporation petitioned the Chief Executive for the return of that shipment of strategic commodities. In this connection, will the Executive Authorities inform this Council:*

- (a) *whether that shipment of strategic commodities will be returned to the Corporation concerned; if not, how the goods will be disposed of;*
- (b) *of the principles and considerations according to which the Chief Executive will deal with the petition;*
- (c) *whether the Chief Executive has consulted the Central People's Government or received any instructions from the Central People's Government in relation to the petition; and*
- (d) *whether the relevant legislation will be reviewed to prevent shipping companies and lawless merchants from conspiring with each other to smuggle goods and petitioning the Chief Executive for the return of the goods so confiscated?*

SECRETARY FOR TRADE AND INDUSTRY (in Chinese): Madam President,

- (a) In August 1997, officers from Customs and Excise Department intercepted an unlicensed shipment of armoured vehicle and its accessories in transit from Thailand to the Mainland via Hong Kong. Since the goods are strategic commodities under Schedule 2 to the Import and Export (Strategic Commodities) Regulations for which licenses are required for their transit, the captain of the vessel and the local agent of the vessel were fined a total of

\$110,000 for the unlicensed shipment. The captain was further fined \$1,000 for failing to produce a manifest of all cargoes on request by a Customs officer. The goods were forfeited to the Government under section 28(6) of the Import and Export Ordinance (the Ordinance). Subsequently, pursuant to section 30 of the Ordinance, the owner of the forfeited goods filed a statutory petition to the Chief Executive to reclaim the goods. The petition is under consideration. The disposal of the goods will be considered after the petition has been dealt with.

- (b) Each petition filed under the Ordinance is considered on its own merits. The Chief Executive will consider all relevant factors particular to the case before making a decision. These factors can include, among other things, whether the policy intentions of the Ordinance have been met, for example, the control of trade in strategic commodities and the prevention of smuggling; whether the incident revealed any culpability on the part of the petitioner; and whether possible undue hardship will be caused to the petitioner arising from the forfeiture.
- (c) The Chief Executive has not consulted, and does not intend to consult, the Central People's Government and has not received instructions from the Central People's Government in relation to the petition.
- (d) The provision for petitions to the Chief Executive in the Ordinance seeks to provide the petitioner with a channel to claim back forfeited goods. The petitioner has to present his arguments and justifications in the petition. Whether to return the goods or not is a matter at the discretion of the Chief Executive, having regard to the particular circumstances of each case. As the existence of this statutory provision does not affect the effectiveness of our control system in respect of strategic commodities, we do not see any need to review it.

Pornographic Webpages on Internet

20. **MR LEE KAI-MING** (in Chinese): *In view of the fact that there is an increasing number of pornographic webpages on the Internet and they have a bad influence on young people, will the Government inform this Council:*

- (a) *how it regulates such webpages;*
- (b) *of the measures (including educational programmes) in place to prevent young people from browsing such webpages; and*
- (c) *whether it has plans to penalize young people for browsing such webpages; if so, what the details are?*

SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING (in Chinese): Madam President,

- (a) Under the laws of Hong Kong, the Control of Obscene and Indecent Articles Ordinance (COIAO) can be applied to information published on the Internet. With the Government's encouragement, the Hong Kong Internet Service Providers' Association (the Association) has compiled, using the COAIO as a reference, a Code of Practice (the Code) which was implemented with effect from October 1997. The Code lays down detailed requirements on how to handle obscene and indecent materials transmitted via the Internet. These include requiring members of the Association to take appropriate measures to prevent Internet users from placing or transmitting obscene material on the Internet and to block access to the problematic Web site if necessary. Regarding indecent material suitable for adults only, the Code requires local content providers and distributors to include in the Web page concerned a warning that such material is not suitable for publication to persons under the age of 18. In addition, the Association has set up a complaints handling mechanism to deal with complaints from the public and Internet users. The Association submits to the Television and Entertainment Licensing Authority (TELA) monthly reports on the number of complaints received and action taken on the complaints. The police and TELA will follow up complaints relating to pornographic material published on the Internet and institute prosecution against breaches of the COIAO.

- (b) The Government mainly relies on publicity and education to prevent youngsters from browsing pornographic webpages. We promote the proper use of the Internet through broadcasts of announcements of public interest on the television and radio. The TELA distributes publicity leaflets to all secondary schools and youth centres, and convenes seminars with parents, teachers and students to spread the message. The Government also encourages parents to provide appropriate guidance to their children and install filtering software to prevent their children from gaining access to indecent material.

With regard to education, the Education Department has, back in October 1996, issued the Guidelines on Using Internet Resources in Schools to help schools effectively use Internet resources for teaching and learning purposes, including how to guide students on the proper use of the Internet and prevent students from accessing objectionable Web sites. Moreover, four computer syllabuses for secondary schools have been revised to include the proper use of the Internet. The Education Department is exploring with the Committee on Home-School Co-operation means to arouse awareness of parents regarding the Internet and to assist parents in providing appropriate guidance to their children on browsing webpages.

- (c) An important policy objective of the COIAO is to protect children and youngsters from bad influence. As such, the penalties of the Ordinance are targeted at acts relating to publishing, release or public display of obscene and indecent articles, and not against viewers of such articles. The Government is of the view that legislation should not be introduced to penalize Internet users for browsing objectionable webpages.

BILLS

First Reading of Bill

PRESIDENT (in Cantonese): Bill. First Reading.

SECURITIES (AMENDMENT) BILL 1998

CLERK (in Cantonese): Securities (Amendment) Bill 1998.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bill: Second Reading. Secretary for Financial Services.

SECURITIES (AMENDMENT) BILL 1998

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, I rise to move the Second Reading of the Securities (Amendment) Bill 1998. The aim of the Administration proposing this Bill is to provide a clear legal base for and facilitate the implementation of the earlier announced compensation scheme for clients of C.A. Pacific.

The finance and securities companies of C.A. Pacific closed their doors as a result of financial and cash flow problems on 19 January 1998. Over 10 000 investors have been affected by the collapse, among them many claimed that they were inveigled into opening margin accounts with C.A. Pacific Finance Company without fully understanding the possible consequences of so doing. The Government, the Securities and Futures Commission (SFC) and the Stock Exchange of Hong Kong (SEHK), having considered the market condition as it was, including the generally weak confidence of investors at that time, the institutional risks that the incident might bring upon the market and the amount that might be claimed from the Company, made a joint public announcement on 25 January 1998, indicating that claims by clients of C.A. Pacific would be handled in a flexible way. The SEHK, after allowing in accordance with the law three months for the claimants to submit claim applications, received a total of over 5 200 claims as at 1 May. After preliminary screening these claims and the initial accounts information as supplied by the liquidator, the SFC and the SEHK worked out detailed compensation arrangements and announced the same on 10 June. The details were set out in the Legislative Council brief of the Bill and I do not intend to repeat them here.

The Administration hopes that by implementing the proposed arrangements, small claims, only entitled according to the statutory limit to an extremely small compensation under the apportionment procedure, could be met with considerable sums or even given full compensation, while bigger claims would still enjoy their originally entitled rights under the apportionment procedure. Another objective of the arrangements is to expedite the release of compensation to the C.A. Pacific clients.

Since the end of January, while the SEHK was receiving applications from the claimants, the SFC and the SEHK studied the implementation details of the compensation scheme. In March, the Administration was first given to understand from the SEHK that within the existing legal framework, there could be certain practical difficulties in the implementation of the proposed arrangements, involving also a very trivial procedure and a long period of time. The SFC then sought legal opinions with a view to ascertaining if legislation was necessary for the early implementation of the compensation scheme. In order not to delay the compensation arrangements, we decided to begin the drafting work. The drawing up of the drafting instructions also took quite some time because there were some discrepancies in the legal opinions obtained separately by the SFC and the SEHK. In early June we obtained definite and specific legal opinions, affirming that the Administration needed to amend the Securities Ordinance to provide a clear legal base for and facilitate the implementation of the compensation arrangements. The Bill, having been completed in a very short time through the sincere co-operation between the Secretary for Justice and staff of the Law Drafting Division, has managed to be tabled before the Legislative Council at the end of July.

The Bill seeks to introduce amendments in the following three main areas:

- (1) to enable the SFC to use its reserves to inject money into the compensation fund;
- (2) to implement a mechanism for the calculation of compensation limit in respect of each claimant outside the statutory limit of compensation of \$8 million in respect of each defaulting broker; and

- (3) to effect payment of the compensation as soon as the claims are verified and approved without having to wait until all claims are verified and the apportionment procedure completed.

The proposal also sets the upper limit for the recurrent payment of compensation at the first \$8 million recouped by the SFC in exercise of its subrogation rights; and expressly provides that the claim of a claimant who has been paid a discretionary compensation is absolutely discharged in respect of the statutory responsibility of the compensation fund, irrespective of any further compensation under the apportionment procedure. The amendment shall also be effective on claims made on or after 27 January 1998 under the related compensation procedure.

Madam President, I wish to particularly point out that the aim of the Bill is to enable clients affected by the collapse of C.A. Pacific to collect their compensation under these new arrangements and that the compensation they may receive is more than that payable under the existing law, they may even claim back their losses in full. As I explained at the special meeting of the Financial and Economic Affairs Panel last week, this compensation scheme was finalized after many related factors were considered, including the total claimed amount, the size of sums involved in individual applications, the level of the compensation fund, other cases that might require compensation payments, and the need to maintain the fund at an appropriate and sound level. We sought, with prudence, to strike a balance among the above factors. We hope that the proposed compensation arrangements would not, while lessening the losses of the majority of affected clients, give rise to a so-called "moral risk" question that might make the public neglect due care in managing their own investment and choosing their brokers. Nor would they generate any bad influence on the attitude of brokers managing their own operation and solving their problems.

I wish to reiterate that the objective of the Bill is to set up the legal base for the C.A. Pacific compensation scheme so that the affected clients could receive the proposed compensation as soon as possible. The only aim of the Bill is to provide a way to introduce the necessary flexibility under the compensation mechanisms and principles as provided in the existing legislation. From a more macroscopic point of view, I agree that these mechanisms and principles themselves may warrant an overall review. In fact, the SFC and the SEHK have started working out a new set of insurance and compensation system to meet the present market situation and to comply with the requirements in respect of supervision and risk management. This set of new

arrangements are still on the drawing board and are being considered. The SFC hopes to consult the public in September this year and to formulate a new proposal after receiving and studying public views and after consulting the SEHK. Therefore, because of the prerequisite of paying compensation to C.A. Pacific clients as soon as possible, no amendment of a policy nature is included in this Bill. I hope that Members would appreciate the situation.

Since the case of C.A. Pacific has been pending for quite some time, the clients concerned are eager to receive compensation as soon as possible. Paying them is the objective of our effort. I believe this is also the concern of Members. I urge Honourable Members to support the Bill.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Securities (Amendment) Bill 1998 be read a Second time.

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

Resumption of Second Reading Debate on Bills

HOLIDAYS (AMENDMENT) BILL 1998

PRESIDENT (in Cantonese): The Secretary for Education and Manpower has withdrawn his notice to resume the Second Reading debate on the Holidays (Amendment) Bill 1998 at this Council meeting. Therefore, this Council will not proceed with further proceedings in respect of the Bill today. It will be up to the Secretary for Education and Manpower to give notice in accordance with the Rules of Procedure if he is to resume the Second Reading debate on the Bill. Mr James TO.

MR JAMES TO (in Cantonese): Madam President, will Members be allowed to speak on the withdrawal of the notice by the Government?

PRESIDENT (in Cantonese): Mr James TO, I cannot allow Members to speak on this aspect because this item is not on the Agenda anymore and the notice has been withdrawn. But I understand that Members has a lot of opinions in respect of the matter. Therefore, Members may express their ideas outside the Council. Members may also move a motion debate with no legal effect to express their opinions if they consider this appropriate.

PRESIDENT (in Cantonese): We will now resume the Second Reading debate on the Supplementary Appropriation (1997-98) Bill 1998.

SUPPLEMENTARY APPROPRIATION (1997-98) BILL 1998

Resumption of debate on Second Reading which was moved on 15 July 1998

PRESIDENT (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for the Treasury, do you wish to reply?

(The Secretary for the Treasury indicated she had no intention to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Supplementary Appropriation (1997-98) Bill 1998 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority from the Members who are present. I declare the motion passed.

CLERK (in Cantonese): Supplementary Appropriation (1997-98) Bill 1998.

Council went into Committee.

Committee Stage

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

SUPPLEMENTARY APPROPRIATION (1997-98) BILL 1998

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the following clauses stand part of the Supplementary Appropriation (1997-98) Bill 1998.

CLERK (in Cantonese): Clauses 1 and 2.

CHAIRMAN (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question was agreed by a majority vote of the Members present. I declare the motion passed.

CLERK (in Cantonese): Schedule.

CHAIRMAN (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question was agreed by a majority vote of the Members present. I declare the motion passed.

CHAIRMAN (in Cantonese): Council will now resume.

Council then resumed.

Third Reading of Bill

PRESIDENT (in Cantonese): Bill: Third Reading. Secretary for the Treasury.

SUPPLEMENTARY APPROPRIATION (1997-98) BILL 1998

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, the

Supplementary Appropriation (1997-98) Bill 1998

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Supplementary Appropriation (1997-98) Bill 1998 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 raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question was agreed by a majority vote of the Members present. I declare the motion passed.

CLERK (in Cantonese): Supplementary Appropriation (1997-98) Bill 1998.

MOTION

PRESIDENT (in Cantonese): Motion. Resolution under the Import and Export Ordinance. Secretary for Trade and Industry.

IMPORT AND EXPORT ORDINANCE

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Madam President, I move the resolution under the Import and Export Ordinance, which has been printed on the Agenda.

The purpose of this resolution is to reduce declaration charges for imports and domestic exports specified in the Import and Export (Registration) Regulations under the Import and Export Ordinance.

The Government announced on 22 June a package of measures to facilitate economic adjustment of Hong Kong. One of the measures is to reduce trade declaration charges for imports of non-food items from 0.035% to 0.025% of value and that for domestic exports from 0.05% to 0.025% of value with effect from 1 August 1998. The charge on food imports will continue to be kept at the flat rate of \$13 per declaration.

The proposal would have the effect of reducing the Government's subvention to the Trade Development Council (TDC), which has historically been calculated by reference to the net yield from trade declaration charges on imports and domestic exports. The TDC fully supports the proposed reduction in trade declaration charges as a move to help ease business costs and, having regard to its projected income and expenditure and its substantial reserve, it has also agreed to the corresponding reduction of government subvention.

The proposed reduction of declaration charges on imports and domestic exports, intended to take effect on 1 August 1998, should be welcomed by the business sector as a concrete step to help ease business costs. The savings to importers and exporters are estimated to be about \$130 million in 1998-99 and about \$200 million on a full-year basis.

Madam President, I beg to move.

The Secretary for Trade and Industry moved the following resolution:

"That the Import and Export (Registration) (Amendment) Regulation 1998, made by the Chief Executive in Council on 21 July 1998, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the resolution moved by the Secretary for Trade and Industry, as set out on the Agenda, be passed. Does any Member wish to speak? Mr HUI Cheung-ching.

MR HUI CHEUNG-CHING (in Cantonese): Madam President, on behalf of the export sector, I welcome the Government's move to readily accept the good advice given by the sector and its sympathy with the operating difficulties

encountered by the sector which has been suffering from high costs and low profits for a long time. As a result, trade declaration charges for imports are now reduced from 0.035% to 0.025% and that for exports from 0.05% to 0.025%.

I hope the lowering of the trade declaration charges is only the first step taken by the Government to help the import and export sectors tide over their difficulties, improve their business environment and enhance their competitive edge internationally.

In fact, a few years before Hong Kong was stricken by the financial turmoil, the business environment of our import and export trade had already been deteriorating continually because of the rapid increases in property prices, the constant rise in wages and the emergence of the bubble economy. As a result, the operating costs were high while the profits were low. Expenditure of each operating sector, including charges related to banking, shipping, warehouses, transport and so on, had been largely on the rise. After the financial turmoil, rents in Hong Kong have now adjusted downward by 30% to 40%. Originally, this should help to reduce the costs of the sector. Nevertheless, it remains difficult for another major spending item— wages — to drop rapidly.

Madam President, I hope that the Government can, apart from lowering the declaration charges for imports and exports, lower the charges for applying import and export licences and other documents. In addition, the charges levied by our container terminals and air cargo terminals are much higher than those charged in the Mainland. Therefore, it is imperative for the Government to help lower the charges as far as possible. Otherwise, even if we have excellent hardware, we will still be rendered powerless because the costs are too high.

Finally, the Government should upload our trade information onto the Internet expeditiously and strengthen technological support for the sector — particularly the small and medium enterprises — in the area of applying information technology so as to reduce the costs of the sector and raise its operating effectiveness and efficiency.

Madam President, I so submit.

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

(The Secretary for Trade and Industry indicated he had no intention to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by the Secretary for Trade and Industry, as printed on the Agenda, be passed. Will those in favour of the resolution please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority vote of the Members present. I declare the resolution passed.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' Motions. First resolution under the Interpretation and General Clauses Ordinance. Dr LEONG Che-hung.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

DR LEONG CHE-HUNG (in Cantonese): Madam President, I move the motion standing in my name on the Agenda.

At the House Committee meeting held on 24 July 1998, Members agreed to form a Subcommittee to study the Water Pollution Control (Sewerage) (Amendment) Regulation 1998. To allow the Subcommittee sufficient time to consider the Amendment Regulation, as well as to give Members more time to consider the seven items of subsidiary legislation (Legal Notices Nos. 289-295)

gazetted on 24 July 1998 and to be tabled at the Council meeting on 29 July 1998, Members agreed at the same meeting that the scrutiny period of the eight items of subsidiary legislation be extended to 9 September 1998.

Madam President, I beg to move.

Dr LEONG Che-hung moved the following resolution:

"That:

- (1) in relation to the Water Pollution Control (Sewage) (Amendment) Regulation 1998, published as Legal Notice No. 281 of 1998 and laid on the table of the Legislative Council on 22 July 1998, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 9 September 1998;
- (2) in relation to the:
 - (a) Census and Statistics (Monthly Survey of Retail Sales) (Amendment) Order 1998, published as Legal Notice No. 289 of 1998;
 - (b) Census and Statistics (Quarterly Survey of Service Industries) (Amendment) Order 1998, published as Legal Notice No. 290 of 1998;
 - (c) Designation of Libraries (Urban Council Area) (No. 2) Order 1998, published as Legal Notice No. 291 of 1998;
 - (d) Mandatory Provident Fund Schemes Ordinance (Cap. 485) (Commencement) Notice 1998, published as Legal Notice No. 292 of 1998;
 - (e) Provident Fund Schemes Legislation (Amendment) Ordinance 1998 (4 of 1998) (Commencement) Notice 1998, published as Legal Notice No. 293 of 1998;

- (f) Mandatory Provident Fund Schemes (General) Regulation (L.N. 201 of 1998) (Commencement) Notice 1998, published as Legal Notice No. 294 of 1998; and
- (g) Dangerous Drugs (Amendment) (No. 2) Ordinance 1994 (63 of 1994) (Commencement) Notice 1997 — Corrigendum, published as Legal Notice No. 295 of 1998,

and laid on the table of the Legislative Council on 29 July 1998, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of that Ordinance to the meeting of 9 September 1998."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the resolution moved by Dr LEONG Che-hung, as set out on the Agenda, be passed. Does any Member wish to speak.

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Dr LEONG Che-hung, as set out on the Agenda, be passed. Will those in favour please raised their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively from each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the resolution passed.

PRESIDENT (in Cantonese): Second resolution under the Interpretation and General Clauses Ordinance. Mr LEUNG Yiu-chung.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, I move that the motion standing in my name on the Agenda be approved.

This motion seeks to amend the Housing (Amendment) (No. 2) Ordinance 1998 (24 of 1998) (Commencement) Notice 1998, which was laid on the table of the Legislative Council on 2 July 1998. The purpose of the amendment is to suspend the implementation of sections 7 and 8 of the Housing (Amendment) (No. 2) Ordinance 1998 on the offence of making a "false statement" and the related penalty.

Before dealing with the aforesaid Ordinance, let me first of all discuss the role to be played by Members of the Legislative Council in scrutinizing subsidiary legislation. Section 34 of the Interpretation and General Clauses Ordinance provides that all subsidiary legislation drawn up by the Government must be put before the Legislative Council for scrutiny after gazettal. Under the same section, Legislative Council Members can move amendments to the subsidiary legislation concerned by way of resolutions within 28 days, and if no such resolution is moved, the related subsidiary legislation under question will be deemed to have been approved by the legislature. Although the role of Legislative Council Members in dealing with subsidiary legislation is one of "passive scrutiny", we must note that in terms of legal effect, "the absence of any objection from the legislature will be regarded as approval". For this reason, as Legislative Council Members, we are duty-bound to shoulder all the consequences resulting from the implementation of any subsidiary legislation. That is why I maintain that we should seriously deal with all subsidiary legislation which involve public interests. And, the Housing (Amendment) (No. 2) Ordinance 1998 (24 of 1998) (Commencement) Notice 1998 is precisely an example of such subsidiary legislation which carry legal effect.

Let me now turn to the motion today and draw Members' attention to those provisions of the Housing (Amendment) (No. 2) Ordinance 1998 which merit our in-depth analysis. The Housing (Amendment) (No. 2) Ordinance 1998 was enacted by the Provisional Legislative Council on 1 April, and its aim is to introduce those major amendments to:

first, introduce an amendment requiring the Housing Authority (HA) to impose an additional fine on any person who is convicted of making a false statement on his family income and assets;

second, introduce an amendment concerning the Home Purchase Loan Scheme, authorizing the Director of Housing to assign the work of assessing regrant premium to relevant professionals who are not bearers of any public office;

third, introduce an amendment which seeks basically to lift the membership ceiling applicable to the appeals committee responsible for hearing objections to tenancy termination by the HA.

I do not think that there should be any disputes in regard to the second and third amendments mentioned just now; the major problem is related to the question of penalty. Under the existing public housing policy, public housing tenants and applicants for public housing are required to make statutory declarations on their assets and incomes under certain circumstances. According to section 26(1) of the Housing Ordinance, if any person makes a false statement, he will commit an offence. In cases like this, the original penalty is a prison term of six months and a fine of \$50,000. However, under the aforesaid Amendment Ordinance, an additional fine is imposed on top of the existing penalty, with the maximum of such an additional fine equal to three times the rents undercharged. The reason advanced by the Government to support its legislative amendment is that if the penalty against false statements is not increased, the incidence of abusing public housing resources will certainly increase.

I of course agree that people should not make any "false statement"; I am sure we all share this view. However, when it comes to increasing the severity of the penalty, we must seriously consider whether there is really such a need. Actually, as indicated by the statistics provided by the Government in the past, the number of violations recorded over the past seven years has been smaller than 40; the average fine imposed on convicted offenders is just about \$5,000, and so far, the court has never sentenced any offender to

imprisonment. These statistics show that the sentences meted out by the court are in fact far less severe than the maximum penalty. That is why I do not think that an increase in the maximum penalty will possibly achieve any greater deterrent effect. It follows that the proposed increase in maximum penalty may well "exist in name only" and fail to achieve any practical effect, very much similar to the existing maximum penalty. That being the case, we really cannot see any need to increase the severity of the penalty, nor can we be convinced that the desired deterrent effect will thus be achieved.

Madam President, when you compare a prison sentence of six months and an increased fine of up to three times the rents undercharged, which do you think is a heavier penalty? Actually, it is already stipulated very clearly in the existing ordinance that any person who makes a false statement on his income is liable to imprisonment. This is in fact already strong enough to deter this type of offences. As a result, just for this reason alone, I do not think that the Government actually has any justifications or strong reasons for doing so.

Besides, if we look at the total number of public housing applicants who are required to declare their income and assets, we will see that the number of such offences is really very small. It has in fact been calculated that the rate is merely around 0.01%. Since the number is so very small, and since there has not been any marked or alarming increase in this type of offences, I simply cannot see any justification for the case of increasing the penalty.

Actually, this Amendment Ordinance was already discussed several times before, both in the former Legislative Council and the Provisional Legislative Council. And, many different legislators, with or without political affiliations, did question whether there was any need to introduce the amendments concerned. The matter is now once again brought up in this new Legislative Council. The Government may well think that there is really a need to do so. However, why has it chosen not to bring this matter up in the relevant Panel, where in-depth discussions and studies can be conducted? Why has it instead forcibly put the matter before this Council in the form of subsidiary legislation? I must say that this approach has deprived this Council of the time to conduct detailed negotiations with the Government. Therefore, if the Government really finds it necessary to introduce the amendment, it should still refer the matter to the Housing Panel, where it can carry out detailed studies with Members. There is no need for it to adopt its present approach.

Madam President, I must of course make it clear that the aim of my resolution is not so much to abort the amendment proposed by the Government. The only point I want to make is that if the Government really thinks that there is a need to bring up such a controversial issue once again, it should at least give us more time to carry out in-depth discussions and studies. It simply should not resort so quickly to the legislative procedure, under which this Council is compelled to make a voting decision hastily.

Madam President, I hope that my colleagues in this Council will seriously discharge their legislative authority and support my resolution.

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

Mr LEUNG Yiu-chung moved the following resolution:

"That the Housing (Amendment) (No. 2) Ordinance 1998 (24 of 1998) (Commencement) Notice 1998, published as Legal Notice No. 212 of 1998 and laid on the table of the Legislative Council on 2 July 1998, be amended by adding "(other than sections 7 and 8)" after "the Ordinance"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the resolution moved by Mr LEUNG Yiu-chung, as set out on the Agenda, be passed. Does any Member wish to speak?"

PRESIDENT (in Cantonese): Mr LEE Wing-tat.

MR LEE WING-TAT (in Cantonese): Madam President, on behalf of the Democratic Party, I wish to express support for the resolution moved by the Honourable LEUNG Yiu-chung. Let me just state several points very concisely. First, about the issue of penalty. Actually, this issue was already brought up for discussions as early as the 1995-97 term of office of the former Legislative Council, when a similar amendment was submitted by the then Housing Branch together with other housing-related amendments. Up to now, I still do not know why the then Housing Branch chose to withdraw its motion in the middle of the process. I made a kind of guess afterwards, and

concluded that they might have done so because they could not see any chance of passage. Very much unfortunately, however, the amendment proposal was passed by the Provisional Legislative Council last year, and, therefore, what we are now supposed to do is just to discuss the commencement order. My stance over this issue is simple and straight forward. With respect to the penalty under the Ordinance, I maintain that unless there is sufficient evidence to show that the existing penalty is unable to deter people from committing or contemplating the offence, the existing penalty should not be increased lightly. At the meetings of the Subcommittee, I debated with Mr C M LEUNG on this very principle. Undeniably, every year in the past, there was indeed a certain number of cases in which public housing tenants were charged for and convicted of cheating the Housing Department when declaring their assets and incomes. However, Mr LEUNG has so far failed to substantiate his claim that the number of such cases would probably increase, nor can he provide any statistics to show that the number has indeed increased. I have always held the view that the absence of any increase should be regarded as sufficient proof that the existing penalty is already suffice to keep the number of offences or attempted offences at a steady level. Mr LEUNG told me the other day that raising the penalty would enhance its deterrent effect. I do not quite accept his argument, because this actually involves a very dangerous idea, one which accepts increases in statutory penalty as a means of reducing the incidence of any offence or attempted offence. This will probably make our community no different from some Muslim countries where even theft is punishable by the mutilation of the culprit's hands. Should we really adopt such an approach as a deterrent? Ours is a civilized community where there is a high respect for the judicial process. Hence, when it comes to the severity of penalty, we must be particularly cautious. Unfortunately, even when Mr LEUNG attended the meetings of the Subcommittee as the representative of the Housing Bureau and the Housing Department, he could not allay my worries, nor could he convince me with any concrete proof that the existing penalty had already lost its deterrent effect over the past few years. Up to now, he has still failed to provide any proof in this respect. As a result, and to put it simply, Madam President, we do not agree that the existing penalty should be increased at this stage, when there is not yet any concrete proof. We oppose the proposal of the Government, but will support the resolution moved by Mr LEUNG Yiu-chung. Thank you, Madam President.

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

MISS CHAN YUEN-HAN (in Cantonese): Thank you, Madam President. I wish to speak on the problem of penalty. When the Ordinance was put before the former Legislative Council in its 1995-97 term of office, the Federation of Trade Unions (FTU) already made it very clear that since we considered the existing penalty adequate, we saw no need to increase it any further as suggested in the amendment proposed by the Government. During the time of the Provisional Legislative Council, and when it discussed this problem again, the FTU also stated very clearly that we did not support the attempt of the Government to submit an amendment yet again. Today, we still do not support the action of the Government in this respect. We will support the resolution moved by Mr LEUNG Yiu-chung, which seeks to keep the existing ordinance intact. Thank you, Madam President.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Madam President, on behalf of the Liberal Party I would oppose the motion moved by Mr LEUNG Yiu-chung. When we first discussed this problem, we did conduct many in-depth discussions. Following these discussions, we decided that we should accept the reason given by the Government: it was necessary to increase the amount of penalty fine as a deterrent, because the Government thought that ever since the policy requiring well-off tenants to pay market rents was implemented in 1997, the problem of submitting applications on the strength of false statements had become more and more serious. I can remember that we did make very detailed enquiries, and we found that the proposed amendment to the Ordinance actually referred very clearly and specifically to false statements made with intent, not any incorrect information resulting from carelessness; and, of course, we did notice that the Ordinance also required the Government to produce evidence and proof to establish a case of making a false statement with intent. In view of all this, we asked ourselves, "If it can be proved that a person has really made a false statement, why should there be any reason for not making him face a sufficiently deterrent penalty?" The Liberal Party supported the argument of the Government at that time. Therefore, we are totally against the motion moved by Mr LEUNG Yiu-chung today.

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): Madam President, I think the most important point of a debate is that debaters should respond to arguments with arguments, otherwise the debate would just run out of order. As I listened to the arguments put forth by the Honourable Mrs Selina CHOW just now, I could not help but feel that Honourable colleagues were not paying attention to each other's speech. I have listened to Mrs Selina CHOW's speech, and I therefore hope that other Members from the Liberal Party will respond to my speech.

Just now Mrs Selina CHOW claimed that the problem of submitting applications on the strength of false statements had become more and more serious. In regard to this claim, I believe the Secretary for Housing could not provide any evidence to prove the deterioration of the situation when he rises to speak later. There is in fact not any evidence at all, and the Government only wants to add in penalties which could achieve greater deterrent effect. Another point is the deterrent effect, and I do wish to know how the Government is going to respond to this question. Since the Government has proposed to allow the court to impose an additional fine on the convicted, does it follow that the existing fine is an inadequate deterrent? As far as I understand it, the Government has in fact a number of options. Talking about deterrent effect, undeniably, the most effective deterrent of all must be imprisonment. Should a fine of certain amount be changed to a prison term of one month, I am sure the law offenders will be more seriously alarmed. However, are there any relevant precedents that have sufficient deterrent effect and in which a prison term instead of a fine has been imposed as the penalty for the convicted? If the penalty involved is just a fine, there would still be people who dare to take the risk; however, if a prison term of seven days, two weeks or one month, would really be imposed as penalty, the deterrent effect to be achieved may be greater.

Why does the Government have to do this? In my opinion, the Government has lost confidence in itself; since it thinks that such cases are very hard to investigate into and would cost a lot of resources, and that even if a serious case could be proved and brought to the court, only a fine but never a prison term will be imposed on the convicted. However, we must not forget that from a legal point of view, the additional fine could give rise to a counter effect. The reason is that even after the addition of the new provision, the court would still deem it not suitable to impose on the convicted a prison term,

which is a penalty of adequate deterrent effect — the kind-hearted court may think that unlike robbery and snatching, making a false statement is just a kind of unfair practices and the penalty of a fine should suffice to scare the convicted. In that case, we could never have any precedents in which penalties with deterrent effect (such as a prison term of one week or one month) have been imposed. Should there be any appropriate precedents, the additional fine could certainly provide a sufficient deterrent. Otherwise, the penalty imposed on the convicted will still be a fine and the Government could only get the reverse of the desired effect. So long as the court is most unwilling to impose a prison term on those offenders, the desired deterrent effect could never be achieved.

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

MR CHAN KAM-LAM (in Cantonese): Madam President, I have pointed out time and again in both the former Legislative Council and the Provisional Legislative Council that the Government needs not make such an amendment. We believe that the existing legislation has allowed sufficient room for the court or the Government to impose penalty on any person who has intentionally made a false statement to withhold the truth. We can tell from the figures available that the present situation is not very serious; as such, we do believe that the court would be passing sentences in the light of the severity of the offence committed. In our opinion, if the Government feels that the situation has deteriorated gravely, there is still one final weapon which it could resort to and that is: termination of tenancy. However, the Government has never tried to make use of this final weapon.

Moreover, making a false statement is in fact a criminal offence. Regardless of the amount of fine or prison term involved, that the act itself is a criminal offence could provide a sufficient deterrent. For these reasons, we will support the amendment moved by Mr LEUNG Yiu-chung today. We also hope that the Government would attempt to improve the deterrent effect of the Ordinance by other means. Thank you, Madam President.

PRESIDENT (in Cantonese): Miss Emily LAU.

MISS EMILY LAU (in Cantonese): Thank you, Madam President, I will speak very briefly in support of Mr LEUNG Yiu-chung. I have been listening to the views expressed by Honourable Members. My interpretation of the arguments put forth by Members, with the exception of Mrs Selina CHOW, is that we are not convinced by the Government. However, I should like to make it clear that the Frontier is very much against the public furnishing false information and considers heavy penalties should be imposed on such malpractice. We all understand that imprisonment is a kind of heavy penalty. I hope the Secretary for Housing will explain to us whether it is true that imprisonment would never be recommended for any cases that have been brought to the court; and whether imprisonment as a kind of penalty "exists in name only"? If the Government is to achieve the desired deterrent effect, a prison term should be severe enough to provide an effective deterrent. As such, while we do agree to punishing those who are convicted of cheating the Government and abusing public funds, we believe that the existing penalties of six months' imprisonment and a fine of \$50,000 should suffice to provide a effective deterrent. Thank you, Madam President.

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

SECRETARY FOR HOUSING (in Cantonese): Madam President, one of the main objectives of the Administration's housing policy is to provide public rental housing at reasonable rents to citizens who can afford no other form of accommodation. In view of our very limited public housing resources, we must make sure that such valuable resources can benefit those who have the genuine need.

To fairly and reasonably allocate the resources of public housing, we depend on an honest system. Naturally, the Housing Authority (HA) believes in the information submitted by public housing applicants. However, we must still have an effective mechanism to ensure such public housing resources benefit families with the genuine need. According to the Housing Ordinance as amended last April, the penalty for furnishing false information is to be linked to rental underpayments; the effect of the provision not only increases the deterrent to the supply of false information, but also adequately signifies that abuse of public housing resources is a serious breach of the law. The Government considers the practice very reasonable, and not something introduced in haste.

At present, any person making a false statement when applying for public housing or supplying information to the HA in respect of his or her income and assets commits an offence, and is liable upon conviction to a maximum of six months' imprisonment and a fine of \$50,000. After the amendment to the Ordinance, tenants who made false statements, apart from the original penalties, may be further subjected, I say may be and not must be, to an additional fine equivalent to three times the amount of rental underpayment during the period concerned. Some Members said that the existing penalties could provide a sufficient deterrent, but is it in fact the case? I wish to say, the answer to that question is "no".

Firstly, since the HA implemented its policy of requiring well-off tenants to pay market rents, the penalties provided under the original Housing Ordinance have become out-dated; therefore the question raised by Mr LEE just now regarding proof of the inefficacy of the old penalties does not arise. The present maximum fine in principle can be as high as \$50,000. However, a four-member well-off household that should pay market rents but has not as a result of supplying false information would have cheated the HA of \$40,000 every year in rents; the total underpayment within the maximum actionable period of six years would amount to \$240,000. The existing fine is definitely an inadequate deterrent. Therefore the question of proving the present penalties to have no deterrent effect does not exist.

Secondly, the newly introduced fine imposes on those supplying false information a penalty that is pegged to the offence they commit. This is both legitimate and justifiable, and also allows sufficient breadth and space for court discretion in respect of individual cases so that where the court does not deem a prison term suitable, a fine that is appropriate and has a deterrent effect could be imposed. I wish to point out that success of the Legislative Council in preventing this amendment law to take effect would have a "counter-publicity" effect in that the people concerned would ignore the seriousness of making a false statement and thus attempt to break the law.

Therefore, Madam President, I would earnestly ask Members to support the Amendment Ordinance to increase the penalty for people supplying false information, and to veto the motion of Mr LEUNG Yiu-chung, so that the whole Housing (Amendment Ordinance) (No. 2) Ordinance 1998 can take effect on 24 April this year as scheduled. Thank you.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, do you wish to reply?

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, now that the Secretary for Housing has made his speech, I just hope Honourable colleagues from the Liberal Party, in particular Mrs Selina CHOW, would come back promptly to listen to our reply. As a matter of fact, the Secretary has made no mention of the problem of furnishing false information becoming more and more serious. Mrs Selina CHOW has raised two points in her speech, the first of which was that the problem had become more and more serious. However, the Secretary has neither enlightened us on how the problem had become more and more serious nor provided us with any statistics. As such, this argument could hardly stand on its own. I therefore hope that Mrs Selina CHOW will reconsider her points.

The second point raised by Mrs CHOW was on the deterrent effect. But could a fine provide a sufficient deterrent? Just now the Secretary used a period of six years as the basis for calculation and came up with a sum of total underpayment amounting to \$480,000. He could in fact use 10 years or even 20 years as the actionable period, since the tenancy of public housing could be very long term, in some cases, the tenancy period could exceed 20 years or even 30 years. Why did the Secretary not use these figures? He could then come up with a more striking result, a more impressive sum. However, I do not think the crux of the matter lies in the monetary aspect. The most important point is that the original Ordinance has already provided for a very severe penalty in imprisonment. As we all know, a prison term is a lot heavier than a fine. Even if the maximum fine has been raised to three times the total amount of rental underpayment, so long as I could afford to pay that fine, I could not care less, I could still keep that public rental unit after being penalized, why should I care?

That being the case, I really cannot see why the additional fine could be an effective deterrent. Although the maximum fine could amount to hundreds of thousands dollars as referred to by the Secretary just now, I could still raise loans to cover the fine payment. So, could an additional fine equivalent to three times the total amount of rental underpayment really provide a sufficient deterrent? I do not think it could achieve the desired effect practically.

For these reasons, I particularly hope that Members from the Liberal Party will change their mind. In regard to the two points I referred to just now, the arguments put forth by the Government simply could not convince me that any practical effect would be achieved. It seemed to me that the Secretary was trying to be evasive when he delivered his speech just now. According to the data he had provided the Provisional Legislative Council with, the number of violation cases was very limited; only as few as some 40 cases have been recorded over the past years. In that case, how could one say that the problem had become more and more serious.

I hope Members could face up to this issue seriously and avoid adding in any unnecessary factors. The problem with the existing Ordinance might perhaps lie in the insufficient publicity on the part of the Government. For instance, the Government could concentrate on informing the public that under the existing legislation, the maximum penalty for furnishing false information is six months' imprisonment and a fine of \$50,000. On the other hand, since the average fine imposed by the court on convicted offenders is just about \$5,000, I could not help but wonder if the Government has introduced the additional fine out of its dissatisfaction with the sentences. However, if we do respect the court, we should respect the sentences it gives. The court must have its reasons in imposing a fine of \$5,000 instead of the maximum fine. But now the Government has, out of its dissatisfaction, resorted to introducing an additional fine. If the Government considered the deterrent effect of the existing penalties not sufficient enough, it should try to achieve the desired deterrent effect by stepping up its publicity work instead of introducing any additional provision in law. I will never agree to the introduction of legislative amendment for this purpose. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Mr LEUNG Yiu-chung, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr LEUNG Yiu-chung rose to claim a division.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung has claimed a division, the division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please register their presence by pressing the top button and then proceed to vote?

PRESIDENT (in Cantonese): Before I announce that voting shall stop, Members may wish to check their votes. Are there any queries? If not, voting shall now stop.

PRESIDENT (in Cantonese): The result will now be displayed.

Functional Constituencies:

Mr Michael HO, Mr CHEUNG Man-kwong, Mr Ambrose CHEUNG, Mr CHAN Kwok-keung, Mr CHAN Wing-chan, Mr SIN Chung-kai, and Mr LAW Chi-kwong voted for the resolution.

Mr Edward HO, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Miss Margaret NG, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr HUI Cheung-ching, Mr Bernard CHAN, Dr LEONG Che-hung, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Dr TANG Siu-tong and Mr Timothy FOK voted against the resolution.

Mr LEE Kai-ming abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Mr Gary CHENG, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Chin-shek, Mr LAU Kong-wah, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung voted for the resolution.

Miss Christine LOH, Mr TAM Yiu-chung, Mr David CHU, Mr HO Sai-chu, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr Ambrose LAU and Miss CHOY So-yuk voted against the resolution.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among Members returned by functional constituencies, 25 were present, seven were in favour of the resolution, 17 against it and one abstained; while among Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 19 were in favour of the resolution and nine against it. Since the question was not agreed by a majority vote of each of the two groups of Members present, she therefore declared that the resolution was negatived.

PRESIDENT (in Cantonese): Resolution on Council Emblem. Dr LEONG Che-hung.

LEGISLATIVE COUNCIL EMBLEM

DR LEONG CHE-HUNG (in Cantonese): Madam President, I move the resolution which has been printed on the Agenda. It is my hope that Honourable Members will agree to the adoption of the emblem design attached to this resolution as the emblem of the Legislative Council of the Hong Kong Special Administrative Region (SAR).

It has all along been the view of Honourable Members that the Legislative Council should have an emblem of its own to signify the

independence of the legislature; besides, a suitable emblem could also help enhance the image of the Council. However, as we have learnt from past experience, a design that could find favour with all Members of the Council would be hard to come by within a short time. As such, the Legislative Council Commission (the Commission) has resolved to suggest Members adopt the emblem design attached to this resolution as the emblem of the Legislative Council on a temporary basis — this temporary basis is the point I should like to stress — until a more suitable design is available in the future. Noting that the design of the proposed emblem resembles that of the Regional Emblem, the Legislative Council Secretariat (the Secretariat) have consulted with the SAR Government about the matter. The response received was that the Administration would not object to the said design being adopted as the emblem of the Legislative Council.

Should the resolution be agreed to in this Chamber today, the Legislative Council, the Commission, individual Members, as well as the Secretariat could have the emblem respectively imprinted on their writing paper and souvenirs if they so desire.

At the House Committee meeting held last Friday, a number of Members have expressed their dissatisfaction with the emblem design attached to the resolution and remarked that the design concerned could not symbolize the independence of the legislature. As for other colleagues, some have laid emphasis on the role of the Council in monitoring the SAR Government and regretted the close resemblance between the proposed emblem of the Council and the Regional Emblem, while others have suggested using the outlook of the Legislative Council Building as the groundwork for the emblem design. Nevertheless, I wish to inform Honourable Members that the proposed emblem design could in fact be regarded as a provisional option only. Let me repeat, the design before Members is but an option provisionally adopted until a more suitable design is available. As regards the decision to adopt the new emblem design or otherwise, this shall of course be attained by a majority vote in this Chamber.

Finally, I should like to urge Honourable colleagues to lend their support to the resolution to enable the Council to have an emblem promptly and to proceed with the necessary work.

Thank you, Madam President.

Dr LEONG Che-hung moved the following resolution:

"That the design attached to this resolution be adopted as the emblem of the Legislative Council of the Hong Kong Special Administrative Region."



紫荊花區徽圖案，圍繞字體紅色
Bauhinia design of the Regional Emblem,
surrounding words in red.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the resolution moved by Dr LEONG Che-hung, as set out on the Agenda, be passed. Does any Member wish to speak? Mr Fred LI.

MR FRED LI (in Cantonese): Madam President, I speak on behalf of the Democratic Party against the adoption of the emblem design before Members. Just now Dr the Honourable LEONG Che-hung described the said emblem design as bearing a resemblance to the Regional Emblem. This remark of Dr LEONG's is indeed too implicit. As a matter of fact, there is a 90% resemblance between the two emblems; the two emblems look not only alike but almost exactly the same. The Democratic Party does not object to this emblem design for aesthetic reasons. The artistic aspect of the design is not our concern. What concerns us is the fact that this emblem design looks almost exactly the same as the Regional Emblem. However, unlike the Regional Emblem which serves to symbolize the Government of the Special Administrative Region, the said emblem design fails to highlight the image nor the uniqueness of the Legislative Council. As such, we do not think it is suitable for adoption as the emblem of the Council. We will therefore vote against it. Should the objection we raise today be of no avail and this emblem design be eventually accepted as the emblem of the Council, I hope that the Legislative Council Commission could start seeking another design forthwith. I so submit.

PRESIDENT (in Cantonese): Mr Edward HO.

MR EDWARD HO (in Cantonese): Madam President, I will give my support to the provisional adoption of the emblem design today, notwithstanding the fact that I would certainly like to see more innovative designs as well. As regards the experience we gained in the previous term, although artists have been invited to produce their work, not a single design could find favour with all Members of the Council. Just now the Honourable Fred LI remarked that the Regional Emblem served to represent the Government of the Special Administrative Region (SAR), I am afraid I could not agree with him in this respect. In my opinion, the Regional Emblem is the emblem of the Hong Kong Special Administrative Region. Everyone of us in the SAR would only recognize it as our Regional Emblem, but not the emblem of the Government. The Legislative Council is the legislature of the SAR, it is a member, or more

accurately an important member, of the SAR. As such, I cannot see any reason why this Council should not adopt an emblem design which resembles the Regional Emblem. Besides, there would certainly be inscriptions on the emblem which state clearly that this is the emblem of the Legislative Council of the SAR.

Thank you.

PRESIDENT (in Cantonese): Miss Emily LAU.

MISS EMILY LAU (in Cantonese): Madam President, I am a member of the Legislative Council Commission (the Commission) and I will be speaking against the resolution moved by Dr LEONG Che-hung. Since you were also presiding at the meeting of the Commission, Madam President, I think you could recall that I was the only one who had then raised an objection to the emblem design. I hereby restate that I do not agree to the adoption of this emblem design as the emblem of the Council, since I find it neither solemn nor independent enough to serve the purpose. Some people have even remarked that it looked just like a windmill and could hardly embody any of the characteristics of the Legislative Council.

On the other hand, I do regret somehow the two choices offered to us by the Secretariat of the Council at the House Committee meeting. As I said before, the Secretariat has offered us two choices, one of which is very poor while the other one is just as poor. Perhaps it was out of time constraint reasons that the emblem design of the Provisional Legislative Council was also put forth to us as a choice. Nevertheless, I am sure neither myself nor my colleagues from the Frontier could accept this design.

Right after the meeting that day, I received some information which claimed that the said emblem design might as well be forced upon the Council. As such, I was really very happy to hear Dr LEONG said just now that the adoption of this emblem design, if agreed to, would be of a temporary nature. At that meeting, I have also referred to my hope that the matter could be discussed by a subcommittee under the Commission, with a view to finding a more suitable alternative. In this connection, I do share the view of the Honourable Edward HO that a suitable design would be very hard to come by. The Honourable Bernard CHAN has then advised us that we should avoid

consulting others about design matters, as this was an area where democracy would not be needed. However, I believe we should still need democracy in this respect, especially when so many Members are not in favour of this design. It is my hope that we could put in concerted efforts to look for an emblem design which could find favour with every one of us in this Chamber.

In a short while this "worse than useless" voting system of ours would perhaps be able to perform its role, as it requires a question to be agreed to by a majority vote of each of the two groups of Members present. In other words, if any of the two groups voted it down, the question would be negatived. I just hope this voting system could be of help to us today. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Martin LEE.

MR MARTIN LEE (in Cantonese): Madam President, as mentioned by Dr LEONG Che-hung, this emblem design would be imprinted on souvenirs of the Council if adopted. Suppose a friend of mine has received from me a souvenir of this Council and bought on the streets another souvenir which bore the Regional Emblem, what difference could my friend tell from the two souvenirs? He has to study very carefully the imprinted words to find out the difference. If view from a distance, the two emblems would look just the same. If the souvenir concerned is for desk display purposes, the words on the emblem would be too small to identify. As such, my friend might regard the souvenir of this Council as not having much commemorative value. Although he has visited this Council and met with us, it would not be of much value to him if he went home with such a souvenir.

On the other hand, we have accepted too many suggestions "on a temporary basis". In most cases, something that has been adopted "on a temporary basis" would be adopted forever. If we do believe that this emblem design is not good enough or not able to match with the role of the Council, we had better vote it down and then look actively for another one. Should this emblem design be adopted "on a temporary basis", I am sure we would still be looking for a new design in three years; yet it may well be available in just three months if we negative the present one.

PRESIDENT (in Cantonese): Dr LEONG Che-hung, do you wish to reply?

DR LEONG CHE-HUNG (in Cantonese): Madam President, if this Council is to adopt an emblem of its own, or if it is to adopt this emblem design as its emblem, it will of course need to have the relevant decision agreed to by a majority vote of the Members present; even if the emblem design is to be adopted on a temporary basis, a majority vote is still required from Members. In this connection, however, I should like to draw Members' attention to several points.

First, the Regional Emblem is not the emblem of the Government. As pointed out by Mr Edward HO just now, the Regional Emblem is the emblem of the Hong Kong Special Administrative Region (SAR); in other words, it should not be mixed up with the SAR Government. Just now the Honourable Martin LEE said everybody did think that way. I should like to remind him that our emblem will have on it inscriptions which go as "The Legislative Council of the Hong Kong Special Administrative Region".

Second, regardless of the way through which any emblem design has been selected, it just may not necessarily be possible for the selected design to find favour with each and every Member of the Council. Even if the 60 Members of this Council were all satisfied with the design selected, there might still be Members who think otherwise in the following terms. I wish to remind Honourable colleagues that the current term of the Council is rather short, another election will have to be held in less than two years; if we do not adopt an emblem expeditiously, I am afraid we would still be looking for one by the time the next election takes place.

Just now the Honourable Miss Emily LAU remarked that the emblem design looked like a windmill. However, it should not be a problem with the emblem of the council, perhaps she was saying that our Regional Emblem looked like a windmill. The Legislative Council Commission (the Commission) which comprises representatives from each and every party, faction or group of the Council has in fact discussed the emblem design before. As pointed out by Miss Emily LAU just now, the Frontier was the only group which raised an objection when the Commission was discussing the said emblem design; the rest of the representatives did not voiced out any objection. However, when this resolution is submitted to the Council for deliberation, it

seems that many colleagues are not in favour of the emblem design. I could not help but feel very much surprised. Madam President, I hope that Honourable colleagues would take the matter into careful consideration once again. As mentioned by Miss Emily LAU just now, this is exactly how our system works. While I personally believe that this Council should adopt an emblem as soon as practicable, I wish more Members would lend their support to this emblem design if they are to adopt it as the emblem of the legislature. Should this emblem design be negated, we would have to wait until the unknown future for another emblem design! Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Dr LEONG Che-hung, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

PRESIDENT (in Cantonese): I think we should proceed to a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please register their presence by pressing the top button and then proceed to vote?

PRESIDENT (in Cantonese): Before I announce that voting shall stop, Members may wish to check their votes. Are there any queries? If not, voting shall now stop.

PRESIDENT (in Cantonese): The result will now be displayed.

Functional Constituencies:

Mr Edward HO, Dr Raymond HO, Mr Eric LI, Mr LEE Kai-ming, Dr LUI Ming-wah, Mrs Selina CHOW, Mr Ronald ARCULLI, Mr Ambrose CHEUNG, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr CHAN Wing-chan, Dr LEONG Che-hung, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr CHIM Pui-chung, Mr LAU Wong-fat, Mrs Miriam LAU, Dr TANG Siu-tong and Mr Timothy FOK voted for the resolution.

Mr Michael HO, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, and Mr LAW Chi-kwong voted against the resolution.

Geographical Constituencies and Election Committee:

Mr Gary CHENG, Mr Jasper TSANG, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr David CHU, Mr HO Sai-chu, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Miss CHOY So-yuk voted for the resolution.

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss Christine LOH, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG and Mr SZETO Wah voted against the resolution.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among Members returned by functional constituencies, 27 were present, 22 were in favour of the resolution and five against it; while among Members returned by geographical constituencies through direct elections and by the Election Committee, 29 were present, 13 were in favour of the resolution and 15 against it. Since the question was not agreed by a majority vote of each of the two groups of Members present, she therefore declared that the resolution was negatived.

PRESIDENT (in Cantonese): Resolution on Appointment of Select Committee.
Mr LAU Kong-wah.

APPOINTMENT OF SELECT COMMITTEE

MR LAU KONG-WAH (in Cantonese): Madam President, I rise to move the resolution as set out on the Agenda.

The purpose of the resolution is to appoint a select committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Chek Lap Kok Airport since 6 July 1998 and related issues; and to authorize the committee to exercise the powers to summon witnesses as conferred by the Legislative Council (Powers and Privileges) Ordinance in the performance of its duties.

This resolution is proposed against the background that Members are deeply concerned about the causes of the problems of the new airport since its commissioning, and the impacts these problems may have on the public and the whole community.

At the House Committee meeting on 10 July, Members agreed that a select committee be appointed to look into the circumstances surrounding the new airport since it began its operation. For this purpose, 24 Members formed a subcommittee to make preparations for the establishment of the select committee.

As the Administration announced on the same day that the Chief Executive would appoint an independent group to inquire into the problems of the operation of the new airport, the initial thinking of Members was that in the first three months after its appointment the select committee would not hold any hearing so that the independent group appointed by the Chief Executive would have sufficient time to finish its own investigation and submit a report to the Chief Executive. Only then would the select committee decide its manner of investigation.

As chairman of the subcommittee, I submitted a resolution in accordance with the wishes of Members.

Subsequently, on 21 July the Chief Executive in Council appointed a Commission of Inquiry to look into matters relating to the operation of the new airport. It is expected that the Commission will complete its investigation in about six months.

As the matter now stands, the original wording of the resolution can no longer reflect the actual circumstances:

Firstly, "the group appointed by the Chief Executive to inquire into the operation of the new airport" as in the original wording can no longer refer exactly to the Commission of Inquiry just appointed by the Chief Executive in Council;

Secondly, the "three months" as in the original wording is no longer applicable because it is expected that the Commission of Inquiry cannot conclude its investigation and submit a report in three months.

As a result, the House Committee resolved at its meeting on 24 July to let the members designate of the select committee discuss whether the wording of the resolution needed amendment and if so how. After discussion at the meeting, members designate unanimously agreed to amend the wording of the resolution to delete the restriction regarding the time to begin its investigation, and that the amended version of the resolution would remain otherwise the same as the original one, that is, to appoint a select committee and to authorize the committee to summon witnesses under the powers conferred by the Legislative Council (Powers and Privileges) Ordinance in the performance of its duties.

Madam President, the community at large generally think that the various chaotic circumstances following the commissioning of the new airport are unforgivable and that the explanations offered by the parties concerned are just weird. Therefore, I am convinced that Members participating in the work of the select committee will work untiringly and without letting up with a view to submitting to this Council and the community an unbiased report.

Madam President, I thank you for granting me approval to amend the wording of the resolution. I also hope Members will support my resolution.

I so submit.

Mr LAU Kong-wah moved the following resolution:

"That a select committee be appointed to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues; and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the resolution moved by Mr LAU Kong-wah, as set out on the Agenda, be passed. We shall now proceed to a debate. Does any Member wish to speak? Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Madam President, I am excited to have the opportunity to take part in the work of the select committee to look into the matters relating to the commencement of operation of the new airport in Chek Lap Kok. The Legislative Council (including the one before the handover) will have had a total of five occasions to conduct investigations under the Legislative Council (Powers and Privileges) Ordinance and I have already taken part in four of them. However, the present one is of particular long-term significance because there are wide and deep impacts on the economy, people's livelihood, business and international reputation of Hong Kong in many ways. Therefore, the public has much to expect of us.

There has been "triplication" in the investigating mechanisms regarding the problems of the new airport. Apart from the select committee of the Legislative Council, there are the independent commission appointed by the Administration and the Office of the Ombudsman.

Of the "triplets", the decisions to appoint the select committee of the Legislative Council and the Administration's earlier independent group were made on the same day, that is, 10 July. At that time, the Administration announced that the group would comprise one social celebrity and two experts specialized in matters of international airports matters and its terms of reference was rather limited, just an investigation into four aspects, namely, luggage,

flight displays, breakdown of the air freight terminal and who should be held responsible. Consensus was immediately reached in the Legislative Council to appoint our own select committee. However, in order to benefit from the insight of the report to be submitted by the independent group of the Administration on the one hand, and to make good use of time on the other, we decided that concrete work of the committee would only be decided after the group's report was available in three months.

On 13 July, the Ombudsman announced that he would conduct his own inquiry, and he also did not rule out the possibility of summoning people who might help his investigation, including Mr David FORD, the former Chief Secretary, Mr David WILSON and Mr Chris PATTEN, the former governors. He was enormously ambitious.

However, there at once appeared opinions that there would be redundancy for three investigations to proceed simultaneously. Some even thought that not being professional and knowledgeable enough, elected Members might find themselves less than competent in investigating matters relating to the airport.

Strangely, 11 days after announcing the appointment of the three-member independent group, the Administration made another announcement that instead the Chief Executive would appoint an independent commission with statutory powers and legal status pursuant to the provisions of the Commissions of Inquiry Ordinance. The Commission comprising Mr Justice WOO and Mr CHENG Wai-kin no longer has any expert on international airports, and its terms of reference expanded from the previous four aspects to encompass the entire operation of the new airport, with the investigation covering also the decision on the timing of commissioning, the pre-commissioning planning and preparations as well as the problems since the commencement of operation. The time for the completion of the report was also extended to six months.

A huge controversy was also aroused following certain constraints suggested by the chairman of the Commission of Inquiry in respect of public comments on the operation of the airport. We in fact should appreciate his good intentions as while the Commission of Inquiry is protected under the law, similar protection is also available to witnesses appearing at and evidence submitted during the hearings conducted by the Legislative Council so as to ensure impartiality and objectivity of the investigation of the Legislative

Council. It is unfortunate that from today's newspapers I learned that at an internal meeting of the Airport Authority before 6 July two officials had queried whether the freight and passenger operations could begin as scheduled, and they even sounded warnings. The impression so created by such a report was that the officials had the foresight, and that the Airport Authority has to bear the responsibility for the later mess. I would like very much to ask, does such leakage of information constitute what Mr Justice WOO referred to as contempt of court? Whether the Commission of Inquiry would thus be influenced? Whether it is fair to leak information in such a pointed way?

Incidentally, the day after the Administration announced the appointment of the Commission of Inquiry, the Ombudsman immediately amended his ambitious talk and quickly switched to "a safe approach", saying that the scope of his investigation could be narrowed down. The initiative of the Ombudsman in looking into the new airport seems a bit dubious.

Now that these three investigating bodies have been in place, the community and public opinions seem to think that they have their own values for their respective existence. From the point of view of the Legislative Council, as the representatives of the public, we certainly have the responsibility to look deep into matters of public concern. As a matter of fact, public opinion surveys conducted in the past two weeks have produced an obvious message that the community has better trust in the select committee of the Legislative Council. Therefore, it is our unshirkable duty to undertake the investigation.

The preparatory group of the select committee will meet tomorrow. Once this resolution is approved, we have to set out our work plan. I believe that the main job then will be to set a reasonable work plan that answers public expectations. I have tremendous confidence in this respect, because not only are we able to do so, but we will also do it well.

Madam President, I support the resolution.

PRESIDENT (in Cantonese): Mr LEE Wing-tat.

MR LEE WING-TAT (in Cantonese): Madam President, there have been problems after more problems since the commencement of operation of the new airport. The chaos of the passenger service was followed by a complete breakdown in freight handling, making our new international airport a laughing stock of the whole world.

Members of the public are sure to ask, what has gone wrong with this \$70-billion new airport? Are the problems really the results of simple computer breakdowns, or are the mistakes man-made? Or was the Administration being unduly ambitious and demanded the "hasty commissioning" of a new airport that was not yet ready, just to add more glamour to the visit to Hong Kong by President JIANG Zemin? The appointment of the select committee is meant to get to the bottom of all these problems.

Since the problems in the new airport emerged, the Chief Executive and Members of the Executive Council handled the matter with an attitude of "toning down big problems as small ones and then sweeping small problems under the carpet". First we had the Chief Executive calling on people not to blame each other, then we had Mr S Y CHUNG, convenor of the Executive Council, criticizing the Legislative Council and the Ombudsman for making "redundant" investigations. The words of both of them are telling us that the way the Administration is going to handle the matter is not open, serious and responsible, rather the Administration wants to hide the facts, to drag on and to avoid responsibility.

Mr TUNG Chee-hwa, the Chief Executive, did not want to have any investigation at the beginning. It was not until the Legislative Council discussed appointing a select committee that he announced the appointment of a investigation group, saying that such a group would have two international experts. And only after such an investigation group was strongly criticized by Members of the Legislative Council and the public for not having statutory investigative powers and the power to summon witnesses did the Administration hastily upgrade the group into a Commission of Inquiry, but now without any international experts. The way the appointment of the Commission of Inquiry was made has given people the impression that the entire process was hasty, unrefined and lacked detailed deliberation. What is more, there is conflict of interest on the part of Mr CHENG Wai-kin who is thus far not accepted by the public as a suitable candidate as a member of the Commission.

The Administration wanted to "jump the gun" by appointing its own Commission of Inquiry ahead of the select committee of the Legislative Council and thus overshadow the latter. Whether the Administration wants to find out the facts or there is any other hidden agenda, those perceptive enough will well understand.

The remarks of Mr Justice WOO, chairman of the Commission of Inquiry, on the day of his appointment were particularly offensive. He said that he was not happy with the various comments on the problems of the new airport. The overbearing and feudalistic overtone of his words kind of suggests that he was roaring at his subjects as a monarch from his very high seat. Members of the public do not care whether Mr Justice WOO is happy or not; they are concerned about the provisions of the law, and about the circumstances under which Members of the Legislative Council, members of the mass media and the public may breach the law. It is a pity that Mr Justice WOO did not offer, as he should in the line of his new responsibility, any detailed explanation in this respect when he first spoke as chairman of the Commission of Inquiry. Irrespective of his words were well-intentioned, he had already given people the impression that he demanded "silence" from Members of the Legislative Council, members of the public and the media, creating in effect the biggest white terror since the establishment of the Hong Kong Special Administrative Region. In a later press release, Mr Justice WOO said that he had no intention of interfering with other investigations, nor did he intend to forbid press coverage of the problems of the new airport. This shows that he said the wrong thing on the first day, or at least used an exaggerated way to express himself. A slip of the tongue has made the media worry that the freedom of the press was about to be limited, has made the public worry that the freedom of expression was about to be suppressed. I think Mr Justice WOO might well learn a lesson from this.

Madam President, right at the beginning when the appointment of the select committee was discussed, the Democratic Party already pointed out that the duty of the legislature was to supervise the executive authorities, therefore we should not dance to the tune of the Government. Right then the Democratic Party already suggested that our select committee should work independently, should not be bound by any limit as to the timing to begin its investigation, nor should it in particular wait, only to start after the investigative group appointed by the Administration had submitted its report. The reasoning of the Democratic Party has now been vindicated. We welcome the change of mind of other political parties and independent Members and their new support for our original proposal.

Madam President, members of the public have been expressing their worries that whether the three investigating bodies would compete with each other, resulting in a waste of resources. The answer is in the negative. The results of the latest poll have shown that public trust in the select committee of the Legislative Council is higher than that enjoyed by the Commission of Inquiry chaired by Mr Justice WOO. This is a public vote of confidence in the Legislative Council. As a member designate of the select committee, I will put public interest in the forefront of the investigation. The community requires us to conduct the investigation in an open, independent, rational and responsible way so as to uncover the truth for all to see. It will be public funds that the select committee uses, so there should be strict self-restraint in the use of the investigation fund. The scope of investigation of the select committee has not been determined, but I am sure it will be one that is most extensive and unrestricted. There would also not be any qualms about summoning witnesses. In this way the circumstances leading to the problems and the problems *per se* would be faithfully exposed, and this would be in the best interest of the public. With the concerted effort of the 13 members in the select committee, I am confident that the expectations of the public will be met.

I so submit. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): Madam President, I support the appointment of the select committee to look into the problems of the new airport in Chek Lap Kok since the commencement of its operation.

The various problems that emerged on the first day of the operation of the new airport were very much the concern of people of the various sectors, including airport users, investors and the tourism industry, the latter being the working partner of the airport. To look into the problems of the new airport, the Chief Executive appointed a Commission of Inquiry. And the Ombudsman also indicated he would conduct his own investigation. This select committee of the Legislative Council, I believe, will supplement the inadequacy, if any, of the two investigating bodies, making the investigation more comprehensive and more extensive.

Regarding the investigation, apart from the workings of the Airport Authority and the causes leading to the chaos on the first day of operation of the new airport, I believe the objective is to ultimately ensure that the new airport will operate smoothly in the future, and to avoid a repetition of such problems. As the subjects of the investigation have to face three investigating bodies, the question of deployment of manpower and resources is bound to arise. Therefore I hope that in the course of investigation, attention would be paid to avoid repetition.

As a matter of fact, investigation regarding the new airport should not be confined to problems already emerged, because the chaos that appeared when the new airport began its operation was mainly not due to problems of construction and design, but to the operation. Therefore I think that the select committee of the Legislative Council should extend the scope of its investigation to the structure of the Airport Authority and the suitability of its members, in particular to the issue of whether or not the existing structure of the Airport Authority can cope with the future development of the airport now that it is in operation.

I am not saying that the serving directors and members of the Airport Authority are incompetent. On the contrary, many of them with their diverse backgrounds are experts in finance and construction. But with their limited actual experience in airport operation, the new airport has given people an impression of utter chaos. This could be a problem of the structure of the Airport Authority and its lack of operational experience and that it did not listen to the voice of the users.

The investigation into the mishandling of the operation of the new airport should be forwarding-looking so that its future use and monitoring can be well prepared. It is hoped that the Administration would be able to react appropriately if and when similar problems arise in airport operation in the future.

In the long run, the new airport as a piece of infrastructural hardware is very important to the passenger and freight transportation services of Hong Kong. However, hardware alone cannot serve to produce the expected results, for the most crucial matter is how to attract users to use the new airport. The Commission of Inquiry will only look into the problems arose at the commencement of operation of the new airport, it has nothing directly to do with future ways to attract users. However, the period for recouping the investment in the new airport and its financing arrangements do have a direct

bearing on the fees the airport charges users and on the economic consideration regarding earlier or later commencement of operation. For longer-term purposes, the relationship among financing, rate of return and fees charged must be taken into consideration in our attempt to attract more airport users.

I strongly support the appointment of the select committee to look into the problems of the new airport in Chek Lap Kok. However, I also hope that the scope of investigation of the select committee would be wider than those of the government-appointed commission and that the select committee could be more forward looking by including the issues just mentioned.

PRESIDENT (in Cantonese): Miss Emily LAU.

MISS EMILY LAU (in Cantonese): I speak in support of the Honourable LAU Kong-wah's resolution to ask this Council to appoint a select committee to inquire into the problems emerged since the commencement of operation of the new airport.

Madam President, I believe you are also aware that the problems of the airport have been termed catastrophic and have brought us a blemished reputation in the international community. Many people in Hong Kong are both very angry and disappointed because while we all thought that the new airport we spent so enormously to build would bring much benefit to the economy and various sectors of Hong Kong, what we actually got was great chaos that caused grave losses to our economic activities. Earlier at today's meeting, Members asked questions about the problems of the new airport, the Administration told us that we had suffered huge losses and it was not yet known when the pandemonium would end. Therefore I believe the community expects somebody to get to the bottom of the matter, to see why such an unprecedented fiasco came about with the commissioning of the new airport, particularly in view of the hitherto good name of Hong Kong with its high efficiency in management and other areas.

Madam President, the public, and some Members just now, questioned the justification for having three investigative bodies. For this, the executive authorities has to bear the greatest responsibility because in the wake of the uproar both locally and internationally following the incident, had the Administration stood out immediately to announce the establishment of an independent investigative commission of a very high level to thoroughly look

into the matter, many people would have calmed down and agreed to wait a bit. However, the Administration of the TUNG Chee-hwa clique did no such thing; as a result, Members of this Council felt that we had to take it upon ourselves to do so. Why is it so? Because if those people who should do something are doing nothing, it certainly falls on those of us in the Legislative Council. Yet when our intention to do something became known to them, they jumped out to cut us out by announcing the appointment of a group to conduct the investigation. As that proposal obviously could not meet the expectations of the community, several investigative bodies were resulted, as Mrs Selina CHOW just said, and here we have the "triplets". I regret this state of affairs very much. Madam President, I hope that the Administration would consider who has brought about the present situation. We are not competing against anybody, and I believe that members of the public also expect us not to waste resources and hope that we would work in an efficient and disciplined way to find out who should be held responsible and why the matter was as serious and bad as it was. I wish that Members who speak later would support the establishment of the select committee. With the support of this Council, the 13 of us will do our best.

Lastly, Madam President, I would like to raise one more point and that is, about the freedoms of the press and speech. Just now a Member mentioned the remarks of Mr Justice WOO. Though he offered clarifications later, his words on the first day aroused public uproar, giving people the impression that he wanted to suppress public comments, including those of the press. Fortunately he clarified later. I hope that his clarifications could make our community and the international community understand that nobody is out there to kill the freedom of speech. However when the investigation is under way, people should not say anything that may influence the investigation.

Nevertheless, Madam President, the new airport is enormous in size and incidents may happen any time, so how can comments be banned? Therefore, we hope to give a message to the press and the people of Hong Kong that we will continue to enjoy the freedoms of the press and speech. Mr Justice WOO said on that occasion that witnesses testifying before the Commission of Inquiry should not be influenced, that is the way it should be. We should not allege that somebody lies, saying that his words are not to be believed. We should not make such comments, nor should we say who should be held responsible, because that is something for the commission to eventually find out. Outside of such limits, however, I believe there still exists much scope for the media or the public to air their views.

Madam President, I support the resolution. I hope that this Council would support the appointment of the select committee. We will do our best and I believe the public has great expectations of us. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LAU Kong-wah, do you wish to reply?

(Mr LAU Kong-wah indicated he had no intention to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the resolution moved by Mr LAU Kong-wah, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively from each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the resolution passed.

PRESIDENT (in Cantonese): Two motions with no legal effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates. 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 Rule 37 of the Rules of Procedure, I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Review of District Organisations. Mr Ambrose CHEUNG.

REVIEW OF DISTRICT ORGANISATIONS

MR AMBROSE CHEUNG (in Cantonese): Madam President, I move the motion as set out on the Agenda.

Madam President, I have moved a neutral motion today mainly for two reasons. Firstly, I wish to make use of a controversial topic to enable Honourable colleagues to speak freely on and share their opinions with others. Secondly, up to the date when I proposed this motion, the Urban Council has not yet taken any position. I wish to thank the Honourable Fred LI for proposing an amendment after the Urban Council has confirmed its position. I shall support the amendment proposed by Mr Fred LI. Besides, I would like to thank the Honourable Miss Cyd HO for proposing another amendment. But since the Urban Council has not made its stance on Miss HO's amendment known yet, so although personally I support this amendment, I shall abstain from voting.

The review of district organisations has given me a memorable experience. That is, in the past two months, and especially in the last few days, we have been hearing voices like: "abrogation of powers", "killing of the Council", "a great retrogression in democracy", "a natural death", "bypassing the Legislative Council through the back door" and so on. From these remarks, we can see that the document on the review of district organisations indeed has aroused a lot of discussions. I hope we can study the document in a rational manner, and so the objective of my speech is to provide more information for Members' consideration so that we can make a rational judgment on whether views such as "the abrogation of powers", "killing of the Council" and "using public opinion as an excuse" are justified.

On the outset, I would like to express our appreciation on behalf of the Urban Council for the review of district organisations. We will do our best to co-operate. The Urban Council is aware that municipal affairs are directly affecting the life of every member of the public and so it agrees that we should take a forward-looking perspective when we consider how municipal service can be made in line with social changes. We should also formulate long-term policies on food safety, environmental hygiene and in the area of arts and culture, recreation and sports, so that we can provide effective services which can meet the needs of the public.

In this review the Urban Council expects that the Government can follow three major principles: first, the review must be comprehensive; second, it must be fair; and third, it must be open. Then I shall give about 10 examples so that Members can be more informed and thereby have a solid ground to make fair judgment. Members will then see why the Government has intentionally or unintentionally left out certain pieces of important and true information.

First, the consultation document is basically deficient in policy analysis, research and survey. The document mentions the need of directing the delivery of municipal services to the changing needs of society and the requirements of the public, as well as the desire of the public for participation in policy formulation and monitoring. But the document does not provide any information on any study and survey, nor any direction for reform. So the first point I want to raise is that the document is basically deficient in policy analysis, research and survey.

Secondly, the consultation document is devoid of any goal for constitutional development. The document should be part of constitutional development, but the Government is evading this fact. The objectives of the review as listed in the document are devoid of any goal for constitutional development. There is no mention of the directions of the development of district administration, representative system and democratization. The Government is absolutely silent on the changes in the constitutional framework and the great retrogression in democracy as a result of the changes in the functions and administrative framework.

Thirdly, the Government has its own established position. The main line of thought found in the entire document is "abrogation of powers" and "killing the Council", which is supplemented by a resort to public opinion as a pretext. Is this another false consultation? As it is, the document would easily induce the readers to form a certain impression and that is: the Urban Council should be held responsible for the series of incidents on food safety which happened in the past 18 months. Readers will naturally accept the suggestion of the Government to centralize the food safety and environmental hygiene functions.

Fourthly, the Government has not told Members that a great part of the formulation, decision and administration of policies on professional services in food safety and environmental hygiene is undertaken by the Health and Welfare Bureau, the Department of Health, the Economic Services Bureau, the Agriculture and Fisheries Department and the Environmental Protection Department. Basically the two Municipal Councils are only carrying out monitoring functions and as far as the formulation of policies is concerned, they are mainly responsible for environmental hygiene. I have tabled a supplementary paper to facilitate Members' understanding of the distribution of our responsibilities and powers in the area of food safety.

Fifthly, the Government has not told us that in the past dozen or so food safety incidents, the Government has assumed the responsibility of co-ordination. Very often the problem of co-operation and communication between different departments arise, and this has affected efficiency. The Government does not mention whether or not there has been any review afterwards, nor are the results of such a review disclosed. Likewise, the Government has not provided any information on the division of work between the departments, and whether or not any problems arose in the decision-making and procedures and whether or not there was any administrative malpractice.

Sixthly, the Government has not expressly told Members that most of the incidents on food safety were in fact caused by imported food and the viruses concerned are either new ones or those which are seldom found in Hong Kong. This is totally not related to the Urban Council. The main problem is that the Government has not devised a good quarantine system before the occurrence of these incidents. The health certificates issued by the export countries and the practice of taking food samples during the various retail stages are the means used by the Government to ensure food safety. This is not enough in protecting the health of the public.

Seventhly, the Government has not told Members that in the "avian flu" incident, under the co-ordination of the Government, the two Municipal Councils and the two Municipal Services Departments basically only assumed the responsibility of slaughtering the chickens in the markets and sending the carcasses to the landfills. And the two Municipal Councils were able to complete this task with high efficiency.

Eighthly, the Government has not expressly told Members that the two Municipal Councils have played an active role in monitoring the Government in the area of food safety. Recently, we have recommended and suggested at least eight new measures to the Government hopefully for implementation. I have provided the relevant information for your reference in the supplementary paper I tabled.

Ninthly, the Government has not told Members that the cause of these dozen or so food safety incidents is totally not related to any policy inconsistencies of the two Municipal Councils. The Government has been able to cite only one example of policy inconsistency, and that is in the enforcement of the legislation on raw beef. But this is totally unrelated to the cause of the spate of food safety incidents. There is no clear-cut analysis put forward by the Government to explain why food safety and environmental hygiene matters cannot be put under one bureau and monitored by the Urban Council. The Government thinks that such a function should be played by the Legislative Council.

I recall that in the past year the Urban Council held 629 meetings, spent 1 241 hours in discussions and studied 3 944 papers. These kinds of monitoring and discussion work on issues related to municipal affairs and people's livelihood are heavy and specific. I believe that the Legislative Council is definitely competent in handling them. But the question remains: Should the time of the Legislative Council be spent on these matters which are trivial and specific?

I hope Members can consider these 10 points I have raised. From the above, Members will see that the Government does not have sufficient grounds to abrogate the powers of the two Municipal Councils. I would like to mention another point and that is, the Government does not state clearly that the results of the two surveys on the public image of the two Municipal Councils conducted in 1996 and 1997 showed that 53% of the interviewees were satisfied with the environmental hygiene services of the Urban Council. Only 20% of the interviewees were not satisfied. Most of the respondents of the surveys were satisfied with the services of the two Municipal Councils in the discharge of their three functions. Moreover, the Government has not told Members that in the many opinion conducted taken over the past two months, results of the one carried out by the Democratic Alliance for the Betterment of Hong Kong in June showed that 70% of the public interviewed went for an amalgamation of the two Municipal Councils into one council and more than 50% objected to the dissolution of the two Municipal Councils and to transfer

their functions to relevant policy bureaux and departments. The survey conducted by the Democratic Party in July showed that over 70% of the public interviewed agreed to the suggestion that an amalgamated council should assume the responsibility of food safety. 33% went for amalgamation while less than 17% were against it. Yesterday we read about an independent survey conducted by a research institute of the University of Hong Kong. Its results showed that 60% of the interviewed supported an amalgamation of the two Municipal Councils. The information cited clearly revealed the justification or otherwise of the Government's intention of "killing the councils".

From the information cited above we can see that the Government carried out the review in a manner which was not comprehensive, fair and open. It was not comprehensive because the Government did not have any constitutional goals, concrete rationale and analysis. It was not fair because the review was not founded on facts and the information used was not adequate. It was not open because the Government had its own established position and public opinion was guided towards that position. Therefore, the integrity of the Government was totally questionable.

I am aware of certain past incidents which affected the public's impression of the Urban Council and even the calibre of Urban Councillors was put in doubt. But the advantage of a democratic system is precisely this: if the public is not satisfied with a councillor, support for that councillor can be withdrawn in the next election. If there is any discontent with the system, proposals for changes can be put forward by public opinion.

The Urban Council in its debates has raised the "one council, one department" proposal and details of this proposal has been put in the letter sent to Legislative Council Members yesterday. I hope Members will carefully consider our reasons given.

Lastly, I would like to put forward three demands to the Secretary. First, it is not that important that the Government has any established position, the most important thing is that the Secretary can tell us clearly that the Government has not made any final decision yet. I hope that the Secretary can keep the promise he made two weeks ago at the Panel on Constitutional Affairs, that is, he would come to the Panel meeting in the beginning of September to follow up the matter with us, and before that the Government would not make any final decisions.

Second, I hope the Secretary can guarantee that even if any change is proposed in the review of district organisations, and if that change would involve any discussion with the Legislative Council or amendment of legislation, the Government would not use the "back door" and bypass the Legislative Council by resorting to administrative procedures.

Third, public opinion findings. As public opinion findings differ, I hope that the Government can disclose at the end of the consultation period the grounds upon which it analyses the opinion surveys conducted by individuals, groups, political groups, as well as those independent surveys. In so doing, it can be accountable to the public.

In conclusion, I urge all Honourable Members to support my original motion and the "one council, one department" proposal in the amendment advanced by Mr Fred LI. Thank you, Madam President.

Mr Ambrose CHEUNG moved the following motion:

"That this Council puts to the Government its views on the Consultation Document on the Review of District Organisations published in June 1998, and urges the Government to fully consult the various sectors of the community before making a final decision on the future development of district organisation."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That this Council puts to the Government its views on the Consultation Document on the Review of District Organisations published in June 1998, and urges the Government to fully consult the various sectors of the community before making a final decision on the future development of district organisation.

Members have been informed by circular on 24 July that Mr Fred LI and Miss Cyd HO have separately given notice to move amendments to this motion. Their amendments have been printed on the Agenda. In accordance with the Rules of Procedure, the motion and the two amendments will now be debated together in a joint debate.

In accordance with Rule 34(5) of the Rules of Procedure, I will call upon Mr Fred LI to speak first, to be followed by Miss Cyd HO; but no amendments are to be moved at this stage. Members may express their views on the motion and the amendments. Mr Fred LI.

MR FRED LI (in Cantonese): Madam President, the political tricks employed by the Government since the publication of the *Consultation Document on the Review of District Organisations* (Consultation Document) are indeed eye openers. If I were to summarize the performance of the Government during the consultation period with football jargons, I would say it has resorted to foul play of all kinds, not only shirt-pulling or elbow charge, but also "intercept from behind". The objective the Government has behind all this foul play is but one: to attack the two Municipal Councils until they are unable to stand on their feet and eventually driven out from the field.

Madam President, since the Consultation Document was published, the Government has been mobilizing its propaganda machinery to frame and affect the public opinion, so that, it could use in the end the distorted public opinion to eliminate any possible chances for the two Municipal Councils to continue to exist. Having been a councillor for so many years — since I became a district board member in 1985, I have in fact been a "three-hat" councillor for many years — never have I in any consultation periods seen the Government disclosing the number of submissions received and quoting out of context views submitted by the public as frequently as in this one. In an attempt to influence the public impression of the two Municipal Councils during the consultation period, government officials, including Mr Michael SUEN, have made assertions in public that the political role of the two Municipal Councils had been fulfilled, thereby hinting that it should be time for the two Municipal Councils to conclude their historical mission. Although the consultation work is still in progress, a conclusion has already been drawn. From here we can see that the consultation is but an acting play.

Mr John LEUNG from the Constitutional Affairs Bureau is indeed outspoken, for he has condemned the Urban Council in a radio programme and denounced it as worthless. What is more, he has even claimed that the "one council, one department" proposal would easily give rise to problems of professionals being led by non-professionals. He said this also in a radio programme. Mr LEUNG belongs to the Administrative Officer grade, an officer grade which is not technical in any way. The most typical example of

professionals being led by non-professionals is the existing civilian government system. Mrs WEI, the head of the Agriculture and Fisheries Department, is an Administrative Officer. How about those who work under her? Technical staff. Who heads the Education Department? An Administrative Officer. Who are her subordinates? Again, technical staff. Please enlighten me if these are not cases of professionals being led by non-professionals. This is how the Government as a whole works, and this is also how the civilian government system works. Naturally, Urban Councillors are not professionals, but they are responsible for monitoring government departments on behalf of the public. If the government departments they monitor are staffed by professionals, how could there be any question of professionals being led by non-professionals!

While the Consultation Document has repeatedly laid emphasis on the many advantages of centralizing the management of food safety and environmental hygiene, public officers from the Constitutional Affairs Bureau have time and again demonstrated in public their steadfast stance that it should be an unalterable policy direction for the Government to take over the responsibility for food safety and environmental hygiene.

However, we should see clearly for ourselves that the responsibility for food safety today is mainly assumed by the Department of Health. For instance, the quarantine inspection and supervision of contaminated vegetables, fish and meat, ciguatera poisoning and so on are conducted by technical staff who work under the Department of Health on salaries paid wholly by the Urban Council. Should the Urban Council be held fully responsible for any problems regarding such kind of work? Could that be regarded as negligence of duty on the part of the Urban Council? The assumption that the Urban Council should be held responsible for the avian flu incident is naturally an unproved presupposition.

The policy concern group of the Hong Kong Policy Research Institute has recently published a very good report. In referring to the avian flu incident, the report pointed out that the two municipal services departments were only responsible for disposing of the chicken carcasses, while the major part of the actions involved were executed by the Agriculture and Fisheries Department, the Department of Health, as well as the Environmental Protection Department, all of which were central departments of the Government. Nevertheless, the Government is still unable to agree on common measures or achieve good policy co-ordination among those government departments which

possess actual powers. That being the case, one cannot but doubt the rationale the Government in supporting the assertion that it would be able to achieve better policy co-ordination once it has taken back the power from the two Municipal Councils.

Now I should like to cite a series of new policies and decisions made recently by the Government to illustrate the advantage of having a council with elected members to monitor the executive authority.

The first example is the Hawker Control Force (HCF), the public accountability of which we have enhanced. Urban Councillors have all along insisted that members of the HCF should wear their respective identifying numbers while on duty, but so far our efforts have been to no avail. Members of the HCF have been reluctant to wear their numbers because they are afraid of being avenged, complained of and so on. Since both the HCF members and their trade union have objected to the wearing of numbers, in order not to stir up grievances, senior officers of the Urban Services Department (USD) have yielded to the labour side and allowed them not to wear their numbers. However, due to the insistence on the part of Councillors, with effect from the first day of the following month, members of the HCF are required to wear their identifying numbers while on duty. As such, they are dissatisfied with the Urban Council and would prefer to see it disbanded. Being civil servants, the HCF members could reflect their dissatisfaction to their supervisors; but Urban Councillors are representatives of the public, naturally they will stand firm and hold fast to the right way. So, this is one concrete example.

Secondly, the Urban Council has been able to exercise greater flexibility and adaptability than government departments in managing cultural and recreational facilities. In view of the low utilization rate of Urban Council's indoor facilities over the past few years, and in particular during the non-peak hours around noon, Councillors therefore suggested opening the facilities during non-peak hours for use by schools and charitable organizations free of charge, thereby making the best use of these facilities. If the facilities concerned were managed by the Government, I am sure it will never come up with such an idea, because this is not something a bureaucratic government system will do. In regard to this case, it was the Councillors who first made the suggestion and then persuaded the USD to implement. So, this is another example showing that elected Councillors are the one who take the initiatives to introduce measures that benefit the public.

I should like to stress that I am in full support of introducing reforms to the district organisations. Naturally, we are by no means perfect. We do have a lot of shortcomings. As a matter of fact, if the two Municipal Councils are to serve the public better, reform is indispensable. But the problem is that the options put forth by the Government have completely ignored public participation. The fourth objective set out by the Government in its Consultation Document was to strengthen public participation in community affairs. However, if the two Municipal Councils were to be dissolved leaving behind only those 18 district boards, and if all municipal functions were to be implemented centrally by the Government and monitored by the Legislative Council, how could public participation be strengthened at all? Is there any other mechanism that allows public participation? The so-called "delegation of powers to the district boards" is nothing but nonsense. District boards are advisory bodies, what kind of power could the Government delegate to them? How could the Government leave decisions to the district boards? What the Government would do in the end is to send senior officials to attend district board meetings to make the district board members feel important, and another measure would be to increase the amount of allowance for district board members. These are in fact measures to buy support from district board members. The Government is trying to employ the "impress-suppress" tactics to win support from district boards on one hand and to knock down the Urban Council on the other. I am sorry to tell Mr SUEN that we have exposed such tactics.

I welcome very much the proposal submitted by the Democratic Party, since most of the ideas contained therein are very much similar to that of the motion agreed to by the two Municipal Councils earlier on. According to my understanding, members of the two Municipal Councils have detailedly discussed the matter over and over before putting forth the "one council, one department" proposal. As regards the issue of food safety and environmental hygiene, a consensus has yet to be reached among the various parties and factions. In regard to the responsibility concerning food safety, some Councillors believe that part of it should be transferred to the central government and part of it be retained by the Urban Council. Although I believe that this should call for further discussion, the Government has indicated that this is something "not to be discussed". At the meeting of the Panel on Constitutional Affairs held the other day, I have inquired Mr SUEN of the unsatisfactory environmental hygiene services which cause the Government to take over and centralize the relevant responsibility. However, he did not give me any reply then. Unlike food safety the responsibility for which should be no more than some co-ordination work, the responsibility for environmental

hygiene would involve different kinds of work, why should it be centralized altogether? The Secretary could not answer this question, because the issue falls entirely out of his ambit.

After the transfer of sovereignty, the public has become more and more dissatisfied with the administrative performance of the Government led by Mr TUNG Chee-hwa. What is more, results of opinion polls have reflected that public support for the Government has been falling continuously. Yet this incapable and domineering Government still wishes to expand the executive-led powers while cutting down further the monitoring role of elected councils. In regard to such a Government which craves for the grandiose, the public could hardly have any confidence in its taking over of all the responsibility for both food safety and environmental hygiene.

Regarding the amendment proposed by Miss Cyd HO, as it has clearly stated the principle that Councillors should all be returned by popular elections, which is completely in line with the long standing principle the Democratic Party, we welcome it very much. As such, we will be voting for Miss HO's amendment. With these remarks, Madam President, I have sought to move my amendment.

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

DEPUTY PRESIDENT (in Cantonese): Miss Cyd HO.

MISS CYD HO (in Cantonese): Mr Deputy, today I am not going to speak in defence of the two Municipal Councils, nor am I going to defend the serving Councillors of the two Municipal Councils either. What I want to speak to defend is the mechanism whereby councils are formed by popular elections and the right of citizens to take part in district affairs. In the long run, the Frontier is in support of the reorganization of the two-tier district organisations. But since the period of consultation lasts only two months, it is far from being adequate for a constitutional reform of such a grand scale. We can see that the Government is taking a very leisurely pace in decentralizing and devolving powers. The issue of direct elections for the Legislative Council takes a very long fermentation process and period for discussion. There will only be a review in 2007. But the abrogation of powers is a different story. A consultation period of two months is considered by the Government to be

sufficient. Does this not show that the Government does not attach any importance to the right of the people to take part in policy decisions? In the eyes of the Government, what order of priority will it accord to the people's right to take part in decision making?

In the consultation document, there is clearly a predetermined position on the part of the Government. There is mention of efficiency and co-ordination in many paragraphs and this is used as a reason to abrogate the powers of management of matters concerning the environment and food hygiene. But have they ever considered what formal channels still remain after the abrogation of powers for citizens to take part in policy making and to monitor how the Government will manage these district affairs? There is no mentioning of this point in the consultation document. This makes us feel very worried.

I think we can say very frankly that, both the Government and the public will not contend the view that the performance of the Urban Council has been poor. The way how the Councillors made overseas study visits and squandered public money, and the ways they acted and spoke during the row over the central library, the placing of the Pillar of Shame, and the share allotment incident showed that the performance of these Councillors in the past two years was really far from being satisfactory. No matter how dissatisfied is the public with these Councillors, given the existence of the election mechanism, the people have the right to replace these people and vote for other people. But if this mechanism for an elected assembly is uprooted and crushed, and if the powers are centralized, there will be no way henceforward for the people to monitor the Government, especially when the Chief Executive himself is not directly elected. There will not be a formal channel for the expression of public opinion.

There are some innate structural limitations which account for the poor performance of the Urban Council. According to the Memorandum of Administrative Arrangements in 1973, the Director of the Urban Services Department is accountable to the Chief Secretary, not the Urban Council. The Secretary of the Urban Council at that time was also appointed by the Governor (that is, the Chief Executive today). The same legal document also states, the Director of the Urban Services Department needs only attend the meetings of the Standing Committee of the Urban Council. As for other panel meetings, he may choose to attend or be absent as he wishes. There is no need to account for his attendance or absence to the Urban Councillors. Some Urban Councillors have said publicly that they had difficulties when they requested

some reference papers from the Department and in the end they failed to get what they wanted. If such an administrative organization as the Urban Services Department does not need to be accountable to the Urban Council, then how can the Urban Council manage this executive organ effectively? If the authority on staff recruitment, promotion and so on lies in the hands of the Government, then the Council will have difficulty in discharging its policy implementation duties.

So while we all agree that problems do exist, it appears however there are different solutions. The Government seems to have a clear intention of dissolving the two Municipal Councils. Of course, when the Urban Council is dissolved, there will not be any problems concerning the Urban Council because the organization does not exist any more. The Consultation Document has made no reference whatsoever to any authority which will be responsible respectively for policies in environment, food, hygiene, sanitation, arts, culture, recreation and sports. This is the greatest dissatisfaction of the Frontier. I read from the papers today that Honourable colleagues from the Democratic Alliance for the Betterment of Hong Kong (DAB) may not fully support the amendment on direct elections. To me that sounds scary. I think they will support the centralization of the powers of the two Municipal Councils and oppose to the vesting of powers in the people. I hope the DAB Members will clarify this point. If it is the Honourable LAU Wong-fat who objected to the formation of the Urban Council by direct elections, I can understand it though I am opposed to it. It is because Mr LAU belongs to the Heung Yee Kuk and before the handover the "Kuk" had three seats for *ex officio* members. If Mr LAU expresses his opposition because he had to protect the interests of his group, that is understandable though I do not agree to that. But if political groups have members who are elected to the Urban Council but then they do not support the proposal that all seats in the district organisations should be returned through direct elections, then I am really very much puzzled. Members who are returned through direct elections have the responsibility to safeguard the people's power to vote and the influence of these votes. I also believe that the voters, having cast their votes to return these people to the Council, would never have dreamed that the influence of their votes would be eradicated in the hands of the candidates they supported. So I hope Honourable colleagues from the DAB would later give an explanation why they would turn their back on the voters who have elected them.

Moreover, I would like the public to understand that a council formed by election is no guarantee for its quality. Voters at first determine the quality of a council on the election day, then monitoring will be exercised by the public and the media to ensure that the elected Members will try to do their best and not to make any mistakes. The most important thing is that when elected Members are not doing a good job, people can elect to discard them in the next election. Let me put this once again: when this power is centralized, we shall lose this right of choice because the central administrative organization is not returned through direct elections. Even if the monitoring function is exercised by the Legislative Council, currently only one third of the seats are returned through direct elections. Its credibility in the eyes of the public was far less than that of the two Municipal Councils before the handover. So, I hope that the public will cherish their right and defend the powers of an elected council together. In fact before the handover, in district organisations, apart from the few *ex officio* members who were appointed, the credibility of the Urban Council was greater than the present-day Legislative Council. But if we agree to the abrogation of powers by the Special Administrative Region Government, this would be a disastrous retrogression in democracy. So I urge Honourable colleagues to prevent this disaster from happening. For those political parties which have members returned to the Urban Council through direct elections, I wish they would defend the power of the votes. I understand the position of the Honourable Ambrose CHEUNG and his decision to abstain from voting because a consensus has not been reached in the Urban Council yet. But because we have a voting mechanism which does not give us a great chance of winning, and it is a mechanism where it will destroy rather than fulfil our plans, so if Mr CHEUNG is really going for the cause of direct elections, I hope when voting is to take place later, he will disappear for a little while so that the base number will be reduced. Thank you, Mr Deputy, I so submit.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak? Dr TANG Siu-tong.

DR TANG SIU-TONG (in Cantonese): Mr Deputy, on 1 June 1998 the Government published a *Consultation Document on the Review of District Organisations* with a number of proposals on the framework and functions of the future district organisations. On the surface this is a public consultation, but in fact it has its own sinister aim. The aim is to abolish the two Municipal Councils and use some guiding suggestions to lead the public and to create

public opinion to "kill the councils and usurp powers". My colleagues in the Regional Council, including I myself, have great regrets about this!

The functions of the two Municipal Councils

The functions of the two Municipal Councils include food safety, environmental hygiene, arts and culture, sports and recreation. They are responsible for many kinds of licensing work, including the issue of licence for food establishments, food factory licence, liquor licence and places of amusement licence and so on. The areas of food safety and environmental hygiene have always been the major functions of the two Municipal Councils. Through the council system, the two Municipal Councils formulate policies on matters relating to environmental hygiene, devise relevant legislation, and approve funding to pay for expenses on the work on environmental affairs carried out by the two municipal services departments. In the area of food safety, the two Municipal Councils are responsible for the monitoring of imported and locally supplied food to ensure that they are fit for consumption. The Councils are also responsible for publicity work on food safety. As for the actual food safety work, it is the responsibility of the Hygiene Division under the Department of Health.

Old wine in new bottle

The first suggestion found in the Consultation Document is that the Government should assume the responsibility for food safety and environmental hygiene. It is thought that the Government can do the job better. I do not agree to this. In fact, this is like putting old wine in new bottle. The Hygiene Division of the Department of Health is a government organization, but it revealed its gross inadequacy in the avian flu incident. There has not been any improvement of standards afterwards and co-ordination remains problematic. I doubt if the Government can do things better.

On the contrary, in the many cases of food safety such as the deterioration of Vitasoy, the existence of O-157 E-Coli in beef, the mad cow disease, the contaminated ice cream, ciguatoxic fishes, contaminated vegetables, cholera, the existence of asthma drugs in pork offals and so on, the two Municipal Councils have worked hard in the monitoring process and many constructive suggestions are put forward. These are followed up by the two municipal services departments and the Department of Health for the protection of public health.

Stifling of public opinion and retreat of democracy

As we all know, the Urban Council is the earliest statutory body with elected members in Hong Kong history. It is a forerunner in constitutional development in Hong Kong. If the two Municipal Councils are dissolved, it is like stifling the chances of the people in taking part in limited municipal services. It is in fact a retrogression in democracy and it is also a black box operation which poses an obstacle to the development of democracy in Hong Kong.

Inadequate monitoring by the Legislative Council

The Government gives a lame excuse to explain that after the dissolution of the two Municipal Councils the members of which are largely returned through election, the monitoring of the Government's work in food safety and environmental hygiene will be the responsibility of the Legislative Council by way of public opinion.

In advanced countries, it is an unheard of thing for legislators to monitor municipal services. The work of the Legislative Council is already very heavy and it possesses different functions. It would be very difficult for Members to engage in municipal work, even if it can be done, it is doubtful whether it could be done well.

Take the year 1997-98 as an example, the two Municipal Councils held 629 meetings and deliberated on 2 944 papers. In raising public accountability, implementation by the two Councils would be better than the Legislative Council. Moreover, it would be hard for the Legislative Council to implement measures without being vested with administrative authority.

Lacking in public surveillance and abound in defects

There are countless examples of work done by government departments alone which led to a lot of public outcry. Such examples include the frequent flooding of New Territories North and many places in the urban area in heavy downpours, the indiscriminate dumping of industrial waste, landslides caused by dangerous slopes and the chaos that the new airport has recently experienced. The Government has borne the brunt of the blame. Reliance on the co-ordination and operation of the departments alone is not enough in ensuring efficiency. Only when public opinion organizations can exercise the monitoring functions can the interest of the public at large be protected.

Financial arrangements

The second suggestion of the Consultation Document is to make the Legislative Council responsible for making financial arrangements. This is something which can be discussed. According to the present funding system, funding for municipal services is made by the Treasury which vets every three years the five-year budget submitted by the two Municipal Councils. After discussions made by both parties, the Government will finalize the amount of funding for the two Municipal Councils on a triennium basis. According to existing laws, the annual budgets of the two Municipal Councils and the amended and vetted account statements must be submitted to the Legislative Council for information and reference.

Streamline the structure and preserve the local colour

The third and fourth recommendations of the Consultation Document are to urge for streamlining the structure and preserving the local colour. We agree that this should be done. In the long run and for the sake of streamlining the structure, it is understandable that the two Municipal Councils should be amalgamated. But the reorganization of the district organisations would involve the well-established and effective mode of representative system and should not be hastily implemented. Extensive discussion and study should be made. The establishment of the Regional Council was made in consideration of the drastic increase of population in the New Territories and the resultant ardent demand for municipal services. In the foreseeable future, the population of the New Territories will increase to 4.5 million and there is a cause for the Regional Council to continue to exist in order to cater for the increasing demands of the New Territories. When the disparity of the urban and rural areas is disappearing, the time for a merger of the two Municipal Councils will be ripe.

Conclusion

In conclusion, the two Municipal Councils have sufficient grounds for continued existence and should be preserved. Their amalgamation can be considered when the time is ripe.

The existing municipal functions should continue to be vested in the two Municipal Councils. As for the area of food safety, theoretically it is the responsibility of the two Municipal Councils but in practice the reins of powers are in the Hygiene Division of the Department of Health. But the past

performance of this Division is not too satisfactory and should be reviewed to increase its accountability or even be reorganized to make it more accountable to the public.

As for financial arrangements, the two Municipal Councils have already been adhering strictly to the principles of financial expenditure of the Government. If more stringent vetting is required by the Government, it is also understandable. The wish of the Government and that of the members of the two Municipal Councils is to achieve value for money and proper utilization of public money.

Mr Deputy, I cannot support the amendment proposed by Miss Cyd HO for she denies many professionals of the chance to take part in affairs of municipal administration and to make their contribution. But I support the "one council, one department" proposal of Mr Fred LI and the proposal to retain the powers of the Urban Council, as well as the original motion moved by Mr Ambrose CHEUNG.

DEPUTY PRESIDENT (in Cantonese): Mr LAU Wong-fat.

MR LAU WONG-FAT (in Cantonese): Mr Deputy, I witnessed the birth of the former Provisional Regional Council, the forerunner of the Regional Council, in 1985. I was honoured to take part in the work related to its establishment. Owing to the long-standing negligence of the municipal service of the New Territories, the residents and groups there, including the Heung Yee Kuk, were in active support of the establishment of the Regional Council. Among the officials who made possible the speedy birth of the Regional Council was Mr Michael SUEN, the Secretary for Constitutional Affairs.

The facts speak. It is an appropriate thing to set up the Regional Council outside the original framework of the Urban Council. For many years the Regional Council has been taking care of the municipal needs of the new towns and the rural areas. Its achievements in food safety, environmental hygiene, cultural and recreational affairs are the strongest evidence. As a constituent of the three-tier representative structure of Hong Kong, the two Municipal Councils' contribution to raising the quality of life of the public is obvious to all. But in just one year after the reunification, and at a time when stability and continuity are still widely regarded as an important goal to be

defended, the Government rushes through the "council killing" plan to the surprise and amazement of all.

History is well-known for its ability to mock the present. The executioner of this "council killing" act is the same Mr Michael SUEN. Needless to say, I have great expectations for the Regional Council and I would be very reluctant to see its birth and killing before my own eyes. This is also the point where I am at most variance with Mr SUEN. It is true that "he who has come, comes with ill-intent, certainly not on virtue bent". The Government has been anxious to make known its determination to kill the Councils on a number of occasions even before the consultation period is over. The casual remark of "fulfilling the historical task" is tantamount to passing a death sentence to the two Municipal Councils unilaterally. It has totally denied the value of their existence. To put it plainly, the so-called consultation is simply a hoax. To follow the same line of logic, there is no sense in holding today's debate.

The consultation document that the Government has issued earlier should better be called an attempt to persuade the public to accept its plan to dissolve the Municipal Councils and abrogate their powers in food safety and environmental hygiene. The Government's proposal to slash the most vital powers of the two Municipal Councils brings up an event in Chinese history to my mind: After the death of LIU Bang, the Emperor Gao Zu of the Han Dynasty, his queen LU wanted to punish Madam QI, her rival for the Emperor's affection. She had her four limbs amputated and her eyes taken out and had her thrown into the latrine. She was then named "man-pig". I think everyone with a sense of dignity would not swallow the degradation of the two Municipal Councils into a half-dead "man-pig" organization.

Mr Deputy, there may well be some unsatisfactory performance in the operation of the two Municipal Councils, but in fact these can be rectified within the existing framework and mechanisms through the adoption of certain measures. The Government should at least give the Municipal Councils some chance and time to work on these defects. And that is an appropriate thing to do. The Government should not make the excuse that the duties and resources are too much fragmented as a reason to dissolve the two Councils. This would only oversimplify the problem and mislead the public. As for putting the blame of mishandling the avian flu incident on the two Municipal Councils, this is only arbitrary and will be hardly convincing to the public.

The abrogation of the powers of the Municipal Councils and their being reverted to the Government is seen as a retrogression in democracy by public opinion. It is thought that without the monitoring of experienced elected councils, the chances of the Government in making blunders will increase. What is more worrying is that in the past year, the Administration has made frequent errors and when coupled with the spate of crises confronting the territory, the Government has found itself at a loss to tackle the many problems that appeared, let alone the financial turmoil. Should the Government amass more duties to itself at this time, how can the public have confidence in it? In fact, the Government is unable to offer convincing evidence to ensure that the centralization of powers would help to solve the problems more effectively and that the public would be given better services.

Some of the views put forward suggested that the slashing of the powers of the two Municipal Councils was due to the dissatisfaction of the Government with the performance of some councillors. If this is really the case, then it would be a very absurd thing. There is a saying in the circles of government officials which goes like this: "An iron gate guards the government office but the officials inside flow like water". The human problem is but a temporary phenomenon. And it also goes in the councils. Those councillors who fail to meet public expectations will be replaced in time. The mobility of councillors is much higher than that of government officials and their stability is much lower.

Mr Deputy, prudence and pragmatism, together with gradual and orderly progress, are the convictions which Hong Kong upholds and the key to its success. On the issue of the Municipal Councils, I cannot see any urgent need which calls for such a drastic change. Why can the Administration not wait and see what the two Councils can do under the existing mechanisms to rectify the problems or to study the possibility of deferring the introduction of the "one council, one department" plan to a more remote time in the future? The attempt to "kill the councils" regardless of anything and proceed with it despite everything is certainly an irresponsible and most dangerous course to take.

Not too long ago, the chaos of the new airport have given us a

DEPUTY PRESIDENT (in Cantonese): Your time is up, please sit down. Mr Gary CHENG.

MR GARY CHENG (in Cantonese): Mr Deputy, the Democratic Alliance for the Betterment of Hong Kong (DAB) is more than willing to take part in the consultation on the review of the organization of the two Municipal Councils initiated by the Government. I trust that many members of the public are also very much concerned with this review which has a great bearing on the livelihood of the people.

The review we are having is a very vital one, for it covers not only changes in the structure and functions of district organisations and government departments, but also constitutional reform in the future and issues of people's livelihood in the long run. Despite such a wide scope of influence, the Government is only prepared to use four months to decide on the duties and structure of such a complicated organization with such a long history. This can only be called rash. What is more regrettable is that the Government has been reiterating its predetermined position time and again during the consultation period, that is, the functions of the two Municipal Councils are over and through. This kind of publicity before the issue is settled can only make us cast doubts on the sincerity of the Government in conducting a consultation and the attitude it will have on the opponents of the plan. In fact, if we are to agree to undergo a surgery to remove some parts of our body, there has to be some detailed and sophisticated study beforehand, not to say an issue which is closely related to the life of the Hong Kong people. As Mr Ambrose CHEUNG has said just now, results of an opinion survey conducted by the Democratic Alliance for the Betterment of Hong Kong (DAB) in the middle of June showed that more than half of the interviewees, that is, most of the people, did not agree to the dissolution of the two Municipal Councils. They supported an amalgamation of the two Councils. This shows that there exists a very great disparity between the voice of the people and the position of the Government.

The existence of the two Municipal Councils does give people the impression of an overlapping of resources and inconsistency in handling problems, and even inconsistency in regulatory legislation. Such a state of affairs has led to complaints. The DAB thinks that it is unwise to abolish the two Municipal Councils now, but an amalgamation of the two can on the other hand, lead to a better utilization of resources and better efficiency and consistency in handling municipal problems.

At the same time, as different municipal functions vary, different kinds of expertise and services are required, and so there ought to be a clear

delineation of powers. The DAB thinks that there ought to be some kind of distinction between work related to food safety and food hygiene. At present, the Department of Health is responsible for the safety control of imported and local food. The provision of some professional services such as food sampling and checking of labels are given assistance and support by government departments. So we think it is appropriate to leave such work to the Government on a centralized scale.

The kinds of work done by the two Municipal Councils such as inspecting food establishments, maintaining hygiene in food factories and hawker control should be retained. It is because such kinds of work do have a close relationship with the public and the two Municipal Councils have many years of experience in these areas and should not be replaced.

I would like to say what the DAB feels about the motion moved by the Mr Ambrose CHEUNG and the amendments proposed by Mr Fred LI and Miss Cyd HO.

In today's debate, the thrust of the motion of Mr Ambrose CHEUNG and the amendment of Mr Fred LI lies in the expectation of full consultation and an active attitude in studying the reorganization proposal before any final decision is to be taken. Therefore, the DAB supports Mr Fred LI's amendment. We have reservations, however, on the part on food safety proposed by Mr LI and we have different opinions. Mr Fred LI said just now that he welcomed different opinions and he could have discussions on that. I think that since it is a consultation, we should take an open and accommodating kind of attitude and discuss different proposals.

As for the amendment put forward by Miss Cyd HO, we cannot agree to it, and our disagreement lies not only in the question which Miss HO just now would like me to answer, that is, to make a response to the issue of "one person, one vote", but also in questions concerning the powers and functions of district organisations. Let me first talk about the question of "one person, one vote". I wish to remind Miss HO that if she was not too familiar with the established position of the DAB on this issue, then I would like to take this opportunity to explain it clearly to her. Miss HO mentioned the DAB a few times and these remarks were all related to votes. On the question of whether or not seats of district organisations should all be returned through direct elections, the DAB is consistent in its opinions. Our view does not appear only in today's newspaper, nor did it appear at the time around the 1998

elections. Even before the 1995 elections, when there were constitutional arguments, as for the constitutional package proposed by the Chinese and British parties which included the future direction of the district organisations, we supported the idea of allocating one fourth or one fifth of the seats to appointed councillors and that the number should be gradually decreased. Therefore, our views have been consistent. We would like to remind Miss HO that we do not just say these remarks during the elections.

Besides, as I have said earlier, today's debate is about how a full consultation can be carried out before a final decision should be made. Miss HO suggested there should be a prerequisite of not reducing the existing powers and functions of district organisations. But I think we should do away with this prerequisite. We are now criticizing the Government for having a predetermined position. What we are demanding are full consultation and discussions. Therefore, we have reservations on the prerequisite in Miss HO's amendment, that is, "not reducing the existing powers and functions of district organisations". We support the idea of taking away the responsibility for regulating food safety from the existing framework of municipal service provision. Therefore, the DAB supports Mr Fred LI's amendment.

I so submit. Thank you.

DEPUTY PRESIDENT (in Cantonese): Mr Ronald ARCULLI.

MR RONALD ARCULLI: Mr Deputy, my colleagues, the Honourable Mrs Selina CHOW, the Honourable Howard YOUNG and I will speak on behalf of the Liberal Party in setting out our proposal on this review of Hong Kong's district organisations.

Today's debate would have been far more interesting if the policy secretary was the Secretary for Health and Welfare rather than the Secretary for Constitutional Affairs. I say this because from all accounts, the Administration seems to want to perform political surgery first, by cutting the two Municipal Councils out of Hong Kong's existing three-tier representative structure, and second, possibly by bypassing this Council. The Liberal Party hopes that we are wrong on both counts.

Let me say at the outset that the Liberal Party supports the original motion and the amendment put forward by the Honourable Fred LI, whilst we do not support the amendment of the Honourable Miss Cyd HO.

The work of the two Municipal Councils, the Urban Services Department (USD) and the Regional Services Department (RSD) have been the subject of much discussion and criticism. Indeed the two Councils, the USD and the RSD, have not exactly endeared themselves to the public and each must take responsibility for their own shortcomings. That we have to address shortcomings is not the subject of disagreement. What is under discussion is how we should address these shortcomings. The Liberal Party's proposals are:

1. That the two Municipal Councils be merged into one;
2. That the USD and RSD be merged into one department;
3. That the new Municipal Council be consisting of a total of 80 members with 59 being elected through universal suffrage, 18 being returned by elections by each of the 18 District Boards and three by elections by the Heung Yee Kuk. We do not favour retaining the appointment system. This would mean reducing the number of Municipal Councillors from the current 100 to 80;
4. That the existing functions and power of the two Municipal Councils be retained except for some functions which could be transferred to the District Boards. Naturally, this will mean an increase in resources to the District Boards; and
5. That the finances for the new Municipal Council be subject to the approval and scrutiny of this Council.

Mr Deputy, the two Municipal Councils have themselves debated the review document and have opted for the "one council, one department" option. Some members of these two Municipal Councils have been pretty critical of their performance as a council. They have also criticized the USD and the RSD. This must be the first step towards reform both in structural and performance terms. Ms Ada WONG, a Provisional Urban Councillor and also a member of the Liberal Party, has made some pretty damning criticisms of the

Provisional Urban Councillors and the USD. She has also set out a 10-point improvement programme which I, on behalf of the Liberal Party, would like to re-state as follows:

1. The new Municipal Services Department must be streamlined and must increase efficiency.
2. Out-sourcing must be a real option to introduce competition and maximize cost-effectiveness.
3. Establish an independent secretariat with research capability to serve the new Municipal Council.
4. Put forward a feasible proposal to improve and enhance food safety and sanitation including the introduction, at a later stage, of a food and drug administration similar to that one sees in other countries.
5. Centralize, streamline and speed up the licensing procedure.
6. Review the hawker management policy including cost reduction.
7. Improve refuse collection and cost saving and co-operate with the Environmental Protection Department.
8. Delegate some functions to the District Boards.
9. Improve Hong Kong's cleanliness.
10. Maximize the use of resources and facilities and reduce wastage.

Mr Deputy, the Liberal Party has put forward our proposal concerning the review being undertaken by the Administration. We also believe that the Administration should adopt an open and fair-minded approach in this review and, in particular, should give due weight to the views expressed both inside and outside this Council. Thank you.

DEPUTY PRESIDENT (in Cantonese): Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): Mr Deputy, I express regret over and am strongly dissatisfied with the consultation made by the Government on district organisations. This consultation appears better than it is and is merely nominal. Taking an overview of the whole Consultation Document, the Government has obviously indicated that the food safety and environmental hygiene work of the district organisations should be carried out by the Government. Whatever the public thinks, the Government is very determined. Would such a consultation be meaningful?

In the Consultation Document, a few proposals for changes to district organisations are made and the public are invited to express their views. However, a survey conducted by political parties and the media through the Chinese University of Hong Kong and the University of Hong Kong shows that 60% of the interviewees support merging the two Municipal Councils while government officials have repeatedly said that it is a major operation which the Government finds unacceptable. The Government is inclined to a proposal for the complete dissolution of the two Municipal Councils and for the responsibilities of the two Municipal Councils for food safety and environmental hygiene to be assumed by the Government.

Mr Deputy, at a meeting of the Panel on Constitutional Affairs, I have asked the Secretary, Mr SUEN, why the Government would like to assume responsibilities of the two Municipal Councils for food safety and environmental hygiene. The Secretary told me that it was not the right time to answer my question and the Government would further consider this after the conclusion of the consultation and an outcome is reached. I do not agree to this, and to be fair, the Government should explain to and brief the public on how the Government will handle food safety and environmental hygiene work so that they can have sufficient information on the basis of which comparison and judgement can be made to determine whether it will be better for the Government or a merged Municipal Council to be in charge of food safety and environmental hygiene work. However, the Government has only asked the public to decide whether they agree that the Government should handle food safety and environmental hygiene work, failing to provide them with further information on how the Government will effectively handle these matters. On what basis should the public make a choice?

Mr Deputy, it is apparent that the consultation conducted by the Government on district organisations is very hasty and insincere. I understand that the Government wishes to demonstrate that it is its style and it is determined to remain an executive-led government. However, the public can see from the performance of the Government in this consultation that government officials are high-handed and their policies contradictory.

As regards political reform, the Government always emphasizes gradual and orderly progress but as far as district organisations are concerned, the Government repeatedly says that the two Municipal Councils should be dissolved as soon as possible. It turns out that the Government will execute policies in its favour as soon as possible, otherwise, it inclines to favour gradual and orderly progress. How can the public be convinced?

Besides, the Government has recently stressed streamlining the structure or administrative operation of certain services through statutory bodies or privatization. However, in respect of the food safety and environmental hygiene work of district organisations, the Government strangely stresses that the Government should be responsible for such work. Is the Government doing exactly the opposite?

Mr Deputy, the Secretary has mentioned the political role of the two Municipal Councils, and his views in this respect differ from mine. While the Secretary thinks that the political role of the two Municipal Councils should come to an end, he also agrees that the two Municipal Councils have nurtured many political talents in the past. In my opinion, to save resources, the two Municipal Councils should be merged but a merged municipal council should continue to provide municipal services and nurture political talents for a certain period of time.

Years ago, I proposed on behalf of the United Democrats of Hong Kong that there could be a two-tier structure, the Legislative Council and the Municipal Council, but under the premise that all Members of the Legislative Council should be returned by popular elections. When all Members of the Legislative Council are returned by popular elections, the Urban Council can be replaced by a re-structured municipal council. From the perspective of democratic development and participation by the public, the returning of all Members to the Legislative Council by popular elections should be inter-related to the formation of the two-tier structure. In other words, before Members of the Legislative Council are returned by popular elections, there is value for the

existence of the Urban Council for it can give the public more chances to take part in community affairs, improve municipal services and promote democratic development.

Mr Deputy, on the whole, I am strongly dissatisfied with this consultation conducted by the Government as this is a hoax, taking advantage of the dissatisfaction of the public with the performance of the Urban Council to dissolve the two Municipal Councils. Nevertheless, the Government fails to give sufficient reasons and put forward effective options. This is not an appropriate way to improve district organisations. In fact, the Government should carefully consider how the co-ordination between government departments and municipal services can be improved rather than expeditiously dissolving the two Municipal Councils. I would like to emphasize that if the Government clings obstinately to its course and rashly dissolves the two Municipal Councils, the Democratic Party will certainly oppose this strongly and I believe that this will trigger a constitutional crisis.

Mr Deputy, I so submit in support of Mr Fred LI's amendment.

DEPUTY PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): Mr Deputy, after years of development, the parliamentary system of Hong Kong has evolved into the existing three-tier council structure. Undeniably, the two Municipal Councils and 18 District Boards have played certain roles in the past and allowed the public to take part in the work of the councils and district affairs. In the past, Members of the legislature were appointed but they are now returned by election. This together with the social changes in the past decade or so has made it necessary for a fundamental review of district organisations to be made. I welcome the relevant Consultation Document published by the Government in June this year.

I would like to take this opportunity to share with Honourable Members my views on district organisations. Firstly, food safety and environmental hygiene is one of the major functions of the two Municipal Councils but their performance in this respect has not been satisfactory, and the recent avian flu incident has aroused great concern among the community. At present, their duties in respect of food safety and environmental hygiene are too dispersed, so much so that policy co-ordination and the efficiency of execution has had direct

impacts on people's health. Therefore, I believe that centralizing the responsibility for food safety on one single authority can improve policy co-ordination and increase efficiency.

Two other major functions of the two Municipal Councils are the provision of arts and culture as well as sports and recreational services. If the conclusion reached after the consultation is to dissolve the two Municipal Councils, the Government or the existing statutory bodies such as the Council for the Performing Arts and the Council for Recreation and Sport, or a new statutory body to be established should take over the relevant work to enhance such functions.

People from all walks of life will surely have different views on the proposals made in the Consultation Document, the Government should make good use of this consultation to understand the views of these people on the issue before making a final decision. The key government officials concerned should try their best to avoid making comments on the proposals such that they would not let the public have a misconception that the Government has already made a decision long ago and the consultation is conducted purely to gloss over it. As long as the public has such ideas in mind, even though they may not be true, the public will lose interest and confidence in the whole consultation. I sincerely tender this piece of advice to the government officials concerned.

Mr Deputy, I support the motion moved by Mr Ambrose CHEUNG. I so submit.

DEPUTY PRESIDENT (in Cantonese): Miss Christine LOH.

MISS CHRISTINE LOH (in Cantonese): Mr Deputy, the Citizens Party and I find this review very important. My comments on the Consultation Document of the Government can basically be grouped into three main categories.

Firstly, this document basically lacks a long-range perspective, and fails to specify the role district organisations should play in our political structure. The document makes a deduction of Article 97 of the Basic Law and says that district organisations are not organs of political power, hence probably the reluctance to talk too much on this. We ought not engage in a constitutional argument here and discuss about whether or not district organisations are

organs of political power as what matters is that they have their political responsibilities. However, the whole document has evaded this issue. Mr Ambrose CHEUNG and I share the views that the Government is particularly evading this issue. Nevertheless, if it evades this issue, it will never be able to get to the crux of the matter, that is, in the whole political reform, how many tiers of councils are deemed as appropriate in Hong Kong? Mr Deputy, we certainly need a Legislative Council as one of the tiers, and there are presently two more tiers. If we only need a total of two tiers, what sort of a council should we have after the reorganization? If the Government is not willing to have an in-depth discussion about this issue, I fail to see how this review will have credibility.

Secondly, we are talking about culture, sports and recreational, cleansing and food safety services in the community, and we are keen about how we can increase the efficiency of such work (we would not discuss about who should be responsible now). It is a great pity that this document only touches slightly upon this. Therefore, from another perspective, the Government fails to convince us what positive results a reform made at the district level would have or that the quality of services can be improved after this reform. Given the lack of mention on this, many speculations have arisen to the effect that this whole consultation exercise is a conspiracy. I think that the Government must ask itself if it has properly handled matters in this respect.

Thirdly, unless a reorganization is not made and the *status quo* is maintained, the document is silent, in the event of a reorganization, on what the reorganised body should do and what rights it have. If these issues are not studied now, the document will not be satisfactory.

The above are my three main criticisms of the document. I would like to talk about the problems caused by these deficiencies now. I just said that people have made many speculations about the Government. Some people speculate that the act of the Government is a retrogression that will deal a blow to the democratic development of Hong Kong. Why do they have such comments? It is precisely because the Government has failed to discuss about whether district organisations will still be vested with powers after the reorganization. If the Government cannot explain to us whether the new district organisations will be vested with powers and whether they can deal with district administration, be responsible to a democratic community and be accountable, no wonder people have made such speculations.

I would like to talk about the two amendments to this motion. The first amendment is proposed by Mr Fred LI. We have reservation about this. Even if the two Municipal Councils are merged, it seems to me that the issue we just raised cannot be solved. Therefore, we will not support the amendment proposed by Mr Fred LI.

As regards the amendment proposed by Miss Cyd HO, I absolutely support the "one man, one vote" election model but she has added a sentence, "not reducing the existing powers and functions of district organisations". (Excuse me, I have only the English version at hand and I cannot read it out in Cantonese). She uses the plural form when she mentioned district organisations but I think that this will make the scope far too narrow and restrictive. If she wishes that district organisations be given more power, the reorganization can be made in a more appropriate way. As I think that the scope of the amendment is far too narrow and restrictive, I can hardly support it.

Mr Deputy, I now turn to the views expressed by the Citizens Party to the Government and our viewpoints. We think that Hong Kong only needs a two-tier structure — the Legislative Council and a district council. The district council must have real powers and the ability to implement and oversee district administration. I am going to circularize to Members the relevant document so that Members can examine it. As time is limited, I cannot give Members a detailed explanation on this document. I wonder whether the Government will consider our request as we are actually asking it to devolve powers to a lower level. The scope of work of the legislature has been explicitly set out in the document and I think that the legislature should not carry out such work as street cleansing and rubbish disposal. The district council but not the Legislative Council should oversee such work. Moreover, I think that the appointment system must be abolished and all Members should be returned by election.

Finally, I would like to say a few words on food safety. The Government may not wish to take our advice in this respect as many government departments including the two Municipal Councils should bear responsibilities. We hope that an independent food safety bureau will be established. The bureau will put together all departments dealing with food safety and be overseen by a council returned by election. If the food safety bureau can be established shortly, I think that the Legislative Council is the most suitable overseeing body. Thank you, Mr Deputy.

DEPUTY PRESIDENT (in Cantonese): Mr SZETO Wah.

MR SZETO WAH (in Cantonese): Mr Deputy, during the time of the cultural revolution, there was the so-called "theme first" approach in literary and artistic creation. Being shackled and when ten thousand horses stood mute, all was quiet, people had the same face and spoke in the same way, there was no work, only goods. It is really surprising that after two decades or so when the Special Administrative Region (SAR) has been established for only 50 weeks, this remaining evil element found reincarnation in the corpse of a *Consultation Document on Review of District Organisations* and reappeared. This Consultation Document is also a kind of "theme first" goods.

What is its theme? I can summarize it with four phrases: senior officers' will, administrative high-handedness, arrogation of powers and retrogression in democracy.

Firstly, senior officers' will. Through the so-called "review", the Government wishes to operate on district organisations, and the first move was made in October last year in the policy address of the Chief Executive. Before then, people actually did not have an obvious, strong or eager will. The Government intends to review district organisations so as to "decide whether the present structure of local representative government would continue to ensure the efficient and responsive delivery of services to our evolving community". We should ponder over how our community is evolving, who are in need and whom we should serve.

Secondly, administrative high-handedness. The consultation period has yet to come to an end but officials keep saying that it is "imperative" and "natural death". Saying that it is "imperative" is using violence, it is not an "everybody says so" mode of executive-led government as referred to by Mr Michael SUEN, but administrative high-handedness. It is not "natural death" but pouring "time poison" into other people's mouths. Otherwise, why have the two tiers of councils become "provisional" and why do their terms of office last until the end of 1999 rather than the time when a re-election will be held?

Moreover, arrogation of powers. Soon after the publication of the policy address last year and long before the publication of the *Consultation Document on Review of District Organisations*, Mr CHAU Tak-hay exclaimed that he was a commander of no soldiers and it seemed that he wished to gather all soldiers under his command. As cultural and artistic policies are relatively sensitive and there was a serious counterattack, he took no action at the moment and wielded the knife towards environmental hygiene services. He wishes to take advantage of the avian flu incident to disarm the Municipal Councils. I forecast that the Government will arrogate to itself all powers sooner or later.

Lastly, retrogression in democracy. Why have the four proposals made in the consultation document not touched upon the abolition of the restored appointment system? The seats of the two tiers of councils are basically returned by direct elections and the councils do not have a system of voting in groups as adopted for the Legislative Council. Members of these councils and their offices have close and extensive links with the public at the grassroots level and they are more democratically composed than the Legislative Council. Taking powers away from these councils is weakening the democratic participation of people — a retrogression in democracy.

As stated in the Basic Law, "district organisations responsible for providing services in such fields as culture, recreation and environmental sanitation". Castrating the Municipal Councils of their responsibility for environmental hygiene is a breach of the Basic Law.

The results of the Benchmark Surveys on Public Opinion shown in the Consultation Document indicate that 53% to 67% of the respondents are satisfied with the services of the Municipal Councils in the areas concerned. As compared with a 18% drop in people's support of the Chief Executive as shown in a recent opinion poll, people support the Municipal Councils three times more than they support the Chief Executive. If a review or reorganization is needed, the object should first be the Chief Executive and the Government.

To abolish the appointment system and to form the district organisations by "one man, one vote" does not necessitate an amendment of the Basic Law or a quickened pace of democratization. I wonder why the Democratic Alliance for the Betterment of Hong Kong does not support this. They did not support this a few years ago; they do not support this now; they do not support this after all. They have exposed their intrinsic quality over this issue.

At present, people are boiling with resentment and they do not feel at ease. I would like to offer the SAR Government a piece of advice: It is better to stay still than to move and a gentle move is better than a violent move.

Mr Deputy, I so submit.

DEPUTY PRESIDENT (in Cantonese): Miss Margaret NG.

MISS MARGARET NG: Mr Deputy, Article 97 of the Basic Law gives the right to the Hong Kong Special Administrative Region to establish district organisations "to be responsible for providing services in such fields as culture, recreation and environmental sanitation". It is not to advise or to debate, but to be responsible for providing services.

Article 98 provides that their establishment be prescribed by law.

The Urban Council and Regional Council are such organizations. In fact, they are the only district organisations which answer the description. The District Boards do not at the moment have such a function nor are they intended to have such a function.

In August 1994, when the National People's Congress (NPC) resolved to disband the three-tier system of representative government in Hong Kong after 30 June 1997, the intention was clearly understood by all. It was not to abolish these Councils and boards, but to remove the members in them, on the view that the method by which they were returned was unacceptable. That is why the system was kept intact, although the "Provisional" Councils and boards were constituted by members appointed to them.

I wish to record my deep regret that the elected Municipal Councils and District Boards were replaced by wholly appointed ones. The continuation of the situation is suffered, not approved, by the community. When the appointments expire by December 1999, the public would expect the regular, elected organizations to be restored. This is part of the Hong Kong way of life to which we have become accustomed.

Of course, under Article 97 and Article 98, we are free to decide what district structure we prefer, and how each component is to be established. But what the Government cannot do, is what the NPC itself has refrained from doing: that is, to abolish the very organization already in existence which is fulfilling the function under the Basic Law, or to rob it of the very function it is fulfilling.

It is suggested, as one of the options in the Review on District Organisations that after the Municipal Councils are abolished, "some additional municipal responsibilities in their respective districts" be given to the District Boards. This is neither here nor there. The District Boards are consultative bodies on district administration. A limited addition of municipal responsibilities for them cannot replace what is lost through abolishing or impoverishing the Municipal Councils.

Except for the interruption since last July, the people of Hong Kong have been electing members to the Municipal Councils, particularly the Urban Council, for many years. They have enjoyed a wide franchise to a council with autonomous powers over a wide range of areas. Matters in these areas — the cleaning of this city, the management of markets, the licensing of restaurants and all kinds of places of entertainment, food hygiene and slaughter houses, music, art and sport activities — all have to do with the quality of life and lifestyle, and are, therefore, matters which affect the people most directly and practically. It is fitting that they have the autonomy in these matters through the elected representatives. With the establishment of the Hong Kong Special Administrative Region, the scope of this autonomy and the democratization of the process should increase and not diminish.

To abolish the Municipal Councils, to carve out of them a vital function and appropriate it for the Administration in the manner proposed, is to disenfranchise without anything like a referendum. It is an unconstitutional act to be abhorred.

Mr Deputy, the consultation paper focuses strongly on the dissatisfactory way that food safety and environmental hygiene are managed at present.

But improving government co-ordination on food safety and environmental hygiene is a distinct and separate issue. How district organisation should be restructured is a constitutional matter. There is no necessary relationship that the former can only be achieved by sacrificing the latter.

Equally, strong criticism in the consultation paper and from the public on the Municipal Councils' performance may be amply justified, but again, the solution does not have to lie in abolishing them. If this were the case, then bad performance and strong criticism would have meant the demise of many government departments.

Moreover, even by the Administration's analysis, in the many fiascos we have seen, the fault lies in a combination of factors. In the public view, the incompetence of government departments, the lack of leadership, and the manner of operation of the Municipal Councils, are each to blame. It does not reflect well on this Administration to pretend that the problem will be solved by transferring power from a council which is, or ought to be, elected by the people to government departments. If the Municipal Councils have been remiss in their duties, then let the electorate demand greater transparency and accountability, greater efficiency and cost-effectiveness. I am all for a closer scrutiny of how the Councils spend rate-payers' money. But let the people discuss and decide on how they want their functions under the Basic Law to be implemented through the structure of district organisations. Taking power away from the people is not an option which should even be put before them.

Mr Deputy, I support the motion and all the amendments.

THE PRESIDENT resumed the Chair.

PRESIDENT (in Cantonese): Mr Albert HO.

MR ALBERT HO (in Cantonese): Madam President, I speak on behalf of the Democratic Party for the original motion and the two amendments.

The Democratic Party is most dissatisfied with the consultation document in that the Government has a predetermined stance before putting forward to the public various proposals for reforming district organisations as it suggested that the responsibilities of two Municipal Councils for food safety and environmental hygiene be transferred to a policy bureau or another statutory body. The Government's practice differs greatly from its usual consultation method, and it has evidently deliberately planned and been determined to abrogate the powers of the Municipal Councils or it may even take this

opportunity to remove the Municipal Councils. Since the transfer of sovereignty, the executive authorities of the Special Administrative Region (SAR) have regrettably not been heading towards the direction of being more open and democratic. When someone asked the Secretary for Constitutional Affairs whether the Legislative Council will oversee the future department or policy bureau responsible for food safety and environmental hygiene more effectively than the Municipal Councils, it was a pity that the Government only mechanically answered that there are question time for oral and written questions, and motions for debate at meetings of the Legislative Council, and the matters will be followed up by the relevant panels. Madam President, these answers are actually only mechanical bureaucratic answers which lack sincerity.

In the existing three-tier councils, the Municipal Councils are the only bodies with powers of policy formulation. Their existence are significant to the democratic development of Hong Kong as people can not only monitor the relevant departments through taking part in elections but also have chances to directly take part in the formulation of public policies and gain experience as elected Members, laying a foundation for Hong Kong people to really rule Hong Kong in a democratic manner. Their accountability is precisely what the existing executive authorities lack.

It is a pity that the SAR Government, out of its subconscious or conscious resistance against democratic development, has premeditated to abolish the Municipal Councils. Madam President, the Government has repeatedly said that the powers of the Municipal Councils should be arrogated as they have performed badly in respect of food safety and environmental hygiene, and it even thinks that the historical mission of the Municipal Councils has been accomplished and they can retire from office in an honourable way. If the Municipal Councils are to be held responsible or blamed purely because they have faults, we have to ask a question first. Given the many problems in the stock market and closure of some stock broking firms recently, do we have to remove the Securities and Futures Commission? Should we disband the Financial Services Bureau? Or even the Airport Authority? Does the Government have to adopt the disbanding measure to deal with the bodies deemed by the Government as being responsible for faults? If not, why is the Government pinpointing at the Municipal Councils for their unsatisfactory performance?

In fact, the Municipal Councils should not be blamed for many problems. As some Honourable Members said earlier, the Municipal Councils should not solely be held responsible for the problems with food safety for example. We all know that there are problems with quarantine control, the Health and Welfare Bureau, the Department of Health and so on. A comprehensive study should be made on the issue of how food safety can be improved and cutting the powers of the Municipal Councils or disbanding them altogether is certainly not the only way out.

I can hardly understand some views expressed by Dr the Honourable Raymond HO. He only said briefly that the powers of the Municipal Councils should be abrogated as they have not performed satisfactorily. He gives me an impression that he is escorting the Government but his point is not supported by any substantial argument. The Democratic Alliance for the Betterment of Hong Kong (DAB) also wishes us to respect their views on the powers of the Municipal Councils in respect of environmental hygiene. They think that the Government should resume certain powers but how can we respect their views while they have not made any convincing points? Besides escorting the Government, what views have they merit studying and sharing? I hope that they will put forward some convincing arguments for debate instead of merely saying that the powers of the Municipal Councils should be abrogated.

The Democratic Party is of the view that areas such as food safety involve professional knowledge in such fields as medical and food science. As elected Members need the support and assistance of experts, we support establishing a food safety bureau. The bureau should assist the "one council, one department" after the amalgamation of the Municipal Councils in formulating food safety policies. This food safety bureau can be composed of experts and scholars from the medical and nursing sectors with professional knowledge in food hygiene. Actually, the mode of operation of this structure is similar to the Liquor Licensing Board and the Hong Kong Stadium Board of Governors under the existing Urban Council. They must submit reports to the Urban Council regularly and the Urban Council can give these bodies directions while retaining the rights to accept or negative their policy decisions. The Democratic Party thinks that the merit of this proposal is that in addition to being able to take professional advice, the final decision will still be made by an elected council which should be accountable to the public.

The Democratic Party also agrees that the financial monitoring of the Municipal Councils has to be improved. We agree that although the source of their revenues will still come from rates in the future, the Finance Bureau can still oversee its operation through the budget submitted by the Municipal Councils when it makes appropriation every three years. Moreover, multi-tier checks and balances as well as supervision can be realized through the Legislative Council. There are actually similar relationships between the central and local councils in foreign countries. We think that this practice will improve the financial transparency of the Municipal Councils and merits our promotion and support.

I so submit. Thank you, Madam President.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Madam President, since the reunification, the Special Administrative Region (SAR) Government has always been criticized by the public as slow in giving responses and lacking foresight. However, in respect of a review of district organisations, the Government departs from its normal behaviour, seizes every minute and second and is always in the lead. On the one hand, it actively splits up and drives a wedge between the Municipal Councils and the District Boards, winning the support of the District Boards for dissolving the Municipal Councils by means of giving them more powers, allowances and resources. On the other hand, it leaks information that the dissolution is a must so that people will think that it will not be useful even if they express their views. The Government even threatens this Council in a pressurising manner that if Honourable Members disapprove of the eventual enabling legislation, the services provided by the Municipal Councils will come to a standstill and the interests of the public will be jeopardized.

However, a recent opinion poll carried out by the Hong Kong Institute of Asia-Pacific Studies of the Chinese University of Hong Kong shows that only less than 10% of the respondents support a dissolution of the Municipal Councils and more than 30% of the respondents support an amalgamation of the Municipal Councils while preserving 18 District Boards. Is it too early for the Government to be happy?

At present, the Municipal Councils implement a ministerial system to a certain extent so that elected members enjoy policy-making powers within a specified scope while they have to be accountable to the public for the relevant policies. The Liberal Party believes that a political system under which powers come along with responsibilities should be established, and that the Municipal Councils do have their values. Therefore, we cannot rashly dissolve them. However, this does not mean that we are satisfied with the operation and work of the Municipal Councils. On the contrary, we think that the structure, operation and work of the Municipal Councils need fundamental improvements.

In the long run, the Liberal Party thinks that the two-tier structure can basically be considered but with two prerequisites. Firstly, the existing democratic participation cannot be replaced by a bureaucratic system without a popular mandate effected through election. Secondly, there should be extensive consultations, discussions and studies. The road is very long. In the foreseeable future, we should try our best to reform the unsatisfactory systems. Besides streamlining and amalgamating the Municipal Councils and two departments into one council and one department, we also ask for a reform in the provision of services and request the Government to educate and promote the importance of municipal services or even force the Members of the Municipal Councils to take action to improve their public image and restore people's confidence in and respect for elected Members of the Municipal Councils.

Madam President, I would like to express my views on three areas of work of the Municipal Councils which are criticized by people.

At present, various licences including licences for eating establishments, liquors, food factories, hawkers, cinemas and funeral parlours are issued by the Municipal Councils but people have been greatly dissatisfied or even disgusted with the licensing work of the Municipal Councils for many years. On the one hand, the Urban Services Department and Regional Services Department are inefficient and they delay in issuing licences, on the other hand, they prosecute those who operate without licences — a practice which is definitely unfair. Many unlicensed operators are actually the victims of the bureaucratic practices of the Urban Services Department and Regional Services Department and other departments concerned. In addition, the rigid and inflexible bureaucratic practices of the front-line staff of the Urban Services Department and Regional Services Department are denounced by those in the industries. A complete reform undoubtedly has to be made but I do not think that it is a satisfactory

solution for the Government to take over the licensing work of the Municipal Councils. I can tell Honourable Members that it takes at least a year for private homes for the aged to be licensed by the Social Welfare Department, far longer than three months as pledged by the Government. The crux of the problem is that licensing involves many government departments and the applications are passed between these departments, so long as one of these departments delays its work, there will be a delay in the whole process. If this mode of operation is not changed, I do not see how the licensing work can become more effective after the Government has taken over such work of the Municipal Councils. The Liberal Party has suggested that the Government should establish a unified licensing board to centralize the issuance of various licences. However, this is a very complicated and difficult reform which cannot be substituted by a rash government take-over of the relevant powers.

Hawker control is another service of the Municipal Councils which needs reform. In the year 1997-98, the Municipal Councils spent a total of \$1.34 billion on the Hawker Control Force and matters related to hawker control, however, the public only sees an endless cat-and-mouse game instead of improvements in the illegal hawker problem. In the past, the Municipal Councils built Urban Council Complexes and attracted street stalls to move upstairs but it was proved not very effective. The illegal hawker problem not only has impact on the appearance of the city and causes hindrance to vehicles and pedestrians, but also puts shops paying expensive rents and various charges under unfair competition. I urge the Municipal Councils to formulate a long-term strategy as soon as possible. In this connection, they can make reference to the successful experiment of the Housing Authority in contracting out markets to a single company for management according to practically effective commercial principles. Furthermore, the Hawker Control Force can be disbanded and a well-disciplined and stringently trained municipal special duties team organized by the Police Force can be responsible for combating minor offences such as illegal hawking, spitting, littering and illegal parking.

The third area of work of the Municipal Councils which needs urgent reform is their cultural and sports services. The arts and sports sectors are always dissatisfied with the fact that the Municipal Councils have monopolized the cultural, recreational and sports software especially in the urban area and they are actually suspected of competing with the public for profits. For instance, in the arts field, the Urban Council is concurrently the sponsor of performing companies. In the year 1997-98, it has used \$95 million to support the Hong Kong Dance Company, the Hong Kong Repertory Theatre and the Hong Kong Chinese Orchestra. Besides, it has used \$67.56 million to sponsor

the Hong Kong Philharmonic Orchestra. This affects the performing opportunities of other private performing companies. I do not think that the Urban Council should play so many roles, such as organizing professional performing companies, managing the venues for performances and providing them with funding. The establishment of the Hong Kong Arts Development Council has actually avoided a conflict of roles and allows quality cultural and arts events to be held.

I so submit.

PRESIDENT (in Cantonese): Mr LEE Wing-tat.

MR LEE WING-TAT (in Cantonese): Madam President, according to a press report a few days ago, the Government, because of public support, intended to dissolve the two Municipal Councils. It seems that this "dissolution proposal" is set to be put into practice. If the report is true, I guess there is only one reason for the Government to reach such a conclusion and that is in order to "kill" the Councils. And it is determined to continue carrying out the sham consultation from beginning till end. At the beginning, it might be because of the Government's support and encouragement that a higher proportion of public opinion expressed the idea of dissolving the two Municipal Councils. At the latter stage, the public opinion experienced a substantial change as more and more political parties and members of the community took part in the discussion.

An opinion poll conducted by the Democratic Party in early July indicated that 33% of the public were in support of amalgamating the two Municipal Councils while only 17% were in favour of dissolving the Councils. A similar opinion poll conducted recently by the Hong Kong Institute of Asia-Pacific Studies of the Chinese University revealed that about 70% of the public supported a merger while the supporters of dissolution has dropped to 9.5%. These show that fewer and fewer people support the idea of dissolving the two Councils with the passage of time. If the Government jumps to an ill-founded judgement purely on the basis of the opinions collected during the initial consultation period, and declares its intention to dissolve the two Councils in a high-profile manner by pretending that it has the support of the public opinion, I can tell the Government that this judgement is subjective, dangerous and irresponsible.

After gathering the public opinion, the Democratic Party opines that a review of district organisations should be carried out on the basis of four principles: First, further democratization is essential; second, public participation in democracy should be enhanced; third, administrative efficiency should be improved to minimize overlapping of duties with other government departments; and fourth, the use of public funds by district organisations should be subject to stricter supervision.

Under these principles, the Democratic Party has come up with a reform package. First of all, the Democratic Party considers that all components should be elected by universal suffrage irrespective of the fate of the district organisations. Of course, this point has been totally ignored and no serious response has been made in the Government's Consultation Document. That the turn-out rate of electors reached 50% in the recent Legislative Council election, brags the Government, was due to the public support to the Special Administrative Region Government. This is not true. Rather, this reflects that the community has a high sense of civic awareness and that the community is well-prepared for a democratic reform of a wider scope. In my opinion, the public should be given sufficient opportunity to take part in the decision-making process no matter which level of representative organization is put in place in Hong Kong. If the appointed and *ex officio* membership is retained, it will only ensure comfortable access for a group of privileged people into the Municipal Councils to protect the Government and the groups with vested interests, thus counteracting the ability of elected members in monitoring the Government. As for those indirectly elected members who enter the two Municipal Councils without a popular mandate, they will only be directly responsible to the district boards instead of voters. The Democratic Party therefore considers it is no longer necessary to retain such a system.

Concerning the various district organisation reform proposals as detailed in the Consultation Document, the Democratic Party considers the amalgamation of the two Municipal Councils and the retention of the 18 district boards the best option. But if this proposal is implemented, the merged council should be fully responsible for the functions of food safety and environmental hygiene. The Democratic Party absolutely cannot agree to the transfer of these functions to the government policy bureaux or other statutory bodies as proposed in the Consultation Document. As Mr Fred LI has mentioned earlier the demerits of centralizing the power of government departments, I am not going to repeat them here.

In fact, if the merged council can be solely responsible for carrying out the focused duties in the aspects of culture, recreation and environmental hygiene, it will resolve the issue of public participation on the one hand and make municipal policies consistent on the other. Besides, from the management point of view, the amalgamation of the two executive departments of the two Municipal Councils into a territory-wide Municipal Services Department will help streamline the directorate echelons as there are all together 24 directorate officers in these two departments at the moment. The amalgamation can help delete those directorate posts which are now handling overlapping duties. The Government is of the view that after the amalgamation, the executive department will become a huge governmental organization. But the Democratic Party and I opine that while this may be true at the early stage, privatization will gradually reduce the number of departmental staff. From the experience gained in the past few years, privatization of the two Municipal Councils might, more often than not, be faster and more thorough than that of government departments.

It has been reported that the aim of "killing" the two Municipal Councils is to manifest the strong executive-led image of the Government. A series of examples, ranging from the Secretary for Justice's interpretation of the Basic Law to restrict the powers of Legislative Council, the hasty formation of the Commission of Inquiry on the New Airport, the threatening of the Honourable LEE Cheuk-yan to withdraw his amendment to a resolution of a labour law, the Government's refusal to re-table the Home Starter Loan Scheme to this Council within a year to the challenge against our Honourable President's ruling to the Honourable LEUNG Yiu-chung's amendment to the Holidays (Amendment) Bill 1998, has shown that the policies adopted by the Government are executive-domineering rather than executive-led. The Government has even replaced its past negotiation tactic by a confrontational approach. Its ultimate aim is to scrap the two Municipal Councils or to turn the Legislative Council, an institution representing the public opinion, into a high-level district board which merely makes noises but possesses no actual powers.

Concerning the "killing" of the two Municipal Councils, Madam President, I have a suggestion for the consideration of Mr Michael SUEN, the Secretary for Constitutional Affairs. While the Government recognizes the significant contribution made by the Municipal Councils in the past, it is determined to "kill" the two Councils. To make the Government feel better in carrying out the "kill", I suggest that the Government should "announce in

advance the grand funeral" after "publishing in advance the extermination proposal". This can make Mr Ronald LEUNG, the Chairman of the Urban Council, Mr LAU Wong-fat, the Chairman of the Regional Council and members of the Urban and Regional Council to go away comfortably. This is after all not a bad idea. Thank you, Madam President.

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

DR LEONG CHE-HUNG: Madam President, a few weeks ago in a motion debate in this Council on democratization, I stressed that a total constitutional reform was needed to push Hong Kong forward. I am, therefore, delighted to have yet another bite at constitutional reform although at a different, yet just as important, level. I applaud the Administration in bringing the consultation paper forward, and would urge those in charge to exhibit their political clout and determination to move ahead with what they think is best for Hong Kong after genuinely listening to the views of the public.

Needless to say, what I am going to express would have to take into consideration of what I expressed in the last debate on a politically appointed ministerial system.

Madam President, I will concentrate my views on two different areas:

- (1) the needs or otherwise of two-tier district organisations, namely, the Municipal Councils and the District Boards, based on the issue of minimizing bureaucracy and maximizing cost effectiveness; and
- (2) the pros and cons of a centralized food safety and environmental hygiene department and how this could effectively be brought about and monitored.

As is pointed out in the consultation paper, the Municipal Councils have three main roles, namely: food safety and environmental hygiene, arts and cultural services, as well as sports and recreational services. Ironically, in all these three main areas, there are duplications of efforts by government bureaux, government departments, statutory bodies and even District Boards. For example, food and environmental hygiene is overseen by the Department of

Health; arts and cultural services by the Home Affairs Bureau and the Arts Development Council; while sports by the Sports Development Board.

The result is that examples of fragmentation of responsibilities abound. The lack of co-ordinating effort often leads to confusion rather than solutions.

To cut the bureaucratic steeplechase, to provide efficiency instead of to provide a channel for different organizations to shed responsibilities, and to avoid unnecessary duplication of work, there is a lot of sense to centralize the functions now performed by the Municipal Councils under existing or newly established government department. It makes a lot of sense to have the two tiers of district organisations merged into one tier with the main roles of the Municipal Councils relieved. I put it to this Council that it would be sensible to maintain the level of District Boards, and strengthen their teeth and roles, for District Board members should be in much better position to know the needs of their respective districts.

There are those who would argue that abolishing the Municipal Councils is a democratic setback, as there would be no means for the public to monitor the relevant departments in implementing their functions. I would be the first to agree that public scrutiny is paramount. Yet, do we need a special body to monitor each and every government bureau or department? Does it mean that the Legislative Council should hand over our scrutiny and monitoring role for each and every sectors of government policies to other special monitoring bodies?

Furthermore, the Arts Development Council and the Sports Development Board are statutory bodies constituted from members of the public. If given expanded responsibilities, they surely can take up not only the policing role but also the role of policy formulation and co-ordination. Moreover, the District Boards can certainly play greater roles in arts, cultural and sports activities for their respective districts.

In the area of food safety and environmental hygiene, Madam President, this Council, which is fully elected, could play an effective watchdog.

What about some of the district functions that the two current Municipal Councils play? One might ask. To me, this is simple. District functions are what District Boards are for. They are the down-to-earth frontline bodies

who really understand the needs and problems of the districts. These bodies need to be maintained, their roles expanded, perhaps given additional municipal responsibilities in their respective districts to serve that district better.

Madam President, now I would like to move onto a central body for food safety and environmental hygiene services. It is here that I will be speaking for the views of the medical constituency that I represent.

Madam President, following the reconstitution of the Urban Council in 1973, the Municipal Councils and their departments have since been completely devoid of input from professional teams with medical knowhow and experience in public health. With regret, the standard of food control in food premises, environmental hygiene and sanitation has been falling considerably. This is due to a conglomeration of factors.

On the operational side, there is a lack of leadership in the overall improvement of food and environmental hygiene. This Council and the public have witnessed the reactive steps, the knee jerk response, yet never a proactive step, taken in the wake of one outbreak after another outbreak of infectious diseases. Regrettably too, there is a complete lack of medical expertise in the two municipal executive departments which is so vital for proper public health control.

On the policy side, there is a lack of a central body responsible for policy formulation of food safety and environmental hygiene. Needless to say, from the shameful deplorable management of the "avian flu", the "red tide", the outbreak of cholera and so on, Hong Kong has witnessed the lack of co-ordination at its best.

Thus, there is, no doubt, a merit in the establishment of a territory-wide functional department dedicated to food safety and environmental hygiene. Madam President, let me stress in no uncertain terms to this Council that with the advancement of food science and food technologies, the introduction of new food additives, sweeteners, colouring materials and marketing of unlimited natural or self-claimed health food, which is currently uncontrolled, there is a dire need for a body to look at the various legislations, regulations and control of all these.

One former Director of Medical and Health in Hong Kong has stated that "Hong Kong's public health practice is still very traditional and in today's fast changing environment, it is rather outdated". Madam President, I call for a central co-ordinating body to look at public health in the overall perspective. I would even be so bold as to call for the setting up of a Public Health Bureau if we are serious in our healthy living.

Therefore, I support the Honourable Ambrose CHEUNG's original motion, but I cannot support the Honourable Fred LI's amendment for the above reasons. I would like to support the Honourable Miss Cyd HO's proposal of direct election because that is what I would like to push forward in the district organisations, but because her amendment also has another factor to which I disagree, I cannot give my support to that.

Thank you.

PRESIDENT (in Cantonese): Mr Ambrose LAU.

MR AMBROSE LAU (in Cantonese): Madam President, the following three principles should be taken into consideration in the reform of district organisations: progressive and orderly changes, public participation and enhancement of efficiency.

Being important channels for public participation in public affairs, district organisations also play an important role in providing municipal and district services. Any structural changes should be thoroughly planned.

The Government should not act on undue haste on the reform of district organisations. It should fully consult all sectors of the community so that a major consensus can be reached before doing anything. The consultation period currently is insufficient and the Government should extend the period of consultation so that people of all sectors can have enough time for discussion and handle the issue in a progressive manner.

Madam President, district organisations are important channels for public participation in public affairs. The Government should avoid blocking public participation in the name of enhancing its efficiency of administration. It should strike a reasonable balance between democracy and efficiency.

Concerning efficiency enhancement, the Government should improve co-ordination between the two Municipals Councils and the relevant government departments as soon as possible prior to the completion of the review of district organisations. It should also enhance the government departments' efficiency in co-ordinating with the Municipal Councils in the provision of municipal services. A spate of blunders in food safety and environmental hygiene over the past year have shown that the Municipal Councils are not capable of dealing with municipal problems, but we should not put the blame entirely on them. Rather, we should review the co-ordination mechanism between the Municipal Councils and the executive departments of the Government. This means that we should not only review the district organisations but also the co-ordination between government departments and district organisations in the provision of municipal services. Although there are sufficient experts and management professionals currently in the government departments to deal with food safety which involves such scientific knowledge as medicine and public health, their expertise, however, can hardly be put into full use because they are located in different departments and that policies vary from department to department. The Hong Kong Progressive Alliance proposes that the Government should set up a department specializing in food safety to enhance efficiency.

There will be a lot of infrastructural development and urban renewal projects over the next 10 years. As a result, demand for municipal services in the New Territories, Hong Kong and Kowloon will still be very strong. Division of labour between the two Municipal Councils is still necessary because of the heterogeneity in regional demands. If the Government insists on abolishing the two Councils, the 18 District Boards should then be given more resources to monitor and participate in the municipal services.

In addition to ensuring administrative efficiency and public participation, Madam President, the Government should retain a proper number of appointed seats in the future district organisations in order to attract the participation of professionals and the input of professional advice so that the Councils are more capable of monitoring the municipal services which have become more and more complex and professional.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr MA Fung-kwok.

MR MA FUNG-KWOK (in Cantonese): Madam President, since the publication of the *Consultation Document on the Review of District Organisations* by the Government in early June, many members of district organisations and interested groups presented their views one after another and engaged in debates of different magnitude with government officials. As it was claimed that the government officials have planned well in advance to strip the Municipal Councils of their powers or "kill" the two Councils, the discussion has turned increasingly intensified. The situation is worrying indeed.

In discussing the Consultation Document entitled *Review of District Organisations*, the public only focused mainly on the four options proposed in the Consultation Document or matters concerning food safety and environmental hygiene. On the other hand, other existing functions of the district organisations have not been discussed in a comprehensive manner. I wonder if this is due to the fact that the government officials have only focused on these two areas and have failed to give due attention to other aspects.

Apart from taking up the work related to food safety and environmental hygiene, the existing district organisations take charge of over 80% of the funding earmarked for arts and cultural activities, which amounted to \$1.7 billion last year. There are a lot of comments in the community on the effective utilization of the funds and I do not want to go into detailed discussion here. Should the policy allowing the two district organisations, that is the Municipal Councils, to take charge of the great majority of resources for arts and culture be changed? Besides, how can the district organisations improve their co-ordination and development with the Hong Kong Sports Development Boards in arms of sports and recreation so as to facilitate their better development? I think these questions warrant our careful deliberation and discussion.

I would like to point out that we all share the view that there exists numerous problems in the framework of district organisations after years of development. We have to admit that problems do exist regardless of whether we think the problems originated from the Municipal Councils or the Municipal Services Departments. We should therefore support the Government's proposed review. However, the review should be conducted in a comprehensive manner instead of merely focusing on what power should be

reduced or retained. We should conduct a thorough, in-depth and forward-looking review on the functions to which district organisations should give full play.

As for food safety and environmental hygiene which we are all concerned with, I opine that these should be dealt with by a highly accountable body so that speedier contingency measures and a uniform standard can be adopted in supervising and handling issues pertaining to food safety and environmental hygiene. This will ensure clear division of responsibilities and avoid the shirking of responsibilities when problems arise. As regards whether the amalgamation of the two Municipal Councils provides the best option, I think further study is still required at the present stage.

With regard to arts and cultural responsibilities of the district organisations, I think this is one of the areas which badly need to be reviewed. But unfortunately, the government officials have long been ignoring the long-term development of arts and culture. Nor have they formulated any overall policy to guide or lead the public opinion to pay attention to the development of arts and culture in discussing the *Consultation Document on the Review of District Organisations*. This actually reflects the limitations of the cultural vision of the government officials. This situation actually runs counter to the premise frequently proposed by the Government, that it will revamp Kong Kong's education system and improve the overall competitive edge and quality of our community. Why can the government officials not make greater commitment in promoting arts and cultural development? I think this issue also warrants our serious consideration.

Under the indirect leadership of the Government, the Hong Kong Arts Development Board has a very limited terms of reference and has access to very limited resources. It can only subsidize activities based mainly on arts through individual funding projects. But the scope and contents of these financing projects often overlap with those of the two Municipal Councils. Cultural administration in Hong Kong is not planned on the basis of the cultural demand of the public. Nor is it based on a consideration of the essence of arts and cultural activities or any managerial concepts or cultural policies. Rather, it is resulted from an accumulation of the historical changes of various departments and bodies. The Government has never tried to sort out their relationship or the impact they produced. Rather, it just let them follow the old practice. Such an approach certainly cannot meet the cultural needs of the new century.

The current consultation launched by the Government is basically a reorganization of public services. But since it has become a practice for part of these public services to be provided by the two Municipal Councils which have acquired the status of district councils through the democratic development led by the former Government, the service providers have now become quasi-councils. After the Chief Executive has announced his intention to review the district organisations in last year's policy address, the Government, with vague understanding, unintentionally magnified and complicated the issue. This has now become a major issue for reviewing district organisations and even representative government at the district level. As the issue has changed, the Government only pays attention to reviewing the public services provided by the district organisations, ignoring the fact that food safety and environmental hygiene services provided by departments under the Central Government should also be put under review at the same time. The survival crisis triggered by unbalanced powers between the district organisations and the Central Government has led to a confrontation between the two Municipal Councils. Their relationship has even turned tense.

The Consultation Document focuses on streamlining the executive hierarchy and improving efficiency. But it ignores the overall planning of municipal services, the political roles played by the district organisations and people's desire to involve in political affairs.

In my opinion, the review should at least include constitutional matters. These include the terms of reference of district councils, the macroscopic planning of municipal services, people's expectation for their standard of living and public administration, which refers to such areas as the co-ordination between statutory bodies and district councils, their efficiency, cost effectiveness, accountability, democratic supervision and so on.

Madam President, the Government should not act hastily on the pretext of time constraint

PRESIDENT (in Cantonese): Mr MA Fung-kwok, I am afraid your time is up.
Mr LEUNG Yiu-chung.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, when Mr TUNG Chee-hwa, the Chief Executive, delivered his policy address last year, he mentioned that the Special Administrative Region Government "should take a fresh look at the regional organisations, the Municipal Councils and the District Boards, so as to decide for ourselves whether the present structure of local representative government will continue to ensure the efficient and responsive delivery of services to our evolving community". Right from the beginning, the Government has focused the review on structural streamlining and improving service efficiency. In my opinion, this is far too narrow.

In most democratic countries, district organisations provide services to the community and are widely recognized as a foundation for democratic participation. For instance, the European Parliament enacted the District Government Charter in 1985 which clearly stated from the outset that district governments are the touchstone of democracy and full embodiment of traditional European values such as democratic awareness and protection of human rights.

In fact, the district organisations in Hong Kong are not only service providers but also an important part of the development of representative government in Hong Kong. For instance, the District Board elections in the 1980s can be regarded as the first chapter in democratic education in Hong Kong. The two Municipal Councils, which are the only councils which possess executive and decision-making powers, are places for the representatives of public opinion to realize their ideas into policies. I think the district organisations in future should continue to play a role in promoting and strengthening the democratic system. The review of district organisations should integrate with the blueprint of Hong Kong's democratic system from a broad perspective. It should also be conducted on the basis and direction of enhancing Hong Kong people's civic awareness and the implementation of "Hong Kong people ruling Hong Kong".

Regrettably, however, from the Consultation Document and the remarks made by some government officials in recent days, we can see that the Government's major premise of the review is to take back some of the powers from the district organisations. The Government tends to take back responsibilities in relation to food safety and environmental hygiene and to disband the two Municipal Councils. If we look at it from the perspective of democratic participation, it is a major setback.

In the Consultation Document, the Government referred to the "avian flu" incident, blaming the two Municipal Councils for poor co-ordination and lack of efficiency. Undeniably, in the eyes of many people, the two Municipal Councils are not doing a good job and some councillors are not performing well. But if the Government takes back the responsibilities, does it mean that the problems will be improved? When incidents occur, will the government officials keep telling the public that "I will be eating chickens every meal"? Will the public be pleased with such a remark and be convinced that the problem can be solved? Either the two Municipal Councils or the government officials are facing an important question: a lack of accountability. Unless we make improvement on this aspect, incidents like the "avian flu" farce will recur. The only difference is that there may be different protagonists after this incident.

With regard to taking back the responsibilities or disbanding the Municipal Councils, the Government seems to be taking a very firm stance. From similar incidents, such as the withdrawal of the Holidays (Amendment) Bill 1998 by the Government today, it seems that the Government is confronting the Legislative Council. Its objective is clear. After a series of administrative blunders, the Government hopes to re-establish a strong executive-led government in order to enhance its prestige.

However, I would like to point out that it is only wishful thinking if the Government thinks that it can transplant the political model from the colonial days, that senior officials can work behind closed doors in their air-conditioned offices, that reducing the powers of elected members will mean that there will be less dissenting voices and that the government's authority can be rebuilt. With development of the community, people's political awareness has undergone fundamental changes. If the Government's vision is still blinkered by the colonial days, thinking that a "high-handed" approach would mean a solution to all problems, I think the Government is playing with fire. If you play with fire, you will be burnt.

I hope the Government will give careful thoughts to the issue, and refrain from making any structural changes to the district organisations unilaterally. Rather, it should listen genuinely to public views and make changes to the district organisations on the principle of democracy as I have just said.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): Madam President, a society will need to be balanced in its development in order to remain healthy. Sports activities are not only wholesome, but will also help nurture talents. Unfortunately, over the years, Hong Kong has failed to do enough to promote sports activities; there has been a lack of an integrated policy backed up by systematic training plans and insufficient resources have been allocated for sports development. As a result, Hong Kong has failed to provide its children with any well-designed sports training programmes, under which those with potentials can become outstanding athletes. The fact that Hong Kong managed to produce its first Olympic gold medalist before its reunification with China shows that Hong Kong athletes do indeed possess world-class potentials, and what is lacking is just an objective environment conducive to their nurturing. The Government should really introduce reforms in this regard.

The establishment of the Hong Kong Sports Development Board (HKSDB) signifies a major step forward in the development of local sports activities, but any further development warrants a new and redefined division of labour between the Urban Council and the HKSDB. The HKSDB should be wholly responsible for the training of outstanding athletes, while the Urban Council should concentrate on the promotion of sports activities in general. However, at present, the Recreation Select Committee of the Urban Council has to perform a wide range of functions, from the management of sports venues to the promotion of sports activities. Actually, instead of doing everything itself, the Urban Council should consider the possibility of assigning some of its duties such as the management of sports venues to other parties. In order to make more effective use of resources, I would suggest the Urban Council to contract out the management of large stadiums to private companies, so that these stadiums can be managed under cost-effective commercial principles. This will not only enhance the efficiency of management, but will also bring in more revenues. As for the sports grounds and indoor games

halls located in the various districts, the district boards concerned can be given the task of management.

Once the duties of the Urban Council and the HKSDB are clearly defined, the Urban Council will be able to concentrate on promoting sports activities, thus enabling all in the community to learn about sports and enjoy the pleasure of sports activities. In the long run, Hong Kong will become a healthier and more dynamic society.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Madam President, in July 1997, in this very Chamber, I used the expression "executive dominance" before you. This evening, a similar expression to this effect has been used many many times. I really feel a bit sorry because it was me who first used this expression.

What I want to say today is that if a consultation exercise is to be conducted smoothly, emphasis should be placed on exchanges of opinions, which in turn, will require broad-mindedness and tolerance. Besides, one must have the faith that the other party will always think seriously and rationally in terms of moral justifications instead of personal perspectives. If not, no discussions will ever be possible. I have been discussing this issue for many years, and I started my research on this subject as early as 1970 when I started to teach at the Chinese University. It was mentioned that a White Paper on this subject was published in 1971, and changes were in place in 1973 for the Urban Council. Since then, this has been the subject of my research. Over the years, I have adhered strictly to my principle, but I have always been prepared to discuss the related technicalities. Since the 1970s, I have been of the opinion that Hong Kong does not need a three-tier system. Therefore, I insisted that there should be some guiding principles. For example, as Dr YEUNG Sum said just now, we should first put the affairs of the Legislative Council in order before we deal with or introduce reforms to the two-tiers below. However, I think that this simply will not work. First of all, Hong Kong is a small place; secondly, we can all see that if that level of authority (or also known as district organisations) is to become a real local authority, then we must not have a three-tier structure, and, the area covered must not be too

large and the number of district organisations should not be too big. Actually, I was inspired by two reports published in 1996, namely, the Dickinson Report submitted by the Government's Working Group and a report submitted by the Urban Council. The Urban Council proposed that a three-tier regional administrative system should be set up: the Executive and Legislative Councils at the central level and a greater Hong Kong municipal council which was to be subdivided into three smaller municipal councils for Hong Kong Island, Kowloon and the New Territories. In other words, there were to be a four-tier structure.

It is very obvious that such a system would create two big problems. First, it would be too cumbersome, and given the small size of Hong Kong, it would give rise to even more problem; second, if there is a big territory-wide municipal council, such a council will certainly compete for powers with the central authority, especially when the local authority is established through a truly democratic process with all its seats returned through direct elections. In such a case, can there be any more room for the legislature on top? My position has, therefore, always been very simple. I have always thought that there should be a democratically elected legislature at the central level and we should also adopt a ministerial system; whereas at the regional level, there should be at least eight to 10 district organisations which are given concrete powers like the Urban Council, for these organizations can discharge their duties only if they are given the powers. If not, it will be meaningless to set up these organizations.

Miss Margaret NG is right in saying that district boards cannot possibly play the role of regional authority. The reason is that if regional authorities are abolished, and if their powers are resumed by the central authority and then partially given to district boards, which are to remain as consultative bodies at the lowest tier with only certain delegated powers, then I would say that this is a big retrogression in democracy. Amongst the various options, I am inclined to support the third option, but it does not mean that I agree to all its details. The reason is that certain principles have to be upheld. No doubt, while the Dickinson Report stated clearly that we must try to delegate more powers including the management of housing and schools to regional authorities, it also maintained that some policies such as those on food hygiene standards must be formulated and decided by the central authority. However, is it really necessary for these policies to be enforced by the central authority? Will these policies really be more effective if they are enforced by the central authority? I do have reservations about this aspect.

If regional authorities are reduced to mere forums where elected Councillors can do nothing except airing their views, then it would be pointless to have regional authorities. I think they should be given concrete powers. Therefore, I suggest that if the Government really thinks that the current consultation exercise is urgently required and that the Chief Executive must map out a direction in his October 1998 policy address, then I hope the Administration would consider the idea of holding discussions with the major political parties and leading figures of this Council, so as to identify the principles, objectives and ways of implementation.

It is possible that none of the amendments in today's motion debate will be carried. However, the original motion may well be carried because it will cause no harm and I believe that no Member will object to it. But I am still aware that all major political parties are basically in favour of the "one council, one department" proposal, that is, a merged municipal council heading a municipal services department; I am totally against this proposal. What is the point of this structure? Is this not a central authority in disguise? Can this be regarded as district organisations? We must see clearly that district organisations must actually be district based. So, if they are merged, then they will no longer be district organisations and their existence will be totally meaningless. Therefore, I hope that Members of this Council, members of major political parties, members of the two Municipal Councils, district board members as well as the Government could trust and respect one another, and work together to ensure that the district organisations of Hong Kong will move forward under the principles of democratic and effective development. We can start the democratic process at the regional level and gradually move to the central level. However, if regional authorities are to be disabled just because the central authority is not democratically elected, I will certainly say no. Moreover, I find it even more difficult to agree to some proposals which would roll back the democratization process.

I am, therefore, only trying to speak my mind. I cannot support Mr Fred LI's amendment, but I will support Miss Cyd HO's amendment because it is my principle that the existing powers of district organisations should not be reduced. Of course, for some specific details such as whether policies should be formulated by the central authority, or whether members of district organisations should be elected by "one person, one vote", they can be further discussed, and I am totally in support of these proposals. However, for some special issues, such as the election of the chairmen of the seven Rural

Committees, I think we will need further discussions, but my principle is that the appointment system should be abolished.

Finally, I would like to point out that if this matter is to be dragged on, then the most pressing task at the moment is to enact new legislation. We abolished the Electoral Provisions Ordinance back in 1997, and due precisely to the abolition of this piece of legislation, the Municipal Councils and district boards have been able to linger. So, the first thing we have to do is to amend the legislation.

PRESIDENT (in Cantonese): Mr Andrew WONG, I am afraid your time is up. Mr Martin LEE.

MR MARTIN LEE (in Cantonese): Madam President, I would like to say a few words but it seems that a quorum is not present to listen to my speech.

PRESIDENT (in Cantonese): Will the Clerk make a head count. I now summon Members to attend.

PRESIDENT (in Cantonese): We now have the quorum. Mr Martin LEE, please continue.

MR MARTIN LEE (in Cantonese): Madam President, I would like to speak in support of Miss Cyd HO's amendment. But having heard that Members from the Democratic Alliance for the Betterment of Hong Kong would oppose it, I have some mixed feelings. The Honourable Gary CHENG said that it has been their consistent stance in supporting the retention of some appointed seats in the Municipal Councils. I was rather disappointed after hearing that. Originally I intended to mock at them. However, I change my mind when I see that all of them are here listening to me while many of my party Members are absent (*Laughter*). So I do not want to criticize them. Instead, I want to give them some encouragement. But how do I encourage them? The name "DAB" then comes to my mind. The full name is "Democratic Alliance for the Betterment of Hong Kong". Given the economic downturn, the phrase "for the Betterment of Hong Kong" sounds to be a very timely message. But

how do we better Hong Kong? The answer is by democracy. I highly appreciate this name because, in my opinion, democracy and people's livelihood go hand in hand. People's livelihood cannot be improved if there is no democracy. So this name is excellent. But regrettably, you are hesitant at the mention of democracy — like some patients who would walk two steps backward if asked to walk two steps forward. I hope they can be more proactive in supporting democracy and be worthy of their name because a "slower pace of democracy" means "a belated betterment of Hong Kong". I hope they can support Miss Cyd HO's amendment and give support to democratic motions in the future as well.

Thank you, Madam President.

PRESIDENT (in Cantonese): Miss Emily LAU.

MISS EMILY LAU (in Cantonese): Madam President, I speak in support of Mr Ambrose CHEUNG's motion, as well as the Honourable Fred LI's and Miss Cyd HO's amendments. Like many other Honourable Members, I feel that the Government's review this time is an insult to the public opinion of Hong Kong. The Administration has not at all provided sufficient time and information to the citizens to let them understand what exactly the Government seeks to do. Initially, we heard that the Government wanted to hear people's views, but at last, Madam President, I believe you have also seen that, in the past few days, the Government wheeled out large-scale propaganda through the mass media, saying that the two Municipal Councils should be dissolved. In fact, if the Administration had really thought so, it could have made its intention clear from the very beginning so that the public knows and can exchange views openly regarding whether this should be done. I believe it is a more open and aboveboard way of doing things. But regrettably, the team led by the Secretary has not done so, and perhaps our Chief Executive, Mr TUNG Chee-hwa, is also at the Secretary's back. The impression Mr TUNG has all along been giving us is that he wishes to revoke all the powers from the councils of different tiers in Hong Kong. Madam President, I believe that you are also aware of the disputes between this Council and the Administration on various subjects lately. On the subject of the interpretation of the Basic Law alone, including the implementation of the Rules of Procedure, we have already had great rows with the Government. The impression which Members and many citizens gain from these incidents is that the Administration wants to

revoke the powers of the legislature, turning us into a toothless tiger and a rubber stamp. As for Municipal Councils, not only does the Government want to revoke their powers, but even to dissolve them. Madam President, in fact, I myself have been convinced for years that district councils should have two tiers as I feel that three tiers are excessive, so this is a principle I support. However, the way the Government does it this time really makes us feel angry and sorry. I believe even many of the people who truly support the two-tier system cannot stand up and say that they support the Government's proposal this time. In fact, Madam President, we do not know what proposals there are. The Government mainly proposes to dissolve the two Municipal Councils and ask us to support the proposal. But what is the next step? How are the powers and the responsibilities to be divided? What powers and responsibilities do the district organisations have? We have no idea. Then the Government talks about the next step, saying that the second part of the consultation will put forward the relevant proposals. But, Madam President, I feel that these actions should all be covered in one package, and the Government cannot ask Members to support a dissolution of the two Municipal Councils this time — some members of the two Councils are sitting right here listening — while we do not know what will happen afterwards. I think it is a most absurd way of doing things and I believe this is something the Frontier cannot take in, although the Frontier is also of the view that a two-tier system is better for Hong Kong. Therefore, I feel extremely sorry and angry about the way the Secretary handles things this time. I hope that he will give the whole issue second thoughts. Of course, we can see the result later when we count the votes, this "never make, but always mar" voting mechanism may achieve an unexpected effect as far as the Secretary is concerned. Madam President, I have also noticed that some Members have not spoken at all; they have been sitting there all night without saying a word. They do not care to speak; they will just vote. Such kind of voting may overturn things and lead to a fiasco. I have seen such situations many times before and I do not approve of them at all. However, I hope that the Secretary will not be so complacent because confrontations between the Administration and the Legislative Council will only continue to worsen the relationship between the executive authorities and the legislature. While the community is experiencing such a hard time, I believe the people expect to see the executive authorities and the legislature work hand in hand to do something practical. Therefore, I would like to see how the Secretary responds this time and how he is going to tell us that the Government will work together with the legislature.

Madam President, like the Honourable Martin LEE, I am very surprised to hear that the Democratic Alliance for the Betterment of Hong Kong (DAB) openly declares that it does not support the returning of all seats in the district organisations through "one person, one vote" direct elections and says that we have to take our time; at the same time, the Honourable Ambrose LAU also says that we have to proceed in an orderly and progressive manner. I believe there is really something wrong with the name DAB because while so many Members from the DAB are elected through direct elections, why is there such a strong resistance to direct elections? Why have they insisted for years that one quarter or one fifth of the members of district organisations should be appointed? Do they feel proud to be appointed? Do they believe that appointed seats are really in line with Hong Kong people's interests? I hope that the DAB will stand up and tell Hong Kong people: Why it has to insist that full democracy is not even allowed in councils of a comparatively lower level such as the district organisations? The Frontier is indeed very disappointed in the DAB.

Madam President, there is one last point that I want to talk about. The Government has said explicitly that it seeks to revoke the Municipal Councils' powers so that the powers can be centralized. However, please take a look at the Government's performance in various areas lately, do you think that the public will have great confidence in the Government? The public is not very satisfied with the performance of the two Municipal Councils, but I do not see they have much confidence in the executive authorities either. So please do not meddle with the matter anymore. In fact, we should talk about the future development in detail and two months are not enough for discussion. I hope that a true consensus can be reached with the public so that we can make a step forward. The Frontier of course hopes that all members of the two-tier councils will be returned through direct elections. It is a good opportunity that there are so many members of Municipal Councils sitting here. Madam President, I want to say that the reputation and prestige of a council are earned by its members. I hope that the Members of the two Municipal Councils will try to find out why the public thinks that their performance is so poor. Why are there so many scandals? Why are there so many blunders? Once an Urban Council Member told me, "An Urban Council meeting is like a market." If even the members themselves do not respect their own Councils, how do they expect the citizens or other people to respect them? Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Jasper TSANG.

MR JASPER TSANG (in Cantonese): Madam President, first of all, I am very happy that Mr Fred LI of the Democratic Party has not deleted the phrase "to fully consult" in his amendment. At least this time around the Democratic Party agrees with us that the community should be fully consulted before the structure of district organisations is reformed. It is not like in past debates in which the Democratic Party said that they supported consultations, but they would accuse anyone who proposed a consultation of stalling for time. They are so bent on having their own way that when they say something, they must have it done right away; when they say they want to have universal suffrage in a certain year, universal suffrage has to be carried out exactly in that year. This is perhaps the real meaning of "domineering" as described by the Honourable SZETO Wah.

By the way, I would like to thank the Honourable Martin LEE for his encouragement. I believe that Mr LEE sees, and I also hope the Honourable Miss Emily LAU remembers, that the Democratic Alliance for the Betterment of Hong Kong (DAB) has, since its establishment, spared no effort to participate in direct elections of all tiers of councils. For example, in the Legislative Council election held in May this year, the DAB — Democratic Alliance for the Betterment of Hong Kong — is the political party which has the most candidates participating in the direct elections of geographical constituencies (if the Democratic Party can be more careful next time and does not make mistake again, it may be comparable to us). So it can be seen that our support of direct elections is unquestionable.

In his speech, Mr SZETO Wah mentioned the Basic Law twice, whereas many of our Honourable colleagues also mentioned Article 97 of the Basic Law which is on district organisations. What are district organisations? If Honourable colleagues from the Democratic Party really wish to follow the Basic Law word for word, it says that district organisations are not organs of political power and their duties are to be consulted by the Government and provide services in such fields as culture, recreation and environmental sanitation. Even though there are appointed seats, how can a non-political organ which is to be consulted and provides services be undemocratic? Of course, with the constant development of society, we think that the original functions of appointed members may be replaced gradually by members

returned through direct elections, and we do not object to the returning of all seats in district organisations through elections. On the contrary, I am quite surprised by the speech of Miss Cyd HO of the Frontier. She said that since all seats in the district organisations are returned through direct elections, whereas not all Members of the present legislature are so returned, therefore the number of directly elected seats in the district organisations is more than that in the Legislative Council, in this connection, the former is more representative and should have more power. Perhaps the Frontier should propose to hand over part of the Legislative Council's power to the two Municipal Councils and the district boards

(A commotion in the public gallery)

MR JASPER TSANG (in Cantonese): Someone sitting up there may be very delighted

PRESIDENT (in Cantonese): Mr TSANG, Miss HO wishes to make an elucidation, would you give way?

MR JASPER TSANG (in Cantonese): I believe she will have a chance to elucidate after I have finished my speech.

First of all, before the structure and functions of an organization are clarified, we cannot say how it is formed or accuse it of violating the principles of democracy just because it has appointed seats. Just now Mr Gary CHENG said in his speech that we had all along been advocating and laid down in our platform that a certain proportion of appointed seats should be maintained in district organisations, and that number should be reduced gradually. I am not stressing that we always believe in appointment only, but I just want to answer Miss Cyd HO's query as to why we do not fully support direct elections when we were elected through direct elections. If I have misunderstood her, she may elucidate on this point later all in one go. During the direct elections, it was our platform and we also told voters about it, when voters cast their votes for us they also knew what our platform was. Therefore, we will hold ourselves responsible to the voters.

Every time when the Honourable Albert HO spoke, he might feel that he was obliged to mention the DAB and he was so eager to mention it that he forgot what its members had actually said. He asked the DAB why it proposed to give the management of environmental hygiene back to the Government. In fact, the DAB has never said that the two Municipal Councils' management of environmental hygiene should be revoked and assumed by the Government. What Mr Gary CHENG talked about was the management of food safety, not the return of power to the Government. He just suggested that there was a need to let a special department to take charge of the management of food safety, which is not different from the Democratic Party's proposal of setting up a food safety authority. The only difference is that the Democratic Party insists that, even though a food safety authority is set up, it still has to come under the charge of the Urban Council or the new amalgamated council. Why is it so? Why can it not come under the charge of the Legislative Council? Why can the Legislative Council not take charge of and supervise this authority, and the supervision has to be given to the Urban Council? This is something the DAB does not understand. With regard to speaking for the Government — Mr Albert HO alleges that we are speaking for the Government, but he forgets that if we are really speaking for someone, it is only Mr Fred LI for whom we are speaking. We support Mr Fred LI's amendment. Talking about speaking for the Government, it seems that Miss Emily LAU was more obvious in doing so as she said that she subscribed to the proposal of two-tier councils. However, you accuse the Government of preparing to remove the middle tier on the one hand, but support the two-tier structure on the other. I am at a loss as to what you are accusing of because while the Government wants to have two tiers, you also want to have two tiers. Perhaps you may clarify this point later.

The DAB supports the original motion too. Our colleagues support the amendment proposed by Mr Fred LI precisely because both the original motion and the amendment state clearly and definitely that the Government must — must — fully consult various sectors of the community before making a final decision on the future development of district organisations. More than half a year ago, in the same Chamber and in the course of a debate on the same topic, the DAB already put forward such a proposal. Up to now, we still do not think that the views of "various sectors of the community" have been fully reflected, or that the Government has fully consulted the community. Therefore, the DAB stresses that the Government should only draw a conclusion after carrying out a full consultation. In this connection, the DAB supports the original motion and Mr Fred LI's amendment. Thank you.

PRESIDENT (in Cantonese): Miss Cyd HO, do you wish make a clarification?

MISS CYD HO (in Cantonese): Yes, I do, Madam President. The point I wish to clarify is that the legitimacy of the two Municipal Councils is indeed much higher than that of the Legislative Council. I believe that this is a fact which even someone as eloquent as the Honourable Jasper TSANG cannot deny. However, I have never said that the two Municipal Councils should have more powers than the Legislative Council. I suppose Mr TSANG should be referring to my remark that it is not at all sensible to place the two Municipal Councils which used to enjoy such a high legitimacy before the handover under the supervision of the Legislative Council, which has only one third of its seats returned through direct elections. If Mr TSANG does refer to this remark, then I think he has misinterpreted its meaning.

PRESIDENT (in Cantonese): Mr LEE Wing-tat.

MR LEE WING-TAT (in Cantonese): Madam President, I would like to seek a clarification from the Chairman of the Democratic Alliance for the Betterment of Hong Kong (DAB), Mr Jasper TSANG, because I could not quite understand what he said just now. Mr TSANG said that Honourable Members belonging to the DAB all support the idea of handing over the responsibility of monitoring food safety to the Central Government. If my memory has not failed me, DAB members sitting on the two Municipal Councils have expressed support for the proposal on handing over the responsibility of monitoring food safety and environmental hygiene to one single merged organ. Mr TSANG, the Chairman of the DAB, claims that he can represent the DAB. That being the case, can we thus infer that all DAB members sitting on the two Municipal Councils are not qualified to represent the views of the DAB?

PRESIDENT (in Cantonese): I think the time for seeking clarifications should end after Mr Jasper TSANG has clarified his point. Too many clarifications will lead to a mini-debate.

MR JASPER TSANG (in Cantonese): Madam President, in order to reach a consensus within the two Municipal Councils, DAB members sitting on the two Municipal Councils actually adopted an attitude of "seeking common grounds on major issues while tolerating differences on minor ones" when they made the decision to support this proposal, and they thought that this would be better than being unable to present any common view to the Special Administrative Region Government.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong.

MR CHEUNG MAN-KWONG (in Cantonese): Madam President, today I would like to speak for the Frontier's amendment which is also an amendment for the cause of democracy. As the Democratic Party is so named, it is naturally obliged to speak for a fully democratic system. The Frontier has not sought to move its amendment because of the amendment proposed by the Honourable Fred LI. Rather it has done so on the principle of democracy. It has our full support.

First of all, the Democratic Party thinks that consultation should be carried out regarding the future and direction of the two Municipal Councils. However, we do not think the issue of democracy needs consultation at all because democracy is a human right. Returning all seats in the councils through "one person, one vote" elections, be it the Legislative Council, Urban Council, Regional Council or District Boards, is the right of every Hong Kong citizen and it does not need any consultation. I state clearly here that we are not prepared to conduct any consultation on this issue because it is a natural and inborn right, just like you do not have to consult me whether I need to breathe or not, and whether I need to eat or not. This is utterly unnecessary.

Secondly, with regard to the issue of "one person, one vote", we are not prepared for a system which first accepts a number of appointed seats and then gradually replaces them with elected ones. We hope to use the fastest way to conduct a "one person, one vote" democratic election in the nearest coming council election. This is the kind of democracy the Democratic Party aspires to, and it is also the most fundamental difference with the kind of democracy the DAB aspires to. Unfortunately, for the DAB, "democracy" means putting down the appointment system in its platform. This is a crippled democracy.

If such content is really written in the DAB's platform, it should be called "Undemocratic Alliance for the Betterment of Hong Kong" instead. It is true that members of the DAB participated in all the direct elections, but at the same time, they also accept appointments. Appointed members from the DAB are found in both the Regional Council and the Urban Council. This is a fact. In this context, it is a crippled democracy — this is a point not to be contested as Honourable colleagues sitting in the back are already nodding in approval. The DAB is by nature crippled because, on the one hand, it calls itself "democratic", but on the other hand, it accepts appointed members in the Urban Council and Regional Council. They would of course object to Miss Cyd HO's amendment and universal suffrage as it is clear that once universal suffrage is introduced, the appointment system will end. However, what shocks me is that while this political party stresses democracy so much in their name, it openly declares its acceptance of the appointment system in its platform and during Legislative Council debates, opining that appointment is a reasonable and normal system in the course of transition. Of course, this is the choice of the DAB. But when they make such a choice, the word "democracy" they use will be queried and challenged by the public. Telling people loudly that their platform is so written does not prove that their platform is "right"; they are just telling people loudly that their platform is "wrong"! Or course, they have the right to be "obstinate in being wrong", they have the right to choose to be wrong, yet this is not democracy, but non-democracy. Their organization should be called "Undemocratic Alliance for the Betterment of Hong Kong". It is very clear. I think that they should contemplate seriously the definition of "democracy".

Besides, what shocks me more is that the DAB members said that they voted in the Urban Council for the two Municipal Councils' jurisdiction over environmental sanitation because they wanted to "seek common ground while preserving differences". I want to add one more phrase, they actually wanted to "seek common ground while preserving differences and renouncing principles". Renouncing principles to "seek common ground while preserving differences" is not a proper act of a proper political party. A political party should be responsible for all the votes its members cast from beginning to end, from top to bottom, from the Legislative Council to the two Municipal Councils and to the district boards. If its members vote in one way in the two Municipal Councils and district boards and vote in another way in the Legislative Council, it only shows that the political party has a split regarding the most crucial issue. If the DAB thinks that it is wrong to have two

Municipal Councils, it should say so. If it believes itself to be right, why is there a need to "seek common ground while preserving differences"? Why do they have to speak for this practice of "seeking common ground while preserving differences and renouncing principles"? If Mr TSANG says that I am speaking for democracy, I will be very happy. On the other hand, I also hope that he will speak for democracy too because democracy is written on the banner which bears the name of his party.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Eric LI.

MR ERIC LI (in Cantonese): Madam President, I have no intention to take part in the row about "one person, one vote", but many independent members of the "Breakfast Group" have stated that they would not support Miss Cyd HO's amendment. It is not that we have any strong views against "one person, one vote" democratic election, we just think that her amendment has deviated from the theme of three-tier council structure, and I myself have particular reservations about the proposal of "one council, one department". These are the reasons why I do not support Miss Cyd HO's amendment.

In fact, many Honourable Members also said in their speeches they did not support Mr Fred LI's amendment and the following two main reasons were put forward: Firstly, we hope that the current review should aim at streamlining structure and avoiding redundancy, we also hope that powers can be transferred to a lower level so that district organisations can become autonomous, the efficiency of the Government can be enhanced and public funds can be utilized wisely. Secondly, we hope that relevant parties can consider the whole political system with a forward-looking attitude. The Urban Council and the Regional Council have a clear and definite historical mission which I think should be affirmed positively. Some Members do not wish to retain this system, but even if the two Municipal Councils are to "retire", I hope that they can "retire in honour". With this in mind, I suspect that the Government actually wants to make use of the consultation exercise to get rid of the loyal members who made political contribution in the past. We cannot agree to such a way of doing things. Even if the Government has to abolish the Urban Council and the Regional Council, it should at least let the public have a

positive judgement of the two Municipal Councils. The public should not be left with an impression that the two Municipal Councils have done something wrong so they should be replaced. It is unfair to the two Municipal Councils from both historical and constitutional perspectives.

A lot of points in the Consultation Document can be contested and they have already been mentioned by many Members. We think that the Government has not carried out sufficient consultation on the issue and it seems that the work has been started too hastily. There are very few references in the Consultation Document to the overall constitutional development and reform, and the arguments are not strong enough to convince us that we should support the change. On the contrary, we have made an assessment ourselves and formed our own decision. Of course, in considering the reforms in the constitutional framework and the three-tier councils, we cannot just look at how the Consultation Document deals with the issue. Neither can we use the previous contribution of the two Municipal Councils as a reason for objecting to the constitutional development. Whether the Consultation Document handles the issue well is not a reason, whether the two Municipal Councils made contributions in the past is not a reason either — of course, I do not mean that they did not make any contributions — I think that the Government should adopt a positive attitude in dealing with the review of the two Municipal Councils and enhance its communication with the Legislative Council instead of clinging obstinately to its course. We concur with the review or policy direction of the Government, but we think that its approach should be improved.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Martin LEE.

MR MARTIN LEE (in Cantonese): I hope that Mr Eric LI will elucidate one point. He kept on saying "we" this, "we" that and that many Members have adopted a certain stance. Can he elucidate which Members he is actually speaking on behalf of? Who are "we"? Because I think he is independent.

PRESIDENT (in Cantonese): Mr Eric LI.

MR ERIC LI (in Cantonese): I am glad to elucidate on Mr Martin LEE's point. In fact, we have all heard the speeches of the independent Members. We discussed the issue when we had breakfast together. I cannot say that I speak on their behalf, but our views on the issue are very similar. When I said "we", I was supplementing their speeches with my views. I believe those few Members who spoke in support of abolishing the two-council framework will not object to what I said just now.

MR MARTIN LEE (in Cantonese): Have you elucidated?

MR ERIC LI (in Cantonese): I have already done so.

PRESIDENT (in Cantonese): I hope Members will not keep on arguing about this point. Mr LAU Kong-wah.

MR LAU KONG-WAH (in Cantonese): Madam President, originally I did not intend to speak on this motion because representatives of our party have already elaborated our stance. However, I feel a bit puzzled after listening to the Honourable CHEUNG Man-kwong's speech. There are mainly two points. The first point is about the difference between the Urban Council motion and the present Legislative Council motion. In fact, our colleagues in the two Municipal Councils support the principal direction which is "one council, one department". It is completely the same as the proposal of "one council, one department" put forward by Mr Fred LI today. Therefore, I fail to perceive why we are said to have a political split. The second point is about the appointment system. At the moment when the Special Administrative Region was established and when we took our oaths, actually many of the Members sitting here, including those from the Democratic Party and the Democratic Alliance for the Betterment of Hong Kong (DAB), were appointed District Board members. They still are up to now. If you say appointed members are undemocratic, is the Democratic Party not undemocratic too? With regard to the appointment system, many consultative organs in Hong Kong also adopt this system. I believe many Honourable colleagues from the Democratic Party and the DAB have been appointed to such consultative organs. Does it mean these people are undemocratic? Mr CHEUNG said the fact that DAB does have members who accept appointment means the DAB is undemocratic, so the

word "Democratic" should be renamed "Undemocratic" to make it an "Undemocratic Alliance for the Betterment of Hong Kong". However, now that the Democratic Party also has members who accepted appointment, if the word "Democratic" is removed from the party's name, only the word "Party" will be left. Is it the demarcation line between democracy and non-democracy? Thank you, Madam President.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong.

MR CHEUNG MAN-KWONG (in Cantonese): Madam President, since he mentioned my name, I feel there is a need for me to elucidate. All the Democratic Party's members in the District Boards and the two Municipal Councils were elected through "one person, one vote" direct elections. I would like to ask the Democratic Alliance for the Betterment of Hong Kong: Are all your appointed members elected through "one person, one vote" direct elections?

PRESIDENT (in Cantonese): Mr CHEUNG, are you seeking an elucidation from Mr LAU Kong-wah? Mr LAU, please elucidate.

Mr LAU KONG-WAH (in Cantonese): Madam President, just now I made a very clear description of the two bodies, namely, the 18 Provisional District Boards and the two Municipal Councils, all of which have retained the appointment system. You could ask the Honourable Andrew CHENG, Albert HO and Fred LI. They are all appointed members.

MRS SELINA CHOW (in Cantonese): Madam President, a point of order please. I believe the discussion has turned into another debate.

MR LAU KONG-WAH (in Cantonese): Madam President, would you like me to elucidate? That was the only point of elucidation I wish to make. On the other hand, the appointment system is also retained among advisory bodies. May I know if you will not accept such appointments?

PRESIDENT (in Cantonese): I think the debate arising from an elucidation should stop. Mr Andrew CHENG.

MR ANDREW CHENG (in Cantonese): Madam President, I would like to make some comments on the speeches made by Mr Jasper TSANG and Mr LAU Kong-wah of the Democratic Alliance for the Betterment of Hong Kong (DAB). First of all, at the beginning of his speech Mr TSANG said he was glad Mr Fred LI did not delete the words "Consultation Document on the Review of District Organisations" in the motion. And then he went on to say Mr LI's speech was different from his past speeches in that he did not insist on which year to have universal suffrage, which insistence might be described by the Honourable SZETO Wah as domineering. Madam President, it was I who started the relevant motion debate. I demanded that the 60 seats of the Legislative Council be returned by universal suffrage in the year 2000, and the Chief Executive be returned likewise in 2002. If the Hong Kong Special Administrative Region (SAR) Government submitted consultation documents for that purpose to the Chief Executive, we might not delete the relevant words either. The problem is the SAR Government is trying to evade the issue. It even said that amending the Basic Law was a serious matter and would therefore refrain from discussing the same. This proves that we, the Democratic Party, are not shying away from discussions. Chairman TSANG—as the Honourable LEE Wing-tat repeatedly called him so, with due respect to him as chairman of his party—accepted on behalf of the DAB appointments and then took part in elections. Afterwards, he told people they had more candidates than the Democratic Party and hence were more democratic than the Democratic Party. Madam President, what kind of logic is that? I can only say they are "political fence-sitters". They accepted appointments on the one hand but then took part in elections to please voters. Madam President, Members have to be accountable to voters and they must hold fast to their political principles and stance. They must be open and uncompromising—where principles of democracy are concerned, there is no room for compromise. I do not want to hear Mr LAU Kong-wah ask again the question: What is the Democratic Party without the word "Democratic"? We, the Democratic Party, will adhere to principles of democracy even if our party is stripped off our name. I hope they would not ask similar questions again.

The Honourable Albert HO spoke about the issue of appointment. He said the British Prime Minister is also a post filled by appointment by the Queen. I myself am an appointed District Board Member but on 17 September 1994 I was returned by election. So, I have support from voters. Thereafter, there was a change in sovereignty and in support of "one country, two systems", we had to accept the system to enable the Urban Council, the Regional Council and the District Board to continue their operations. The appointment system I have accepted is different from that mentioned by others, which has not gone through scrutiny by voters. I do not want to debate with Mr LAU Kong-wah today and the President would not allow such a debate either, but I would ask him not to call a stag a horse, not to say we have appointed members in our camp and then make queries on this idea. Moreover, our term of office had not expired then. It should have run from 1994 to 1998, but due to a change in sovereignty in 1997, there was a change in circumstances. So I hope he would understand that we have support from voters.

Madam President, the issue of consultation was raised; so were the idea of democracy as conceived by the DAB, and their "fence-sitting" behaviour. I hope they would not try to fool Hong Kong people with such ideas. Thank you, Madam President.

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

MR NG LEUNG-SING (in Cantonese): Madam President, as Members returned by legitimate elections, we have a duty to monitor the Government and make suggestions through this Council for the sustained advancement of the community. Many colleagues have spoken and I am not going to repeat their points. There are Members who think we should take every opportunity to speak and so I am working hard at making full use of my every minute.

It should not come as a surprise if the *Consultation Document on Review of District Organisations* published by the Government has given rise to series of heated debates within both this Council and the various groups across the community. This is because the review involves reforms in the local government system and is closely related to the people's livelihood. I think the Government should make sure that it has a good understanding of the public opinion and conducted a serious and in-depth assessment of the views and

inclinations of the various sectors in the community as it conducts the consultation and before it makes any decision on any options. I agree that when the consultation is still in progress, there should not be any pre-conceived ideas or pre-determined stances; otherwise the consultation would become meaningless. I think there should be thorough discussion by all sectors across the community with a view to reaching a consensus, thereby paving the way for the smooth implementation of reforms in district organisations.

The hidden main themes of the Consultation Document are streamlining structure and improving efficiency, both of which serve to indicate that there has been a lack of co-ordination in the functions of the two Municipal Councils and a duplication of efforts between government departments and the relevant establishment. This is certainly supported by facts. In such an important and comprehensive review of the district organisations, all the pros and cons of the existing system should be analyzed and assessed in a fair manner, so that what is worthy of retention would be retained and what is not in the course of reform. For a number of years, the two Municipal Councils have been providing municipal services and therefore gained experience in this respect. There are certainly inadequacies though. The review should make it a point to retain what is good in the existing system. This is something the Government can ill afford to overlook.

In streamlining the structure of the district organisations, I think we need to identify a correct direction if we are to initiate reforms. Reform should never be introduced for its own sake. We should focus our efforts on the proper arrangement under the new structure for "power" and "responsibility", issues which are of concern to the public. For instance, after the streamlining, the new organization should have improved accountability and transparency in terms of municipal affairs, including environmental hygiene and food safety, which are originally responsibilities of the two Municipal Councils. The new organization may even be monitored by the public. This is one of the issues which the people are concerned about and to which the Government must face squarely up to and take into serious consideration.

Under the new district organisations, how do we go about making real improvement in the promotion of arts and culture? This is an issue the Government must address. As I said before, in the reform of district organisations the Government must comprehensively and adequately consider as well as study the matter on the one hand, and consult the various sectors of the community earnestly as stated in the original motion on the other, so that both

the reform and the consultation work could progress in a practical manner and in accordance with the requirements of the public. This is beneficial to reaching a consensus in the community and finding the best possible option.

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

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

MR CHAN KAM-LAM (in Cantonese): Madam President, it seems to be that today's debate is becoming more interesting and heated as we get late into the night. Indeed, this is but natural for any discussion about democracy calls for more ideas to be heard. We would like to thank the chairman of the Democratic Party, Mr Martin LEE, for indicating his appreciation of our party name. The aim of democracy should work towards the betterment of Hong Kong. But democracy, if practiced not properly, may cause harm to Hong Kong. To implement the concept of "democracy" the Democratic Alliance for the Betterment of Hong Kong (DAB) will certainly be using means that are rational, lawful, as well as accommodating.

I was told an episode today, and the Honourable NG Leung-sing was also at the scene then. He told me that on his way to this Chamber, he came across a group of petitioners asking people to sign in support of their cause. So he pondered for a short while and turned around to see what the petition was about before deciding whether or not to put down his signature. But as he turned around he was immediately screamed at by the crowd behind him and was denounced as being "not democratic" and "pro-Government". This episode reminds me that democracy actually requires tolerance and acceptance of views different from ours. For any democrats or democrats who stand by certain principles, is it necessary to be politically authoritarian or to wield a big rod to beat people for the cause of democracy? We do not appreciate this kind of behaviour.

Turing back to the subject of the debate, we believe that universal suffrage is a long-term goal that must be achieved. As a matter of fact, even if we abide by the timetable laid down in the Basic Law we will not be too far away from this goal. As regards appointments, I think the Democratic Party has created more confusion with the more explanation it tried to give. Mr CHEUNG Man-kwong said he would not accept any appointment. But the

fact is that Democratic Party members in both the Urban Council and district boards have all accepted appointment after the establishment of the Government of the Special Administrative Region (SAR). No matter what explanation he gave or how many votes he claimed to have obtained from direct elections, still he could not avoid the term "appointed" or the system of "appointment".

The Honourable Andrew CHENG's advice that one should not be political fence-sitters sounds very nice. But if he meant to say this to tease the DAB, I am afraid he was being a pot calling the kettle black. Mr CHENG has all along regarded his term under appointment would not expire by the end of 1998. It is now the end of July 1998. Would Members from the Democratic Party automatically leave their office by September when their terms of office in the various district boards expire? Bearing in mind that the term of office of the appointment by the SAR Government would run until the end of 1999, what will the status of Mr CHENG be then? For people who support principles of democracy, I would urge them to take note of the comments made in today's debate and see what the Democratic Party would do then.

We would like Mr Albert HO to think further about the scenario that would arise if his idea of setting up a food safety authority was adopted. What is the difference if after the "one council, one department" plan was implemented, the food safety authority was not placed under the supervision of the legislature? Given that the responsibilities regarding food safety were transferred from the two Municipal Councils to a food safety authority established for the purpose just because the former are not performing, if the food safety authority was placed under the merged municipal councils, which would have become "one council, one department", would it not be better to retain the existing system? So, I think the issue has become clear now after this debate. I hope other political parties, in particular, the Democratic Party, would not indulge in this issue any more. We like Mr Fred LI's amendment mainly because he is urging the Government to conduct an active investigation. Indeed, in order to introduce to the district organisations a structural reform in such a massive scale, the Government should take the initiative to listen to opinions from every social stratum and political party, particularly the district boards and the two Municipal Councils, which are the parties concerned. In summary, we hope the Government can actively study the relevant proposals. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Michael HO.

MR MICHAEL HO (in Cantonese): Madam President, Honourable colleagues from the Democratic Alliance for the Betterment of Hong Kong (DAB) spoke about "principles" just now. One principle to be upheld in a democratic society is: people may hold different opinions and may express their opinions in different ways, but not by force, of course. So, this is a principle of democracy. One very important point of this principle is that despite the different ways of expression, the stance must remain the same. In his speech, Mr LAU Kong-wah indicated that Members from the DAB were in support of a broad direction regarding the motion on the two Municipal Councils, which is the "one council, one department" principle.

Madam President, does the entire review touch on only the structural reform of the two Municipal Councils and the two municipal services departments but not the issue of power under the structure? With regard to the change from "two councils, two departments" to "one council, one department", the direction of reform in structural terms would of course be "one council, one department". However, we have been debating about something more. While DAB members in the two Municipal Councils have agreed at the respective meetings that environmental hygiene and food safety should be part of the ambit of the future "one council, one department" framework, our focus of discussion tonight, as mentioned by Mr Jasper TSANG, has been the separate supervision arrangement for food safety which the Government has proposed and under which food safety will be managed centrally while environmental hygiene will still be managed by the two Municipal Councils or the future combined municipal council. Although the structure is still "one council, one department", the function and ambit of the same structure referred to then and in this Chamber are essentially different. This is the major difference. As such, the DAB should not say in this Chamber that its broad direction is also "one council, one department". Nor should it claim that the decision made by the members of the two Municipal Councils is the same as the view put forth by Mr Jasper TSANG on behalf of the DAB. Excuse me, but my understanding is that they are not the same. How can that be?

As regards the assertion that the Democratic Party does not differ much from the DAB, Mr Andrew CHENG has already expressed our views and I do not intend to repeat them at any length. As the transfer of sovereignty took

place in 1997, members were all appointed to the Urban Council, the Regional Council and the district boards. These appointed members were incumbent members whose terms had yet to expire and their appointment to the respective councils was necessitated by the change in sovereignty. But on 1 July 1997, some other members were appointed. They had not run in the 1994 elections and hence not elected to any of the said bodies in 1994. Their appointment was neither the result of the change in sovereignty, nor was their appointment made under the condition that their term of office was yet to expire. So, that is the difference between the two kinds of appointment.

If we were asked what we should do when our original term of office expires in September, the position of the Democratic Party is that we welcome an early election. We are prepared to accept whatever decision voters may make. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan.

MR LEE CHEUK-YAN (in Cantonese): Madam President, I would like to respond to several points raised. The first point was raised by Mr Jasper TSANG. He said he was in favour of putting appointed seats in the two district organisations because they were not political organizations. I find this kind of logic absolutely difficult to understand. Why was he in favour of appointments just because these were not political organizations? Undoubtedly, the organizations have the powers and duties to manage Hong Kong. Their members have been popularly elected. The element of appointment was introduced only on 1 July 1997. Is this not a democratically retrogressive step to introduce appointed seats to an organization which has been popularly elected? You may say that they are not political organizations, but they do have management authority; and indeed they were all under the management of popularly elected members — an Honourable Member considers I am wrong and he can explain later. Actually, it was the appointment element which prohibited the placing of the Pillar of Shame at Victoria Park. This particular element has explained why the organization has failed to reflect public opinion in exercising its powers.

The second point I would like to respond to is the importance of consultation as mentioned by Mr TSANG repeatedly. I think Mr TSANG was using double standards. Did he and people in his camp make it a point that

consultation was necessary when discussing the appointment of members to the Provisional District Boards, the Provisional Urban Council and the Provisional Regional Council when they held the discussion in the Provisional Legislative Council? Why did they not say that? Why are these people demanding comprehensive consultation when the subject of universal suffrage is raised? Is this not double standards? Is it true that consultation is necessary only when things turn out not to the liking of the Central Government? And is it unnecessary when things are going their way? The way they spoke about consultation gives people the impression that the Provisional Legislative Council was being high-handed. There was no mention of consultation about appointment of members to provisional councils as it was the idea of the Central Government; but when the public demand all seats to be returned by popular elections, there are cries for consultation. So, one can see clearly how the Democratic Alliance for Betterment of Hong Kong plays around with the word "consultation".

The third point. Mr TSANG asked why Miss Emily LAU of the Frontier agreed to a two-tier structure but objected to the merging of the councils. I think the stance of the Frontier is that an amalgamation should be proceeded with gradually according to a timetable. An amalgamation should be considered only when we have complete democracy and a legislature that is returned completely by universal suffrage. Now is definitely not the right time. There is no contradiction whatsoever in the position of the Frontier because an amalgamation can be implemented only when the entire democratization process in Hong Kong reaches a point at which the legislature is returned by universal suffrage. At that point, we would then consider whether it is necessary to conduct a further review on the powers and responsibilities of the three-tier structure. So, clearly, there is no conflict whatsoever.

Thank you, Madam President.

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

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, it is getting very late. I originally did not intend to respond, but after listening to colleagues talk about the meaning of democracy for some time, I think I would like to speak a little bit on the subject. After hearing Members' definitions on

democracy and their ideas about it, I find that there is a big difference between the Democratic Alliance for the Betterment of Hong Kong (DAB) and the Democratic Party. Mr Michael HO said his interpretation of democracy was a variety in the forms of expression, provided expression is made on the same stance. I think this is "democracy in form", which means people can voice their ideas on democracy randomly in various forms, but there can be one voice only. Moreover, Mr CHEUNG Man-kwong also taught us a lesson on democracy. He said democracy meant it was not necessary to conduct any consultation on direct elections because they are a must, just like breathing and eating. I think this coincides with the ideas of Mr Michael HO, that is, the idea of "making decisions for the people". We cannot accept this kind of democracy. The DAB on the other hand thinks democracy means open-mindedness and readiness to accommodate different voices in the community. I think this kind of democracy is open democracy, much different from that mentioned at the beginning of my speech. So, this is the first point I want to make. My second point is a response to Mr Andrew CHENG's comments. He said he was appointed against an extraordinary background in history. I would like him to answer just one simple question. Will he choose to step down out of his own accord in September this year? Thank you, Madam President.

PRESIDENT (in Cantonese): I hope the next Member who seeks to speak will not indulge in the same issue. Does any other Member wish to speak? Prof NG Ching-fai.

PROF NG CHING-FAI (in Cantonese): Many Members have spoken tonight; almost all of us have spoken. Some speeches were pertinent and meaningful but some strayed way from the topic under discussion, and that reminds us of programmes on the television during the election campaigns. I hope Members can speak on matters relevant to the subject under discussion. That is all I wanted to say. Thank you, Madam President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now invite Mr Ambrose CHEUNG to speak on the two amendments to his motion. Mr CHEUNG, you have up to five minutes to speak.

MR AMBROSE CHEUNG (in Cantonese): Madam President, before I forget what I have intended to say, I would like the Secretary to see how a review on some non-political district organisations leads to debates of a political, constitutional nature and debates on democracy.

First of all, I should like to thank Honourable Members of this Council for the concern they have expressed for the motion on the structure of district organisations. Members from "six parties, one frontier, and one faction" have spoken. In the course of our debate, two additional parties emerged and we can say there were actually eight parties altogether as they were under different names. I was glad that most of the speakers were for the original motion and the amendment which proposed to have "one council, one department". Even those who do not support the said amendment and would rather have the two Municipal Councils disbanded have put forward many constructive comments and ideas. Members have let me and colleagues in the two councils know about their expectations. We will bear in mind the well-meaning comments regarding Members of the two Municipal Councils.

I very much hope that the Secretary could regard the debate today with the same attitude. Through this debate, the Legislative Council has put forward a mainstream opinion for the Secretary. No matter what the voting result will be, the mainstream opinion in favour of "one council, one department" will not be changed. In fact, this is quite close to the idea of the Government. The purpose of the Government to resume the relevant powers is to centralize services for food safety and environmental hygiene under one department. The option for "one council, one department" also embraces the idea of co-ordinating the responsibilities under the Urban Services Department or the new food safety authority. Furthermore, our proposal has also added in the supervision by a democratic council.

I hope the Secretary is aware of the frequent use of the phrases "executive-led" and "executive dominance" over the past few days. I recall at the question time session last week the Secretary said the Basic Law had stated that Hong Kong should follow an "executive-led" system; however, the

Honourable Andrew WONG queried where in the Basic Law had that been stated and "Everybody says so" was the reply made by the Secretary. My understanding is that the concept of "executive-led" has not been stated in the Basic Law but is ubiquitous. Using the concepts of "executive-led" and "executive dominance", the Secretary said the two Municipal Councils would die a natural death on 31 December next year. So long as the ordinances governing the two Municipal Councils are not further extended, without any legislative amendment, one of the provisions contained therein could be invoked to transfer the functions of the two Municipal Councils to other organizations. This is tantamount to murdering the two Municipal Councils. However, a constitutional crisis would arise then. The relationship between the executive and the legislative arms would break up completely. If the Government is to do that, it would give the public an impression that it is trying to demonstrate executive dominance 13 months after the reunification by stifling the two popularly elected councils. I very much hope the Secretary will clarify that the Government would not do just that.

Finally, through this debate we can see clearly that certain debates or district organisations which are regarded as non-political in nature can in fact be very much politically or constitutionally oriented. I just hope the Administration will abandon its evasive attitude and admit that in regard to the review of the district organisations and the two Municipal Councils, more efforts should be made to look further into the political objectives involved.

With these remarks, Madam President, I support the original motion and the amendment.

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, first of all, I would like to thank Members for their views during the motion debate. Such views are of great reference values. Reorganization of the district organisations is an extremely controversial issue. It was obvious just now in the Chamber that the various political parties have diverse views which are also different from our preliminary thinking. It is nothing surprising, as many Members have said, because some of the issues still do not have satisfactory solutions. I expect to follow them up at future meetings of

the Constitutional Affairs Panel. Our goal is to reduce to the minimum the differences between us, and to arrive at a scheme that is acceptable to the majority.

What I submit today is our preliminary thinking in respect of reorganizing the district organisations, including *inter alia* our objectives and recommendations regarding the implementation arrangements. I wish to stress that it does not mean that the Administration has come to a decision on the issue. What I say represents only the first step we took in the whole process of decision-making, there remains a long road ahead, down which Members and we would be walking shoulder to shoulder.

The Chief Executive in his policy address in October last year suggested to assess if our present structure of district organisations comprising the two Municipal Councils and 18 District Boards can continue to ensure the efficient and responsive delivery of services to our evolving community.

The Basic Law is flexible in respect of the structure of the district organisations of the SAR. We know that during the drafting of the Basic Law, the various sectors of the community proposed several different schemes in respect of the framework of the future district organisations, including maintaining the *status quo*, merging as well as disbanding part of the district organisations. In view of the diverse views, Articles 97 and 98 of the Basic Law make broad provisions, using flexible phrases like "may be established" and "or to be responsible for", so that the SAR Government could determine for its own the details.

The need to review and reform

During the consultation period of the past two months, we actively encouraged through various channels the public to make their views known. We note the recent surge of comments that the SAR Government should give priority to addressing certain political and economic matters, such as the social problems in the wake of the financial turmoil, while the existing structure of the district organisations should for the time being be maintained, pending a review at some other opportune time in the future, so as to avoid major changes to the district organisations so soon after the establishment of the SAR Government and to prevent any impact on the current stable situation to affect public confidence.

I accept that the review of the district organisations should be proceeded with great caution. However, given that the existing district organisations are part of the transitional arrangements following last year's handover, they are "provisional in nature" and the term of office of the Members will expire by the end of next year. Therefore we have to seize the time to work out satisfactory arrangements for the future district organisations of the SAR.

In the review our first and foremost task is to formulate the best long-term arrangements for the whole structure, to set down definite objectives before considering the best ways to achieve such objectives.

I think that as an open government, we should listen as far as possible to the views of Members and the public at large, to increase the transparency of our decision-making process. We hope the various sectors of the community would respond positively to our preliminary thinking, so that our final decision could be widely acceptable to the citizens.

Reduced political functions of the Municipal Councils

Many Members alleged that our Consultation Document did not cover issues concerning political power and political matters. I would like to explain them here.

Prior to the 1980s, for a multitude of reasons, Hong Kong did not have an elected legislature. The Urban Council was the only body with elected elements. Elected Members of the Urban Councils served also as unofficial "ombudsmen" in addition to their rightful duties regarding food, environmental hygiene, cultural, sports and recreational matters. They even played a part in monitoring the related policies of the Administration. However, the role of Urban Council Members as "ombudsmen" and overseers of public policies faded with the development of our representative government.

Firstly, the 18 district boards established in 1982, while mainly consultative by nature, have been able to discuss and pay attention to a wide range of topics, and in fact subjects of all sorts, and with their advantage of being close to the people, are capable of effectively channelling public opinions and overseeing public administration at the district level, becoming thus effective bridges between the Government and the public. They have played a significant part in promoting local democracy and community involvement.

Then in the early 1990s, directly elected elements were introduced into the Legislative Council; and now Members of the First Legislative Council were all returned by elections. Direct elections will be gradually achieved in full in accordance with the timetable set out in the Basic Law. The Legislative Council, an elected assembly with credibility, in addition to making laws and scrutinizing the Budget, also supervises the various aspects of administration of the SAR Government by way of forming panels, oral and written questions and motion debates.

By comparison, the two Municipal Councils, though did play a part in nurturing political talents and quite a number of legislators began their public service career in municipal work, can hardly become the focal points where democratic involvement at the district level can be promoted because their scope of responsibilities are limited to the several areas of food safety, environmental hygiene, arts and recreation. From the public views we received, it can be seen that the general public is more concerned about the ability of the two Municipal Councils in providing good services, rather than their role as elected representative bodies. In this respect, I have noticed that the results of the recent independent public opinion survey conducted by the Social Science Research Centre of the University of Hong Kong show that among the three tiers of representative government, the public has given the effectiveness of the services of the two Municipal Councils lower scores than to those of the Legislative Council and the 18 district boards.

In simple terms, the political functions of the two Municipal Councils have faded along with the further development of our representative government. Mr Fred LI just quoted that I said that they had already done their job; in fact, they have not, only that they have now a diluted role. We really have no adequate justification to consider the proposals merely from the perspective of political system and politics. We should use an administration and management angle in seeking to work out an option that is both conducive to the co-ordination of matters relating to food safety and environmental hygiene, and to the effective provision of cultural, arts, recreational and sports services.

From the angle of administration and management, the consultation paper already points out in clear terms that we should address the problem of fragmentation of power or overlapping of responsibilities among the two existing Municipal Councils and their respect executive departments and a number of related government departments, such as the Department of Health, the Agriculture and Fisheries Department, the Environmental Protection

Department and other statutory bodies like the Hong Kong Arts Development Council, the Hong Kong Sports Development Board and the 18 district boards.

Food safety and environmental hygiene

The issue of fragmented power attracts the most public concern where food safety is involved. Some Members criticized the Administration for "using the chickens to kill the Councils", meaning using the avian flu incident to discredit the two Municipal Councils. In fact, we do not have the least intention to blame the two Councils on the strength of individual incidents, therefore I just do not understand why so many Members voluntarily offered themselves as the targets. The Consultation Document used the avian flu incident only as an example to illustrate the inadequacy of the framework for handling food safety.

As a result of the widely scattered functions among various departments, when a food-related incident occurred that involved the various links in the import, wholesale, retail, slaughtering, processing, storing, consuming and disease control operations, the handling departments and organizations (including the two Municipal Councils) number no less than six to seven, giving rise to numerous difficulties in co-ordination because most parties do not normally have any vertical relationship; the fact that the demarcation of duties is sometimes unclear does not help. In peaceful days, spending more time in inter-departmental co-ordination work, though affecting efficiency, would not create too much of a problem. But when every second counts in the event of some emergencies, such as the outbreak of the avian flu, the serious weakness of this framework is exposed.

After these food safety incidents, clear and strong views from the community (including the medical sector) have been demanding the Government to strengthen the co-ordinating work of departments in handling matters relating to food hygiene, and to centralize such duties as far as possible in one department that in turn is responsible to a policy bureau so as to increase accountability and the ability to meet emergencies. To respond to such demands, the Administration proposed in the Consultation Document a feasible option to solve the problems.

We have collected many insightful ideas. After due consideration, we conclude preliminary that the above idea of reorganizing government departments and policy bureaux may well be a practical objective.

Naturally, before implementing the suggestion, the Administration has to lay down clearly the composition and scope of work of this newly established department, as well as its working relationship and modes of actual co-ordination with other existing departments. The related arrangements of the policy bureau responsible for this new department should be considered at the same time. I am glad to point out that preparations have been made for the commencement of the review next week within the Government. It is hoped that we could, by the end of this year, draw up a detailed and practicable scheme that would include the way of redistributing the functions of the two existing Municipal Councils in food safety and environmental hygiene, so as to facilitate co-ordination.

The proposal above will definitely not lead to a state where the Government would have all its way without democratic supervision, as some people have feared. On the contrary, the more clearly defined powers and duties within the new framework will enable the Legislative Council to more effectively supervise the formulation of policies concerned and scrutinize funding. Besides, at the district level, the district boards can oversee the Government's work more effectively, and issues of environmental hygiene would no longer require back and forth discussion between the two levels of the Municipal Councils and the district boards, as is the case now.

As regards the "one municipal council, one municipal services department" proposal passed by the two provisional Municipal Councils as mentioned by Mr Fred LI just now, we feel that it is unacceptable either from the angle of administration and management or from the angle of political structure. It also cannot serve as a transitional arrangement for a long-term reform, as some people have suggested.

In the first place, to combine the two Municipal Councils and the two municipal services departments is a very big operation, involving nearly 30 000 staff and the standardization of many of the present different practices of the two Municipal Councils. When such an operation is completed, there will be a brand-new municipal council, and would create a tremendous obstacle when the three-tier representative government system needs to be further streamlined in the future, say into a two-tier one. Therefore, the "one council, one department" option cannot be considered as a transitional one.

Looking at it from another perspective, it is not feasible for the "one council, one department" to handle all food safety and environmental hygiene matters and to provide all cultural, recreational and sports services to the whole of Hong Kong. To do a good co-ordinating job, this "municipal council" and "municipal services department" would have to be solely responsible for handling the food safety and environmental hygiene duties that are now scattered among various departments, such as the Department of Health, the Agriculture and Fisheries Department and the Environmental Protection Department. A mammoth department with a staff of close to 30 000, that is, one sixth of the Civil Service, requires a very broad range of professional expertise to handle such a wide and complicated spectrum of functions, and it would be difficult to get a head who can manage it in a good way. On the other hand, we cannot guarantee that members of the council returned by elections have all the required professional knowledge. They might not be able to undertake the policy-making and supervisory roles in respect of the many areas of functions, particularly at times of emergencies concerning food and environmental hygiene. Whether a department with such a structure could be resolute and respond to such incidents swiftly and effectively is, I think, a big question mark in the minds of the public.

Besides, whether a territory-wide municipal council managing one sixth of our Civil Service and with full authority in handling all matters involving food safety, food and environmental hygiene exceeds the nature and functions as prescribed in the Basic Law is a subject of controversy. In any case, such a municipal council, with its enormous executive as well as financial powers would to a great extent weaken the powers of the Legislative Council that oversees the Government under the Basic Law, thus creating great repercussions on a political level.

A Member has put forward another suggestion that the Administration would be responsible for food safety, with all environmental hygiene matters going to the combined municipal council. Theoretically, we can distinctly demarcate the two areas of work. However, in many cases, food safety and environmental hygiene are fast entwined and a clear-cut division is not possible. Market management is a good example. If the environmental hygiene of a market is bad, the degree of safety of any food sold there would surely be affected. Our services cannot be improved if the work of food safety and environmental hygiene of the whole market cannot be effectively co-ordinated because of fragmentation of duties.

Up to the present time, from the administration and management point of view, the most appropriate arrangements are to re-assign the work of food safety and environmental hygiene, and entrust a new department and a policy bureau with the responsibility. This enables an adjustment of division of labour to achieve ideal co-ordination.

Culture, arts, recreation and sports

As to the ways to more effectively execute the remaining functions of the two Municipal Councils in culture, arts, recreation and sports, the mainstream views we have so far received could be summarized into two schemes: one is to combine the two Municipal Councils into one that would be responsible for the work in culture, arts, recreation and sports; the other is to dissolve the two Municipal Councils and transfer such functions to government departments and existing statutory bodies with cultural, arts, recreational and sports responsibilities.

The advantage of the first scheme is that an elected council structure would be maintained, but a question really exists as to whether elected members have the necessary expertise to push for the development of culture, arts, recreation and sports.

The good thing with the second scheme is that statutory bodies with specific responsibilities in culture, arts, recreation and sports could comprise district representatives, and would allow participation of the cultural, arts, recreation and sports sector, making it easier to strike a balance between professional involvement and the needs of the community.

What we have to consider are ways to make optimum use of resources in effectively promoting the development of culture, arts, recreation and sports in Hong Kong. The present scattered resources, lack of co-ordination and inadequate policy in general have been complained by many people in the arts and sports communities. Now that we have identified where the problems lie, we should not stick to the old framework, and instead we should lay the cornerstone for the future development of culture, arts, recreation and sports of Hong Kong. After an in-depth analysis of the ideas and views collected, we would start studying details for preparing the new framework. We would take that opportunity also to clear certain questions that have long been the subjects of complaints from the cultural and sports communities.

District boards

The community generally thinks the district board system is operating well. Comments have generally affirmed the functions and performance of the district boards. Many views we collected hold that their role in promoting community involvement should be strengthened. Some commented that the district boards could assist the Government in carrying out certain large-scale grassroots campaigns and work, such as those aiming to increase fire prevention awareness, home safety, improvement to building management, urban renewal and recreation. They suggest that the staff complements of the District Offices should be enlarged so as to give support to the district boards to make them play their full role. At the same time, support should also be increased for district board members, so that they could better serve the public, follow up public complaints and more effectively channel public opinions.

We agree to give district board members extra support, such as providing extra allowance to district board members to set up their own offices and to hire assistants on a reimbursement basis, so that they can better serve the public.

In our later detailed study of the ways to redistribute the various functions, we would consider how to strengthen the role of district boards in overseeing certain local facilities and services. We would also consider increasing the staff of District Offices as well as district board funding in future so as to match the extra functions of the district boards.

We expect that a bill would be submitted to this Council by the end of this year so that preparations could proceed for the establishment of the first-term district boards of the SAR. We would also submit at the same time a bill for the district board elections so as to strive to have the related elections by the end of next year.

Composition

We have heard many different views regarding the composition of the district organisation. Firstly, I wish to let Members have a piece of data, and that is, the two provisional Municipal Councils have a total of 100 Members, among whom over two thirds also double as district board Members or/and Legislative Council Members. Therefore, even if, and I stress "if", the two Municipal Councils do disappear, the impact on the members taking part in politics and community service is not big.

Many people opine that all members of district organisations should be returned by full direct elections, while many others (including the New Territories Heung Yee Kuk and some district board Members) support the retention of *ex officio* membership in district organisations so as to represent the need of "indigenous New Territories residents" and for the protection of the interests of minor rural communities. At the same time, many people also favour a few appointed seats to let certain people with professional knowledge and ample community experience to take part in the work of the district organisations.

We will carefully study all the above views and ideas, including the election by the "one person, one vote" universal suffrage of the representative bodies as suggested by Miss Cyd HO. We would make a decision later in this respect.

Queries regarding the consultation

Lastly, I would like to respond to the questions some Members raised regarding our consultation. Some Members alleged that we fabricated and led public opinions. I think they might have thought a bit too highly of us. If we really could lead and fabricate public opinions, the Administration would not have been in such a miserable state as it is now.

Some Members thought the consultation period was too short to fully consult all sectors. Naturally, the longer the consultation period the better. However, with objective constraints, we must race against time to make arrangements for the election of the district organisations by the end of next year before the term of office of the provisional district organisations expire. Therefore we have a very tight schedule. According to past experience, after the principal legislation for the electoral arrangements is passed, we need more than half a year to prepare for the actual election work. Therefore the electoral bill must be submitted to this Council by the end of this year at the latest and so the main direction in respect of the future district organisations must be finalized before the Chief Executive delivers his policy address in early October to enable timely drafting of the law. Under the constraint of the timeframe, we could only allow a two-month consultation. But we did make the greatest effort to have it done in an adequately extensive and intensive way.

Some Members expressed their dissatisfaction with the Government "finalizing" the direction of the future development of the district organisations, thinking that it was "executive dominance" for the Administration to threaten

letting the two Municipal Councils die "a natural death" by not tabling a bill for the elections of the new councils. I must first stress that as a responsible Government, we will absolutely not take advantage of the "grey areas" in the law to bypass the Legislative Council to disband the two Municipal Councils. If and when the Government arrives at a decision on the future of the two Municipal Councils, we will definitely submit a bill to the Legislative Council to put forward our suggestions in clear terms regarding the functions or future of the two provisional Municipal Councils. If we need to transfer their functions to a new framework, we will also ask the Legislative Council to consider our legislative proposals. Our objective is to be open and aboveboard as Members suggested, and to prevent any legal issues that may arise from the transition.

As I said, what I just told Members is only our preliminary thinking, and not the final decision of the Government. I believe that the most important thing is to remain open and highly transparent. This time I chose to make public our preliminary thinking because we have to strive to complete by the end of next year the preparations for the implementation of the new structure. Therefore, as I just said, the study for the internal reorganization of the Government will begin next week. I hope to brief Members clearly as soon as we have results, so that Members will, having fully understood our thinking, make more specific recommendations. I also hope to take that opportunity to stimulate more discussions so as to put all our heads together to work out the best way to solve the questions.

Though the preliminary thinking of the various political parties and our own seem to be at variance, we should not take opposing stands; and as a number of Members just said, we should adopt a attitude of co-operation instead. As long as we put public interests in the forefront, and through later discussions and consultations, as well as joint detailed analysis of the views collected from the various sector of the community, I believe the distance between us will definitely shorten, and there will hopefully be a consensus in designing a new and perfect framework so as to improve food safety and environmental hygiene service, to promote the development of culture, arts, recreation and sports, and to intensified district administration and consultation, to meet the long-term development of Hong Kong in the next century. Thank you, Madam President.

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

MR FRED LI (in Cantonese): Madam President, I move that Mr Ambrose CHEUNG's motion be amended as set out on the Agenda.

Mr Fred LI moved the following amendment:

"To delete "this Council puts to the Government its views on" and substitute with ", with regard to"; to delete "and" and substitute with "this Council"; and to add "actively consider the proposal of "one municipal council and one municipal services department" unanimously put forward by the Provisional Urban Council and the Provisional Regional Council, including charging this municipal council with the responsibility for regulating food safety and environmental hygiene, and to" after "urges the Government to"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Fred LI be made to Mr Ambrose CHEUNG's motion.

I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Fred LI rose to claim a division.

PRESIDENT (in Cantonese): Mr Fred LI has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Members please register their presence by pressing the top button and then proceed to vote.

PRESIDENT (in Cantonese): Before I announce that voting shall stop, Members may wish to check your votes. If there are no queries, voting shall now stop.

PRESIDENT (in Cantonese): The result will now be displayed.

Functional Constituencies:

Mr Michael HO, Mr LEE Kai-ming, Miss Margaret NG, Mrs Selina CHOW, Mr CHEUNG Man-kwong, Mr Ambrose CHEUNG, Mr CHAN Kwok-keung, Mr CHAN Wing-chan, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Dr TANG Siu-tong and Mr LAW Chi-kwong voted for the amendment.

Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mr HUI Cheung-ching, Mr Bernard CHAN, Dr LEONG Che-hung, Mr CHIM Pui-chung and Mr Timothy FOK voted against the amendment.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Mr Gary CHENG, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Chin-shek, Mr LAU Kong-wah, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr HO Sai-chu, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung voted for the amendment.

Miss Christine LOH, Mr Andrew WONG, Mr TAM Yiu-chung, Mr David CHU, Prof NG Ching-fai, Mr MA Fung-kwok, Mr Ambrose LAU and Miss CHOY So-yuk voted against the amendment.

Mr NG Leung-sing abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among Members returned by functional constituencies, 24 were present, 16 were in favour of the amendment and eight against it; while among Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 20 were in favour of the amendment, eight against it and one abstained. Since the question was agreed by a majority vote of each of the two groups of Members present, she therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): As Mr Fred LI's amendment has been agreed, Miss Cyd HO's amendment cannot proceed in its present form.

I have given leave for Miss Cyd HO to revise the terms of her amendment. In accordance with the House Committee's recommendation which I have also accepted, when Miss Cyd HO moves her revised amendment, she has up to three minutes to explain the revised wording in her amendment, but she may not repeat what she has already covered in her earlier speech. Miss Cyd HO.

MISS CYD HO (in Cantonese): The two main principles of my revised amendment have remained the same. Since Members are so particular about wording tonight, I would like to point out that the verb in the revised amendment is somewhat different from that in the original amendment. The original amendment uses the verb "to urge", which suggests an action. If one does not have the conviction, there can be no such action. However, the revised amendment uses the verb "to consider". After listening to Members' speeches tonight, I have a little premonition. Members do not all share the

conviction of returning all seats of district organisations by equal and universal suffrage. Thus, I wish to make a last attempt to lobby Members to support this amendment.

First, the Honourable Eric LI made a very short remark just now. He pointed out that the discussion about "one person, one vote" universal suffrage seemed to have deviated from the scope of the review of the structure of the district organisations. When we talk about the structure of a council, if we do not mention its formation by "one person, one vote" universal suffrage, but by appointment, I believe that we will be digressing even more from the subject. With regard to this, I hope that Mr Eric LI will be convinced after my final lobbying.

It will be more difficult for me to lobby another group of Members, Honourable colleagues from the Democratic Alliance for the Betterment of Hong Kong (DAB). Unlike Mr Eric LI, they did not explicitly say that the discussion was irrelevant. Instead, they used an oblique method to obstruct the returning of all seats of the district organisations by "one person, one vote" universal suffrage. I would just like to ask Honourable colleagues from the DAB a very simple question. We have an allegiance to our votes. At the risk of being scolded by my convenor, I have to use an English term, and that is "fiduciary duty". Directly elected members who have received a mandate from voters have an allegiance to their votes. Votes should be used to uphold people's rights. They should not be used by those elected to restrict people's rights. Thus, I hope that Members of the DAB will change their mind in these last few minutes.

Madam President, I so submit. I find it most regretful that directly elected Members of this Council hold different views about votes. Thank you, Madam President.

Miss Cyd HO moved the following revised amendment:

"To add "; this Council also considers that the review should be based on the principles of not reducing the existing powers and functions of district organisations and returning all seats by equal and universal suffrage" after "the future development of district organisations"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Miss Cyd HO's amendment to Mr Ambrose CHEUNG's motion as amended by Mr Fred LI, be passed.

I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Miss Cyd HO rose to claim a division.

PRESIDENT (in Cantonese): Miss Cyd HO has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Members please proceed to vote.

PRESIDENT (in Cantonese): Before I announce that voting shall stop, are there any queries? If not, voting shall now stop.

PRESIDENT (in Cantonese): The result will now be displayed.

Functional Constituencies:

Mr Michael HO, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Mr LAW Chi-kwong voted for the amendment.

Mr LEE Kai-ming, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr CHAN Wing-chan, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr CHIM Pui-chung, Mr LAU Wong-fat, Mrs Miriam LAU, Dr TANG Siu-tong and Mr Timothy FOK voted against the amendment.

Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mr Ambrose CHEUNG, Mr Bernard CHAN and Dr LEONG Che-hung abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG and Mr SZETO Wah voted for the amendment.

Miss CHAN Yuen-han, Mr Gary CHENG, Mr Jasper TSANG, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr David CHU, Mr HO Sai-chu, Mr NG Leung-sing, Prof NG Ching-fai, Mr MA Fung-kwok, Mr CHAN Kam-lam, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Miss CHOY So-yuk voted against the amendment.

Miss Christine LOH abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among Members returned by functional constituencies, 24 were present, five were in favour of the amendment and 13 against it and six abstained; while among Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 14 were in favour of the amendment, 14 against it and one abstained. Since the question was not agreed by a majority vote of each of the two groups of Members present, she therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Mr Ambrose CHEUNG, you may now reply and you have up to nine seconds out of your original 15 minutes.

MR AMBROSE CHEUNG (in Cantonese): I hope that the Secretary will not ignore the progress of democracy in streamlining the structure, and shirk responsibility by refusing to admit administrative blunders. I hope that he will not misrepresent the situation by claiming to know public opinion, and insist on having his will as a senior official and refuse to change.

MR ANDREW WONG (in Cantonese): Madam President, I would like Mr Ambrose CHEUNG to make a little elucidation regarding his summing up. It is about the original motion

PRESIDENT (in Cantonese): Mr Andrew WONG, are you seeking elucidation from Mr Ambrose CHEUNG? Please be seated first. According to the Rules of Procedure, if you wish to elucidate your own remarks, you can do so after Mr CHEUNG has spoken. However, if you wish to ask Mr CHEUNG to elucidate his remarks, you have to ask him to give way in the course of his speech. Therefore, I am sorry, Mr WONG, you cannot seek elucidation now.

MR ANDREW WONG (in Cantonese): He just said one sentence and then sat down. How could I ask him to give way in the course of his speech? I really do not understand. (*Laughter*)

PRESIDENT (in Cantonese): You can ask him outside the Chamber.

MR ANDREW WONG (in Cantonese): I really would like Mr CHEUNG to elucidate his remarks just now as to whether he wishes us to support the motion as amended or not.

PRESIDENT (in Cantonese): According to the Rules of Procedure, you cannot seek such an elucidation now. Mr CHIM, please be quiet. *(Laughter)* Actually, Mr Ambrose CHEUNG had made clear his stance in the beginning when he moved his motion. If Members present had listened to his speech, they should know.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Ambrose CHEUNG, as amended by Mr Fred LI, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Miss Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Miss Emily LAU has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Members please proceed to vote.

PRESIDENT (in Cantonese): Before I announce that voting shall stop, are there any queries? If Members have already checked their votes, voting shall now stop.

PRESIDENT (in Cantonese): The result will now be displayed.

Functional Constituencies:

Mr Michael HO, Mr LEE Kai-ming, Miss Margaret NG, Mrs Selina CHOW, Mr CHEUNG Man-kwong, Mr Ambrose CHEUNG, Mr CHAN Kwok-keung, Mr CHAN Wing-chan, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Dr TANG Siu-tong and Mr LAW Chi-kwong voted for the amended motion.

Mr Eric LI, Dr LUI Ming-wah, Mr Bernard CHAN, Dr LEONG Che-hung and Mr CHIM Pui-chung voted against the amended motion.

Dr Raymond HO, Mr HUI Cheung-ching and Mr Timothy FOK abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr LEE Wing-tat, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Mr Gary CHENG, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Chin-shek, Mr LAU Kong-wah, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr HO Sai-chu, Mr CHAN Kam-lam and Mr YEUNG Yiu-chung voted for the amended motion.

Mr Andrew WONG, Mr TAM Yiu-chung, Mr NG Leung-sing, Prof NG Ching-fai and Mr MA Fung-kwok voted against the amended motion.

Miss Christine LOH, Mr David CHU, Mr Ambrose LAU and Miss CHOY So-yuk abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among Members returned by functional constituencies, 24 were present, 16 were in favour of the amended motion, five against it and three abstained; while among Members returned by geographical constituencies through direct elections and by the Election Committee, 30 were present, 20 were in favour of the amended motion, five against it and four abstained. Since the question was agreed by a majority vote of each of the two groups of Members present, she therefore declared that the amended motion was carried.

PRESIDENT (in Cantonese): Second Motion: Central Harbour Reclamation. Miss Christine LOH.

CENTRAL HARBOUR RECLAMATION

MISS CHRISTINE LOH (in Cantonese): Madam President, I am aware that it is now past 11 pm, therefore when I speak to move my motion as set out on the Agenda, I shall be as brief as I can. I am also grateful that so many Members are still inside this Chamber. I hope that all speakers would be concise as there is no amendment to this motion and the inclination of this Council is quite clear.

Madam President, please allow me to tell a short story and that is the story of reclamation in the harbour. Five or six years ago, we would not have thought that the issue of reclamation would draw the attention of the Legislative Council. But many people in Hong Kong are becoming more aware of this issue. I began taking note of the problem in 1995, probably because the scope of reclamation was already too extensive. I mainly noticed the reclamation work in west Kowloon that had by then been going on for quite some years with new land appearing every day for all to see. However, it is only now that the seriousness of the consequence of the project becomes apparent. I saw only in 1995 a picture released by a government department. I believe that picture was circularized to Members of the former Legislative Council. The first harbour protection debate took place in 1996 and that gave everybody a chance to study the subject.

Madam President, I would take that picture out every now and then and look at it. Every time I do so my heartbeat accelerates, my blood pressure

shoots up and I am shocked. At the conclusion of the harbour reclamation project as planned by the Administration, I am afraid that our Victoria Harbour would really become a Victoria River. This makes me worry. If we incessantly reclaim and reclaim, what would become of the entire design of our urban area, living environment and level of comfort? There will be many other effects too. It is absolutely not true that after all the harbour reclamation projects give us more land for leisure purposes and for building skyscrapers, Hong Kong would surely become better and so on. This project of the Administration, if viewed in its entirety, is sure to generate far-reaching impacts on our life.

I intend to be concise today. Members of the former Legislative Council had the first debate on the subject in 1996. My present motion can be divided into two parts, the first is exactly the same as the last time's, therefore if we want to save time, Members can later refer to what we said on that occasion. In this way, I do not have to speak on the first part of the motion.

As to the second part of the motion, it was prompted by the Administration's gazettal of the Central harbour reclamation project which is in fact part of a bigger one that includes the Wan Chai reclamation project. I believe the Central project and the Wan Chai project should be studied together. Regarding the Central reclamation project, the Administration has said that there have been modifications to their original blueprint, and that the project was scaled down. But if studied in conjunction with the Wan Chai project, its scope has not reduced. I hope Members will note this point. The Administration submitted papers to the Provisional Legislative Council claiming that the proposed reclamation was cut back. However, please do not forget that there is no reduction at all if the reclamation projects in Central and Wan Chai are looked at as one.

What is more, I believe Members will remember that when I "got off the train" in 1997, the Protection of the Harbour Ordinance was passed. Section 3 of the Ordinance contains a legal presumption under which the harbour is to be protected and there can be no harbour reclamation unless fully justified as indispensable. For example, if a road or an MTR line must be constructed at the harbour-front, as such a road can in no way be built at the Peak and must be constructed at the harbour-front, reclamation for such purpose, as I understand it, is justified by being indispensable.

I am very glad that the Secretary for Transport is present today. He will have to explain to us that the road and the MTR line to be built belong to the indispensable category. That being the case, why do we still remain so skeptical regarding the Central harbour reclamation? This is because under the legal presumption clause, reclamation in the harbour must be one of absolute necessity and the scope of any such project must be in its bare minimum. The present controversy is whether the scale of the reclamation projects of the Administration is still too extensive. Members do not need to take my words because I am not necessarily an expert. However, other professional bodies have compiled reports with their own time and resources and I believe Members have already received some material which has basically indicated that the area to be reclaimed under the Administration's projects can be greatly reduced.

Therefore the theme of today's debate is not that there must be no reclamation, or no Central harbour reclamation. The issue today instead is that the Administration has no need to plan for extensive reclamation in the harbour. I can imagine that the Administration would later tonight say that if the plan is withdrawn, a lot of time would be needed to go back to the drawing board, and the road the Secretary wants to build would also be delayed. But we must not forget that we now have a law to follow, and some Members present here did support my legislation at that time. Even they did not, that does not matter. Now that we have the law, we must abide by it, must we not?

So today we are faced with this legal presumption according to which there must not be any reclamation in the harbour without a need; and even there is such a need, the reclamation should go only as far as that particular need requires. Therefore the Administration should study its reclamation project in accordance with this principle. I also believe that the Administration would later tonight say that they have abided by the said Ordinance. Regarding such a claim, we hold different views. Irrespective of the provisions of the Ordinance, I think Members of the Legislative Council are entitled to their own way of looking at things, because unless the Administration awards the reclamation projects to private companies, it has to eventually come to this Council for funds. They should know that there is a possibility of another debate when they submit their applications for funds if we consider their funding application for the projects excessive. Even though a reclamation project was contracted out, the Ordinance does not only apply to public officers, but to other people as well, resulting in possible law suits.

Therefore, the Administration should think twice. Though I still have three minutes left after speaking for only seven, I am going to stop right here as it is now 11.10 pm. I hope Members would spend some time to debate the question.

Thank you.

Miss Christine LOH moved the following motion:

"That this Council recognizes, and urges the Government to recognize, that Victoria Harbour is a unique and irreplaceable public asset, that excessive depletion of the harbour is irreversibly damaging both to the natural and human environment of Hong Kong, and that all Hong Kong people have a rightful interest in the harbour; and this Council further urges the Government to withdraw its grossly excessive plans for reclamation in the harbour; specifically, this Council urges the Government to scale down its present central reclamation plans and to ensure that further land development in the central harbour, if any, will be strictly limited, fully justified and openly planned in accordance with the letter and spirit of the Protection of the Harbour Ordinance."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That this Council recognizes, and urges the Government to recognize, that Victoria Harbour is a unique and irreplaceable public asset, that excessive depletion of the harbour is irreversibly damaging both to the natural and human environment of Hong Kong, and that this Council further urges the Government to withdraw its grossly excessive plans for reclamation in the harbour; specifically central reclamation plans and to ensure that further land development in the central harbour, if any, will be strictly limited, fully justified and openly planned in accordance with the letter and spirit of the Protection of the Harbour Ordinance. We shall now have the debate. Does any Member wish to speak? Mr HO Sai-chu.

MR HO SAI-CHU (in Cantonese): Madam President, in view of the time constraint, my speech will cover both the views of the Honourable Edward HO and mine. I shall mainly express our views in respect of tonight's subject of debate, namely, the Central and Wan Chai harbour reclamation.

Since a draft Outline Zoning Plan for the Central and Wan Chai reclamation work was recommended by the Executive Council at its meeting on 31 March 1998 and ordered by the Chief Executive, and the subsequent formal gazettal of the Central and Wan Chai harbour reclamation plans by the Town Planning Board on 29 May 1998, a lot of public comments and objections have been raised. Mr HO and I have sounded our formal objection against the proposed reclamation plans because of its grossly excessive scale, and so has, in particular, the functional constituency represented by Mr HO, namely, the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors, the Hong Kong Institute of Planners and the Hong Kong Institute of Landscape Architects — four bodies that have direct relations with and contribution to the development of Hong Kong.

At this sitting, I shall focus on the Central reclamation plan because the Wan Chai one has not been included in the draft Outline Zoning Plan, nor has it been gazetted. Therefore, I shall concentrate on the Central reclamation.

The following points, I believe, merit Members' consideration:

1. Victoria Harbour is an important natural asset of Hong Kong, and effort must be made to protect it. I think that any reclamation should only be done for indispensable infrastructural facilities. For the Central reclamation plan, the indispensable infrastructure is the two new transportation facilities of Central-to-Wan Chai bypass and the tunnel for the overtaking track for the Airport Railway. However, the scope of the reclamation project now being proposed far, far exceeds the need of such facilities.

2. From an economic point of view, the Administration does not have sufficient justification to produce as much as 10.38 hectares of commercial land in the Central District by way of reclamation. Such an area of commercial land could produce one million sq m of office space, representing 50% of the total commercial floor space in the present Central District and Wan Chai, excluding the floor area to be added through redevelopment of existing property. Such a development causes extreme suspicion in that whether that area of commercial land needs to be added?

3. From the town planning point of view, Hong Kong should not have any more large-scale development in the commercial district of Central because this will create an even worse imbalance in the distribution of residential and work place, raising the transport costs of the people and increasing the demand for transport infrastructural facilities. This definitely does not benefit Hong

Kong. For long-term development, the commercial areas should not be centred around Victoria Harbour. There should begin a gradual and strategic planning to build larger commercial centres and satellite cities in north New Territories.

4. The proposed reclamation project includes 19.04 hectares of land for leisure purposes, this no doubt increases the attraction of the reclamation. But it does not worth the price of further depleting the waters of the ever-shrinking Victoria Harbour. Certain features in the town planning aspect of the proposed reclamation, such as the enhancement of the attractiveness of the waterfront or the increase of commercial vitality, are commendable. But they are in no way directly related to the scope of the reclamation project.

5. Despite the explanation of the Planning, Environment and Lands Bureau that the reclamation boundary was drawn merely to meet requirements of the related works, both Mr HO and I, Mr HO in particular, with his professional views, think that the justification cannot be established. The method with which the works will proceed are to be designed according to the need to reclaim, and not the other way round, using the method to decide the scope of reclamation.

Madam President, I would like to take this opportunity to commend the Hong Kong Institute of Architects and members of the Central and Wan Chai reclamation research section who spent much of their time, resources and deliberation to study the proposed projects and produced recommendations different from those of the Administration's. Their recommendations will not only make it possible for the major infrastructural projects just mentioned to proceed, but will also increase the usable land in the Central business district, while creating a good environment. But the most important thing is, such recommendations prove that the scope of the proposed reclamation can be greatly reduced, with reduction ranging from 33% to 50%.

The Liberal Party hopes that the Administration will seriously recognize the concern of the majority of Hong Kong people, and protect the natural asset of Victoria Harbour. I think that the Administration should carefully study the various views and recommendations of the members of various levels of the representative government and professional bodies, so as to modify the plan to narrow down the scope of reclamation.

With these remarks, Madam President, I support Miss Christine LOH's motion regarding the Central harbour reclamation. Thank you.

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

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

MR LAU KONG-WAH (in Cantonese): Mr Deputy, on behalf of the Democratic Alliance for the Betterment of Hong Kong (DAB), I support the Honourable Miss Christine LOH's motion. Victoria Harbour witnessed the history of Hong Kong in the last one hundred and more years, and is a chief tourist attraction of Hong Kong, rich in its own characteristics. The people of Hong Kong do have a great attachment to the harbour. Anything done to it will have territory-wide repercussions. I believe nobody hope to see it damaged or disappear.

However, the Central and Wan Chai reclamation plans announced by the Administration two months ago would easily turn Victoria Harbour into an artificial canyon of concrete. Excessive shrinking of the harbour will bring irreversible damage to the natural and human environment of Hong Kong. It also demonstrates a neglect of public opinions. If the plans really go ahead, irreparable destruction would be done to Victoria Harbour, with potential dangers for water transport. I would therefore like to put forward the counter-proposals of the DAB.

The DAB thinks that the Administration should make optimum use of any land so produced in the Central reclamation project for the main objective of improving transport facilities. On the one hand, the underground link between Highway 7 in Western District and the Eastern Corridor can be built there to ease the traffic congestion on the main roads on the north shore of Hong Kong Island; on the other hand, land can be reserved for the extension of the MTR North Island Line.

The DAB does not endorse the ear-marking of nine hectares of the reclaimed land for commercial use. Has the Administration not understood that commercial use of the reclaimed land will only aggravate the traffic problems of the roads in Central and Wan Chai? Has the Administration not considered the serious damage the reclamation projects will do to the landscape of that stretch of harbour-front? The authorities should consider building secondary business centres, so as to decentralize commercial buildings in that strip of land on the north shore of Hong Kong Island.

If the Administration accepts the above two proposals, the area involved in Phase 3 of the Central harbour reclamation will be reduced, from the original 32 hectares to 20 hectares. In other words, its environmental impact on Victoria Harbour will accordingly be reduced.

Furthermore, the DAB hopes that the Administration would think twice before embarking on any reclamation project, and carefully study the necessity of each project. Unless such projects are justified by important works such as transport facilities, the DAB will not support any reclamation in Victoria Harbour. Exceptions will be the construction of transport facilities and the Central Plaza. We are of the opinion that the beautiful scene of Victoria Harbour is a public asset, so any land so produced should be enjoyed by the community at large.

I so submit. Thank you, Mr Deputy.

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

PROF NG CHING-FAI (in Cantonese): Mr Deputy, I wonder if a quorum is present.

DEPUTY PRESIDENT (in Cantonese): Prof NG, please sit down first. Will the Clerk please make a head count.

DEPUTY PRESIDENT (in Cantonese): As the Council does not have a quorum, I shall now summon Members to return to the Chamber.

DEPUTY PRESIDENT (in Cantonese): We now have a quorum and the Council shall continue its proceedings. Prof NG Ching-fai, please speak.

PROF NG CHING-FAI (in Cantonese): Mr Deputy, Miss Christine LOH's motion states that "Victoria Harbour is a unique and irreplaceable public asset" and "all Hong Kong people have a rightful interest in the harbour". There are probably no objections against these two common-sense judgments. What we are concerned about is: Is the narrowing and filling up of Victoria Harbour the price to pay for the development of Hong Kong? Mr Deputy, I wish to speak on two aspects.

Firstly, I wish to look at any of our reclamation plans from an angle of "development strategy". I feel that when the Administration draws up reclamation plans, "sustainable development" has not been taken as an important strategic objective. As is known to all, when the United Nations Committee on Environment and Development formally introduced the concept of sustainable development in 1987, "sustainable development" was defined as one that could meet the needs of the present generation without weakening its ability to similarly satisfying those of the future ones. In other words, sustainable development takes account of both the environment and development. Development is a definite need, but from now on we really have to ensure that development in the future is also possible; we must not deprive our future generations their chances of development. Therefore, we stress "development" as well as "sustainable". We must use this concept and the standard of a modern-day ecological culture when we scrutinize any reclamation plan submitted by the Administration. Called our central harbour, Victoria Harbour is a world-renowned deep-water harbour. Unfortunately, it has seen a history of shrinking. It has been continuously filled up, reducing in size steadily along with the economic development of Hong Kong, particularly the development of the commercial and financial sectors in the business district of the Central. The harbour is having bigger waves and more swift currents. The navigation channel has narrowed, the quality of the water deteriorated. The speed of the vessels keeps reducing, and so is the charm of the harbour scene.

While talking about the sea, I would like to say something from another angle. You know, the United Nations Educational, Scientific and Cultural Organization resolved in Paris in 1993 to designate the year 1998 "the International Ocean Year". Activities of the International Ocean Year reflect the heightened global awareness regarding oceans and seas. Everybody agrees that "the 21st century is a new century for ocean development". In the face of challenges in ocean development around the world, coastal provinces and cities

of Mainland China have put forward things like "Technology and the Sea" and "the Blue Project", and so on. The purpose of speaking about such background is to ask, what is the Hong Kong Special Administrative Region (SAR) going to do in respect of the sea? Have we considered hi-tech ocean development? Have we upgraded our technology in environmental monitoring of the sea? I feel that Hong Kong lacks long-term and lofty goals in this respect. We have neglected the various values of the sea holds for Hong Kong. We only know one thing, and that is, we always ask the sea for land; to reclaim land from the sea seems to be our only knowledge of the sea. I think it is now time for us to re-draw our plan for the future of our metropolis. Should the Central District continue and in perpetuity to remain the central strip of economic and political activities of Hong Kong? We know that 150 years ago, the centre of Hong Kong was in Aberdeen. The centre shifted over time and is now located in Central District. Can we have another centre in the next century, as the Honourable HO Sai-chu just pointed out? Naturally, concrete proposals need to be deliberated further. I suggest that the Administration should draw up strategies for sustainable development to plan an overall development blueprint for this international metropolis of Hong Kong. When formulating such strategies, we should be more conscious of the sea, of environmental protection and should have a more modern way of thinking, instead of the old mode of thinking of "development — reclamation — development — reclamation" as was common in the industrial age or during the time of the former government.

Mr Deputy, I do not think the "Central harbour reclamation project" is a simple infrastructural issue. It has a bearing on the future of Hong Kong and on whether the SAR Government has made the correct development strategy. Therefore I agree with the motion today for this Council to urge the Administration to re-consider the problem and study again its feasibility. I hope in particular that the Administration would consider the way of thinking I just mentioned when the reclamation plan is revised and that it should be done in accordance with the letter and spirit of the Protection of the Harbour Ordinance.

With these remarks, Mr Deputy, I support the motion of Miss Christine LOH.

DEPUTY PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): Mr Deputy, on behalf of the Democratic Party, I support the motion of Miss Christine LOH. Having heard the speeches of the spokespersons of several political parties and that of Prof the Honourable NG Ching-fai, the Democratic Party feel that its views coincide with theirs. Therefore, I can greatly condense my speech, as I am already the fifth to speak.

We have in fact basically two principles in respect of reclamation projects. First, we have legislation requiring the Administration to prove that the necessity of a project is fully justified before it can be implemented — I stress "necessity". Second, where the project is a necessity, its scope should be reduced to the minimum. I expect the Administration would have two sets of defences in respect of the present reclamation project. One, because the various political parties seem to think that transport facilities, be that the reserved area for the rail link or the bypass, are necessary, if reclamation is to be done where the land is needed, the scope of the reclamation would be very small, and the Administration would seek Members' support on the strength of that. However it would at the same time point out that such a scope would not be desirable for landscape design purposes. When I discussed with the Administration, I was shown some pictures as reference and told: "Just think, if we were to build a road like that monster of the Eastern Corridor, snaking along the harbour-front with only a few pillars for support, and if we only reclaimed a small piece of land this time with nothing in between and having no use for the above-ground space of the reclaimed land, the landscape design would be real bad. Would you accept that?" Fortunately, the Administration is not the only authority. In fact many professionals have suggested a very limited scope of reclamation while producing quite good landscape design. Therefore, I feel that the reclamation proposal of small scope with poor landscape design, as suggested a by the Administration, is not the only thing we can consider. Two, the Administration would lobby us, saying that it would not be cost effective, nor would it be wise, to reclaim only a small piece of land, because like "building a house and plastering the walls, related things should be done at the same time. To reclaim a small area, it would say, could not fully take into account the topography of that area; for example, if there is a subsided and useless area, why not fill it in as well? Then, they would show you lots of pictures, pointing out that if other areas were fill in, there would be an increase of land. Much advantage would be brought about by reclaiming just another small bit of land. What is more, they would show you sketches and plans to illustrate the fine designs, the clearly-defined levels, with structures both above and under ground.

All these are quite attractive. Having studied the plans of the Administration, I could not argue that the designs were not good. They were in fact very good. Nonetheless, I feel that over the issue of reclamation, as I just said, I consider whether or not the proposals are "necessary". Though the projects are good, they are not necessary. In such circumstances, we at the present stage do not support them. Naturally, the Administration would again say, "You will be sorry later, because if the scope of reclamation were to be extended later, it would not be able to match the overall development strategy. When you think later there is a need to reclaim land or to increase Grade A commercial land, you will regret your decision." On the other hand, we could retort, "We do not know now when we will regret, because at present land is reclaimed parcel by parcel. But if you ask me now to reclaim a large piece of land, I might feel sorry right now. Why is it? Because to be honest, we do not have the confidence to make a hasty decision in respect of such a proposal which once implemented is not reversible." Also, I do not have too much confidence in the justification of the Administration. I fear that once that large piece of land is reclaimed, we all will be sorry. Therefore, it is possible, as the Administration would suggest, that we will later begin to feel sorry if land is reclaimed small parcel by small parcel in the future. It is all possible.

Furthermore, reclamation has its perpetual attraction, because it can produce highly valuable real estate in the city centre. They also mentioned to me the benchmark of the year 2016. But why did they not take the year 2050 or the year 2100? There may well be a need in the future, and I also believe there is a need in the future, even for secondary reclamation projects. However, as we can see, we can in fact get the land we need by redeveloping other areas, or by developing other secondary business centres. But the Administration has indicated that construction should be concentrated. However, according to our study, it is possible to develop Grade A commercial land by pushing west from the Central District, particularly by redeveloping the old areas in the Western District. Naturally, from the overall planning point of view, our proposal is less ideal than a project of reclaiming a new piece of land for new and tidy planning when everything can match every other thing. The problem, however, is that if the Central commercial district moves west, I believe we can have our solution with the land obtained through redevelopment. Though we agree with the forecast benchmark used by the Administration, that is, the benchmark for the year 2016, I still feel that we can increase demand-pulled supply.

Other views have all been covered by other political parties, I do not wish to repeat them. On the whole, I hope that when considering the present project, the Administration would consider reducing the scope of reclamation, though we may regret it in the future.

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

MISS CHOY SO-YUK (in Cantonese): Mr Deputy, on behalf of the Hong Kong Progressive Alliance, I support the motion.

Reclamation works in Victoria Harbour have given people the impression that whenever the Administration needs land, it resorts to reclamation. Before the issue of 1997 was resolved, there was uncertainty regarding the future of the land north of Boundary Street, and people appreciated that there was a need to reclaim land from the harbour. Now that 1997 is no longer a factor, the Administration can develop land in the New Territories so as to decentralize development. Experts have pointed out that the development of the plains in Yuen Long will accommodate over a million people; and this goes a long way to meet the need for residential land. What is more, reclamation from the harbour is not a permanent way to meet the demand for land. Many Members have already given their views which I support and I do not repeat them here.

I wish to point out that it is misleading for the Administration to claim, as it did to outsiders, that the scope of the present reclamation plan has already been greatly reduced, by 26%. In fact, the scope at the centre of the Central harbour reclamation has not been reduced at all. The reduction is only made in Wan Chai and Causeway Bay. I hope that the Administration would make public the actual fact so as to set the record straight.

Further, the Administration has said that the reclamation project is meant to meet the demand for residential land and to solve transport problems. This is in fact something with an inherent contradiction, because with concentration of the population in the city centre, the pressure on transport facilities would become even heavier. As a matter of fact, the solution lies in moving people to other satellite towns and in developing more satellite commercial cities. That is the effective way of meeting the land demand.

Moreover, I also wish to point out that with the decommissioning of the Kai Tak Airport, the plot ratio of the whole of Kowloon City area can be raised. If the Administration does a good job in redevelopment, land supply and so residential land can be greatly increased.

Therefore we support the motion and oppose the reclamation plans of the Administration.

Victoria Harbour, witness to the development of Hong Kong in the past 100 years and more, is the best symbol Hong Kong has ever got. We think that the Administration has the responsibility to do its utmost to reduce the scope of the entire reclamation scheme so as to protect our most valuable public and natural asset. Unless the Government revises and reduces the scope of reclamation to an extent acceptable to all, I call upon Members to act together in strongly vetoing any funding application by the Administration for reclamation projects!

Mr Deputy, I so submit. Thank you.

DEPUTY PRESIDENT (in Cantonese): Mr Bernard CHAN.

MR BERNARD CHAN: Mr Deputy, I know that actually, we are about eight short of the quorum. But I do not think I should be cruel enough to call upon Members to join again, because it is too late in the evening.

DEPUTY PRESIDENT (in Cantonese): Please sit down, Mr CHAN. Mr CHAN has noted that a quorum is not present. Will the Clerk please make a head count.

DEPUTY PRESIDENT (in Cantonese): As there is no quorum, I shall now summon Members to return to this Chamber.

THE PRESIDENT resumed the Chair.

PRESIDENT (in Cantonese): Mr Bernard CHAN, you may continue.

MR BERNARD CHAN: Madam President, for centuries, the natural Victoria Harbour has been the crown of Hong Kong. We have a beautiful harbour unparalleled in any other Asian city. Jakarta, Kuala Lumpur, Beijing, Bangkok and Taipei are far from the sea coast while the Singapore City clusters to only one side of the strait. Our city here is seated on both sides of the sheltered blue harbour, watching free waters to bring us trade opportunities and new perspectives.

We know it well that creation of land in high-priced districts like Central is equivalent to creation of wealth. But in a global trend of decentralizing the urban area, I see it absurd to expand the downtown at the expense of our irreplaceable harbour. In fact, we have many other alternatives for new office space, by stretching out eastward to Quarry Bay or northward to Kowloon. Many entrepreneurs have been doing this in an effort to cut costs.

In order to create a landmark or to provide recreational facilities, we may have thousands of reasons to intrude into the harbour, which hardly speaks for itself. But it is not silent at all. As the banks draw closer after recent reclamation works, prevailing huge waves in the Victoria Harbour have signalled the waves of anger from the sea. I have been organizing harbour tours for many overseas business partners or friends during their visits to Hong Kong. Unfortunately, most trips turned out to be nightmares. No matter how much my friends were keen at water sports, nearly all of them vomited fiercely as the journey just got started from Queen's Pier. After some time, I stopped traumatizing them by stopped bringing them to our natural wonder.

I anxiously urge the Government to take actions to prevent visitors from further embarrassments but only let them have marvellous memories of our city. It is time to calm the harbour, instead of making waves out of it. As depletion of the harbour will be done only in perpetuity, great prudence has to be taken in taking any step further.

Madam President, I shall support the Honourable Miss Christine LOH's motion. Thank you.

PRESIDENT (in Cantonese): Mr WONG Yung-kan.

MR WONG YUNG-KAN (in Cantonese): Madam President, Hong Kong is a small place with a large population. In view of insufficient land resources, and to obtain land quickly, the Administration should in fact not be harshly criticized for reclaiming land from the harbour. However, the excessive reclamation from the '70s to the '90s will have a grave impact on the ecological environment of Hong Kong. Therefore the Administration must strike a balance between the reclamation works and the protection of the ecological environment.

After the Administration announced the Central and Wan Chai reclamation projects at the end of May, the Democratic Alliance for the Betterment of Hong Kong (DAB) formed the opinion that the two reclamation projects are of an excessive scale and will irreparably damage Victoria Harbour, creating potential hazards to harbour navigation. Reclamation will result in a narrower navigation channel, and in increasing the speed of the currents as well as surface turbulence, including whirling waves, in the harbour, thus affecting shipping and creating inestimable dangers. The fishermen we spoke with a few days ago pointed out that going back to Shau Ki Wan after selling their catches at Cheung Sha Wan, they found the leg of their journey across Victoria Harbour most treacherous.

The DAB has all along stressed that the Administration should carefully study the necessity of any and all reclamation plans. Other than those strongly and fully justified, such as for the construction of transport facilities, no reclamation works should be carried out in Victoria Harbour. Where reclamation and development projects are carried out in Victoria Harbour, their scale must be reduced to the minimum. Attention should also be paid to the natural beauty of the coastline of the harbour, straightening of the coastline should be avoided.

The DAB thinks that Phase 3 of the Central harbour reclamation project should focus on the improvement of transport facilities, with the reclaimed land to be used for the construction of the underground link between the Highway 7 in Western District and the Eastern Corridor, so as to alleviate the traffic congestion on the north shore of Hong Kong Island. The project should also reserve land for the extension of the Mass Transit Railway Island Line.

Regarding the reclaimed land, the DAB thinks that it should be exclusively used for the construction of the Central Plaza, because, as Members have repeatedly pointed out, Victoria Harbour is a public asset, and land produced from reclamation should as far as possible be used for public enjoyment.

The DAB opposes the ear-marking of nine hectares of reclaimed land by the Administration for commercial purposes. Any increase in commercial land would only aggravate the pressure on the transport system in the district. What is more, Grade A office buildings are normally higher and will seriously damage the landscape of that section of the harbour coastline. The authorities should study the feasibility of building secondary commercial centres in other districts so as to avoid the over-concentration of commercial buildings on the north shore of Hong Kong Island.

The Government has indicated its hope that by 2001 the ratio of commercial buildings in Central and Wan Chai could be lowered from the present 70% to 50%. This being the case, why does it have to reserve nine hectares of reclaimed land for commercial purposes? Is it not contradictory?

Furthermore, the culprit causing the greatest damage to the bottom stratum ecology of the sea in the Victoria Harbour reclamation works is the "dredging of sand for filling material". The Government has to obtain huge quantities of sand from the clean seabed, therefore sand dredging operations in various parts within Hong Kong waters are inevitable. Such operations destroy the habitat of marine creatures, inflicting irreparable damage to the ecological environment. As to the depositing, also in Hong Kong waters, of the sludge dredged from polluted seabed, mariculture and natural fish stock breeding grounds will be affected. The heavy metals and pollutants released from the sludge would cause a decrease in the catches of the fishermen whose livelihood would in turn be seriously jeopardized. An even more serious consequence is that the pollution of the sea will bring inestimable damage to the sea and ocean ecology.

Madam President, the damage reclamation works bring to the ocean ecology has an alarmingly prolonged effect; it can last as long as 20 years. That is to say, fishery production in waters that saw reclamation works will not recover in 20 years. My inspection with the representatives of a number of government departments in Pak Shek Kok serves to prove this point. Some fishermen said that reclamation works wiped out any opportunity of increased catches, including the breeding of fry. Such statement was confirmed by

officials of the Agriculture and Fisheries Department at the last meeting. The waters in Tolo Harbour have been damaged already.

The two-month consultation period in respect of Phase 3 of Central harbour reclamation conducted by the Government will end this coming Friday. 80% of the views and representations so far received, I believe, are against the proposed reclamation. It is widely hoped that the Administration would reduce the scope of the reclamation. With these remarks, I hope the Government would heed public opinions and stop any reclamation work in the Central. Thank you, Madam President.

PRESIDENT (in Cantonese): Does any other Member wish to speak? Dr Raymond HO.

DR RAYMOND HO (in Cantonese): Madam President, I shall speak in accordance with the consensus and principles reached by the Hong Kong Institute of Engineers after internal discussions.

Victoria Harbour played a very important role in the development of Hong Kong during the past 100-odd years. In the first place, locating at the confluence of several international trade routes, it serves as a vital transportation hub, making Hong Kong a superbly endowed port. Being one of the three top harbours of the world, Victoria Harbour with its unique layout has also been an attractive tourist spot, bringing us considerable income. However, if we now look at the harbour from the Peak, as tourists do, we can easily find its appearance has changed. Firstly, to meet the construction needs of the Airport Core Programme projects, the part of the harbour off West Kowloon is now a big piece of solid ground. On the north shore of Hong Kong Island, the land produced by past repeated reclamation exercises is home to numerous skyscrapers. The harbour view from the Peak is now largely blocked. Therefore, when I suggest to my visiting foreign friends to visit the Peak, I always refrain from mentioning the harbour view so as not to eventually disappoint them.

The Hong Kong Tourist Association once pointed out that "Hong Kong is the harbour and the harbour is Hong Kong". While this slogan was directed at tourists, it should start local people, myself included, thinking. Victoria Harbour is one of our most treasured natural assets. Continuous reclamation works would only do irreparable damage to our natural environment.

Therefore any plan for further land development within the harbour must be fully justified. Only thus can our unique harbour be protected.

The Phase 3 Central harbour reclamation project recently proposed by the Administration does not fully meet the above requirement. I have to state up front that I am not totally against that proposal. One of the main purposes of the proposed reclamation project is to produce land for urgently needed transport infrastructural facilities, including the Central-Wan Chai bypass and the road link with the Eastern Corridor to relieve the traffic congestion on the trunk roads of the north shore of Hong Kong Island. The project will also produce land for future extension of the MTR North Island Line. On the other hand, the idea of a harbour-front promenade is worth supporting. We should give the public as well as tourists greater convenience in enjoying our wonderful harbour view and the scenic environment of the harbour.

Under the new reclamation project of the Administration, however, part of the land so produced seems to be reserved for commercial development. This I disagree. Firstly, such an approach would make commercial buildings over-concentrate on the north shore of Hong Kong Island, increasing the burden on the transport system in the area, possibly to the extent that even the transport infrastructural facilities proposed on the reclaimed land are unable to cope. If that really happens, are we going to suggest again to reclaim land to solve the problem? On top of this, new commercial buildings are generally taller ones, and will gravely limit the field of vision in the district, likely making the view of Kowloon Peninsula from the Peak something belonging to history books. Therefore a more reasonable way is to build new commercial centres in other areas, so as not to make Central District and Wan Chai too congested.

What is more important is that to reclaim land from the harbour for commercial purposes contravenes the principle of protecting the harbour. Harbour reclamation works should only be carried out for infrastructural development and other fully justified purposes. The integrity of the harbour should otherwise be preserved as far as possible. On the same principle, the water quality of the harbour should be ensured as well in the process of reclamation so that we still have a harbour we can be proud of.

With these remarks, Madam President, I support the motion of Miss Christine LOH.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): Madam President, it pains me tremendously that the Central-Wan Chai bypass and the link with the Eastern Corridor have been repeatedly delayed, and with no end of the delay in sight, as a result of the unresolved issue of reclamation.

The Second Comprehensive Transport Study completed in 1989 pointed out in definite terms the need to build the Central-Wan Chai bypass and the link with the Eastern Corridor and recommended these be finished by early 2000. Now, almost 10 years later and with the Third Comprehensive Transport Study started, these two road projects that were recommended nine years ago as necessary are still something existing on paper. Even if work can begin today, it will take at least 10 years to conclude. Any delay will only push the completion date further into the future.

The repeated delays of the Central-Wan Chai bypass and the link with the Eastern Corridor have not only annoyed me, but also, I believe, the majority of the community. We all know that we need these two roads to facilitate east-west traffic on the north shore of Hong Kong Island and to reduce the present traffic congestion near the entrance to the Cross Harbour Tunnel. Moreover, we also need to build the Mass Transit Railway (MTR) North Island Line and the tunnel for the overtaking track for the Hong Kong Station of the Airport Railway to cope with the future increase in passenger volume of the MTR. When these works are completed, people going to Central District would no longer suffer from the daily traffic jams as they now do. However, relief from such daily torments now seems to be something in the remote future. That such important transport infrastructure is being held up is due to only one thing, and, that is, the issue of reclamation. Previously it was a question of whether there should be reclamation, and now it is how much land to reclaim.

The present proposed reclamation projects in Central and Wan Chai, the Administration has insisted, have to serve the triple purposes of meeting the transport demand, providing land for leisure purposes and for commercial development. However, the majority of the views obtained during public consultations (and the Administration also admitted that meeting the transport demand had been most acceptable to the people) support the idea that the scope of reclamation should be limited to what is required for the construction of the Central-Wan Chai bypass so as to meet transport needs.

However, the Administration firmly maintains that the triple objectives of satisfying the requirements for transport, leisure and commercial purposes must be achieved, and the scope of reclamation will be based on such objectives. It further makes clear that if this Council does not accept the proposal of the Administration, the project would be shelved and it would take one to two years to study another option.

The approach of the Administration is obviously to use the time element to coerce Members to accept its proposal in full, knowing full well that Members are eager, citizens are eager and in fact everybody is eager, to see the earliest possible completion of the Central-Wan Chai bypass and the link with the Easter Corridor. The Government is using psychological warfare tactics.

If the Administration insists on achieving the three objectives, on the proposed scope of reclamation and not a bit less, and if we Members on the other hand stand firm that not a bit more can be reclaimed, the two parties would each be going the opposite extreme, and the Central-Wan Chai bypass and the link with the Eastern Corridor, I believe, would forever remain empty talk, making the citizens the ultimate victims. Even if Members backed down because of the threats, supported by strong public opposition, environmentalists are sure to take legal actions to seek a court ruling on whether this reclamation project contravenes the Protection of the Harbour Ordinance. The outcome is still unknown, but what is certain is that the entire transport infrastructure plan will be delayed, and the time for sorting out the issue would probably be more than one to two years.

The Government has no reason not to know that the present plan cannot go through the various barriers of Members of this Council, environmentalists and public opinions. That being the case, why has it stuck its head out to be knocked?

As the Legislative Council and the community hold that the primary objective is to satisfy transport needs, the plan most acceptable to the people, and also accepted to the environmentalists, is the one with a scope of reclamation determined by actual need for land for the transport infrastructure. Other considerations such as leisure and commercial purposes should be secondary, their provision depending on availability of land within the reclamation. The production of land for such purposes must not be the consideration in determining the scope of reclamation. I hope the

Administration would understand that roads are a must, leisure land and commercial land, though important, are not; they are optional.

I would hereby call upon government officials to be realistic, withdraw the present impractical plan and to submit as soon as possible one with a smaller scope of reclamation so that the transport infrastructural projects I mentioned can be implemented at an early date. This is my hope, and this is the hope of the public. I believe that if the Administration is serious and gives priority to this plan, it can submit a new scheme for our consideration in a short time.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr LAW Chi-kwong.

MR LAW CHI-KWONG (in Cantonese): Madam President, as other Members have already mentioned, the main purpose of the Central harbour reclamation project proposed by the Administration is to satisfy the need to provide transport facilities along the Central-Wan Chai corridor, as well as land for leisure and commercial purposes. Naturally, the Government also indicated that it had considered the issue of protecting the harbour but had concluded that the scope of the present proposal was not intolerable, hence the proposal before us.

However, the Protection of the Harbour Ordinance passed by the former Legislative Council on 27 June 1997 contains a presumption that no reclamation work is to be allowed in the central harbour on the general principle that Victoria Harbour is the unique and natural public asset of the people of Hong Kong. The spirit of this provision suggests that the protection of the central harbour is the most important one among the many considerations. This is the reason for the presumption prohibiting reclamation. Therefore, the reasons for the proposed reclamation submitted by the Administration, including the construction of transport facilities, production of land for leisure and commercial purposes, are all secondary considerations. If the Administration uses as the criterion whether the change in the harbour will so reach an intolerable state in considering the reclamation project, it is unable to distinguish the relative importance of the various issues.

I did not recall any Member advocating absolute prohibition of reclamation when the legislation was passed. From the views of the public as well as Members now expressed, we also can see that no one is favouring such total prohibition. In other words, we should consider whether the proposed reclamation is indispensable according to the need for transport facilities, leisure and commercial land. The Democratic Party supports the necessary reclamation work for meeting the demand of transport facilities, and therefore hopes that the Administration could consider other schemes to minimize the scope of the Central reclamation project while meeting the requirement for indispensable transport facilities.

With these remarks, I support the motion.

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

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, I rise to support the motion of Miss Christine LOH, and my support is not merely from an environmentalist's point of view. What is more important is that from my daily observation, I find the several points she mentioned really significant. We now face a very serious problem, and that is, Victoria Harbour is our unique and irreplaceable public asset, excessive depletion of the harbour is irreversibly damaging both to the natural and human environment of Hong Kong. Some Members have already mentioned and I have also noticed that the incessant narrowing of Victoria Harbour has a very serious effect on the currents. As far as I know, reclamation works have grave impacts on the seabed, particularly in Victoria Harbour and Rambler Channel. Affected currents will bring changes to the ecology. I think everybody knows that the Government in the past was helpless in handling the red tide. Apart from currents, the Government was also helpless regarding many complaints. The depletion of the harbour also causes an increasing number of marine accidents. Not only have the incidents of collision between vessels increased, those who have taken a Star Ferry across the harbour will have noticed that it is now very difficult to disembark. As a kid, I used to live in Kowloon and attend school on Hong Kong Island, and commuting on Star Ferry or Yau Ma Tei Ferry was part of my young life. Recently I have had frequent trips on Star Ferry and have found disembarking difficult because of the tall waves at the piers. There are dangerous scenes during boarding and disembarking. There have been

numerous complaints in this respect, but the Administration could do nothing about it and could make no improvement. The main cause of all these hazards is the reduction in size of the harbour. However, from reports we read we know that the Government has denied this fact. Whether you acknowledge it or not, that is our observation. I hope the Administration can convince us that the problems can be solved.

I am not too familiar with the issue of planning. But I always doubt if reclamation is the only solution. That is the most important point. Many Members have said that many other ways could in fact be considered. But the Administration only takes the easy way out and resorts to reclamation. We cannot but consider the consequences of reclamation, particularly bearing in mind what Miss LOH has said, that reclamation brings irreversible damage to human environment. I find this statement bears great import. I just cannot find the right words to express its seriousness. Nor do I know any way of salvage. Therefore my only option is, before the Government embarks on any reclamation project, ask it to think twice so as not to make our harbour shrink and shrink. The dire consequences that would otherwise be brought about are something we cannot improve. Therefore, I hope the Administration would seriously study the development direction of its entire town planning job, and not resort only to reclamation. Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Ambrose CHEUNG.

MR AMBROSE CHEUNG (in Cantonese): Madam President, the Urban Council discussed the paper on the Central harbour reclamation on 7 July. The Urban Council was against this reclamation project, mainly because there was insufficient information in the paper. The paper was inadequate in three respects. Firstly, it contained no detailed information on certain impacts the reclamation works might have on the harbour; secondly, it did not state whether the reclamation project would in any way violate the provisions of the Protection of the Harbour Ordinance; thirdly, from the paper, one could not find sufficient justification for the need of such a large piece of commercial land (which if I remember correctly has an area of over 10 million sq ft). As a result, the Urban Council opposed this reclamation project.

Apart from the views of the Urban Council, I also have some of my own. At present, the way of thinking of the Administration in proposing the reclamation project is to have our central business district centralized at Central and Wan Chai. Some Members just mentioned that such a level of concentration in our central commercial district would give rise to many problems, both in traffic or in other aspects. I remember that this was mentioned by the Government in some of its planning and development strategies before. At that time the proposal was to decentralize and not to centralize. To decentralize means to develop different areas, to develop various commercial centres, in particular in areas along the MTR line and other transport networks. However, the present proposal seems to go against the previously recommended strategy.

Besides, I do not see the need for Hong Kong to have such an enormous commercial district. Though that is a very long-term plan, from the proposals of the Administration, I only find the three project items, namely, roads and land for leisure and commercial purposes. Will the Government proceed with such a massive reclamation project if the land so reclaimed does not generate some financial resources to support the reclamation works? Therefore my only interpretation of this reclamation project is that the 10 million sq ft of commercial land is basically an appendage, and not something of actual need. The entire plan, if approved by the various policy bureaux, will surely bring some income. Quite apart from this, such a vast area of commercial land would affect the urban renewal plans of the old areas in Wan Chai and Causeway Bay, greatly reducing the attractiveness of redeveloping those old areas.

With these remarks, Madam President, I support the motion of Miss Christine LOH.

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, reclamation is a sensitive subject that touches the heart and emotions of many Hong Kong people. I agree that Hong Kong's history begins with the Victoria Harbour, which has served many different roles at various times. It gave us a deep water port for trade; it supported our

past sizeable fishing community. Today, it has become a tourist attraction of Hong Kong. In the past, it provided us with the space for reclaiming many pieces of valuable land for urban and economic development. The Hong Kong Special Administrative Region (SAR) Government therefore fully shares the public sentiments for preserving this natural heritage.

The subject of today's motion is the proposed Central Reclamation. The land use plan has been published as a draft Outline Zoning Plan for public consultation. The objection period just ended 10 minutes ago. After the objection period has come to an end, the Town Planning Board (TPB) will, as provided by law, consider all the views received, meet with objectors, and make its recommendations to the Chief Executive in Council for a decision. I should not and do not intend to comment on any of the submissions made to the TPB. However, in the course of today's debate, it appears to me that there are quite a number of misunderstandings on the part of some Members on the proposed reclamation which I would wish to take this opportunity to clarify.

First, some of the views expressed seem to imply that the proposed reclamation in Central is a new idea and that the Government has not thought through it thoroughly. This is absolutely not true. The proposed reclamation is perhaps one of the infrastructural projects which the Government has taken most seriously and researched most extensively. Since 1982, no fewer than 15 consultancy studies costing over \$170 million have been undertaken to look into the various aspects of this project from town planning, urban design, engineering to environmental impacts. These include the Study on Harbour Reclamation and Urban Growth in 1983, the Territorial Development Strategy in 1984, the Central and Wan Chai Reclamation (CWR) Feasibility Study in 1989, the Metroplan in 1991, the CWR-Development of Urban Design Parameters Study in 1994, the Territorial Development Strategy Review in 1998 and a number of environmental impact studies conducted since 1996 covering a broad area, including the cumulative effects of reclamation on water quality, hydraulics, wave conditions and marine safety, of the harbour.

After over 16 years of consultancy study and research, a scheme has been developed which we believe could meet the overall development needs of our community in the long term; that it satisfies the most stringent engineering feasibility tests; and that it would not result in any unacceptable environmental impact on our harbour.

The fundamental question in this motion is of course the "need" for reclamation in Central. From what I heard this evening, there seems little debate over the justifications for the various key transport infrastructure. Many Members have indicated their support and agreed that the key transport infrastructure, including the Central-Wan Chai By-pass, the MTR North Island Line and the Airport Overrun Tunnel, have to be located in Central to serve their specific functions. Our engineering studies have also confirmed that the only feasible and environmentally acceptable way to construct these facilities is through reclamation.

Not only are these transport infrastructure needed, they are needed urgently. The traffic congestion along the Gloucester-Harcourt-Connaught Corridor is deteriorating. With the opening of the Airport Railway and the commercial premises in Central Reclamation Phase I beginning to be occupied, the traffic congestion in Central would no longer be confined to the rush hours. The Airport Overrun Tunnel must also be completed by 2004 or 2005 to enable the Airport Railway to operate to its full capacity and meet safety standards.

While there is no doubt that the harbour is a public asset, it does not make much sense if most of Hong Kong people for most of the time could not have convenient access to it or enjoy the waterfront facilities. The existing waterfront north of Hong Kong Island has for many years been occupied by developments and waterfront facilities that restrict, if not totally deprive us of access. People have no access at all to many parts of the waterfront. One of the things the Central and Wan Chai reclamation can achieve is, therefore, to give the harbour back to the people of Hong Kong.

The proposed reclamation project would provide the opportunity for us to develop an inter-connected and well-designed waterfront promenade from Central to Causeway Bay. Taking a stroll along the seaside or enjoying a cup of coffee and the view at an open air cafe fronting a scenic harbour will no longer be a foreign experience. The proposed 26 hectares of open space would serve as a "lung" to the large working population in Central, Wan Chai and Causeway Bay who have so far been bounded within the dense concrete forest. Watching fireworks in the harbour would be a much more leisurely and pleasurable event, as it should always be. We would also have a proper and respectable place for holding large-scale festive functions. The harbour front park can become "the" landmark for which Hong Kong will be remembered.

The Australians are proud of their Darling Harbour and Americans their Boston or Miami Harbour. As for our Victoria Harbour, how many parts of it can the people really enjoy? How can we be proud of it? The question is whether we have the vision to make the best out of it.

There is also the question of commercial land. The recent Asian financial turmoil has undoubtedly rung a timely alarm for most of us who have enjoyed a 35-year unbroken record of economic growth without noticing it. But long before this crisis, it was already clear that our competitive edge was slowly slipping.

Looking ahead, for Hong Kong to stay in the global league of financial and services centres, we have to have a strong Central Business District (CBD). Our independent consultancy studies show that by 2016, there would be a demand for over 19 million sq m of commercial office floor space. Taking into account the existing and known future supply of commercial land, there would still be a shortfall of 7.56 million sq m of commercial office floor space. From the urban planning point of view, we know it would be a mistake not to decentralize commercial activities. We have therefore made plans for developing secondary business nodes along railway lines and trunk roads, which we hope could meet roughly about three quarters of this estimated shortfall. The growth of the existing CBD through redevelopment could possibly meet roughly two thirds of the remaining demand. But despite all these, our studies show clearly that there would be an outstanding demand in the order of 700 000 sq m of prime office space by 2016, which is equivalent to a demand for 10.23 hectares of new commercial land. This is already over and above the 8.9 hectares of commercial land we are proposing in our proposed Central Reclamation. We could of course debate over the validity of these figures or their assumption but that would not be very fruitful. The important point is that we are looking far beyond just the actual quantitative supply of these prime commercial premises.

For Hong Kong to stay ahead of the global competition, "quality" rather than quantity is the key. We do not only need high quality intelligent commercial buildings, we need to have them in a well-designed "Office Park" right at the heart of the CBD. The ideal business environment that could continue to attract big international corporations to choose Hong Kong as home to their regional base in the next century is something neither our existing CBD, nor any of our future secondary business nodes outside the CBD, can offer. While not all Members in this Chamber appreciate this, almost all of our competitors in the southeast Asian region do. Within the limits of their

resources available, these countries and regions have been striving to create the best possible business environment to lure investors. We may still be competitive today but unless we have the vision to take great strides on the basis of our solid foundation, we may one day have to live up to the reality that we may be only the second best.

The proposed Central Reclamation offers an ideal opportunity for an organic expansion of our existing CBD. This opportunity, once missed, would have extremely far-reaching implications for Hong Kong's competitiveness in future.

There have also been allegations that the Government is exploiting the harbour as a money-spinner. This is grossly untrue. Had this been the case, we would not have planned only 8.9 hectares of commercial land, which is less than 24% of the Central Reclamation or 15% of the entire Central and Wan Chai Reclamation. Similarly, stringent height and plot ratio restrictions would not have been imposed on every single commercial site on the proposed reclamation, which would sacrifice at least one third of the development potential of the sites. We cannot be doing this for money. We do so to ensure that we would ultimately have a high quality environment at the waterfront with well-designed commercial buildings blended comfortably into the waterfront park. There should, therefore, be no worry that our shoreline would be lined by a wall of glass-walled sky-scrapers or the ridge-line of our Peak be compromised, while some alternative schemes seem unlikely to be able to achieve these aims.

Just now many Members also asked about the effects of reclamation on wave conditions. I would like to spend some time on explaining this. In 1996, the Civil Engineering Department and the University of Hong Kong (HKU) conducted a study on waves in the inner harbour and their reduction. A computer model was designed in this study to assess the relationship between reclamation and wave conditions. The Head of the Mechanical Engineering Department of HKU was in charge of the study. Its findings show that reclamation is not the chief cause of waves. The high waves in our harbour today are mainly caused by navigation activity. While reclamation is still, navigating ships are moving and will cause waves. The study shows that the sea traffic has become increasingly busy in recent years and the speed of ships has increased, resulting in extremely high waves in the harbour. Ships that cause the most waves include high-speed catamarans, tug boats and high-speed mono-hull passenger ferries.

The study based on the year 1996 points out that the proposed reclamation will not have any distinct negative cumulative effects on wave conditions. The part of the harbour opposite Sai Ying Pun and Sheung Wan has the heaviest sea traffic and is also the main gateway to the harbour for high-speed ships. By 2011, the average wave height there will be between 0.6 m and 0.9 m. However, the study confirms that carrying out the proposed reclamation will not have any distinct effect on the situation.

On the contrary, reclamation will help ameliorate wave conditions to a certain extent. It will give us the opportunity to rebuild part of the sea wall. The design of the new sea wall would reduce the bounce-back of waves. As a result, we could reduce the force of waves washing the shore by about 50%, so that the wave conditions at the waterfront would be greatly improved.

The study also recommends diverting part of the sea traffic to the sea outside the inner harbour, to improve wave conditions within the harbour.

Many Members have argued for "minimum" reclamation. Some seem to be suggesting that the scale of reclamation can be trimmed at will at the stroke of a pen on the map. We appreciate that Members say so because they are not aware of the engineering complexity of the project and the associated environmental constraints. Our proposed scale of reclamation is the integral result of many extensive land use, urban design, engineering and environmental studies. Apart from meeting all the identified needs of Hong Kong in terms of land use mentioned earlier, there is also an engineering requirement associated with our proposed scale of reclamation.

Reclamation is not simply filling up the body of water with earth. We have many existing waterfront facilities, for example, the Star Ferry Pier, the Queen's Pier, the helipad, the many underground water pumping stations, drainages, sewerages, and so on which have to be reprovisioned first before reclamation can take place step by step. The proposed engineering solution is to build two small islands in the harbour, which would eventually form the future shoreline of Central, for reprovisioning all these essential facilities. And in the course of doing that, we have to maintain a water channel of a minimum width of 150 m between the existing shoreline and the artificial islands to allow sufficient water flow and discharge so that the water quality within the harbour will be maintained at an acceptable level throughout the reclamation. These constraints, to a certain extent, set the limits of the scale

of reclamation. The proposed transport infrastructure, most of which will be submerged underground, will also need extra land for route protection. The whole process is extremely complicated and every step must be meticulously worked out to ensure that the reclamation would not cause any unnecessary adverse impact on the harbour and inconvenience to the public.

Some Members argue that there cannot be just one engineering solution. There are indeed many. But the one we are proposing is the result of careful research and studies. It is the same method we have tested and adopted in Central Reclamation Phase I. Therefore, we believe that it is not only viable but also a well-proven way of meeting all stringent environmental requirements.

It would of course be a fairly simple matter to propose alternative reclamation schemes by scribbling new shorelines on a map, as many critics would have us believe. So far, I have yet to see one single alternative scheme that is substantiated by research and study of an extent anywhere near to what the Government has done. Members do not appear to take the Government's proposal for granted. I would be very much surprised if they eagerly accept other alternative proposals, even when none of these proposals has been fully examined and substantiated. I will be the last to see our harbour being subjected to any unnecessary risk or adverse impact. The Environmental Impact Assessment Ordinance imposes stringent legal requirements on the entire reclamation process, failing which a reclamation scheme, no matter how minimal, could not proceed. Our proposed scale of reclamation in Central has been subjected to a vigorous environmental impact assessment process and fully meets the requirements of its recommendations.

The motion of today's debate suggests that our proposed reclamation is "grossly excessive". I would not wish to be drawn into a petty debate over rhetorics. I can only assure Members that the Government has gone out of its ways to take a most careful examination of various options before making the proposal which will meet the overall needs of Hong Kong in the long term, be completed in time to solve transport problems in Central and satisfy both environmental and engineering requirements. With our proposed reclamation, the existing shore-line in Central would only be pushed outward into the sea by 86 m to 218 m, and even the farthest point would still be 215 m short of the Convention and Exhibition Centre Extension into the harbour.

Reclamation has never been an easy decision for the Government to make nor for the people of Hong Kong to accept. We have learnt from mistakes we made in our past incremental way of conducting reclamations. We have also learnt that an expediently designed piece of infrastructure could give rise to problems that haunt us for years. Precisely because the harbour is valuable to us, our consideration must be comprehensive, our studies thorough and our analysis rational. In making the final decision, we would also need to have vision to perceive what is best for Hong Kong on the whole and not just to satisfy particular sectoral interests.

Madam President, let me end by saying this. The proposed Central Reclamation remains a proposal. I have carefully noted down the views and sentiments expressed by Members, which will no doubt be fully taken into account by the Administration in making the final decision. As many Members have urged, we can indeed take back the proposal, conduct more studies and revert with another proposal. And this Council could then have another equally lively debate. But the important point is that there is a real urgency attached to this project which I hope Members could appreciate. It would be equally important that we should look at the proposal objectively, in the light of the overall benefits it will bring to Hong Kong, both in the long term and in the short term.

Madam President, the Central Reclamation will be the last reclamation project in Central. We now have the opportunity to give a new life to the Central part of the Victoria Harbour after it has ceased to be a port. Like Members, the Government has no other wish but to give the best to Hong Kong people. I urge Members to have the vision and courage to make a wise decision and vote for what is best for Hong Kong.

Thank you, Madam President.

PRESIDENT (in Cantonese): Miss LOH, you may now reply. You still have seven minutes and 56 seconds out of your original 15 minutes.

MISS CHRISTINE LOH (in Cantonese): Madam President, I am glad that I left ample time for my reply. I did not know I would care that much. However, I got anxious listening to the speech of the Secretary. I had hoped to say only a few words before Members would vote on my motion. Having listened to his speech, I think I shall have to need a few more minutes of Members' time.

Just now the Secretary said that he did not want to argue with us if the Central harbour reclamation plan was excessive. Perhaps he did not argue because he was not in a position to. He could have felt that what the plan involved was excessive after listening to all the speeches of the Members, therefore he chose not to argue. He then asked us not to be influenced by sectoral interests. I do not know what he was referring to, nor did he elaborate what that meant. I have heard all the speeches of Members, we all might have our individual interests because we come from different backgrounds, and with different jobs, therefore we possibly have different views on this issue.

At the beginning of his speech, the Secretary acknowledged the issue of reclamation was a sensitive one. But I believe he still did not know why people thought it sensitive. I do not know how to put it in Chinese, let me perhaps put it in English, and that is "He just doesn't get it". He is not sensitive enough. He even talked about the history of the issue and asked why we made such a fuss over it, saying, "Don't you know we began talking about the reclamation project in question in 1983, why do you bring out an old issue now?" The answer is quite simple. In 1983, I was only 24 years old and I might not have that much time then to read all these papers. Now that I have read all the papers, I think that I should have begun voicing my opposition right from that time. Another point "he doesn't get it" is that in the last few years, not only Members present here, but also many other Hong Kong people have felt that reclamation works in the harbour has begun to erode the level of comfort they used to enjoy living in Hong Kong. It is for this reason that so many people have strong feelings. I believe the Secretary might still not understand this matter, and "just doesn't get it". I hope that after today's strong message from so many people from varied backgrounds, he would "get it"; perhaps he should get today's tapes and listen to our speeches again, I hope he would "get it".

The Secretary also offered an ingenious explanation. He said that as our existing harbour-front was not beautiful enough, and we could not enjoy a cup of coffee there, like people could do in some foreign countries; so let us bring

the harbour closer to us. By reclaiming more land from the harbour, we could in the future drink coffee at the harbour-front. There he "doesn't get it" again! I believe the message Hong Kong people give him is: We want to maintain the harbour as it is. So he did not have to talk about bringing the harbour to us and letting us have coffee there. He actually did not get the message we sent him.

The Secretary thought that if we did not have sufficient land reclaimed in the Central, Hong Kong would lose its position as a financial centre. I am aware of the existence of a yet-to-be-published government report with a title in English only. Let me read the title to you, that is "Study on the Propensity for Office Decentralization and Formulation of Office Land Development Strategy". In the report it is mentioned that no more high-rising buildings should be built in high-density areas such as the Central. I do not know which department is responsible for the report. Maybe the Secretary could give us a written explanation as to whether there really is such a report and what its contents are.

Furthermore, the Secretary might also have missed the words of Prof NG Ching-fai. The professor said that sustainable development was a more macroscopic concept, and therefore could also be considered. I think however that the Administration has no long-term thinking at present. Nor did the Secretary listened to the query of Mr James TO and Mr Ambrose CHEUNG that whether the land proposed to be reclaimed is indispensable. At present, there are many places in Wan Chai, Causeway Bay and the Western District that can be redeveloped. If commercial land is really needed, why not consider those places? Why must we resort to reclamation? The Secretary failed to answer these questions. Instead he told us that they held a very much macroscopic distant view, and that Hong Kong people should have the courage to implement development in the Central. If the Secretary would listen to our speeches once more and think again, he would discover that our distant view is really difficult from his. Not that we do have no distant view, only that we think there are other ways for the future development of the city of Hong Kong.

The last point I wish to discuss is "minimum reclamation" and "indispensable". Mr HO Sai-chu put it in very clear terms that many professionals and their institutes did not deem this plan meets the "minimum" criterion. The Secretary just alleged that our study was not as in-depth as the Government's. I believe anybody with several ten million dollars to spend can study as in-depth as the Administration did. Therefore, we are now opposing the Central harbour reclamation on matter of principle, and not to find fault

with the wording, nor are we trying to compare different studies regarding the proposed project. Well, again the Secretary "doesn't get it", so he did not want to listen to such words.

Lastly I wish to say that Hong Kong people are getting more interested in town planning, reclamation and city design. The interest is getting keener, whether among professionals, their institutes or ordinary people. Therefore there will be more and more people giving their views on future plans and projects in these respects. This is good. Why did we not have any significant response to such matters in 1983 or before? I believe that the mood of society at the time was not the same as it is today. Nowadays, many people in Hong Kong recognize and care about these problems, therefore an increasing number of them will be discussing such problems. I hope that the Secretary would really think about my words when he leaves here. Perhaps not only does he need to think twice in respect of the matter of reclamation in Central harbour, but I certainly hope that he would also do the same when he put forward other issues in the future.

Finally, I must thank all Members for still being here now that it is already 20 minutes to One o'clock. Many of the speakers were concise and to the point, and I would like to thank them as well.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss Christine LOH be approved. Will those in favour of the motion please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please say raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively from each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

NEXT MEETING

PRESIDENT (in Cantonese): In accordance with the Rules of Procedure, I now adjourn the Council until 2.30 pm, Wednesday, 9 September 1998.

Adjourned accordingly at twenty-one minutes to One o'clock.