

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 22 November 2000

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, 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 CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

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

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

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

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

THE HONOURABLE FRED LI WAH-MING, J.P.

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

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE BERNARD CHAN

THE HONOURABLE CHAN KAM-LAM

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

THE HONOURABLE LEUNG YIU-CHUNG

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 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.

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

THE HONOURABLE LAW CHI-KWONG, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

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

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, J.P.

THE HONOURABLE HENRY WU KING-CHEONG, B.B.S.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEUNG FU-WAH, M.H., J.P.

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

MEMBERS ABSENT:

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE MARGARET NG

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MRS ANSON CHAN, G.B.M., 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 NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR TRANSPORT

MR JOSEPH WONG WING-PING, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

MRS LILY YAM KWAN PUI-YING, J.P.
SECRETARY FOR THE ENVIRONMENT AND FOOD

MRS REGINA IP LAU SUK-YEE, J.P.
SECRETARY FOR SECURITY

MS SANDRA LEE SUK-YEE, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR LEO KWAN WING-WAH, J.P.
SECRETARY FOR HOME AFFAIRS

CLERKS IN ATTENDANCE:

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

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instrument	<i>L.N. No.</i>
Human Reproductive Technology Ordinance (Cap. 561) (Commencement) Notice 2000.....	327/2000

Other Papers

- No. 30 — The Hong Kong Industrial Estates Corporation
Annual Report 1999-2000
- No. 31 — Hong Kong Industrial Technology Centre Corporation
Annual Report 1999-2000
- No. 32 — Hong Kong Productivity Council
Annual Report 1999-2000
- No. 33 — Hong Kong Sports Development Board
Annual Report 1999-2000

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. I would like to inform Members that question time normally does not exceed one hour and a half, with each question being allocated some 12 to 15 minutes. Supplementaries should be as concise as possible and Members should not make statements when asking supplementaries.

First question.

Issuance of Permits to Dispose Highly Contaminated Dredged Mud in Mainland Waters

1. **MISS CHOY SO-YUK** (in Cantonese): *Madam President, regarding the issuance of permits some time ago to the contractor of Container Terminal 9 (CT9) for transferring highly contaminated dredged mud for dumping in mainland waters, and the related question raised in the Council on 18 October this year, will the Government inform this Council:*

- (a) of the reasons for not referring that cross-boundary dumping operation to the Hong Kong-Guangdong Environmental Protection Liaison Group for discussion before the Environmental Protection Department (EPD) issued the relevant permit;*
- (b) given that the dumping permit was issued to the contractor concerned by the Nanhai Branch Office of the State Oceanic Administration (SOA) in the Mainland, of the reasons for the EPD's naming the SOA as the issuing authority of the permit in two press releases issued in September this year, and of the EPD's main contact unit in the Mainland for this kind of cross-boundary dumping operations; and*
- (c) whether it has assessed if the EPD has dealt with the entire incident in a proper and responsible manner?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, on 18 October 2000, the contractor of CT9 lodged an appeal against the decision of the Director of Environmental Protection not to issue a new loading permit. The appeal case is now being dealt with by the Appeal Board constituted under the Dumping at Sea Ordinance. Since the appeal proceedings have already started, it would not be appropriate for me, though I hope to answer Members' questions as much as possible, to provide any information or give any views on the case which may affect the appeal proceedings.

Referring to the question raised by the Honourable Member, my reply is as follows:

- (a) The SOA is the mainland authority responsible for managing marine dumping of wastes, including issuing permits for marine mud dumping. The EPD in Hong Kong has all along been keeping working contacts with the South China Sea Branch of the SOA on this issue.
- (b) The South China Sea Branch of the SOA is a branch office of the SOA. As such, it is not inappropriate for the EPD to name the SOA as the issuing authority of the permit in its press releases.
- (c) As I pointed out at the Legislative Council meeting on 18 October 2000, since the EPD staff had handled the case based on their understanding of the legislation at the time, they had acted in a proper and responsible manner.

MISS CHOY SO-YUK (in Cantonese): *Madam President, I have at hand a copy of the Regulations of the People's Republic of China on Control over Dumping of Wastes in the Ocean. Article 4 of the Regulations prescribes that the competent departments responsible for matters concerning the dumping of wastes are the SOA and its branch offices. It should be noted that the conjunction "and" rather than "or" is used, which means that the relevant matters should be the responsibility of both the SOA and its branch offices. Meanwhile, in her main reply the Secretary has placed the South China Sea Branch, which is an agency of the SOA, on the same footing as the SOA. Since the conjunction used in the Regulations is "and" rather than "or", it is clear that the responsibility should be taken on by the SOA in conjunction with its agencies. Such being the case, may I ask whether the Secretary's main reply which places the South China Sea Branch on the same footing as the SOA could be considered somewhat misleading?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): *Madam President, my main reply does not contain any part that is misleading. I also have at hand a copy of these Regulations of the People's Republic of China on Control over Dumping of Wastes in the Ocean. In my view, the word "and" is used in Article 4 to mean that both the SOA and its agencies can be the competent departments responsible for matters concerning the dumping of wastes. I should also like to supplement one more point. According to the information we officially obtained, the South China Sea Branch is responsible for issuing the relevant permits.*

DR RAYMOND HO (in Cantonese): *Madam President, with regard to the CT9 project, there is a necessity for the Administration to dispose of the contaminated dredged mud at some places. As for the other projects to come, such as the Kai Tak Nullah, a similar situation would happen in the future. Given that the Fill Management Committee has been established by the Administration to take charge of the co-ordination work relating to filling activities, could the Secretary inform this Council whether the Administration would set up another committee to co-ordinate the disposal of contaminated dredged mud, or it would have the Fill Management Committee handle the disposal of dredged mud as well?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, at present, for dumping dredged mud in Hong Kong waters, a permit issued by the EPD is required. As I can remember, last time when answering a question raised by Dr Raymond HO in this Chamber, I have explained that dumping inside Hong Kong must be conducted at East Sha Chau, and that the mud disposal pits there were managed by the Civil Engineering Department (CED). The EPD has always been keeping close contacts with the CED on the disposal of dredged mud in Hong Kong waters; hence, I do not think there is any need at this stage to set up another working group to deal with the matter or to have the matter discussed by the working group mentioned by Dr HO just now.

DR RAYMOND HO (in Cantonese): *Madam President, the Secretary has not answered the part of my supplementary asking about whether the disposal of dredged mud would be incorporated into the scope of duties of the existing Fill Management Committee if no separate committee should be set up for the matter.*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, what I mean is that since the EPD has always been keeping close contacts with the CED on the disposal of dredged mud in Hong Kong waters, I do not think there is any need at this stage to take the matter to the Fill Management Committee. Just now I used the term "working group" because I could not remember the name of the Committee, but what I meant was in fact the Fill Management Committee.

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, I am a little surprised to read part (b) of the Secretary's main reply. The South China Sea Branch is a branch office, but then the Secretary has placed it on the same footing as the SOA or the head office and thus made people confused. Just like the Xinhua News Agency and the Xinhua News Agency (Hong Kong Branch), a head office is certainly not the same as its branch offices. Could the Secretary inform this Council of the reasons why she has placed a branch office on the same footing as its head office, and of the reasons why she did not state clearly that the South China Sea Branch was responsible for issuing the permits concerned?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): *Madam President, I believe that rather than intentionally misleading readers or the general public, my colleagues were only trying to simplify as far as possible the name of the relevant mainland authority when publishing the press release. In view of the importance that Honourable Members attach to this matter, I will discuss with the EPD to consider whether there is any need to state clearly which specific division or section under a certain branch office is responsible for the matters concerned in our press releases in the future. Our initial view was that since the South China Sea Branch and the SOA were under the same roof, it would not be necessary to state clearly that the South China Sea Branch was the issuing authority. In my view, this is just a trivial matter; nevertheless, we will consider stating clearly the name of the relevant authorities in the future.*

MR WONG YUNG-KAN (in Cantonese): *Madam President, the Secretary points out in her main reply that the contractor of CT9 has lodged an appeal against the decision of the Director of Environmental Protection not to issue a new loading permit. At present, as the dredging from the CT9 project is not permitted to be transported to the Mainland for disposal, the mud is to be dumped at East Sha Chau in Hong Kong waters instead. In this connection, may I ask the Secretary who is responsible for monitoring the dumping activities and how such activities are monitored? Furthermore, may I also ask the Secretary how the Government is going to handle the problems, including marine environment pollution, that arise during the dumping operations?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, actually I have explained last time that a certain spot at East Sha Chau had been set aside specifically for dumping activities. The three mud disposal pits at East Sha Chau are of a sealed design. When the contaminated mud is placed in these pits previously excavated in the seabed, the pits will be capped with clean mud to prevent the contaminants from polluting the marine environment. Besides, mud disposal vessels are required to be equipped with automatic monitoring devices to help detecting any illegal dumping activities within and outside Hong Kong waters.

MR NG LEUNG-SING (in Cantonese): *Madam President, in part (a) of the main reply the Secretary mentions that the EPD in Hong Kong has all along been keeping working contacts — the Secretary has emphasized that the contacts are at working level — with the South China Sea Branch of the SOA. May I ask her whether the EPD has maintained any contacts or made any arrangements with the SOA and its South China Sea Branch on the level of other policy areas?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, we have made requests to establish formal and direct communication channels with the SOA — not just the South China Sea Branch but the SOA — to facilitate discussions of policy matters in this respect.

MISS CHOY SO-YUK (in Cantonese): *Madam President, when commenting on the case concerned, Director YUAN zheng of the Guangdong Provincial Environmental Protection Bureau has mentioned in the programme "Follow up on current affairs" presented by the ATV on 29 October that the EPD in Hong Kong has failed to "guard the pass" properly. In this connection, may I ask the Secretary what her view is on such a remark and whether she understands the view held by the mainland authority?*

PRESIDENT (in Cantonese): Miss CHOY So-yuk, are you asking the Secretary to comment on a news story? According to the Rules of Procedure, you cannot ask the Secretary to comment on a news story.

MISS CHOY SO-YUK (in Cantonese): *Madam President, this is not what I meant to say. With regard to the present case of dumping mud in Guangdong province, Director YUAN zheng of the Guangdong Provincial Environmental Protection Bureau is of the view that the EPD in Hong Kong has failed to "guard the pass" properly. I just wish to ask the Secretary to express her view on this comment.*

PRESIDENT (in Cantonese): Secretary, please try to answer this one.

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): I am sorry, Madam President, I do not intend to make a comment here on the remark made by the Director of the Guangdong Provincial Environmental Protection Bureau in relation to the mud dumping operation in question. However, as I explained to Members last time, the EPD has revised the procedures dealing with the issue of permits for conveying mud for disposal after obtaining legal advice. In the past, the EPD practice was that it would issue a permit for conveying mud for disposal if a dumping permit had been issued by the relevant authority of the receiving region.

DR RAYMOND HO (in Cantonese): *Madam President, may I ask the Secretary to provide this Council with information on the Government's future strategy relating to disposal of contaminated mud after this meeting? Since the Secretary mentioned just now that the Administration had started revising its policies in this respect, I wish to find out what the situation will be like in the future. Could the Secretary provide information papers for this Council so that we could understand the future overall arrangements in this respect?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, may I know whether Dr HO is asking for information on mud dumping, dumping of contaminated wastes, or arrangements in any other respect? I hope Dr HO can clarify this point, and I will be very happy to provide him with the relevant information.

PRESIDENT (in Cantonese): Dr HO, please make yourself clear.

DR RAYMOND HO (in Cantonese): *Madam President, I should like to have information on arrangements for disposal of contaminated mud.*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, as I explained just now, the procedure we have in place for transportation of dredged mud to places outside Hong Kong for dumping is that contractors are required to provide information to prove that their dumping operations will not damage the marine environment. As regards arrangements for dumping inside Hong Kong, dredged mud could be dumped at East Sha Chau after a permit is obtained from the EPD. Last time Dr HO has also inquired when the mud disposal pits at East Sha Chau would be filled up to saturation, since all contaminated mud dredged from the CT9 project would be dumped there. With regard to the future situation and the strategy adopted by the Government to ensure that Hong Kong has enough facilities to cater for the needs of the engineering sector, I will provide Honourable Members with information in this respect in writing later on. (Annex I)

PRESIDENT (in Cantonese): Second question.

Issuance of Pricing Guidelines by Trade Associations

2. **MR FRED LI** (in Cantonese): *Madam President, regarding the issuance of pricing guidelines by individual trade associations on the goods sold and services provided by their members, will the Government inform this Council whether:*

- (a) *it knows the trade associations which have issued such guidelines in the past year;*

- (b) *the Competition Policy Advisory Group (COMPAG) has conducted any study and research to find out if such practice is price manipulation and violates the principle of fair competition; if so, of the details of the study and research; and*
- (c) *it will consider enacting laws to prohibit such practice?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, my reply to the three parts of the Honourable Fred LI's question is as follows:

- (a) Under the principle of minimum intervention in economic activities, Government does not monitor the activities of individual trade associations. We therefore do not have information on the issuance of pricing guidelines, if any, by individual trade associations to their members in the past year.
- (b) One of the major tasks of the COMPAG is to track competition-related cases or complaints received from different sources, including allegations of restrictive practices in the public and private sectors. In this respect, the COMPAG works closely with the Consumer Council, especially its Trade Practices Division which examines restrictive business practices, and tender advice to Government on measures to promote healthy competition.

In the 12 months up to October this year, the Consumer Council has received three complaints related to pricing agreements or understanding among some members of individual industries, although they may not necessarily amount to a formal issuance of pricing guidelines, and the members themselves may not necessarily be a formal trade association. The three complaints concern (i) transaction charge relating to the Electronic Payment System (EPS); (ii) the uniform price adjustment by a number of newspapers; and (iii) the adoption of a uniform exchange rate adjustment mechanism by shipping lines.

The Consumer Council released its report on its inquiry on EPS transaction fee in August this year, recommending, *inter alia*, ways to promote greater competition in the debit card market and to enhance accountability of the system's operator. Separately, the Hong Kong Monetary Authority (HKMA) is now conducting a review of retail payment services in Hong Kong in consultation with relevant interested parties including the Consumer Council. The review examines, among other things, the efficiency, pricing and costs, degree of accessibility by users, and level of competition present in the retail payment services. The COMPAG has requested the HKMA to report their review findings to the Committee in due course.

As regards the two other cases relating to price adjustment by newspapers and the adoption of a uniform exchange rate by shipping lines, the COMPAG secretariat has followed up with the Home Affairs Bureau and the Economic Services Bureau (ESB).

In the case relating to newspaper price adjustment, the Home Affairs Bureau is of the view that the newspaper industry is already rather competitive. There are many news publishers and consumers have a choice in terms of price and content.

As regards the adoption of a uniform exchange rate adjustment mechanism by shipping lines, the Consumer Council is examining the matter and will forward its observations to the ESB for consideration in due course. We will review the matter in the light of the Consumer Council's conclusions and recommendations. It is worth noting that the currency adjustment factor is one of a number of charges which Shipping Conferences and Agreements set for reference by their member shipping lines. Such practices are accepted worldwide as conducive to maintaining a stable and efficient marine transport system.

The COMPAG will continue to keep track of developments in the above cases.

- (c) The Government has no plan to enact laws to prohibit trade associations from issuing pricing guidelines to their members.

MR FRED LI (in Cantonese): *Madam President, it is mentioned in part (b) of the main reply that one of the major tasks of the COMPAG is to track competition-related cases or complaints, and that many of these complaint cases are referred to the Consumer Council for study and investigation. However, the Consumer Council does not have any statutory power to obtain the information required. The recent "row" connected with the oil companies is precisely caused by the Government's lack of authority to obtain the information required. These two issues are in fact of an identical nature. Will the Government inform us how it can possibly track all these cases and conduct any investigation to ascertain the real situation and find out the truth if it actually does not have the statutory power to do so?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, as indicated by the information provided by the Consumer Council to us, the commercial sector and the businessmen concerned would normally render their co-operation when it conducts its investigation.

Besides, I wish to bring out here that the Government will handle price issues with specific reference to the actual operating and business settings of each trade and industry. I think Honourable Members should be aware that price manipulations are already subject to various restrictions in the laws on broadcasting and telecommunications.

MRS SELINA CHOW (in Cantonese): *Madam President, part (b) of the main reply mentions an investigation into the EPS, and it also refers to a report. When will this report be completed? Will it deal with the unfair prices faced by the commercial sector as consumers under the EPS? And, will it recommend any policy improvements?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, according to the information provided to us by the HKMA, the report should be completed next year. They will continue to seek the views of the

Consumer Council and the relevant trades and industries, and will also consider the concerns of consumers.

MR SIN CHUNG-KAI (in Cantonese): *Madam President, my supplementary question will be a bit longer. Please excuse me for that.*

The Textbook Publishers Association has requested retail merchants to sell secondary school textbooks at uniform discount rates; the Shippers Association has expressed the dissatisfaction that the terminal handling charges set down by the liner organizations for their members are too high, saying that their pricing guidelines for members are characterized by a lack of transparency; with the exception of Sing Pao, all local newspapers joined hands to bring in a one-dollar price increase last month. There are lots of examples which serve to indicate that a case of cartel may have emerged. However, in response to part (a) of Mr Fred LI's question, the Government simply says in its main reply that owing to the principle of minimum intervention, the Government does not have any information on the issuance of pricing guidelines. The Government has set up an advisory committee, that is, the committee chaired by the Financial Secretary. But what kind of advice is the Government trying to seek? What people will it consult? The Government has even failed to gather such basic information, neither has it ever tried to collate any such information, nor has it released any information to the community. That the Government does not have the information asked for in part (a) of the main question shows that it has never made any efforts in this respect. Will the Government conduct some investigations, and take detailed follow-up actions in this respect?

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): *Madam President, let me first clarify that the work of the COMPAG is not limited to the three complaint cases which I mentioned in the main reply. The COMPAG has released a report on its work over the past two years, and I am more than prepared to submit it to the Legislative Council Secretariat for Honourable Members' reference. The report was published in May last year, and it was then submitted to the Honourable Members of the previous Legislative Council. However, I will submit it again to the Legislative Council Secretariat for the reference of current Members. But if I were to read out the whole report now, it would probably take more than half an hour.*

Second, I have mentioned just three complaint cases in the main reply, but that should not be taken to mean that we do not have any other relevant information. For example, we do have some information about the Shipping Conferences and Agreements, and we also have information about the mid-stream operation charges which I have just mentioned. When necessary, we will submit the information to the COMPAG for its consideration. Actually, over the past year, the COMPAG has looked into many cases relating to different fields, including telecommunications, broadcasting, financial services, energy supply, insurance, legal services, port facilities, medical services, transportation, building and construction, food supply and so on. Besides, with respect to each policy of the Government, and also the question of whether or not the relevant policy bureaux and government departments have introduced the element of competition, we have also set down other measures. Therefore, one should not simply say that we have failed completely to gather the information required.

MR SIN CHUNG-KAI (in Cantonese): *Madam President, the Secretary has not answered my question on whether or not the Government is going to conduct any investigation into this issue. The Honourable Fred LI's question is very straightforward; he simply asks the Government which trade associations have issued their pricing guidelines. This is clear enough. The Government says that it does not have the relevant information, and it has said so in the main reply. Therefore, I now ask the Government whether it will conduct any investigation in response to this question to find out how many trade associations and industries have issued such guidelines, and then submit a report to the Legislative Council afterwards. When I asked my supplementary question, I referred to several different cases in which I suspected of the incidence of a cartel, but the Secretary replied in the negative, adding that the Government did not have any relevant information. Will the Government conduct any investigation and then submit the relevant information to the Legislative Council?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): *Madam President, under the principle of non-intervention in economic activities, if we interfere with or monitor the activities of individual trade associations, negative effects may result. That said, I do not mean to say that we do not have the relevant information. From the information we gathered, from trades including the legal profession, the shipping sector and the architectural profession, let us see if they have issued any guidelines? The information we obtained indicated*

that the answer is "no", or they may have issued some guidelines, but are not binding. If Honourable Members wish to have access to the information we have gathered, I am more than happy to supply. However, there are numerous trade associations in Hong Kong. Should we really spend all our resources on this area, surveying all trade associations and reporting the findings to Honourable Members? Anyway, I am prepared to submit a written report to Honourable Members on the information we have gathered. (Annex II)

MR JAMES TIEN (in Cantonese): *Madam President, it is said in part (c) of the main reply that the Government has no plan to enact laws to prohibit trade associations from issuing pricing guidelines to their members. I think this is really a very general reply. There are many large trade associations in Hong Kong, and, of course, in their case, it is highly unlikely that they can ever be monopolized or influenced in their decisions by just a few members. However, some trade associations are very small, and if a trade association consists of just several members, the prices set down by the association itself will be no different from the prices set down by its individual members themselves. In view of this, is there a need for the Government make a clarification? In the opinion of the Government, what kinds of trade associations should be prohibited by the law from issuing pricing guidelines? Or does it think that laws should not be enacted to prohibit all trade associations from issuing price guidelines regardless of their sizes?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, sometimes, prices are not manipulated by trade associations, instead price manipulation may be caused by an exchange of information among members of the trade concerned. That is why all will have to depend on the specific circumstances of the trades in question. Actually, when people talk about price manipulation, their main concern is just the rise and fall of prices. When prices fall, I am sure that people will become less concerned about this issue; and, when prices fall, all may benefit. However, this does not mean that we encourage price manipulation or conduct any activities that may affect our economic efficiency.

The Honourable James TIEN said that some trade associations only consisted of several members. However, these trade associations may not necessarily issue any pricing guidelines at all. Even if they want to do so, they will have to consider the number of operators in the entire trade. Therefore,

one simply should not focus only on the rise and fall in prices over a specific timeframe and then jump to a sweeping conclusion that there is price manipulation. Sometimes, we also need to consider the number of operators in a particular trade, because a trade association may not represent all operators in the trade.

PRESIDENT (in Cantonese): The Council has already spent nearly 15 minutes on this question. The last supplementary question.

MR FRED LI (in Cantonese): *Madam President, when the Secretary answered my supplementary question, she said that cartel among operators in the broadcasting and telecommunications industries was clearly prohibited by the law. This is an administrative measure. However, it is said in part (c) of the main reply that there is no plan to enact laws to prohibit trade associations from doing so. Is this not contradictory? While some industries are bound by the law, others are free to do whatever they like. Is this not a double-standard?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Madam President, there is no double-standard. It is clearly stipulated under our competition policy that we will draw up specific legislation or adopt appropriate administrative measures to deal with the individual needs of different trades and industries.

PRESIDENT (in Cantonese): The third question.

Drug Abuse Among Adolescents

3. **MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, regarding the problem of drug addiction and abuse of psychotropic substances among adolescents (drug abuse), will the Government inform this Council of:*

- (a) *the latest figures on the numbers of reported drug abusers aged 21 or below, broken down by age groups each of three years, and the respective increase or decrease in these figures in each of the past three years;*

- (b) *the resources it has deployed to solve the drug abuse problem among adolescents, including the number of outreaching social workers employed with government subsidy specifically for counselling youths at risk; and*
- (c) *the measures in place to prevent adolescents from being induced to take drugs in rave parties or public places?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) Data from the Central Registry of Drug Abuse (CRDA) show that drug abusers aged 21 or below displayed a downward trend in the past three years from 1997 to 1999. The trend, however, was reversed in the first half of 2000. Details are provided in writing as follows and I will not repeat them here.

Reported drug abusers aged under 21

	<i>Age groups</i>											
	<i>aged under 9</i>		<i>10–12</i>		<i>13–15</i>		<i>16–18</i>		<i>19–21</i>		<i>Total no. of persons aged under 21</i>	
	<i>No. of persons</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>
1997	0	—	8	(-52.9)	370	(-27.6)	1 483	(-14.3)	1 925	(-11.4)	3 786	(-14.6)
1998	0	—	7	(-12.5)	312	(-15.7)	1 354	(-8.7)	1 791	(-7.0)	3 464	(-8.5)
1999	0	—	7	—	294	(-5.8)	1 150	(-15.1)	1 576	(-12.0)	3 027	(-12.6)

Note: * Figures represent the percentage of change compared with that of the previous year.

		<i>Age groups</i>											
		<i>aged under 9</i>		<i>10–12</i>		<i>13–15</i>		<i>16–18</i>		<i>19–21</i>		<i>Total no. of persons aged under 21</i>	
		<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>	<i>No. of person</i>	<i>Percentage of change</i>
2nd half of 1999	0			2		170		692		924		1 788	
1st half of 2000	0	—		10	(+400.0)*	377	(+121.8)*	1 024	(+48.0)*	980	(+6.1)*	2 391	(+33.7)*

Note: * Figures represent the percentage of change compared between the first half of 2000 and the second half of 1999.

Source of data: Central Registry of Drug Abuse

- (b) The Government adopts a multi-pronged strategy to resolve the drug abuse problem among youngsters. The strategy includes legislation and law enforcement, preventive education and publicity, drug treatment and rehabilitation, research and international co-operation. In 2000-01, the Government's recurrent expenditure in countering narcotics amounts to over \$700 million, about half of which addresses the problem of drug abuse by young people, including nearly \$40 million for preventive education and publicity focusing on youth, anti-drug school talks and the "Against Substance Abuse Scheme" targeting high-risk youths. Over the past few years, the Government's Beat Drugs Fund allocated about \$20 million each year to finance anti-drug projects and over 60% of this was spent on preventive education and publicity activities focusing on young people.

In 2000-01, government spending on social welfare in relation to the overall services for young people amounts to more than \$1 billion. As at 1 October 2000, there were around 215 outreach social workers from 29 such teams. The estimated expenditure for those teams in 2000-01 is \$109.5 million. In addition, integrated service is provided by 52 integrated teams conducting outreach social work.

These service teams provide young people who do not participate in mainstream youth activities with counseling, guidance and other services. Such services include giving them guidance on ways to resist the temptation of abusing drugs, counseling and referral services for young abusers, and so on. As work concerning drug abuse formed an integral part of the overall services for young people, there is no detailed breakdown of the cost regarding social services for young drug abusers alone.

- (c) Equipping young people with the right and accurate knowledge on drugs is of paramount importance in preventing them from being induced to take drugs in parties or public places. In this connection, the Government provides, in co-operation with non-governmental organizations, outreach programmes at schools to disseminate anti-drug messages to students directly. Such programmes organized or co-organized by the Narcotics Division amounted to 1 017 in 1999, reaching over 85 000 students and parents. Emphasis of such programmes is on the harm of drug abuse, refusal skills and the importance of healthy living. In addition, the Education Department has integrated drug education topics into various subjects through the formal school curricula such as the teaching of General Studies at primary level.

The Government also produces TV and radio Announcements in the Public Interest (APIs) on drug abuse targeting young people, as well as information materials focusing on drugs commonly taken by young people and the assistance offered to them. In considering the funding applications of projects organized by community organizations under the Beat Drugs Fund and the Community Against Drugs Scheme, priority is given to proposed community involvement projects which will help steer young people away from drugs.

In early 2000, a special task force was formed under the Acton Committee Against Narcotics to tackle the problem of psychotropic substance abuse among young people. The task force is tasked to recommend to the Government strategies to combat the problem. The task force has already proposed and put in place a number of measures, including tightening control on ketamine, a drug with

increasing popularity among young abusers; enhancing anti-drug publicity at stations of the Kowloon-Canton Railway and the Lo Wu checkpoint, and so on. At present, the task force is proceeding with its work and is expected to accomplish its task in 2001. Moreover, a drug information resource centre was set up by the Government in June this year, providing one-stop services for social workers, teachers, parents and youngsters on drug information and support facilities for various anti-drug activities.

The Government will commence, at the end of this year, a large scale survey targeting more than 100 000 students from secondary schools and vocational education institutes. The scope of the survey includes smoking, drinking and drug abusing patterns among these students. The survey is expected to complete within one year, and the findings will provide a basis for the Government's further policy deliberations to resolve the youth drug problem.

In respect of outreach social service provided by the Social Welfare Department, this has already been covered in my reply to part (b) of the main question, so I will not repeat here.

On law enforcement, the Police Force has adopted a strategy directing at various police regions to enhance their intelligence utilization process and increase the number of uniformed operations, particularly in regions where dangerous drugs are likely to be trafficked, sold or consumed. Furthermore, covert plain-clothed infiltration operations in "high risk" premises such as discos, games centres and other public entertainment places were mounted.

In view of drug abuse and other criminal risks associated with rave parties or similar dance parties, the Government issued in October 2000 a Code of Practice for Dance Party Organizers which contains detailed guidelines on preventing drug abuse and other crimes at party venues. The Code encourages the printing of drug warnings at the back of admission tickets and display of such warnings at party venues. It also calls on party organizers to co-operate closely with the police in preventing crimes and ensuring safety of the participants in such parties.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, according to the statistics of the Government, the percentage of young drug abusers increased substantially in the first half of this year. The number of drug abusers in the age group of junior secondary students increased by 121% and that in the age group of senior secondary students increased by 48%, and there were drug abusers as young as 10 years of age. The Government also admitted that rave parties are venues where youngsters are most susceptible to abusing drugs and therefore, law enforcement would be stepped up. However, the most direct way is to impose heavier penalty for the trafficking of soft drugs. Has the Government reviewed the deterrent effect of the existing legislation on and penalty for the trafficking of soft drugs? Recently, a youth convicted for possessing "ketamine" and "ecstasy" for the purpose of trafficking was only sentenced to 260 hours of community services. In the view of the Government, can the penalty in this case reflect the severity of the crime? Will the Government consider increasing the statutory penalties in order to deter drug traffickers from selling soft drugs to youngsters by imposing draconian penalties?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Mr CHEUNG's supplementary question is very long indeed. Under the existing legislation, drug traffickers are liable to a maximum penalty of life imprisonment and a fine of \$5 million. On law enforcement, if certain drugs, such as ketamine as I mentioned earlier, are found to be abused, we would amend the Dangerous Drugs Ordinance to include the drugs concerned in the ambit of the Ordinance to the effect that the export, import or distribution of those drugs would be regulated by the Ordinance. Further, traffickers arrested by the police are liable to a maximum penalty of life imprisonment or a fine of \$5 million.

Regarding the trafficking of various drugs, such as heroin, cocaine, opium, marijuana or "ecstasy", the court already has sentencing guidelines in terms of the quantity being trafficked. Take "ecstasy" as an example. According to the existing guidelines, the judge can decide on the penalty on his own if less than 2 000 pills are involved; possession of between 2 000 and 8 000 pills is liable to imprisonment for two to three years; possession of between 12 000 and 24 000 pills is liable to imprisonment for three to six years; and the court may pass on a sentence of six years' imprisonment for possessing over 36 000 pills. As for the case cited by Mr CHEUNG just now, we note that the person involved was only given a lenient sentence of community service order, and we are very

concerned about this. However, after studies conducted by the Department of Justice, the judgment on this case is found to be in full compliance with the sentencing criteria currently adopted in court. In view of the present circumstances, we consider that this criteria may not reflect the harm done by "ecstasy" to its abusers and the society. We are now collecting more expert opinion and information on, for example, the harmful effects of "ecstasy". We will, in due course, propose to the Department of Justice or the court amendments to the sentencing guidelines to impose a heavier penalty.

MISS LI FUNG-YING (in Cantonese): *Madam President, I also wish to follow up on the aspect of law enforcement as mentioned by the Secretary earlier in part (c) of the main reply. Can the Secretary provide us with more information on the number of prosecutions instituted to enforce the law in the past year, together with the penalties imposed by the court? I hope that more information in this regard can be provided.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, for figures of crimes involving rave parties, such as possession of dangerous drugs or Part I poison, or trafficking of dangerous drugs, I have provided these figures for the first nine months of this year in the written reply to the seventh question raised by Miss CHOY So-yuk. If Miss LI would like me to provide her with other figures, I can give a reply in writing. (Annex III)

MR ALBERT HO (in Cantonese): *Madam President, although the Secretary has provided figures in the main reply to show us clearly a substantial increase in the number of drug abusers in the second half of 2000, or a reversal of the trend, so to speak, no analysis has been conducted to explain the reasons why there was this substantial increase in the view of the Government. Nor has the Government explained how it would counteract this reversal of the trend. I wish to ask the Government what strategies it has to combat or intercept these dangerous drugs at source. This is a very important point.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we are gravely concerned about the trend of an upsurge in the number of young drug abusers in the beginning of the year. We believe this is mainly due to two

reasons: First, rave parties is a feature coming from the West that have been very popular over the past year, and among those psychotropic substances, cases of abusing such party drugs as "ecstasy" and "ketamine" have increased most acutely. Many young people wrongly believe that taking these drugs will make them happier, feel "high" or unrestrained and will thus experience greater excitement in these dance parties. They do not know that these drugs may do permanent harm to their bodies and may even be fatal. At these places, it is easier for young people to obtain drugs, and they may be influenced by their peers to take drugs. Therefore, after the emergence of this trend, the Commissioner for Narcotics liaised with organizers of rave parties in October this year and drew up a Code of Practice for Dance Party Organizers calling for self-discipline among themselves. Moreover, another reason for an increase in the number of young drug abusers is that more and more people are going north for spending. We believe that young people going north can gain access to these drugs more easily and at lower costs. In this connection, the Action Committee Against Narcotics has visited Guangdong and Shenzhen to discuss with the authorities concerned cross-boundary measures to curb the trafficking of drugs. Furthermore, as I mentioned in the main reply just now, we have stepped up publicity at control points in Lo Wu and so on, and a 34-member task force will be set up by the Customs and Excise Department to combat cross-boundary drug trafficking and addiction activities.

MR WONG SING-CHI (in Cantonese): *Madam President, in the main reply the Secretary stated that the Government had spent over \$1 billion to deal with the problem of drug abuse among youngsters. However, we can clearly see that the figures concerning drug abuse has shot up at an alarming rate this year. In my view, that sum of money was actually misused. I wish to ask the Secretary if any survey has been conducted to understand the problem of drug abuse among adolescents? If not, what did the Secretary base on in formulating the policy to spend over \$1 billion to deal with the problem of drug abuse?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the number of young drug abusers increased drastically only in the first nine to 10 months this year. We have made preliminary assessments to identify the causes, and we will continue to take measures to address the problem based on the findings of our analysis. Moreover, as I said just now, we will start to conduct a large scale survey targeting 100 000 students. The scope of this survey

includes not only drug addiction and drug abuse among young people, but also covers their smoking and drinking patterns, and so on, in order to gain a more in-depth understanding of the reasons for drug abuse by young people. However, I do not consider the spending of over \$1 billion a waste of money because if we analyse the usage of this sum of money, we will know that part of it is spent on law enforcement, part of it on publicity and education, and part of it on investigation. We believe that these expenditures have borne fruit for the figures of drug abuse in Hong Kong had been on the decline until the first few months of this year.

MR HENRY WU (in Cantonese): *Madam President, I wish to follow up on the Secretary's reply to the supplementary question just now. In 2000-01, despite the fact that the Government spent \$40 million on publicity and that \$12 million was spent on average in the past, the number of young drug abusers has nevertheless increased substantially, as mentioned by several Members just now. In view of this, I wish to ask is it because the publicity strategies, contents and approaches are wrong that the publicity programmes produced an opposite effect, resulting in more young people abusing drugs? Will the Government conduct a review to ascertain what kind of information is more appropriate for incorporation in the publicity programmes, and when will this review be conducted?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, on Mr WU's comment that our past expenditure on addiction treatment, particularly that targeting drug abuse among young people, is ineffective, we beg to differ. As I said earlier on, we initially believe there are two reasons behind the acute increase in the figures this year. First, with the popularity of rave parties coming from the West, young people can very easily obtain soft drugs at these parties and discos, and they may think by mistaken that these drugs can make them happier. The second reason is related to people going north for spending. In the coming days, we will try our best to focus on these two aspects in carrying out publicity programmes, anti-drug operations and law enforcement work. For example, we will seek assistance from organizers of rave parties in our publicity campaigns, asking them to print on the admission tickets warnings of the harm caused by drug abuse. The electronic information display boards at control points will be used to remind citizens not to engage in drug trafficking or drug addiction, and we will step up inspections at border crossing points and foster cross-boundary co-operation.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. We shall now proceed to the fourth question.

Red Minibuses Prohibited from Using Expressways

4. **MR LEUNG FU-WAH** (in Cantonese): *Madam President, will the Government inform this Council of the reasons for prohibiting red minibuses (RMBs) from using expressways for many years and whether it plans to relax this stipulation; if so, of the implementation date; if not, the reasons for it?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, public light buses (PLBs) perform a supplementary role in the public transport system in Hong Kong, mainly serving areas where patronage does not justify the provision of high capacity modes. Therefore the role and development of PLBs are subject to certain limitations in comparison with the mass carriers. For example, the size of the PLB fleet has been frozen at 4 350 in the past years.

Within this framework, the Administration's established policy is to encourage the provision of scheduled PLB service in the form of green minibuses (GMBs) to supplement the mass carriers such as railways and buses. RMBs are allowed to continue to operate within their existing service areas, providing service flexibly under suitable restrictions.

We encourage the conversion of RMBs to GMBs, as the operation of GMBs is under the direct monitoring of the Transport Department (TD) which could better ensure the quality of service. If there is a need to introduce new PLB routes, we will issue operating licences to GMBs to provide the service.

Since expressways mainly link up new development areas in different districts and normally the provision of public transport services in these areas have been planned during the planning stage, in general PLBs will not be allowed to operate on expressways. In implementing the relevant policy, we will take into account the actual circumstances and service demand. If there is a practical need to introduce new PLB service to operate on individual expressways and if it is considered suitable to do, the TD will consider carefully and conduct consultation on the proposed new service and design suitable routeings for operation by GMBs.

MR LEUNG FU-WAH (in Cantonese): *Madam President, in the second paragraph of the main reply, the Secretary says that the Administration's established policy is to encourage the provision of scheduled PLB service in the form of GMBs, however, does the TD have any information showing the number of GMB routes that are operating without any profits? In addition, RMBs cannot apply to the TD to operate routes of their own design and they can only make applications after the TD has decided on the routes. For example, we know that there is great demand for service of the route running from Chai Wan to Western District in the mornings but the PLBs are forced to travel along the tramways. When will the TD rectify the situation?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I will try to answer the first part of the supplementary question. As for the second part, I am not quite sure if there has been some confusion between GMBs and RMBs. Let me answer part one of the supplementary question first. With respect to GMBs, we have provided about 100 to 110 GMB routes every year over the past seven years. And to date, the number of GMB routes have reached 319 and RMB routes have reached 148. From this trend, we can see that quite a number of PLB routes which used to be not subject to any regulation are now actually operated by GMBs. Over the past year, we have made surveys on the operations of GMBs in Hong Kong, Kowloon and the New Territories respectively. In general, the information we have collated shows that in terms of business turnover or patronage, the GMBs are operating quite satisfactorily. It remains, of course, that certain routes do not operate so satisfactorily in terms of patronage and business turnover. However, the operation mode for PLB service generally proposed by us is to group a few routes into a package for which a licence is issued. So some of the more profitable routes will make up for those routes that do not generate so much profit to the operators. But in terms of the overall revenue of the operators as a whole, the findings of our surveys show that the situation is quite satisfactory.

Madam President, as for the second part of the supplementary question, I am not quite sure whether the Honourable Member was referring to GMBs or RMBs. Could you please ask him to raise his follow-up question again?

PRESIDENT (in Cantonese): Mr LEUNG, please elucidate your question.

MR LEUNG FU-WAH (in Cantonese): *Madam President, the second part of my supplementary question is about RMBs.*

PRESIDENT (in Cantonese): Secretary, is the question clear enough now?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, is Mr LEUNG asking about the routes designated by the TD and operated by RMBs?

PRESIDENT (in Cantonese): Secretary, please sit down first. Mr LEUNG, could you elucidate succinctly what you would like the Secretary to reply?

MR LEUNG FU-WAH (in Cantonese): *Madam President, what I would like the Secretary to reply is: There are situations where the operators of RMBs have some demands but the TD is not aware of these and so the present practice is for the TD to decide on the routes before the operators of RMBs can apply and turn their PLBs into GMBs, such as those on the route from Chai Wan to Western District.*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, what is wrong with that?

PRESIDENT (in Cantonese): Fine, that is all for this question. I have to let other Honourable Members raise their questions.

MR JAMES TO (in Cantonese): *Madam President, I have read the Secretary's main reply, especially the third and fourth paragraphs, and I fully appreciate the reasons given therein. However, I have a supplementary question and that is: What in fact are the reasons for prohibiting RMBs from using expressways? Is it because of the concern that once the RMBs are allowed to use the expressways,*

the traffic flow on these expressways will become too heavy or unpredictable? Or is it because of some practical reasons that if RMBs are prohibited from using the expressways, they will be compelled to convert to GMBs? Would the Secretary inform this Council of the main reasons for that?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, what the Honourable Member has said in the latter half of his question are our reasons. I have said clearly in my main reply that in our transport policy, the PLBs only play a supplementary role and they are not the major mass carriers. Under such circumstances, and according to the existing policy, we encourage the adoption of the GMB mode of operation as much as possible. As for RMBs, we will allow them to adopt a flexible mode of operation within their existing service areas. However, with regard to new service areas and new access roads, we will issue operating licences to GMBs to provide the service. We will not make any new arrangements for RMBs.

PRESIDENT (in Cantonese): Mr TO, which part of your supplementary question has not been answered?

MR JAMES TO (in Cantonese): *Madam President, the Secretary said that the latter half of my question were the reasons held by the Administration. Then is he trying to say that through the inhibition on RMBs using the expressways, the RMBs are thus compelled to convert to GMBs before they are allowed to use the expressways, so as to ensure the quality of service mentioned in the third paragraph of the main reply? Since I do not want the records to show that I have misunderstood the meaning of the Secretary, I would like to ask him whether this is what he meant when he said that "what the Honourable Member has said in the latter half of his question"?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, Mr TO has explained it very clearly. However, we are not saying that we will compel the RMBs to convert to GMBs. We want to use this method to encourage more conversion of RMBs to GMBs.

MR BERNARD CHAN (in Cantonese): *Madam President, Mr James TO has in fact asked the first part of my supplementary question, but I would like to ask the Secretary how many of the existing fleet of 4 350 PLBs are RMBs.*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the information I have on hand is only about the routings and it does not indicate any numbers in this respect. But the GMBs would certainly account for the greater part of the fleet. As for the exact figures, I would provide these in writing later.

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, I would like to add something to the supplementary question asked by Mr LEUNG Fu-wah just now. At present, RMBs are prohibited from using the expressways, but if those plying between Shau Kei Wan and Western District are allowed to use the expressways, a lot of time will be saved and that would also prevent congestion of the tramways, thus helping to alleviate traffic congestion. Would the Secretary consider allowing RMBs to run on these routes?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I have said in my main reply already that although in general, our established policy is to prohibit RMBs from operating routes that run through expressways, I have also said that due consideration will be given to the actual circumstances against service demand. As a matter of fact, two of the 17 expressways are partly open to PLBs. One of these is the Island Eastern Corridor, and that is probably the location referred to by the Honourable Member. That is, from the exit and entrance of the Eastern Harbour Crossing to the Sai Wan HO interchange. The reason is obvious. Since we allow RMBs to use the Eastern Harbour Crossing, so the exit must facilitate entry by RMBs to the Shau Kei Wan area. Therefore, though as a general rule, we will not allow RMBs to use expressways, there are also exceptions.

With your permission, Madam President, I would like to add a brief remark. The information sought by Mr CHAN is set out in another page. There are a total of 1 994 RMBs operating in Hong Kong and there are a total of 2 356 GMBs in service. The daily patronage of GMBs is more than 1 million passenger trips and the patronage of RMBs is about 550 000 passenger trips. From these figures, it can be seen that GMBs play a more important role than RMBs.

MRS MIRIAM LAU (in Cantonese): *Madam President, the Secretary has confirmed earlier that actually the policy has some degree of flexibility and it is not so rigid that it cannot be changed. The actual circumstances and service demand warranting, the authorities can introduce some relaxation. Therefore, may I ask the Secretary what actual circumstances will oblige the authorities to relax this policy? Apart from the Island Eastern Corridor which has just been mentioned, will the Administration consider relaxing this policy as applied to other expressways when the conditions mentioned are also met?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, of the 17 expressways, the restriction on certain sections on two of them is relaxed. Apart from the Island Eastern Corridor mentioned earlier, there is also the Tsuen Wan Road, especially the short section from Tsuen Wan Road, Tai Chung Road to Tuen Mun Road. Relaxation of restrictions on this section has been made since 1991. In recent years, we have not made exceptions to the restrictions in respect of other expressways.

MRS MIRIAM LAU (in Cantonese): *Madam President, my supplementary question is about what are the factors that can make the actual circumstances meet these requirements before the Government can relax the restrictions concerning this policy?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I can only say that there are two such examples. For the Island Eastern Corridor, as I have just said, the relaxation is made because given that RMBs are allowed to use the Eastern Harbour Crossing to alleviate the traffic load of the Cross Harbour Tunnel at Hung Hom, then the RMBs should be allowed to use that section of the Island Eastern Corridor linking with the Eastern Harbour Crossing.

As for Tsuen Wan Road, Members may recall that the main reason for the relaxation is to avoid the section from Castle Peak Road to Kwai Chung Road which is often congested. The restriction has been lifted for a long time. As for other expressways, there are no exceptions.

MR ALBERT CHAN (in Cantonese): *Madam President, I would like to point out that the government policy of lifting the restrictions on certain expressways to allow RMBs to operate is very confusing and contradictory. It also smacks of discrimination. The Secretary has mentioned earlier that restrictions on two expressways have been lifted. Recently, the RMBs are allowed to use also the Western Harbour Crossing (WHC) and the expressway linking it. However, RMBs are still prohibited from using the Tai Lam Tunnel and the Shing Mun Tunnel despite the fact that these tunnels have been open to the public for a long time. So if people who live in Yuen Long want to go to Kowloon on a RMB, they will have to pass the Castle Peak Road which is quite dangerous and is often congested. Why the Government to date still does not allow RMBs to use the Tai Lam Tunnel? Besides, to date only very few GMBs are operating through Tai Lam Tunnel, hence it can be seen that there are many contradictions in the government policy. May I ask the Secretary whether consideration will be given to lifting the restrictions and allowing RMBs to use the Tai Lam Tunnel?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we have no discrimination in our policies. We only make decisions to lift the restrictions selectively. I have explained earlier why we have lifted the restrictions on certain sections of these two expressways selectively and as an exception. As for other expressways, we have no plans to lift the restrictions on the entire course of these expressways. Under the present policy on PLBs, we will encourage RMBs to come under the existing operation framework for PLBs which is presently subject to regulation. As for the Tai Lam Tunnel mentioned by Mr CHAN, the TD is considering the request made by PLB groups and looking into the possibility of whether there is any service demand that will warrant lifting the restrictions there. However, we are still considering and looking into the issue and we have not made any undertakings yet.

PRESIDENT (in Cantonese): Mr CHAN, which part of your supplementary question has not been answered?

MR ALBERT CHAN (in Cantonese): *Madam President, the Secretary has not answered the part on lifting the restrictions on the Shing Mun Tunnel. When this is done, it will alleviate the congestion at the Lion Rock Tunnel.*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, insofar as this point is concerned, we have no plans to consider it. However, if there are any concrete information, data or reasons, I believe the TD will certainly consider them. Having said that, we should also bear in mind our policy objectives.

PRESIDENT (in Cantonese): Last supplementary question.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, just now I heard the Secretary say that there is no discrimination, but when I continue to listen to his reply, I have a feeling that there is indeed some form of discrimination prima facie, for the GMBs and RMBs are both PLBs performing a supplementary role in the public transport system. The only difference is that some are GMBs and some are RMBs. And as the Secretary has said, the RMBs provide service flexibly. Both types of PLBs are supplementary means of transport and they are similar types of vehicles. The only difference between them is their colours. Why does the Government not allow the RMBs to use the expressways? The present situation is that approval must be obtained from the TD before RMBs can be converted to GMBs and that approval must also be obtained from the TD before RMBs are allowed to use expressways. In this regard, may I ask the Secretary whether there are other policies in place that make people think that there is no discrimination?*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we have not adopted a discriminatory policy. However, if operators think that they are being discriminated against, the solution is quite simple, they can join the other operators in converting their RMBs to GMBs.

PRESIDENT (in Cantonese): Fifth question.

Deployment of Police Officers to Maintain Law and Order for Public Meetings and Processions

5. **MR MICHAEL MAK** (in Cantonese): *Madam President, it was reported that about 50 police officers had been deployed to monitor a public meeting attended by fewer than 20 students in Central District. In this connection, will the Government inform this Council of the basis for determining the rank and number of police officers to be deployed to maintain law and order for public meetings and public processions?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the police have a statutory duty to preserve public safety and order and to regulate public processions and meetings. They will examine the circumstances of each case including the nature and location of the event, the number and mood of the participants and any other relevant factors, and exercise their professional judgement and decide on the number and rank of police officers to be deployed for each event. The objective is to strike a balance between the rights of participants to express their views freely and the need to ensure that no danger or inconvenience is caused to others.

MR MICHAEL MAK (in Cantonese): *Madam President, I am not satisfied with the Secretary's reply because she has only outlined the general principles on the deployment of police manpower.*

PRESIDENT (in Cantonese): Mr MAK, Members are not allowed to express their views during question time. Please raise your supplementary question direct.

MR MICHAEL MAK (in Cantonese): *Madam President, in the case taken place on the day in question, the number of police officers doubled that of participants of the meeting, including at least one Superintendent and more than 30 blue-beret officers, who were deployed for maintaining order. Will the Secretary inform this Council whether this is not in line with her so-called professional judgement? If she considers there may be misjudged deployment of police manpower, will the Administration consider taking disciplinary action against the relevant officers? Can the Administration give us a brief report on the handling of the case, including the number and rank of police officers deployed and whether any accidents occurred on that day?*

PRESIDENT (in Cantonese): Mr MAK, I made it clear at the beginning of the meeting that Members can only raise one supplementary question. Now you have raised three, which one do you want the Secretary to answer?

MR MICHAEL MAK (in Cantonese): *Madam President, I want the Secretary to answer the question in connection with the police doubling its manpower to maintain order at the meeting attended by 20 students?*

SECRETARY FOR SECURITY (In Cantonese): Madam President, to start with, I have to clarify that the number of people attending the meeting on the day in question was not 20, as Mr MAK said. At the peak of the meeting, there were 40 participants, 30 bystanders and 50 news reporters. Furthermore, the meeting held at Edinburgh Place that day was not an authorized meeting. I was told by the police that it was the first meeting ever held on Sunday at Edinburgh Place, a gathering place for many local people as well as foreign maids. The police made reference to the past record of the organization responsible for holding the meeting, the Hong Kong Federation of Students, in deploying sufficient manpower. According to police records for October, an unauthorized meeting held by the Federation on 8 October was attended by 800 people, while another one held on 15 October was attended by 330 people. If the Federation

did not notify the police of the number of participants, the police must prepare sufficient manpower to ensure good order because of the lack of information on the number of participants.

PRESIDENT (in Cantonese): Mr MAK, if you still want to raise another supplementary question, you could first press the button and wait for your turn.

MISS EMILY LAU (In Cantonese): *Madam President, no matter the number of people attending the meeting that day was 20 or 40, it was still lower than the maximum number of 50 permissible by the law. Therefore, there was actually no need to inform the police. Why did the Secretary consider the meeting illegal? I would like to ask her to clarify this point. If the meeting was attended by a mere 40 people (it was impossible for the organization responsible for holding the meeting to control the number of spectators), a number lower than that prescribed in the law, should the police officers retreat in accordance with the police guidelines? Will it scare the public if the number of police officers monitoring a meeting is even greater than that of the participants?*

SECRETARY FOR SECURITY (In Cantonese): Madam President, perhaps I should clarify that the meeting I referred to earlier was not a notified one. As the Federation had failed to notify the police, as it usually did in the past, the police had no idea of the number of participants. As I pointed out earlier, the Federation had staged two possessions in October, with 800 and 330 people taking part in them on 8 October and 15 October respectively. In declaring publicly that it would hold yet another meeting, the Federation used wordings to the following effect: "We have the right to stage possessions and meetings. We will not notify the police or apply to them". The meeting was actually dealt with as if it was not required to seek police authority. There was no way that the police could estimate the number of participants. As such meetings used to attract a large attendance and taking into account the crowded condition at Edinburgh Place, the large number of reporters and spectators and the gathering of many local people and Filipino maids, it was necessary for the police to deploy sufficient manpower. Therefore, we do not consider the manpower deployed on that day excessive.

MISS EMILY LAU (in Cantonese): *Madam President, my supplementary question is whether it was against the police guidelines if the number of police officers far exceeded that of participants. Or is it specified in the guidelines that the number of police officers must outnumber participants for the purpose of maintaining public order?*

PRESIDENT (in Cantonese): Secretary for Security, do you have anything to add?

SECRETARY FOR SECURITY (In Cantonese): Madam President, a total of 61 police officers, including five uniformed officers, nine officers responsible for video recording and 41 blue-beret officers, were deployed to Edinburgh Place on that day. Only four police officers were actually on the spot to maintain order for all the other officers remained in the police vehicles nearby. Only four blue-beret officers left the vehicles to maintain order for 15 minutes. The police internal guidelines have definitely not specified the ratio between police officers and participants for the purpose of maintaining order. I believe Members would still remember that a total of 3 000 people took part in a possession to protest against negative assets. Does it mean 3 000 police officers should be deployed to maintain order? The principal considerations would include the number and mood of the participants, the route of the possession and the actual circumstances. If a possession takes place in some quiet places, the number of police officers required on deployment can certainly be greatly reduced. As I said earlier, the meeting in question was held at Edinburgh Place and it was the first time that students held a meeting there and claimed they would not lodge an application with the police. It was therefore necessary for the police to deploy sufficient manpower to maintain order. At the peak of the meeting, there were 40 participants, 50 reporters and 30 spectators. These people far outnumbered the 61 police officers deployed that day.

MR LAU KONG-WAH (in Cantonese): *Madam President, although the Secretary maintained that not all the 60-odd police officers were necessarily on the spot and some of them might just be standing by in the vicinity, the public might still feel that the police had "overreacted". Of course, this is only an isolated case. Actually, members of the public do not have a clear idea of many similar guidelines on enforcement by the police. Will the Secretary review these guidelines?*

SECRETARY FOR SECURITY (In Cantonese): Madam President, it is difficult for the police to prescribe the ratio between participants and police officers, and so on, in detail in its enforcement guidelines. This is because it will depend entirely on the place and time of the demonstration (whether it takes place on a holiday or during peak hours), the emotion of participants, and so on. Nevertheless, as I said earlier, the police will consider mainly the general factors such as the nature and location of the event, the estimated number and mood of the participants and any other relevant factors in exercising their professional judgement on the deployment of police officers.

MR LAU KONG-WAH (in Cantonese): *Madam President, perhaps my question was not clear enough. I was not referring solely to the ratio between police officers and participants. In some cases in the past, like the meeting held in North Point Estate, every resident was given a warning by the police. Are similar acts like this appropriate? Is it necessary for the Administration to review the enforcement guidelines as a whole?*

PRESIDENT (in Cantonese): Mr LAU, are you asking the Secretary to reply whether there is a need to review the enforcement guidelines?

MR LAU KONG-WAH (in Cantonese): *Yes.*

SECRETARY FOR SECURITY (In Cantonese): Madam President, I am not too sure what the police had distributed to the residents in the North Point Estate incident referred to by Mr LAU. Nevertheless, I have explained earlier that the police have formulated adequate guidelines in the light of their experience. Therefore, we do not consider it necessary to conduct another review.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, on basis of their professional judgement, the police deployed 61 police officers to surround 20 or at most 40 students sitting in a circle in discussion of the law on public order. In addition to these students, there were tens of thousands of Filipino maids sitting in circles and assembling at the same place, that is, Edinburgh Place, without applying to the police, though their number was even greater than*

that of the students. Given the fact that more than 60 police officers had been deployed to monitor the situation, was it because the Government considered the assembly of members of the Federation particularly dangerous? Were the police using double standards in dealing with Filipino maids and students?

SECRETARY FOR SECURITY (In Cantonese): Madam President, I am afraid Mr CHEUNG has confused two different scenarios. The definition of "public meeting" has been provided for in the Public Order Ordinance. "Public meeting" means any gathering of persons or persons from a certain social stratum for the purpose of the discussion of issues of concern to the general public. However, exemptions are provided in the law to the effect that activities organized for social, recreational, cultural, academic, educational or religious purposes as well as indoor activities organized for fewer than 500 persons are excluded. Only outdoor activities with more than 50 participants are considered public meetings, about which notification is required to be given to the police. The meeting held by the Federation on the day in question was one such meeting, though it stated in advance that it would not notify the police or report the number of participants. Furthermore, it has past records of holding unauthorized meetings and possessions. According to my usual observation, however, most people or Filipino maids went to Edinburgh Place on their own. Some of them probably stayed there with their close friends for the purposes of having haircuts, eating and singing. They gathered there not for the purpose of discussing matters of concern to the general public. Therefore, we should not confuse these two cases.

PRESIDENT (in Cantonese): Mr CHEUNG, which part of your question has not been answered?

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, was the Government applying double standards in dealing with these meetings? How could the Secretary know the Filipino maids were not discussing whether or not the President of the Philippines should step down? They often gather there in circles of over 50 persons.*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR SECURITY (In Cantonese): Madam President, I have nothing to add.

(Note: The Secretary for Security addressed a letter to Mr CHEUNG Man-kwong after the meeting. Please refer to Annex IV for the letter.)

MR MICHAEL MAK (in Cantonese): *Madam President, will the Secretary inform this Council what the police have done in handling the crisis? When did the police commander realize there was a need to disperse the police officers?*

SECRETARY FOR SECURITY (In Cantonese): Madam President, as far as I understand it, the police officers dispersed soon after the meeting ended and the participants left peacefully, and the blue-beret officers remaining in the police vehicles immediately resumed their anti-crime patrol duty in Central District.

PRESIDENT (in Cantonese): Mr MAK, which part of your supplementary question has not been answered?

MR MICHAEL MAK (in Cantonese): *Madam President, the Secretary has not replied the part on crisis handling. Her reply was confined to the handling of routine matters instead of crises.*

PRESIDENT (in Cantonese): Secretary, was there a crisis? *(Laughter)*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as I explained earlier, the police needed to deploy adequate manpower in view of the large number of participants. Moreover, the police did not know the actual number of the participants. Sometimes, we would find a meeting claiming to have fewer than 50 participants could turn out to have attracted more than 50 people. As the scene was very crowded, the police did not want any accidents

to occur. Given the fact that the meeting was conducted in a peaceful manner and there was no crisis, the police had not taken any crisis-handling measures.

MR ALBERT HO (in Cantonese): *Madam President, according to the Secretary, the police will consider various factors before deciding on the deployment of manpower on each occasion. We learn from our past observation that there are two key factors. First, the sponsoring organizations, such as those having a bad track record or political organizations of particular concern to the Government; second, the dates on which the meetings are held, like politically sensitive dates or the dates when internationally renowned dignitaries visit Hong Kong. The police are particularly cautious with these factors. The police have on many occasions mobilized a large number of police officers and their number was even larger than that of protestors or demonstrators. The overreaction of the police will not only exert political pressure on participants, but also produce a negative impact on Hong Kong's image of being a liberal place, thereby dealing a blow to its good reputation. Will the Secretary conduct a review in this respect?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I would like to reiterate that in deploying manpower, the police will consider mainly the nature and location of the event, the number and mood of the participants and any other relevant factors in exercising their professional judgement. Before attending today's meeting in this Council, I inquired with the police whether excessive manpower had been used in dealing with possessions and meetings held recently. The reply given to me was definitely in the negative. This is because the police are basically tight on manpower and it is impossible for them to deploy excessive manpower for individual meetings or possessions. Of course, both the police and the Security Bureau are obliged to ensure that all possessions and meetings, particularly those held in crowded places and involving a large number of people, are conducted smoothly without causing accidents, clashes between people, and so on. If we presume nothing will go wrong even these public possessions and meetings are to be held in crowded places, the public might again blame us for lacking an anticipatory sense of crisis.

As regards the last part of the supplementary question raised by Mr HO, since the reunification, possessions and demonstrations held in Hong Kong have been on the rise in terms of both quality and quantity for more than 6 000 cases, an average of four or five cases daily, have been recorded so far. As a result, Hong Kong was given the reputation of "the capital of protests". In my opinion, the deployment of police officers will not exert any psychological pressure on demonstrators.

PRESIDENT (in Cantonese): Last supplementary question.

MISS EMILY LAU (in Cantonese): *Madam President, will the Secretary reconsider reviewing the guidelines to allow police officers the flexibility of retreating without having to wait until the meeting ends if, on arrival at the spot, they find the meeting is being conducted peacefully and there are only few participants?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not consider Miss LAU's suggestion advisable. How can law enforcement officers retreat on the assumption that the number of participants will not grow or no problems will arise just because there are few participants? They can retreat only after ensuring that the meeting has ended peacefully. Therefore, I will not conduct a review in the light of this suggestion.

PRESIDENT (in Cantonese): Sixth question.

Practice of Not Revealing Names of Civil Servants Subject to Disciplinary Actions

6. **MISS EMILY LAU** (in Cantonese): *Madam President, the Board of Enquiry set up to investigate the disturbance at the Hei Ling Chau Addiction Treatment Centre has recommended disciplinary actions against seven officers of the Correctional Services Department. However, the Administration advised the Panel on Security of this Council this month that those officers' names would not be made public. Regarding the government departments' practice of not making known the names of civil servants subject to disciplinary actions, will the executive authorities inform this Council:*

- (a) *of the reasons for adopting such a practice;*
- (b) *given that professional bodies will make known names of their members who are subject to disciplinary actions, of the rationale for government departments not adopting the same practice; and*
- (c) *whether they have assessed if such practice has deviated from the Government's objective of enhancing the accountability of civil servants?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, the Government is firmly committed to upholding the accountability and integrity of the Civil Service. We take a very serious view on any acts of misconduct committed by civil servants and will not hesitate to take appropriate disciplinary actions or legal proceedings against the officers concerned. However, in taking disciplinary action, we must ensure that the proceedings are conducted fairly and in compliance with any legislation governing the rights of the individuals. Specifically on the three points raised in the question, I would like to respond as follows:

- (a) Disciplinary proceedings in the Civil Service are conducted in accordance with the principles of natural justice (including the rule against bias and the right to a fair hearing) and with due respect for an individual's rights as enshrined in the Bill of Rights Ordinance. The system has been designed to ensure that management actions and punishment are commensurate with the gravity of the misconduct, and appropriate to achieve the desired deterrent effect.

In line with these principles and as a long-standing practice in the Civil Service, we do not, as a general rule, disclose the personal data of officers subject to disciplinary actions for the information of the public. The administration of disciplinary actions is an internal matter. Disclosing their names may lead to a public trail of the officers and is liable to prejudice the disciplinary proceedings by depriving them of their right to a fair hearing. The Government, as any other data user, must also comply with the provisions of the Personal Data (Privacy) Ordinance. As a general provision, without the consent of the data subject, it is against the law to

disclose the personal data of the officers subject to disciplinary actions for use other than the purposes for which the data are collected.

- (b) In general, the legislation governing various professions (in fields including law, medicine, accountancy and engineering) provides for the publication in the Gazette of a register of qualified practitioners. This is usually accompanied by express provisions which specify the circumstances under which the relevant professional body may remove the name of one of its members from the register.

Such provisions are necessary primarily because most of the practitioners in these professions are providing important professional services to members of the public. Whether or not a member of a professional body is qualified to practise and whether or not he has been denounced is clearly a material consideration to a member of the public in determining whether or not to engage his or her service. Where a member of a professional body is found guilty of professional misconduct after a due inquiry, and the decision is to remove his/her name from the register of qualified practitioners, the relevant professional body may file an order in the Gazette to that effect. This notification is necessary in order to update the relevant register for the information of the public.

Civil servants who are members of these professional bodies are not exempted from these provisions, if found guilty of professional misconduct which warrants removal of their names from the register.

The circumstances under which their members operate are such that there is a need for the professional bodies to notify the public of changes to their registers. Having regard to the different set of circumstances in which civil servants in general are operating and the reasons set out in (a) above, we do not consider it appropriate to adopt the same practice in the Civil Service.

- (c) Enhancing the accountability of civil servants is an objective which is always foremost in our minds. In accordance with this objective, immediately following the disturbance at Hei Ling Chau, the

Commissioner of Correctional Services ordered an investigation into the incident. Through the Panel on Security in this Council, the Administration has briefed Members on the causes for the incident, lessons learned, whether public officers are found to be at fault, how many officers may be considered for disciplinary proceedings, and what improvement measures are being taken to forestall recurrence of similar incidents in future.

For the reasons already explained in the beginning of my reply, we have not divulged the names of the officers concerned. We believe that the absence of such information in the public domain will in no way affect the public's understanding of the facts of the case or this Council's monitoring of how well lessons are learned therefrom.

MISS EMILY LAU (in Cantonese): *Madam President, the Secretary has said that the Administration attaches importance to the accountability of civil servants but it cannot make public the names of those officers in accordance with the Personal Data (Privacy) Ordinance that I am most familiar with. Can the Secretary inform this Council if accountability means that the name of an official who has committed an act of misconduct and been subject to disciplinary actions should be disclosed for the information of the public? The Secretary may have mistaken that I am asking for the disclosure of the name of the party concerned during the proceedings. But I am actually asking the Administration if it should disclose his name after the conclusion of the proceedings, that is, after it has been proved after the disciplinary proceedings that the official has committed an act of misconduct. To narrow down the scope further, I think that the Administration should at least disclose the name of a directorate grade officer who has committed an act of misconduct because he is a directorate officer at the decision making level and the public has justifications to know his identity. After it has been established that the official did commit an act of misconduct after fair and impartial disciplinary proceedings, does the Administration have justification to disclose his name and must it disclose his name to realize accountability? If so, does the Administration need to amend the relevant legislation?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): I have stated in my main reply that we do not, as a general rule, disclose the names of the

officers concerned, both before and after the proceedings. In fact, the Civil Service Bureau handles over 1 000 cases every year, and almost 100 of them involve dismissal as punishment. Though this is the general rule, it does not mean that there are no special examples. The Personal Data (Privacy) Ordinance stipulates that if an incident involves material public interests, personal data can be disclosed. However, this must only be done in very special cases and we can decide whether to disclose the information only after careful consideration. At present, there are 185 000 civil servants and I believe we will decide whether to disclose the information after careful consideration if there are special cases.

The main question mentions the Hei Ling Chau Addiction Treatment Centre disturbance which is an isolated case that is known to all. In part (c) of my main reply, I have explained in detail that we believe the absence of such information in the public domain will in no way affect the public's understanding of the facts of the case or this Council's monitoring of how well lessons are learned therefrom. Therefore, I do not think the information involves material public interests which necessitate the disclosure of the names of the officers concerned.

PRESIDENT (in Cantonese): Miss LAU, which part of your supplementary has not been answered?

MISS EMILY LAU (in Cantonese): *Madam President, I have subsequently broadened the scope of my question to include senior officials at the directorate or above level apart from the Hei Ling Chau incident. According to the accountability principle, after senior officials have been adjudicated as having committed acts of misconduct after fair and impartial disciplinary proceedings, their names should be made public. Does this meet the requirement just mentioned by the Secretary, that is, the incident involves material public interests? Should the Administration make public the names of the officials as a manifestation of the accountability system?*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, we should not arrive at any generalization on this. If an incident involves very senior civil servants, after careful consideration and making reference to legal advice, we will decide whether the incident involves public interests that necessitate the disclosure of the information. However, we must make a decision on basis of the actual circumstances and we cannot make a decision in principle as a general rule.

MR HOWARD YOUNG: *Madam President, in parts (a) and (b) of the main reply, the Secretary has explained the differences in policies and principles between the Civil Service (in regard to civil servants subject to disciplinary actions) and professional bodies. He also said that civil servants who are members of the professional bodies are not exempted from the provisions concerned. I would like to know that if the civil servants who are subject to disciplinary actions happen to be members of a professional body, what will be the practice of the Government? Will the Government still treat it as a totally isolated case or will it then inform or disclose the names of those officers to the relevant professional body as opposed to the general public?*

SECRETARY FOR THE CIVIL SERVICE: Madam President, if a civil servant is a member of a professional body and if he is subject to disciplinary actions by the professional body, of course, he has no privilege over other members of the professional body. If the professional body has found out that he has committed a misconduct which may necessitate certain actions to be taken against him, and if this piece of information is known to the Government through public notice by the professional body, it is, of course, up to the Government to consider what follow-up actions should be taken. As regards a situation where a member of a professional body is also a civil servant, and who is subject to disciplinary actions by the Government, obviously, this will involve a different procedure and we will take actions under the Civil Service Regulations.

PRESIDENT (in Cantonese): Mr YOUNG, which part of your supplementary has not been answered?

MR HOWARD YOUNG: *Madam President, the Secretary has answered my question just in the reverse way. Actually, what I have asked is that in the circumstances just described, would the Government inform the professional body that disciplinary actions have been taken against the civil servant who happens to be a member of that body?*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR THE CIVIL SERVICE: Madam President, it really depends on the particulars of the case, because the civil servant may be an accountant in the Civil Service, but he may be committing a misconduct which has nothing to do with his professional ability. In this case, of course, it has nothing to do with the professional body. Now, if he is committing a misconduct which poses question on his suitability as a professional practitioner, again, it depends on the subject of the case. In that case, we have to consider, following consultation with the legal adviser, whether this piece of information should be disclosed outside the Government. Again, I must emphasize that it really has to depend on the particular circumstances of the case and one cannot make a generalized answer.

MISS CYD HO (in Cantonese): *Madam President, the Secretary said that the relevant proceedings and principles are long-standing, but the Personal Data (Privacy) Ordinance only came into effect in December 1996. Before this legislation came into effect, did the Government decide whether to make public the information on civil servants subject to disciplinary actions as "a general rule" or otherwise according to these principles and proceedings?*

Firstly, I do not want the Government to use this legislation as the ground on which it explains to this Council whether or not it will disclose the names of civil servants subject to disciplinary actions. Secondly, does the Administration have any objective standards in respect of the so-called "general rule". Does it mean that the Secretary will selectively exercise his power of decision every time to define cases that are "general" or otherwise, and selectively pinpoint at some people and thereby disclose or not to disclose information on them?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, in addition to mentioning the restrictions of the Personal Data (Privacy) Ordinance in my main reply, indeed I stated clearly at the outset that disciplinary proceedings in the Civil Service are conducted in accordance with the principles of natural justice. Therefore, before this legislation came into effect, we also balanced public and personal interests, especially the personal rights duly enjoyed by civil servants.

The remark that the information of the staff concerned will not be made public as "a general rule" means that except in very special cases, otherwise, we will not disclose such information. But the so-called special cases depend on the relevant incidents and how "public interests" were interpreted at that time.

MISS CYD HO (in Cantonese): *Madam President, does the Secretary mean that there is no objective standard for "general" cases?*

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, it cannot be interpreted that way. What I mean is that unless there are very special reasons that can convince us that we must disclose the relevant information in public interest, we will not disclose such information. This is our principle.

MR JAMES TO (in Cantonese): *Madam President, the Secretary has stated in the second paragraph of part (a) of his main reply that "we do not, as a general rule, disclose the personal data of officers subject to disciplinary actions for the information of the public". If a complainant names and complains about a civil servant who has committed an act of misconduct and violated discipline, will the Government disclose to the complainant the disciplinary action that the civil servant has been subject to after investigation and enforcement of the disciplinary action on the relevant civil servant?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, if there is a very specific complaint that a civil servant has been impolite, we will conduct an investigation on basis of the complaint. Certainly, we will notify the complainant of the outcome and tell him whether we have confirmed after investigation that the civil servant has really been impolite. If it is proved that the civil servant has been impolite, we will normally add that we will subject the civil servant to suitable disciplinary action after investigation.

MR JAMES TO (in Cantonese): *Madam President, does the Secretary mean that the disciplinary action taken by the Administration also constitutes personal data? According to the Government's reply, all this information is personal data and therefore, according to its principle*

PRESIDENT (in Cantonese): Mr TO, you are following up the Secretary's reply or a part of the supplementary question just asked by you? As far as I can recall, your supplementary question does not include this part.

MR JAMES TO (in Cantonese): *Madam President, according to my interpretation, this is essentially a part of it. (Laughter)*

PRESIDENT (in Cantonese): I will now let the Secretary make a choice. Secretary, do you have anything to add?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, we will not disclose the specific disciplinary action taken.

PRESIDENT (in Cantonese): I originally intended to allow Members to ask one more supplementary question, but since this Council has already spent 18 minutes on this question, therefore question time shall end here.

WRITTEN ANSWERS TO QUESTIONS**Crimes Involving Rave Parties**

7. **MISS CHOY SO-YUK** (in Chinese): *Madam President, in view of the increasing number of youngsters taking part in rave parties, will the Government inform this Council:*

- (a) *of a breakdown of the crimes involving rave parties in the past year;*
- (b) *of the existing channels through which youngsters are advised not to involve in illegal acts when taking part in such parties; and*
- (c) *whether it plans to prohibit rave parties at venues very close to residential premises; if so, of the relevant details; if not, the reasons for it?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) A breakdown of the crimes involving rave parties, covering the period from January to September 2000, is as follows:

Possession of dangerous drug or Part I poison	115
Wounding	23
Assault occasioning actual bodily harm	10
Theft	9
Triad offences	8
Trafficking in dangerous drug	8
Assaulting a police officer	4
Resisting arrest/obstructing police	4

ID card related offences	4
Possession of an offensive weapon	3
Fighting in a public place	2
Criminal damage	2
Disorderly conduct	1
Robbery	1

* Note: No separate records were kept prior to January 2000.

- (b) There are basically two levels of intervention, that is, primary prevention through education and publicity, and secondary prevention through social work and counselling in advising young people not to get involved in illegal acts when taking part in such parties.

In general, young people are educated not to commit crimes through various publicity programmes both as part of civil education curriculum and programmes organized by enforcement agencies, for example, Police Report, activities of the Junior Police Call and education programmes arranged by the police, Correctional Services Department and Education Department, and so on. In 1999, the police formed a Force Committee on Juvenile Crime responsible for developing, planning and promoting strategy against juvenile crime and delinquency. In line with the multi-agency approach in tackling youth crime, the police co-operates closely with schools, parent-teachers associations, youth organizations, Social Welfare Department and Education Department in launching district youth initiatives to enhance youngsters' awareness of the pitfalls of crime and the serious consequences of delinquency.

As regards primary prevention of drug related crimes, the Narcotics Division of the Security Bureau provides, in collaboration with government and non-governmental organizations, out-reach programmes for schools and workplace to disseminate anti-drug

messages to students and young workers, educating them on the importance of a healthy life and equipping them with the skills to refuse drugs. In addition, TV and radio Announcements in the Public Interest (APIs) on drug abuse targeting young people at dance parties, as well as information materials, including posters, leaflets, art cards, wall charts, and so on, focusing on common "party drugs" such as "Ecstasy" and "Ketamine", and treatment and rehabilitation assistance offered to abusers are produced. The Education Department has incorporated drug education into the mainstream primary and secondary curricula. The Government also issued a Code of Practice for Dance Party Organizers in October 2000 to encourage party organizers to print drug warnings on tickets and put up such warnings at party venues. The Code also stipulates detailed guidelines requiring closer co-operation between party organizers and the police in maintaining party security and ensuring a drug-free environment.

Where secondary prevention is concerned, the Social Welfare Department and non-governmental organizations focus on early detection and intervention to forestall development or deterioration of the problems. In the 2000-01 school year, the Government implemented a "one secondary school, one social worker" policy with the objective to strengthen support services to students and parents. Through casework counselling service, supportive groups and developmental programmes, students' awareness of the consequences of involving in illegal acts and drug abuse has been enhanced.

- (c) Under the Code of Practice for Dance Party Organizers, attention has been drawn to the need to plan carefully the location of a party venue in order to avoid noise nuisance caused to nearby residential dwellings. It expressly stipulates that the location of such parties should preferably be completely surrounded by non-noise sensitive uses such as commercial premises and industrial buildings. The nearest residential dwellings should be screened by the commercial/industrial buildings and separated by at least 100 m from the dance party venue. The venue should be sited within a non-residential building so that the music could further be reduced through the building fabric, ductwork that fitted with noise

attenuators/silencers. Regarding venues for open air dance party, it also stipulates that the venue must be separated by 2 500 m from any residential dwellings unless there are effective landscape or blocks of non-noise sensitive uses falling in between acting as noise screen. Suitability of the open air dance party venue is subject further to the advice of the Environmental Protection Department.

Guided Museum Tours

8. **MISS CYD HO** (in Chinese): *Madam President, will the Government inform this Council of:*

- (a) *the number, names, exhibition themes and total exhibition area of the museums managed by the Administration and open to the public; and of the relevant information on the museums managed by non-governmental organizations;*
- (b) *the respective numbers of remunerated and voluntary docents engaged by each museum, as well as the respective numbers of guided tours that remunerated and voluntary docents can conduct each year;*
- (c) *the number of guided tours organized by each museum in the past 12 months, and the respective numbers of secondary school students, primary school students and members of the public who joined those tours;*
- (d) *the percentage of secondary and primary school students who joined the guided museum tours in the past 12 months among all such students in Hong Kong, as well as the average waiting time needed before a guided museum tour can be arranged for them; and*
- (e) *the promotion programmes in place to encourage secondary and primary schools to visit the museums, as well as the Leisure and Cultural Services Department (LCSD)'s plans for increasing the manpower resources and the number of museums, so as to tie in with the "life-wide learning" principle put forward by the Education Commission in the Reform Proposals for the Education System in Hong Kong?*

SECRETARY FOR HOME AFFAIRS (in Chinese): Madam President, my replies to the Honourable Miss Cyd HO's questions are as follows:

- (a) At present, of the 17 museums open to the public, 12 are managed by the Government while the other five are run by non-government organizations. The names, exhibition themes and total exhibition areas of these museums are at Annex A.
- (b) (i) During the past 12 months, eight out of the 12 museums managed by the Government have provided guided tours to the public. the number of remunerated and voluntary docents engaged by each museum and the number of guided tours that they can conduct each year are as follows:

	<i>No.</i>	<i>Remunerated Docents</i>		<i>Voluntary Docents</i>	
		<i>No.</i>	<i>be conducted</i>	<i>No.</i>	<i>be conducted</i>
1. Hong Kong Museum of Art	1	520	116	1 300	
2. Museum of Tea Ware	0	0	116#	1 300#	
3. Hong Kong Science Museum	0	0	170	7 200	
4. Sheung Yiu Folk Museum	2*	400	0	0	
5. Hong Kong Railway Museum	2*	400	0	0	
6. Sam Tung Uk Museum	2*	400	0	0	
7. Museum of Coastal Defence	0	0	54	1 200	
8. Police Museum	2@	200	0	0	

The same team of docents serves the Museum of Art and Museum of Tea Ware

* Service provided by Museum staff. No full-time docent.

@ Summer Helpers

- (ii) As for the five museums run by non-government organizations, except for the Tung Wah Museum, the other four have indicated that they also provide guided tours to the public. The respective number of remunerated and voluntary docents engaged by each museum as well as the number of guided tours which can be conducted each year are as follows:

	<i>Remunerated Docents</i>		<i>Voluntary Docents</i>	
	<i>No.</i>	<i>Tours that can</i>	<i>No.</i>	<i>Tours that can</i>
		<i>be conducted</i>		<i>be conducted</i>
1. University Museum and Art Gallery, University of Hong Kong	2*	#	0	0
2. Art Museum, Chinese University of Hong Kong	0	0	10	100
3. Museum of Medical Sciences	3*	#	13	#
4. Hong Kong Racing Museum	2*+	#	0	0

* No full-time docent. Museum staff are providing such service.

Figures not supplied by the Museum

+ by appointment

- (c) In the past 12 months, these museums have organized a total of 5 599 guided tours with a total of 168 007 participants. Amongst them, 86 391 participants were students from primary and secondary schools, while 81 616 participants (including 42 000 kindergarten students) were members of the public.
- (d) In 1999, there were 945 000 primary and secondary school children. Some 9.14% of them have joined guided museum tours in the past 12 months. Generally speaking, to request a guided tour, schools are required to book two weeks to one month in advance. With this advance booking system, there is no need to wait in line. Apart from docent guided tours, major museums also provide an audio guide service to enable the students to enjoy the exhibits at their own pace.
- (e) The LCSD is planning to launch a pilot scheme in 2001-02 to encourage schools to designate one day in their school calendar for their students to visit and participate in events taking place at museums, performing arts venues and libraries. Moreover, all LCSD museums will join hands in organizing a promotion programme from 18 to 20 May 2001 to celebrate the International Museums' Day (18 May) in order to promote more visits to the museums and encourage the wider use of museum services. We

will continue to enhance our museums' role in promoting "life-wide learning", including the establishment of resource centres in all major LCSD museums, a Children's Discovery Gallery in the new Hong Kong Heritage Museum, and so on. This will provide our school children and the public with more opportunities to understand and appreciate our art, history and cultural tradition. After the concerned educational institutions have worked out their plans, we will consider the need to request additional resources to tie in with their plans.

Annex A

Museums Open to the Public

I. *Public Museums*

	<i>Name</i>	<i>Location</i>	<i>Exhibition space (sq m)</i>	<i>Nature</i>
1.	Hong Kong Museum of Art	10 Salisbury Road, Tsim Sha Tsui, Kowloon	5 640	Museum of Chinese fine art and antiquities, historical paintings and contemporary Hong Kong art. Special exhibition cover Chinese and Western subjects.
2.	Hong Kong Museum of History	100 Chatham Road South, Tsim Sha Tsui East, Kowloon	8 000	A museum devoted to the prehistory and history of Hong Kong and south China.
3.	Hong Kong Science Museum	2 Science Museum Road, Tsim Sha Tsui East, Kowloon	6 500	A specialized museum on science and technology.
4.	Hong Kong Space Museum	10 Salisbury Road, Tsim Sha Tsui, Kowloon	1 600	A specialized museum on astronomy and space science, with a planetarium.

<i>Name</i>	<i>Location</i>	<i>Exhibition space (sq m)</i>	<i>Nature</i>
5. Flagstaff House Museum of Tea Ware	Hong Kong Park, Cotton Tree Drive, Central, Hong Kong	560	A specialized museum on Chinese teaware, housing the K S LO collection, with a new annex for tea activities.
6. Lei Cheng Uk Han Tomb Museum	41 Tonkin Street, Sham Shui Po, Kowloon	150	Eastern Han Dynasty Brickwork tomb preserved in situ, with exhibition gallery.
7. Law Uk Folk Museum	14 Kut Shing Street, Chai Wan, Hong Kong	240	A 200-year Old Hakka house of the Law family preserved in situ.
8. Sheung Yiu Folk Museum	Pak Tam Chung, Sai Kung, New Territories	500	A 200-year old Hakka village preserved in situ.
9. Hong Kong Railway Museum	13 Shung Tak Street, Tai Po, New Territories	6 500	Old Tai Po Market Railway Station converted to display the history of Kowloon-Canton Railway.
10. Sam Tung Uk Museum	Kwu Uk Lane, Tsuen Wan, New Territories	2 000	Restored 200-year old Hakka walled village with new exhibition gallery.
11. Hong Kong Museum of Coastal Defence	175 Tung Hei Road, Shau Kei Wan, Hong Kong	1 300	A late 19th century redoubt within the former Lyemun Barracks converted into a museum to introduce the history of coastal defence.
12. Police Museum*	27 Coombe Road, The Peak, Hong Kong	500	A 1930's police station on the Peak converted into a museum to display the history and development of the local Police Force.

* Except the Police Museum which is managed by the Hong Kong Police Force, all other public museums are managed by the LCSD

II. Museums operated by non-government organizations

<i>Name</i>	<i>Location</i>	<i>Exhibition space (sq m)</i>	<i>Nature</i>
1. University Museum and Art Gallery, University of Hong Kong	94 Bonham Road, Mid-levels, Hong Kong	1 200	A university teaching museum devoted to Chinese fine art and antiquities.
2. Art Museum, Chinese University of Hong Kong	Sha Tin, New Territories	1 000	A university teaching museum devoted to Chinese antiquities and fine arts.
3. Hong Kong Museum of Medical Sciences	2 Caine Lane, Mid-levels, Hong Kong	400	A private museum devoted to the history and development of medical sciences in Hong Kong and related topics run by a non-profit making organization.
4. Hong Kong Racing Museum	Hong Kong Jockey Club Sports Road, Happy Valley, Hong Kong	400	A museum devoted to the history of horse racing in Hong Kong operated by the Hong Kong Jockey Club.
5. Tung Wah Museum	Kwong Wah Hospital, Waterloo Road, Kowloon	500	A museum on the history of the Tung Wah Group of Hospitals operated by TWGH inside Kwong Wah Hospital.

High Percentage of Population with Short-sightedness

9. **MISS EMILY LAU** (in Chinese): *Madam President, it has been reported that according to the findings of a survey, about 70% of the local residents aged 19 to 39 are short-sighted. In this connection, will the executive authorities inform this Council whether:*

- (a) *they know the present number of local residents who are short-sighted and their percentage in the total population of Hong Kong, and how this percentage compares to those in other countries and places;*
- (b) *they have conducted any study to ascertain the factors contributing to such a high percentage of short-sighted persons in the local population; if so, of the details of such a study; and*
- (c) *they plan to allocate more resources to educate the public (especially young persons) on how to avoid becoming short-sighted?*

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

- (a) We do not compile a complete record of the number of local residents who suffer from myopia. Based on indicative statistics gathered from a number of studies, the prevalence of myopia in the local community is assessed to be as follows:

<i>Age Group</i>	<i>Prevalence rate*</i>
Age 7-11	36%
Age 12-19	59%
Age 19-39	71%
Age 40-75	30%

(* percentage of population in the age group)

According to data available to us, the prevalence of myopia in Hong Kong is probably comparable with Taiwan (12% in age 6, 56% in age 12, 76% in age 15 and 84% in age 16 to 18), Singapore (25% in age 7, 33% in age 9, 50% in age 12 and more than 80% in age 18) and Malaysia (37% for primary school children); but is higher than that in some Western countries such as Australia (23% in adults).

- (b) Studies worldwide have not been able to come to a definitive view on the causes of myopia. Some medical researches suggest that

both genetic and environmental factors are associated with the onset and progression of myopia. Some studies have demonstrated that children of myopic parents are more prone to develop myopia and that Asians, for example, Chinese and Japanese, have a much higher percentage of people with myopia compared with other ethnic groups. Environmental factors, for example, closeup work arising from reading, television viewing and computer work, are also believed to be strong risk factors.

The positive associations between closeup work and the prevalence of myopia are borne out by studies conducted on the local population.

- (c) The exact mode of interaction between environmental and genetic factors is not known. While there is no convincing or widely accepted method of preventing the onset or retarding the progression of myopia, health education and knowledge on eye care should be generally beneficial to the eyes. The Department of Health (DH) has been actively promoting health education on eye care, including the prevention of myopia, to all students and their parents attending its Student Health Service Centres, through the use of health education materials and provision of specific health advice for individuals, where relevant. The Department is making arrangements to expand its 24-hour telephone information service in early 2001 to include the topic of "Eye Care".

The DH is making plans to initiate a new adolescent health programme in 2001-02. Education on eye care will be one of the priority areas to be included in the programme.

Competitiveness of Hong Kong International Airport

10. **MR HUI CHEUNG-CHING** (in Chinese): *Madam President, it has been reported that Guangzhou New Baiyun International Airport (the new airport), which will be partially completed for use in 2003, is expected to become one of the three major aviation hubs in China. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed the impact of the commissioning of the above airport on the passenger and freight transport business of Hong Kong International Airport (HKIA); if it has, of the details; and*
- (b) *of the measures to enhance the competitiveness of HKIA in Southeast Asia; and whether it knows if the Airport Authority (AA) has other measures to achieve this objective?*

SECRETARY FOR ECONOMIC SERVICES (in Chinese): Madam President, my reply to the Honourable HUI Cheung-ching's question is as follows:

- (a) The Government and the AA have been monitoring the development of neighbouring airports, including Baiyun Airport in Guangzhou. Based on information gathered by the Civil Aviation Department, the following table compares the existing air services and passenger/cargo handling capacities of the HKIA and Baiyun Airport:

	<i>HKIA</i>	<i>Guangzhou Baiyun Airport</i>
Passenger throughput in 1999	29.06 million	11.9 million
Cargo throughput in 1999	1.97 million tonnes	0.37 million tonnes
Passenger handling capacity per year	45 million	37 million
Cargo handling capacity per year	3 million tonnes	No published information
Scheduled flights per week	About 3 600	About 1 860
Points with air links	About 130	About 69
Number of airlines	64	22

We understand that, upon the opening of the New Baiyun Airport, it is expected to have the capacity to handle 27 million passengers per year. There is no published information on its cargo handling capacity.

The competitiveness of a city in the field of aviation depends on a number of important factors apart from its airport capacity. In this regard, Hong Kong has an extensive air services network, frequent flights and comprehensive supporting facilities (for example, efficient customs services and modern e-commerce facilities). Hong Kong is also a centre of finance, commerce and tourism. As for source of customers, the HKIA and the Baiyun Airport have different market networks. We, therefore, believe that Hong Kong will continue to maintain its status as an international and regional aviation centre.

With the imminent accession of China to the World Trade Organization and the opening of the Hong Kong Disney Theme Park in 2005, the demand for air services in the region is expected to increase substantially. Thus there is ample scope for the HKIA and neighbouring airports to develop along side each other. The most important thing is for us to continue to enhance our competitiveness in order to attract more passengers and cargo to use the HKIA as a hub, and to make full use of the passenger/cargo handling capacity of the HKIA upon its full development (expected to be 87 million passengers and nine million tonnes of air cargo per year).

(b) To further enhance the competitiveness of the HKIA, the Government and the AA have been working on a number of initiatives. The AA's initiatives include:

(i) *Increasing airport capacity and facilitating airport development*

The AA will continue to ensure that the airport's passenger/cargo handling capacity and facilities are sufficient to meet demand. For example, eight aircraft stands will be added to the cargo area in 2001, bringing the total number of stands at the HKIA to 96.

The AA is also conducting a "Strategic Overview of Major Airport Developments". The focus is to set out the strategy for the next phase of airport development, including considering the timeframes for the development of a second passenger terminal and additional cargo handling facilities. The overview will be completed in the second half of 2001.

(ii) *Land use planning of North Commercial District*

By the end of 2000, the AA will develop a master layout concept plan to maximize the development potential and commercial opportunities of the north commercial district on the airport island.

(iii) *Developing air/sea freight transshipment and logistics centre*

The AA has recently awarded a licence for the development of a marine cargo terminal at the northeast corner of the airport island. Upon its opening in early 2001, this terminal will facilitate air/sea freight transshipment between the HKIA and cities in the Pearl River Delta.

The AA has also invited tenders for the development of logistics centres on the airport island. Upon completion of the development, more cargo will be attracted to go through the HKIA. The sub-lease for this item will be awarded in early 2001.

(iv) *Developing the airport as a passenger hub*

To enhance Hong Kong's role as a passenger hub, the AA is considering various improvement measures. These measures include facilitating the provision of "check through" services by airlines between Hong Kong and the Mainland (that is, transfer passengers from the Mainland via Hong Kong to a third place will be able to complete their check-in procedures for the whole journey at the mainland airport), shortening the time for the processing of transfer baggage, streamlining the customs clearance procedures and improving facilities provided for transfer passengers.

- (v) *Strengthening passenger transport links with the Pearl River Delta*

Measures undertaken by the AA to strengthen transport links between the HKIA and the Pearl River Delta include improving coach services and studying the feasibility of providing passenger ferry services between the two places.

- (vi) *Further improving services at the passenger terminal*

To enhance services for passengers, the AA has provided trolleys, cyberzone and wireless Internet services, and so on within the restricted areas of the passenger terminal. It also provides a mix of retail services according to the market demand.

- (vii) *Reducing aircraft landing and parking charges*

The AA has recently announced that it would maintain the 15% reduction in landing and parking charges (which came into effect on 1 January 2000) for the next financial year starting from 1 April 2001. It also plans to introduce a "new destination" incentive scheme, under which airlines will enjoy a rebate on landing charges for services operated to a new destination (50% in the first year and 25% in the second year). Furthermore, the AA has reduced helicopter landing and parking charges by up to 80% starting from 1 September 2000.

As regards infrastructure, over the next decade the Government will invest over \$1 billion to introduce satellite-based communications, navigation and surveillance/air traffic management (CNS/ATM) systems. These systems will improve flight safety and efficiency in a comprehensive manner.

Furthermore, the Government will maintain a high-standard civil aviation management system. On air services, we will continue to implement our progressive liberalization policy. We will negotiate air services agreements with more new aviation partners and review

traffic arrangements with existing partners from time to time to expand continuously our aviation network and promote competition. To facilitate cargo transshipment, the Government has implemented the Air Cargo Transshipment (Facilitation) Ordinance earlier this year. Our initiatives to develop tourism will also bring more air passengers to Hong Kong.

We believe that the above measures will help to continue to develop Hong Kong as a centre of international and regional aviation.

Statistics on Elderly Receiving CSSA

11. **MR LAW CHI-KWONG** (in Chinese): *Madam President, will the Government inform this Council of the respective numbers of cases at present in the categories of "singleton elders", "families comprising only two elders aged 60 or above", and "elders living with non-elderly family members" under the Comprehensive Social Security Assistance Scheme; and in respect of each of the above categories, the number of elders in each of the age groups of 60 to 64, 65 to 69, 70 to 74 and 75 or above?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, the requested information on the Comprehensive Social Security Assistance cases involving elder recipients is set out below:

	<i>Cases comprising one elder recipient only</i>	<i>Cases comprising two elder recipients only</i>	<i>Cases with at least one elder recipient and at least one non- elder recipient</i>
No. of cases authorized with payment as at end of October 2000	103 500	15 100	16 900
No. of elder recipients in the above cases	103 500	30 200	19 000

<i>Age group</i>	<i>Cases comprising one elder recipient only</i>	<i>Cases comprising two elder recipients only</i>	<i>Cases with at least one elder recipient and at least one non-elder recipient</i>
60-64	9 300	4 400	5 900
65-69	16 000	7 700	5 200
70-74	20 100	7 900	3 500
75 or over	58 100	10 200	4 400

Note: The numbers are rounded to the nearest hundreds.

Employment of Disabled Persons

12. **MR WONG SING-CHI** (in Chinese): *Madam President, with regard to the employment of persons with physical disabilities and suffering from chronic illness (disabled persons), will the Government inform this Council of:*

- (a) *the respective numbers of disabled persons in the various disability categories;*
- (b) *the size of the labour force of the disabled persons, their respective labour force participation, underemployment and unemployment rates; and*
- (c) *the current number of disabled persons employed by the Government and their percentage in the total number of government employees; and whether it knows the relevant figures for various public organizations and private enterprises?*

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

- (a) Basing on the number of cases registered with the Central Registry for Rehabilitation of the Health and Welfare Bureau and the

disability prevalence rate adopted by other countries and places, it is estimated that there are about 423 000 disabled persons in Hong Kong. The main categories of disabilities are mental handicap (137 000), mental illness (92 000), visual impairment (75 000), physical handicap (72 000) and hearing impairment (40 000).

Since the above figures are not derived from local detailed surveys, they may not reflect the actual situation of our disabled population. To acquire more accurate statistical data on disabled persons so as to facilitate the planning of appropriate services, the Census and Statistics Department is conducting a special topic inquiry via its "General Household Survey" as well as a special survey on people with disabilities living at various institutions. The aim is to ascertain the number of disabled persons in Hong Kong by selected categories and to gather information on the social and economic characteristics of disabled persons. It is expected that the findings will be available in mid-2001.

- (b) We do not have such information in hand. However, following the completion of the statistical surveys in part (a) above, we will have more information about the employment situation of disabled persons in Hong Kong.
- (c) At present, a total of 3 847 disabled persons are employed in the Civil Service, representing some 2% of the total number of government employees. It has all along been the Government's policy to give preference to disabled persons over other candidates if they are found to be suitable for the job. In addition, disabled persons who are found suitable for a particular post may be recommended for appointment even though, owing to their disabilities, they may not be able to perform the duties of every post in the same rank.

We do not have figures on the number of disabled persons employed by various public organizations and private enterprises. The findings of our inquiry show that public organizations do not require disabled persons to indicate whether they have a disability when applying for employment. Apart from a few organizations, most of them do not compile statistical returns or maintain records

specifically on the number of employees with a disability. However, they reiterate that their policy is to ensure that disabled persons are given equal employment opportunities.

Commissioner of Police Accepting Shorter Notice for Public Meetings and Processions

13. **MR JAMES TO:** *Madam President, in accordance with the Public Order Ordinance (Cap. 245), organizers of public meetings and public processions are required to notify the Commissioner of Police (the Commissioner) at least seven days in advance. However, the Commissioner may accept shorter notice if he is satisfied that earlier notice could not have been given. In this connection, will the Government inform this Council of:*

- (a) *the annual number of cases since 1995 in which the Commissioner has been given shorter notice and, among them, the respective numbers of cases in which the Commissioner has accepted and not accepted shorter notice;*
- (b) *a breakdown of the figure in (a) above by the number of days the notice fell short of; and*
- (c) *the respective reasons for the Commissioner accepting and not accepting shorter notice?*

SECRETARY FOR SECURITY: Madam President,

- (a) The police do not keep the required statistics. Based on available police records, the total number of public meetings and processions held in each of the past five years¹ and the annual number of cases in which the Commissioner has been given notice less than seven days before the commencement of the event in the same period are as follows:

¹ the notification system for public processions came into operation on 22 December 1995

	1996	1997	1998	1999	2000 (up to October)
Total no. of public meetings and processions held	1 008	1 190	2 247	2 326	1 691
No. of cases* of which notice was given to the police less than seven days in advance	136	274	417	521	329

* The figures include all cases irrespective of whether or not prior notification is required to be given to the police under the law. The police do not have statistics on public meetings and processions which are required to be notified under the law but in respect of which shorter than seven days notice was given.

The police did not refuse to accept any of the above notices. In fact, the police have all along adopted a flexible and pragmatic approach in enforcing the law in relation to public meetings and processions.

- (b) The breakdown of the figures relating to cases of which notice was given to the police less than seven days in advance in part (a) is as follows:

	1996	1997	1998	1999	2000 (up to October)
Less than seven days (but more than 72 hours)	96	193	297	347	232
Less than 72 hours (but more than 48 hours)	19	35	45	57	37
Less than 48 hours (but more than 24 hours)	11	21	46	51	36
Less than 24 hours	10	25	29	66	24
Total:	136	274	417	521	329

- (c) In deciding whether or not to accept shorter notice, the Commissioner examined the circumstances of each case, including whether he was reasonably satisfied that earlier notice could not have been given, and whether there was sufficient time for the police to make pertinent arrangements.

Additional Medical and Nursing Staff Required for Achieving Targets in Policy Objectives

14. **MR MICHAEL MAK:** *Madam President, will the Government inform this Council of the additional medical and nursing staff, broken down by grades and ranks, for achieving the following targets as stated in the Policy Objectives published this year:*

- (a) to initiate a new adolescent health programme;*
- (b) to develop a cervical screening programme for women;*
- (c) to develop a programme for men's health;*
- (d) to increase the number of community psychiatric teams from five to eight; and*
- (e) to increase visits to and contacts with discharged patients through additional outreach community workers?*

SECRETARY FOR HEALTH AND WELFARE: Madam President,

- (a) We plan to form a dedicated team in 2001-02 to develop and initiate a new adolescent health programme which includes promotion of healthy schools and a health promoter training programme for parents, teachers and students. Initially, we will redeploy two nurses, one dietitian and one medical social worker to implement the programme.

- (b) We will work out the details of the territory-wide cervical screening programme, including the precise manpower requirements, in collaboration with service providers in both the public and private sectors in 2001-02.
- (c) The Department of Health will work in collaboration with other healthcare services providers, government departments and non-governmental organizations in developing a programme on men's health. A doctor and a scientific officer will be deployed to map out the details of the programme in 2001-02.
- (d) Subject to funds available, a total of 18 doctors, 24 nurses, 12 allied health staff, three medical social workers and three supporting workers will be deployed to strengthen the community psychiatric service, including extending the number of community psychiatric teams from five to eight in order to cover the needs of the entire territory and enhancing the capacity of existing teams.
- (e) Subject to the provision of funds, some 300 community workers will be employed in 2001-03 to assist the community-based nurses to enhance outreach services for discharged mental patients and elderly living in the community.

Theft of Credit Cards in Eating Places

15. **DR RAYMOND HO** (in Chinese): *Madam President, regarding the theft of credit cards in Chinese restaurants and other eating places, will the Government inform this Council:*

- (a) *whether it has formulated measures to combat such crimes; if so, of the details; and*
- (b) *of the average and maximum levels of penalties imposed on persons convicted of stealing credit cards in eating places over the past three years, their average age at the time they committed the crime, the respective ages of the oldest and youngest offenders, and the average age of the children coached into abetting in the crimes?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) The police take a serious view regarding pickpocketing of credit cards in food premises. In order to enhance the alertness of food premise patrons to this type of crime, the police have stepped up publicity in this regard. Posters are displayed and table-stands placed in food premises to remind patrons to take good care of their property and not to hang their coats or handbags on the back of a chair. Members of the public are also advised to report to the police and the card centre immediately if credit cards are lost. Furthermore, the police often remind the owners and staff of food premises to pay extra attention to suspicious persons. To achieve deterrent effect and for the purpose of providing useful evidence of theft cases, owners are advised to install closed-circuit television at appropriate locations.

At the district level, officers of the Crime Prevention Unit of each police district will inspect food premises regularly to provide the owners with appropriate advice on preventing theft. To gain wider publicity effect, the police have distributed to food premises stickers and menu-holders printed with crime prevention messages like "Prevent theft of your credit card. Beware of pickpockets." Loose covers for chairs are also distributed for food premise patrons to put their suits and handbags under the covers so as to reduce the chance for pickpocketing.

The Crime Prevention Bureau of the police, together with the catering industry, have recently launched a new publicity programme regarding pickpocketing of credit cards. The programme consists of two phases of anti-pickpocketing campaign organized in May and October 2000 at some restaurants. The first phase of the programme commenced on 31 May 2000 at nine restaurants on the Hong Kong Island while the second phase started on 31 October 2000 at 22 restaurants in the New Territories South, Kowloon East and Kowloon West. In order to arouse public awareness of pickpocketing resulting in loss of credit cards or illegal use of lost credit cards, the organizers held press conferences at two designated restaurants at the launch of the programmes. During the two phases of publicity programme, about 5 000 each of the

menu-holders and loose covers for chairs have been distributed to 31 restaurants in the Hong Kong Island, New Territories South, Kowloon East and Kowloon West.

All of the above measures help prevent the occurrence of pickpocketing of credit cards.

- (b) The age of the youngest, the oldest and the average age of offenders arrested for stealing credit cards in food premises over the past three years are as follows:

	1998	1999	2000 (January to October)
The youngest	24	14	13
The oldest	43	49	47
Average age	32.1	26.8	32

The Government only keep statistics on cases of theft in general. As we do not have separate statistics on the average and maximum levels of penalties imposed on persons convicted of stealing credit cards in food premises, nor the average age of the children involved in abetting in this crime, the requested information is not available.

Foreign Domestic Helpers Performing Driving Duties

16. **MISS LI FUNG-YING** (in Chinese): *Madam President, at present, employers of foreign domestic helpers (FDHs) employed under employment contracts effective from 1 January this year or after must have obtained approval from the Immigration Department (ImmD) before their FDHs can perform driving duties incidental to domestic duties. In this connection, will the Government inform this Council:*

- (a) *of the current number of FDHs approved to perform driving duties; and how this number compares to the number of FDHs who performed driving duties last year;*

- (b) *of the current number of FDHs who are awaiting approval from the ImmD for performing driving duties; and*
- (c) *how the wages of FDHs with driving duties compare to those of FDHs with ordinary duties?*

SECRETARY FOR SECURITY (in Chinese): Madam President, as from 1 January this year, FDHs employed under the new standard employment contract, which contains provisions prohibiting motor driving duties, are no longer allowed to take up any driving duties. However, individual employers who have a genuine need for driving services may apply for exceptional permission from the ImmD, which will consider the application on its merits in accordance with the established policies. Nevertheless, despite the exceptional permission, FDHs are only allowed to perform driving duties incidental to and arising from domestic duties.

- (a) At present, there are about 214 400 FDHs in Hong Kong. As at 31 October this year, the ImmD approved a total of 716 applications for the permission to perform driving duties. Since the ImmD had not kept any statistics on the number of FDHs performing driving duties before the introduction of this special arrangement, we cannot provide any previous data for reference or comparison.
- (b) As at 31 October this year, the ImmD received a total of 815 such applications. Among them, 716 were approved and 53 rejected or withdrawn. The remaining 46 applications are being considered.
- (c) The ImmD has not kept statistics on the remunerations of FDHs required to perform driving duties arising from domestic duties and those of FDHs not required to do so, but the wage offered to them, whether they perform driving duties or not, must be in compliance with the existing minimum wage requirements for FDHs.

Employer Requesting Employees Retraining Board and Training Bodies to Organize Tailor-made Courses

17. **MR ANDREW CHENG** (in Chinese): *Madam President, I have learnt that the Employees Retraining Board (ERB) and the relevant training bodies have repeatedly rejected requests made by an employer for collaboration in organizing tailor-made training courses and in recruiting employees exercises. In this connection, will the Government inform this Council whether it knows:*

- (a) *the total number of similar requests received by the ERB and the relevant training bodies in the past three years and, among such requests, the respective numbers of those accepted and rejected, as well as the reasons for rejecting them; and*
- (b) *the criteria adopted by the ERB and the relevant training bodies for accepting or rejecting the above requests?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, the ERB offers tailor-made programmes to meet the specific needs of individual employers or groups of employers, as well as trade/employer associations. In the past three years, the ERB had discussed with over 330 employers and 13 trade associations to promote its tailor-made programmes. As a result, tailor-made courses were organized for 151 employers and trade associations. These figures included 67 employers who approached the ERB at their own initiative. Among them, 28 were accepted and 39 were rejected.

Proposals for tailor-made programmes are considered by the ERB's Course Vetting Sub-committee and the Course Development Committee. Guidelines for the conduct of tailor-made programmes are also distributed widely to the ERB's training bodies and other interested parties. In approving proposals for tailor-made programmes, the ERB adopts the following criteria:

- (a) the employer, group of employers or trade associations have at least 15 or more vacancies, of which at least 80% would be filled by trainee graduates;
- (b) the employer is not able to find suitable candidates from the existing pool of retrainees to meet its specific needs;

- (c) the remuneration and related terms and conditions of employment are reasonable and on par with market norm; and
- (d) the employer is willing to participate in course design, recruitment of trainees, delivery of pre-employment and on-the-job training, and follow up progress of trainees. This is to ensure the relevance of the training programmes and the employability of the graduates.

The criteria aim to safeguard the interests of the ERB retrainees, avoid any possible abuse by unscrupulous employers, and ensure that the resources of the ERB are utilized in a cost-effective manner.

The ERB does not keep record of the reasons for rejecting individual proposals. In general, cases are rejected mainly for the following reasons:

- (a) the education requirements of retrainees set by the employers go beyond the ERB's target group;
- (b) unemployed workers in the ERB's target group cannot possibly be retrained to attain the skill level required;
- (c) retraining was considered not essential to attain the required skill level;
- (d) the number of job vacancies available is less than the minimum requirement;
- (e) graduates from regular retraining courses are already available to fill the vacancies;
- (f) the remuneration of the job and related terms and conditions fall below market norm; and
- (g) the cost involved is excessive.

Implementation of Intellectual Property (Miscellaneous Amendments) Ordinance 2000

18. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, regarding the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 (the Ordinance) passed by this Council on 27 June this year, will the Government inform this Council:*

- (a) of the proposed commencement date of the Ordinance; and*
- (b) whether it plans to publicize the stipulations of the Ordinance extensively before its implementation, so as to avoid members of the public breaching the law without knowing it; if so, of the details and the timetable of the publicity programme?*

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

- (a) The Government plans to appoint 1 April 2001 as the commencement date of the Ordinance.
- (b) The Ordinance has two main aims. First, to prevent bootlegging of copyright works, the Prevention of Copyright Piracy Ordinance has been amended to specify that any person who, without authorization or reasonable excuse, possesses video recording equipment in places of public entertainment such as cinemas will commit a criminal offence. Secondly, to combat corporate piracy, the Copyright Ordinance has been amended to stipulate that the use of an infringing copy of a copyright work (for example, pirated software) in business, regardless of whether the business involves dealing in the infringing copy itself, may constitute a criminal offence.

To ensure that the public will not be caught unawares by the new legislation, the Government will widely publicize it. Details are as follows:

Prevention of bootlegging

- (i) The Hong Kong Theatres Association has expressed its strong support of the new law, and will ask its members to adopt necessary supporting measures. We are liaising with the Association and the management of other performance venues on the display of warning notices and posters at relevant venues, publicity through Internet/telephone ticketing systems, and the provision of facilities for audiences to store their video recording equipment.
- (ii) Starting from January 2001, Announcements of Public Interest (APIs) will be broadcast through TV and radio stations. Posters will be put up and pamphlets will be distributed. We will also approach the Hong Kong Tourist Association to distribute pamphlets to visitors to Hong Kong. Frequently asked questions with answers will also be put on the relevant government websites for reference by the public.

Prevention of corporate piracy

- (i) In collaboration with copyright associations and the business sector, we have started to publicize the Ordinance. The Hong Kong Customs and Excise Department has issued letters to over 40 000 organizations to briefly explain the new law and invite them to a seminar jointly organized by the Hong Kong Customs, the Intellectual Property Department and the Business Software Alliance. Apart from the detailed explanation of the new law, the seminar will include a session on proper software asset management practice. So far over 3 000 corporate representatives have signed up for the seminar.
- (ii) Starting from January 2001, APIs will be broadcast through TV and radio stations. Posters will be put up and pamphlets will be distributed. Frequently asked questions with answers will also be put on the relevant government websites for reference by the public.

Disposal of Pots Used for Saplings

19. **MR HOWARD YOUNG:** *Madam President, will the Government inform this Council:*

- (a) *of the estimated number of saplings that have been nurtured by it since 1998;*
- (b) *of the material and unit cost of the pots of these saplings;*
- (c) *how the used pots are disposed of when the saplings are planted; and*
- (d) *whether it has considered using more environment-friendly pots; if so, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT AND FOOD: Madam President,

- (a) The Government has grown about seven million tree saplings and seedlings of other plants such as shrubs and seasonal flowers since 1998.
- (b) Three types of containers are used in growing the saplings and seedlings. They are plastic bags, plastic pots and a small number of hessian bags. Depending on the size, the unit cost of plastic bags ranges from \$0.01 to \$0.07, and that for plastic pots from \$3 to \$75. The unit cost of hessian bags is about \$6.5.
- (c) After the saplings and seedlings have been planted, the plastic bags and pots will be kept for reuse, except for those that are badly damaged. Hessian bags usually cannot be reused as they are easily damaged.
- (d) As the saplings and seedlings have to be put under the sun and watered for at least several months, it is not feasible to use recycled paper containers. The Agriculture, Fisheries and Conservation Department (AFCD) is trying out the use of biodegradable bags. The AFCD and other departments concerned will also explore the use of other more environment-friendly containers.

Child Abuse Cases

20. **MR LAU KONG-WAH** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of a breakdown by categories of suspected child abuse cases reported to the Social Welfare Department in the past year, and the number of children involved in each category of such cases;*
- (b) *how these figures compare to those in the previous two years;*
- (c) *whether it has studied the family particulars in those child abuse cases; if so, of the findings;*
- (d) *of the details and effectiveness of the psychological counselling provided for the abused children, and the difficulties encountered; and*
- (e) *whether it has reviewed the adequacy of existing legislation in deterring child abuse?*

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

- (a) In 1999, there were 575 child abuse cases newly registered by the Child Protection Registry of the Social Welfare Department. Newly registered cases received from various sources include all substantiated child abuse cases and suspected cases involving children at risk of abuse. Of the 575 cases, 286 involved physical abuse, 210 sexual abuse, 15 gross neglect, 11 psychological abuse and 53 multiple abuse.
- (b) According to the Child Protection Registry, the number of new child abuse cases registered by the Child Protection Registry was 381 in 1997 and 409 in 1998. A breakdown is given in the Annex.
- (c) The family particulars of cases captured by the Child Protection Registry, including age, sex, types of abuse, length of stay in Hong

Kong, types of families, and so on, are analysed. Of the 575 cases recorded in 1999, 222 involved boys and 353 girls. Age-wise, the highest percentage (22%) was recorded amongst children aged between 9 and 11 years, and 21% in the age bracket of 6 to 8 years. Among these children, 74% have lived in Hong Kong since birth. 68%, 6% and 26% of the children came from nuclear, extended and single parent families respectively.

- (d) Clinical Psychologists in the Social Welfare Department provide psychological services to the abused children. They first handle the psychological trauma experienced by the child, as such trauma can affect the emotional and social aspects of the child as well as its self-esteem and trust in others. After this, a detailed psychological assessment is undertaken and the child receives play therapy, individual psychological counselling or treatment group therapy. The effectiveness of psychological counselling depends on the severity of the psychological trauma, family support, and the victims' receptiveness to psychological treatment. With the joint involvement of social workers, who take care of the social needs of the child and other problems in the family, most cases respond positively to psychological counselling and the children are able to resume their normal functioning.
- (e) The Government is committed to tackling the problem of child abuse and regularly reviews the adequacy of existing legislation. Relevant legislation includes the Offences Against the Persons Ordinance (Cap. 212) and the Crimes Ordinance (Cap. 200). Under these Ordinances, the maximum penalty for murder is life imprisonment, for ill-treatment or neglect by those in charge of children is 10 years' imprisonment, for rape is life imprisonment and for indecent conduct towards children under 16 is 10 years' imprisonment.

In handling child abuse cases, the Director of Social Welfare may exercise powers under the Protection of Children and Juveniles Ordinance (Cap. 213) to provide care or protection to a child or juvenile who has been or is being assaulted, ill-treated, neglected or sexually abused.

In order to minimize the trauma of children during the investigation and prosecution processes, the Evidence Ordinance (Cap. 8) and the Crime Procedure Ordinance (Cap. 221) were amended in July 1995 and February 1996 respectively. Under the amended Evidence Ordinance, children under the age of 14 are allowed to give unsworn evidence which can be admitted at a trial without corroboration. The amended Criminal Procedure Ordinance contains provisions for child witnesses involved in sexual and physical abuse, incest or cruelty offences to give their evidence through a video link conducted by a police officer, government social worker or clinical psychologist.

To further protect children against sexual abuse, the Government introduced the Prevention of Child Pornography Bill to the Legislative Council in June 1999. However, since scrutiny of the Bill was not completed before the end of the last Legislative Session, the Government must re-introduce the Bill into the Legislative Council. The Bill seeks to deter and halt the making, sale and possession of child pornography. The Government is also reviewing the Crimes Ordinance in relation to the persistent sexual abuse of a child. The proposed amendment will facilitate the prosecution of an abuser who has engaged in the persistent sexual abuse of a child.

Annex

Child Protection Registry of the Social Welfare Department
(1997 – 30 September 2000)

Newly Registered Cases

	<i>Year</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i> (up to 30 September 2000)
<i>Types</i>					
Physical		181	193	286	199
Gross neglect		18	17	15	17
Sexual		146	162	210	104
Psychological		6	11	11	16

	<i>Year</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i> (up to 30 September 2000)
<i>Types</i>					
Multiple		30	26	53	27
Total		381	409	575	363

- Note :
- 1) The number of children is the same as the number of cases.
 - 2) The newly registered cases include all substantiated child abuse cases and suspected cases involving children at risk of abuse.

BILL

First Reading of Bill

PRESIDENT (in Cantonese): Bill: First Reading.

GAMBLING (AMENDMENT) BILL 2000

CLERK (in Cantonese): Gambling (Amendment) Bill 2000.

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 Bill

PRESIDENT (in Cantonese): Bill: Second Reading.

GAMBLING (AMENDMENT) BILL 2000

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I move the Second Reading of the Gambling (Amendment) Bill 2000.

The purpose of the Bill is to combat the activities of unauthorized offshore bookmakers in Hong Kong and their receipt of bets placed from Hong Kong in order to protect the integrity of our gambling policy.

The Government's policy is not to encourage gambling but to allow controlled legal gambling outlets to exist. The rationale behind this policy is that: Since there is always a demand for gambling opportunities, the Government cannot ban gambling activities altogether. However, the conduct of gambling activities has to be authorized by the Government and subject to regulation by law and the government authorities. This is because gambling activities, if left unregulated, will give rise to various kinds of social problems and the interests of punters will not be protected.

In respect of legislation, the existing Gambling Ordinance clearly stipulates that all unauthorized gambling activities, except those of a private nature, are illegal. At present, the authorized gambling outlets in Hong Kong mainly include the horse racing organized by the Hong Kong Jockey Club and the Mark Six Lottery organized by the Hong Kong Lotteries Board. These legal operators are required to pay betting duty and earmark part of their revenue for charity. This policy strikes a balance between restricting gambling activities and satisfying the public demand for such activities, and is generally accepted by the public.

In recent years, however, there has been a notable increase in the activities of offshore bookmakers in Hong Kong. They provide betting-related services and promote their business in Hong Kong to induce Hong Kong people to bet with them. These include some offshore bookmaking companies and Internet gambling operators. Their activities include establishing service centres, setting up telephone service hotlines, advertising their business in the local media and even providing live coverage of unauthorized horse and dog races as well as related information such as odds and so on regularly through some local broadcasting institutions. Through these services, Hong Kong people can open betting accounts, make betting deposits, obtain betting information and place bets with the offshore bookmakers fairly conveniently via toll-free IDD service or the Internet. These activities are against the spirit of the existing Gambling Ordinance and policy.

The Gambling Ordinance was first drafted in the 1970s. With technological advancement, especially the widespread use of telecommunications tools, the existing Ordinance is apparently inadequate in dealing with offshore bookmaking companies taking bets placed from Hong Kong, as well as providing betting service and promoting their business in Hong Kong. These unauthorized gambling activities will gradually undermine the integrity of our gambling policy and have already given rise to growing community concern. We are concerned that more offshore bookmakers will follow suit and adopt similar modes of operation in Hong Kong if the Government does not take firm measures and make clear its position. We therefore propose to amend the Gambling Ordinance to combat such activities.

The main proposals of the Bill are as follows:

- (1) To insert an extraterritorial element into the offences of "bookmaking" and "betting with a bookmaker" to make it explicit that offshore bookmakers taking bets placed from Hong Kong and betting with such bookmakers in Hong Kong will be illegal. This amendment will apply to all offshore bookmakers and all forms of gambling activities. It will however not cover situations where both the conduct of the gambling transaction and the parties thereto are wholly outside Hong Kong;
- (2) to criminalize the promotion or facilitation in Hong Kong of the above-mentioned bookmaking activities;
- (3) to make it illegal to knowingly permit or suffer the use of premises for the purpose of promoting or facilitating the receipt of bets; and
- (4) to prohibit the broadcast of any odds or tip in relation to any unauthorized horse or dog racing event via TV or radio within the 12-hour period preceding the conduct of that event.

In drawing up the proposal in (4) above on the broadcast of odds, we are mindful of the need to strike a balance among the different policy objectives of combating unauthorized gambling activities, preserving freedom of expression and information and maintaining a liberal broadcasting and telecommunications policy. Accordingly, we have adopted a narrow and focused approach in drafting the offence provision. Firstly, we propose to prohibit the broadcast of

odds relating to horse and dog races, rather than the races themselves. This is because live coverage of odds of unauthorized races is obviously for the purpose of facilitating unlawful gambling activities. Secondly, we have confined the application of the offence to the most direct, effective and pervasive way of broadcasting information on odds, that is, TV and radio broadcasts. We have not included the printed media in view of the fact that the printed media are less effective in instantly disseminating up-to-date information on odds. Thirdly, the provision will not apply to telecommunications facilities such as pagers and mobile phones because they are not commonly used now for disseminating information on odds. We have not included the Internet in the coverage of the provision because even if regulation was put in place, offshore bookmakers could evade the law by setting up websites outside Hong Kong over which we have no jurisdiction. Fourthly, services of non-domestic television licensees not receivable in Hong Kong will not be caught by the provision. Fifthly, free-to-air television programmes and radio broadcast transmitted from places outside Hong Kong and freely receivable in Hong Kong will also not be covered because such broadcasters are not required to be licensed or regulated by any Hong Kong authority. Lastly, we propose to exempt the broadcast of information on odds of some internationally prestigious horse races, to be specified by notice in the Gazette, from the application of the provision. These races are not regularly or frequently featured and the chance that the broadcast of the odds of such races would induce unlawful gambling activities is slim. Moreover, the Administration would not wish to see the attractiveness of Hong Kong as the regional broadcasting hub reduced as a result of a ban on the broadcast of internationally prestigious horse races by regional broadcasting institutions. We believe that this amendment, if approved, can deprive offshore bookmakers of a widely-used way to disseminate information on odds of horse and dog races and in turn reduce the attractiveness of and ease with placing bets on these races.

Let me emphasize that it is not our intention to target any single offshore gambling operation — in fact, in drafting this provision, we have considered whether the regulation of live broadcast of odds on TV and radio should be extended to all sporting events. However, we are mindful that in the absence of broadcast of odds on other sporting events at the moment, it may not be fully justified to extend the scope of the regulation to cover them. We therefore proposed to confine the scope of the provision to deal with an existing problem, that is, the live coverage of odds of unauthorized horse and dog races on TV or radio, because live broadcast of such information is obviously for the purpose of facilitating unlawful gambling activities. We believe that this provision is

proportionate and legally justified under the Bill of Rights and other relevant international conventions insofar as protecting the freedom of information and expression is concerned.

We believe that if all the above proposed legislative amendments are approved, the activities and services of offshore bookmakers in Hong Kong as well as the ease of betting with them by Hong Kong people will be significantly reduced. This will help uphold the integrity of our gambling policy, thereby protecting our betting revenue and charity donations and benefiting the Hong Kong community at large.

On the other hand, if the Bill is not supported by Members, the Government will not be able to stop offshore gambling operations from receiving bets from Hong Kong people and promoting and advertising their business in Hong Kong. We believe these offshore institutions will capitalize on the grey areas in our laws and further expand their operations in Hong Kong. This means more and more gambling activities would take place or even flourish in Hong Kong under an unregulated environment. This would result in a host of social problems and may even harm the overall interests of our community. This, I believe, is not what the general public want to see.

With these remarks, Madam President, I recommend this Bill to Members.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Gambling (Amendment) Bill 2000 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

MEMBERS' MOTIONS

PRESENT: Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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

The Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement Notice) 2000 is to appoint 1 December 2000 as the day on which the Resolution shall come into operation. The Resolution was made and passed by the Legislative Council on 31 May 2000 to increase the fixed penalty in relation to emission of excessive smoke or visible vapour by vehicles from \$450 to \$1,000.

The Fixed Penalty (Criminal Proceedings) (No. 3) Regulation proposes a corresponding amendment to the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.).

The Subcommittee formed to study the subsidiary legislation has held four meetings, including two meetings to gauge the views of the public and the transport and vehicle maintenance trades. In fact, the Subcommittee held its last meeting only yesterday and will present a written report to the House Committee on 24 November 2000. To allow time for individual Members to consider moving amendments to the subsidiary legislation, and to consider the deliberations of the Subcommittee which will be detailed in its report to the House Committee, it is necessary to extend the scrutiny period to the Council meeting of 29 November 2000.

Madam President, I urge Members to support this motion.

Mr James TIEN moved the following motion:

"That in relation to the -

- (a) Fixed Penalty (Criminal Proceedings) (Amendment) (No.3) Regulation 2000, published as Legal Notice No. 283 of 2000; and
- (b) Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000, published as Legal Notice No. 286 of 2000,

and laid on the table of the Legislative Council on 25 October 2000, 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 29 November 2000."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr James TIEN be passed.

PRESIDENT (in Cantonese): 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 motion moved by Mr James TIEN 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 of 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.

PRESIDENT (in Cantonese): Proposed resolution under Rule 78(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region.

PROPOSED RESOLUTION UNDER RULE 78(1) OF THE RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

MR MARTIN LEE (in Cantonese): Madam President, two weeks ago, the Honourable Margaret NG proposed a motion on terminating the appointment of Mr Andrew LO. Thanks to the concerted attack by royalist Members, it was negated. Today, I believe my motion will meet the same fate. The motion will be negated not because it is unreasonable, but because any mention of "TUNG Chee-hwa", "Andrew LO" or the "opinion poll affair" in this Council dominated by the royalists will certainly pinch the nerves of some people, who will suppress it without a second thought. It seems that the opinion poll affair has become the Hong Kong version of "X-Files", with an intricate plot full of suspense, a surprising ending and invisible protagonists. It warrants our investigation, in order to uncover the truth. However, under the protection of the royalists, it appears that Mr TUNG Chee-hwa and Mr Andrew LO have become the aliens in the series. Their roles are so mysterious that there is no way to investigate. The truth of the opinion poll affair will never be told and the matter will be left without a conclusion, as the Government and the royalists hope. Even so, through this motion, I have to let Hong Kong people know that this Council is dominated by a mentality of "sitting on problems" and that any motion that challenges the leaders will be attacked relentlessly.

My motion comprises four points and they constitute the terms of reference of the select committee. I will expound points (a) and (b) of the motion, that is, the discussions held between Mr TUNG Chee-hwa and Prof CHENG Yiu-chung, the former Vice-Chancellor of the University of Hong Kong (HKU), on the polls conducted by Dr Robert CHUNG on the popularity of the Chief Executive and the circumstances surrounding the meetings between Mr Andrew LO and Prof Arthur LI, the Vice-Chancellor of The Chinese University of Hong Kong (CUHK), and related issues. Later, Mr Albert HO will talk about points (c) and (d) of the motion, including the working relations between Mr TUNG and Mr LO in the latter's meetings with the former Vice-Chancellor of HKU and the Vice-Chancellor of CUHK, and whether there is any involvement of Mr LO and Mr TUNG in curtailing the term of appointment of Mr Tony FUNG to the Council of CUHK. Madam President, the select committee should investigate two matters — the opinion poll affair and the appointment of members of the Council of CUHK. The matters are linked by the two key persons — Mr TUNG Chee-hwa and Mr Andrew LO. The select

committee should concentrate on examining the conduct of the two persons in the two matters mentioned above.

On the outset, I wish to stress that with regard to the demand to set up a select committee of the Legislative Council, the matters to be covered in the inquiry will not overlap with those in the inquiry conducted by the Independent Investigation Panel of the HKU. Other members of the Democratic Party and I have repeatedly pointed out that we are satisfied with the inquiry and findings of the Independent Investigation Panel of the HKU. However, contrary to what the Honourable Jasper TSANG said at the House Committee meeting of the Legislative Council on 20 October, there is no contradiction in principle in demanding an inquiry even though we are satisfied. Actually, the scope of both inquiries are entirely different. Due to its limited jurisdiction, the Investigation Panel of the HKU could not investigate matters outside the HKU. As stated in point (a) of the motion, the discussions held between the Chief Executive and the Vice-Chancellor of the HKU, Prof CHENG Yiu-chung, will form part of the inquiry of the select committee. The Investigation Panel of the HKU could not inquire into this due to the Chief Executive's refusal to attend the hearings. However, when Prof CHENG Kai-ming, Pro-Vice-Chancellor of the HKU, and Prof Felice LIEH-MAK, Head of the Department of Psychiatry, gave evidence at the hearing of the Investigation Panel of the HKU on 15 August, they pointed out that during their meeting with Prof CHENG Yiu-chung on 11 May 1999, Prof CHENG revealed that the Chief Executive had expressed concern about the negative findings on the popularity of the Government and the Chief Executive in the polls conducted by Dr Robert CHUNG during a meeting with him. Nevertheless, on 15 August, the Chief Executive issued a statement saying that "The Chief Executive and the Vice-Chancellor did not discuss opinion polls conducted by the University of Hong Kong during their meetings".

In my view, the fact that the Chief Executive just issued statements without attending the hearings did not help to establish the truth. As Prof Albert CHEN, Dean of the Faculty of Law of the HKU, pointed out in a forum on the Robert CHUNG affair organized by the Hong Kong University Students' Union, by refusing to attend the hearings for cross examination on the one hand and issuing statements to the effect that he had not interfered with the opinion polls on the other, the Chief Executive was already acting in contempt of the Independent Investigation Panel and the spirit of the rule of law. Since the Chief Executive did not attend the hearings, I can only say that if the evidence given by the two witnesses, namely Prof CHENG Kai-ming and Prof Felice LIEH-MAK,

contradicts with the statement issued by the Chief Executive, we cannot tell who was telling the truth and who was lying until the select committee of the Legislative Council has invited the relevant persons, including the Chief Executive, again to attend the hearings for questioning and gathered the relevant evidence. This is the only way to uncover the truth.

However, what surprised me was that some Members, including Mr Jasper TSANG, Mr Ambrose LAU and Mrs Miriam LAU, pointed out at the House Committee meeting that there was no need to conduct another investigation, since the Chief Executive had already issued a statement to clarify it. The idea that the truth can be established by the issue of a statement is preposterous to me. If this argument is tenable, then murder suspects from now on can simply issue a statement saying that "I did not kill anyone" to the public. Even if other witnesses give contradictory statements, it would be useless. Since the suspect has already issued a statement, we should believe him. There is no need for the police to investigate, nor the Court to hear the case. Some people will of course say that I am being disrespectful, putting the Chief Executive and crime suspects in the same category. However, is it proper for us to disregard right and wrong and bow to authority, treating the Chief Executive's words as an imperial edict without questioning them? To give a further example, the Watergate affair in 1972 triggered off a series of crises in United States politics, while the sex scandal of President CLINTON in 1998 provoked condemnation from different quarters in the United States. The two presidents met different fates though. While President NIXON had to step down in disgrace and became the first United States President to resign, President CLINTON was able to escape this fate. However, what the two affairs have in common is that both presidents denied the whole thing at the beginning. While President NIXON publicly declared that "I am not a crook", President CLINTON swore that he did not have any sexual relationship with Miss Monica LEWINSKY. However, the evidence was turned up bit by bit thanks to the investigation of the press and Congress and the vigorous pursuit of the prosecutor. That is why I consider that Mr TUNG Chee-hwa's denial is still untested. We can judge whether Mr TUNG Chee-hwa's statement is the truth and nothing but the truth only after the select committee of the Legislative Council has gathered the evidence of witnesses and material evidence and got at the truth of the matter.

Madam President, in point (b) of my motion, I propose that the select committee should investigate the circumstances surrounding the meetings

between Mr Andrew LO and Prof Arthur LI, the Vice-Chancellor of the CUHK, and related issues. While the public focus has been on the HKU in the opinion poll affair, we must not forget that similar things have happened in the CUHK. On 7 July this year, Dr Robert CHUNG published an article, pointing out that the Chief Executive had more than once conveyed a message to him through certain channels that it was inappropriate for academics to conduct opinion polls on the performance of the Chief Executive and the Government of the Special Administrative Region (SAR). The messenger also suggested that Dr CHUNG should stop the relevant work. When the Robert CHUNG affair caused a storm in the community, Dr Timothy WONG from the Hong Kong Institute of Asia-Pacific Studies of the CUHK also said that Mr Andrew LO had talked to him and Prof LAU Siu-kai about the polling work of the CUHK, as a result of a meeting between Prof Arthur LI, Vice-Chancellor of the CUHK, and Mr LO. According to what Prof LI said at a press conference on 24 July, it was he who suggested that Mr LO should inquire with Prof LAU Siu-kai and Dr Timothy WONG about the polling work. In my view, while the Investigation Panel of the HKU has drawn a conclusion on what happened at the HKU, there is as yet no investigation as far as the CUHK is concerned. The opinion poll affair does not concern only one university. For the sake of the comprehensiveness of the investigation and in order to give the protagonists in the opinion poll affair of the CUHK a chance to attend and give a public explanation, this part of the affair should also be investigated by the select committee.

Certainly, some Members will object to extending the scope of the investigation to include the CUHK. Prof NG Ching-fai already said at the House Committee meeting that the Legislative Council should respect the autonomy of the universities. In his view, unless with express request and consent by the universities, we should not interfere with university affairs. Actually, shortly after the opinion poll affair came into light, the Democratic Party already proposed that a select committee be set up after the inauguration of the new term Legislative Council. The Hong Kong Federation of Students and the Hong Kong University Students' Union also expressed the same view. Thus, all the tertiary institutions have known very early that the public has such calls and that sooner or later, Members of the Legislative Council will make this proposal. But so far, no university council has objected to the setting up of a select committee. If the argument holds that an investigation by the Legislative Council amounts to interference with academic freedom, the investigation of the Alex TSUI affair by the former Legislative Council would have amounted to interference with the administration and operation of the Independent

Commission Against Corruption, while the investigation of the Kwun Lung Lau Landslide would have meant interference with the work of the Housing Society. Was the former Legislative Council wrong? In my view, since an affair in the colleges has aroused as much public concern as the Alex TSUI incident and the Kwun Lung Lau incident, it is in keeping with public expectations that the Legislative Council as an institution of credibility should investigate it. The purpose of setting up a select committee is to find out whether the Government has unreasonably interfered or tried to interfere with academic freedom. There is no subordination between the Legislative Council and universities. The duty of the select committee is only to investigate. It will not "dry up" the funds of the academic research of the universities, nor can it affect their administration. Thus, the allegation of interference with academic freedom is totally unfounded and it is too big a label to pin.

Madam President, if the Legislative Council does not support the setting up of a select committee today, it will set a very bad precedent. People will think that the Legislative Council is a legislature that bows to authority. How much credibility will it have left? What will the students of the two universities, the future pillars of society, think of us Members whose feet have given way before an investigation has even begun? I am afraid that in their eyes, we are not Honourable Members who dare to seek the truth, but only scores of yes-men who are scared of the big shots.

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

Mr Martin LEE moved the following motion:

"That a select committee be appointed to inquire into the following:

- (a) the meetings and discussions held between the Chief Executive, Mr TUNG Chee Hwa, and Professor CHENG Yiu Chung, the former Vice-Chancellor of the University of Hong Kong, during which the polls conducted by Dr Robert CHUNG on the popularity of the Chief Executive were mentioned, and related issues;
- (b) the circumstances surrounding the meetings between Mr Andrew LO and Professor Arthur LI, the Vice-Chancellor of The Chinese University of Hong Kong, and related issues;

- (c) the working relations and co-ordination between the Chief Executive, Mr TUNG Chee Hwa, and Mr Andrew LO in the latter's meetings with the former Vice-Chancellor of University of Hong Kong and the Vice-Chancellor of The Chinese University of Hong Kong, and related issues;
- (d) the involvement of Mr Andrew LO and/or the Chief Executive and/or the Chief Executive's Office in cutting short the term of appointment of Mr Tony FUNG to the Council of The Chinese University of Hong Kong, 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 motion moved by Mr Martin LEE be passed.

MR NG LEUNG-SING (in Cantonese): Madam President, the topic under discussion in this Council today has been discussed over and over again. But irrespective of the number of times it is repeated, a storm that brewed in a university cannot be turned into a major political conspiracy. I personally think that regardless of whether we agree with the investigation of the Independent Investigation Panel of the HKU, the Panel has already clearly accounted to the public the circumstances surrounding the whole affair. The whole investigation process shows that: first, it is an incident that happened within the university campus. Doubts had arisen due to misunderstanding and inadequate communication. It was blown up by the media, to an extent that even the protagonist, Dr Robert CHUNG, could not have foreseen. Second, in this affair, Mr Andrew LO, Senior Special Assistant to the Chief Executive, was merely performing his daily duty of liaising with members of various sectors of the community. There is no impropriety in what he said during his meeting with the Vice-Chancellor of the HKU and during similar conversations at the CUHK. There is also no evidence indicating that he had in effect interfered or

attempted to interfere with academic freedom. Third, there is no substantial evidence showing that the Chief Executive was personally involved in the affair. One can say that there is no need for the Chief Executive to respond to the inquiry report. In English, experts would say that "he has no case to answer".

Madam President, regarding the four points of this resolution, first, it is clearly explained in paragraph 66 of the Independent Investigation Panel's report that there is no proof of a conversation between the Chief Executive and the Vice-Chancellor of the HKU about Dr Robert CHUNG's polls. Just now, Mr LEE also mentioned that the Chief Executive's Office had issued a clear public statement. This is of course a conscientious approach. It was an official statement to the public, saying that the Chief Executive and the Vice-Chancellor of the HKU had not talked about the polling work conducted by the HKU at their meeting. The evidence given by the Vice-Chancellor of the HKU at the hearing further confirmed this. Second, regarding the term of appointment of members of the Council of The Chinese University of Hong Kong, the Chief Executive exercises his power of appointment strictly according to the law. As in the case of the meeting between Mr Andrew LO and the Vice-Chancellor of the CUHK, no one and no organization involved in the matter has made any complaints. As the saying goes, "why should the eunuch be more anxious than the emperor?". If the Legislative Council interferes so arbitrarily, would it not appear to be making an unnecessary fuss of it? No wonder some people outside have criticized the motion as stirring up trouble. Lastly, since there is no evidence to show that Mr Andrew LO actually interfered or intended to interfere with academic freedom during his meetings with the Vice-Chancellors of the HKU and CUHK, there is also no actual need to investigate his working relations with the Chief Executive in the affair.

Madam President, any investigation carried out by a select committee of the Legislative Council is a solemn and serious task. It also involves huge public expenditure, a lot of the Council's time and various resources. Members of the Legislative Council should conscientiously and prudently use these resources or exercise this power to deal with questions of major public interest, and maintain the authority of the relevant task in keeping with the public's expectation. They should not act rashly on hearsay evidence or speculation, or turn this power of the Legislative Council into a tool of political attack. Otherwise, the Legislative Council's credibility will be undermined.

Lastly, I hope that the so-called opinion poll affair can really come to an end with the voting on this resolution, so that peace can be restored at the HKU and in the community and we can leave the annoying political noises far behind us.

Madam President, I so submit.

MR ALBERT HO (in Cantonese): Madam President, I would like to speak on parts (c) and (d) of the motion as to why the Democratic Party proposes that a select committee be set up.

Just as pointed out by Mr Martin LEE just now, the opinion poll affair was not confined to the HKU. The CUHK was also involved. So, did Mr TUNG Chee-hwa and Mr Andrew LO have any communication in respect of the polling work? What was their relationship? Did Mr TUNG Chee-hwa issue any instructions to Mr Andrew LO? There is a need to set up a select committee to investigate into the working relationship between them.

Although the Chief Executive's Office and the Chief Executive himself respectively made statements and told the public verbally that he had not authorized any person directly to request that Dr Robert CHUNG stop his research and polling work. In his statement issued on 23 July and at the hearings of the Independent Investigation Panel at the HKU, Mr Andrew LO said he did not brief the Chief Executive on his meeting with the Vice-Chancellor of the HKU after his meetings with the Vice-Chancellors of the CUHK and HKU. Nevertheless, Mr LO was named a "poor and untruthful witness" by the Panel. There is no need for me to repeat that. I believe all Members will know very well that Mr LO's testimony at the inquiry was doubtful insofar as its truthfulness is concerned. I personally think Mr TUNG's statement and verbal explanation cannot constitute grounds to stop further investigation. That Mr TUNG had been unwilling to appear before the Panel only serves to convince us that he must be given an opportunity to testify before the select committee to be set up by the Legislative Council. Under the existing mechanism, other than the Courts, only the Legislative Council or a commission empowered by the Chief Executive under the Commissions of Inquiry Ordinance (Cap. 86) have the power to summon witnesses. In the present circumstances, the Chief Executive will certainly not authorize a commission to save himself the trouble of having to testify or of being questioned. Thus, the only channel left now for an investigation is to turn to the Legislative Council, which is the only body left with the power to set up a select committee.

Madam President, section 9 subsection (1) of the Legislative Council (Powers and Privileges) Ordinance stipulates that the Council or a standing committee thereof may, subject to sections 13 and 14, order any person to attend before the Council or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person. Subsection (2) goes on to point out that the powers conferred by subsection (1) on a standing committee may be exercised by any other committee. Therefore, the select committee has the power to summon witnesses, unless the questions asked or paper, book, record or document requested to be produced are of a private nature, in which case the witness may refuse to answer the question or produce the same. But very obviously, the questions to be asked of Mr TUNG Che-hwa by the select committee or the documents that he may be required to produce are all related to his official duties. Thus we verily believe that once the select committee is formed, Mr TUNG Chee-hwa must give evidence before the committee in accordance with the law; otherwise he will be charged with contempt of the Legislative Council, in contravention of section 17 of the Ordinance. Certainly, the Democratic Party proposes to set up a select committee not out of an intention to force Mr TUNG to appear before the committee or to embarrass him. Indeed we have reasons to believe Mr TUNG is a key figure in the opinion poll affair. In fact, in the investigation report of the HKU, we can note indirectly from the testimonies of many witnesses that Mr TUNG might be involved. Thus, whether Mr TUNG initiated everything or not, he will be given the opportunity to give evidence before the committee, to receive questions, to produce relevant evidence and clarify his role in the whole affair. Alternatively, the select committee may carry out a fact-finding exercise in search of the truth. We just cannot accept a settlement of the whole case simply by the issue of a short statement.

Madam President, part (d) of Mr Martin LEE's motion requests that the select committee inquire into the involvement of Mr Andrew LO and/or the Chief Executive and/or the Chief Executive's Office in cutting short the term of appointment of Mr Tony FUNG to the Council of the CUHK and related issues. While parts (a), (b) and (c) of the motion deal with an inquiry into the opinion poll affair, the last part focuses on the roles played by Mr TUNG and Mr LO in the appointment of members of the CUHK Council. On 21 July, that is when the opinion poll affair was in progress, a report in the *Asian Wall Street Journal* pointed out that Mr LO had raised objection to the continued appointment of Mr Tony FUNG to the CUHK Council and Mr TUNG made a personal phone call to Prof Arthur LI, Vice-Chancellor of the CUHK, raising the same objection.

When the report went public, the SAR Government simply reiterated that members of the CUHK Council were appointed in accordance with the law, but it did not deny the allegations made in the report. I stress that it did not deny that Mr TUNG and Mr LO had a hand in the issue. Thus, Mr FUNG's tenure was shortened to one year from the normal length of three. Although Statue 11 in The Chinese University of Hong Kong Ordinance states that six members of the CUHK Council should be nominated by the Chancellor (that is, the Chief Executive), the prescription of a one-year term was very rare. There were reports speculating that that happened because Mr FUNG had assisted a certain group to list on the stock market. Irrespective of the truthfulness of the reports or whether Mr TUNG had any bias towards the group, or even went out of his way to refuse appointing anyone related to the group, we think the select committee needs to focus its investigation on the possible interference by Mr TUNG or Mr LO in the internal affairs of the university out of political reasons.

Madam President, when the House Committee of the Legislative Council discussed the setting up of the select committee in the middle of last month and when it came to the discussion on the discontinuation of the appointment of Mr Tony FUNG as member of the CUHK Council, Mr Jasper TSANG suggested it was not appropriate of the Legislative Council to set up a select committee to investigate into press reports. Even the "Gary CHENG" incident was first reported in a newspaper, and even if Mr CHENG were with this Council, we believe the Legislative Council will inevitably carry out an investigation. But with the resignation of Mr CHENG, the case is closed as far as this Council is concerned. However, I do not think press reports are just a fuse. Members certainly should not make hasty decisions on basis of press reports alone, we need to look at the facts. The fact was Mr Tony FUNG's tenure was shortened under rather unusual circumstances. Why? What was the role played by Mr LO and Mr FUNG in this matter with respect to their interaction (if any) with the CUHK management? Should we not conduct a thorough investigation to find out if the Chief Executive or the staff of the Chief Executive's Office exerted influence on the operation of the CUHK?

At the same House Committee meeting mentioned, the Honourable Ambrose LAU said to this effect, "..... substantial resources are required to service a select committee. Moreover, since Mr LO had given testimony to the Independent Investigation Panel and the Chief Executive's Office had already issued a press statement, further inquiry by the Legislative Council would not be justified as the inquiry might arrive at the same results." The remark "same

results" is intriguing. Since the commission of inquiry may arrive at the same results as those obtained by the Panel, does it mean that the commission will also prove Mr Andrew LO is a "poor and untruthful witness"? Will the commission also conclude that the former HKU Vice-Chancellor, Prof CHENG Yiu-chung, interfered in the polling work? If Mr LAU could know the results beforehand, why do we not allow a select committee to be set up to conduct an investigation into this matter? Is there a fear that if the select committee were formed, the culprit in the opinion poll affair would be caught? How can we accept Mr LAU's refusal to form the select committee just because he could foresee the outcome of an investigation, on the specious argument that substantial resources are required to service a select committee?

Madam President, I believe Members will agree that the opinion poll affair and the trouble at the CUHK Council are not just the internal affairs of the two universities. They are indeed a matter about whether the academic freedom or autonomous operation of the universities can be spared undue political interference? The issue at stake is the common concern of all Hong Kong people and the international community. Many will ask: Can Hong Kong continue to enjoy those important freedoms under the "one country, two systems" principle with "a high degree of autonomy"? Basic freedoms such as freedom of the press, freedom of speech and freedom of information are also at stake.

Moreover, the effects of the opinion poll affair are far-reaching. As I said, it does not just relate to the images of Hong Kong, the HKU or the CUHK in the international arena. It also affects the credibility of Mr TUNG Chee-hwa, as our Chief Executive, and the Chief Executive's Office. The powers of the Panel are limited, and hence many things are out of its reach. The Panel failed to get the co-operation of the Chief Executive. The Legislative Council, however, can make it done. We have a duty to investigate so that Hong Kong people and those who care about Hong Kong can know all the facts and the whole truth about the matter. To vote against the motion is to deny the rights of Hong Kong people and those in the international community to know. This is very ridiculous and unreasonable.

With these remarks, Madam President, I support Mr Martin LEE's motion.

MR AMBROSE LAU (in Cantonese): Madam President, following Dr Robert CHUNG's open allegation in the mass media that Chief Executive TUNG Chee-hwa had tried to exert pressure on his polling work, the Council of the HKU set up an Independent Investigation Panel (the Panel). The Panel has now completed its investigation, and the Vice-Chancellor and Pro-Vice-Chancellor have also resigned. This incident has inflicted immense losses and severe damage on the HKU and also sharply divided the community of Hong Kong, damaging the relationship and mutual trust among people and driving them into mutual suspicion. Let us not do anything more to aggravate the trauma caused by this incident, and let us not drag the CUHK into the matter. The Council of the HKU has discussed the report of the Panel thoroughly, but instead of accepting it, it just "noted" it. And, at one of its meetings, the Council of the HKU even vetoed any further actions on the "Robert CHUNG Affair" with a vast majority of votes. The Legislative Council should respect the autonomy of the HKU, and there is absolutely no need to set up a select committee to look further into the matter, for this may interfere with the internal operation and autonomy of the HKU.

Madam President, the motion of Mr Martin LEE is largely a repetition of an earlier motion moved by Miss Margaret NG. The only difference is that besides Mr Andrew LO, Chief Executive TUNG Chee-hwa has also become a target, and the CUHK is also dragged into the matter. According to Mr Martin LEE, many Honourable Members, of whom I am one, argue that since the Chief Executive has clarified that he has not tried to interfere with academic freedom, there is no need for any investigation. He has actually taken my remarks completely out of context. What I actually said is that since neither the findings of the Panel nor the information available to it can prove that the Chief Executive has tried to interfere with academic freedom, and since the Chief Executive has already made a clarification, this Council simply should not set up any select committee in response to just a pure speculation of Mr Martin LEE. Incidentally, since I am talking about taking people's comments out of context, I must also add that the Honourable Albert HO has also done a very good job, a very smart job in this just now. Why? Well, after hearing me talk about "the same results", he quickly advanced many arguments and theories. I am not going to spend any more time on his arguments here. But I may as well respond briefly to them. "The same results" I referred to certainly does not mean anything related to the interference with academic freedom. The attempts of Mr Martin LEE to amplify the scope and implications of the incident is typical of a hyperbole. We must remember that motions moved by Honourable Members

are after all no science fiction, which means that they should not try to attach any wild imagination to a matter, or amplify it or drag any unrelated matter into the scene. Instead, they should adopt a pragmatic, serious and responsible attitude. Lest Mr Martin LEE may misunderstand me again and even put labels on me, and lest he may say that since I have advanced so many arguments against the setting up of a select committee, I am actually trying to cause the matter to fizzle out, I shall challenge his argument in five ways.

First, item (a) of the proposed resolution demands an inquiry into "the meetings and discussions held between the Chief Executive, Mr TUNG Chee-hwa, and Professor CHENG Yiu-chung, the former Vice-Chancellor of the University of Hong Kong, during which the polls conducted by Dr Robert CHUNG on the popularity of the Chief Executive were mentioned, and related issues." During the two-week open hearings conducted by the Panel in August in respect of the Robert CHUNG affair, the evidence given by some 10 witnesses indicated the allegation that the Chief Executive and Mr Andrew LO had tried to "stop the polls and interfered with academic freedom" is simply not substantiated. Even Dr Robert CHUNG admitted personally that "the pressure to stop the opinion polls" was largely an inference based on his own guesses, a product of his own thinking. On the ninth day of the hearings, there was even a dramatic turn, when Dr CHUNG said to Mr Andrew LO to this effect, "Had we been able to have a dialogue like this, the matter would have been much clearer." This means that even Dr Robert CHUNG himself suspected that his allegation against the Chief Executive was not substantiated. This is precisely the crux of the problem. Without any doubt, the allegation against the Chief Executive and Mr Andrew LO is not substantiated by sufficient evidence. Besides, the report of the Panel also does not say that there was anything wrong with the discussions between Mr LO and the Vice-Chancellor of the HKU, nor does it say that it was wrong to express concern about the opinion polls conducted by Dr CHUNG. In addition, the report of the Panel also does not say that there is enough evidence to prove that the Chief Executive and the Government have tried to interfere with academic freedom. However, Mr Martin LEE still clings to the assumption that Mr TUNG did discuss the opinion polls with Prof CHENG Yiu-chung, and insists on escalating the matter by requesting this Council to waste time and money on the setting up of a select committee. He is not only playing the same old tune again, but is also acting on his wild imaginations and hearsay evidence.

Second, item (b) of the proposed resolution demands an inquiry into "the circumstances surrounding the meetings between Mr Andrew LO and Professor Arthur LI, the Vice-Chancellor of The Chinese University of Hong Kong, and related issues." As the Senior Special Assistant to the Chief Executive, Mr LO is responsible for liaising with the different sectors of the community and gauging people's views about the SAR Government. For this reason, it was perfectly normal for Mr LO to visit the Vice-Chancellor of the CUHK to establish some kind of contact with him. It would be most unusual if the Senior Special Assistant to the Chief Executive does not try to liaise with the different sectors of the community. The investigation requested in this resolution is not supposed to be targeted at the incident in respect of Mr Tony FUNG. Instead, it demands an inquiry into the circumstances surrounding the meetings between Mr LO and Prof Arthur LI and related issues. If the motion is carried, no one in the community will dare to meet with Mr Andrew LO and he will be isolated, because if anyone does so, he may be required to give evidence in this Council. So, the resolution in fact represents an attempt to deprive Mr LO of all his basic human rights. What has happened to people's insistence on human rights and freedom? Some people have also tried to describe Mr LO's normal work as the "political interference from a eunuch" and the "manipulation of power by a courtier". This is simply the most vicious kind of defamation. A famous writer of the Tang Dynasty, LIU Yu-xi, wrote, "Wounds inflicted by blades of weapons can be healed by medicine; illnesses caused by vicious rumours cannot be cured by the wisest of all men." This means that a person wounded by knives and swords can be cured, but vicious allegations against a person will inflict everlasting injury on him. I hope that when we criticize others, we can remember this traditional Chinese virtue: "To be discreet is to be charitable."

Third, item (c) of the resolution demands an inquiry into "the working relations and co-ordination between the Chief Executive, Mr TUNG Chee-hwa, and Mr Andrew LO in the latter's meetings with the former Vice-Chancellor of the University of Hong Kong and the Vice-Chancellor of The Chinese University of Hong Kong, and related issues." This proposal is really very difficult to understand. The Legislative Council is of course responsible for monitoring the Government, but we must not forget that the legislature does not actually have the power to interfere with the working relations within the executive authorities. Honourable Members of this Council often criticize the Government for its "executive hegemony"; I certainly do not want this Council to be criticized for any "legislative hegemony". What is more, the Chief Executive has already made it very clear that he was not aware of Mr LO's meetings with the former

Vice-Chancellor of the HKU and the Vice-Chancellor of the CUHK. This is only natural. As the Senior Special Assistant to the Chief Executive, Mr LO has the duty to make spontaneous attempts to liaise with the different sectors of the community. So, if he is to seek approval from the Chief Executive for everything he does, why does the Chief Executive need to employ a Senior Special Assistant in the very first instance? Why does the Chief Executive not do everything himself? It appears anyone who wants to monitor and watch each and every word spoken between the Chief Executive and his assistant is actually trying to infringe upon their human rights.

Fourth, item (d) of the resolution demands an inquiry into "the involvement of Mr Andrew LO and/or the Chief Executive and/or the Chief Executive's Office in cutting short the term of appointment of Mr Tony FUNG to the Council of The Chinese University of Hong Kong, and related issues." We have never received any complaints from the relevant parties, including the CUHK, its Vice-Chancellor, Prof Arthur LI or even Mr Tony FUNG. Nor do we have any evidence that the meeting between Mr LO and Prof Arthur LI was in any way improper or related in any slightest bit to the appointment of Mr Tony FUNG. There are more than 500 advisory committees and public bodies in Hong Kong and over a thousand appointments at different levels have to be made to them. So, if we are to set up a select committee simply because of some reports in the foreign media, are we going to set up a countless number of select committees? Will this make the Legislative Council very busy? Will it have time for other business?

Fifth, the whole incident has occurred out of a misunderstanding about "academic freedom" and even wild guesses or imaginations. To begin with, "academic freedom" should refer to the freedom of scholars, teachers and students to engage in academic activities without any outside interference. In this sense, the Government can never interfere with opinion polls, nor can it interfere with the autonomy of a university in setting its own courses and objectives. Government funding for higher education is in the form of a lump-sum allocation to the autonomous University Grants Committee, which in turn makes allocations to the eight universities funded by it. And, within a university, deployment of resources is undertaken by its own resources allocation group. Therefore, it is simply impossible for the Government to "dry up" the funding for Dr Robert CHUNG's opinion polls. What is more, it must be realized that "academic freedom" is not actually something so very fragile that it can withstand absolutely no criticism. In the pursuit of truth and academic

knowledge, criticisms and exchanges are bound to occur. Besides, many in the community have also criticized the opinion polls conducted by Dr CHUNG, but this is never taken to mean any interference with academic freedom. If all things done under the banner of "freedom" are indiscriminately considered sacrosanct, then people may indeed commit whatever sins they like under the pretence of upholding "freedom".

Any allegations about any suspected intent or attempt of the Chief Executive or officials of the Chief Executive's Office to impede the conduct of opinion polls can hardly be substantiated. This is largely because of the fact that since 1983, the Home Affairs Bureau has been publishing the findings of opinion polls on the performance of the Government once every two months, and over the past three years since the reunification, no matter how negative the findings are, and regardless of media exaggeration, the SAR Government has been adhering to this practice. For these reasons, as far as the opinion polls affair is concerned, one really should not gauge the heart of a man of integrity with one's own mean measure.

Madam President, the Hong Kong Progressive Alliance maintains that repeated discussions about the Robert CHUNG affair, or repeated attempts to play the same old tune in the Legislative Council, will not only inflict more wounds on the HKU and drag the equally innocent CUHK into the matter, but will also injure the mutual trust and harmony among people. Now is the time to put a full stop to the Robert CHUNG affair. With these remarks, Madam President, I oppose the motion.

MR MICHAEL MAK (in Cantonese): Madam President, some may think that the row over the HKU opinion polls should now come to an end, and they may also support their argument by saying that the motion on "terminating the employment of Mr Andrew LO as the Senior Special Assistant to the Chief Executive" was negated by the Legislative Council. However, the wider community is still wondering whether or not the Chief Executive or his representative, that is, Senior Special Assistant to the Chief Executive Andrew LO, has really tried to interfere with the academic freedom of the HKU. It hopes very much to find out the whole truth. Besides, the sudden curtailment of the term of appointment of Mr Tony FUNG as a member of the Council of The Chinese University of Hong Kong (CUHK) has also led people to wonder whether academic freedom has been subject to any challenges.

First, as I pointed out when I spoke in support of the motion demanding the Chief Executive to terminate the employment of Mr Andrew LO, following the meeting between Mr Andrew LO and former HKU Vice-Chancellor Prof CHENG Yiu-chung, Dr Robert CHUNG, head of the Public Opinion Programme, was subjected to unreasonable interference from his supervisor. And, giving evidence before the Panel, both Prof CHENG Kai-ming, Pro-Vice-Chancellor of the HKU, and Prof Felice LIEH-MAK, Head of the Department of Psychiatry, mentioned that Prof CHENG Yiu-chung had disclosed that the Chief Executive was not happy about the opinion polls conducted by Dr CHUNG.

Since the Panel did not have the power to summon non-University witnesses, and also since Chief Executive TUNG Chee-hwa as the Chancellor of the HKU declined to attend the hearings, the Panel was unable to draw a definite conclusion on whether or not the Chief Executive or the Chief Executive's Office had tried to interfere with academic freedom. Mind you, what I am saying is that be there any intervention or simply no intervention at all, the Panel did not reach any definite conclusion. Instead, its report refers to Mr Andrew LO as a poor and untruthful witness.

Mr Andrew LO also visited the CUHK, trying to gain an understanding of the opinion polls conducted by the University. But probably because Vice-Chancellor Arthur LI was clever enough to tell Mr Andrew LO to directly approach Mr LAU Siu-kai and Mr Timothy WONG, the academics in charge of the polls, there followed no suspected case of exerting pressure like that in the HKU. However, why was there such a coincidence that Mr Andrew LO visited both universities, discussing the same topic of opinion polls, at a time when the popularity rating of the Chief Executive was extremely low? Was somebody trying to exert some kind of influence? What is more worth noting is that following the escalation of the HKU opinion polls affair, even the *Asian Wall Street Journal* made an allegation against the Chief Executive, saying that he had appointed Mr Tony FUNG as a member of the CUHK Council for only one year, instead of following the usual practice — that is, offering a three-year appointment. Actually, Mr Tony FUNG and his family are enthusiastic and active supporters of the CUHK. Normally, people like them are appointed for a period of three years. However, it is now alleged that there is actually an untold reason — Mr FUNG's shorter-than-usual term of appointment is meant to punish him for successfully helping Next Media, which is not liked by the Central Authorities, to list in the local stock market and thus overcome its financing difficulties.

In response to such a serious allegation, the Chief Executive's Office just focused on the term of appointment of Mr Tony FUNG, saying on a few occasions that in accordance with the regulations governing the appointment of CUHK Council members, the term of appointment for a member could be shorter than three years. However, when it comes to whether or not its decision has been influenced in any way by the listing of Next Media, its response has been altogether elusive. This leads people to suspect that the noxious influences of politics have seeped into our campuses, secretly threatening academic freedom in violation of the Basic Law.

Over the past few years, the interpretation of the Basic Law by the National People's Congress, the opinion polls affair and even the events surrounding the recent street protests staged by students in civil disobedience have all led to verbal and physical protests from different sectors, intensifying people's dissatisfaction with the Government. The opinion polls affair, for example, has led to numerous criticisms here in Hong Kong and from the international community. It is alleged that teachers and students have been forced to exercise self-censorship, as the Chief Executive has been trying to bring teachers and students under control by creating a white terror and suppressing all polling work not toeing the official line. It is also alleged that in order to defend his own reputation, the Chief Executive has been trying to draw people over, exert pressure on them or interfere with their work, and that this has made it no longer possible to gauge the popularity of the Chief Executive by means of any objective polling mechanism. But I must declare solemnly that I do not mean to say that the Chief Executive has really committed all these acts of misconduct. What is more, I even think that all these allegations against the Chief Executive are most unfair in the absence of support by concrete evidence.

I just wish to emphasize that academic freedom is very valuable, and that such freedom really consists in the willingness of the ruler to tolerate dissidents, or even to give academics the real freedom to pursue truth. The absence of such a willingness will mean disasters, to both the country and the people. Since academic research is about the pursuit of truth, we should really support the setting up of a select committee for the purpose of conducting a thorough investigation into the recent suspected attempts of interference with the academic freedom of the HKU and the CUHK, so as to find out whether the person concerned was just being over-sensitive, or whether somebody was really trying to lay his invisible hand on academic freedom. If the Chief Executive refuses to attend the hearings because of his status and dignity, I am sure that the credibility of the SAR Government will certainly come under severe challenges.

With these remarks, Madam President, I support the setting up of a select committee by the Legislative Council to conduct a thorough investigation into the affair. Thank you.

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

PROF NG CHING-FAI (in Cantonese): Madam President, when I first received from the Legislative Council Secretariat a copy of the resolution to be moved by Mr Martin LEE today, I did not intend to speak on it at all. Later, it occurred to me that I might as well repeat the speech I delivered during the debate on the motion moved by Miss Margaret NG on 8 November. I thought so, because the motion of Mr Martin LEE today is largely a repetition, or a variation, of Miss Margaret NG's motion; both of them aim to stage a sequel to that very tragic farce entitled the "University of Hong Kong Opinion Polls Affair". So, I thought to myself, "Since the motion is just a repetition of an earlier one, should I simply repeat the speech I delivered earlier?" Later, I realized that I should not try to bore everybody to death by sounding like a worn-out gramophone record, so I decided to speak on Mr Martin LEE's motion by saying something of a lighter nature.

Let me first tell a story. A very long time ago, in the ancient times, two men argued bitterly over an arithmetic problem. One of them said, "Four times seven equals 27." The other said, "You are wrong. Four times seven should be equal to 28." The one who said that four times seven should equal 27 said, "Four times seven can only be equal to 27. It is you who are wrong." The patience of the one who held that four times seven should equal 28 really wore thin, and convinced that debates would eventually bring out the truth, he started to argue with the other man over the correct answer. Their argument grew really heated, so heated that they forgot all about manners and started a fight. In the end, they were brought before the local magistrate. Having listened to their presentation, the magistrate slammed down his gavel and passed the following verdict: The man who insisted on 28 as the answer was to receive 10 floggings with the stick on his bottom, and the one who insisted on 27 should be guiltless, but had to copy the multiplication table 1 000 times. This was the judgement written by the magistrate: "Four times seven should of course equal 28, but then it was utterly unwise of you to argue with a man who was so stupid as to say that four times seven should be equal to 27. It is simply a waste of

time to argue at all seriously with someone who should not be or does not deserve to be treated seriously over something the understanding of which actually requires no discussions; a person who does so only shows his lack of wisdom, and should be given floggings on his bottom."

Madam President, I have the feeling that the resolution we are discussing today shares something in common with the "Four Times Seven Equals Twenty-seven" story. As we all know, at the House Committee meeting held on 20 October, Mr Martin LEE already proposed the setting up of a select committee to look into whether the Chief Executive and his assistant had interfered with academic freedom, and whether there was any substance in the rumour that the Chief Executive had interfered with the appointment of Mr Tony FUNG as a member of the CUHK Council. A total of 54 Members were present at the meeting, and most of them spoke on the proposal. However, following lengthy discussions, the House Committee vetoed the proposal in the end, with a voting result of 32 votes against, 20 votes in favour and two votes of abstention. Well, today, Mr Martin LEE, who frequently urges people to respect the Legislative Council, is himself showing disrespect for the House Committee of the Legislative Council — forcing his colleagues to spend their time again on a matter which has already been discussed in detail and voted down. His dogged determination is commendable, but, unfortunately, he is acting against the principle of democracy. Besides, two weeks ago, Miss Margaret NG's motion, that is, a variation of today's resolution, was also voted down after 25 Honourable Members had spoken and with a voting result of 34 votes against, 18 votes in favour and one vote of abstention. I really cannot think of any further justification for moving this resolution today.

Madam President, mindful of the wisdom of the magistrate, I really wish to end my speech now, lest sensible members of the public or the media may criticize us for wasting public resources, for holding meaningless discussions on a topic which has been debated twice already. However, I cannot help responding briefly to one or two of the points raised by Mr Martin LEE a moment ago, even though this may mean we have to argue again whether four times seven should equal 28. Mr Martin LEE argued that even the Councils of the two universities had not expressed any objection to the setting up of a select committee. His point is really strange. Why has he not asked whether the two universities are willing to be investigated instead? This is the first point. Second, he talked about the Independent Commission Against Corruption, the Housing Society and the universities, as if their autonomy is all of the same

nature. It really saddens me at learning that Mr LEE's understanding of university autonomy is so superficial. I cannot say anything more if this is indeed how he looks at academic freedom and university autonomy. Madam President, if I continue, I am afraid we shall be engaging in a "four times seven equals 28" argument. So, I shall stop here.

With these remarks, I oppose the resolution.

MRS MIRIAM LAU (in Cantonese): Madam President, with regard to the "opinion poll incident" of the HKU, the House Committee voted against Mr Martin LEE's proposal on setting up a select committee in the first place. Later on, this Council also voted against a related motion moved by Miss Margaret NG. However, it is most disappointing to see that some Honourable colleagues are so determined to pursue the matter endlessly yet again by proposing the setting up of a select committee today, in order to stir up another round of meaningless discussion.

With regard to the first query raised in today's resolution, I would like to point out that the meetings between the Chief Executive, Mr TUNG Chee-hwa, and the former Vice-Chancellor of the HKU, Prof CHENG Yiu-chung, should not have constituted any interference with academic freedom. It is perfectly normal for the Chief Executive, who is the Chancellor of various local universities, to meet the Vice-Chancellors of these institutions from time to time and listen to their views on the development of the institutions, let alone the fact that both Prof CHENG and the Chief Executive himself have already dismissed allegations that they have discussed anything about opinion polls in the meeting.

Regarding the question that Mr Andrew LO has also contacted the Vice-Chancellor of the CUHK, I would like to remind Honourable Members that the job of Mr Andrew LO is to observe opinions from all walks of life and that fact should not be overlooked. The Vice-Chancellor of the CUHK, Prof Arthur LI, has also indicated Mr LO's commendation for the opinion polls conducted by the CUHK in the meeting. In addition, after Mr LO had met the two academics in charge of the CUHK's opinion poll programme, both parties emphasized that the meeting was just a normal exchange between officials and academics. As a result, I do not understand why some people should request that an investigation be conducted into that meeting.

Furthermore, although Mr LO has touched on opinion poll issues when he met the two Vice-Chancellors subsequently, according to the parties concerned, they were just occasions of ordinary academic exchanges, therefore it was no surprise that Mr LO did not brief the Chief Executive on the meetings as he considered that unnecessary. We should bear in mind that being the Senior Special Assistant to the Chief Executive, Mr Andrew LO should serve as the ears of the Chief Executive. Accordingly, do we really mean that it is a sin to contact society at large in order to understand the conditions of the people through channels other than the official channels of the Chief Executive? Moreover, the Chief Executive has explained on a number of occasions that he has never asked Dr Robert CHUNG to stop his opinion poll work via anybody, therefore, there is simply no question of the Chief Executive interfering the polling work.

Regarding the shortening of Mr Tony FUNG's term of appointment to the Council of the CUHK, the spokesman from the Chief Executive's Office has already clarified the matter in detail. It is stipulated in the law that in order to ensure that the composition of the councils of the universities are balanced and representative, they should comprise of people from different sectors. As the Chancellor of the CUHK, the Chief Executive is vested with such power in the first place, and accordingly, the question of interfering with university administration simply does not exist. I would like to highlight two instances which took place in the past and they are similar to this case of cutting short the three-year term of appointment to the Council of the CUHK. The first one was the former Vice-Chancellor of the HKU, Prof WANG Gung-wu, and the second one was the former Legislative Council Member, Mr Peter POON. Their terms of appointments were both only one year respectively. I do not understand why some people have to look at the matter from the standpoint of a conspiracy theory and implicate that the re-appointment of Mr FUNG and the question of the assistance given by Mr FUNG in the listing of the Next Media Group are related. Besides, does this newspaper which specializes in publishing scoops have any evidence in hand to substantiate the coincidence of these two events?

Furthermore, one of the parties concerned, Mr Tony FUNG, has never said a word about the matter. May I ask if it is fair to point the finger at the defendant without any justifiable grounds and in the absence of any witness and plaintiff?

Moreover, if the University concerned is unhappy about the appointment of any individual member of its Council, it may raise its concern on its own accord. It is absolutely unnecessary for any outsider to question the power of the Chancellor. Besides, from the legal perspective, an investigation committee may only be established with *prima facie* evidence or testimony available in the first place. However, there is no apparent evidence so far to substantiate the allegations regarding the opinion poll affair of the HKU nor the incident of shortening Mr Tony FUNG's term of appointment. However, some people are still ignoring this and insisting on setting up a select committee. May I ask if this is fair to the accused? In addition, such action violates the essence of common law, for the onus of proof should fall on the prosecution. On this occasion, it only makes the public feel that these people are only trying to make things difficult for the Chief Executive by creating a misconception that whatever the Chief Executive has done is wrong. The development of the incident has actually led to all sorts of feelings well up in our minds.

Madam President, the row over the opinion poll affair has been going on for several months and the conclusion of the report written by the Independent Investigation Panel is explicit enough, that is, the allegation of the so-called interference with academic freedom is completely unfounded. Earlier on, Mr LI Ruihuan, the Chairman of the Chinese People's Political Consultative Conference, called for unity and co-operation among the people of Hong Kong on a number of occasions during his visit to the SAR. I hope Honourable colleagues who are here to serve the public should be calm when dealing with everything, so that a rational consultation can be achieved and hostility turned into harmony. I also hope Honourable colleagues will not pursue some unfounded allegations endlessly, as it will only serve to divide the community and undermine our unity.

With these remarks, Madam President, I object to the motion.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, the Hong Kong University of Science and Technology (HKUST) announced the appointment of Prof Paul CHU, an internationally renowned scientist, as its Vice-Chancellor the day before yesterday, and the HKUST and government officials alike value the agreement by this Hall of the Fame scholar to take up the post of the Vice-Chancellor of the HKUST. Yesterday evening, Dr Steven POON, Vice-Chairman of the Council of the HKUST, said on a radio programme that he was not worried that Prof CHU would disappoint the HKUST and Hong Kong. But he was conversely worried that the inadequate capital invested by the Government in scientific research might disappoint Prof CHU. Actually, while we value academic talents, we should not only value Prof CHU but also the thousands of intellectuals. Intellectuals are not simply worried about the amount of capital invested by the Government in scientific research, but they are worried about the freedom of research, that is, academic freedom. It is best if they can have sufficient freedom and conduct academic pursuits and research without any restriction. They can only discover the truth this way, therefore, the truth cannot be divided from freedom. However, the opinion poll affair of the University of Hong Kong (HKU) and the appointment of members to the Council of The Chinese University of Hong Kong (CUHK) have sounded the alarm for academic freedom in Hong Kong. All intellectuals and the general public suspect that an invisible hand is interfering in our academic environment that has long enjoyed academic freedom. This resolution today has precisely combined two elements, namely, the pursuit of the truth and the defence of academic freedom, to give this Council an opportunity to let intellectuals and the public understand our insistence on the truth and academic freedom.

Madam President, just like the opinion polls, this Council actually has the responsibility of seeking and reflecting the truth while the most important function of the truth is to find the source of a problem and thereby promote social progress. However, some people in the community disagree with the said social consensus. They think that the opinion poll affair of the HKU is a conspiracy to overthrow Mr TUNG. In their view, the opinion polls are intended to undermine the governing authority of Mr TUNG Chee-hwa while the opinion poll affair is intended to implicate Mr TUNG Chee-hwa as the evil backstage manipulator who interferes in the opinion polls and then strike a further blow at Mr TUNG Chee-hwa. Therefore, under this premise, any motion demanding an investigation into the opinion poll affair will be obstructed by the royalists in this Council. The debate over the same motion proposed by Mr Martin LEE at the meeting of the House Committee of this Council on 20

October sufficiently reflected this point. The resolution today will have the same outcome because of the opposition of the royalists, but we will still support today's resolution because we deeply believe that the pursuit of the truth can promote social progress. Only when opinion polls are defended against interference can the Government be guided to formulate policies that comply with public opinion.

Madam President, the opinion poll affair of the HKU reminds me of a fairy tale I was told when I was young. The story was about a Middle East country in the ancient times. The King used to execute those secret envoys who brought bad news to him, therefore, secret envoys only announced good news but not the bad thereafter. The King was regretful when the country was finally besieged on all sides. The lesson is so simple that even a three-year-old child can understand it. But people of status in the academic community and the bigwigs did what they knew was wrong and interfered in the opinion polls and even academic freedom. The community and those in power lost their alertness to problems and they finally led Hong Kong into a blind alley. Thus, I call upon those Members who opposed the motion at the meeting of the House Committee on 20 October to wake up to and escape disaster at the last moment and support the setting up of a select committee to investigate the opinion poll affair of the HKU and affix responsibility for interfering in the opinion polls and impeding social progress.

Madam President, according to the public opinion, as the HKU has investigated into the opinion poll affair, this Council needs not duplicate the efforts by setting up a select committee. Some Members also opine that those who deny the interference will continue to do so and even though we continue to pursue the matter, our efforts will be to no avail. However, I think the biggest difference between a select committee and the Independent Investigation Panel of the HKU is that the HKU only investigates matters within its own scope while the select committee of this Council can invoke the Legislative Council (Powers and Privileges) Ordinance and request the attendance of some people involved, including the Chief Executive, at the hearings. Some colleagues may think that they must "defend their master" and they are worried that more facts will be revealed when Mr TUNG Chee-hwa is questioned by Legislative Council Members. In their view, it will be unfavourable to Mr TUNG Chee-hwa, therefore, they oppose Mr Martin LEE's motion. But I would like to say that for Mr TUNG Chee-hwa, Members who oppose the motion may be "doing something bad though they have good intentions" as it would do injustice to Mr

TUNG Chee-hwa. In fact, some people in the community really think or suspect that Mr TUNG Chee-hwa has interfered in the opinion polls of the HKU and has caused the problematic appointment of the member to the Council of the CUHK. The acts or way of thinking of some Members who oppose the setting up of a select committee out of their care for Mr TUNG Chee-hwa will deprive Mr TUNG Chee-hwa of a chance to clear himself of suspicion, and they may do Mr TUNG Chee-hwa an injustice. Therefore, I call upon Members who intend to oppose Mr Martin LEE's resolution to change their stance and support this resolution so that this Council can set up a select committee to give Mr TUNG Chee-hwa a chance to defend himself.

Madam President, seeking the truth, pointing out a problem and improving it is essential to social progress. Through seeking the truth, we will have more room for freedom. But recently, there seems to have developed a trend in the community that opposes seeking the truth. First, a senior leader in Beijing reprimanded some reporters, then, some senior officials of the Special Administrative Region echoed his views and criticized the media for dividing the community. They would like to turn Hong Kong into another Singaporean style autocracy.

Madam President, a society in which everybody keeps covering up the truth has no future. The most vivid example is the mainland China during the years of the Great Leap Forward. During that period, everybody reported good news but not the bad, and tens and thousands of people were finally starved to death. Some colleagues in this Council have always known the situation of China very well and I believe they will certainly understand this point. If we do not face the problem seriously, we will most probably follow the same old disastrous path and continue to aggravate the problem. Secretary Elsie LEUNG cherishes the memory of the unanimity of the colonial community in 1984, but her words cause me to associate this with another social problem that has just emerged. Just like the problem described by George ORWELL in *1984*, when there is only one voice in the community, all the truth will be concealed and the community will finally have no future. I worry that a community without the freedom of expression and with the truth concealed will not only scare Prof Paul CHU but also tens and thousands of talents who are willing to make contribution to Hong Kong. If Hong Kong continues to develop in this direction, how can it develop towards being a knowledge-based community?

Madam President, once again, I call upon Members who intend to oppose Mr Martin LEE's resolution today to wake up to and escape disaster at the last moment and support the setting up of a select committee so that Hong Kong and the international community will understand that this Council representing the people pursues the truth, and insists on and respects academic freedom.

Madam President, I so submit.

MR IP KWOK-HIM (in Cantonese): Madam President, this is the second time we discuss the independent inquiry report of the Hong Kong University (HKU) and the Andrew LO incident in this Chamber within only three weeks. Are there any other livelihood matters that people are more concerned about or matters that are worth discussing? In any case, I am now going to speak briefly on behalf of the Democratic Alliance for Betterment of Hong Kong (DAB) and express our opposition to the setting up of a select committee on the relevant incident.

After the Independent Investigation Panel (the Panel) of the HKU has published its report, the Robert CHUNG incident should come to an end and an absolute majority of the people thinks that the incident should end there. Naturally, different people will have different views on the same incident but colleagues belonging to the Democratic Party refuse to drop the idea and try every possible way to raise the matter again and again. Why? Actually, everybody knows their intentions.

Madam President, Mr Justice POWER of the Panel stated on the first day of the hearing that the evidence given at the hearing would have to meet the requirements acceptable to the Court. Thus, the DAB thinks that the hearings conducted by the Panel of the HKU are solemn and accountable and the whole course of the hearings was broadcast live on television, thus, the hearings were highly transparent. Moreover, the media made extensive reports throughout the hearings and the public clearly understood the whole story through the hearings. Furthermore, the parties concerned including Dr Robert CHUNG, Prof CHENG Yiu-chung, Prof WONG Siu-lun and Mr Andrew LO had testified before the Panel. Unless colleagues think that the witnesses concerned will brief this Council on something different from the evidence they gave before, this Council does not need to set up a select committee to hold hearings once again. If we investigate into an incident that has already been investigated by the Panel, will this give the public a wrong impression that Legislative Council Members waste resources and fail to use public money properly?

Madam President, before carrying out an investigation into the allegation that the Chief Executive has interfered in academic freedom, we need at least *prima facie* evidence. Those who had testified before the Panel of the HKU, including Mr Andrew LO and the Vice-Chancellor and Pro-Vice-Chancellor of the HKU, had indicated to the Panel that the problem did not exist. Do colleagues belonging to the Democratic Party query the credibility of the investigation carried out by the Panel of the HKU?

As to the incident concerning the unsuccessful re-appointment of Mr Tony FUNG as a member of the Council of the Chinese University of Hong Kong, this is only an allegation made in a news report. Is it a rational move for this Council to employ substantial manpower and resources to carry out an investigation? I listened to the remarks made by Mr Albert HO earlier in the debate. Actually, a major media has recently made a series of allegation against Mr Albert HO, do we need to set up another select committee?

Madam President, I do not want to delay colleagues from participating in the next motion debate which is more meaningful. These are my brief remarks that express the opposition of the DAB.

With these remarks, I oppose the resolution.

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

MISS CYD HO (in Cantonese): Madam President, we have chatted with a public officer recently. He told us frankly that in Hong Kong, the "Andrew LO factor" does exist these days. Nevertheless, as the factor is not apparent in the organization he works in, he can still hang on for the time being. Nevertheless, he confirmed the existence of such a factor.

Mr Andrew LO has been working as the Senior Special Assistant to the Chief Executive for three years. In the past three years, he has been representing the Chief Executive to observe opinions. During that period, we can see that he was suspected of interfering with academic freedom of the university in the opinion poll affair; he was also suspected of overtly interfering with the term of appointment of a member to the Council of the Chinese University of Hong Kong. With regard to politics, some reports on the

elections pointed out that Mr LO had in fact played a part in the co-ordination of the participation of all sectors in the elections. Certainly, stories like this can never be confirmed. A respectable journalist has told me that he would write and report on whatever ought not be brought to light, or so undesirable to be seen, or something the parties concerned decline to verify, regardless of the risk of being sued for libel. Why? It is because by the time this generation has passed away, the people concerned may pretend nothing has happened if those incidents have not been reported by the press. However, if those incidents were reported, people would be able to read these reports even if this Council takes no follow-up action when they look up for such information 10 or 20 years later. As a result, they will be convinced that these incidents had been suspected to have taken place, thus they can go on with their own investigation. Someday when the political pressure of this generation ceases to exist, these incidents will stand a chance of being brought to light. However, I am very pessimistic about this and I believe today's resolution will be negated in the end. Nevertheless, if we do not even have the desire of pursuing the truth, we are in fact not discharging the duties of this Legislative Council in monitoring the Government.

Madam President, Article 73 of the Basic Law stipulates that the Legislative Council of the Hong Kong Special Administrative Region shall exercise its powers and functions to debate any issue concerning public interests. In other words, its duty is to monitor the Government. A fortnight ago, Mr IP Kwok-him said, "I suggest that it may be better for us all to go home and have a good sleep" in the motion debate proposed by Miss Margaret NG. I request those Members who want to go home walk out of this Chamber during the voting, as they are at liberty to have a good sleep. If some Members consider it a waste of time to launch a further investigation, I also request them to withdraw from the meeting so that they can go home and have a good sleep. Nevertheless, they should by no means stop other Members who are willing to bear sleepless nights in order to undertake more work and find out the truth, as the public will evaluate the entire Council as a whole for what we do. For incidents that are already openly questioned by the public like these, why do we lack the courage to set up a select committee to continue to pursue the truth?

Madam President, just now many Members have presented their arguments on both the positive and the negative sides, I will not repeat them here. With these remarks, I support the resolution moved by Mr Martin LEE.

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

MISS EMILY LAU (in Cantonese): Madam President, I speak in support of Mr Martin LEE's motion mainly because if someone conducts an opinion poll now, I believe an absolute majority of the public will still agree that this Council should investigate the matter. I believe many people also think that the investigation conducted by the University of Hong Kong (HKU) is very good and highly credible. However, the Independent Investigation Panel (the Panel), given its limited powers, has failed to thoroughly investigate the incident and the Panel admitted at that time that they did not have the power to summon anyone and it had not required those who testified to make a declaration. Therefore, the Panel only carried out a partial investigation and the incident had actually not come to an end yet. I believe the public understands this.

Madam President, I believe you and I are gratified to know that, among many organizations that have the power of investigation, this Council is one of these organizations that are most trusted by the public. It may not be the most trusted one but it is one of the most trusted organizations. As Members may recall, I mentioned last time that a few organizations had respectively conducted investigations into the opening of the new airport while we conducted an investigation into the incident, and among the subsequent reports, I believe the report of the Select Committee of this Council is most trusted by the public. Therefore, if people think that there is still business unfinished, they will agree that an investigation should be conducted. Actually, during the summer recess, many people held heated discussions over the opinion poll affair and many colleagues of this Council considered it necessary to conduct an investigation then. But after the passage of a few months, I do not know why the whole incident has fizzled out, probably because the Director of Administration has been lobbying very hard.

We can really not cheat the public who thinks that investigations must be made into certain matters. As some colleagues have said earlier, it seems that there is not any evidence that proves that the incident involves the Chief Executive. Mrs Miriam LAU has said that we are keen on making life difficult for the Chief Executive but I believe she has spoken too seriously. No one has said that we must make life difficult for the Chief Executive but the Panel mentioned during the proceedings — I believe Mr IP will remember this — that Vice-Chancellor Prof CHENG and Mr Andrew LO had not fully disclosed the matters discussed during their meeting and that they had not disclosed all the facts. Although the Panel did not say that they had lied, it said that they had not disclosed all the facts. Thus, we have to ask what exactly they discussed. As

the Chief Executive said that he was not in the know and Mr LO had not briefed him on the matter, we have to ask why Mr LO had done so. Mr LO is the representative of the Chief Executive's Office, did the Chief Executive approve of what he had done? Although the Chief Executive did not know Mr LO would do that, did he approve of what he had done? If the Chief Executive knew about it, then why did he require Mr LO to say those things to the Vice-Chancellor? I believe the Chief Executive has the responsibility to give this Council an explanation. If he only makes some statements to say that he had not said those words, he can hardly convince the public. The Panel also remarked that those witnesses had not disclosed all the facts.

During the investigation, two persons from the HKU, namely Pro-Vice-Chancellor Prof CHENG Kai-ming and Prof Felice MAK-LIEH, said in testifying that they were told by the Vice-Chancellor that the Chief Executive had told him that the HKU took part in politics in three aspects. While this opinion poll incident is the first aspect, what about the other two aspects? Why was the Chief Executive so worried? Some Members, including Dr David LI, are actually members of the Council of the HKU and they can tell us what the Chief Executive was worried about. Some have said that the two aspects include — I do not know if that is true — the reluctance to allow the Pillar of Shame to be placed on the HKU campus while the other is to prevent the HKU from becoming an anti-Communist base. Even though Pro-Vice-Chancellor Prof CHENG and Prof MAK-LIEH will not attend the meetings of the select committee, I hope that they will attend the meetings of this Council and assist Members in understanding more about what happened then.

Regarding this incident which happened in the HKU, the autonomy of the HKU has been a subject of discussion. We respect the autonomy of the HKU and the Panel has conducted lengthy investigations. I have discussed the matter with the senior staff of the HKU after the report has been published, and they told me that "if you regard the Robert CHUNG affair as interference, the extent of interference has become even greater after the publication of the report." Madam President, what did they mean? The HKU Council held a meeting to discuss whether they should vote on the report and most of the representatives of the HKU indicated that they would support the report but Council members from outside the HKU disagreed. Subsequently, voting was not held and I believe this is a compromise. If the HKU Council was required to vote, they would reject the report. Professors certainly would not like the affair to develop to such a state, so they compromised. Some reports also

mentioned that there was an agreement between the HKU Council and Vice-Chancellor Prof CHENG that the Council would request the Vice-Chancellor to resign on his own accord and then it would not vote on the report. If the Council insisted on voting to support the report, Prof CHENG Yiu-chung might not be willing to resign.

I am not sure if this has happened and the motion proposed by Mr Martin LEE today has not touched upon what happened on the campus. However, something has actually happened and it will be useless for us to cover our eyes and ears. Even the senior staff of the HKU said that the interference in the Robert CHUNG incident was only a trivial matter, was such interference even more serious? After the incident, some colleagues of this Council and even outsiders have actually suggested discussions should be made on the entire supervisory framework of the HKU. Should so many people from the business sector from outside the HKU participate or should the professors and representatives on the campus be given more control? The question whether a voting should be made on the report reflected that people on the campus thought that they should vote to support the report while Council members from outside the university did not support it and they would object the report if they were required to vote on the report. The motion of Mr LEE has not mentioned this point. Even if a select committee is not set up, the community should look squarely at whether we should defend the autonomy of the HKU. If we allow people from the business sector to swarm into the management of the HKU, will this really help? Perhaps we can discuss this in private with university professors and seek their advice.

Concerning the Tony FUNG incident, I also appreciate the comments made by Mrs Miriam LAU. While nobody has questioned the incident, it has been reported. I believe if we should luckily set up a select committee (but I know we would not have such luck), at least we should require the production of some documents for our perusal. Certainly, some Members have said that the term of appointment is only one year in some cases while it may be two or three years in other cases. However, are there some unusual reasons that made the term only one year in respect of this incident? We have to investigate this. Thus, we should obtain and go through the relevant document and then we will know if such facts are stated in the documents. If some matters have not been recorded in the documents or nobody is willing to disclose the details, it will be difficult to investigate the matter and I admit that this is a problem. Yet, some records should exist. Even if Mr Martin LEE's motion is not passed today — I

believe this will be the outcome because the Director of Administration has worked very hard, for instance, people are guarding every entrance, so nobody can get away "unnoticed" because the motion of Mr Martin LEE will then be passed and the Government will unfortunately lose — but regarding the points made by me just now, I still hope that we can follow them up on other occasions or at other committees.

We do not intend to interfere in the autonomy of the HKU and we support and respect the autonomy of the HKU earnestly. But now that some incidents have taken place, people on the campus are terribly upset and many people expect us in this Council to do something. If we are also indifferent to the matter, we will have neglected our duty.

Therefore, Madam President, I hope Members will support Mr LEE's motion. Mr IP Kwok-him has just asked if we should show more concern for people's livelihood. Yet, why does he not say that we should show more concern for public housing affairs? It is really puzzling why they oppose investigating into matters concerning people's livelihood and also those relating to the HKU. Sometimes, I really agree with the Honourable Andrew WONG that the select committees can really bring the functions of this Council into full play. During a two-hour meeting of a panel, Members have to handle and discuss three to four items of business but the meeting will end up with nothing definite. However, a select committee will focus on one issue and it will carry out a thorough investigation. Members will hold discussions, draw a conclusion and finally work out a report containing the suggestions made. This is very good. We will not waste time as some colleagues have alleged and we will not carry out investigations casually. This is also a time for Members to establish the prestige of this Council. When some incidents become significant, many people will show concern but we may not have a chance to investigate into such incidents at that time. However, we have the opportunity now and we should cherish it without delay. We should not give people a wrong message time and again, making them think that this Council has failed to do many things that it should have done.

Mr HO mentioned the "Andrew LO factor" earlier which many people have told us about. There may be such a factor and we have reasons to believe that it also exists in other departments. Madam President, we have reasons to believe that such interference and pressure will gradually increase, especially when the date for the selection of the Chief Executive in 2002 is gradually

drawing nearer. I deeply believe that many people in the Government and the community expect this Council to step forward and voice out over these incidents. I very much resist inappropriate practices and we should issue this message today. We should not let the public think that we are indifferent to certain matters. As Legislative Council Members, we should not do so, otherwise, I believe we will fail the tasks the public has entrusted to us.

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

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

(No Member responded)

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I have listened most carefully to Members who have spoken. I believe that all Members who have spoken have done so because of a common desire — to safeguard academic freedom.

We are particularly zealous in protecting academic freedom for two simple reasons. First, academic freedom is guaranteed in the Basic Law. Article 34 states that Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities. We are duty-bound to uphold the Basic Law. And our claim to upholding vigilantly the Basic Law includes upholding this pillar of our society. Secondly, academic freedom is part and parcel of Hong Kong's way of life, an essential element to our success. We need to maintain an environment where there is a free and frank exchange of ideas and views, and where academic activities, including research and surveys, range wide and uninhibited.

Of course, I am fully aware that concerns have recently been raised that academic freedom might have been undermined. It is therefore only right, in our open and pluralistic society, that such views should be given full vent. The prompt appointment of an Independent Investigation Panel by the University of Hong Kong (HKU) to look into these concerns, with the most respectable membership; the debate within the academic community; and the general public's awareness of the issue all point to the importance our society attaches to this subject. The Independent Investigation Panel conducted a thorough

investigation and did not make any finding of interference with academic freedom by any government official. What more do we expect from a select committee appointed by this Council? How much further do we intend to pursue the issue? And, more importantly, to what end?

My view is that an endless pursuit of the matter is neither warranted nor in the interest of the academic community or the community at large. In the past months, distrust, hyper-sensitivity and over-anxiety have so intertwined with facts that many a time people are so consumed by such feelings that they have lost sight of the facts.

Madam President, allegations of government interference with academic freedom have haunted us all summer. Let me take up some of these misconceived allegations and dispel them once and for all.

First, we are sure Members would agree that constructive comments, or even criticisms, could only perfect propositions and, it is the intolerance of dissenting views that poses the greatest threat to academic freedom and freedom of expression. Communication and exchanges between the academic community and the rest of the community, including the Government, should not be hampered or stifled just because of concerns over possible "interference" with academic freedom.

Secondly, allegations that the truth has not been uncovered because the Chief Executive had not testified before the Panel appointed by the University are totally unfounded. The Chief Executive has made it quite clear that he fully respects academic freedom and will not tolerate any interference with such freedom. Furthermore, he has explained that he and the former Vice-Chancellor had not discussed the opinion polls conducted by the University during their meetings and that he, the Chief Executive, had not passed any messages directly or indirectly to the HKU regarding its polling work. In short, the Chief Executive has denied categorically any attempt to stop polling activities at the HKU. The former Vice-Chancellor who was alleged to have been his messenger also denied ever having received any such message. What more would a select committee to be appointed by this Council hope to elicit?

Thirdly, the suspicion that freedom in academic pursuits in The Chinese University of Hong Kong (CUHK) has been subject to interference is equally groundless. The Vice-Chancellor and various staff members of the CUHK

have publicly stated, on a number of occasions and in no uncertain terms, that they are not aware of, and do not have, any complaints of improper conduct or interference by the Government with regard to their work. What else do we expect a select committee appointed by this Council to uncover when the allegedly affected parties do not think that there have been any meddlings by an outside party in their affairs?

Fourthly, the suspicion over possible interference in the appointment of a member of the governing council of the CUHK is also unwarranted. Madam President, I would like to remind Members that the Chinese University of the Hong Kong Ordinance vests in the Chief Executive as the Chancellor of the University, the authority to appoint certain members of the University's Council. In exercising this power, the Chief Executive has, in accordance with the relevant Ordinance, had regard to, among other things, the strengths and service records of the individuals, the development needs of the institution and the need to maintain a reasonable turnover of members to provide for regular infusion of ideas and expertise, without causing disruption to the operation of the institution. We have not heard of any concern or complaint by the University over any appointment made by the Chief Executive. What would a select committee appointed by this Council hope to achieve when the University concerned does not perceive this as an issue?

The fact that an article published nearly six months ago has given rise to such lively debates even to this day should convince even our sceptics that academic freedom is highly valued and respected in Hong Kong. What is equally important is the autonomy of the Universities. They are the ones who know best what is in their best interest.

Madam President, the parties allegedly affected by the matters referred to in the motion have all spoken. A further inquiry will not lead anywhere. It is time that we put the matter to rest and let the Universities get on with their academic work. I hope we can draw a line after the conclusion of today's debate. I urge Members to vote against the motion.

Thank you.

PRESIDENT (in Cantonese): I will call upon Mr Martin LEE to reply. This debate will come to a close after Mr Martin LEE has replied.

MR MARTIN LEE (in Cantonese): Madam President, 10 Members have spoken, other than me. The Chief Secretary for Administration has also spoken, but her speech is so short that it surprises me. Only one Member from the Democratic Alliance for Betterment of Hong Kong has spoken, although it is a party with a significant presence in this Council. The relevant Member spoke but for four minutes and 11 seconds. I thank him very much because a speech is better than none at all. Just look at the way Members have dealt with this issue, an issue of such significance. Madam President, what kind of legislature is this? Nevertheless, I respect their ideas, although many of them do not stand to reason, or can even be regarded as absurd. At least, I treat the ideas with due respect. Mr NG Leung-sing said that in the incident, academic freedom had not been violated. He said, "He has no case to answer." Indeed, he was not the only one who said so. There were many other Members who said so too. Mrs Miriam LAU even compared the inquiry proposed by me to a criminal charge. She said the prosecution did not have any witness, while I was only suggesting that an inquiry, not a charge, be pursued. As an experienced solicitor, can she not be able to distinguish between the two different kinds of proceedings? We just want the truth. We do not want to press charges against anyone. Of course, if any criminal offence is unveiled as a result of the inquiry, then charges must be pressed. I am proposing only an investigation now.

I believe many Members have not read the report of the Independent Investigation Panel (the Panel) commissioned by the University of Hong Kong (HKU). I want to read out a sentence from it, in English, in which the original text was written. I hope to be able to preserve the original locutionary force of that sentence, from paragraph 109 under the heading "OPINION": "We are sure that as a result of the conversation between Mr LO and the Vice-Chancellor on January 6th 1999, Prof S. L. WONG, acting at the behest of the Vice-Chancellor conveyed a message to Dr CHUNG on 29th January 1999 which was calculated to inhibit his right to academic freedom." I asked Mr Albert HO to translate this part, and he came up with this rendition: "蓄意遏制鍾庭耀博士享有學術自由的權利". Well, "calculated to inhibit" may not result in any inhibition as the polling working did continue. However, is it not bad enough to have conveyed a message calculated to inhibit academic freedom? Of course, as Mr NG Leung-sing said, a large sum of public money would be needed for an investigation. However, if that kind of reasoning were followed, we would not have conducted an inquiry into the incidents that occurred in relation to the opening of the new airport because the Chief Executive had appointed a Commission of Inquiry to conduct an investigation, in addition to the

investigation then being carried out by the Ombudsman. So, if we also joined in to investigate, we would be wasting money. Mr NG Leung-sing also said if we carried out an investigation, the matter would become ammunition for political attacks and the consequences would be very serious. Well, if that kind of logic were followed in the Watergate scandals and the LEWINSKY affair, then the two issues would never have been looked into as the events were directed at the President of the United States and investigators should have been sent to jail.

Mr Ambrose LAU said that I was repeating the debate initiated by Miss Margaret NG. That is a sentiment expressed by several Members. They said I wanted somebody sacked. Why can they not see that the former debate and the present one are different? While Miss Margaret NG made a direct request to terminate the appointment of Mr Andrew LO, I do not have a similar request in my motion. I just want an inquiry. Many Members, in particular, Mr IP Kwok-him, have mistaken the point of an inquiry. No one is saying the matter has to be re-investigated after it has been dealt with by the HKU. Indeed, the Panel produced a very fine report. Mr IP Kwok-him asked me: Is the Democratic Party questioning the credibility of the Panel report? We certainly would not question its credibility. We wanted to accept the report, but now it is the Council of the HKU that did not accept it. Following paragraph 109, which I read out just now, I would like to read out paragraph 110. This is the last paragraph with the heading "RECOMMENDATION". The Panel said: "We make no recommendation other than that the Council takes such action as it deems proper in view of the above findings." What did the Panel recommend? It just recommended that the Council take such action as it deems proper. Now, what the Council deems proper is not to accept the report. That is the last thing the judge, who has since returned to Australia, wants to see.

Mr Ambrose LAU raised several points, but I am not going to respond to each one of them, although I did respond to some already. One of the points was that if we investigated into the relation between Mr Andrew LO and the Chief Executive or what actually took place at the HKU, no one would want to meet Mr Andrew LO in future. Indeed, if Mr Andrew LO did what he did, that is what was referred to in the "OPINION" section of the report: something which was calculated to inhibit someone's right to academic freedom, in the name of the Chief Executive, the Chief Executive should dismiss him right away. If the Chief Executive gave the instructions or tolerated him for what he did, then the Chief Executive would certainly not dismiss him. Even if no one would want to

meet Mr Andrew LO, would it mean confusion or tragedy for the community? If that scenario arises, Mr LO should not be holding his post at all; otherwise when he wants to meet Members, no Member would want to meet him. Is this not a catastrophe? However, I do not believe Members would refrain from meeting him. On the contrary, I think they would very much want to meet him and eat with him because he is a "big shot". Mr LAU also said there was bound to be things Mr LO must do for the Chief Executive as the Chief Executive cannot do all the work by himself. What Mr LAU fails to see is that there are things the Chief Executive would not want to do personally. So his "boy" runs the errand for him. This is as simple as that.

Madam President, there is a very important point in the *Asian Wall Street Journal* report. The report asked why Mr Tony FUNG, a member of the Council of The Chinese University of Hong Kong, had his term of appointment shortened from the usual three years to one. The reason given was Mr FUNG did the wrong thing. He helped a certain company to list on the stock market, which antagonized the Chief Executive. This, I understand, has not been denied by the Government or the Chief Executive to date. This is *prima facie* evidence. We do not need to wait till the Chief Executive admits his guilt for evidence, do we?

I very much want to thank Prof NG Ching-fai for his story. He said in the story a judge punished the person who insisted four times seven equals 28 was correct by flogging him, while the person who insisted four times seven equals 27 was correct got away with a slight punishment: copying the correct version and no flogging. The reason was that flogging was imposed on the one who held too steadfastly to his view, though his view was correct. It seems the one who insisted four times seven equals 28 was correct was Martin LEE. Well, that judge

PROF NG CHING-FAI (in Cantonese): Madam President, point of clarification.

MR MARTIN LEE (in Cantonese): Please go ahead, I have always been generous.

PRESIDENT (in Cantonese): Mr LEE, please wait. Prof NG, even if you think Mr LEE has misunderstood your speech, you must wait till he has finished before clarifying. Mr LEE, please continue.

MR MARTIN LEE (in Cantonese): Madam President, I would like to let him speak now so that I can respond immediately.

PRESIDENT (in Cantonese): Mr LEE, I am sorry. This is a requirement of the Rules of Procedure, not a matter of Members' preferences.

MR MARTIN LEE (in Cantonese): Madam President, actually I am willing to give way. While the one who said "four times seven should be 27" was only required to copy the multiplication table 1 000 times, the one who said "four times seven should be 28", despite the fact that he was obviously right, was given 10 floggings. Mind you, 10 floggings can really hurt! It seems that Prof NG Ching-fai rather appreciate that judge. Now I have come to understand the stance of other political parties on this incident: Do not be insistent even though you are right, do not be so "inflexible". In other words, Martin LEE and the Democratic Party have made the mistake of being too insistent. And, most unfortunately, since the proposition we insist on is right, we are sentenced to 10 floggings. Perhaps the punishment might be increased to 10 000 floggings later on. After that, the Honourable Member then accused me of showing disrespect for the decision of the Legislative Council — I believe by that he meant the decision of the House Committee of the Council. Actually, I am not showing disrespect to the Council; I just do not respect the decision made by those yes-men in the Council.

Madam President, I expected the Chief Secretary for Administration would give us a speech in high-sounding language, because the Government has been using high-sounding words these days. The Chief Executive, for example, has talked about how much he respected academic freedom, freedom of the press, freedom of speech and freedom of expression. But let us look at what his government has done. If the Government really respects academic freedom, why does it send out paparazzi to pursue us instead of allowing us to open an inquiry now even though the judge and the other two respectable members on the Independent Investigation Panel have made it clear in their conclusion that what

transpired in the incident could be rightly suspected of being calculated to inhibit academic freedom. So, if the Government is showing respect for academic freedom by not allowing any inquiry to be opened, need I say more on how it respects the freedom of the press? I believe sometimes the views expressed by the Chief Secretary for Administration really convince people that she does have respect for others, but how about her colleagues in the Government? How about the Chief Executive? I trust that many members of the public have made their own judgement. Otherwise, someone would not have to urge the Chief Secretary for Administration to better support the Chief Executive.

With regard to students, the Government also claims that it does respect their freedom of speech; hence, they will only be arrested but not prosecuted. Apart from that, the Government also claims that the Public Order Ordinance is good and has won the support of certain or even the majority of the Members of the Council. However, even for those things that the Government praises as good, the people are smart enough to see for themselves; they are by no means fools. Will the public believe that the Government really respects each and everything as it claims? How many people of Hong Kong other than the majority of the Members of this Council will really believe in the high-sounding words said by government officials? Just now the Chief Secretary for Administration raised this question: Since the university concerned does not see any problem, what is the point of opening yet another inquiry? We all know what kinds of people will mostly be appointed to the councils of universities as members. Actually, the council of the university concerned is no different from this Council, as the majority of their members all consider that there is not any problem and thus no need for opening another inquiry. With regard to the incident in question, and if Dr Robert CHUNG had not held a press conference, and if Dr WONG Siu-lun had not held another press conference subsequently, would the Honourable YANG Ti-liang come out so quickly and announce that an investigation would be conducted into the incident? But then, why did the University Council not accept the report as a result of the investigation? Although the University Council has not explicitly rejected the report, the fact that it has not accepted report either means that it just does not accept the report. It is as simple as that.

Having said all this, Madam President, I do not know In fact, I have said all this to no avail. Obviously, in the minds of many Members, there is no call for this debate, which is just a waste of time. As Mr IP Kwok-him said, it would be better if we should spend more time and effort discussing the second

motion — for he is the mover of the second motion. *(Laughter)* I believe the view prevails in this Chamber is not the same as that held outside. Both the Democratic Party and Martin LEE are just the same, if "four times seven is 28" should be the truth, we would hold fast to it till death. Even if I should be given 10 floggings, 100 floggings or 1 000 floggings, I would still hold fast to the truth; I would still say that what had been done in the incident did involve an intention to inhibit academic freedom. I have no intention to repeat this statement 1 000 times, but this is the conclusion of the report and nobody could deny that.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Martin LEE, please resume your seat first. I would like to make it clear to you that according to the Rules of Procedure, in the event that any Member wishing to interrupt another Member, the Member speaking shall give way to enable the Member interrupting to raise his point if it is a point of order. On the other hand, if the Member interrupting wishes to seek elucidation of a certain part of your speech, he may raise his point right away if you are willing to give way. However, if he wishes to clarify a part of his speech which has been misunderstood by you, he must wait until you have finished your speech to raise his point.

MR MARTIN LEE (in Cantonese): Madam President, may I speak again after the Honourable Member has made his clarification? *(Laughter)*

PRESIDENT (in Cantonese): No, you may not speak again. *(Laughter)* Mr Martin LEE, please resume your seat now.

PRESIDENT (in Cantonese): Prof NG Ching-fai, do you wish to clarify the part of your speech which has been misunderstood?

PROF NG CHING-FAI (in Cantonese): Madam President, I believe my story is correct. If Mr Martin LEE prefers to place himself in the story, and if so doing could comfort his soul, I would let his soul be comforted. He is not the one who says "four times seven is 28". The moral of my story is that even if you

are right and know certainly that the other person is wrong, it is pointless to keep arguing with that person. This is all I wanted to say just now. However, if Mr Martin LEE should consider himself to be the person in my story, I would let him have peace tonight. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Martin LEE 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 Martin LEE rose to claim a division.

PRESIDENT (in Cantonese): Mr Martin LEE has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Eric LI, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr LAW Chi-kwong and Mr Michael MAK voted for the motion.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Abraham SHEK, Miss LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Dr David LI abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted for the motion.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Andrew WONG, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the motion.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, five were in favour of the motion, 22 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 14 were in favour of the motion and 13 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Motion with no legislative effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debate. Since Members are already familiar with the rules concerning time limits on speeches, I will not repeat them here. I just wish to remind Members that I am obliged to direct any Member speaking in excess of the specified time to discontinue.

Increasing the support to District Council members.

INCREASING THE SUPPORT TO DISTRICT COUNCIL MEMBERS

MR IP KWOK-HIM (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed. First of all, I need to declare an interest. I have been an elected member of the Central and Western District Council (formerly known as the Central and Western District Board) since 1991. Last Saturday morning, the "District Administration in the New Millennium" Seminar jointly organized by the Home Affairs Bureau and the Home Affairs Department for all District Council (DC) members was held to solicit DC members' views on the future role of DCs. More than 400 DC members attended the Seminar to actively express their views. Despite the divergent views raised then, one thing was certain: The participants in the Seminar, including the DC members, government officials at different levels, and the Chief Executive, Mr TUNG Chee-hwa, are very much concerned with the work of DCs. They all consider there is a need for the functions of the DCs to be enhanced and the support to DC members increased. This is the right time to review seriously the functions of the DCs and the support provided by the Government for DC members, for they are major issues affecting the livelihood of more than 6 million people in Hong Kong. It is hoped that Honourable Members will participate actively in the motion debate today as the DC members did on the District Councils Day. First of all, I should like to thank the four Honourable colleagues, in particular the three Members from the Democratic Party, for the amendments they have proposed to my original motion. The careful thoughts and arrangements they have made in this connection all serve to demonstrate the concern Honourable Members have for the affairs in relation to the DCs.

Starting from 1982 when the first term of office of the DCs (formerly known as district boards) commenced, the DCs have been performing the functions of an advisory body responsible for advising the Government on district affairs as prescribed by the District Councils Ordinance (formerly known as District Boards Ordinance). However, the Ordinance has not provided clearly for issues relating to the practical operation of the DCs, such as the types of district affairs on which the DCs should be consulted, and the manner in which government departments should conduct consultations. "Consultation" was new to the community then, and more often than not the Government would "consult" the then district boards in accordance with the "market" needs. Eighteen years have passed, but many DC members still feel that the Government does not respect their views. As the motions passed by the DCs have hardly ever been implemented, DC members cannot but feel that DC meetings have been reduced to "talk shows". What is more, since most of the government officials attending DC meetings do not have any say in their respective departments, they are unable to meet the demands made by DC members. "Talk shows" of this kind are of course uninteresting, they will only bore people to death. On the other hand, because the Government has turned a deaf ear to the opinions made by the DCs, we can see mishaps and tragedies taking place from time to time. I wonder if Members could remember that before the Lan Kwai Fong tragedy took place, the then Central and Western District Board had discussed a motion on the pedestrian flow at Lan Kwai Fong on festive occasions and urged the police to keep a close watch on and improve the situation to avoid accidents. But then the tragedy took place while the memory of the warning made was still fresh. Why could the district board members have such "prophetic vision"? Actually, the answer is very simple. Since DC members have been serving their respective districts over a very long time, they are well acquainted with the environment there and can therefore appreciate the actual situation of their districts.

In seeking to help members of the public to resolve the problems of their complaint, DC members have frequently encountered difficulties posed by the Government in both the hard and soft ways. As a result, many issues that could have easily been resolved originally simply deteriorate into problems. As a matter of fact, experience tells us that if those issues were handled by Directorate Grade officials who are capable of handling things with greater flexibility, many an issue could be resolved very easily. That is why my motion suggests the Government assigning an Assistant Director in every executive department to maintain close liaison with DC members and to assist them in handling

complaints. Here, I must stress that I am suggesting the Government to assign incumbent government officials to handle the work concerned, rather than asking every executive department to create an additional post at the rank of Assistant Director. As such, my proposal will not cause the Government to incur additional expenditure. I have extensively consulted DC members on the proposal and got their support.

Madam President, the Government has started to consult the public on major projects lately. With regard to the Western District Development Strategy, for example, in addition to actively visiting DCs to solicit opinions from DC members, the relevant government officials have also attended residents' meetings to listen to the views expressed by the people. This is indeed a good start of an improved measure. So, why should the Government not institutionalize this commendable measure and implement it in other aspects? My motion suggests the Government to consult DC members when planning the scope, design and construction programme of projects to be implemented in their respective districts and prior to the submission of these projects to this Council for funding approval, with a view to perfecting them. Besides, my motion also urges the Government to submit the views and opinions collected from the relevant DCs to this Council together with the project proposals. In fact, the Public Works Subcommittee of this Council has also received similar suggestions from the various DCs. But still, I hope very much to institutionalize this practice. In addition, we also consider there is a need for the relevant executive department to attend DC meetings during the construction stage of such projects to enable DC members to monitor their work on the one hand, and to explain to DC members both the works progress and the difficulties encountered in the process on the other, with a view to soliciting views from DC members and winning their support for the projects, thereby minimizing the possible nuisance that these projects might cause to the public. It is only in this way that the projects concerned could be regarded as people-oriented projects implemented for the sake of the people. Moreover, this is also in line with the world trend of democratic development nowadays.

As regards district affairs like environmental improvement works, provision of recreational and cultural facilities, as well as other community activities, actually they can all be handled by the 18 DCs with direct funding by the Government in accordance with section 61(1) of the District Councils Ordinance. According to the report submitted by the Government to the Panel on Home Affairs on 14 November, a total of \$130 million has been allocated to

the 18 DCs to carry out minor environmental improvement projects during the 1999-2000 financial year. The funding shared by the 18 DCs is indeed meagre, for \$130 million may only cover the cost of a major Category A project, such as the construction work of a well-equipped secondary school. Upon getting their share of this grant of \$130 million, the DCs will use the money to subsidize social services organized by local organizations for the youth, the elderly and the disadvantaged groups. The amount left would only be enough to cover the construction cost of a rain shelter or two attached with a small plaque displaying the name of the DC concerned to remind the public of the existence of the DCs. In fact, it would be considered a good deed of the Government if it could provide additional funding for the DCs to give play to their strong points — their profound knowledge of the community and their deep roots in their respective districts — and to put resources into best use to benefit the residents of the districts.

Upon the completion of the major projects, the Government should allow members of the respective DCs to participate in the management of the facilities concerned, so that they could join hands with government officials from relevant departments to do a even better job in handling district affairs. In serving their respective districts over the years, DC members have become well acquainted with every aspect of the district, not to say those major public facilities like markets, libraries, parks and sports grounds. As DC members are well versed in the affairs of their respective districts, if they should be allowed to join the committees responsible for managing the said public facilities to air their views and to reflect the demands made by the public, the management of these facilities would achieve much better results faster and easier.

Madam President, now I should like to switch to issues relating to the resources and support provided for DC members. The current term of the DCs has commenced operation for almost a year. Looking back, when the District Councils Ordinance was being passed by the Council, the Secretary for Constitutional Affairs said very clearly that the DCs would be playing a far more important role, and that the Government would provide greater support for the DCs to cope with this development. However, so far the resources provided by the Government for DC members are very limited. As the saying goes: Without wind the boat cannot sail. How could one expect a boat to sail ahead on a windless day? I believe the other 16 Honourable colleagues who are also DC members will agree very much with me in this respect.

As the current term of the DCs is a part of the two-tier representative system, the Government should provide DC members with sufficient resources to facilitate the smooth operation of their offices, so that they can offer quality services to the public and to help them resolve their problems. With regard to the current amount of monthly accountable allowance for DC members, if DC members should set up their offices in places outside public housing estates, the said allowance would not be enough to cover the rentals for an arcade shop, not to say the wage payments for a competent full-time assistant. Naturally, DC members have to shoulder all other overheads all by themselves. Starting from next month, the DC members will have to make contributions to the Mandatory Provident Fund Schemes for their assistants as well. As a result, they will need to dig into their own pockets to cover expense on such contribution payments. Among the 519 incumbent DC members, 124 are full-time members. I believe the additional expenditure would add heavily to the burden of these full-time members. How could the quality of the services provided by DC members for the public remain unaffected if they were provided with such meagre resources?

Certainly, it is out of their enthusiasm in serving the community and their ideal to serve the people that DC members provide services for their respective districts. But then the various expenses incurred by the operation of their offices have indeed added to their burden and made life even harder for them. They really have a hard time making ends meet. For these reasons, the Government should waste no time in increasing the allowance for DC members. According to the findings of a questionnaire survey conducted by me only recently, 95% of the respondents considered that the accountable allowance for DC members should be increased further. Specifically, they expect the amount to be increased to \$15,000 to \$20,000. Some of the DC members even remarked that the allowance for DC members is not comparable to the salary payable to the Secretary to his DC. It is indeed disheartening. With regard to my suggestion of increasing the monthly accountable allowance for DC member to \$20,000, actually, that would not add heavily to the financial burden on the Government. This is because the additional expenditure to be borne by the Government is only \$5.19 million monthly (since we have altogether 519 DC members) and \$62.28 million for a year. This sum would not be sufficient even to cover the cost of one Category A project. Moreover, the DC members would not be the only party benefiting from the proposed increase in allowance. Actually, I must say the Government is indeed very lucky, for there are so many "voluntary workers" and "social workers" in Hong Kong who are willing to use their own time and money to serve the public. Just what more could one ask for ?

Madam President, apart from the operating expenses of their offices, DC members also have to dig into their own pockets to set up such offices. Hence, my motion also suggests the Government granting DC members a one-off accountable allowance for setting up their offices, just like the case of Legislative Council Members.

Madam President, at present, there are about 370-odd advisory bodies set up by the Government. The figure would rise to over 600 if the subcommittees formed under these advisory bodies should be counted in as well. Altogether, some 5 600 people are currently serving on these advisory bodies and subcommittees. Not very long ago, the Secretary for Home Affairs said that the Government would make administrative arrangements to appoint more DC members to a number of advisory bodies that are dealing with issues related to the people's livelihood. However, according to a survey conducted by me recently, only less than 30% of the DC members are currently serving on the advisory bodies set up by the Government. Given that DC members have to come into contact with many people from the various strata of society, they are well acquainted with the needs of the people. Hence, if the Government should appoint more DC members to the various advisory bodies to reflect the views of the people, the efficiency of the advisory bodies would certainly be improved substantially, thereby enhancing their role in helping the Government to formulate policies.

Madam President, I should also like to speak on the support provided by the various DC secretariats. Actually, many DC secretariats are suffering from the problem of manpower shortage. That is why I hope the Government can consider increasing the manpower resources for the various DC secretariats to enable their staff to provide assistance and support for DC members in an efficient and effective manner, thereby enhancing the operational efficiency of the DCs as a whole.

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

Mr IP Kwok-him moved the following motion: (Translation)

"That, as District Council (DC) members are representatives of public opinion with extensive contacts at the grass-roots level, this Council urges the Government to adopt the following measures to increase the support to DC members:

- (a) creating a post at the rank of Assistant Director in every executive department to directly assist DC members in handling complaints;
- (b) requiring the heads of bureaux and executive departments to meet DC members on a regular basis, so as to enable DC members to understand the Government's blueprint for governing Hong Kong;
- (c) perfecting the mechanism for DC members to be involved in and give views on major projects to be implemented in their respective districts prior to the submission of these projects to the Legislative Council for funding approval;
- (d) setting up a mechanism for the Government to consult DC members when planning the scope, design and construction programme of the projects to be implemented in their respective districts;
- (e) appointing DC members to the committees responsible for managing public facilities in their respective districts, so as to enhance their role in district management;
- (f) appointing the 519 DC members to the Government's advisory structure;
- (g) increasing to \$20,000 the monthly accountable allowance for DC members;
- (h) granting DC members a one-off accountable allowance of \$50,000 for setting up their offices;
- (i) including DC members in the precedence list of the Hong Kong Special Administrative Region; and
- (j) increasing the support provided by district offices to DCs, including providing additional manpower and office facilities."

THE PRESIDENT'S DEPUTY, MRS SELINA CHOW, took the chair.

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr IP Kwok-him be passed.

DEPUTY PRESIDENT (in Cantonese): Mr Andrew CHENG, Mr Albert HO and Mr Frederick FUNG will move amendments to this motion respectively. Their amendments have been printed on the Agenda. In accordance with Rule 34(4) of the Rules of Procedure, the motion and the three 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 Andrew CHENG to speak first, to be followed by Mr Albert HO and Mr Frederick FUNG; but no amendments are to be moved at this stage.

MR ANDREW CHENG (in Cantonese): Madam Deputy, last Saturday was the District Councils Day but the District Councils Day Seminar held then was really disappointing. Many DC members found the Seminar nothing but an empty talk show as the Home Affairs Bureau had failed to put forward in this consultative seminar any concrete date, time or direction for the review of district administration. Since the DCs have just celebrated their 20th anniversary this year, they should have made an enormous stride in democratic development. Given the abolition of appointed seats in 1994, naturally the next step should be to abolish the seats of ex-officio members and to have all DC members returned through direct elections, with a view to reinforcing further the representativeness and acceptability of DCs. It is regrettable that the Government has adopted a retrogressive policy and reinstated appointed seats to all DCs, thereby dealing a heavy blow to the public acceptability of the DCs.

The materialization of returning all seats on the DCs by way of direct elections is dependent upon how expeditiously the Constitutional Affairs Bureau and the Home Affairs Bureau conduct the said review. It is hoped that in the next term we could have all the seats on the DCs returned through direct election, thereby enhancing the acceptability of the DCs. With regard to the role of DCs, many DC members have come to the view that the DCs are no more than a

political vase, even an ordinary advisory body will serve a function better than them. Following the scrapping of the two former Municipal Councils, the sense of powerlessness has become increasingly strong on the DCs. After resuming all the functions of the two former Municipal Councils, the Government so far has not indicated any wish to entrust those functions to the DCs, thus giving people the impression that the executive-led government is thinking about developing into an executive-hegemonist government or even a big government which deals with not only policies at the central level but also all kinds of district affairs. From this we can see that the Government has never had any respect for the members elected by the people.

Madam Deputy, the Democratic Party is proposing two amendments to the original motion moved by Mr IP Kwok-him, through Mr Albert HO and me. The amendment to be moved by Mr Albert HO aims mainly to request the Government to study expeditiously the possibility of entrusting to DCs the functions of the two former Municipal Councils in respect of district affairs, while mine is focused on the detailed operations of DCs presently. I will come to that in detail later. Mr WONG Sing-chi from the Democratic Party had originally intended to move an amendment to advocate direct elections for all the seats on the DCs. Unfortunately, the President rejected his proposed amendment, ruling that it is outside the ambit of the original motion. The Democratic Party certainly respects the President's ruling.

Taking into consideration that the amendments are of different nature and dealing with matters of different levels, the Democratic Party decided to move the proposed amendments through three Members. That way, when this Council discusses the motion and the amendments proposed to it, Members will be given a clearer focus and greater flexibility in choosing the question they wish to debate. The contents of our proposed amendments are compatible rather than in conflict with each other. I hope Honourable Members can support all of them.

Madam Deputy, the 10 detailed proposals put forward in the original motion are related to the operation of DCs. Having discussed with the 80-odd DC members in our party, the Democratic Party considers it necessary to amend

the original motion, in particular points (a), (b), (f), (g), (h) and (i). Further still, the Democratic Party has also put forward specific proposals to urge the Government to provide additional funding to DCs, so that they can be given more resources to launch or embark on community building and environmental improvement projects. At present, each DC is allocated only some \$5 million to \$10 million annually, which is indeed far from enough.

A DC member in our party once reflected to me that a footbridge in his respective district did not have any canopy and the residents of the district thus turned very eagerly to the DC for help. Unfortunately, the DC could do nothing to help because the funding allocated to DCs could only be used to launch projects, but the residents were asking for a grant to construct a canopy for an existing footbridge.

While members of the public foster great expectations of the role of the DCs in making improvements to district management, it is also the responsibility of DC members to respond positively to the people's expectations. So, the Government just cannot look on unconcerned.

Madam Deputy, now I should like to speak on the six amendments remaining.

With regard to point (a) of the original motion, the Democratic Party has found this proposal relatively unacceptable. Just now, Mr IP Kwok-him explained that in suggesting "creating a post at the rank of Assistant Director to assist DC members in handling complaints" he did not mean the Government should create a new post; rather, he was only urging the Government to assign an incumbent Assistant Director rank public officer to receive complaints lodged by DC members. In our view, this is a rather impracticable idea because it would only add to the workload of the incumbent assistant directors, but it might not be of much help to DC members. To cite an example, DC members frequently receive complaints about housing matters, so to resolve and follow up the matter all they need to do is to refer the cases to the relevant Housing Managers for action. There is no need for all complaints to be handled by Assistant Directors. We believe that a more practicable approach is to have the relevant officers handling the matters meet with DC members in accordance with the actual needs.

The amendment put forward by us in this connection urges the Government to designate relevant officers of executive departments, including those at the directorate level, to attend DC meetings to explain government policies where necessary, with a view to enhancing the Government's accountability to representative councils. This proposal is complementary to our second amendment.

The Democratic Party appreciates very much the spirit of point (b) of the original motion. However, our concern is that it is not sufficient just to require the heads of government departments to meet DC members on a regular basis, and that the "blueprint for governing Hong Kong" can be very vague. In our opinion, the crux of the problem lies in the fact that the Government attaches no importance to the DCs. In this connection, even the Secretary for Home Affairs has postponed his visit to the Sai Kung District Council for quite a number of times. What is more, according to press reports, the Secretary has also failed to give any definite answers to the questions raised by DC members in relation to the enhancement of the functions of DCs. I do not know if the Secretary will resort to giving us some vague response again today, or he will explain in detail the scope and direction of the district administration review to convince this Council that the Government does very sincerely want to reform the functions of the DCs.

The amendment proposed by the Democratic Party suggests specifically requiring the Government to consult and make an agreement with the DCs, and to draw up internal guidelines to specify the types of policies and consultation papers requiring consultation with DCs as well as the types of policies and works at the district level requiring the consent of DCs before implementation. With these internal guidelines providing for the consultation procedures, government departments could activate the consultation mechanism accordingly. Moreover, internal guidelines are more practicable and long lasting compared to the vague instructions given by the Chief Secretary for Administration. As a matter of fact, there have been cases in which government departments invited the DCs concerned to determine which projects should commence first. The Highways Department, for example, may propose to the DCs concerned to determine which road should be constructed first.

The Eastern District Council has recently passed a motion to urge the Government to consult the DCs on policies affecting the livelihood of the people, such as increase in government fees and charges, before submitting them to the

Legislative Council for approval. Thus, we can see very clearly that DC members are asking more than a brief meeting with Bureau Secretaries or heads of departments; they are asking the Government to consult the DCs through formal channels.

Concerning point (f) of the original motion, Madam Deputy, our view is that so long as there are more DC members appointed to the Government's advisory structure, the representativeness of the relevant advisory bodies will certainly be enhanced. To us, it is more important to define appropriate criteria for such appointments to prevent individual advisory bodies from being monopolized by just one voice or one single type of view and, thus, failing its role as an advisory body in soliciting different opinions. Hence, the Democratic Party proposes to replace the phrase "the 519 DC members" with "more DC members" and to suggest the Government defining appropriate criteria for such appointments with a view to catering for the different opinions in the community.

As regards points (g) and (h) of the original motion, both of which are related to the allowance for DC members, the Democratic Party considers the rate of increase proposed in the original motion acceptable. Yet the Democratic Party also considers that future allowance adjustments should be best entrusted to an independent committee tasked to review matters relating to the revision of allowance for DC members. Besides, the Democratic Party is also of the view that DC members should also be granted an allowance for winding up their offices, in addition to an allowance for setting up offices.

Point (i) of the original motion is on the provision of additional manpower and office facilities. In this connection, we believe that apart from manpower and office facilities, an independent secretariat is also of great importance in supporting the work of a DC. This is because an independent secretariat can enjoy a more flexible manpower establishment on the one hand, and avoid much of the influence brought about by staff changes in the Civil Service or the Government's plan to cut expenditure. It has been reflected by the DC members in our party that a certain Democratic Party member had to take the minutes of a subcommittee meeting himself because the meeting was held in the evening and no secretaries were working then! Further still, an independent secretariat can also help to establish for the DCs the image that they are independent bodies rather than a subsidiary of the Government.

Madam Deputy, I hope that after this motion debate the Government will genuinely implement its proposal to review the functions of DCs and draw up a timetable for this purpose. The powerless DC members should not be made to play the role of a political ornament anymore. Lastly, I should like to point out that if our amendments should be negated, the Democratic Party would certainly give our full support to the original motion moved by Mr IP Kwok-him. I hope Mr IP Kwok-him and his colleagues from the Democratic Alliance for Betterment of Hong Kong will understand that our amendments are purely technical in nature, and that they are made to offer Members a divergence of opinion for consideration, with a view to enabling the DCs to have their own power. I also hope that Mr IP Kwok-him, as a representative of DC members, can listen to the amendments proposed by the Democratic Party today. Thank you, Madam Deputy.

MR ALBERT HO (in Cantonese): Madam Deputy, this year marks the 20th anniversary of district boards, now renamed District Councils (DCs). After 20 years of operation, DCs have accumulated a lot of experience in monitoring the management of district affairs. Over the years, DCs have been requesting some concrete district administration powers, so that they can participate more effectively in the management of district affairs, and help members of the public to improve their living conditions. DC members and DCs should also receive greater recognition from the Government and it is also necessary to build up a district management culture whereby the Government (especially departments which are responsible for district affairs) is accountable to DCs. The Government should have enhanced the functions of the DCs a long time ago, by, for example, giving them more decision-making powers in community building and environmental improvement programmes, and granting them more resources for organizing large-scale recreational events. I think the DCs should be granted such powers.

Madam Deputy, the Government introduced and successfully passed a piece of legislation last year to abolish the two Municipal Councils, and transfer all powers of the two former Municipal Councils to the central government. We think that the act of "scrapping" the Municipal Councils would lead to a retrogression in democracy, and reduce our opportunity of democratic participation, thus seriously infringing upon the rights of the public to participate in district management and weakening the mechanism under which the Government is requested to be accountable to the public. This is indeed very

regrettable. In this connection, some people have filed an application for a judicial review, because they are of the opinion that the abolition of the two Municipal Councils is in breach of the Basic Law and the International Covenant on Human Rights. I would also like to take this opportunity to declare my interests. I am the legal representative of the parties to this proceeding. Though, my colleagues of the Democratic Party and I myself strongly oppose the "scrapping" of the two Municipal Councils, we are still moving this amendment for Members' discussion today — of course, we are doing so under the assumption that the petition against the "scrapping" of the two Municipal Councils will be unsuccessful. Despite the fact that I hope this assumption will be wrong, we still hope that the DCs will be given reasonable treatment, and be vested with the function of district administration. On the other hand, following the abolition of the two Municipal Councils, some of their functions have been handed over to the DCs. Because of this members of the public can, at least, have more room in political participation in respect of district administration.

Madam Deputy, I presume you can recall that last year, when the Bill on the abolition of the two Municipal Councils was submitted to this Council, and during our debate on this Bill, the Government repeatedly undertook that in rationalizing this political structure, and that is, when the three-tier system of representative government is converted into a two-tier one, it would seriously consider handing over some of the two Municipal Councils' functions to the DCs. I believe that many Members supported the Bill on the abolition of the two Municipal Councils because they believed the Government's undertaking. However, it is indeed a pity that the Government appears to have not taken the undertaking which it made at that time very seriously. Up to this moment, we fail to see that any sincerity on the part of the Government to give more powers to the DCs.

Madam Deputy, since the two former Municipal Councils had many functions, the Democratic Party will not request the Government to devolve all their authorities on the DCs, even though we do insist that the Government should honour its promise in giving more powers to the DCs. This is because we understand that due to the establishment of the new structure, some of the authorities of the former Municipal Councils authorities should be transferred to the central. Therefore, today we are only making a sensible request, asking the Government to expeditiously conduct a study, so as to find out which functions of the two former Municipal Councils in respect of district affairs can be transferred to the DCs. Of course, we have good reasons to believe that a lot of such functions can be transferred. The following are some of my suggestions:

For example, in the past, the two former Municipal Councils funded the promotion of large-scale cultural and recreational events at the district level, including district festivals jointly funded by the two former Municipal Councils and the district. After the "scrapping" of the Municipal Councils, the job of organizing these events will be taken over by the Leisure and Cultural Services Department. However, I think that it will be more appropriate for the DCs to take over this job, because they can better understand the recreational and cultural needs of each district including the priorities of different events, and which organizations would have the necessary experience for organizing what kind of events. Therefore, first of all, we hope that the function of organizing community building and recreational and cultural events funded by the Government can be transferred to the DCs. Of course, I do not mean all cultural and recreational events, and I certainly agree that territory-wide cultural and recreational events should be organized by the central.

Secondly, in the past, the priorities for certain municipal works projects of the two former Municipal Councils were set by the construction committee of the two former Municipal Councils in consultation with the DCs. After the "scrapping" of the two Municipal Councils, we think that the priorities of these municipal works projects (including markets, parks, public lavatories, civic centres and recreational and sports centres) should first be decided by the DCs, and then implemented by government departments at the central. Therefore, secondly, we hope that the function of allocating funds for district municipal works projects should be passed onto the DCs.

Thirdly, as regards district municipal construction and environmental improvement works, DCs should also be responsible for considering and endorsing the design and monitoring the progress of works. We, therefore, hope that this function should be clearly entrusted to DCs.

As regards the 169 outstanding capital projects of the two former Municipal Councils, we think that they should be referred to the relevant DCs as soon as possible for prioritization. These projects can then be passed onto the two relevant Legislative Council Panels, which can discuss and decide on their priorities. This is to avoid any obstruction that may be caused by the rigid central resources allocation mechanism of the Government.

In the past, the two former municipal services departments under the two former Municipal Councils were responsible for the management of district municipal facilities. Given the necessary resources, the DCs can also take up some of such management duties. As for the management model, consideration

can be given to setting up "venues management committees" under the DCs to manage the municipal facilities of various districts, by incorporating users as well as district representatives on the management committees. For example, we can consider setting up district civic centres management committees — to be formed by residents, local arts organizations, representatives of the cultural sectors and DCs — to take charge of the management of civic centres. Of course, for other facilities like market complexes, district civic centres, public swimming pools, parks and libraries, we can also consider adopting the same model so that the DCs can participate in the management work.

The Democratic Party thinks that the overall expenditure of the Government will not be increased, at least will not be substantially increased, as a result of transferring the functions of the Municipal Councils. This is because the Government will only have to devolve the authorities transferred to the central, that is, the authorities and subsidization programmes which have been resumed from the two former Municipal Councils, on the DCs and to give them funds so that they can discharge their functions. Therefore, I believe that there will not be any substantial increases in government expenditure.

I hope Members can support my amendment. Thank you, Madam Deputy.

MR FREDERICK FUNG (in Cantonese): Madam Deputy, I also need to declare an interest. I am an incumbent member of the Sham Shui Po District Council.

The Government of the Special Administrative Region has given an undertaking that after abolishing the two former Municipal Councils it would entrust the relevant power to the DCs. However, so far the Government has yet to honour its promise. Over the past years, the functions of DCs (formerly known as district boards) have all along remained advisory. It was only when the Government needed the DCs to support its policies that government officials or even senior government officials and Secretary Grade officials would attend the meetings of DCs. The Government only considered the district boards as its tools of politics, paying no regard at all to the views raised by district boards in respect of district affairs and territory-wide policies. If the Government really attaches importance to the views of DCs, it should entrust to DCs the functions of the former Municipal Councils in respect of environmental hygiene, cultural

and recreational activities, and matters relating to the people's livelihood, with a view to enhancing the role of DCs in district affairs.

Even though the Chief Secretary for Administration's Office has issued direct instructions to various government departments requiring them to step up communication with DCs and attach more importance to the views raised by DC members, so if the Administration is mindful of strengthening its communication with the DCs, it must listen more to the different views voiced by the various strata of the community. In my opinion, the Government should establish a mechanism for DC members to elect or nominate members from among themselves to the committees responsible for managing public facilities in their respective districts, so as to enhance their role in district management. With regard to the district organizations, the new mechanism for election is an improvement on the previous mechanism concerned; besides, it can also enable the chairmen and vice-chairmen of DCs to become members of District Management Committees. However, we consider it more important that more DC members well acquainted with the policies implemented in their respective districts to expound on their views at the various committees to assist the Government in formulating relevant policies and resolving problems specific to the districts.

As regards the central government level, the present arrangement is that at the monthly meeting called by the Administration, different Policy Bureaux and government officials will exchange views with the DC chairmen and vice-chairmen on certain central government level policies. Nevertheless, we consider that for the purpose of reflecting more effectively the district opinions in public policies, the Government should strengthen the connection between DCs and the various bureaux and departments. For this reason, we hold that the Government should establish a mechanism for DC members to elect or nominate from among themselves members who are well acquainted with the various public policies for appointment by the Government to the Government's advisory structure. That way, not only can the communication between DCs and the various Policy Bureaux be strengthened, the Government may also gain a better understanding of the various livelihood problems confronting people living in different districts. This will in turn enable the Government to formulate more effectively territory-wide policies and policies affecting the people's livelihood, including policies on urban renewal, housing and medical and health services.

Next I should like to discuss the amount of monthly accountable allowance for DC members. At present, the accountable allowance payable to DC members is \$10,000 a month, but that amount is not sufficient to cover the expenses of a DC member's ward office in most cases. Actually, only the rental payment and expenses on staff remuneration have already exceeded the allowance limit. On the other hand, some of the office expenses are currently not included as items to be covered by the accountable allowance. Therefore, I need to propose amendments to the original motion in this respect using the job reports prepared by DC members as an example. Given that members of the public and government departments could monitor the performance of DC members in dealing with district affairs through these reports, I agree that the monthly accountable allowance for DC members should be increased from \$10,000 to \$20,000 to enable DC members to meet their financial needs in this connection. Hence, I have put forward the proposed amendment to suggest the Government reviewing the monthly accountable allowance for DC members to meet actual needs.

Generally speaking, I agree with the original motion moved by Mr IP Kwok-him, as well as the amendments proposed by Mr Andrew CHENG and Mr Albert HO respectively. I agree that DC members should participate in district bodies and the Government's advisory structure; however, I am disappointed to see that the relevant mechanism proposed by the three Honourable Members still remain at the appointment system level. The major purpose of the three Members proposing amendments to the motion on increasing the support to DC members is to enhance the role of DC members in district management, and to strengthen the connection between DCs and the various Policy Bureaux and departments in the Government, with a view to enhancing the DCs' influence on the Government. That being the case, why do they still stick to the appointment system? I hope the three Honourable Members can understand that if we are to enable DCs or DC members to participate in district management, they should be entitled to directly elect or nominate representatives from among themselves to the committees responsible for the management of public facilities in their respective districts. In particular, since the majority of the DC members are elected directly by voters, I believe they all have the ability and the right to elect their own representatives. As regards the advisory structure at the central government level, my view is that DC members should elect or nominate representatives from among themselves for appointment by the Government. In

other words, the power of nomination should be vested in the DCs. Of course I do agree that the Government should have a substantive right to decide whether or not to appoint the candidates nominated. On the other hand, if the candidates nominated by the DCs were not appointed, the DCs concerned could nominate other candidates for appointment because the power of nomination is vested in the DCs. I hope the Democratic Alliance for Betterment of Hong Kong and the Democratic Party will consider my amendment. Both the Association for Democracy and People's Livelihood and I hold that unless DC members can elect or nominate from among themselves members to committees responsible for the management of public facilities in their respective districts and to the Government's advisory structure, the opinions of DC members and DCs can hardly be reflected to effectively facilitate the Government formulating policies on district affairs. That is also the reason why I have proposed to amend the aforementioned points in the original motion.

Madam Deputy, I so submit.

MR DAVID CHU (in Cantonese): Madam Deputy, the Government has recently mentioned that a comprehensive review would be conducted within next year with respect to enhancing the functions of DCs. Actually, if the Government is to enhance the functions of DCs, another path of development it must embark on in addition to entrusting DCs with greater responsibility and power in respect of district affairs is to allow them to have greater participation in territory-wide policy matters at the central level. Hence, I propose that the Government should enable DC members to participate more in advisory bodies, so that the Government could solicit opinions from the public and the various professional sectors in a more comprehensive manner. Indeed, both the DCs and the various advisory bodies are playing an important role in representing public opinion, providing professional expertise, as well as assisting the Government in implementing policies.

At present, the Government of the Special Administrative Region (SAR) has established 370-odd advisory bodies comprising a total of some 5 600 members. These advisory bodies are responsible for providing the Government with views expressed by members of the community and expert advice on the various policies of the Government. They have significant influence on both

the people's livelihood and the economy of Hong Kong. While most of these advisory bodies are functioning properly at present, it would certainly contribute positively to both the stability and development of Hong Kong if the appointment system of these advisory bodies could be further improved to absorb more talents and representatives of public opinion.

Being the bridge of communication between the public and the Government, DC members are broadly representative of public opinion. At present, we have a total of 519 members serving on the different DCs in Hong Kong. These DC members understand very well the needs of the public because they come into contact with a considerable number of members from the different strata of our community every day to listen to their complaints, suggestions and opinions. As regards the advisory bodies set up by the Government, although the functions of these bodies are mainly related to matters territory-wide, many public policies in such areas as transport, infrastructural development, environmental protection and housing also involve efforts at the district level. If DC members were appointed to these advisory bodies, they would certainly be helpful to the Government in implementing policies that are more practicable, more effective and more acceptable to the public, thereby facilitating its smooth administration of Hong Kong. To cite an example, the decisions made by the Environmental Protection Department in respect of the West Rail alignment and the North-south Lantau Link have aroused considerable dissatisfaction among the residents concerned. If the Government could appoint members of DCs in the New Territories to advisory bodies dealing with environmental protection or transport issues, local views could be reflected more fully and expeditiously to the Government. That way, the conflict and contradiction between environmental protection and local development could be resolved promptly.

For these reasons, I suggest the Government to appoint more DC members to the various advisory bodies in order to enhance their role in policy formulation. Actually, apart from providing advice, DC members could also gain a better understanding of the relevant government policies by participating in these advisory bodies, thereby improving their political participation and discussion abilities. This will contribute significantly to the development of political talents in Hong Kong. Given that the many members serving on their respective DCs are representatives of the people's opinion who are familiar and

concerned with district issues, I hope the Government can attach greater importance to the views of DC members and strike up a partnership kind of relationship with the DCs.

With these remarks, Madam Deputy, I support the original motion moved by Mr IP Kwok-him.

MR LAU WONG-FAT (in Cantonese): Madam Deputy, today's motion debate would be absolutely redundant if the Government could have taken DCs seriously, with similar determination and courage it displayed in scrapping the two Municipal Councils. Actually, for a government that always stresses the importance of district administration, it needs no urges from others. It should have taken the initiative in implementing proposals, like those suggested by Mr IP and some other people, a long time ago.

The achievement of DCs, after almost two decades of operation, is evident to all. They have long passed the trial period and are now fully mature. With the increasingly heavy workload in respect of community affairs, DCs have been unable to cope with their long-standing responsibilities and powers and resources given. In particular, after the abolition of the Municipal Councils, the former three-tier structure has changed into a two-tier one. Being the only representative councils at the grass-roots level, DCs have become increasingly important. Therefore, DCs have reached a stage where there is a need to make major changes in various aspects, the success of which depends on the Government's attitude.

Before the "scrapping of the Municipal Councils", ideas tossed out by the Government like strengthening district administration and upgrading the powers and responsibilities and status of DCs did indeed foster some expectations in many people of the future of DCs. Today, the remains of the two Municipal Councils have turned deadly cold, yet the Government is still reviewing and studying the issue. In a seminar held a few days ago on the "District Councils Day", the Administration was still unable to put forward substantial measures that can strengthen district administration, other than reiterating the importance it attaches to the work of DCs. This is really disappointing. No wonder many DC members have complained of having been "betrayed".

Madam Deputy, since the Government has vowed to attach great importance to the work of DCs, it should live up to its words. It should demonstrate its sincerity by taking actions expeditiously. Its delaying tactic of dragging the matter, conducting reviews and studies will only impede the development of DCs and dent the initiative of DC members. Actually, what difficulties are there in enhancing the powers and responsibilities of DCs and increasing the support for DC members? As I said right at the beginning, the "scrapping of the Municipal Councils" was an extremely important and highly controversial issue. Yet the Government was able to display tremendous determination and courage in resolving it quickly. On the contrary, the strengthening of district administration is just a trivial matter. Even all the improvement proposals are accepted, what the Government needs to do is "extremely limited". What are those responsible government officials waiting for?

Madam Deputy, I so submit.

MISS CHOY SO-YUK (in Cantonese): Madam Deputy, I would like to first declare my interest. I am an incumbent elected DC member.

Having worked in the district for many years, I deeply feel that if we want the Government to take the voices of the DCs seriously, we should, most fundamentally, require government officials responsible for planning, formulating and implementing policies to take the "people-oriented" approach as their foremost objective in carrying out their administrative work at all times. If most officials can bear this mind, they will endeavour to collate public opinions and understand the feelings of the general public. Undoubtedly, both the DCs and this Council provide the most direct and effective channels for understanding public opinions. Let me cite the constituency I am serving as an example. In paving the way for projects that will have profound impact on our district, some responsible, "people-oriented" government officials will approach our DC and consult our views. I believe all problems can eventually be solved if discussion can be held and if good advice can be readily accepted by government officials, irrespective of the initial stance of the DC. On the contrary, if the Government does not take public opinions seriously, its consultations will only end up to be bogus exercises for they are purely window dressing. This will only bring disappointment and frustration to DC members. I believe colleagues of this Council, like their DC counterparts, will share this sentiment. Even the DCs are given more power, the Government will still find it impossible to meet public demand effectively unless the "people-oriented"

approach is adopted. On the contrary, if government officials can always bear this approach in mind, how much substantial power held by DC members is only a minor issue.

Madam Deputy, in considering the functions of the DCs and the support given to them, the Government should use the major function of the DCs as a channel for communicating with the public as its basis. Nevertheless, members are still disappointed with the attitude held by the Government. Holding a highly prejudiced view, the Government believes all matters will become politicized if the DCs are to be consulted on every matter and this will subsequently prevent the Government from understanding what the public really thinks. In dissolving the two Municipal Councils last year, the Government undertook to enhance the functions of the DCs and give them more support. In January this year, this Council voted in favour of the motion on "enhancing the functions of DCs". So far, however, the Government has only managed to increase the DCs' power in approving funding in cultural and recreational affairs as well as appointing the Chairmen and Vice-Chairmen of DCs as members of the District Management Committees, without putting forward specific recommendations in other aspects. As a matter of fact, the DCs have extensive representativeness and DC members are familiar with the situation in their own districts. Enhancing the functions of the DCs and the support to them can facilitate smoother and more effective administration by the Government, as well as gaining more support from the general public.

Madam Deputy, there are numerous ways to improve the work of the DCs and their powers and responsibilities. I shall now confine my comments to two areas. First, the Government should allow the DCs to play a larger role in district affairs, particularly works projects, to change the existing situation in which the DCs actually have no powers, albeit given relevant responsibilities, and are strong in will but weak in power. In planning and launching various public works projects and traffic measures, the Government should consult the respective DCs sufficiently and allow them to monitor the works. Perhaps the Administration may refute that there is already in place a mechanism whereby the respective DCs are consulted on the implementation of public works projects. In reality, however, in carrying out large construction projects, the Government rarely consults the DCs at the preliminary stage of planning. Instead, consultation is often carried out at a later stage. In fact, I think it is more appropriate to describe it as notification rather than consultation. Apart from insufficient consultation, the information provided by the Government to DC members are often far from being comprehensive. Without sufficient information, DC members can neither provide the Government with adequate advice nor monitor the relevant projects effectively.

It is therefore necessary for the Government to put in place a mechanism to facilitate full reflection of the views of DC members. More importantly, should a project fall mainly into the scope of district planning or have significant impact on local residents, the Government must consult the respective DC. In reporting to this Council and applying for funding, the Government can as well present the views of the relevant DCs for Members' consideration. This will help encourage the Government to take the voices of the people more seriously and put in place a mechanism through which it can communicate and co-operate with the DCs more closely. With the input of the DCs, colleagues in this Council can understand the problems faced by relevant projects in a more comprehensive manner and urge the Government to introduce improvement measures expeditiously to meet the needs of the affected residents.

Second, in order to enhance the functions of the DCs, the first and foremost task is to give DC members more resources to facilitate their work. Although the monthly accountable allowance for DC members has been raised from \$4,900 to \$10,000, it is fundamentally insufficient for the payment of rents and wages as well as huge overheads, water charges, telephone tariffs, and so on. In fact, the Government should identify in each district a place that is easily accessible to the public for seeking help and meeting with DC members with a view to setting up a permanent office, equipped with basic equipment, for incumbent DC members free of charge. As for the accountable allowance for DC members, the Democratic Alliance for Betterment of Hong Kong considers \$20,000 is a more suitable amount in consideration of such factors as rents, wages, equipment and the economic situation.

With these remarks, Madam Deputy, I support the original motion.

DR LO WING-LOK (in Cantonese): Madam Deputy, DCs are very important district organizations that are not organs of political power. According to the Basic Law, the DCs are to be consulted by the Government on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.

While the DCs are district organizations that are not organs of political power, the work of the 519 DC members is closely related to the people's livelihood. They act as bridges of communication between the people and the Government, play a co-ordinating and consultative role and pass messages between the higher and lower levels. Their role is significant indeed.

With the dissolution of the two Municipal Councils last year, the political system in Hong Kong has changed from a three-tier to a two-tier system. As representatives of public opinion with extensive contacts at the grass-roots level, DC members have a more important role to play than before. The DCs have also become the best venue for the training of future political leaders. That is why the DCs should be given full support by the Government. However, I do not agree entirely with the 10 requests made by Mr IP Kwok-him. The motion merely aims at enhancing the status of DC members and the allocation of more resources, instead of proposing how the DCs could make greater contribution to Hong Kong.

I hold an open attitude insofar as the Government's support for the DCs is concerned. I eagerly hope to see DCs develop a sense of "political responsibility", whereby while they make demands, they are also prepared to give. Politicians should know how to criticize and also to create. If members only criticize and make demands on behalf of individual groups, the community will tend to be divided. Therefore, a responsible member must be accountable to both his voters and the community as a whole. Only in this way can Hong Kong have a constructive political future and its political development mature.

I urge the Government to expeditiously complete the comprehensive review of the support for DCs and give an account to this Council. However, I have reservations about this Council laying down conditions for the review at this stage.

Madam Deputy, I so submit.

MR HOWARD YOUNG (in Cantonese): Madam Deputy, DCs are important organs for reflecting public opinion. Especially after the scrapping of the Municipal Councils, DCs have become the only tier of representative councils at the district level. When the Government proposed to abolish the two Municipal Councils, it pledged to enhance the functions of DCs. But little has been done to realize this so far. That is why the Liberal Party considers it very meaningful for this Council to discuss this topic today.

As DC members are representatives in the front line maintaining contact with the grassroots, they should receive more support. The Liberal Party very much agrees with the various proposals in the motion today, such as building additional items into the accountable allowance for DC members, providing additional funding to DCs and increasing the support provided by district offices

to DCs. In our view, these proposals are worthy of support. Although the existing accountable allowance for DC members has been increased to \$10,000, it is restricted to the payment of the salary of assistants and office rental, while other expenses for district activities, such as printing expenses, postage, stationery and travelling expenses are excluded. This seems impractical since Members of this Council can meet the expenses for all these items by the accountable allowance.

While the Liberal Party agrees with the general direction that the support for DC members should be increased and that the functions of DCs should be enhanced, with regrets, we have reservations about certain specific proposals in the motion and the amendments today. That is why we cannot support all of them.

First, Mr Andrew CHENG proposes that the Government should make an agreement with DCs to specify the types of policies and projects at the district level that require the consent of DCs before implementation. The Liberal Party disagrees with this. We agree that the Government should consult DCs fully before implementing policies and major works projects at the district level, but we are concerned that once such agreements are made, DCs may become district organizations with real administrative powers, rather than district organizations which are not organs of political power as is the case at present in accordance with the Basic Law. This proposal means making significant changes to the existing political structure. Besides, if the DCs of different districts make different decisions on an identical policy, what will be the consequences? How can co-ordination be effected among the different districts? If the districts refuse to give in in respect of a policy, will the Government's administration be impeded?

We also disagree with the proposal in Mr Frederick FUNG's amendment, that is, to establish a mechanism for DC members to elect or nominate members from among themselves for appointment to various advisory bodies of the Government, since this is paramount to making fundamental changes to the principle in respect of the composition of the existing advisory structure. At present, all members of the Government's various advisory bodies are appointed by the Government and such appointment is based on the criterion of competence. In our view, since the Government's advisory structure does not have any solid powers, the appointment of its members should continue to be based on the criterion of competence alone. Political considerations or excessive district colour should be avoided.

The Liberal Party also has reservations about the proposal in Mr IP Kwok-him's original motion and Mr Albert HO's amendment for creating a post at the rank of Assistant Director for we consider it infeasible.

The reason why we oppose it is that to increase the support for DC members, we must not necessarily create a post at the rank of Assistant Director dedicated to assisting DC members in handling complaints. This will only expand the government establishment unnecessarily. According to a rough estimation, if 40 posts at the rank of Assistant Director are created, the Government will have to spend about an additional \$60 million annually. The Liberal Party has always urged the Government to streamline its framework and I am sure all Members in this Chamber will agree to this general principle. Various sectors of the community also generally support the Enhanced Productivity Programme and Voluntary Retirement Scheme implemented by the Government in recent years. The proposed creation of additional posts undoubtedly contravenes the principle of streamlining the framework. Recently, the Chief Secretary for Administration, Mrs Anson CHAN, has issued internal guidelines requiring the various departments to strengthen co-operation with DCs. We believe the Government is well-prepared to put more efforts into handling the public's complaints referred by DC members.

Of course, I have noted Mr IP Kwok-him's explanation that the posts at the rank of Assistant Director will not be created, but they will be filled by incumbents. However, I wish to point out that I am a DC member myself. In the past year, I have dealt with many cases concerning traffic lights, zebra crossings and traffic diversions. In handling these cases, I have never called up officials at the director rank. In my view, the most effective way is to telephone the officials responsible for health or traffic matters at the district level and the problems can then be solved very quickly. Calling officials at the director rank is an indirect and time-consuming method.

Mr Albert HO's amendment proposes that the Government should study the possibility of entrusting to DCs the functions of the two former Municipal Councils in respect of district affairs. We agree with this in principle. However, in our view, the functions of the two former Municipal Councils are very extensive. With their existing framework, DCs are only fit to undertake certain tasks that come under district organization, rather than work that involves different districts or the entire territory. For instance, it would be senseless to entrust the management of the Hong Kong Stadium, the City Hall and the Hong Kong Coliseum to DCs.

Madam Deputy, the Liberal Party agrees that the functions of DCs as representative councils at the district level should be enhanced and that they should not be reduced to being "toothless tigers". The Government is conducting a review on this. In our view, we can wait for the Government to propose a concrete plan before giving the matter further thought and discussing it later. While the Liberal Party agrees with the general principle of increasing support for DC members, it has reservations about some of the contents of the original motion and the various amendments. That is why we will not support them today.

Madam Deputy, I so submit.

MR WONG YUNG-KAN (in Cantonese): Madam Deputy, before I go on, I need to declare an interest. I am an incumbent member of the Tai Po District Council (DC). I have been an elected member of the Tai Po DC (formerly known as the Tai Po District Board) since 1991. I daresay I understand the operation of the DCs fairly well. At the same time, I also have some intense experience in the way government departments have all along been belittling DCs over the years.

Government officials say they "attach importance the DCs" so often that outsiders would believe that the Government really attaches great importance to the DCs. But then the attitude of the Government towards the DCs is evident to all. The Government will remember the existence of DCs only when it needs them to solicit public opinions, so as to create an impression that our Government is an open government which, instead of operating "behind closed doors", does consult the public. But then, when it comes to proposals put forward by DC members, the Government simply ignores them. Even though the Government at times did consult the DCs on some important policies, it was not particularly enthusiastic about the suggestions advanced by the DCs. As time goes by, some DC members inevitably feel disheartened.

I want to share an experience with Members here. My ward office is located in Tai Wo Estate, and so I am a tenant of the Tai Wo Shopping Arcade. The management of the Shopping Arcade will be contracted out to a private company next month (I believe Mr Andrew CHENG is also aware of that). This can be taken as an important issue or just a trivial matter. However, as a DC member closely related to the Shopping Arcade, I have not received any notice from the Housing Department (HD) yet. DC members all know it very well whether or not there is any respect for them.

As a DC member, I often need to assist local residents in organizing cultural and recreational activities and fund-raising activities for charity. However, the management office of the Housing Authority at the Shopping Arcade often creates all sorts of constraints by posing difficult questions or even refusing to rent space to us. Even if space is rented to us, we are asked not to host the activities in the vicinity of the Shopping Arcade but in areas hardly noticeable, thus making it even more difficult for us to organize activities.

What is more demoralizing is that members of the public tend to believe in what the Government says, and thus come to the view that with the importance the Government attaches to them, DC members should be able to help them to resolve their problems. So they would turn to DC members in times of trouble or when they wanted to lodge complaints, hoping that solutions would be quick and easy. What they do not know is that since DC members are never given due respect by government departments, all the complaints lodged would simply go unanswered. Not understanding the situation, the people might think that DC members have not done their best. In this way, DC members have become the scapegoats for government departments and lost their credibility in front of the people. As a result, people think DC members just talk but never act.

Madam Deputy, Mr IP Kwok-him proposes to set up a mechanism for the Government to consult DC members when planning works projects to be implemented in their respective districts. I fully agree with the proposal. But most importantly, in planning the projects, the Government must actively consider the opinions of DC members and the public. For example, in the Tai Po DC, of which I am a member, DC members have been fighting for the construction of a Tai Po Town Hall. Over 10 years have passed now, it appears it takes forever for the hall to be constructed. When I was elected a Tai Po District Board member in 1991, the Tai Po District Board then agreed that the matter be raised with the Government for a second time. The Government then earmarked a piece of land for the construction. I hope the relevant government department can honour its earlier promise so that residents living in Tai Po may enjoy the services of a new cultural centre and a new central library as soon as possible.

At present, the funds allocated to DCs by the Government have specified uses. Hence, DCs do not have the resources to conduct studies on specific

topics. For instance, I have previously made a proposal on developing have leisure fishing at the Tolo Harbour. This can provide a new venue of development for the fishermen and boost the tourism industry in the area. Regrettably, the Government has been delaying the study. Had the DC had sufficient resources, it could have conducted a study on its own. In addition, the Government should also grant funds to DC members to go on overseas inspection tours to learn new knowledge for the benefit of the community.

Lastly, I want to stress that if the Government had regard for the DCs as consultative bodies and treasured the ideas of DC members, it should not treat DCs as venues for empty discussions only. Instead, it should give DC members more support so that they can serve the people in their districts better.

Madam Deputy, I support the motion.

MR MICHAEL MAK (in Cantonese): Madam Deputy, I very much agree that support for DC members should be increased. After the two Municipal Councils were abolished, the three-tier structure of our representative government was left with only two tiers: the Legislative Council and the DCs. When the two Municipal Councils were "scrapped", the Government initially promised to enhance the functions and status of DC members. A review in respect of this is still in progress. Now that the two Municipal Councils have been "scrapped", the work of DC members has become increasingly heavy.

However, all along the Government has never attached sufficient importance to the DCs, a structure fairly representative of the grassroots. Besides, vital support has also been lacking. The accountable allowance for DC members, for example, is only \$10,000 monthly, and this is restricted to payment for rents and salaries. So if it is used for paying rent, it would not be sufficient to pay for salaries, not to say other expenses such as printing charges for reports for constituents and expenses for hosting tenants' meetings. Hence, I think it is reasonable of Honourable colleagues to request today that the monthly accountable allowance be increased to \$20,000, as this could enable DC members to hire more hands to deal with the multifarious district affairs in a more effective manner.

Furthermore, I also agree that DCs should follow the example of the Legislative Council and request the Government to grant DC members a one-off accountable allowance of \$50,000 for setting up their offices, so that DC members can procure stationery and office appliances and do a better job in dealing with district affairs. In addition, as their term of office is limited, the Government should also consider granting DC members an accountable allowance for winding up their offices, so that the staff employed by them can be given severance payment upon dismissal.

Since the Government has declared that it values the functions of DCs, it should increase funding for provision set aside for DCs to enable them to provide more cultural and recreational activities for the local residents. However, more importantly, the Government should value the advisory role played by the DCs. In this connection, the Government should devise some criteria for determining what issues should be brought before the DCs for discussion. As regards the proposal that the policies and works projects at the district level should require the consent of DCs before implementation, I have some reservations because this will create 18 small district governments. If they have conflicting opinions on some important cross-district development projects, unnecessary delay will be caused.

Mr Frederick FUNG proposes to establish a mechanism for DC members to elect or nominate from among themselves members for appointment by the Government to the Government's advisory structure. That I think enshrines a correct concept but I am afraid there will be great difficulties in implementation.

Regarding Mr IP Kwok-him's original motion, I would like to point out specifically that while the proposal of asking the Government to value the work of the DCs in handling complaints merits our support, there is no need to create a post at the rank of Assistant Director in every executive department. All that is necessary is an instruction from a relevant department to the effect that complaints have to be dealt with by departments. Although Mr IP said he did not mean that, I am sorry I must reject the proposal in the motion per se.

I very much agree that financial and administrative support for DC members should be increased and the roles and functions of DC members should be reviewed. Madam Deputy, I so submit.

MR CHAN KAM-LAM (in Cantonese): Madam Deputy, I have been an elected Member of the Kwun Tong District Board since 1988. For a decade or so, I have actually experienced the operation of the district board at different times. People like me who have served on district boards for a long time will be very clear about the functions of district boards and the Government's inadequate support for district board members.

When the Government of the Special Administrative Region conducted a consultation on the restructuring of district organizations at the end of 1998, the community generally agreed that the Government should enhance the functions of the district boards while streamlining the structure of district organizations. Although the scrapping of the two Municipal Councils is now history, the functions of District Councils (DCs) and the Government's disregard for them have not changed at all.

Madam Deputy, in the past, whenever the Government introduced a new policy or carried out construction works in the districts, it always said that it would consult the district boards. But when the views of the district boards differed from its, the Government often clung obstinately to its course and acted in its own way despite what the others said. The example of the construction of a centre for primary care in Kowloon Bay evidently illustrated this. During three consecutive general meetings of the Kwun Tong District Board, members strongly requested the Government to reconsider the siting but the bureaucratic attitude of the Government had not changed at all. It was extremely disappointing. The Kwun Tong District Council (formerly District Board) has continuously striven for a community hall for over a decade but its efforts are still fruitless to date. When the Director of Home Affairs, Ms Shelley LEE, visited Kwun Tong, she appreciated very well the unyielding spirit of DC members.

Madam Deputy, the Government has all along regarded consultations with the district boards routine business, and we might suitably describe this as "notification" rather than consultation. For instance, the Kwun Tong District Council discussed a project to develop the Choi Wan Road and the Jordan Valley last month which included the proposal to transport the debris and materials from rock blasting to the former Kai Tak Airport by means of new conveyor belts. But the paper had omitted the heavy traffic burden to be caused by these dump trucks on the adjacent roads throughout the six-month construction period. Though I had asked this question time and again, the officials present failed to answer it and the question was finally returned for re-consideration by the traffic and transport committee under the DC. The paper submitted by the

Government at the meeting last week only gave us very simple data. The Government estimated that during the first two years of the project, 50 dump trucks would be using the busy Ngau Tau Kok Road per hour for 10 hours a day. Even members and people outside the district could imagine that such traffic conditions would have very serious effects on local residents. Yet, government officials only told us that the problem could simply be solved by making changes to one junction. It also said that the road could accommodate a maximum of 125 dump trucks per hour. Such an outcome of the consultancy study is simply inconceivable. Of course, the result of the meeting was that DC members stated strongly that the Government should make an account to the District Council before it makes a further decision.

In fact, similar instances are often found in different DCs. Therefore, I agree strongly with Mr IP Kwok-him that the Government should perfect the participation mechanism of DCs so that they can express their views on large-scale projects in their respective districts before funding applications in respect of the projects are submitted to the Council. Although the Government will in general pass the relevant papers through the DCs before submitting them to this Council, as the papers submitted by the Government are too simple, and it sometimes intentionally misleads the DCs, contradictions between the DCs and this Council will likely arise.

Madam Deputy, the Government should take advantage of the "District Councils Day" which was a highly meaningful activity held last Saturday to review the actual advisory role of the DCs so that their function of reflecting public opinion can really be brought into full play.

DR TANG SIU-TONG (in Cantonese): Madam Deputy, I must declare an interest first. I am the Chairman of the Yuen Long District Council.

Improving the work of DCs has all along been a key policy initiative of the Chief Executive. This is evidenced by the fact that the need to review the role of DCs, enhance the functions of DCs and increase support for DC members is highlighted in more and more express terms in the policy address for four consecutive years. However, I wonder if it is always the case that "for every measure from above, there will be a countermeasure from below". Four years have passed, but despite some piecemeal measures taken by the Government, such as including DC Chairmen and Vice Chairmen in the membership of District Management Committees and slightly increasing the funds for DCs to enhance their role in monitoring and promoting services relating to food and

environmental hygiene and also cultural and recreational services at the district level, the relevant government departments maintain that they need another year or two to complete a comprehensive review of the role and functions of DCs. When the Government abandoned the two Municipal Councils last year, it said categorically that it would give weight to DCs and provide more resources for DCs. But now, the Government is indecisive and this has indeed aroused doubts about whether the sweet talk of the Government is just an empty promise. The two Municipal Councils definitely "died with an everlasting regret" and for the DCs, is it not that their once sanguine hopes have now been dashed too?

After the abolition of the two Municipal Councils, DCs are now the most important bodies in the forefront representing public opinion in Hong Kong and are handling an increasing number of issues. Although many DC members have their own jobs and families to take care of, they are still willing to sacrifice their valuable time and efforts, dedicated to serving members of the public wholeheartedly. Doubtless they are duty-bound to lend a hand to residents when flooding occurs and over law and order matters, regardless of the time of the day. They are also at the residents' beck and call to settle disputes with neighbours, and they are already accustomed to this too. Yet, DC members have to struggle to make ends meet with their limited resources. For instance, DC members are not given any rental concession in renting a 350 sq ft shop in public housing estates as their offices to serve the community and have to pay about \$6,000 in rental at the market rate for commercial premises. Unless given a substantial increase in their monthly accountable allowances, the remaining \$4,000 after deducting the rental expenses for their offices is certainly not enough to cover electricity tariffs, expenses for photocopying, stationery and district activities, salaries for staff and contributions under the new Mandatory Provident Fund Scheme. If DC members are forced to set aside a substantial portion of their remuneration of \$18,100, which is already not much, to meet the expenses for serving the public, who will be willing to commit themselves to a full-time occupation as a DC member? If the Government is genuinely sincere in enhancing the functions of DCs, it should expeditiously review the remuneration package for DC members to ensure that it is commensurate with the duties of DC members and public aspirations.

The Government must not only provide additional resources for DC members, but also address the problems faced by DC members, in respect of policy formulation and approving funding proposals, as a result of the lack of papers and information submitted for their consideration and the limitations in their role in the course of deliberation. Government representatives who attend DC meetings are generally officials of lower ranks. They are very often like

parrots echoing the words of others during discussions. It is difficult for them to make any undertaking and it is even more difficult for them to make any commitment to resolving district problems. Sometimes I do sympathize with their situation when they are besieged by DC members. Although DCs are allocated with some funds for cultural and recreational programmes and environmental improvement work, these funds are ultimately controlled by the Home Affairs Department (HAD). Therefore, it often requires the formal or informal consent of the HAD before any such programme or work can commence. From this, we can see that the DCs are virtually powerless and it is the Government that calls the shots.

Further, the Government's policies in respect of districts are not subject to the regulation of DCs. Take Yuen Long, to which I belong, as an example. A library complex needs to be built in Tin Shui Wai and although the DC has the power to include this issue on its agenda, the voting result of the DC is not binding on the Government. In fact, the Government only notifies rather than consults the DCs, or simply takes notification for consultation and resorts to whichever process it thinks fit. Moreover, the DCs do not know how far their views are accepted by the Government. When a district-specific policy went wrong, the Government would more often than not claim that the relevant DC had been consulted, making use of the DC and passing the buck to it in a bid to shirk responsibilities. This is indicative of the approach of the Government to turn to the DCs in times of trouble but put them at the back of its mind in times of peace.

Madam Deputy, if the DCs continue to have duties but not powers, and if they continue to have people's mandate but not sufficient resources to answer public aspirations, the DCs will only become more and more disheartened. This would eventually waste a large pool of talents who take a keen interest in politics. This is definitely counter-productive to efforts made to attract public participation in DCs, upgrade the quality of district management and develop the ability of Hong Kong people to rule Hong Kong.

Last Saturday, I took part in the "District Councils Day" organized by the HAD. Although I could not participate in different group discussions at the same time, I know that each group had put forward lots of views. I hope that the Government can consider all these views and look into how the current status and situation of DCs can be improved. In fact, some of the duties of the former Municipal Councils can be transferred to DCs, for example, minor construction

projects in districts, improvement of the management and provision of environmental and hygiene facilities, organization of cultural and recreational activities in districts and district festivals, and so on, thereby facilitating greater participation and commitment of the DCs to district affairs.

Madam Deputy, I think the thrust of the question is the positioning of DCs. Does the Government actually regard DCs as an advisory framework, or will it confer on them solid powers, or is it that neither reflects the thinking of the Government for it only intends to play tricks on the DCs and use DCs to shirk responsibilities as it likes?

Madam Deputy, I so submit.

THE PRESIDENT resumed the Chair.

DR RAYMOND HO (in Cantonese): Madam President, in this year's policy address, the Chief Executive stated that the Government is considering how the roles of the DCs in district affairs can be enhanced and ways to give the DCs better support. In fact, the Government of the Special Administrative Region has undertaken to enhance the functions of the DCs after the abolition of the two Municipal Councils. Eleven months have passed since the first term of the DCs commenced. The operations of the DCs are generally on track, and the cultural and recreational framework established after the abolition of the two Municipal Councils is also operating smoothly. Therefore, it is now time for the Government to honour its pledge.

As far as I understand it, the Administration has already made some improvements to give more weight to the views of the DCs. The Government will, among other things, appoint DC Chairmen and Vice Chairmen to the District Management Committees so that they can work with government representatives together to identify solutions to district problems and respond to the needs of districts. But given the Government's undertaking made upon the abolition of the two Municipal Councils, many people in the community, particularly DC members, hold new expectations of the powers and responsibilities of the DCs. I think the Government should consult the relevant DCs as far as possible in making decisions on district affairs to facilitate participation by the DCs.

Yet, I have reservations about items (c) and (d) of Mr IP Kwok-him's motion. The former proposes perfecting the mechanism for DC members to be involved in and give views on major projects to be implemented in their respective districts prior to the submission of these projects to the Legislative Council for funding approval, whereas the latter proposes setting up a mechanism for the Government to consult DC members when planning the scope, design and construction programme of the projects to be implemented in their respective districts. First, major projects often involve the interests of a number of districts. So, if we obstinately insist on setting up this consultative mechanism, the projects will very likely be subject to its restrictions, thus delaying the commencement and progress of the projects in detriment to the overall interest of Hong Kong. Second, the design and construction programme of the projects often involve professional aspects, such as engineering. But at present, engineers rarely have the chance to participate in the work of the DCs, so it is very difficult for the DCs to give substantive views in this respect. Third, discussions on the progress of work will often cover the terms of the contract and compensation matters and it is not at all appropriate for such information to be made public and discussed in the DCs. For these considerations, I do not agree with the setting up of such a mechanism for this would result in a lack of flexibility of the procedures. Nevertheless, the Government can increase the participation of the DCs where practicable and reasonable, and it is also necessary to enhance consultation with the DCs.

Furthermore, the Government should also consider appointing more DC members to the Government's advisory structure to allow them more chances to take part in the consultative process and play a more active role in social issues. However, I disagree with the proposal of appointing all 519 DC members to the advisory structure. Such appointment should be made on the basis of the relevant background or experience of the DC members. Only in this way can the functions of our advisory structure be enhanced.

To enhance the functions of the DCs, the Government should also provide more resources and support for DC members. In determining the allowances for DC members, the relevant authorities can consider setting up an independent committee to review the related matters. This, I think, is fair. In addition, the Government can assist the DCs more actively to implement information technology programmes and provide them with the necessary resources, thereby enabling the DCs to operate more smoothly and efficiently.

Madam President, the DCs can play a more active and important role in district administration, especially when the three-tier structure has transformed into a two-tier arrangement. The Government should act expeditiously to enhance the functions of the DCs and increase the support to DC members. I so submit.

MR JAMES TIEN (in Cantonese): Madam President, the Liberal Party has 20-odd members in the DCs. Although we do not have as many DC members as the Democratic Party and the Democratic Alliance for Betterment of Hong Kong, we are very familiar with the present-day operation of DCs.

Mr Howard YOUNG has stated on behalf of the Liberal Party the reasons why we oppose the original motion. Item (a) of the original motion proposes the creation of a post at the rank of Assistant Director to directly assist DC members in handling complaints. While Mr IP explained earlier that he did not mean creating a new post, but making an incumbent Assistant Director responsible for this duty, I think we should consider how the Government will respond. The Government may contend that as there are only a couple of serving Assistant Directors and they already have a heavy workload, they do not possibly have the time to carry out this area of work properly. So, if they are made responsible for this duty in addition to their present duties, it may be necessary to recruit someone else for the job. Further, is it enough to assist DC members to carry out some of their duties only? Item (b) of the original motion proposes requiring the heads of bureaux and executive departments to meet DC members on a regular basis. Let us do some calculations. There are now 18 DCs in Hong Kong. Let us not take account of the committees under each DC. If such a meeting is held once a year with each of the 18 DCs alone, there will be a total of 18 meetings to attend and very often, DCs do not meet in Central, but in the more remote parts of the territory. Can the heads of bureaux and executive departments cope with this area of work? I really have misgivings about it.

As regards whether DC members should form part of the advisory structure of the Government, the Government will contend that hundreds of DC members are already participating in the work of many advisory bodies. While some of them may not be members of the advisory bodies, they have taken part in various subcommittees under these advisory bodies. I think it is unnecessary for the Government to appoint all of the 519 DC members to the Government's

advisory structure because many advisory bodies deal with not only issues relating to individual districts. Instead, they may have to take account of districts all over the territory. For example, the Social Welfare Advisory Committee is concerned about welfare matters not of one district, but all districts in the territory. Does it mean that each and every DC member in all districts should sit on this advisory committee? If all DC members of the 18 districts or those of all political parties are particularly interested in joining a particular advisory committee, how can the seats be distributed? Mr Frederick FUNG of the Association for Democracy and People's Livelihood (ADPL) has proposed a mechanism for DC members to elect members from among themselves to the Government's advisory structure, and we take issue with his proposal. Mr FUNG put forward this proposal perhaps because the ADPL has more DC members in the Yau Tsim Mong District. So, if his proposal is adopted, the DC members belonging to the ADPL can then join certain advisory committees. But when they do not have any member sitting on the DCs in other districts, they will have no representation at all. On the contrary, DC members of the ADPL still stand a chance to be appointed to one of the advisory committees under the existing system.

Madam President, the Liberal Party hopes that nowadays, the Government of Hong Kong can be downsized, but not further enlarged, and this has all along been the view of the Liberal Party. In the meantime, we certainly hope that DC members can be allowed to assume more duties. But increasing the duties of DCs means that the Government certainly has to plough in additional resources. What can the Government do to strike a balance?

The Liberal Party, in fact, supports four of the proposals in the original motion and the amendments. I note that Dr Raymond HO said just now that he disagreed with item (d) of the original motion which proposes setting up a mechanism for the Government to consult DC members when planning the scope, design and construction programme for the projects to be implemented in their respective districts. My view is that the Government should put this into practice because if the DCs concerned are not consulted before the commencement of work or in the course of design, if the decision to commence the project is made by a committee and if the DC is only notified of such decision, it will be impossible for the Government to pull back when complications arise in the course of work. In that case, the Government will only be forced to continue with the work, and this will do injustice to residents in the district.

Item (g) of the original motion proposes increasing the monthly accountable allowance for DC members to \$20,000, and an amendment further proposes setting up a review mechanism. The Liberal Party supports these proposals. We agree that nowadays, a monthly accountable allowance of \$10,000 is only enough either for office rental or wages for an assistant, but certainly not both. The Government has required DC members to take up so many duties, but only provided them with an allowance of \$10,000 which cannot possibly cover all the necessary expenses. We, therefore, hope that the Government can listen to our view. While the Liberal Party is opposed to the original motion and the amendments, we support increasing the monthly allowance to \$20,000 and setting up a review system.

Moreover, the original motion also proposes granting DC members a one-off accountable allowance of \$50,000 for setting up their offices. On this proposal, we are not sure as to whether it should be \$50,000, but we agree that this allowance should be provided because each DC member may need to employ an assistant and buy a computer, and Members of the Legislative Council, for instance, are given an allowance of \$100,000 for these expenses. Therefore, the Liberal Party supports providing DC members with a one-off allowance for setting up their offices.

On item (i) of the original motion which proposes including DC members in the precedence list of the Hong Kong Special Administrative Region, I must tell Mr IP that even our own position is at stake now. During the time of the Hong Kong-British administration, Members of the Legislative Council were among those on the top of the precedence list, and our place was even higher than that of Policy Secretaries. But God knows what position we have now fallen to. Even though we support this proposal of Mr IP, I think DC members would only be found in the last few pages of the list.

I wish to make one more point. The Government said that it very much respects DC members and that some work has been carried out to this end. But what have been recapitulated are nothing more than two measures: First, the Chairmen and Vice Chairmen of DCs are included in the composition of District Management Committees. Second, \$13 million has been allocated to DCs. The Liberal Party considers these measures inadequate and hopes that the Government can genuinely enhance the operation of DCs to enable DCs to take up more duties.

MR ALBERT CHAN (in Cantonese): Madam President, let me first say a few words more about the precedence of the Legislative Council Members mentioned by the Honourable James TIEN a moment ago. Yesterday, I happened to have a look at the precedence list compiled by the Protocol Division, and I noticed that the Legislative Council was the ninth, the ninth, on the list. I do not know whether this is just a pure coincidence or a deliberate arrangement aimed at telling us that we have now become "officials of the ninth rank".

Madam President, when it comes to DCs, I have the feeling that the Government actually looks upon them as "chicken ribs" — tasteless to the tongue, but a bit of a waste to throw them away. The Government is of course reluctant to give powers to the DCs, but it is even less willing to support them. But then, when it comes to the abolition of all DCs, it is worried that this may arouse the discontent of government apologists or those longing for appointed membership. I therefore hope that the Government can think carefully about how it should look at district administration, and how it should look at the role of DCs. As long as the Government continues to look upon DCs as chicken ribs, I am sure that even if it continues to review their role, there can hardly be any changes at all.

Time flies and I have been serving as a DC member for 15 years already. Of course, I had a bit more hair when I started years back, and I was also younger at that time. Anyway, I have spent 15 of my prime on DC work. But my heart aches when I look back at the development of DCs under the so-called district administration initiative. When I first became a district board member in 1985, I was able to command a certain degree of respect at the district level, from residents, and even from government officials. Today, however, DC members are largely ignored by government officials of all ranks, even petty officers. This is the situation now, and I think the central government must be blamed for this. When even those central government officials who have power do not respect DCs, the officials under them will naturally follow suit and show no respect for DC members.

Why has the role of DCs been gradually diminishing? I can remember how the Government flaunted the system of district boards, talking about district administration, about community building and about the important role of district boards and so on. But then, as time goes by, the Government has gradually stopped saying something like this. Basically, much of the work at the district level is now undertaken by District Offices instead. DCs are local representative assemblies, but very often, District Offices will act on their own and set up some district-level committees, one example being the District Fight

Crime Committees, the members of which are appointed by District Offices to handle the work of combating crimes. These Committees can discuss confidential information, but DCs cannot. In case anything goes wrong, such as after a fire has broken out in a building, the District Office concerned will set up some district committees instead of going to the relevant DC. It can thus be seen that through their control over all appointments, District Offices have managed to control all district administration mechanisms and resources and exclude DCs from the mechanisms of handling important district affairs. As a result, DCs have now been reduced to what the Honourable WONG Yung-kan and several other Honourable Members describe as "talk shows". This is precisely the undesirable consequence of the Government's making. I have been a DC member for 15 years, and I have never read any confidential or sensitive papers in this particular capacity. What is the implication of this?

For issues handled at the level of DCs, if they are raised by the Government itself for consultation, officials from the central government will attend the relevant meetings, but if an issue is raised by a DC for discussion, the Government will normally send some senior officers only. Central government officials aside, we can still see that in fact, even those senior officials at the district level very often do not attend DC meetings, and sometimes, they may even refuse to do so. Over the years, DCs have sent many letters to government departments or statutory bodies expressing either regret or strong condemnation. I now have a letter dated 9 August 1999, addressed to the Mass Transit Railway Corporation and copied to the Secretary for Transport and Secretary for Home Affairs, strongly condemning the relevant government departments for not sending their representatives to attend the meeting on noises made by the Mass Transit Railway. I am sure that the Government must have received many letters with a similar content — condemning a certain department for not sending its representatives to attend DC meetings and for its disrespect for DCs. What is the implication of this?

When it comes to my work as a DC member, the most ironical and absurd thing I have ever come across is the Housing Department's refusal to let DC members put their work reports into the mail boxes of the housing estates under its management. I have personally written to Mr Tony MILLER about this, and his reply is that all members of Hong Kong's representative assemblies — that is, not only DC members, but also Legislative Council Members — are not permitted to put their work reports into the mail boxes of the housing estates managed by the Housing Department. Is this policy absurd? How can DC members report to their constituents on their work? DC members all wish to maintain contact with their constituents. The Housing Department allows DC

candidates to mail their information before an election, but once the election is over, DC members are deprived of the very basic right of putting their letters into the mail boxes of housing estates. Is this a way of showing respect for them? The letters of the Housing Department itself can be distributed freely, but those of elected DC members cannot. What a society! What a government!

Moreover, if a DC member wants to hold a meeting with residents in a venue in his constituency, he will encounter even more difficulties. If he wishes to hold the meeting in a community hall or community centre, he must make a booking three months in advance. If he does not do so, he will not be able to hold the meeting with residents in his desired venue unless he is so lucky that the venue is not booked during his desired time slot. All these institutional or physical constraints have simply made it difficult for DC members to play their role properly.

During the 1980s, in case anyone in the community wished to take part in politics, be they teachers, social workers or workers in various organizations, their employers would normally make some allowance for them to work concurrently as district board members. For example, in the case of meeting attendance, their employers would allow them to attend district board meetings during their working hours. In recent years, such a special arrangement is no longer available, except in leftist organizations or trade unions, which allow its employees or members to engage in community politics on a full-time basis. But in the case of teachers or social workers, many employers are not prepared to make such an allowance. So, who would still choose to take part in politics then?

I hope that the Government can seriously consider whether it really wants to dispose of these "chicken ribs". I hope that the Government can really consider this very seriously, because, on some private occasions, it did promise those DC members who supported the abolition of the two Municipal Councils that following the abolition, their functions would be transferred to the DCs. That is why many DC members are so eager to take over these functions. But by now, many of them may feel that they have been cheated by the Government. I hope that the Government can abandon its trick and honour the promises it once made in private. Thank you, Madam President.

PROF NG CHING-FAI (in Cantonese): Madam President, on 19 January this year, I moved a motion in the Legislative Council on enhancing the functions of

DCs. I am glad that the motion was unanimously supported by Honourable colleagues and passed. The then Secretary for Home Affairs and other officials also responded positively.

In this year's policy address of the Chief Executive, it is explicitly stated that "the Government of the Hong Kong Special Administrative Region is considering how the roles of the District Councils in district affairs can be enhanced and ways to give the Councils better support". However, while the first term of DCs has commenced for almost a year, we have yet seen any concrete proposal from the Government.

In my speech moving that motion early this year, I already pointed out the areas in which the Government should give DCs more powers and responsibilities. For example, the DCs should be given more powers in deciding and supervising district affairs relating to community building, improvement to the local environment and hygiene conditions, management of community facilities, organization of cultural and recreational activities, and so on. I also suggested that DCs be provided with additional funding and the accountable allowance for DC members be increased.

In early November this year, the New Century Forum conducted a questionnaire survey among all DC members in order to gauge their views on the above proposals. A total of 101 replies were received, representing about 20% of all questionnaires sent out. The findings of the survey were released last Saturday and I will not repeat them here. To sum up, 70% to 80% of DC members who responded supported the proposals mentioned by me just now, including expanding the powers and responsibilities of DCs, providing additional funding for DCs and increasing the allowances as well as the accountable allowance for DC members.

I agree with Mr IP Kwok-him's motion in principle, particularly items (c), (d), (e) and (j) about enhancing the functions of DCs and government support for DCs. But with regard to other items, especially those on specific figures and measures, I think they warrant further consideration. Let me now explain my views.

Items (a) and (b) of the motion respectively propose creating a post at the rank of Assistant Director in every executive department to directly assist DC members in handling complaints and requiring the heads of bureaux and executive departments to meet DC members on a regular basis, so as to enable DC members to understand the Government's blueprint for governing Hong

Kong. I think these proposals are made with good intention, but in practice they will increase the Government's staffing expenses and put a heavier burden on Policy Bureaux and executive departments. Earlier on, Mr IP Kwok-him clarified that he did not mean recruiting additional staff, but entrusting these duties to incumbent Assistant Directors. Certainly, this has addressed my concern, or else I would have reservations about these proposals. As regards district-related policies and works projects, I think there should be a certain degree of participation from the DCs for the input of DC members who are well-versed in the needs of districts and residents should be important reference for the relevant departments in making decisions. Mr Andrew CHENG's amendment proposes to, among other things, specify the types of policies and work projects at the district level requiring the consent of DCs before implementation. I consider this proposal impracticable, so I cannot support this part of his amendment. Moreover, as Dr Raymond HO mentioned just now, if DCs are expected to give useful advice on works projects, it is best to include professional engineers in the membership of DCs.

In my opinion, Madam President, efforts should be directed to pressing the Government to expeditiously expand the powers and responsibilities of DCs in district and community affairs, and urging the Government to provide sufficient support for DC members to enable them to effectively discharge their duties. However, we must avoid giving the public a wrong impression that DC members are asking for excessive powers and fame. Therefore, I think there is no urgency to include DC members in the precedence list of the Hong Kong Special Administrative Region as proposed under item (i) of the motion.

Regarding item (f) of the motion, and that is, appointing the 519 DC members to the Government's advisory structure, it seems to propose the appointment of all DC members to the advisory structure, and a number of Honourable colleagues have expressed their worries or concerns on this point. I have read the letter from Mr IP, explaining to us that this proposal does not mean that all of the 519 DC members must be appointed, and he only hopes that as many DC members as possible can be appointed to the advisory structure. From this point of view, Mr Andrew CHENG's amendment is more reasonable. Anyhow, I agree that the Government should consider appointing more DC members of suitable calibre to the relevant advisory committees. The survey of the New Century Forum also showed that close to 90% of DC members who responded supported the appointment of more DC members to the advisory structure.

On items (g) and (h) of the motion which respectively propose increasing the accountable allowance for DC members to \$20,000 and granting DC members a one-off accountable allowance of \$50,000 for setting up their offices, I think these figures warrant further consideration. It is more appropriate for the Government to appoint an independent committee to make recommendations on related matters, and there is already a precedent set by the Legislative Council.

All in all, I think the initiatives to enhance the powers and responsibilities of DCs and increase government support for DC members do not only seek to enable DCs and DC members to perform their roles and functions in district administration and community affairs better, but also aim at nurturing political talents at the district level, so that some of these talents can advance to the central level of the political structure of Hong Kong.

In this connection, DC members generally aspire to lifelong education to make continuous self-improvement. The survey of the New Century Forum showed that close to 80% of DC members who responded supported the provision of training courses by the Government for DC members or the setting up of a fund for this purpose, with a view to enhancing their ability in discussing political issues.

Madam President, in January this year, I moved a motion on "enhancing the functions of DCs" which was agreed and supported by Honourable colleagues. So, I trust that Members will not object to this motion on "increasing the support to DC members". Regarding the original motion and the three amendments, if Members do not consider any part of them questionable in principle, I hope Members will not vote against them due to the lack of details because enhancing the functions of DCs is after all an important step in improving our political infrastructure in Hong Kong.

I so submit.

MR HENRY WU (in Cantonese): Madam President, I have to declare an interest first. I am a serving member on the Eastern District Council (EDC). I originally did not intend to speak on the motion "Increasing the support to District Council members" moved by Mr IP Kwok-him. Although I approve of only some of the 10 proposals raised by Mr IP, I highly commend him for moving this motion. Similarly, I cannot accept the amendments moved by the other three Members in their entirety. So, instead of voting for or against the

motion when we proceed to vote later on, I can only choose to abstain. Whether or not this motion and its amendments are carried, I believe the Government has received the message and will provide more support to DC members, circumstances permitting.

Madam President, I rise to speak because I want to thank Mr Andrew CHENG. I mainly want to clarify the remark made by Mr CHENG earlier in connection with a news report yesterday that the EDC had passed a motion. I strongly support and am very concerned about the affairs of the Eastern District and the operation of the EDC. I always attend the meetings held by the EDC too. So, when I read yesterday's news report mentioned by Mr CHENG, I was very surprised. I wondered why I would have been absent from the meeting held by the EDC and missed the opportunity of discussing such an important motion and making the decision.

Yesterday, I lost no time in inquiring with the EDC secretariat. After learning the truth, I felt at ease. In fact, no meeting was held by the EDC on Monday, 20 November. It was only a committee's meeting and what was discussed at the meeting was not the same as reported in the newspapers. The newspaper report is a bit out of context.

Madam President, the news report was actually about a meeting of the "Industry, Trade and Labour Development Committee", a newly formed committee under the EDC. The meeting held in that afternoon was its first meeting. Although I am not a member that particular committee, I learnt that one of the topics of discussion on that day was the impact of increase in water and sewage charges by the Government on the industrial and commercial sector. Eventually, the committee passed a motion on "Urging the Government to consult the District Councils before deciding to increase water and sewage charges". It is vastly different from the press report which mentioned nothing about the water and sewage charges at all. According to the latest information I received, the secretariat of the EDC has made clarification with respect to the news report and taken follow-up action.

Madam President, I so submit.

MR NG LEUNG-SING (in Cantonese): Madam President, the new District Councils Ordinance and the Provision of Municipal Services (Reorganization) Ordinance were enacted during the first term of the Legislative Council. Meanwhile, the first term of the District Councils (DCs) of the Hong Kong

Special Administrative Region came into being and commenced operation smoothly. This represents a great step forward in the reform of Hong Kong's local political system with the successful transition of the representative government from three tiers to two tiers. This improvement in our political structure and enhancement in administrative efficiency ties in with the reality of Hong Kong as a densely-populated city of a relatively small size and the need of its political development.

I agree in principle to the spirit manifested by the original motion of strengthening the roles of the DCs and increasing the support to District Council (DC) members subject to the prerequisite of maintaining the excellence of our political system and administrative efficiency, and within the ambit of powers and responsibilities provided for in the Basic Law and the District Councils Ordinance. I emphasized the prerequisite because we should not forget the fundamental purpose of abolishing the two Municipal Councils to enable the transition of our representative government from a three-tier to a two-tier structure. The problems of low efficiency and lack of co-ordination in the former three-tier system should not be repeated in the two-tier system. We emphasize the terms of reference of the DCs within the constitutional and legal framework because we must fully appreciate that DCs are in essence not political organs. They function mainly as advisory bodies.

I have reservations about the original motion and the amendments on basis of the above considerations. In this connection, I would like to make the following suggestions. Firstly, from the perspective of streamlining the establishment, it may not be the most reasonable arrangement to create (please note the word "create") senior posts in executive departments to directly assist DC members in handling complaints. I have listened to Mr IP Kwok-him's explanation, but it would be more convenient and efficient if incumbent government officials directly responsible for the relevant matters can contact the DC members concerned according to actual needs. I also consider it necessary for the Government to assign government officials to attend DC meetings according to actual needs, and the arrangement should be sufficiently flexible.

Secondly, the amendment suggests that the Government should make an agreement with DCs and draw up internal guidelines to specify the types of policies and consultation papers requiring consultation with DCs as well as the types of policies and works at the district level requiring the consent of DCs before implementation. In practice, it is very difficult to enforce. We know it

is often very difficult to draw a line between district affairs and central policies. If the consent of DCs must be obtained, it will inevitably give rise to conflict between the consideration for the whole society and the interests of respective district as well as conflict of interests among districts. As a result, it may lead to a situation where we can find mutual restraints and a lack of co-ordination. Worse still, the shortcomings of the former three-tier representative government may emerge once again.

Moreover, according to the District Councils Ordinance, the functions of the DCs include advising the Government on the use of public funds allocated to the districts for local public works and community activities. Where funds are made available for the purpose, the DCs will undertake environmental improvements and the promotion of recreational, cultural and other community activities in the district. So, the functions of the DCs include giving advice and practical participation in the implementation of policies. However, if we suggest the Government to appoint DC members to the committees responsible for the management of local public facilities in their respective districts, it may involve two separate roles of participating in management directly and of giving advice indirectly. It may then give rise to the problem as to whether proper balance can be struck to avoid conflict. So, we should consider this point more thoroughly.

Similarly, the original motion urges the Government to appoint all of the 519 DC members to the Government's advisory structure. This will easily give the public a wrong impression that all DC members will automatically become ex officio members of the Government's advisory structure and professional expertise and experience will become totally irrelevant.

Madam President, I would also like to make a suggestion on increasing support to DC members. In fact, apart from urging the Government to increase support to DC members, the Legislative Council itself can also play a certain supportive role. For instance, this Council can consult and liaise with the relevant DC members when dealing with policy matters that may have considerable impact on individual districts. Besides, arrangements should be put in place to facilitate exchange of information and messages. For instance, many DC members I met during the election period indicated that they would like to obtain information and papers of the relevant panels of this Council to help them focus their attention on district affairs. So, the communication between DCs and this Council can be enhanced through this Council's discussion

of policies and enactment of legislation related to such matters ranging from major works projects and public facilities to district problems.

Various allowances and expenditures of the DCs are in fact regulated by the powers and responsibilities and mechanism of a relevant system. This also involves the interests of a number of Members who have overlapping capacities and the distribution of public funds. We must therefore deal with this issue prudently. It is inappropriate of us to vote on the specific amount of allowance proposed in today's motion.

Madam President, I so submit.

MISS CYD HO (in Cantonese): Madam President, before I talk about the motion topic, I would like to call upon Honourable Members to think carefully on the number of words used in a motion when they intend to move a motion. The motion debate we have today is like deliberating on a bill, that is, we need to examine it item by item. Therefore, I fully appreciate why the Democratic Party has to move three separate amendments because it needs to propose them on an item-by-item basis. However, the mechanism of a motion debate is somewhat different from that of deliberations on a bill in that a motion cannot be amended item by item. If an amendment incorporates three items that a Member hopes to be amend, there may be a possibility that all the items will not be passed because some Honourable Members do not find some of them acceptable. I hope Honourable Members will consider whether this practice should continue when they intend to move a motion in future.

Madam President, we have not made a thorough review of the district administration framework so far. When the two Municipal Councils were abolished, many of the authorities were returned to the executive authorities. The District Councils Ordinance stipulates that the District Councils (DCs) are only an advisory structure and after the legislation was passed to abolish the two Municipal Councils, it has become very difficult for us to try to fight for more resources and expand our powers in a piecemeal manner, for we have missed the best opportunity. However, this would still be better than doing nothing at all. We support the proposal to enhance the functions and powers of the DCs.

The original motion can be divided into four parts: first, to urge the executive authorities to attach greater importance to the DCs; second, to increase the provision of resources in support of the DCs; third, to enable DCs to play a more important role in the construction programmes on a district level; and fourth, to enhance the role of DC members in the District Management Committees. We support all of these proposals, however, we think that these are still inadequate. For the motion is silent on the substantive powers of the former Municipal Councils in formulating and enforcing policies on cultural, recreational, hygiene and environmental matters. That is very disappointing to us, for when abolishing the two Municipal Councils, the Government said that the move was to enhance efficiency and the powers would still remain in the hands of the DCs. The present situation is obviously not as what the Government has said.

It remains of course that when there are powers, there should also be responsibilities and the two should be in balance. We support an increase of resources, but we also hope that the DCs can be more proactive and take a greater initiative to discuss issues in respect of cultural, recreational, hygiene and environmental matters with the Government. The DCs should also seek to enhance the transparency of the formulation of policies and they should never let the executive authorities work behind closed doors after the latter have taken back the powers. And in the process, it must be ensured that none of the cultural, recreational and sports facilities to which the public is entitled to enjoy are ever cut.

In this respect, I can cite some examples. As Mr WONG Yung-kan has said just now, the DC members have fought for 10 years before consent was given to build the Tai Po Cultural Centre. The Regional Council at that time approved of the plan and work was almost begun to build the Centre, but the project was forced to come to a halt when the Regional Council was abolished. Now the site has been turned into a car park. The Cultural Centre is not going to be built, no matter how hard the DC has striven for it. And no matter how strong the demand for its construction is made by the DC, it will not become a reality.

In addition, with respect to the formulation of policies, I would like to cite the example of the Cultural Commission. When the Commission was first set up, its chairman said that it would definitely have transparency. The Commission would provide details of meetings to the media when they have been

held. However, now that the Commission has held nine meetings and when I check the press releases issued after the meetings, I find that they are very brief, even shorter than the wording of the motion today. Usually, there are only 200 something words. They have nothing on matters related to the formulation of cultural policies. The press releases are only about matters like a visit to a museum or extending congratulations to an actor like Tony LEUNG on his winning a prize, and so on. They do not say anything on the formulation of cultural policies and that makes us think that the contents are very inadequate.

Therefore, when we say that the resources for the DCs should be increased, it should not only mean increasing the resources for DC members' offices, but that the resources which can be used by the DCs should also be increased. That includes land and income from the rates that used to be allocated to the former Municipal Councils. These matters are about the formulation of policies and using the resources on matters in the respective districts. Without resources from these two sources, the DCs would remain only an advisory structure.

I also hope that when DCs demand for more powers and provision of more resources, they should also try to improve themselves. For example, they should improve on their rules of procedure and the handling of abusive language used in meetings, and work out the details of the implementation of accountable allowance, so that there can be greater monitoring of the operations of the DCs on the part of the public and to enable the DCs to become a representative assembly with public credibility.

Madam President, in the last meeting of the Panel on Home Affairs, we discussed the issue of the remuneration of DC members. The Secretary for Home Affairs, Mr LAM Woon-kwong, said that a review of the powers of the DCs is open to discussion, and all issues could be discussed, including the amendment of the District Councils Ordinance. At that time, we asked the Secretary that since the legislation specified that DCs were an advisory structure, any discussions to be made could not go beyond that framework and hence any review would be meaningless. The Secretary undertook at that time that the legislation could be amended, however, I hope that the Government can make an undertaking in its response later that after the views are heard, it will take the initiative to amend the legislation, or that it would give the green light to a private Members' Bill moved by Honourable Members on amending the District Councils Ordinance.

Madam President, I believe you may recall that when this Council discussed the District Councils Bill, I wanted to move an amendment to add the functions of receiving members of the public and following up complaint cases as part of the functions of the DCs, for these were actually the day-to-day work of DC members. And it was also because the law did not specifically vest DC members with these duties. At that time, the Government explained that if these duties were written into the law, the Housing Department would need to provide offices to DC members and staff would have to be employed for that purpose, hence incurring increased expenditure of public money. Therefore, the submission of that amendment was rejected. I would like to ask the Government this question: If this is an occasion where we are having a thorough discussion of DCs, is it possible to set out this function of DCs in the law?

I hope that in this review, all parties like the public, the Council Members and representative assemblies at all levels will express their views on the topic proactively, that they would make a thorough review of the district administration structure and eventually make the district assembly an assembly with both substantive powers and decision-making ability.

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

DR YEUNG SUM (in Cantonese): Madam President, many Honourable colleagues have spoken a lot on the motion moved by Mr IP Kwok-him, so I do not intend to repeat their views. I just want to talk briefly on a few points.

The debate today is very much like a meeting in which people air their grievances. Honourable colleagues, especially those who are also DC members, mention that the Government thinks slightly of them and it just summons them and dismisses them as it likes. For example, in the bid to host the Asian Games, all the Chairmen of the DCs were invited to throw weight behind the Government. This is a very common practice of the Government and no wonder DC members have an impression that the Government only asks them for help when it comes across difficulties and when there are none, they will simply be brushed aside. So DC members have a feeling of being neglected very much like Annette LU Hsiu-lien of the Democratic Progressive Party of Taiwan.

I am sure that the Government has heard a lot of views today and there is really a need to reposition the DCs. The first thing that should be done is to consult public opinion. Ever since the DCs are established, the Government has always wanted to use the DCs as a channel to hear the views of the public on government policies. It also wants to use the DCs to know the problems faced by respective districts so that these can be dealt with as soon as possible. This role should be kept, but the local services of the DCs should also be enhanced. If the DC members think that they have no powers to handle affairs of their respective districts, the DC will become nothing more than a "talk show". So in the DCs, the Government should not just hear public opinion, and collect the views of the public on policies and on problems in the districts. The second role is to enhance the services of the DCs at the district level. The third role is that the DCs should be the political training grounds for Hong Kong after the abolition of the Municipal Councils which were returned by direct elections. When candidates are elected as DC members, they may then make plans to get elected into the Legislative Council. In this way, more people can be encouraged to take part in politics. So the Government must give serious thoughts to these three roles of the DCs.

If we want the DCs to play the above-mentioned three roles, I think there must be two prerequisites. First, the DCs must be given more powers to handle affairs on a district level. If DCs remain purely an advisory structure, they can never become anything more than "talk shows". If this is so, then those who engage in political affairs will not be enthusiastic and so will be the people when it comes to the election. On this point, the Government may like to check the records to see that the voters turnout rate for most of the district board elections held in the past usually remained at about 30% or so, and the incentive to vote on the part of the public was low. If the Government wants more people to take part in politics and to show more concern for the DCs, I think it is inevitable that the powers of the DCs should be increased.

The second prerequisite is the support given to DC members. Earlier in the debate, Dr LO Wing-lok said that DC members should not just criticize, they must also contribute. That is a right point to make. However, if DC members do not have any resources, how can they make contribution and how can they examine government policies? As the saying goes, even the most skilful housewife cannot cook when there is no rice. They simply cannot do anything even if they want to. So if we want DC members to make contribution, we must first give them the necessary support.

I think all the amendments and the original motion are going to be voted down, but I think the Government should be aware of the fact that almost all the Honourable Members who have spoken today share a consensus on two points, and these are: that more support should be given to DC members, though on this point there may be differences in details; and to enhance the powers which DC members may exercise. Honourable Members may have different views on which public officers should be designated to meet DC members or on what more support should be given to DC members. However, as I have noticed, all the Honourable Members who have spoken think that the support given to DC members should be increased, for example, in the resources for their offices, in the amount of accountable allowance, and the devolution of powers to the district level, and so on. In addition, the Government should make an explanation to DC members for when the Government was lobbying for the support of DC members to abolish the Municipal Councils, I recall clearly some public officers concerned saying that powers would be devolved to the DCs. Members can check this out in the speaking notes of the speeches made at that time. If the Government wants to be an honest and responsible government, it must face squarely in this review the issue of how to devolve the powers to the district level.

It is because of these two points of consensus that the Democratic Party will support the amendment moved by Mr Frederick FUNG and the original motion moved by Mr IP Kwok-him. Notwithstanding the fact that we have proposed an amendment because we have reservations about the original motion moved by Mr IP Kwok-him, we share his views on increasing the support to DC members and the devolution of powers to the district level. So I would like to make a formal announcement here that we will support the original motion of Mr IP Kwok-him and the amendment moved by Mr Frederick FUNG.

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

MR ANDREW WONG (in Cantonese): Madam President, I think the Government should not be too scared about a motion like this, nor should it be overly worried about the final outcome of this debate. Reform of the DCs is something that needs to be done anyway. For when at the Third Reading of the bill which sought to abolish the two Municipal Councils, the Government undertook that a serious review would be made on this and I really hope that the

Government would do it. So the views that I am expressing are my personal views on the development of the DCs as a whole and I hope that the Government will use these views as reference when it conducts the review. I hope that the Government would give serious thoughts as to whether the DCs should be retained or not. I am not advocating for scrapping the DCs, but I do not think that we need to set up a three-tier structure of representative assemblies. A two-tier one is quite enough. It is because Hong Kong is such a small place and though the population is large, the close transportation network that we have would make a two-tier structure quite adequate for our purposes.

With this major consideration in mind, if someone is elected into a representative assembly and becomes a member of it, but if that assembly is unable to formulate policies and make decisions, or if that assembly cannot interact with the highest echelons of the Government and form a separation of powers and produce a checks and balance effect or impose any constraints on them, it would only make the members elected think that they possess the powers but not any responsibilities. Having powers does not mean that the members really have powers and responsibilities, but that they have a great force in that they can say things to the public but do not have to bear any responsibilities for what they have said. I am saying this because this is the outcome that I have always stressed would be produced. Thinking along this line, we can well understand that if someone who faces the pressure of running an election, he would only need to criticize the Government and it does not really matter if he is right or not, for he will score in the eyes of the voters. It would be good if the Government listens to his criticisms and it would be all the more better if the Government does not. For the candidate can make a few more attacks. This would only foster an undesirable culture of attacking the Government. I have made the same comments to describe the kind of situation we have in the Legislative Council today where one feels the powerful executive-led approach dominates everything that we want to do. The same problem would arise if a balance is not struck between the parties. However, that is outside the scope of the present debate. The question of debate is the DCs. If voters want to elect some people who can really fulfil their democratic duties, the candidates must know that they must bear the responsibilities for what they do, be it right or wrong. For if not, they would not be elected in the next election.

In 1980 when the Green Paper on a Pattern of District Administration was published, I already raised the same arguments. What are the problems that we are actually facing? If there are problems with the co-ordination on district

administration, then they should be dealt with by the District Management Committees (DMCs). If it is about the slow response to problems on a district level, it can also be handled by the DMCs. It should be fine. But if it is about enhancing public awareness on taking part in political affairs, then powers must be devolved from above, otherwise the desired effects cannot be achieved. There are many things that can be dealt with by adopting administrative measures or setting up committees. So during the time from 1980-81, and after the publication of the white paper on district administration, a proposal was made to set up district boards. But the district boards were only part of the advisory structure and I raised strong opposition to them. If Honourable Members should care to look up the minutes of meetings of the Sha Tin District Advisory Board at that time, they will find a very long paragraph in the minutes recording my views on that issue. My views were very strong, for I think that was not a right step to take. But I was still happy to work for the district board and to make my views known there. I have insisted on these views for a long time from 1980 to the present. But it seems that the Government is still unwilling to devolve powers to the DCs. It may be that the Government does not have such an intention, or it may have fears that this would contravene Article 97 of the Basic Law. I have no idea what worries the Government may have, but if it is really worried about contravening Article 97 of the Basic Law, then it should bring this issue up for discussion. For the fact is: The two Municipal Councils that had real powers are now abolished, but why do we not give the powers to the 18 DCs? If it is considered that 18 DCs are too many, why do we not reduce the number to 10 or eight? If the number is still too great, then it can even be reduced to five or six. That can also be done. I think that is precisely the crux of the problem.

If complaints are all handled by officials at the rank of Assistant Director or Deputy Director, this may greatly increase the influence of DC members, but it will not achieve any real progress in the democratization of our political institutions. An increase in the allowance for DC members may only serve to give them more opportunities to contact more voters and so enable them or their political parties to exercise greater control over the political scene in their respective constituencies. But do these have any great significance at all? I do not know. In any case, I think the powers of the DCs should be increased, for they should have some kind of substantive powers. The DCs should be allowed to possess powers and bear responsibilities. They must really bear responsibilities. And on this point, my stand has never changed.

I did draft some amendments on the legislation in relation to the abolition of the two Municipal Councils. One of these amendments was given to a former Member of this Council, Miss Christine LOH, to move on my behalf. Miss LOH sat next to me in the Chamber then. The amendment only sought to amend some of the provisions in the Bill to the effect that the DCs can exercise such other powers and perform such duties as are conferred. These include the formulation of policies and so on. These include the formulation of policies, and so on. However, all the amendments were voted down, to my great disappointment.

Does it have any great significance when I speak here on this motion debate today? I support the motion and the amendments moved by all the Honourable Members concerned, but I do not give my unreserved support for them. For some of the proposals will not really serve to make the DCs progress, nor will they facilitate the onward movement of the political system of Hong Kong. Therefore, at the beginning of this speech, I asked the Government not to worry so much about the outcome of the voting on this motion. I would vote in favour of all the motions. That does not imply, however, that I support the proposal made by Mr Frederick FUNG to enable DC members to elect or nominate members from among themselves for appointment by the Government to various committees within the government advisory structure. I strongly oppose this proposal. For what is the sense of electing members to serve on these committees? There is no sense at all. The government committees and boards in various policy areas, such as the Housing Authority, and so on, would not get any better if its members are elected from among the DC members, and it may even become a "Housing Government" and will lead to even more problems. The things it will discuss will be just things such as how funds are going to be allocated, and so on. I do not see any sense in that at all. So please do not mind my saying this even though I will vote in favour of these proposals.

This amendment is somewhat different from the previous amendment in that the previous one is about powers to set up something and so I have voted against it, and I have explained the reasons for that.

Thank you, Madam President.

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

(No Member responded)

PRESIDENT (in Cantonese): Mr IP Kwok-him, you may now speak on the three amendments. You have five minutes.

MR IP KWOK-HIM (in Cantonese): Madam President, first of all, I am very grateful to the 21 Members who have participated in this debate. This shows that Members are very much concerned about the work of District Councils (DCs). Due to the time constraint, I can only make some responses to the three amendments.

Members have indeed put forward many constructive proposals in the amendments, such as Mr Frederick FUNG's proposal to establish a mechanism for DC members to elect or nominate members from among themselves to the committees responsible for managing public facilities in their respective districts, and I stress here that it refers to their respective districts only. Mr FUNG's suggestion is indeed a very good one. Another good suggestion from him is the proposal to build additional items into the accountable allowance, such as entertainment expenses and printing costs. Mr Andrew CHENG proposed providing additional funding to DCs so that they have more resources to launch community building activities and district activities. This, I very much agree. As for Mr CHENG's proposal of granting DC members an allowance for winding up their offices so that they can have a "good beginning and a good end", it is also a very pragmatic suggestion that merits our support.

However, there are some proposals in the amendments that we find unacceptable. Let me first talk about Mr Frederick FUNG's amendment. He proposed that members should also elect from among themselves in respect of item (f). We find this unacceptable for there are many factors that must be considered, such as professional expertise or knowledge in a certain field, before making decisions on the appointments to the advisory structure. This is probably more pragmatic. If the appointees are elected by members from among themselves, it may not meet the requirements of the advisory structure.

The content of Mr Andrew CHENG's amendment is mostly substantive, but there are several points that we find unacceptable. First, Mr CHENG has deleted the proposal of creating a post at the rank of Assistant Director. On this point, I very much regret that my explanation failed to convince other Members to accept this proposal. I have repeatedly stressed that I am not suggesting the creation of new posts in the establishment. Rather, internal adjustments should be made to enhance the ability of DC members to solve problems. I have consulted nearly 300 DC members on this proposal and they strongly support it. In a questionnaire survey conducted recently, 95% of the DC members also expressed their support for it. Mr Andrew CHENG also proposed requiring the attendance of officers at the directorate level at DC meetings. I certainly agree with this for this will help DCs solve the practical problems. Second, Mr CHENG also deleted the proposal of meeting with the heads of bureaux and executive departments. I do not mean that they must go to each and every DC in person. Instead, large-scale conferences can be organized to introduce to DC members their philosophy of governance and the difficulties involved. I do not think that this will entail additional resources, as stated by the Liberal Party. I find this deletion by Mr CHENG unacceptable. Apart from this deletion, Mr CHENG also added a part suggesting that prior consent of DCs must be sought before implementing engineering works. I have reservations about this point or may even oppose it. Therefore, the amendments of Mr Frederick FUNG and Mr Andrew CHENG are unacceptable to the Democratic Alliance for Betterment of Hong Kong (DAB).

In his amendment, Mr Albert HO proposed studying expeditiously the possibility of entrusting to DCs the functions of the two former Municipal Councils in respect of district affairs. He also suggested that consideration can be given to five aspects, including the provision of more funding in some areas. I believe the Leisure and Cultural Services Department has already transferred part of the funding to DCs, and I can agree on this point. But on this proposal of allowing DCs to decide on the construction projects of their respective districts, I have reservations about it but we will support conducting a study on this. Therefore, the DAB can accept Mr Albert HO's amendment in this respect.

I believe today's motion debate will certainly end with the defeat of the motion and all of the three amendments. But even so, I very much hope that the Government can receive our message of increasing the support for DCs, so that the forthcoming review can truly bring greater vitality to the DCs, with a view to enabling the DCs to be more representative of public opinion.

SECRETARY FOR HOME AFFAIRS (in Cantonese): First of all, Madam President, I would like to thank Mr IP Kwok-him for moving this motion debate today gives us a chance to, before reviewing the functions of the District Councils (DCs), have a better understanding of Members' views on this subject. As the review has only just begun, I cannot respond in detail to the various specific views put forward by Members today. However, I must stress that the Government has no established position on the review. We promise that we will carry out the review with a liberal and open attitude. The question of whether there is a need to amend the relevant legislation will be subject to the findings of the review.

In the early '80s, the Government set up District Councils (formerly known as district boards) in various districts under the District Administration Scheme in order to encourage the public to take part in the affairs of their respective districts, nurture their sense of belonging and the spirit of helping one another and ensure the Government can respond swiftly to the problems and needs of the districts. As district board members were well acquainted with their districts and had extensive contact with members of the public, the Government relied heavily on the opinions of district board members in handling district affairs. After years of operation, the district boards had become a major advisory organ at the district level and an important bridge between the Government and the public. Not only did they help the Government to formulate and implement various policies, but also closely monitor the services and facilities provided in the districts by government departments. Through constructive monitoring, the district boards played a positive role in enhancing the efficiency and quality of public services.

In 1998, the "Review of District Organisations" was carried out. The findings of this public consultation once again affirmed the contribution of the district boards to district work. A lot of people agreed that the district boards should take up a more important role and undertake more work. As a result, the Government proposed in the review report that the district boards should play a greater role at the district level in, among other things, advising on food and environmental hygiene matters, as well as organizing and promoting cultural and recreational activities. Furthermore, the Government undertook to provide them with additional funding to improve the local environment, organize and subsidize district cultural and recreational activities, and undertake more community building projects. It also proposed to raise the honorarium and accountable allowance for district board members suitably to help them set up offices and employ assistants, and strengthen assistance provided by the District Offices (DOs) to the district boards.

In order to implement the proposals made in the consultation report on the "Review of District Organizations", the Director of Home Affairs set up an inter-departmental working group in 1999 to examine ways to enhance the participation of district boards in district management work and provide district board members with more support. The proposals have been implemented step by step after the establishment of the new DCs. I would like to give a brief account on these measures and give a preliminary response to Members' proposals.

First, to provide the DCs with additional funding. In this fiscal year, we have allocated a total of \$143 million to the 18 DCs to implement or sponsor community building or minor environmental improvement works. In addition, \$13 million has been set aside for the implementation of district cultural and recreational activities by the DCs. Given the success of the "Rural Public Works Programme", the Government decided to launch the "Urban Minor Works Programme" in urban areas and set aside \$35 million for improvement of the urban environment. Since 1 April this year, the Leisure and Cultural Services Department (LCSD) implemented the "District Festivals Subsidy Scheme" and the "District Cultural Project Grants Scheme" in the 18 districts throughout the territory, with a view to subsidizing the DCs and district organizations in holding district festivals and activities in celebration of traditional festivals. The amounts of allocation for these two projects were \$18.7 million and \$6.7 million respectively. After listening to the views of the DCs on funding arrangements, the Director of Leisure and Cultural Services undertook to improve the funding arrangements and procedures to enable the DCs and district organizations to utilize the funding for the two projects more flexibly.

Second, to invite DC members to participate in more district management affairs. The District Management Committees (DMCs), comprising representatives from relevant government departments, have all along played an important role in managing district affairs and solving problems specific to the districts. Since January this year, the Government invited the Chairmen and Vice Chairmen of various DCs to formally join the DMC of their respective districts as members. This will enable them, as representatives of their own DC, to participate directly in managing and co-ordinating district affairs. Furthermore, DC Chairmen or Vice Chairmen were invited to join the "Central Steering Committee" and the "District Working Groups", set up under the "Rural Public Works Programme" and the "Urban Minor Works Programme",

to advise on the implementation of construction projects and play an active monitoring role. In monitoring food and environmental hygiene, the Food and Environmental Hygiene Department (FEHD) has appointed senior superintendents to attend meetings held by various DCs and relevant committees. The Department has also invited DC members to help monitor the work related to hawker and market management, cleansing of streets and public toilets, as well as participating in the work of the "Market Management Consultative Committee" to advise on the management of markets. We will continue to discuss with relevant government departments and invite DC members to advise on the management of other facilities in the districts where appropriate.

In the discussions we held with the DCs recently and today's motion debate, we received a lot of valuable opinions, particularly in relation to the role that the DCs should play in managing the municipal facilities and services provided in their respective districts and ways to enhance the advisory function and deliberations of the DCs. We will analyse these opinions carefully. In sum, we hope the DCs can play a more active role in promoting cultural and recreational activities, improving environmental hygiene of the districts and promoting community building.

In his amendment, Mr Andrew CHENG requested the Government to make an agreement with the DCs and specify the types of works at the district level requiring the consent of the DCs before implementation. We need to study this proposal in detail for it might conflict with existing policies and legislation. At this stage, we have reservations about this proposal.

Third, to enhance communication between the DCs and government departments. Since the establishment of the new DCs, the Director of Home Affairs holds a meeting with the DC Chairmen every month. These regular meetings provide a suitable venue for DC chairmen to exchange ideas with individual Bureau Secretaries and heads of department. Recently, we invited the 18 DC Vice Chairmen and representatives of functional constituencies of this Council to attend the monthly meetings to strengthen communication between the DCs and Bureau Secretaries and department heads, and to facilitate a better understanding of various important policies. The Home Affairs Department (HAD) will continue to encourage and arrange heads of Policy Bureaux and government departments to attend these meetings.

We noted that some DC members were disappointed that sometimes the proposals they raised at DC meetings were not accepted or met with enthusiastic responses by relevant government departments. We also noted that the DCs were dissatisfied that some departments had failed to appoint senior officials to attend DC meetings or subcommittee meetings as requested, or the attending officials had failed to answer the questions raised by DC members satisfactorily. We agree that we must address and solve these problems. We will work with the HAD and relevant departments to find out where the problems lie and seek appropriate remedies.

In our opinion, however, the proposal of creating or specifying a post at the rank of Assistant Director in every executive department to help DC members in handling complaints or requiring the heads of departments to attend DC meetings is not necessarily the most effective means to strengthen communication between the DCs and government departments. Actually, through the discussions we held with the DCs, we learned that DC members were generally of the view that to improve the relationship between the DCs and government departments, it was most important that the departmental representatives attending DC meetings were well-versed in the discussion items and were able to and pleased to answer the questions raised by DC members. The rank of the officials was not the key. In addition, the original motion's proposal of creating dozens of posts at the rank of Assistant Director will incur huge recurrent expenditure. The Government therefore has reservations about this proposal. Nevertheless, Mr IP Kwok-him explained earlier that he was not asking for additional posts.

Fourth, I would to say a few words on the appointment of more DC members to advisory bodies. To enable the Government to gather views expressed at the district level more effectively for its reference in formulating policies, we have begun to appoint more DCs to advisory organs that are related to people's livelihood gradually. Of the 519 new DC members, more than 480 are members of advisory and statutory bodies of different levels and natures. Of these members, 152 come from more than 140 non-regional organizations. In future, we will take a more active approach in appointing DC members to advisory bodies related to people's livelihood. We anticipate the participation of DC members in these organizations will expand in the coming years.

Mr Frederick FUNG suggested that DC members should be allowed to elect or nominate members from among themselves to government advisory bodies. I would like to explain the Government's policy in this area. The main objective of setting up advisory bodies is to solicit opinions and input from the community to facilitate the formulation of government policies or planning of services. Through the appointment system, the Government has been able to appoint people with the required knowledge and abilities in the light of the functions of individual advisory bodies in a pragmatic and flexible manner. Under the abovementioned principles of "oriented to organization needs" and "appointment by merits", we agree that DC members, as representatives of public opinion, should be given more opportunities to participate in the work of advisory bodies under an appointment system. Nevertheless, we disagree that the systems of the DCs and advisory bodies should be rigidly pegged to each other. This is because the roles they play in the consultation process are complementary, though somewhat different. We will continue to, in the light of the functions and actual needs of various advisory bodies, appoint people with the required knowledge and abilities, including DC members, in their personal capacity.

Fifth, I would also like to say a few words on the provision of more support for DC members. As the DCs play a very important role in district affairs, the Government has provided them with additional resources to enable DC members to discharge their duties more effectively.

Let me cite a few examples.

(1) Information technology (IT)

We have installed personal computers, inclusive of Internet and e-mail facilities, at the DC secretariat for DC Chairmen, Vice Chairmen and members. IT training is now provided for all DC members. These IT facilities and training will help strengthen the link between DC members and enhance exchanges between DC members and the Government. To facilitate communication between the DCs and the public, the HAD will provide basic platforms for the 18 DCs to set up their own web pages.

(2) Financial support

DC members are granted honorarium and accountable allowance every month to meet the actual expenses for employing assistants and maintaining offices in their respective district. The granting of

honorarium is aimed at, to a certain extent, making up for the expense and time spent by DC members as a result of handling DC matters. At present, DC members, Chairmen and Vice Chairmen respectively receive an honorarium of \$18,190, \$36,380 and \$27,290 monthly. From 1 January this year onward, a new accountable allowance of \$10,000, to substitute the old office rental allowance, was issued to DC members monthly. This new allowance mainly aims to meet the expense incurred by DC members in setting up offices and help them meet the expense for employing assistants to discharge DC duties.

We noted that DC members are of the view that the existing accountable allowance is insufficient for meeting basic expenses. Some DC members even asked the Government to expand the number of items qualified for accountable allowance and grant DC members a one-off accountable allowance. We will consider the request made by DC members seriously and carefully.

(3) Manpower and facilities of DC secretariats

The surge in the number of DC members and the greater work commitment of DCs have brought heavier workload to DC secretariats. We understand it very well that this problem may affect the operation of the DCs. To this end, we will create one additional post of Executive Officer II for each of the 18 DC secretariats by the end of this year to strengthen support for the DCs. In addition, the DCs can, in the light of the needs of individual programmes, recruit temporary community organizers to perform clerical work and co-ordinate activities for working groups. Mr Andrew CHENG and Mr Frederick FUNG have proposed in their amendments turning the existing DC secretariats under the DOs into independent ones. As the impact of this proposal will be far-reaching, DC members have yet reached a consensus on it. We must deal with this issue carefully.

Madam President, earlier this year, the former Secretary for Home Affairs undertook to conduct a comprehensive review after the new DCs had operated for a period of time and accumulated certain experience. The Chief Executive also mentioned in this year's policy address that the Government is considering how the roles of the DCs in district affairs can be enhanced and ways to give the DCs better support. This will again be the focus of the impending review of the functions of the DCs. In this connection, some preparations for the review have been made. First, after taking office in July, the Secretary for Home Affairs

visited the 18 DCs to discuss with DC members matters of their concern and listened to opinions related to how to enhance the functions of the DCs and ways to give DC members better support. In the debate, Mr Andrew CHENG mentioned that the Secretary for Home Affairs changed his schedule of visiting the Sai Kung District Council. Actually, the Secretary had earlier issued a statement explaining that he needed to change the schedule because he had received a summons from the Court to give evidence at the time originally scheduled. There is absolutely no implication of disrespect. Apart from this, a seminar called "District Administration in the New Millennium" was held last Saturday (18 November) with an attendance of more than 400 DC members and directorate grade officers. In the seminar, DC members expressed a lot of valuable opinions on the operation of the DCs and ways to make improvement. Through this seminar, we have been able to better understand how DC members look at district administration.

It is opportune for Mr IP Kwok-him to move this motion debate today. The speeches delivered by Members have enabled us to understand how this Council looks at the functions of the DCs in a more comprehensive manner and the expectations of this Council for the impending review.

As I said on the outset, it is impossible for the Government to respond in detail the various specific recommendations made by Members in today's debate. We promise we will seriously consider Members' views in the course of review. We believe we share the same overall objective with this Council in hoping that the DCs will be facilitated in playing their role of representing public opinion at the district level and monitoring the Government more fully, with a view to turning the SAR Government into a more open and accountable government. I believe the DCs have huge potential and opportunities for future development. This mainly stems from the interactive relationship between the DCs and the Government as well as the close link between DC members and members of the public. In other words, the DCs do not grow in a unidirectional manner. Their growth is built upon, apart from government promotion, DC members' participation in district affairs, the active approach taken by DC members in advising the Government and the efforts they made in encouraging the public and organizations to take part in community affairs. I hope this review can provide an opportunity for the DCs to update themselves.

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

MR ANDREW CHENG (in Cantonese): Madam President, I move that Mr IP Kwok-him's motion be amended, as set out on the Agenda.

Mr Andrew CHENG moved the following amendment: (Translation)

"To delete "creating a post at the rank of Assistant Director in" and substitute with "designating relevant officers of"; to delete "to directly assist DC members in handling complaints" and substitute with "including those at the directorate level, to attend DC meetings"; to delete "requiring the heads of bureaux and executive departments to meet DC members on a regular basis, so as to enable DC members to understand the Government's blueprint for governing Hong Kong;" and substitute with "making an agreement with DCs and drawing up internal guidelines to specify the types of policies and consultation papers requiring consultation with DCs as well as the types of policies and works at the district level requiring the consent of DCs before implementation; (c) providing additional funding to DCs so that they have more resources to launch or sponsor community building activities and to embark on community building and environmental improvement projects;"; to delete "(c)" and substitute with "(d)"; to delete "(d)" and substitute with "(e)"; to delete "(e)" and substitute with "(f)"; to delete "(f)" and substitute with "(g)"; to delete "the 519" and substitute with "more"; to add "and devising appropriate criteria for such appointments with a view to catering for different opinions in the community" after "DC members to the Government's advisory structure"; to delete "(g)" and substitute with "(h)"; to add "and establishing an independent committee to review matters relating to the revision of DC members' allowance" after "the monthly accountable allowance for DC members"; to delete "(h)" and substitute with "(i)"; to add "and an accountable allowance for winding up their offices" after "setting up their offices"; to delete "(i)" and substitute with "(j)"; to delete "(j)" and substitute with "(k)"; and to add "turning expeditiously the existing DC secretariats into independent ones and" after "district offices to DCs, including"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr IP Kwok-him's motion, be passed.

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.

(Members raised their hands)

Mr Andrew CHENG rose to claim a division.

PRESIDENT (in Cantonese): Mr Andrew CHENG has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Mr LAW Chi-kwong voted for the amendment.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Mrs Miriam LAU, Mr Abraham SHEK, Miss LI Fung-ying, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the amendment.

Mr Henry WU and Mr Michael MAK abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted for the amendment.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, three were in favour of the amendment, 20 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the amendment and 12 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MRS SELINA CHOW (in Cantonese): In accordance with Rule 49(4) of the Rules of Procedure, I move that in the event of further divisions being claimed in respect of the motion on "Increasing the Support to District Council Members" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That in the event of further divisions being claimed in respect of the motion on "Increasing the Support to District Council Members" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Does any Member wish to speak?

(No Member indicated a wish to speak)

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 is agreed by a majority respectively of 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.

I order that in the event of further divisions being claimed in respect of the motion on "Increasing the Support to District Council Members" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I will now call upon Mr Albert HO to move his amendment.

MR ALBERT HO (in Cantonese): Madam President, I move that Mr IP Kwok-him's motion be amended, as set out on the Agenda.

Mr Albert HO moved the following amendment: (Translation)

"To add "(e) studying expeditiously the possibility of entrusting to DCs the functions of the two former municipal councils in respect of district affairs;" after "implemented in their respective districts;"; to delete "(e)" and substitute with "(f)"; to delete "(f)" and substitute with "(g)"; to delete "(g)" and substitute with "(h)"; to delete "(h)" and substitute with "(i)"; to delete "(i)" and substitute with "(j)"; to delete "(j)" and substitute with "(k)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert HO to Mr IP Kwok-him's motion, be passed.

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.

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr CHAN Kwok-keung, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr LAW Chi-kwong, Miss LI Fung-ying, Mr Michael MAK, Mr LEUNG Fu-wah and Mr IP Kwok-him voted for the amendment.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mrs Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Dr LO Wing-lok and Mr LAU Ping-cheung voted against the amendment.

Mr Henry WU abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Andrew WONG, Mr Jaspser TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr SZETO Wah, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG, Prof NG Ching-fai and Mr YEUNG Yiu-chung voted for the amendment.

Mr David CHU, Mr NG Leung-sing and Mr Ambrose LAU voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, nine were in favour of the amendment, 15 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 23 were in favour of the amendment and three against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Frederick FUNG, please move your amendment.

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

Mr Frederick FUNG moved the following amendment: (Translation)

"To delete "appointing DC members" and substitute with "establishing a mechanism for DC members to elect or nominate members from among themselves"; to delete "appointing the 519 DC members" and substitute with "establishing a mechanism for DC members to elect or nominate members from among themselves for appointment by the Government"; to add ", and building additional items into the accountable allowance to meet actual needs" after "the monthly accountable allowance for DC members"; and to add "setting up independent secretariats for DCs and" after "(j)". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Frederick FUNG to Mr IP Kwok-him's motion, be passed.

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.

(Members raised their hands)

Mr Frederick FUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Frederick FUNG has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr LAW Chi-kwong, Miss LI Fung-ying and Mr Michael MAK voted for the amendment.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Mrs Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the amendment.

Mr Henry WU abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Mr Andrew WONG, Dr YEUNG Sum, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi and Mr Frederick FUNG voted for the amendment.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 14 were in favour of the amendment and 12 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): At this juncture, I should ask Mr IP Kwok-him to speak in reply, but as Mr IP Kwok-him has already used all of his 15 minutes, so I cannot ask Mr IP to speak in reply now.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr IP Kwok-him, 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 IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr HUI Cheung-ching, Mr CHAN kwok-keung, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr LAW Chi-kwong, Miss LI Fung-ying, Mr Michael MAK, Mr LEUNG Fu-wah and Mr IP Kwok-him voted for the motion.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Mr Eric LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr

Howard YOUNG, Mrs Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Dr LO Wing-lok and Mr LAU Ping-cheung voted against the motion.

Mr Henry WU abstained.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Andrew WONG, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr SZETO Wah, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG, Mr David CHU, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted for the motion.

Mr NG Leung-sing abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 10 were in favour of the motion, 14 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 25 were in favour of the motion and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 29 November 2000.

Adjourned accordingly at half past Nine o'clock.

Annex I**WRITTEN ANSWER****Written answer by the Secretary for the Environment and Food to Dr Raymond HO's supplementary question to Question 1****Information Paper on the
Arrangements for Disposal of Contaminated Mud**

This note provides updated information on the filling rate at the East Sha Chau (ESC) contaminated mud disposal facility and on the planning for creating future capacity within Hong Kong Special Administrative Region for disposal of contaminated mud.

In February 1999, we started consultancy CE 105/98, which is a study of long-term options for management of contaminated mud when the existing pits are full. An important input to the study has been the projected demand for future disposal capacity and this included the contaminated mud from the development of Container Terminal 9 (CT9).

By April 2000 it appeared likely that the CT9 contractor would dispose of the contaminated mud outside Hong Kong and that ESC would therefore last considerably longer before a replacement is required. We temporarily halted the consultancy study on selection of a new contaminated mud disposal facility until we reviewed disposal needs and other matters.

On 1 October 2000, the CT9 contractor ceased using the Erzhou site south of Hong Kong and the contaminated mud from CT9 has been disposed of at ESC since then.

Besides the contaminated mud coming from CT9 development, there are also other users of ESC such as contracts for maintenance dredging, development projects, and so on. The latest forecast, assuming the remaining CT9 contaminated mud will be disposed at ESC, is that the facility will be exhausted by late 2007.

WRITTEN ANSWER — *Continued*

Now that disposal needs for the coming years are somewhat clearer, consultancy CE 105/98 has restarted and is focusing on identifying, firstly, an intermediate disposal solution to take over after completion of the present ESC facility, and secondly, a long-term disposal facility to be used thereafter. We expect the consultants to report by the end of February 2001.

In addition to planning new facilities, the Government is also promoting more measures to reduce the amount of dredging and therefore the amount of mud needing disposal. We are revising the relevant Works Bureau Technical Circular to provide more guidance on non-dredged methods. We are also investigating new techniques to reduce dredging or to put dredged mud to better use.

Annex II

WRITTEN ANSWER

Written answer by the Secretary for Economic Services to Mr SIN Chung-kai's supplementary question to Question 2

According to the informal understanding of relevant bureaux and departments, a number of professional bodies have issued pricing guidelines for their respective services. Our understanding is that these guidelines serve as reference for members of a particular trade or professional body, but are not binding on them. These professional bodies and the guidelines they issued are listed at Appendix.

Appendix

<i>Name of Associations</i>	<i>Guidelines</i>
1 Law Society of Hong Kong	(i) the Solicitors (General) Costs Rules; and (ii) the Solicitors (Trade Marks and Patents) Cost Rules under the Legal Practitioners Ordinance (Cap. 159)
2 Hong Kong Mid Stream Operators Association	Document Registration and Handling Fee
3 Shipping Conferences and Agreements	Guidelines on adjustments to currency factors, freight rates, surcharges and terminal handling charges
4 The Hong Kong Association of Banks	Interest Rate Rules
5 Stock Exchange of Hong Kong Limited	Minimum commission rates for securities transactions on the exchange
6 Hong Kong Futures Exchange Limited	Minimum commission rates for commodities transactions on the exchange

WRITTEN ANSWER — *Continued*

	<i>Name of Associations</i>	<i>Guidelines</i>
7	Asian Patent Attorneys Association	
8	China Patent Agency (Hong Kong) Limited	Solicitors (Trade Marks and Patents) Costs Rules under the Legal Practitioners Ordinance (Cap. 159)
9	Hong Kong Institute of Trade Mark Practitioners	
10	The Hong Kong Institute of Landscape Architects	The Hong Kong Institute of Landscape Architects Fee Scale
11	The Hong Kong Institute of Architects	The Hong Kong Institute of Architects Fee Scale
12	The Hong Kong Institute of Surveyors/the Royal Institution of Chartered Surveyors (Hong Kong Branch)	The Hong Kong Institute of Surveyors/the Royal Institution of Chartered Surveyors (Hong Kong) Fee Scale
13	The Property Services Agency of the Department of the Environment and the Association of Consulting Engineers, United Kingdom	The Property Services Agency and the Association of Consulting Engineers Fee Scale
14	The Association of Consulting Engineers of Hong Kong	The Association of Consulting Engineers of Hong Kong (Conditions of Engagement, Agreement 3) for Structural Engineering Works

Annex III**WRITTEN ANSWER****Written answer by the Secretary for Security to Miss LI Fung-ying's supplementary question to Question 3**

In 1999, the number of persons prosecuted under the Dangerous Drugs Ordinance for both major and minor offences was 7 632. Since the cases concerned varied in terms of actual offences committed, types and quantities of drugs involved and other factors, the court had imposed sentences in accordance with sentencing guidelines and the circumstances of individual cases. The sentences handed down in respect of the above-mentioned offences varied from the heaviest of 36 years' imprisonment to the observance of a community service order or a fine.

Annex IV**WRITTEN ANSWER****Written answer by the Secretary for Security to Mr CHEUNG Man-kwong's supplementary question to Question 5**

As I pointed out at the Legislative Council meeting, the meaning of "public meeting" is clearly defined in the Public Order Ordinance, as any meeting held in a public place for the purpose of discussing issues of interest or concern to the general public or one of its sections, and which is previously convened or organized, or at which any person assumes control or leadership. Meetings held for social, recreational, cultural, religious or similar purposes are generally not included. The relevant provision is attached for Members' information.

Organizer of any gathering which is defined as "public meeting" under the Ordinance and consists of over 50 persons (over 500 persons if the meeting takes place in private premises) is required to give prior notification to the police according to the law, irrespective of the nationality of the participants. However, gatherings of foreign domestic helpers in places like the Central District on holidays are generally no more than social gatherings of groups of people getting together for chit-chat and hence are not subject to the notification requirements. If a gathering of Philippine domestic helpers falls within the definition of "public meeting" under the Public Order Ordinance and the number of participants is over 50, they too have to notify the police in advance. In fact, Philippine domestic helpers did hold a number of "public meetings" in the past. They notified the police in advance in accordance with the law and the events were held smoothly. For example, some 500 Philippine domestic helpers held a meeting at Chater Garden in Central on 12 November this year to fight for the rights of foreign domestic helpers in Hong Kong. Formal notification was given to the police on 1 November. Again, more than 200 foreign domestic helpers took part in a procession from Victoria Park to Chater Garden on 26 November to arouse public concern over violence against female domestic helpers. The organizer of the event notified the police on 3 November.

Every person is equal before the law. Like any other legislation, the Public Order Ordinance applies to each and every one of us in Hong Kong. The Administration will not pick on any particular person in taking enforcement actions. Likewise, we hope that everyone will understand that no one can act above the law.

WRITTEN ANSWER — *Continued*BLIS ON
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Section of Enactment

Chapter:	245	Title:	PUBLIC ORDER ORDINANCE	Gazette Number:	119 of 1997; 13 of 1999
Section:	2	Heading:	Interpretation	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 13 of 1999 s. 3

(1) In this Ordinance, unless the context otherwise requires- (Amended 119 of 1997 s. 2)

"closed area" (禁區) means any area or place declared to be a closed area by order under section 36;

"designated public area" (指定公眾地點) means an area designated as a designated public area by the Chief Executive under section 10; (Added 67 of 1980 s. 2. Amended 13 of 1999 s. 3)

"meeting" (集會) means any gathering or assembly of persons convened or organized for the purpose of the discussion of issues or matters of interest or concern to the general public or a section thereof, or for the purpose of the expression of views on such issues or matters, and includes any gathering or assembly of persons whether or not previously convened or organized at which any person assumes or attempts to assume control or leadership thereof for any such purpose; but does not include any gathering or assembly of persons convened or organized exclusively-

(a) for social, recreational, cultural, academic, educational, religious or charitable purposes, or as a conference or seminar bona fide intended for the discussion of topics of a social, recreational, cultural, academic, educational, religious, charitable, professional, business or commercial character;

(b) for the purpose of a funeral;

(c) for the purposes of any public body; or

(d) for the purpose of carrying out any duty or exercising any power imposed or conferred by any Ordinance; (Replaced 67 of 1980 s. 2)

"offensive weapon" (攻擊性武器) means any article made, or adapted for use, or suitable, for causing injury to the person, or intended by the person having it in his possession or under his control for such use by him or by some other person;

"procession" (遊行) means a procession organized as such for a common purpose, and includes any meeting held in conjunction with such procession; (Added 67 of 1980 s. 2. Amended 77 of 1995 s. 3)

"public gathering" (公眾聚集) means a public meeting, a public procession and any other meeting, gathering or assembly of 10 or more persons in any public place;

"public meeting" (公眾集會) means any meeting held or to be held in a public place;

"public place" (公眾地方) means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place;

"public procession" (公眾遊行) means any procession in, to or from a public place;

"society" (社團) means any club, company, partnership, association or body of persons.

(Amended 77 of 1995 s. 3)

(2) In this Ordinance the expressions "public safety", "public order (ordre public)", "the protection of public health" and "the protection of rights and freedoms of others" are interpreted in the same way as under the International Covenant on Civil and Political Rights as applied to Hong Kong. "national security" (國家安全) means the safeguarding of the territorial integrity and the independence of the People's Republic of China. (Added 119 of 1997 s. 2)

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