

會議過程正式紀錄
OFFICIAL RECORD OF PROCEEDINGS

2003 年 1 月 22 日星期三
Wednesday, 22 January 2003

下午 2 時 30 分會議開始
The Council met at half-past Two o'clock

出席議員：

MEMBERS PRESENT:

主席范徐麗泰議員，G.B.S., J.P.

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

丁午壽議員，J.P.

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

田北俊議員，G.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

朱幼麟議員，J.P.

DR THE HONOURABLE DAVID CHU YU-LIN, J.P.

何秀蘭議員

THE HONOURABLE CYD HO SAU-LAN

何俊仁議員

THE HONOURABLE ALBERT HO CHUN-YAN

何鍾泰議員，J.P.

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

李卓人議員

THE HONOURABLE LEE CHEUK-YAN

李柱銘議員，S.C., J.P.

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

李家祥議員，J.P.

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

李國寶議員，G.B.S., J.P.

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

李華明議員，J.P.

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

呂明華議員，J.P.

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

吳亮星議員，J.P.

THE HONOURABLE NG LEUNG-SING, J.P.

吳靄儀議員

THE HONOURABLE MARGARET NG

周梁淑怡議員，G.B.S., J.P.

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

涂謹申議員

THE HONOURABLE JAMES TO KUN-SUN

張文光議員

THE HONOURABLE CHEUNG MAN-KWONG

許長青議員，J.P.

THE HONOURABLE HUI CHEUNG-CHING, J.P.

陳國強議員

THE HONOURABLE CHAN KWOK-KEUNG

陳婉嫻議員，J.P.

THE HONOURABLE CHAN YUEN-HAN, J.P.

陳智思議員，J.P.

THE HONOURABLE BERNARD CHAN, J.P.

陳鑑林議員，J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

梁劉柔芬議員，S.B.S., J.P.

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

梁耀忠議員

THE HONOURABLE LEUNG YIU-CHUNG

單仲偕議員

THE HONOURABLE SIN CHUNG-KAI

黃宏發議員，J.P.

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

黃宜弘議員

DR THE HONOURABLE PHILIP WONG YU-HONG

曾鈺成議員，G.B.S., J.P.

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

楊孝華議員，J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

楊森議員

DR THE HONOURABLE YEUNG SUM

楊耀忠議員，B.B.S.

THE HONOURABLE YEUNG YIU-CHUNG, B.B.S.

劉千石議員，J.P.

THE HONOURABLE LAU CHIN-SHEK, J.P.

劉江華議員

THE HONOURABLE LAU KONG-WAH

劉皇發議員，G.B.S., J.P.

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

劉健儀議員，J.P.

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

劉漢銓議員，G.B.S., J.P.

THE HONOURABLE AMBROSE LAU HON-CHUEN, G.B.S., J.P.

劉慧卿議員，J.P.

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

蔡素玉議員

THE HONOURABLE CHOY SO-YUK

鄭家富議員

THE HONOURABLE ANDREW CHENG KAR-FOO

司徒華議員

THE HONOURABLE SZETO WAH

羅致光議員，J.P.

DR THE HONOURABLE LAW CHI-KWONG, J.P.

譚耀宗議員，G.B.S., J.P.

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

鄧兆棠議員，J.P.

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

石禮謙議員，J.P.

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

李鳳英議員，J.P.

THE HONOURABLE LI FUNG-YING, J.P.

胡經昌議員，B.B.S., J.P.

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

張宇人議員，J.P.

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

麥國風議員

THE HONOURABLE MICHAEL MAK KWOK-FUNG

陳偉業議員

THE HONOURABLE ALBERT CHAN WAI-YIP

梁富華議員，M.H., J.P.

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

勞永樂議員

DR THE HONOURABLE LO WING-LOK

黃成智議員

THE HONOURABLE WONG SING-CHI

馮檢基議員

THE HONOURABLE FREDERICK FUNG KIN-KEE

葉國謙議員，J.P.

THE HONOURABLE IP KWOK-HIM, J.P.

劉炳章議員

THE HONOURABLE LAU PING-CHEUNG

余若薇議員，S.C., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

馬逢國議員，J.P.

THE HONOURABLE MA FUNG-KWOK, J.P.

缺席議員：

MEMBERS ABSENT:

黃容根議員

THE HONOURABLE WONG YUNG-KAN

霍震霆議員，S.B.S., J.P.

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

出席政府官員：

PUBLIC OFFICERS ATTENDING:

政務司司長曾蔭權先生，G.B.M., J.P.

THE HONOURABLE DONALD TSANG YAM-KUEN, G.B.M., J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

財政司司長梁錦松先生，G.B.S., J.P.

THE HONOURABLE ANTONY LEUNG KAM-CHUNG, G.B.S., J.P.

THE FINANCIAL SECRETARY

房屋及規劃地政局局長孫明揚先生，G.B.S., J.P.

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.

SECRETARY FOR HOUSING, PLANNING AND LANDS

教育統籌局局長李國章先生，G.B.S., J.P.

PROF THE HONOURABLE ARTHUR LI KWOK-CHEUNG, G.B.S., J.P.

SECRETARY FOR EDUCATION AND MANPOWER

衛生福利及食物局局長楊永強醫生，J.P.

DR THE HONOURABLE YEOH ENG-KIONG, J.P.

SECRETARY FOR HEALTH, WELFARE AND FOOD

保安局局長葉劉淑儀女士，G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

SECRETARY FOR SECURITY

經濟發展及勞工局局長葉澍堃先生，G.B.S., J.P.

THE HONOURABLE STEPHEN IP SHU-KWAN, G.B.S., J.P.
SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR

環境運輸及工務局局長廖秀冬女士，J.P.

DR THE HONOURABLE SARAH LIAO SAU-TUNG, J.P.
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

財經事務及庫務局局長馬時亨先生

THE HONOURABLE FREDERICK MA SI-HANG
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

列席秘書：

CLERKS IN ATTENDANCE:

副秘書長羅錦生先生，J.P.

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

助理秘書長陳欽茂先生

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

提交文件

TABLING OF PAPERS

下列文件是根據《議事規則》第 21 條第(2)款的規定提交：

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

附屬法例／文書	法律公告編號
《2003 年保險公司條例（修訂附表 3 第 1 部） 規例》.....	2/2003
《2003 年保險公司條例（修訂附表 3 第 8 部） 規例》.....	3/2003
《電訊（電訊器具）（豁免領牌）令》.....	4/2003
《大律師（認許）規則》.....	5/2003
《2002 年法律執業者（費用）（修訂）規則》.....	6/2003
《2002 年執業證書（大律師）（修訂）規則》.....	7/2003
《大律師（高級法律進修規定）規則》.....	8/2003
《大律師（認許資格及實習）規則》.....	9/2003
《2003 年進出口（一般）規例（修訂附表 7） 公告》.....	10/2003
《證券及期貨（保險）規則》.....	11/2003
《〈證券及期貨條例〉（第 571 章）2003 年 （生效日期）公告》.....	12/2003
《〈證券及期貨條例〉（第 571 章）（指定日期 — 廢除條例）公告》.....	13/2003

《〈證券及期貨條例〉(第 571 章)(指定日期 — 聯交所賠償基金)公告》.....	14/2003
《〈證券及期貨條例〉(第 571 章)(指定日期 — 期交所賠償基金)公告》.....	15/2003
《〈2002 年銀行業(修訂)條例〉(2002 年第 6 號) 2003 年(生效日期)公告》.....	16/2003
《〈律師(律師聯合執業事務所)規則〉(2002 年 第 122 號法律公告)2003 年(生效日期) 公告》.....	17/2003

Subsidiary Legislation/Instruments

L.N. No.

Insurance Companies Ordinance (Amendment of Part 1 of Third Schedule) Regulation 2003.....	2/2003
Insurance Companies Ordinance (Amendment of Part 8 of Third Schedule) Regulation 2003.....	3/2003
Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order	4/2003
Barristers (Admission) Rules.....	5/2003
Legal Practitioners (Fees) (Amendment) Rules 2002	6/2003
Practising Certificate (Barristers) (Amendment) Rules 2002	7/2003
Barristers (Advanced Legal Education Requirement) Rules	8/2003
Barristers (Qualification for Admission and Pupillage) Rules	9/2003

Import and Export (General) Regulations (Amendment of Seventh Schedule) Notice 2003	10/2003
Securities and Futures (Insurance) Rules	11/2003
Securities and Futures Ordinance (Cap. 571) (Commencement) Notice 2003	12/2003
Securities and Futures Ordinance (Cap. 571) (Appointment of Day — Repeal of Ordinances) Notice	13/2003
Securities and Futures Ordinance (Cap. 571) (Appointed Day — Unified Exchange Compensation Fund) Notice	14/2003
Securities and Futures Ordinance (Cap. 571) (Appointed Day — Futures Exchange Compensation Fund) Notice	15/2003
Banking (Amendment) Ordinance 2002 (6 of 2002) (Commencement) Notice 2003	16/2003
Solicitors (Group Practice) Rules (L.N. 122 of 2002) (Commencement) Notice 2003	17/2003

其他文件

第 54 號 — 僱員補償援助基金管理局
年報 2001/2002

第 55 號 — 平等機會委員會
2001/02 年報

《2001 年法律適應化修改條例草案》委員會報告

《立法會公營房屋建築問題專責委員會第一份報告》

Other Papers

No. 54 — Employees Compensation Assistance Fund Board
Annual Report 2001/2002

No. 55 — Equal Opportunities Commission
Annual Report 2001/02

Report of the Bills Committee on Adaptation of Laws Bill 2001

First Report of the Legislative Council Select Committee on Building
Problems of Public Housing Units

發言

ADDRESS

主席：發言。劉健儀議員會就《立法會公營房屋建築問題專責委員會第一份報告》向本會發言。

立法會公營房屋建築問題專責委員會第一份報告

First Report of the Legislative Council Select Committee on Building Problems of Public Housing Units

劉健儀議員：主席女士，本人以公營房屋建築問題專責委員會（“專責委員會”）主席的身份，代表專責委員會，向立法會提交第一份報告。

專責委員會於 2001 年 2 月 7 日由本會議決成立，以回應公眾人士對在 1999 年至 2000 年期間所揭露的一連串公營房屋建築問題的關注。這些建築問題包括在天水圍天頌苑出現不平均沉降、沙田圓洲角的工程發現短樁，以及在石蔭及東涌的工程項目中使用不合規格的建築物料。為徹底解決公營房屋的建築問題，公眾人士希望專責委員會不單止找出上述 4 宗工程項目的問題所在，更希望藉着立法會的獨立調查，進一步研究整體公營房屋的政策及架構，從而提出改善公營房屋建築質素的建議。

由本會 15 位議員組成的專責委員會自成立至今，一共舉行了 70 次研訊、115 次會議，以及聽取了 85 位證人的證供。為瞭解不同樁柱的建造情況，專責委員會並於 2001 年 3 月參觀兩個公營房屋的建築地盤。

在進行調查期間，專責委員會注意到有多宗涉及上述 4 宗事件的案件，尚待法院判決。因此，專責委員會採取了一系列的措施，以避免影響法院的判決，當中包括與律政司保持聯絡，瞭解有關刑事訴訟的進展情況，並且在有需要時以閉門研訊聽取證供。與此同時，專責委員會以公平、公開及公正的原則，制訂工作方式及程序，務使公眾人士的知情權不會受到不應有的妨礙。專責委員會並且向有關的證人及相關機構提供報告草擬本的有關部分，使每一位人士及機構都獲得公平合理的對待。

經過接近兩年的深入調查，專責委員會不單止就 4 宗事件的原委尋出真相，並且深入分析建造公營房屋的政策及架構。由於專責委員會在草擬報告的時候，就天水圍天頌苑事件獲得新的證供，因而有需要研究這些新證供。此外，有多宗涉及天頌苑事件的刑事案件正由原訴法庭審理，專責委員會決定先就整體公營房屋政策及架構，以及沙田圓洲角、石蔭及東涌事件的調查結果在今天向本會提交報告，而有關天頌苑事件的研究結果，會待有關案件審結後才向本會提交報告。

呈交在各位議員席前的專責委員會第一份報告分為 8 冊。報告的第 I 冊是專責委員會的調查結果，其餘 7 冊是相關的公開研訊的逐字紀錄本。第 I 冊的首 4 章詳細載述建造公營房屋的組織架構及工作機制，並比較房屋委員會（“房委會”）與房屋協會的樓宇建造過程的異同。至於發生建築問題的沙田圓洲角、石蔭及東涌工程項目的原委則在報告第 I 冊的第 V 至 VII 章，而在各事件中哪些人士須負上何等責任，報告的第 VIII 及 IX 章有詳細的交代。

在經過深入研究後，專責委員會發現雖然每一宗事件的發生在某程度上都涉及欺詐行為，然而，各事件均揭露了多種共通的基本問題。以下本人會根據專責委員會的調查所得，扼要指出在九十年代末期出現一連串公營房屋建築問題的幾項因素。

首先，專責委員會發現房委會在九十年代中以前每年的建屋量從未超過 55 000 個單位。但是，根據 1995 年 9 月公營房屋發展計劃的估計，在 1999-2000 年，以及在 2000-01 年度每年的預測建屋量達 7 萬個單位，這個數目遠遠超過房屋署（“房署”）當時人手編制所能應付。龐大的建屋目標使房署的工作機制受到嚴峻的考驗，並且暴露了房署在工程項目的管理、工作文化及態度等方面存在的問題。

專責委員會察悉，雖然房署為應付建屋高峰期採取了幾項措施，其中之一是進行內部改革，目的是簡化建屋的流程。可惜在 1997 年 4 月至 1999 年

3 月的短短兩年間，負責管理房署工程的部門進行多次改組，令部分員工對其職責及角色混淆不清。

在需要應付龐大的建屋目標、人手緊絀及角色不清的情況下，專責委員會發現在發生幾宗事件的期間，無論房署的高層或前線的員工都以準時完工和控制工程費為首要的考慮，以致忽略工程的質素。再加上房署未能有效調配人手以管理合約及監察工程，使某些承建商及其聘請的僱員有機可乘，從事不合規則，甚至違法的活動。

作為專責委員會的主席，本人必須強調專責委員會的職責是深入研究發生問題的 4 項工程，從而找出問題所在，以免同類事件再次出現。專責委員會無意將在調查過程中證實的某些建築問題引申至房委會的其他工程。專責委員會確信一直以來香港的建築質素，包括公營及私營的建築物，在國際中享有極高的地位，這方面全賴從事建築業的人士所付出的努力。正因為這個原因，專責委員會認為有需要堵塞任何可能使我們建築質素下降的漏洞，不管在組織架構上、制度上、文化上、抑或在人力資源上。朝着這個目標，專責委員會提出了 13 項建議，希望進一步改善公營房屋的建屋質素，有關建議詳述於報告第 I 冊的第 IX 章。

最後，本人代表專責委員會感謝所有出席研訊的證人、提供資料的政府部門、機構及人士，並且衷心感謝立法會秘書處在調查過程中所提供的協助。

主席女士，本人謹此陳辭，向本會提交專責委員會第一份報告。

議員質詢的口頭答覆 ORAL ANSWERS TO QUESTIONS

主席：質詢。第一項質詢。

對公眾集會及遊行施加的條件 Conditions Imposed on Public Meetings and Processions

1. **涂謹申議員：**主席，根據《公安條例》，警務處處長（“處長”）可就公眾集會及公眾遊行施加條件。就此，政府可否告知本會：

- (一) 處長在釐定有關條件時須遵守哪些準則和規限；
- (二) 去年 12 月 15 日就多個團體為反對《基本法》第二十三條立法而舉行的公眾集會和公眾遊行，處長曾施加哪些條件；及
- (三) 當局按照甚麼程序，處理在公眾集會和公眾遊行進行期間有人違反處長所施加條件的個案？

保安局局長：主席，

- (一) 根據《公安條例》第 11(2)及 15(2)條所載，如處長合理地認為，為維護國家安全或公共安全、公共秩序或保護他人的權利和自由而有需要，處長可就有關公眾集會或遊行施加條件。該條例第 9(4)及 14(5)條訂明，如處長合理地認為可藉施加條件，而達到維護國家安全或公共安全、公共秩序或保護他人的權利和自由的目的，則處長不得行使權力禁止舉行公眾集會或反對舉行公眾遊行。

警方在釐定有關條件時的首要準則是要確保公共秩序，以及參與該公眾集會或遊行的人士和其他市民的安全。同時，讓有關活動能夠在不妨礙他人的權利和自由的情況下得以順利進行。

- (二) 就去年 12 月 15 日多個團體為反對《基本法》第二十三條立法而舉行的公眾集會及遊行而言，處長曾根據《公安條例》第 11(2)及 15(2)條施加了一些條件。詳情請參閱已送交各位議員的答覆的附件。該 21 項條件，都是基於公共安全和公共秩序的原因而施加的，例如要求主辦者安排足夠的糾察，協助維持秩序；確保遊行車輛在參與公眾遊行期間不可運載危險貨品等。
- (三) 如果有人在公眾集會或遊行舉行期間違反處長施加的條件，警方的現場指揮官或其指定的警務人員會向活動的負責人發出口頭警告。若違規情況持續發生，又或出現了其他違規情況，警方會再度發出警告。假如該活動仍然和平地進行而沒有影響公共秩序和公共安全，警方一般會容許活動繼續舉行，但會搜集證據，並徵詢法律意見，以決定是否作出檢控。

附件

警務處處長就 2002 年 12 月 15 日
反對《基本法》第二十三條立法而舉行的
公眾集會和遊行所施加的條件

(甲) 須確保公眾集會和遊行於 2002 年 12 月 15 日（星期日）依照下列時間地點舉行。

(i) 公眾集會 — 下午 1 時至下午 3 時

在銅鑼灣維多利亞公園噴水池旁舉行；

(ii) 公眾集會後的公眾遊行 — 下午 3 時至下午 5 時

依照下列路線由維多利亞公園遊行到中區政府總部：

銅鑼灣維多利亞公園噴水池（起點） — 經維多利亞公園四號閘口出高士威道（西行）與 5 部由銅鑼灣摩頓台開出的車輛會合 — 高士威道（西行） — 伊榮街（西行） — 邊寧頓街（北行） — 怡和街（西行） — 軒尼詩道（西行） — 金鐘道（西行） — 皇后大道中（西行） — 炮台里 — 中區政府總部（終點）

(iii) 公眾遊行後的公眾集會 — 下午 5 時至 6 時正

在中區政府總部的特定範圍內舉行。

(乙) 主辦者：

(i) 須遵守任何警務人員按照本通知書所訂明的條件所作的任何指示；

(ii) 須確保參加者的數目不超過 5 000 人；

(iii) 須最低安排不少於 100 名糾察，維持公眾遊行的秩序。所有糾察須以顏色貼紙／臂帶等標誌清楚辨認；

- (iv) 須確保參加遊行的車輛不超過 5 部（只准私家車或輕型貨車）及在遊行前由警方檢查該 5 部車輛，以確保車輛的安全狀況及適合於道路上使用；
- (v) 在遊行開始前，該 5 部車輛將會停泊在摩頓台。當遊行隊伍即將離開維多利亞公園四號閘時，帶頭車輛將會由警務人員帶領下停泊在高士威道四號閘對開西行線的最右邊行車線等候；而其餘 4 部車輛則由警務人員的指示及帶領下，在適當時間加入遊行隊伍，而最後一部車輛將會在遊行隊伍的末端；
- (vi) 須確保所有參加者按照警務人員的指示，有秩序地離開維多利亞公園的公眾集會地點從而加入遊行行列，以及於整個遊行過程中，在最左邊的行車道上進行（除在高士威道西行線的一段路面外）。若未獲得當值警務人員因應當時交通情況而作出批准，不可以在靠右的車道上遊行；
- (vii) 須確保遊行隊伍到達皇后大道中與雪廠街交界時，除帶頭的車輛可前往下亞厘畢道停泊於政府總部外的避車處，其餘參加遊行的車輛自行離開該隊伍，不繼續前往其他目的地；
- (viii) 須確保當遊行隊伍到達政府總部特定範圍舉行集會，如果參加人數太多以致特定範圍不足以容納所有參加者時，其他未能進入特定範圍的參加者，須依照在場警務人員的指示在政府總部西閘外沿炮台里有秩序地排隊等候安排。在有需要的情况下，介乎花園道和雪廠街的一段皇后大道中左邊西行的一條行車線將會封閉作為參加者的等候區；
- (ix) 須確保不對遊行路線沿途的車輛和行人交通構成不必要阻礙；
- (x) 須確保遊行車輛不超逾法定載客人數；
- (xi) 須確保遊行車輛在參與公眾遊行期間均不可運載危險貨品；
- (xii) 須確保任何安裝於遊行車輛上的東西均安全穩固，而且不阻擋司機的視線及不會對任何道路使用者構成危險；

- (xiii) 須確保參加遊行的車輛的性能及結構適宜在道路上行駛，並在任何時間都完全遵守《道路交通條例》(第 374 章)及有關附屬法例的各項規定；
- (xiv) 須確保在政府總部集會完畢，所有參加者準時在下午 6 時正從該處解散，不繼續前往其他目的地；
- (xv) 須安排工作人員在公眾遊行結束後清理場地；
- (xvi) 須確保所有參加者，若未獲得食物環境衛生署所發牌照，不會從事販賣活動；
- (xvii) 須確保所有參加者，若未獲得社會福利署署長或民政事務局局長根據《簡易程序治罪條例》(第 228 章)第 4(17)條發出的許可證，不會擅自進行任何籌款、售賣或交換活動；及
- (xviii) 須確保在未得業主或住戶的書面許可前，參加者不會在任何建築物的牆壁上張貼海報／告示或其他物品，或將這些物品棄置而對公眾地方造成阻塞。

涂謹申議員：主席，我的跟進質詢是有關施加的條件的第(乙)(ii)項，即主辦者須確保參加者的數目不超過 5 000 人。根據《公安條例》，主辦者須估計參加人數。如果主辦者已真誠地估計過參加人數，包括本身單位及其他發動組織的人數，但在公眾遊行時，有很多市民參與，遊行也是和平進行，那麼，處長為何最後還要發出警告？從早一個層次來說，處長是否應該在條件中加上上限人數的限制？這條件是否太苛刻，因為遊行時任何人也可以隨時加入，主辦者如何加以限制呢？

保安局局長：主席，警方對 12 月 15 日遊行示威所施加的條件好像很多，以及有很多細節，但其實這些細節，例如公眾集會由下午 1 時至 3 時舉行，之後的遊行由下午 3 時至 5 時舉行，於公眾遊行後的公眾集會由下午 5 時至 6 時在政府總部的特定範圍內舉行，以及人數等，都是由主辦者提出的。警方慣常的做法，是要求主辦遊行集會的人士提供參加者的數目。就去年 12 月 15 日的遊行，主辦者表示不會超過 5 000 人。警方極有需要知道參加者數目，因為警方要基於該數目來安排足夠的警員維持治安或疏導交通，又或考慮封閉多少道路，以作出適當的交通安排。因此，這要求是完全合理的。當然，

主辦者可能無法確保遊行時的人數一定不超過 5 000 人，但這要求是希望主辦者作出切實的估計，而且為了方便社會，不致影響其他人的權益，以及保障社會秩序和安寧，主辦者也有責任令人數不要超額太多，造成未能預見的擠擁或混亂。由於該次遊行示威的人數超額過多，警方估計，離開集合地方維多利亞公園時大約有 12 000 人，到了政府總部大約有 15 000 人，遠遠超過主辦者通知的人數，所以警方發出口頭警告及書面警告。這完全符合警方慣常的做法。

涂謹申議員：主席，局長沒有回答我的質詢。局長回答說要求主辦者估計參加者人數是正確的做法，但我是問政府應否施加這樣的條件。主辦者要真誠地估計參加者人數，局長說這要求是正確的，我並不反對。但是，爭拗的問題在於這是一項條件，要主辦者確保參加者人數，這是否合理；抑或無須施加這項條件，警方只須按心目中的合理人數而調派相應的警力？

主席：保安局局長，你是否有所補充？

保安局局長：主席，或許我簡單補充一下。這是警方慣常的做法，因為警方必須預先知道估計的參加人數，以便安排適當的人手。這是與很多主辦者的共識，因為為了不想影響其他人的自由和權利，以及不會影響社會安寧，主辦者有責任確保參加人數不會超過某個數目。因此，警方施加這項條件，以及在主辦者違反這條件時，有責任作出警告。警方只是純粹作出警告而已。

李柱銘議員：主席，按照我的經驗，很多時候，在公眾地方遊行或集會的人士即使辦足手續，也會有警員拿着手提攝錄機，把參與遊行的人的樣貌逐一拍攝下來。事實上，他們在遊行集會時非常和平，沒有任何人犯法，為何警方要這樣做？這會否威脅他們日後不敢參與這些活動？

保安局局長：主席，我最近已回答過這項質詢，並提交了書面答覆。我現在重複解釋一次。第一，社會人士可能有些誤解，其實警方拿着攝錄機時，不一定是進行錄影。雖然看見他們拿着攝錄機，但不等於他們正在錄影。第二，警方不是錄影人，而是在萬一發生違法事情時，錄影事件過程。我們絕對沒有政策，要錄影參加者的樣貌，只是在有事故或有需要時，才錄下有關的行為和過程。記得最近有議員提出有關 12 月 15 日示威的書面提問時，我也回答說警方根本沒有進行錄影。

李柱銘議員：主席，這會否影響想參與的人日後不敢參與這些活動？局長說萬一，那為何不一併把警察也拍下來？

主席：李議員，你只要提出剛才補充質詢中哪部分未獲局長答覆便可以了。保安局局長，你是否有所補充？

保安局局長：主席，警方是執法人員，為何要自己拍攝自己，我看不出其中的邏輯。第二，既然遊行示威是堂堂正正的，是香港自由的指標，最近更有一項調查顯示，去年年底一些大規模的遊行示威，可能增強了香港人的信心，那麼，參加遊行示威的人為何害怕給人拍攝下來？我完全看不到理由。

吳靄儀議員：主席，根據法例，違反遊行條件會構成罪行，但一般來說，刑事責任一定含有故意的成分。其中一項條件要求主辦者須確保參加者不超過某個數目，即主辦者在提出申請時，要盡力估計參加者人數，這屬無可厚非。但是，為何要將此變成一項條件呢？如果遊行時超過規定的人數，便會構成罪行。為何這是一項罪行，在主辦者不是故意的情況下，也可以把他入罪？主體答覆第(三)部分提到，沒有影響公共秩序和公共安全，警方一般會容許活動繼續舉行。但是，為何警方仍要搜集證據，以決定是否作出檢控呢？

保安局局長：主席，或許我先回答吳議員最後部分的質詢。警方的處理政策是，無論是處理違反施加條件的個案，抑或沒有作出通知的遊行示威，我們的準則其實跟議員提出的差不多，而我以前也曾作出解釋，便是如果不是蓄意的，即差不多只是技術性的違規，警方發出口頭警告便了事。但是，如果有跡象顯示是蓄意時，警方除了發出口頭警告外，當然還會搜集資料，交給律政司研究是否有需要作出檢控。此外，如果現場發生擾亂公安情況，例如失控、破壞秩序，又或人羣出現混亂，在維持社會秩序的大前提下，警方當然有責任即時加以制止。

吳靄儀議員：主席，一般刑事罪行通常都會有犯罪意圖，即故意犯事，但在這情況下，在主辦者控制範圍以外也構成罪行，為何會這樣呢？這樣做是否公平呢？

保安局局長：主席，我的理解跟議員的相若，即刑事罪行應含有蓄意成分。但是，在警方不能即時判斷是蓄意抑或不是蓄意時，他們便有需要搜集資料，把案情交給律政司研究了。

吳靄儀議員：主席，局長未回答我的質詢。參加者人數超出規定，並不是主辦者故意造成的。針對這點，既然不是故意，那為何會構成刑事罪行？這是否不公平呢？

主席：保安局局長，你是否有所補充？

保安局局長：主席，我沒有甚麼補充。

鄭家富議員：主席，我們明白，局方施加條件，是要確保公共安全和秩序。局長剛才也提到，遊行是香港自由的指標，而大部分集會的確是堂堂正正、和和平平安平地進行。如果一些人做出非法或影響公安的行為，《公安條例》內必定有條文會加以懲處。但是，條件載明主辦者必須確保參加者的數目不超過 5 000 人。一般來說，我們舉行遊行時歡迎市民加入，希望更多人能夠自由表達對某些事件的立場。在這情況下，局長是否覺得主辦者須確保參加者人數這樣苛刻的條件，是惡法中的惡法，根本無須這樣處理呢？

保安局局長：主席，我想重申，第一，參加者人數是由主辦者自行提交的，是他們表示不超過 5 000 人的。第二，我不同意規定參加者不超過某一數目便是苛刻的條件，因為如果要確保遊行示威成功進行而又不擾亂社會秩序，主辦者和警方應該有默契和共識，雙方好好合作。主辦者提交一個數字後，站在誠信立場，應該盡量確保實際情況不致太“離譜”，以免警方安排人手、維持秩序及疏導交通的工作會產生太大困難。第三，我覺得主辦者即使鼓勵多些市民參加，也可以作出較切實的估計。主辦者其實是知情的。如果會有很多人作呼籲，為何他們不預早說明參加者是 1 萬人或 15 000 人？又或他們可以跟警方說，當初估計是 5 000 人，但經過數天不斷在報章、電台作呼籲後，可能會有 2 萬人。為何他們不跟警方說清楚呢？我相信主辦者一定是心裏有數的。

劉千石議員：主席，對於剛才局長給李柱銘議員的答覆，我覺得十分詫異，因為根據我的經驗，警方往往不是在突發事件發生時才進行拍攝工作。事實上，我很少看見他們不進行錄影。請問局長如何界定“突發事件”？甚麼才是“突發事件”？又局長可否保證，如果不是突發事件，便不會進行錄影？

保安局局長：主席，我剛才已經解釋，警員拿着攝錄機，並不等於他們正在拍攝。第二，警方攝錄的目標並不是參加者，而是違法行為。主席，我沒有其他補充。

劉千石議員：主席，我問的是如何界定“突發事件”；何謂“突發事件”，以及可否保證，如果不是突發事件，便真真正正不要錄影，不要給人看見警方錄影。如果仍然是這樣，我們是否要再向局長投訴？

主席：保安局局長，你是否有其他補充？

保安局局長：主席，我沒有用“突發事件”這 4 個字，我是說違法行為。

主席：本會就這項質詢已用了 17 分鐘。現在我容許議員提出最後一項補充質詢。

張文光議員：主席，按照局長的說法，申請主辦遊行時，只要加大估計參加者的數目，實際遊行時不超逾該數目，便不會被警告。如果每次就遊行提出申請時都說參加者有 700 萬，我相信實際人數一定不會超過這數目，因為香港人口是 700 萬，於是警方一定不會發出警告。可是，會因此而浪費警力的，局長覺得這樣做是否合理呢？因此，如果主辦者是真誠地就某一個參加者數目提出申請，而目的是不想浪費警力，可是，卻因估計錯誤而被警告，局長是否覺得很荒謬？局長是否鼓勵主辦者每次舉行遊行都申請以 700 萬人為上限？

保安局局長：主席，我覺得這不是一個合理的例子。沒有可能是 700 萬人的，因為香港人口也沒有 700 萬，更沒有可能全部人一起“上街”。這是一個比較極端的例子。我始終重申一點，為了大家和衷共濟，確保社會安寧，主辦者有責任作出中肯、準確的估計，通知警方。

張文光議員：主席，我是在說一個邏輯。我的邏輯是，根據剛才局長的答覆，如果參加者的實際數目超逾申請的人數，主辦者便會被警告，主辦者如果擔心會被警告，大可以把申請人數加大，那麼，日後主辦者便可能會把申請人數無限擴大，例如以香港人口基數 700 萬作為基礎，那便不會被警告。我是以此證明局長的邏輯荒謬。

主席：張文光議員，現在並不是進行辯論。你只要提出剛才補充質詢中哪部分未獲答覆便可以了，而無須複述有關的補充質詢。

張文光議員：主席，我只想問警方這種做法是否荒謬。

保安局局長：主席，當然不是。我重申，市民有責任真誠地向警方提供一個準確的估計數目。

主席：第二項質詢。

元朗區的警力 Police Strength in Yuen Long District

2. 譚耀宗議員：主席，鑒於元朗區（包括天水圍）的人口在過去 4 年增長超過 30%，而且該區在去年年底相繼有兩名女童被拐騙並遭殺害，有關元朗區的警力問題，政府可否告知本會：

- （一）元朗警區現時的紀律人員編制；該區的警力與人口的比例和全港的比例如何比較；
- （二）警方有否訂立有效的措施，減少該區的拐騙兒童及暴力罪案；及
- （三）警方會否加快檢討內部資源調配，以期盡早加強該區的警力；若會，詳情為何；若否，原因為何？

保安局局長：主席，

- (一) 元朗警區及全港的警務人員與人口的比率分別為 1：628 及 1：244。要注意的是，每個警區的人手編制要考慮很多因素，包括該區的罪案情況、社區環境及發展情況等，而該區的居住人口只是眾多考慮因素之一。另一方面，全港警務人員的人數，是包括駐守於警察總部及總區總部等的一些非前線警務人員，因此，要比較這兩個比率時，要加倍小心。一般來說，全港警員的人數與人口的比率，通常會較個別警區的為高。
- (二) 警方十分重視兒童失蹤案件，並已就處理兒童失蹤案件時應採取的適當行動，制訂內部指令。根據該項指令，所有 12 歲以下失蹤兒童，都被列為“可能有危險的失蹤人士”類別。警方會考慮個別案件的情況，然後作出適當的行動，包括運用適當資源進行搜索、要求其他部門例如政府飛行服務隊提供支援及協助、透過傳媒發出尋人啟事等。假如案件的情況有可疑，又或 12 歲以下失蹤兒童已失蹤超過 12 小時，案件都會即時由有關的刑事單位處理。

另一方面，警方已就防止拐騙兒童作出宣傳，在 2001 年派發了 49 萬份海報予各區學校，提醒學校老師及員工留意學童離開學校時的安全。警方亦有製作電腦投影片，向老師及家長提供保護兒童安全的意見。此外，警方亦派發了 100 萬張“親子卡”給家長，供他們記錄子女的學校、相熟朋友和就近警署的電話，以便在其子女未有依時回家時，可即時查詢或求助。

在遏止暴力罪案方面，元朗警區會針對區內的治安情況，加強巡邏罪惡黑點，以及安排策略性的打擊罪惡行動。新界北總區亦會採取情報主導的行動，打擊區內的犯罪分子。在防止罪案方面，元朗警區會繼續與區內的村代表保持緊密聯繫，致力推動鄰里守望的精神，合作撲滅罪行。

- (三) 警方會不時檢討警隊的資源分配，如有需要，會因應各警區的治安及人口等因素作出適當的調整。在 2002-03 年度的編制檢討中，元朗警區已獲增設紀律人員職位，而在來年，該區的人手亦會增加。

譚耀宗議員：主席，從局長剛才所提供的答覆看來，元朗警區的人手遠遠低於全港的比例。我還想多提供兩組數字，希望局長注意：第一，現時天水圍南部日間警員巡邏覆蓋率為 98%，夜間則只有 60%；第二，天水圍北部日間警員巡邏覆蓋率為 75%至 80%，夜間則只有一輛巡邏警車執勤。請問局長，在政府答應落實增加警力後，天水圍北部的巡邏覆蓋率將會提高多少？局長可否向我們提供有關數字？此外，夜間的巡邏覆蓋率又會提高多少？

保安局局長：主席，在 2002-03 年度，元朗警區增加了 25 個紀律人員的職位；在 2003-04 年度，將會再增加 27 名不同職級的刑事偵緝人員。有關譚議員剛才提及的數據，我會再跟警察總部及元朗指揮官研究，看看他們認為警力是否足夠，以及應如何處理。當然，我曾就此向元朗區的指揮官查詢。他對我說，去年年底發生的兩名女童被拐騙及遭殺害的案件，是非常罕見的。這兩宗案件的發生，跟該區警員的巡邏人數無關。

呂明華議員：主席，我相信政府也知道元朗區的治安一向為人詬病。在這情況下，為何元朗區的警力仍遠較其他地區為低？請問局長，元朗區的前線人員跟人口的比例，與觀塘及粉嶺這些地區相比為何？

保安局局長：主席，我也曾跟警方研究這個問題。警方指出，這個比例不可以純粹跟該區的人口作比較，因為雖然某些地區的居民較少，但由於屬於旅遊區，娛樂場所林立，又或有很多遊客，所以區內須作出一些特別的警察執法安排。我手邊並沒有呂議員所問的那些地區的比較數字，但我們的政策是，在善用資源的原則下，盡量靈活調配資源，確保有需要的警區獲得足夠的人手。

主席：第三項質詢。

在邊境口岸實施一地兩檢通關安排

Implementation of Co-location of Immigration and Customs Facilities at Border Control Points

3. 劉健儀議員：主席，關於在皇崗口岸及深港西部通道新建口岸實行一地兩檢查驗模式的通關安排，政府可否告知本會：

- (一) 有關當局是否已完成該兩個口岸及有關配套設施的設計和規劃工作；若已完成，詳情為何；若未完成，預計何時完成；及
- (二) 有否與內地有關當局磋商，研究可否在該兩個口岸興建公共交通交匯處，容許市民乘搭各類公共交通工具（包括的士、公共小型巴士及公共巴士），直接往返查驗場地；若有，詳情為何；若否，原因為何？

環境運輸及工務局局長：主席，就落實一地兩檢模式的通關安排，我們與內地的共識是在皇崗口岸和在 2005 年落成的深港西部通道的新建口岸內，實行一地兩檢的通關安排。

就這安排，我們正全力與內地的專家進行積極商討。雙方對查驗流程和口岸布置方面的初步共識，是在深圳一方，雙方各自在毗鄰的場地內，按本身現有法律和規定進行出入境及海關檢查，而雙方的查驗設施之間將設立適當緩衝地帶。雖然雙方在重大的原則性問題及執行方案上已有一定默契和瞭解，但我們仍要繼續與內地有關當局就整體實施細節，包括司法管轄權、詳細的場地區劃及配套設施的設計等問題進行磋商。

我們的目標是在 2003 年內，向立法會提交有關修改法例的法案，以及有關落實一地兩檢這項安排的撥款申請。

政府正在研究是否可在深圳皇崗口岸及深港西部通道口岸提供上落客點，以容許各類公共交通工具直接接載市民，前往旅檢的場地接受一地兩檢。在考慮的過程中，我們須詳細研究有關口岸的過關安排、場地限制和布局、乘客通道的安全措施、過境車輛及非過境車輛的分流、非過境車輛的回程路線和掉頭設施等因素，以確保任何有關的交通安排可在有秩序、安全和維持人流、物流暢順的先決條件下實施。

此外，有關安排亦非港方單方面可以推行，我們須與內地達成共識，以制訂合適安排，讓公共交通工具前往口岸，務求令旅客能順利通過一地兩檢和轉乘前往目的地。公共交通工具通行旅檢場地，必然要考慮所有因素，包括發展到公共交通工具直接行走兩地的最終可行性，都要謹慎考慮，因為其中牽涉兩地交通工具的雙向及對等處理問題。特區政府與深圳政府在磋商上述各項課題時均須詳細考慮，在有關安排和配套設施上，達到雙贏局面。

劉健儀議員：主席，政府經常說要開放現有口岸供各類公共交通使用是非常困難，因為受到現有設施規模所限制，但這條深港西部通道是一項簇新的基建。請問局長，現有深港西部通道口岸的設計，會否包括公共交通交匯處，以及主體答覆第四段所述的掉頭設施及非過境車輛的回程路線等安排呢？局長可否告知我們現時的構思是怎樣？

環境運輸及工務局局長：主席，深港西部通道口岸的初步設計，是那裏將有一片很大的地方，作為 loading and unloading bay（即上落客地方）。由於地方那麼大，所以可利用的地方有很多。雖然我們尚未作仔細設計，但可以肯定說那裏是有很多地方，供私家車、貨車或小型車輛停泊。因此，我與運輸署的同事正在考慮如何將之利用，然後才跟對方進行商討。由於那裏已是一地兩檢的地方，而且是對方的大樓，所以這並非單方面的事情。

吳亮星議員：主席，有關的緩衝地帶是設於雙方的檢查設施之間，我想瞭解一下這個緩衝地帶的大概情況。局長可否提供有關該緩衝地帶的面積或距離方面的數據呢？

保安局局長：主席，我想吳亮星議員問的是較快會實施有關措施的皇崗口岸緩衝地帶。儘管具體布局仍在與深圳方面研究，但構思是在雙方的查驗場所之間設立緩衝地帶，因為雙方各自的查驗場所，在法律上是屬於各自的管理區。舉例來說，在某一場所內只可以實施香港法例，因此兩者之間便設立一個緩衝地帶，確保兩地的管理範圍不會交叉重疊，以免造成施法混淆或真空。有關的實施布局，我們正與深圳研究，屆時是要修改法律，以確保香港特區的法例適用於港方的特定管理範圍內。

吳亮星議員：主席，局長沒有回答我的補充質詢。請問局長可否向我們提供有關面積或距離的數據呢？

保安局局長：主席，我們暫時未有這方面的數據，但構思當然是越能方便旅客便越好。

許長青議員：主席，主體答覆第三段提到，政府的目標是在 2003 年內向立法會提交有關修改法例的法案及有關落實一地兩檢這項安排的撥款申請，

但行政長官在今年的施政報告第 33 段提到，將致力讓過境貨車在 1 小時內辦妥兩地的過關手續。我想請問局長，這是在落實一地兩檢的配套措施之前的指標，還是在落實了有關措施之後的指標呢？

主席：請問哪位局長作答？保安局局長。

保安局局長：主席，這項指標適用於所有口岸，不單止是落馬洲、皇崗口岸，亦並非實施了一地兩檢之後的指標。至於貨車在 1 小時內辦妥過關手續，旅客則在半小時內辦妥過關手續，是須得到港方與內地，特別是深圳方面通力合作才可達到的，所以我們正與內地有關當局磋商如何落實推行。

蔡素玉議員：主席，廖局長剛才提到邊界的地方是很大，而我認為既然要作為交通用途，這當然是非常重要。請問局長，會否考慮在同一地方建設一個如羅湖城的香港城商業中心，讓遊客和旅客可以在兩地進行商業活動？

環境運輸及工務局局長：主席，就着這項設施，我們主要是參與查驗及交通運輸的工作，至於商業用途，因為這座大樓是位於深圳土地，所以我想我們是可以提出這項意見，但卻必須由深圳政府作出決定。

劉江華議員：主席，今年，落馬洲已可讓小巴和的士直接駛入進行查驗，如果兩年後仍沒有小巴或公共交通工具可以直接到達車港城，那其實是退步，是非常不理想的安排。雖然我看到局長在主體答覆的最後一段提出了這問題，但她所指出的兩項因素，即“其中牽涉兩地交通工具的雙向及對等處理問題”，我是不大明白。其實並沒有對等的，因為只有我們的車輛會駛進內地，但它們的士和小巴卻不會駛到我們這邊來。因此，這究竟是甚麼問題呢？是否內地方面不大願意這樣做呢？局長又會否積極爭取呢？

環境運輸及工務局局長：主席，有關口岸的問題，從長遠發展來看，兩地通關，在交通工具、人流和物流上，當然均須盡量暢順。在討論中，必須考慮將來的雙向發展，所以問題並非是對方肯或不肯，或願意或不願意。從長遠而言，內地的車輛是一定有機會駛到香港來的，我們已從環保的角度探討過這問題，認為不能完全將之 rule out，說是沒有可能。因此，我們在談判時一定會考慮這一點。

劉江華議員：主席，局長沒有回答我的補充質詢。我不是指私家車，我其實是特別指小巴和的士。局長的意思是否說它們也可以過來？局長是否正在考慮這問題呢？

主席：局長，你是否有所補充？

環境運輸及工務局局長：主席，我們當然要詳細考慮。不過，我們並非單指它們的的士，而是商業、營業的車輛也有可能駛到香港來。

何鍾泰議員：主席，根據過去羅湖火車站第一、二、三、四期的經驗，在設計時，政府所要求的過關設施，通常是較實際情況所需為低。請問現時雙方在探討將來整體設施的要求時，是以現在的過關人數為基礎，還是以預計將來可能達到的最高數字為基礎，然後在得出大家同意的數字後，才決定雙方在交通或其他設施方面的要求？

主席：請問由環境運輸及工務局局長作答，還是由保安局局長作答？保安局局長。

保安局局長：主席，我們希望在皇崗口岸實施一地兩檢，也是為了方便旅客，以及為了大大提高落馬洲和皇崗兩地的通關能力，因此必須確保有足夠道路，或考慮是否須多興建一條橋，讓車輛通過。我們也要確保皇崗有足夠地方，放置和增設櫃檯，這些都是要考慮的。我們一定要確保有足夠的口岸設施，應付日益增加的客運數字。

何鍾泰議員：主席，現時在設計設施時，是以甚麼數字為基礎，例如是以預計每天有 20 萬或 25 萬人次過關，還是數年後應達致多少萬的數字，作為設計設施的基礎呢？

保安局局長：主席，不錯，我們是以目前的流量，以及預測會增加的流量作為設計設施的基礎。

呂明華議員：主席，為了增加檢查速度，一地兩檢是非常好的安排，對旅客來說，我看不出會有甚麼特別困難，但對過關貨車來說，則我是擔心兩方的檢查速度和所檢查的車輛數目會有不同。如果一方的檢查時間是較另一方快三倍，中間緩衝地帶的擠塞情況便會十分嚴重。請問局長有否考慮這問題，又會如何解決呢？

保安局局長：主席，一地兩檢的安排只適用於客運，不適用於貨運。這是因為正如呂明華議員說，內地的貨運制度與我們不同，它們設有關稅，檢查系統亦與我們不同。呂明華議員也知道，有時候，它們或許因要打擊某種走私活動，檢查的時間便會長一點。此外，目前皇崗口岸打算用作一地兩檢的地方，是沒有足夠土地容納現時落馬洲港方的貨檢設施，包括 X 光工具和大樓。不過，將來待皇崗口岸實施了客運一地兩檢後，目前的落馬洲口岸便可騰出很多地方，例如汽車檢查亭，以供貨車使用，這便可增加處理貨運的能力了。

鄭家富議員：主席，深港西部通道是一個新的口岸，主體質詢的第(二)部分是問及會否興建公共交通交匯處，但從整個主體答覆，特別是最後一段，我們可以看到，在這問題上，環境運輸及工務局局長似乎是過於保守，她所用的字眼是“謹慎考慮”、“雙贏”等。以一個新口岸來說，如果能盡早擁有某些空間進行規劃，這會是很好的，因為我相信國內是希望有多些香港人到內地消費，而我們亦希望有多些內地人前來消費。有鑒於此，政府會否盡快就於新建的口岸興建公共交通交匯處提供時間表？既然政府已說出了一地兩檢的時間表是在 2003 年，那麼局長今天可否在這裏答應，基於共識或雙贏考慮，盡快在新口岸特別劃定某些地方建設公共交通交匯處，作為雙方的交通、人流和物流的必要用地呢？

環境運輸及工務局局長：主席，我們正與內地對口單位商討，是否可以在過境管制站提供公共交通工具的上落客點。由於雙方都提出了須作詳細考慮的理由，所以我只可答應鄭家富議員，我們會盡快達成共識。

主席：本會就這項質詢已用了超過 17 分鐘。現在進入第四項質詢。

對外籍家庭傭工進行的違法行為**Unlawful Practices on Foreign Domestic Helpers**

4. **MR JAMES TIEN:** *Madam President, will the Government inform this Council whether it has:*

- (a) investigated cases in which employers paid their foreign domestic helpers (FDHs) less salaries than the minimum allowable wage; if it has, of the results;*
- (b) investigated cases in which employment agencies overcharged FDHs; if it has, of the results; and*
- (c) any concrete plans to prohibit the above unlawful practices; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:
Madam President,

- (a) The Government is most concerned about underpayment of wages in respect of FDHs. The monthly salaries of the FDHs working in Hong Kong should not be less than the minimum allowable wage stipulated by the Government. However, it is difficult for the Government to proactively conduct household inspections as the workplaces of FDHs are private residences and well over 200 000 households are involved. We usually act on complaint and FDHs who are underpaid by their employers are encouraged to file their complaints with the Labour Department (LD). On receipt of their complaints, the LD will immediately investigate whether the employers concerned have violated the Employment Ordinance. If there is sufficient evidence, the LD will prosecute the concerned employers.

In 2002, the LD handled 94 underpayment claims lodged by FDHs.

- (b) The Government is very concerned about overcharging of commission by employment agencies. Under the Employment

Agency Regulations, the commission which may be charged by an employment agency for each person (including FDHs) using its service should not exceed a sum equal to 10% of the first month's wages received by such person after he/she has been placed in employment. Any employment agency contravening the Regulations shall be liable to a maximum fine of \$50,000. In addition, the Commissioner for Labour will revoke its licence.

On receipt of complaints on overcharging, the LD will immediately conduct investigation. If there is sufficient evidence, the LD will prosecute the employment agencies concerned.

In 2002, the LD received 98 complaints lodged against employment agencies about overcharging of commission. In 10 out of the 78 cases investigated, the LD has instituted prosecution action. For the remaining cases, no prosecution has been taken out because there is insufficient evidence or the complaints are not substantiated.

- (c) The Administration will not tolerate such malpractices as underpayment of wages by employers of FDHs and overcharging of commission by employment agencies. To step up efforts against these illegal practices, the Administration has taken a number of measures:
 - (i) An inter-departmental task group comprising the LD, the Immigration Department and the police has been set up to combat illegal practices such as underpayment of wages by FDH employers and overcharging of commission by employment agencies.
 - (ii) In conjunction with the migrant workers groups and non-governmental organizations (NGOs) providing support services to FDHs, we have put in place an intelligence system to facilitate the reporting of underpayment of wages by employers of FDHs. The LD will conduct investigation immediately upon receipt of complaints and institute prosecution against the employers concerned.

- (iii) Starting from January this year, if the Labour Tribunal rules that the employer of a FDH must pay the wages in arrears in a civil claim, it will notify the LD of the case immediately so that the LD can take follow-up action regarding any possible criminal offences.
- (iv) Regular inspections of employment agencies are conducted by the LD officers to ensure compliance with the legislation. If the operators of employment agencies are convicted of exploiting FDHs or if it is found that they are not fit and proper to operate such agencies, the Commissioner for Labour will revoke their licences or refuse to issue them licences. In 2002, a total of eight employment agencies had their licences revoked or were refused issue of licences.
- (v) We have launched publicity through broadcasting announcements of public interest on radio and television and distributing pamphlets and posters to remind employers to pay wages to FDHs in accordance with the law. We will continue to educate the employers that underpayment of wages is a serious offence. The LD will also work with the press to remind employers of the provisions for the payment of wages and the relevant penalty under the Employment Ordinance.
- (vi) We will, through such channels as inspections, letters and talks, remind operators of employment agencies not to overcharge FDHs or abet employers in underpaying their FDHs.
- (vii) Lastly, we will, through various means, such as distributing employment guides prepared in the languages used by FDHs, conducting talks, providing telephone enquiry services and liaising with the relevant consulates and FDH organizations, explain to FDHs their statutory entitlements and the complaint channels.

MR JAMES TIEN: *Madam President, in my recent meetings with representatives for FDHs, they told me that many FDHs had their passports taken away voluntarily or otherwise when they first arrived in Hong Kong. They are forced to sign loan agreements, as their passports are being taken away, of up to six or seven months' salaries and the loans would be repayable at \$1,000 each month for 24 months.*

Would the Secretary please inform this Council whether it is lawful or unlawful under the Employment Agency Regulations for agencies to take away or keep workers' passports? If not, and if they are convicted, will these directors or managers be barred from holding licences again?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:

Madam President, I do not think that it is legitimate for the employment agencies to keep the passports of FDHs, and I encourage FDHs to report such incidents to the LD.

MR JAMES TIEN: *Madam President, the Secretary did not answer the second part of my question: If these directors or managers are convicted, will they be barred from holding offices in future in the name of another agency?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:

Madam President, we are prepared to revoke their licences.

陳國強議員：主席，勞工處去年共處理 94 宗外籍家庭傭工（“外傭”）投訴僱主短付工資的申索聲請。我想請問在這 94 宗個案中，有多少是涉及印尼傭工（“印傭”）、泰國傭工（“泰傭”）、菲律賓傭工（“菲傭”）或其他國籍的傭工，以及一般來說，僱主短付了多少工資？

經濟發展及勞工局局長：主席，陳議員，對不起，我現時手邊沒有這方面的詳細數字。但是，在這些個案當中，大部分的投訴者是印傭。各位議員也知道，現時全港有十四多萬名菲傭，大約有 78 000 名印傭，但有關個案多涉及印傭，其次是斯里蘭卡傭工和菲傭等。

陳國強議員：主席，局長可否在會後將有關個案的分類和短付工資的資料，以書面方式回答我們呢？

經濟發展及勞工局局長：主席，好的。（附錄 I）

梁富華議員：主席，局長在主體答覆的第（一）部分中提到，“政府非常關注外傭被短付工資的問題。在香港工作的外傭的每月薪金，不得少於政府規定的最低工資。但是，由於外傭的工作地點屬私人住宅，加上涉及二十多萬住戶，要進行主動的上門調查有一定困難……”我記得在 1995 年，我與譚耀宗議員和當時的入境事務處（“入境處”）總入境事務主任李少光先生討論過這問題，當時他的答覆與局長的這段答覆完全一樣，只是當年聘請外傭的住戶數目不同：在 1995 年，聘請外傭的家庭有 16 萬戶，而現時是二十四萬多個住戶。這問題已存在了七年多，而李先生現時已升任為廉政專員。請問局長，他作為主要問責官員，會否在這問題上認真地與勞工處和入境處積極尋求辦法，以防止這類短付工資的情況出現呢？

經濟發展及勞工局局長：主席，謝謝梁議員提出這項補充質詢。我相信梁議員也很清楚，這問題涉及二十四萬多名外傭，如果要全部逐一上門進行調查，我相信這並非是一項有效的辦法。況且，要當着僱主面前詢問僱員，其僱主有否短付工資，我相信他們大多會回答：沒有。所以，我認為最有效而又最直接的方法，是僱員拿起電話致電勞工處投訴，其實我們一直以來都有舉辦很多有關的講座和宣傳活動，這是最容易的方法。如果我們聘請很多督察上門巡查，會造成“大政府”的情況，而我相信這並非一項有效的方法。我在主體答覆的第（三）部分中，已詳細說明政府已採取 7 項措施，例如成立一個特別專責小組、加強與 NGOs（即非政府機構）以及與外傭組織的聯繫等。此外，我們在過去 3 個月曾為外傭舉辦了數個講座，例如上星期，在聖約翰大教堂舉辦了一個有關外傭權益的講座，並鼓勵他們作出投訴，我相信這些做法才最有效。同時，我們亦以他們國家的語言出版了一些小冊子，提供有關他們的權益和工資金額等資料。我相信這些才是最有效的辦法。

李華明議員：主席，我認為單靠接受投訴和巡查職業介紹所是並不足夠的。主席，據外間的一些傳聞和我曾接獲的投訴個案，特別是有關印傭的個案顯示，當中牽涉印尼領事館及一些違法的勾當，例如容許一些未滿工作年齡的傭工或不合資格的傭工來港工作，領取每月 1,800 元的工資，我相信大家也

知道這情況是存在的。我想請問政府，有否瞭解為何越來越多這些情況出現，以及有否與有關的領事館瞭解這情況或進行調查呢？

經濟發展及勞工局局長：主席，謝謝李議員提出這項補充質詢。我可以告訴李議員，我們會不時與有關領事館接觸和作書信來往，並已獲得它們的合作。有關領事館亦告訴我們，它們十分關注這問題，以及會配合我們打擊這方面的違法行為。我剛才在主體答覆的第(三)部分已說過，勞工處、入境處和警務處已聯合成立了一個跨部門專責小組。我可以告訴大家，有關執法機構會以本身的方法進行調查，並採取行動。當然，至於其中的細節，我不便在此透露。

葉國謙議員：主席，我亦曾接獲一些有關傭工被僱主扣留護照的個案。我想請問局長，僱主扣留傭工的護照，是否屬於違法行為呢？局長在主體答覆和剛才的答覆中提到，現時勞工處、入境處和警務處已成立了一個跨部門專責小組，請問這小組有否就僱主扣留傭工護照，以及職業介紹所向外傭濫收費等違法行為的問題，進行研究呢？

經濟發展及勞工局局長：主席，謝謝葉議員提出這項補充質詢。專責小組會就一切有關的違法行為進行研究，我們亦會加強調查和收集情報，與有關的領事館、非政府機構和外傭團體等加強接觸，希望它們可以向我們多提供資料，我認為最重要的是搜集更多資料。當然，有關的執法機構亦會進行調查，而這是有賴各方面配合的。如果投訴個案增加，我們自然會多作檢控。另一項問題是如何鼓勵有關外傭出庭作證以指證被告，因為如果他們不願意出庭作證，便難以成功地起訴被告。

葉國謙議員：主席，局長沒有回答我部分的補充質詢：請問扣留僱員護照是否屬於違法行為呢？

經濟發展及勞工局局長：主席，我認為護照是每個人的重要證件，應由自己保管，我覺得有關機構不應要求外傭將護照交由它們保管。既然有多位議員向我提出這項補充質詢，我會與入境處就這方面作出跟進，以及加強這方面的宣傳。

葉國謙議員：主席，這不是宣傳的問題，而是這是否屬於違法行為？如果局長未能回答這項補充質詢，可否請他以書面方式作答呢？

主席：局長，你可否以書面方式答覆葉議員的補充質詢？

經濟發展及勞工局局長：主席，我明白葉議員的補充質詢。我其實是想告訴他，我會回去與入境處再探討這項問題，並瞭解有關情況，如果當中是涉及不合法的行為，我們會向僱主加強宣傳，說明不可扣留僱員的護照。

主席：本會就這項質詢已用了 17 分鐘。現在是最後一項補充質詢。

MR LEE CHEUK-YAN: *Madam President, in the two surveys conducted by the union of Indonesian FDHs, one shows that 16%, while the other one shows that 18% of FDHs were paid less than the minimum wage level, at around \$2,000. This shows that the problem of underpayment is very serious.*

Would the Government employ the enforcement tactic of "unleashing of the snake" (放蛇), that is, faking to be employers, in order to crack down on unscrupulous employment agencies which arrange for employers to employ FDHs at a wage level far less than the minimum wage?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:
Madam President, thank you very much for Mr LEE's suggestion. Certainly, that option will be considered. *(Laughter)*

主席：第五項質詢。

棄置醫療廢物

Disposal of Clinical Waste

5. 麥國風議員：主席，本月初發生一宗原屬教學用途的屍體標本被不當地棄置在堆填區的事件。關於醫療廢物的棄置事宜，政府可否告知本會：

- (一) 有否向公營和私營醫療機構發出棄置人類肢體的指引；
- (二) 若當局有發出指引，會否對違反有關指引的醫療機構作出懲處；若會，詳情是甚麼；若否，原因是甚麼；及
- (三) 有關當局採取了甚麼措施監管營辦商運送醫療廢物，以及如何懲處不依程序丟棄醫療廢物的營辦商？

環境運輸及工務局局長：主席，

- (一) 人體組織和肢體主要由大型醫療機構所產生，包括醫院和大學醫學院。此等機構均有制訂處置醫療廢物的內部指引，當中已訂明棄置人體組織和肢體應與一般醫療廢物分開，並以火化的方式來處理。

此外，環境保護署（“環保署”）向醫療廢物產生者和醫療廢物收集商發出的“在堆填區棄置醫療廢物工作指引”中指出，人體組織及肢體等不應棄置於堆填區，只應以火化的方式來處理。

- (二) 現時本港並沒有法例監管醫療廢物的處置。環保署的工作指引及醫療機構的內部指引，只可作為參考的用途，並不具法律效力，主要是倚賴有關的醫療機構自律。

我們認為現時欠缺法例規管的情況並不理想，亦不符合國際間一般的做法。因此，我們於 1997 年建議立法管制醫療廢物，並曾諮詢有關業界、專業團體，以及當時的臨時立法會。當時各界對於管制的範疇和處理醫療廢物的方法持不同意見。我們於 2001 年修改了管制醫療廢物的建議，並再度諮詢有關業界、專業團體及立法會，現階段正草擬有關法例，並計劃於本立法年度內提交立法會審議，期望可於 2004 年推行。

- (三) 現時並沒有法例監管醫療廢物收集商的運作，但如果上述的法例獲得通過，醫療廢物收集商將會受到法例及發牌制度監管。無牌收集醫療廢物將屬違法，如果被定罪，最高可被罰款 10 萬元。收集醫療廢物的牌照會就醫療廢物的分類、包裝、標籤、運送等作出規定；持牌收集商若違反牌照的規定，亦屬違法。初犯和再犯者的最高罰款分別為 10 萬元及 20 萬元，有關的收集商亦可能被吊銷牌照。

在上述管制實施前，我們會繼續定期與收集商聯繫，促請他們妥善處理醫療廢物。

麥國風議員：主席，就這次香港大學醫學院誤棄人體殘肢事件，不知政府當局有否評估這事件令警方和食物環境衛生署（“食環署”）浪費了多少人力資源，以及有關職員在看見這些殘肢後，在心理或情緒上有否受影響，以致當局有需要向他們提供輔導？

環境運輸及工務局局長：主席，我們沒有關於警方和食環署在這事件中所消耗人力物力的數據資料。至於在堆填區處理有關廢料的員工在心理上有否受到影響，則直至目前為止，我們仍未收到這方面的報告。

何鍾泰議員：主席，局長在主體答覆第(二)部分提到在 97 年時曾建議立法管制醫療廢物，並曾諮詢有關的醫療團體及各界，當中包括臨時立法會等。政府當時收到不同的意見，但為何要等到 2001 年才再次提出另一項建議？一般而言，每當政府提出一項建議，都會收到不同的意見，但為何要等這麼久才再次考慮提出新建議呢？政府是否認為這並不是一項很重要的課題，於是便不立刻根據所收回的意見而提出一項新建議呢？

環境運輸及工務局局長：主席，如果立法程序是關乎污染者自付原則，即某行業須自行為其排出的廢物繳付費用，都是不容易處理的。在 1997 年，我並不太留意這事項，但我翻看檔案後得知，當時業界就應否管制小型醫療廢物生產者持不同意見。所以，我們在 1997 至 2001 年這段時間不停進行諮詢工作，以及跟立法會議員、業界代表及有關的專業團體進行詳盡的討論，然後才得出這個方案。勞永樂議員現在也在這會議廳中，我相信他代表的業界現在亦接受我們這個方案。

吳亮星議員：主席，我想提出類似的補充質詢。局長提到在臨時立法會時期，曾收集有關方面的意見，而我記得——可能局長的檔案中也有提及——臨時立法會是要處理一些必不可少的法例的。請問當時政府有否評估，這是否屬於必不可少的法例；以及在接着的第一屆立法會時，政府是否因為之前沒有就此作出跟進，所以便向立法會進行一些諮詢工作？

環境運輸及工務局局長：主席，在 1999 年，我們再次就此方面在立法會進行辯論，而且當時議員亦就如何處理醫療廢物的問題，要求我們考慮不同的方案，並提出很多建議。我們因此就醫療廢物的處置技術進行研究，最後的研究結果是，業界可以使用當局的化學廢物處理中心來處理這類廢物，而我們亦將於數月後向工務小組委員會申請撥出經費。

勞永樂議員：主席，這事件的背景是一間科研機構的解剖實驗室由舊址遷往新址，但在過程中出現問題，所以有部分殘肢運送到了堆填區。其實，這反映出一個更大的問題，便是如果科研機構在搬遷時所留下的不是殘肢，而是一些危害性更高的物質，那麼有關的傷害便會更大。就此，我想請問局長，政府有否機制來監督這些科研機構處置物料的安全性，以及在搬遷的過程中如何確保安全，以致不會有同類的事件發生呢？

環境運輸及工務局局長：主席，勞議員提出了一項很好的補充質詢。其實所有對環境有害、有毒的物體，都必須由其產生者負責，因為作為政府，我們不可能對每一個機構都進行詳細的監督和管理，既然我們是一個“小政府”，便沒有可能做到這點。因此，我希望專業人士在其行業內能自律。現時醫院方面已對醫生作出有關科研的指引，當中包括大學的醫療研究所，而有關指引是十分嚴謹的。我認為在社會裏，專業人士是有責任自律的。當然，在我們建議的法例中，醫療廢物產生者也有一定的責任，即不單止醫療廢物運輸商須申請牌照，否則會被懲處，而有關的產生者亦必須以正當的方法來處理其所產生的廢物，否則亦會受到懲罰，我們建議的最高罰則是罰款 20 萬元和監禁 6 個月。所以，根據污染者自付原則，有關責任必須追索至污染物產生者；同樣道理，所有產生危害健康物品的人，也須為其行為負責。

鄧兆棠議員：主席，局長在主體答覆的第(一)部分提到，環保署向所有醫院和醫療機構發出指引，指出有需要棄置的人體組織及肢體都應以火化的方式來處理。我想請問局長，目前來說，政府會將這些人體組織和肢體集中火化，還是每間機構各自處理呢？

環境運輸及工務局局長：主席，所有殘肢或肢體都是由食環署負責收集，以便在火葬場以火化方式集體處理的。

胡經昌議員：主席，我想提出的補充質詢，跟勞永樂議員的補充質詢很接近。最近發生的事故，反映出有關的內部指引存在問題。就此，我想請問局長，會否就這次事件對環保署或醫療機構的內部指引作一次全面的檢討，看看有甚麼地方須予改善，以防止事件再次發生？

環境運輸及工務局局長：主席，請先讓我作出補充。有關處理人體殘肢方面，醫院管理局（“醫管局”）也有自己的焚化爐，即除了食環署的火葬場外，醫管局也有自己的火化場地。

現在回答胡經昌議員的補充質詢。我們也曾檢討過有關的指引，其實指引中已詳盡說明應如何處理這些廢物。至於這次事件，是由人為疏忽導致，並不因為該指引出了問題。無論如何，我們已再次跟有關方面商討，看看如何能在監管方面做得更好。

胡經昌議員：主席，我不是詢問大學方面的情況，而是詢問有關環保署或醫療機構方面的指引。請問政府會否因為這次事件，重新檢討它們的指引呢？

環境運輸及工務局局長：主席，我們已重新檢討過環保署的指引。至於醫管局方面的指引，也因為發生這事件而進行過檢討，這是肯定的。

MR ABRAHAM SHEK: Madam President, the institutions concerned have issued internal guidelines on the management of clinical wastes. Have these guidelines been vetted and approved by the Government, and do these guidelines comply with the standard of the World Health Organization (WHO)?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS: Madam President, the guideline on clinical waste disposal is an internal document provided by the Hospital Authority. I would have to defer to the Hospital Authority to inform Mr Abraham SHEK whether the guideline complies with the WHO or other international standards. （附錄 II）

何鍾泰議員：主席，雖然局長剛才在回覆鄧兆棠議員的補充質詢時，已再作出補充，但我認為答覆仍不太清晰，所以我想以另一種方式來提問。

我相信有需要棄置人體組織和肢體的大型醫療機構數目不會很多，請問它們是否本身都有焚化爐；如沒有，則在立法管制處置這類醫療廢物之前的數年時間內，當局會否加強有關指引的要求，即有關機構須就着有需要棄置的肢體或殘肢，有多少已處理妥當、有多少仍未處理等，定期向政府當局作出匯報？

環境運輸及工務局局長：主席，目前，所有大學醫學院、私家醫院和醫管局轄下部分醫院所產生的殘肢，都是由食環署負責收集安排。肢體經收集後，會運到火葬場火化。至於其他醫院產生的人體殘肢，則由私營收集商運到醫管局轄下的病理廢物焚化爐，進行處理。所以，有關廢物是不會積存數年後才處理的。

何鍾泰議員：主席，我是問有關機構須否就產生了多少件甚麼部分的肢體，以及已處理了多少肢體，定期向政府當局作出匯報，因為這樣便可以得知有否肢體遭遺留。

環境運輸及工務局局長：主席，可能食環署或醫管局方面會備存有關的檔案，這方面並不屬於本局管轄的範圍。

何鍾泰議員：主席，局長可否以書面形式提供這方面的資料呢？

主席：局長，請問你可否以書面方式作答？

環境運輸及工務局局長：主席，好的。（附錄 III）

主席：最後一項口頭質詢。

有關汽車第三者風險保險的索償事宜**Claims Concerning Third Party Risks Insurance of Vehicles**

6. **鄭家富議員：**主席，現行法例規定車主須為其車輛購買第三者風險保險，而這類保險合約通常規定，倘在交通意外發生後須向第三者作出賠償，投保人須分擔指定金額的賠償（俗稱“墊底費”）。據悉，按照保險行業現行慣例，保險公司只會待投保人繳付了墊底費後，才向有關第三者作出賠償。就此，政府可否告知本會：

- (一) 過去 3 年，保險業監理處（“保監”）接獲多少宗涉及汽車第三者風險保險索償的投訴；
- (二) 保監如何處理這些投訴；及
- (三) 鑒於交通意外中的第三者並不是有關保險合約的締約方，當局會否考慮修訂有關法例，規定保險公司須於某個限期內向有關第三者作出賠償；若會，詳情及立法時間表為何；若否，原因為何？

財經事務及庫務局局長：主席，在我回答鄭家富議員的質詢前，我想先提供有關汽車第三者意外保險（“車保”）的背景資料。

一般來說，任何人在道路上使用車輛時，須為交通意外中引致的第三者傷亡及／或財產損毀負責。根據侵權法，該使用者有民事責任對該第三者作出賠償。車保是保障受保人（即肇事的駕駛者及車主）就上述責任的風險。

由於涉及第三者人身傷亡的申索涉及公眾利益，所以法例規定有關的駕駛者及車主，必須購買涵蓋第三者人身傷亡的車保。此外，法例亦訂明，不論受保人有否違反保單條款，如果他須對有關傷亡負上責任，而傷亡者已取得針對車保受保人的法庭判決，則保險公司即須賠償有關申索。因此，一般來說，這類保險不會有自負額（俗稱“墊底費”）的條款規定。

目前，法例並沒有規定車主必須購買涵蓋第三者財產損毀的車保。在普通法下，受害人可循民事途徑索償。為保障自身利益，駕駛者／車主一般會自願購買該類車保。這類保險一般設有墊底費，即某數額之內的申索由受保人自行承擔。墊底費的安排，可鼓勵受保人謹慎地使用其車輛，並有助減低保費。

交通意外第三者財產損毀的申索個案所涉及的申索數額通常不大，所以未必會交由法庭處理。在一般情況下，保險公司須確定責任誰屬，亦會考慮有否違反保單條款。在保險公司確定了責任後，受保人是否願意支付墊底費便成為須考慮的因素之一。一般來說，如果受保人拒絕支付墊底費，保險公司不會先向第三者作出賠償，但如有充分證據證明受保人須對有關損毀負責，即使受保人拒交墊底費，保險公司通常仍會支付給有關的第三者申索人扣除墊底費的賠償餘額。在其他不少地方，例如英國及澳洲，墊底費亦是常見的車保條款。

我現在逐點回覆鄭家富議員提出的質詢。

- (一) 在過去 3 年，保監共接獲 95 宗涉及汽車第三者風險保險索償的投訴，主要是有關賠償責任或進度的爭拗，其中涉及墊底費的投訴只有 3 宗。
- (二) 保監在接獲投訴後會與有關保險公司跟進，包括要求保險公司提供資料及在有需要時進行調查。一般來說，絕大部分的投訴都會由保險公司及投訴人經商討後自行解決，餘下的則可能會經法律途徑處理。
- (三) 由於處理申索所需的時間，是因應個別個案的情況而定，所以硬性規定保險公司須於某個限期內向第三者作出賠償，是有欠彈性。據保監所知，外地保險市場一般都不會有類似的時限。因此，政府目前無意修改法例，規定保險公司於某時間內作出賠償。保險公司亦應在合理時間內就適當個案（例如在法律角度下，受保人毫無疑問應負上全部責任）作出賠償，否則，在普通法下，申索者可採取法律行動，向受保人追討賠償。

鄭家富議員：主席，根據局長的主體答覆，特別是第(二)及第(三)部分，我明白按照現有的法律途徑和普通法精神，確實是有渠道追討賠償的。不過，購買保險的人或被汽車撞着的人，在現時的保險精神下，當然是希望獲得賠償，但問題是他們發覺原來要經過很多渠道，包括法律上的種種複雜繁瑣渠道，才可獲得賠償。主席，我補充質詢的核心是，政府有否考慮（即使不修訂法例也不要緊）跟保監及業界研究，就這問題——特別是有些保險公司要求投保人不要繳交墊底費，說這樣便可無須賠償——發出一些守則，以便令保險公司可做得比較專業，以體現保險業的精神？

財經事務及庫務局局長：主席，我很謝謝鄭家富議員提出這項質詢。在他提出了這項質詢後，我已跟保險業監理專員研究過此事，而專員將向業界反映鄭家富議員提出的問題，相信業界一定會正視這方面的操守。

黃宏發議員：主席，局長在主體答覆的第三及第四段均提到第三者保險，前者是談及人身傷亡，後者則談及第三者財產損毀。不過，很奇怪，對於人身傷亡的第三者保險，局長的說法是“一般來說，這類保險不會有自負額（俗稱“墊底費”）的條款規定”。這即是說，有些情況仍可能是會有規定的。至於第三者財產損毀的車保，雖然法例並沒有規定車主必須購買，但如果車主自願購買，則一般，即大多數是會設有墊底費的。

雖然財產是很重要，但人身安全可能是更重要。請問局長，現時法例是否容許一些第三者保險設有墊底費？在設有墊底費的情況下，如果第三者保險的購買者不願意付出墊底費，那麼受到人身傷亡的第三者所蒙受的損失豈非很大？主席，如果情況真是這樣，局長會否考慮在人身傷亡的第三者保險方面，不容許有墊底費這回事？

財經事務及庫務局局長：主席，其實，在險種和受保人保障方面，是有很多種汽車保險保單的。市場也有一些法定強制保障的保單，即只提供第三者身體傷亡賠償責任的保障，但這些保單並不常見。為何汽車保險會有自負額？這是希望可以減除小額申索，從而減低保費。此外，由於駕駛者須自行承擔汽車意外的部分損失，於是便可鼓勵駕駛者安全駕駛。自負額的條款，只限用於財物損失，不適用於第三者身體傷亡的賠償。儘管受保人身體傷亡的賠償並不包括在第三者責任保單內，但部分綜合保險保單也有為駕駛者因意外傷亡而提供醫療保險的。

黃宏發議員：主席，我的補充質詢十分具體，但在局長的答覆中，似乎只有一句話能回答我的補充質詢，其他的只是談及一些綜合保險。其中會否包含人身傷亡的第三者保險？由於是綜合性，局長並沒有回答，在有墊底費安排下，會否拖慢了賠款。我只希望局長考慮在有關人身傷亡的第三者保險方面，不得因墊底費拖慢了賠償程序。我希望局長可以考慮。不知局長是否願意考慮？

財經事務及庫務局局長：主席，我會向保險業監理專員提出這問題，希望他跟業界商討。黃宏發議員所反映的意見，我是一定會考慮的。

陳智思議員：主席，局長在主體答覆第三及第四段提到了第三者人身傷亡及財產損毀方面的分別，而黃宏發議員剛才亦有提及，但我明白一般來說，很多市民對這個課題可能並沒有認識。很多時候，市民以為購買了第三者保險，便已包括人身傷亡及財產損毀在內，但其實法律上真正規定的只是人身傷亡，局長在第三段也有提及。請問局長，會否考慮把第三者的法定保險擴闊至包括財產損毀？當然，由於是法定，保險費可能會因而增加。不過，很多市民可能不明白兩者之間的分別，以及法例真正規定的只包括些甚麼，請問局長會否考慮此事？

財經事務及庫務局局長：主席，從道路安全的角度來看，政府認為財產損毀不涉及人命傷亡，所以暫時無意干預現行制度。在交通意外中財產受損毀的第三者，可以循民事途徑向肇事車主或司機索償。現時的制度已實行多年，這一點陳智思議員也是知道的，如果政府強制要求車主購買車保，以及規定必須如第三者人身傷亡般，我們擔心這會加重車主負擔。再者，這並非國際慣常的做法，所以政府暫時沒有計劃把這類保險定為法定保險。

羅致光議員：主席，有關財產損毀一點，跟黃宏發議員剛才提出的補充質詢一樣，局長的答覆提到“即使受保人拒交墊底費，保險公司通常仍會支付給有關的第三者申索人扣除墊底費的賠償餘額”。請問局長，在這種情況下，如果保險公司不屬“通常”情況的那一種，即不願意在扣除墊底費後，向申索人支付賠償餘額，保監會否介入這些個案，抑或申索人要透過法庭才可向保險公司追討？

財經事務及庫務局局長：主席，最大的問題是保險合約是由保險公司跟受保人訂立，所以嚴格來說，如果第三者要索償，便須向肇事的保單受保人追討。保險公司會根據保險合約條款，向受保人作出賠償。換言之，被汽車撞着的事主，跟保險公司並沒有合約關係，這是問題所在。不過，保險公司通常會視乎情況——所以說“通常”——如果覺得受保人真的犯了錯，保險公司也會在扣除墊底費後，把費用支付給受害人的。不過，如果有任何投訴，也可向保監作出，我們是會正視的。

主席：本會就這項質詢已用了 15 分鐘。現在是最後一項補充質詢。

石禮謙議員：主席，我的補充質詢很簡單。請問局長，保險公司跟索償的第三者有何關係？如果有關係，在索償方面會否有影響呢？

財經事務及庫務局局長：主席，正如我剛才說，保險公司跟第三者是沒有關係的，有關係的只是保險公司和受保人。所以，如果第三者要索償，嚴格來說，應向肇事的保單受保人索償，才可以取得賠償。然而，如果是我剛才所說的涉及第三者的人身傷亡，則無論保單的受保人有否違反保單的條款和規定，保險公司也是會就保單受保人的法律責任，對第三者作出賠償的。

主席：口頭質詢時間到此為止。

議員質詢的書面答覆

WRITTEN ANSWERS TO QUESTIONS

公眾停車場的保安

Security in Public Car Parks

7. **劉江華議員：**主席，有關公眾停車場的保安事宜，政府可否告知本會：

- (一) 過去 3 年，當局每年接獲多少宗在公共屋邨停車場內發生的罪案報告，並按屋邨名稱及罪案類別列出分項數字；此類罪案有否上升趨勢；若有，當局有否分析有關原因；
- (二) 在公共屋邨及其他地方的公眾停車場中，裝有 24 小時閉路電視監察系統的數目及百分比分別為何；及
- (三) 會否考慮規定所有公眾停車場均須裝置 24 小時閉路電視監察系統；若否，原因為何？

保安局局長：主席，

- (一) 警方並無獨立儲存個別公共屋邨停車場內發生的罪案報告數字。在過去 3 年，警方接獲於全港公共屋邨停車場內發生的罪案報告數字如下：

罪案	2000 年	2001 年	2002 年
車內盜竊	293	299	167
偷車	105	111	42
刑事毀壞	106	85	84
其他	83	72	80
共：	587	567	373

以上數字顯示在公共屋邨停車場內發生的整體罪案報告數字，在過去 3 年均有所下跌。

- (二) 現時共有 243 座停車場分布在各公共屋邨，場內均裝有 24 小時閉路電視監察系統。至於運輸署轄下的 13 個公眾多層停車場已經於停車場出入口位置裝設有 24 小時閉路電視監察系統，以便營辦商能更有效地監察停車場的運作及保安。警方及運輸署沒有儲存設於私人產業內的公眾停車場有否裝設 24 小時閉路電視監察系統的數字。
- (三) 運輸署在批出其轄下公眾停車場的管理權時，均有在招標書內要求承辦商提供及管理 24 小時閉路監察系統。房屋署在訂定批出的停車場管理合約時，亦會就停車場的保安事宜諮詢警方的意見。至於設於私人產業內公眾停車場的日常保安措施，則由其所屬的管理公司作出考慮。

公屋單位的供求情況 Supply and Demand of PRH Flats

8. 石禮謙議員：主席，關於公共租住房屋（“公屋”）單位的供求情況，政府可否告知本會：

- (一) 現時須繳交雙倍淨額租金或市值租金的公屋住戶數目分別為何；
- (二) 過去 5 年，每年因各種情況而騰空的公屋單位數目分別為何；及
- (三) 當局如何計算出在騰空的公屋單位之外，今後每年只須興建 25 000 個公屋單位，便可落實當局就公屋輪候冊上的申請人平均在 3 年內便獲編配單位的承諾？

房屋及規劃地政局局長：主席，

- (一) 截至 2002 年 11 月底，須繳交雙倍淨額租金另加差餉的公屋住戶共有 1 819 戶，而須繳交市值租金的住戶則有 47 戶。
- (二) 在過去五年半，一共有 110 900 個公屋租戶交還公屋單位，詳情表列於附件。
- (三) 政府與房屋委員會承諾並一直致力將輪候公屋時間減至平均 3 年。過去數年，新建及翻新的公屋單位供應充足，加上由居者有其屋計劃轉作公屋的單位，我們已成功將輪候公屋的申請數目由 1997 年年底的 15 萬減至 2002 年年底的 92 000。平均輪候時間亦由 1997 年的超過 6 年大幅縮短至現時不足 3 年。

為維持輪候時間於平均 3 年的水平，房屋署一直緊密監察市民對租住公屋的需求，以釐定公屋單位的建屋量。該評估顧及所有影響公屋需求的相關因素，包括輪候冊申請人的數目、未來的人口增長、家庭組成的速度，以及來自其他方面的需求，如寮屋及天台建築物的清拆、市區重建、舊型公共屋邨重建、體恤安置等。根據上述因素及預計每年平均有一萬餘個公屋騰空單位供再編配，我們有信心在未來數年內，每年興建約二萬餘個單位，應足以將輪候時間維持於平均 3 年的水平。我們會定期檢討公屋需求預測，從而釐定及調整實際需要的建屋數目。

附件

過去五年半公屋租戶交還單位詳情

	1997-98 年度	1998-99 年度	1999-00 年度	2000-01 年度	2001-02 年度	2002-03 年度 (4 月至 9 月)	總數
自願終止租約	2 646	3 051	3 210	2 941	3 073	1 681	16 602
因違犯租約規定而被 終止租約	876	976	967	1 247	1 558	760	6 384
參與居者有其屋計劃 或私人機構參建居屋 計劃後而騰空的單位	11 097	9 771	8 705	8 495	6 588	239	44 895
獲政府資助的置業貸 款後而騰空的單位	1 925	1 755	5 571	3 651	3 563	1 277	17 742
因調遷而騰空的單位	3 104	3 883	4 648	3 034	6 499	4 109	25 277
總數	19 648	19 436	23 101	19 368	21 281	8 066	110 900

執法人員泄露投訴人的身份

Identity of Complainants Divulged by Law Enforcement Officers

9. 葉國謙議員：主席，多名區議員向本人反映，他們就地區問題（如在公眾地方聚賭、路旁違例泊車及小販非法擺賣等）向有關政府部門投訴後，他們本人或其辦事處遭到連串滋擾；他們懷疑有關執法人員泄露了其投訴人的身份，令他們備受滋擾。就此，政府可否告知本會：

- （一）各執法部門有何措施保障投訴人的人身安全，並確保其身份不會外泄；
- （二）執法人員未經許可泄露投訴人的身份是否違法；若然，有關規定為何；及
- （三）在證實區議員辦事處是因執法人員泄露區議員為投訴人而遭破壞時，當局會否考慮向有關的區議員作出賠償；若會，賠償金額將如何計算；若否，原因為何？

民政事務局局長：主席，

- (一) 自 1996 年 12 月《個人資料（私隱）條例》（“條例”）的條文生效以來，各個政府政策局及部門在處理任何涉及在世人士個人資料的事宜，包括跟進投訴個案，都必須遵照條例及其保障資料原則的規定。就葉議員質詢內列舉的例子，負責處理有關投訴的警務處和食物環境衛生署已因應條例制訂內部指引，所有員工執行調查任務時必須遵守該些保障個人資料的指引，避免投訴人的身份或其他有關其個人資料外泄。

至於人身安全的保障，任何人如有證據顯示他的人身安全受到威脅，可以向警務處舉報。該處會就個別情況作出適當安排及調查。

- (二) 除符合條例指明情況或獲得條例的豁免，任何資料使用者（包括政府部門）不可以在未得資料當事人同意的情況下將他的個人資料向第三者披露。假如資料使用者經個人資料私隱專員調查後確定違反條例的規定，專員會向有關資料使用者發出執行通知，指令他採取糾正措施。假如有關資料使用者違反該通知，即屬犯罪，一經定罪，最高可被罰款港幣 5 萬元及監禁兩年。此外，政府內部會按既定機制，就涉嫌違反部門指引的人員進行紀律調查。被確定有失當行為的人員可被紀律處分。

- (三) 政府會否賠償給因身份被披露而招致損失的區議員，要視乎每宗個案不同的情況而定，不能一概而論。當中涉及的法律問題複雜，包括區議員的身份在甚麼情況下被披露及執法人員有否足夠理據披露區議員的身份等問題。政府會小心考慮每宗個案詳情，並會就個別情況諮詢法律意見，然後作出決定。

對籌款活動的監管

Monitoring Fund-raising Activities

10. 陳智思議員：主席，據報，一個聲稱旨在推動本地生態旅遊的組織於過去 4 年藉舉辦行山籌款活動獲得逾百萬元捐款，但該等籌款帳目卻相當混亂，而且大部分的款項都用在主辦組織的個人薪金和辦公室租金等行政開支上。就此，政府可否告知本會：

- (一) 現行法例如何監管這類籌款活動；及
- (二) 現時有多少個獲豁免繳稅的慈善團體，以及市民可藉哪些簡單和直接的方法知悉舉辦籌款活動的團體是否屬於這類團體？

衛生福利及食物局局長：主席，本港訂有法例，監管在公眾地方進行的籌款活動，以及在公眾地方維持秩序的相關事宜。根據《簡易程序治罪條例》第 4(17)條規定，任何人或團體若在公眾地方為慈善用途而進行任何籌款活動，或售賣徽章、紀念品或類似物件的活動，或為獲取捐款而交換徽章、紀念品或類似物件的活動，須向社會福利署（“社署”）署長申請許可證；若為其他用途而進行上述活動，則須向民政事務局局長申請許可證。任何人觸犯第 4(17)條的規定，便屬違法，可判處罰款 2,000 元或監禁 3 個月。民政事務局和社署根據第 4(17)條發出許可證時，為維持秩序並確保有關的籌款活動具透明度和問責性，訂下一套行政監管措施，包括：

- (i) 籌款團體須已根據香港法例（例如《公司條例》或《社團條例》）註冊；
- (ii) 許可證上清楚註明籌款目的；
- (iii) 許可證上訂明一些條件，包括：
 - (1) 籌得的款項須用作指定用途；
 - (2) 任何人不得藉有關的籌款活動以不當手法圖利；
 - (3) 在許可證指定的最後日期起計 90 天內，許可證持有人須把籌得款項在扣除任何合理開支後，用作當局發出許可證的指定用途，或為此把款項存入有關銀行戶口內；及
 - (4) 籌得的款項須由合資格的會計師進行審計，經審計的帳目亦須在許可證指定的最後日期起計 90 天內呈交有關當局。

任何團體若過去曾違反籌款許可證所載條件，其申請可能不予受理。民政事務局和社署均會通過各種途徑，例如查核申請團體所提交的經審計帳目，以確定這些團體是否遵守有關條件。

此外，任何人若懷疑某項籌款活動涉及不誠實、欺詐或欺騙行為，可向警方舉報，以便調查是否有觸犯《盜竊罪條例》下的任何規定。

慈善團體或屬公共性質的信託團體均可根據《稅務條例》第 88 條獲豁免繳稅。捐款人向這類獲豁免繳稅的慈善團體捐助的金額，可在報稅時申請扣除。根據法例規定，認可慈善捐款的扣除額不得超過捐款人淨入息／盈利的 10%。截至 2002 年 12 月底，共有 3 753 個慈善團體根據《稅務條例》第 88 條獲豁免繳稅。這些慈善團體的名單已刊於憲報，並上載稅務局的網頁。市民可通過這些途徑，查看他們的捐款能否在報稅時獲得扣除。

為協助市民作出捐款決定，社署設有熱線，方便市民查詢某項慈善籌款活動是否已獲社署批准。市民也可瀏覽社署網頁，或通過公共服務電子化計劃查閱最近獲發許可證的慈善籌款活動詳情。至於非慈善性質的籌款活動，市民可致電民政事務局，查詢某項活動是否已獲批准。

證監會的非本地及本地僱員 **Local and Non-local Staff of SFC**

11. 胡經昌議員：主席，就證券及期貨事務監察委員會（“證監會”）的非本地及本地僱員，政府可否告知本會，是否知悉證監會：

- （一）現時的非本地僱員數目，並按職級及薪酬級別列出分項數字；
- （二）本地僱員與相同職級的非本地僱員在工作經驗及資歷方面如何比較；及
- （三）有否計劃推行職員本地化政策；若有，實施時間表為何；若否，原因為何？

財經事務及庫務局局長：主席，就胡議員的質詢，我們從證監會取得以下資料：

- （一）非本地僱員指除了有香港居留權或香港入境權的人之外，任何為受僱於香港而必須在抵達香港之前領取工作簽證的人。截至 2002 年 12 月 31 日為止，在證監會 402 名僱員中，有 18 名（4.5%）為非本地僱員。這些非本地僱員包括由見習行政人員以至高級總監等各職級的僱員。

該 18 名非本地僱員的職級分布如下：

職級	僱員數目
高級總監／首席律師	1
總監／副首席律師	3
副總監／高級律師	3
高級經理／律師	5
經理	4
助理經理	1
見習行政人員	1

證監會認為不適宜披露個別僱員的薪酬。然而，該會強調，在釐定僱員的薪酬時，該會主要參考當時市場薪金，以及市場上有多少具備所需經驗及技能的人才。證監會的整體薪酬目標，是確保其薪酬與市場薪酬一致，以吸引及保留高質素僱員；而僱員是否本地人士，則不是釐定薪金的考慮因素。

- (二) 所有屬於同一職級的僱員，都必須具備該職級所需的資格、經驗和技能。相同職級的本地及非本地僱員的工作經驗和資歷大致相若。
- (三) 證監會沒有計劃推行職員本地化政策。該會的招聘政策，是根據應徵者的資格、經驗和技能，聘請最合適的僱員。然而，在各項考慮因素都是相同的情況下，本地應徵者將會獲得優先考慮。

防止專營巴士在行駛中起火

Prevention of Fire on Franchised Buses While in Motion

12. 吳亮星議員：主席，據報，在去年 11 月底，一輛專營巴士在行駛中起火，有關巴士公司經調查後指火警可能是由乘客攜帶上車的易燃液體泄漏引致。就此，政府可否告知本會：

- (一) 是否知悉各專營巴士公司在事發後有否加強指示司機，禁止乘客攜帶易燃物品上車；若有，詳情為何；若否，原因為何；

- (二) 有否計劃測試各種類型專營巴士在設計及用料方面的耐火能力；及
- (三) 曾採取哪些措施，包括有否向專營巴士公司發出指引，以防止專營巴士在行駛中發生火警；若曾發出指引，有關的詳情為何？

環境運輸及工務局局長：主席，根據《公共巴士服務規例》(第 230A 章)第 14A 條的規定，乘客不得攜帶受《危險品條例》(第 295 章)管制的物品或物件(包括易燃物品)上巴士。每輛巴士上都貼有告示，提醒乘客不得攜帶危險品上車。若巴士司機發現乘客攜有危險品，會拒絕讓他上車。根據《公共巴士服務規例》第 13 條的規定，任何人如違反上述規定，則穿着制服的專營巴士公司僱員可將他移離巴士，或逮捕並扣留該人直至能將該人交予警務人員為止。

運輸署定期與專營巴士公司舉行會議，商討有關巴士運作的事宜。在發生有關的巴士火警後，運輸署與各專營巴士公司開會，要求巴士公司採取以下措施，以防止日後發生類似事件：

- (i) 加強巴士司機和稽查人員的有關訓練；
- (ii) 聯同巴士製造商檢討巴士的機械設計和構造物料，以確保巴士有合理的耐火能力；及
- (iii) 檢討巴士火警的緊急應變程序。

各巴士公司會向運輸署報告有關執行上述措施的進展。

《道路交通條例》的相關規例列載有關預防巴士火警的指引和規定。《道路交通(車輛構造及保養)規例》第 5、60、61、64 及 66 條和《道路交通(安全裝備)規例》第 9 條特別規定：

- (i) 每輛巴士的所有電力器具及電路的構造及安裝，均須有足夠防護，以免引致觸電及發生火警；
- (ii) 所有油箱及向引擎供油的器具，均須妥為放置或保護，使燃油不能流到車輛的任何部分，以致容易着火；

(iii) 每輛巴士的排氣管須在裝配或防護及保養方面符合以下規定：

(1) 易燃物料不能由車輛掉在排氣管上；及

(2) 相當不可能會因為接近任何易燃物料而引致火災；

(iv) 每輛巴士的車身及配件須以適當物料構造，有相當的耐火能力；

(v) 每輛巴士均須裝有一個保持在可供應用及良好狀態的滅火器；及

(vi) 每輛巴士須設有足夠的出口(包括緊急出口)，以供緊急疏散之用。

運輸署已提醒各巴士公司須確保執行上述所有預防措施並進行定期檢查。

運輸署會密切監察有關的改善措施，並會繼續進行每年巡查及突擊檢查，以確保巴士公司遵守有關的指引和規定。

戒毒治療服務 **Drug Rehabilitation Services**

13. 陳國強議員：主席，關於戒毒治療服務，政府可否告知本會：

(一) 過去 3 年，衛生署每年就提供美沙酮門診治療服務所用的公帑開支及人手數目、每年接受該項服務的人次和透過該服務成功戒毒的人數；及

(二) 有否比較美沙酮治療計劃與其他戒毒治療方法和藥物的成效？

保安局局長：主席，

(一) 衛生署現時共設有 20 間診所，提供美沙酮治療門診服務。在過去 3 年，美沙酮診所的開支金額、人手編制及處理個案數目如下：

	財政年度		
	2000-01	2001-02	2002-03
開支金額	47,100,000 元	47,000,000 元	47,600,000 元
	2000 年	2001 年	2002 年
<i>人手編制</i>			
全職	51	50	56
兼職	193	193	195
<i>個案數目</i>			
平均登記人數	9 395	9 233	9 758
平均每天求診人數	6 502	6 534	7 101
全年總求診人次	2 379 744	2 384 805	2 592 025

本港的美沙酮治療計劃分為兩種模式。求診者可選擇“代用”治療計劃，服用由醫生開處足夠劑量的美沙酮代替非法吸食海洛英。他們也可參加“戒毒”計劃，在一段時間內逐步減少美沙酮的劑量，以戒除毒癮。一直以來，絕大部分的求診者均要求採用“代用”計劃，亦有部分具有強烈脫癮動機的藥物依賴者透過“戒毒”計劃成功戒毒。過去 3 年，使用美沙酮治療成功戒毒個案數目如下：

2000 年	2001 年	2002 年
75 人	53 人	97 人

- (二) 香港在提供戒毒治療和康復方面，採用提供多種模式的方法，以符合不同背景的藥物依賴者的需要。除了美沙酮治療計劃外，還有懲教署推行的強迫戒毒計劃，以及由非政府機構推行的自願住院計劃及醫院管理局轄下的物質誤用診所門診服務等。鑒於上述各種戒毒治療模式的對象及具體目標各異，而美沙酮治療計劃的特色是它是唯一可照顧不適宜或不願意接受住院或其他治療方式的濫藥者的需要的“代用”治療，因此很難將美沙酮治療計劃與其他戒毒治療方式的成效作出直接比較。

至於美沙酮治療計劃本身，自從 1972 年推行以來，政府一向密切監察該計劃的功用和成效，並曾進行幾次檢討。在 1999 年年中，禁毒處及禁毒常務委員會戒毒治療及康復小組委員會更成立特別工作小組，對美沙酮治療計劃進行全面討論，並於 2001 年年初發表檢討報告。特別工作小組認為美沙酮治療計劃已達到其宣稱的目標，包括能有效協助藥物倚賴者照常工作和參與社交生活，同時有助減少服食過量藥物的行為、與由藥物引致的死亡，以至血液傳播疾病的蔓延等。該計劃同時亦能減少與濫用藥物有關連的犯罪活動。

特別工作小組亦曾研究可否以其他藥物，包括丁丙諾啡及納曲酮等藥物替代或輔助美沙酮。丁丙諾啡可作“代用”或“戒毒”治療，而納曲酮為輔助藥物，用於成功戒毒後預防復吸海洛英或鴉片。特別工作小組認為目前尚未有證據證明丁丙諾啡在“代用”治療方面較美沙酮優勝。根據本港醫院和海外國家使用納曲酮的經驗，小組建議進行有關使用納曲酮的研究，以便充分評估對防止已戒毒的美沙酮求診者再染毒癮的效用。在 2002 年 4 月，禁毒基金批准撥款 390 萬元進行研究納曲酮對預防復吸鴉片類藥物的成效。該項研究已於 2002 年年中開展，預計在 2005 年完成。

處理有關不明氣體的舉報 Handling Reports of Unknown Gases

14. 李家祥議員：主席，政府可否告知本會：

- (一) 過去 3 年，當局分別接獲多少宗涉及不明氣體充斥民居和學校範圍的報告；當中有多少宗已確定氣體的來源和種類，並按氣體的來源、種類及是否對人體有害列出分項數字；
- (二) 當局的器材可否即場及即時分辨各種氣體；及
- (三) 有關部門收到不明氣體舉報的處理程序？

保安局局長：主席，

(一) 消防處在過去 3 年共處理了 1 359 宗氣體泄漏事件，經調查後，確認其中 187 宗涉及石油氣、1 081 宗涉及煤氣、67 宗涉及其他氣體，例如實驗室的化學物品、垃圾房及溝渠所產生的臭味等。有關泄漏氣體按種類、來源及是否對人體有害的分項見附表。至於餘下的 24 宗，經消防處及有關部門人員在事故現場作出詳細探測及調查，證實現場並沒有易燃或有毒氣體的存在，惟不能確定氣體的存在和來源，所以將這些事故歸類為“不明氣體泄漏”。在這 24 宗事件中，牽涉民居和學校範圍的事件共 12 宗，亦曾有些市民宣稱曾吸入不明氣體而感到不適，須被送院觀察。

(二) 消防處及其他相關部門，例如政府化驗所、勞工處和環境保護署，均配備有多種器材，可供在現場即時探測及分辨各種氣體。這些器材包括氧氣及可燃氣體報錶、毒氣偵察器、有毒／可燃氣體偵察器、化武用品探測器等。

政府化驗所更可以在現場收集空氣樣本，帶回化驗所利用精密儀器（各種檢測器的氣相色譜儀）進行分析化驗工作。

(三) 在一般不明氣體泄漏的事件中，消防處和警務處人員會被奉召到達現場。消防處人員負責拯救及調查工作，而警務處人員則負責人羣管理和保安工作。有些部門如環境保護署、機電工程署、政府化驗所、勞工處及有關公用機構和氣體供應商亦會奉召到場提供專業的意見，並協助找出氣體來源和種類，以及提供處理這些事故的意見和方法。

附表

種類	宗數	主要來源	是否對身體有害
石油氣	187	石油氣瓶、爐具／喉管	是
煤氣	1 081	煤氣爐具／喉管、地下喉管	是
其他氣體	67	建築地盆、化驗室、貨櫃	無統計資料

在公眾地方設置廢物分類回收箱

Provision of Waste Separation Bins in Public Places

15. 梁耀忠議員：主席，關於政府在公眾地方設置的廢物分類回收箱，政府可否告知本會：

- (一) 目前該等回收箱的數目，以及每天從中收集所得的每類廢物的平均數量；
- (二) 上文第(一)項的數字與 12 個月前的有關數字如何比較；及
- (三) 有否評估該等回收箱對分類回收廢物有何成效；若有，結果為何；若否，原因為何？

環境運輸及工務局局長：主席，

(一)及(二)

目前，本港共有超過 22 000 個分類回收箱，分別設置於公眾場所、學校及公共／私人屋邨；而在 2002 年 1 月，分類回收箱的數目則約有 19 500 個。

我們估計，這些分類回收箱在 2002 年每天共收集了約 347 公噸廢紙、12 公噸鋁罐和 3.5 公噸膠樽。與 2001 年的相關數字比較，上述 3 類回收物料在 2002 年的增幅分別為 41%、173%和 102%。

- (三) 設置分類回收箱的目的，是要方便及教育市民參與廢物分類。這些分類回收箱收集所得的物料數量正不斷增加，顯見已有越來越多市民參與廢物回收。事實上，2002 年分類回收箱收集所得的物料，已經使棄置於堆填區的都市固體廢物數量減少約 3%。這同時證明分類回收箱確能有效方便市民進行廢物分類，並且達到減少廢物的目的。

非牟利團體有關更改土地用途的申請**Applications for Change in Land Use by Non-profit-making Organizations**

16. 梁富華議員：主席，關於非牟利團體申請更改當局以象徵式地價批予它們的土地的用途，政府可否告知本會：

- (一) 當局以何準則審批這類申請；及
- (二) 過去 3 年，獲批准的個案數目，以及每宗個案的詳情，包括申請團體名稱、土地原來和新批准的用途、土地面積，以及根據新用途計算的土地價值？

房屋及規劃地政局局長：主席，

- (一) 以象徵式或優惠地價批地予非牟利團體，均由行政會議或根據行政會議轉授的權力批核。獲得這類批地的，包括非牟利的教育機構、社會福利機構，以及社區、康樂及宗教用途等。

由於這類土地是以象徵式或優惠地價批出，因此，批地條件較嚴格，例如土地不准轉讓，以及有嚴格的土地用途限制。

如果批出作社會服務用途的土地未有充分發展，承批機構可以申請修訂批約條款，以重新發展其土地，使土地得以地盡其用，以及提供改善設施。在這情況下，承批機構或會獲准在重建計劃中加入商業元素，不過，有關計劃必須符合下列準則：

- (i) 重建計劃須符合承批機構的組織大綱及章程，承批機構如屬法定團體，則須符合有關條例；
- (ii) 承批機構須就其在發展項目中所佔部分得到的收入作出交代，以及從商業部分獲得的收入會用於政府同意的用途；
- (iii) 發展計劃符合公眾利益，例如可以減少對政府資助的需求；
- (iv) 重建項目須盡量在提供“政府、機構及社區”設施方面達致最大效益，而又配合發展項目的整體商業可行性。加入的商業部分，不可對擬提供的“政府、機構及社區”設施有損；

- (v) 如果情況適當，政府有權要求在重建項目內徵用地方供政府本身使用（例如用作辦公室），或作其他公共用途，例如撥予其他志願機構使用；及
- (vi) 如重建項目有聯營夥伴，須按政府同意的程序以競爭方式選擇。

所有這類修訂批約條款的申請，必須得到行政會議批准。重建項目的商業部分，須按十足市值繳付修訂批約條款的土地補價。

- (二) 過去 3 年，有關非牟利團體的土地契約，並沒有獲批准修訂的個案。

公屋的分間單位 Partitioned PRH Flats

17. 馮檢基議員：主席，關於須與相鄰公共租住屋邨（“公屋”）單位共用露台及廁所的分間單位住客，政府可否告知本會：

- (一) 現時居於這類單位的獨居長者和長者家庭分別的數目；
- (二) 過去 3 年，獨居長者和長者家庭分別獲准從這類單位調遷至獨立單位的個案數目；
- (三) 會否考慮容許居於這類單位的獨居長者和長者家庭重新在公屋輪候冊上登記，以輪候編配獨立的公屋單位；若否，原因為何；及
- (四) 有否訂立時間表及撥出資源，安排所有居於這類單位的住戶調遷至獨立單位；若有，詳情為何；若否，原因為何？

房屋及規劃地政局局長：主席，

- (一) 現時居住於須與相鄰住戶共用露台及廁所的分間單位的獨居長者及長者家庭數目分別為 2 149 名及 107 個。

- (二) 過去 3 年，透過不同的調遷安排，包括調遷計劃、紓緩擠迫調遷計劃及為分間單位住戶而設的特別調遷計劃等，共有 965 名獨居長者及 635 個長者家庭調遷至獨立單位。
- (三) 現時的公屋輪候政策，並不容許公屋租戶整個家庭另行申請，以免造成行政混亂。現居於分間單位的住戶亦不例外。居於這些單位的住戶，可透過第(二)部分所述的不同調遷安排而獲編配獨立單位。
- (四) 房屋委員會在 2000 年 4 月已決定逐步把分間單位待其全部住客遷出後還原。不過，由於房屋委員會並不打算強行要求所有現居於分間單位的住戶調遷，所以沒有訂立調遷時間表，但會不時撥出小型獨立單位，供這些住戶自願申請調遷。在 2002 年，房屋委員會進行了兩次為分間單位住戶而設的調遷計劃。該兩次調遷計劃一共提供了 1 000 個屯門區屋邨單位及 230 個分別位於秀茂坪邨、寶達邨及慈正邨的單位，供分間單位住戶選擇。房屋委員會共收到 236 宗申請，而最終有 141 個住戶調遷至獨立單位。

專營巴士公司實施的巴士轉乘計劃

Bus-Bus Interchange Schemes Implemented by Franchised Bus Companies

18. 陳偉業議員：主席，關於專營巴士公司實施的巴士轉乘計劃，政府可否告知本會：

- (一) 有何具體措施鼓勵專營巴士公司推行更多的巴士轉乘計劃；若有，措施的詳情及進度為何；若否，原因為何；
- (二) 有否建議有關的巴士公司向在青馬大橋收費廣場轉乘其他路線巴士的乘客提供車費折扣；若有，詳情為何；若否，原因為何；及
- (三) 鑒於目前乘客可在城門隧道收費廣場免費轉乘部分路線的巴士，有否建議各專營巴士公司在其他地方（例如西區海底隧道收費廣場）實施乘客免費轉乘計劃；若有，詳情為何；若否，原因為何？

環境運輸及工務局局長：主席，政府鼓勵巴士公司因應其營運情況推出更多巴士轉乘計劃，以便向乘客提供票價優惠及更多服務選擇，並可更有效地運用巴士資源。運輸署一直與各巴士公司緊密合作，並向它們提供意見和協助，以促成新的巴士轉乘計劃。如有需要，我們會推行巴士停車處的改建工程，並在主要的轉車處關設足夠的乘客候車空間，以便實施巴士轉乘計劃。此外，運輸署亦在其網站登載有關已實施的巴士轉乘計劃的資料。

在不斷的努力下，巴士轉乘計劃的數目已由 2000 年的 9 項增至 2002 年的 96 項，而提供轉乘安排的巴士路線亦由 68 條增至 330 條。另有 45 項巴士轉乘計劃預計會在當局諮詢有關的區議會後於本年推出。

巴士轉乘計劃涉及提供車費優惠，對巴士公司有財政方面的影響。提供巴士轉乘計劃與否，以及向乘客提供多少優惠（包括會否在這些計劃下提供免費轉乘服務），均屬個別巴士公司的商業決定。

我們曾與營辦行經青馬管制區的路線的兩間專營巴士公司，即城巴有限公司和龍運巴士有限公司，商討可否在該管制區實施巴士轉乘計劃。該兩間公司同意推行轉乘計劃，在管制區內轉乘同一巴士公司其他路線的乘客，最高可獲 9 元的車費優惠。兩間巴士公司並打算在 2003 年首季實施這些轉乘計劃。這事項已提交離島區議會交通及運輸委員會討論。兩間巴士公司現正考慮該委員會的委員所提出的意見和建議，並會在實施有關的轉乘計劃前再接觸該委員會。

向國際電信展覽會參展商提供的電訊服務

Telecommunications Service Provided to Exhibitors of International Telecommunication Exhibition

19. 單仲偕議員：主席，去年 12 月，政府協助國際電信聯盟（“聯盟”）在本港籌辦國際電信聯盟 2002 年亞洲電信展（“電信展”），其中包括舉辦國際電信展覽會。據悉，聯盟指定一家固定網絡服務營辦商（“固網商”）為展覽會的固網服務供應商。該固網商獲准優先使用會場的電訊網絡互連設施及向各參展商提供標準收費的電訊服務；除非該固網商提供的電訊服務未能應付參展商的需求，否則其他固網商不獲准向參展商提供收費電訊服務。就此，政府可否告知本會：

（一） 是否知悉聯盟作出上述安排及規定的原因；

- (二) 上述安排及規定有否違反公平原則及減少參展商就展覽所需的電訊服務的選擇；及
- (三) 有否評估上述安排及規定有否對香港作為亞洲電訊樞紐的形象造成負面影響；若有，結果為何？

經濟發展及勞工局局長：主席，

- (一) 電信展是一項大型展覽會暨會議，由聯盟舉辦。這些大型展覽會通常有眾多的參展商參與，而且由於要控制場地租金的成本，參展商獲容許設置展覽攤位的時間相當有限。同時，參展商亦會要求完善的電訊服務，以滿足它們複雜的要求。就電信展而言，有關的參展商逾 320 家，而這些參展商只有最長 14 天的時間設置攤位。

聯盟會在全球各地舉辦展覽，一貫的做法均是委任一家大會電信服務供應商（“大會供應商”）以贊助聯盟的電訊服務，並為展覽提供電訊服務。一如聯盟舉辦的其他展覽，聯盟為電信展委任一家大會供應商。這項安排旨在便利大會供應商加建臨時設備和設施，為展覽活動提供現場支援，並為參展商提供快捷有效的服務。

- (二) 我們認為，聯盟為電信展委任大會供應商並無違反公平原則，亦無不適當限制參展商對電訊服務的選擇。考慮到大型展覽活動參展商的要求甚為複雜，而且參展商獲容許設置展覽攤位的時間較為倉促，聯盟作出上述安排，是切合實際情況的做法。此外，聯盟曾在 2002 年 1 月，邀請所有本地固定電訊服務營辦商提交建議書，以大會供應商的身份贊助是項活動，並提供電訊及資訊科技服務。然而，聯盟並無接獲任何建議書。聯盟最後以邀請方式委任一家固定電訊服務營辦商擔任電信展的大會供應商。
- (三) 電信展在香港舉行，有助提升香港作為亞洲電訊樞紐的形象。正如上文第(一)及(二)部分的闡釋，聯盟實在有必要作出委任大會供應商安排，以應付是項活動實際需要。因此，我們認為聯盟的安排不會對此造成負面影響。

法案
BILL

法案二讀
Second Reading of Bill

恢復法案二讀辯論
Resumption of Second Reading Debate on Bill

主席：本會現在恢復《2001 年法律適應化修改條例草案》的二讀辯論。

《2001 年法律適應化修改條例草案》
ADAPTATION OF LAWS BILL 2001

恢復辯論經於 2001 年 12 月 19 日動議的條例草案二讀議案
Resumption of debate on Second Reading which was moved on 19 December 2001

主席：審議上述條例草案委員會的主席吳靄儀議員現就委員會的報告向本會發言。

MISS MARGARET NG: Madam President, in my capacity as the Chairman of the Bills Committee on the Adaptation of Laws Bill 2001 (the Bills Committee), I would like to report on the main deliberations of the Bills Committee.

The Adagttation of Laws Bill 2001 (the Bill) seeks to adapt identified provisions of the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance and other Ordinances to bring them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region (SAR) of the People's Republic of China.

The Bills Committee agrees that most of the proposed amendments in the Bill are in line with the guiding principles of the Adaptation of Laws Programme. However, the Bills Committee has a number of concerns on the proposed adaptation of the definition of "Crown servant" by "prescribed officer".

"Crown servant" is now defined as being "a person holding an office of emolument, whether permanent or temporary, under the Crown in right of the Government". Under the Bill, the expression "Crown servant" is proposed to

be adapted to "prescribed officer" which means (a) any person holding an office of emolument, whether permanent or temporary, under the Government; and (b) the Hong Kong Monetary Authority and any person appointed under section 5A(3) of the Exchange Fund Ordinance, any staff member of the Independent Commission Against Corruption, Director of Audit, Chairman of Public Service Commission and judicial officers. I shall refer to part (b) of the definition as "the five offices" later on in my speech.

A major concern of the Bills Committee is whether the proposed definition of "prescribed officer" preserves the legal effect of "Crown servant". Some members consider that the proposed definition of "prescribed officer" might need to be revised in future to include new offices which fall within the meaning of "Crown servant", but outside the definition of "prescribed officer". Hence, compared to "Crown servant", the definition of "prescribed officer" lacks flexibility and continuity.

The Administration has explained that a straightforward approach would be to adapt "Crown servant" to "Government officer" with the adapted definition to mean "a person holding an office of emolument, whether permanent or temporary, under the Government". However, there is some doubt about whether the expression "under the Government" could cover exactly the same scope as that covered by the expression "under the Crown in right of the Government" in the original definition. In order to avoid possible doubts that could arise from simply adapting "Crown servant" to "Government officer" and to preserve the legal effect of the provision, the Administration has proposed to replace "Crown servant" by "prescribed officer". It is the Administration's view that a direct replacement term cannot be found for the concept or description of "Crown servant".

While the Bills Committee supports the Administration's proposal to replace "Crown servant" by "prescribed officer" for the purpose of preserving the present situation, it is of the view that the proposal is not an adaptation in nature and should be dealt with by way of an amendment bill.

Having regard to the views of the Bills Committee, the Administration has agreed to pursue the proposed amendments to replace "Crown servant" with "prescribed officer" in the Law Amendment and Reform (Miscellaneous Provisions) Bill, an omnibus bill scheduled for introduction into the Legislative

Council in March 2003. The Administration will move amendments to delete all clauses relating to "Crown servant" in the Bill accordingly.

Another concern of some members is whether it is necessary to list out the five offices under the proposed definition of "prescribed officer". The Administration has explained that according to legal advice, the five listed offices might not be automatically construed as "Government officer" due to their specific and independent nature of operation. The Administration is wary of the possibility of any contention or argument that may be put forward before the Court that these five listed offices are not offices of emolument "under the Government". The Administration has therefore adopted a prudent approach by listing the five offices that were covered in the definition of "Crown servant" in the proposed definition of "prescribed officer".

The Bills Committee has also expressed concern on whether the Chief Executive and principal officials specified in Article 48(5) of the Basic Law would be covered under part (a) of the proposed definition of "prescribed officer", that is, holders of an office of emolument under the Government. Members have pointed out that the position of principal officials who are civil servants and principal officials under the accountability system may be different. The Administration has been requested to consider, for the avoidance of doubt, whether principal officials should also be separately listed under the proposed definition of "prescribed officer", as in the case of the five listed offices.

The Administration has agreed to set out "prescribed officials" expressly in the definition of "prescribed officer". The revised definition of "prescribed officer" will be incorporated into the Law Amendment and Reform (Miscellaneous Provisions) Bill to be introduced into the Legislative Council.

The Administration has explained that in view of the unique constitutional position of the Chief Executive, he does not fall within the definition of "Crown servant" or the proposed adapted definition of "prescribed officer" under the Prevention of Bribery Ordinance. As a separate law reform exercise, the Administration is in the course of drafting legislative amendments to extend the general standard of bribery prevention applicable to prescribed officers under the Prevention of Bribery Ordinance to the Chief Executive.

As the review of the application of the Prevention of Bribery Ordinance to the Chief Executive has been discussed by the Panel on Constitutional Affairs of the Legislative Council at numerous meetings since early 1999, some members have expressed disappointment at the present state of affairs and urged the Administration to accord priority to the separate law reform exercise.

Madam President, in view of the agreement reached with the Administration to deal with the proposed amendments to the definition of "Crown servant", the Bills Committee supports the resumption of the Second Reading debate on the Bill.

Madam President, I would like to add a few words in my personal capacity. The substance of the Bill is the amendments to the Prevention of Bribery Ordinance. The aim of the adaptation is to ensure that people occupying public offices should continue to be subject to stringent sanctions of the law against corruption, but the highest public office in the SAR, namely the Chief Executive, remains beyond the reaches of the Ordinance. This state of affairs must be repugnant to the rule of law. This obvious and unbecoming gap has been raised in this Council as early as 13 January 1999 in a written question. Thereafter, the matter was followed up in the Constitutional Affairs Panel. Many meetings were held but up to this very moment, four full years have passed and the solution is still outstanding.

Let me recapitulate some of the major dates. On 9 February 1999, the issue was first discussed by the Constitutional Affairs Panel. The Administration told Members that the Chief Executive was happy to be bound by the Prevention of Bribery Ordinance. Then, on 7 May 2001, that is, two years and three months later, the Administration advised the Panel that separate legislative provisions would be created to set out the bribery offences for application to the Chief Executive. On 26 June 2001 and 28 January 2002, the Panel twice expressed concern about the lack of progress of the review. On behalf of the Panel, the Chairman of the House Committee raised the matter with the Chief Secretary for Administration. The Chief Secretary for Administration said that it was important to examine carefully whether applying the regulatory and legal framework for government officers and public servants to the Chief Executive would have any adverse impact on the administration of Hong Kong and the world market as a whole, and that the systems in other jurisdictions should also be studied as reference. He said that the legislative proposal would be introduced in the next session. That time has now arrived.

In the course of the scrutiny of this Bill, members reminded the Government of this matter. However, no satisfactory answer was forthcoming. The Government has now taken four years to draft one clause and apparently that is not long enough. By contrast, drafting work for the Article 23 legislation is supposed to take only a few weeks. Where does the Chief Executive's priority lie? What message is being sent to the world?

Madam President, although this matter is clearly beyond the scope of this Bill, I would urge the Government, in reply, to take this opportunity to inform this Council of its plan to introduce a bill to bring the Chief Executive under the anti-corruption legislation of the SAR.

Thank you, Madam President.

主席：是否有其他議員想發言？

(沒有議員回應)

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, I am very grateful to the Honourable Margaret NG and other members of the Bills Committee for their work on this very important bill.

The Adaptation of Laws Bill 2001 (the Bill) seeks to make textual amendments to the Prevention of Bribery Ordinance, the Independent Commission Against Corruption Ordinance and a number of other Ordinances to ensure that they conform to the Basic Law and Hong Kong's status as a Special Administrative Region (SAR) of the People's Republic of China.

Save for adapting the term "Crown servant", all proposed amendments in the Bill are simple and straightforward terminological changes. The Bills Committee supported them all.

Our anti-corruption legislation defines the term "Crown servant" in a rather unique way. To deal with this properly, the Bills Committee has supported our proposal to replace "Crown servant" by "prescribed officer". We have aimed to use "prescribed officer" in these Ordinances to cover the same

group of people as that covered by "Crown servant" before 1 July 1997. That means non-civil servants including staff of the Hong Kong Monetary Authority, Chairman of Public Service Commission, judicial officers and staff of the Independent Commission Against Corruption will all be "prescribed officers". Miss Margaret NG has just explained the deliberations of the Bills Committee in this regard. We have also followed the Bills Committee's suggestion to include all principal officials within the category of "prescribed officer". This will put beyond doubt, however slight, that principal officials are subject to the most stringent framework of control as that applicable to civil servants under the anti-corruption legislation.

Because of the special way we have treated the term "prescribed officer" in the anti-corruption legislation, we have also followed the Bills Committee's suggestion to deal with that set of amendments by way of a miscellaneous amendment bill. Accordingly, I shall propose at the Committee stage to repeal or amend all clauses containing the term "Crown servant" or "prescribed officer" in this Bill, and to transfer these clauses, in the revised formulation as agreed with the Bills Committee, to the Law Amendment and Reform (Miscellaneous Provisions) Bill which we propose to introduce into the Legislative Council later this Session.

In her speech, Miss Margaret NG makes some personal comments and calls upon the Administration to expedite action to apply bribery prevention provisions to the Chief Executive. If I may say so, Madam President, this point does not seem to be directly relevant to the Bill, and I do not intend to rehearse all the rather complex and pertinent legal and constitutional issues that we have explained to the Panel on Constitutional Affairs of the Legislative Council. Regarding this point, I would however repeat our undertaking to the Panel, that is, the Administration will revert to the Panel once we have decided on the best way forward.

Madam President, this Bill is necessary in bringing the anti-corruption legislation into conformity with the Basic Law and with Hong Kong's status as an SAR. It removes inappropriate legal references and obviates the need to make complicated cross-references to the Hong Kong Reunification Ordinance and the Interpretation and General Clauses Ordinance. With these remarks, I recommend the Bill to Members.

主席：我現在向各位提出的待決議題是：《2001 年法律適應化修改條例草案》予以二讀。現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得在席議員以過半數贊成。我宣布議案獲得通過。

秘書：《2001 年法律適應化修改條例草案》。

立法會進入全體委員會審議階段。
Council went into Committee.

全體委員會審議階段 Committee Stage

全委會主席：全體委員會審議階段。本會現在成為全體委員會。

《2001 年法律適應化修改條例草案》 ADAPTATION OF LAWS BILL 2001

全委會主席：我現在向各位提出的待議議題是：以下條文納入《2001 年法律適應化修改條例草案》。

秘書：第 1、2 及 3 條。

全委會主席：現在付諸表決，贊成的請舉手。

（委員舉手）

全委會主席：反對的請舉手。

（沒有委員舉手）

全委會主席：我認為議題獲得在席委員以過半數贊成。我宣布議案獲得通過。

秘書：附表 3。

全委會主席：現在付諸表決，贊成的請舉手。

（委員舉手）

全委會主席：反對的請舉手。

（沒有委員舉手）

全委會主席：我認為議題獲得在席委員以過半數贊成。我宣布議案獲得通過。

秘書：附表 1 及 2。

CHIEF SECRETARY FOR ADMINISTRATION: Madam Chairman, I move the amendments to Schedules 1 and 2 as set out in the paper given to Members.

The objective of the amendments is to delete or amend all clauses containing the term "Crown servant" or "prescribed officer" in the Bill. The objective is to transfer the same to the Law Amendment and Reform (Miscellaneous Provisions) Bill as we have agreed with the Bills Committee. We propose to introduce the Law Amendment and Reform (Miscellaneous Provisions) Bill into the Legislative Council later in the Session.

擬議修正案內容

附表 1 (見附件)

附表 2 (見附件)

全委會主席： 是否有委員想發言？

(沒有委員表示想發言)

全委會主席： 我現在向各位提出的待決議題是：政務司司長動議的修正案，予以通過。現在付諸表決，贊成的請舉手。

(委員舉手)

全委會主席： 反對的請舉手。

(沒有委員舉手)

全委會主席： 我認為議題獲得在席委員以過半數贊成。我宣布議案獲得通過。

秘書： 經修正的附表 1 及 2。

全委會主席：現在付諸表決，贊成的請舉手。

(委員舉手)

全委會主席：反對的請舉手。

(沒有委員舉手)

全委會主席：我認為議題獲得在席委員以過半數贊成。我宣布議案獲得通過。

全委會主席：全體委員會現在回復為立法會。

全體委員會隨而回復為立法會。
Council then resumed.

法案三讀 Third Reading of Bill

主席：法案：三讀。

《 2001 年法律適應化修改條例草案 》 ADAPTATION OF LAWS BILL 2001

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, the
Adaptation of Laws Bill 2001

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

主席：我現在向各位提出的待議議題是：《2001 年法律適應化修改條例草案》予以三讀並通過。

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得在席議員以過半數贊成。我宣布議案獲得通過。

秘書：《2001 年法律適應化修改條例草案》。

議案 MOTIONS

主席：議案。根據《公共巴士服務條例》動議的 3 項決議案。

第一項議案。

根據《公共巴士服務條例》動議的決議案 PROPOSED RESOLUTION UNDER THE PUBLIC BUS SERVICES ORDINANCE

環境運輸及工務局局長：主席，我動議通過議程所印載，以我名義提出的第一項議案。

署理行政長官會同行政會議於本年 10 月 22 日批出為期 9 年 11 個月的新專營權給城巴有限公司（“城巴”）（機場及北大嶼山巴士路線網絡）、龍運巴士有限公司（“龍運”），以及新世界第一巴士服務有限公司（“新巴”）。上述的城巴和龍運的新專營權將由 2003 年 6 月 1 日起生效，而新巴的新專營權則由 2003 年 8 月 1 日起生效。

《公共巴士服務條例》第 26 至 32 條列出利潤管制計劃的條款，就專營巴士公司在其會計年度內可賺取的准許收益作出規定，有關的准許收益是以專營巴士公司在有關會計年度內的固定資產平均淨值的百分率計算。根據該條例第 5(3)(b)條，除非立法會藉決議排除應用該等條文，否則利潤管制計劃將適用於新的專營權。

我們目前處理專營巴士公司調整票價申請的政策，是確保在廣大乘客及巴士公司的利益之間取得適當的平衡。我們在諮詢立法會後，於 2000 年 12 月確立了現時的巴士票價調整機制，以“經修訂的考慮多方面因素做法”來處理調整巴士票價的申請，考慮的因素包括有關的專營巴士公司自上次調整車費以來經營成本和收益的變動、其未來成本、收益和回報的預測、專營巴士公司須獲得合理的回報率、市民的接受程度和負擔能力，以及服務的質量。在上述的新專營權中，我們已加入條文，規定專營巴士公司在申請調高或調低車費時，必須考慮以上因素。

此外，目前所有現有的巴士專營權皆沒有准許收益的安排。我們在與有關的專營巴士公司討論上述的新專營權時，亦清楚表明新專營權不會有准許收益的安排。

基於上述原因，我們須使《公共巴士服務條例》第 27、28、29 和 31 條不適用於上述的新專營權，而第 26、26A、30 和 32 條則會繼續適用，原因如下：

- (甲) 第 26 條，該條文為隨後各條文所使用的詞語作出定義；
- (乙) 第 26A 條，該條文規定在確定與《公共巴士服務條例》或專營權有關的經營成本或與服務相關的開支時，經濟罰則的款額不得予以考慮；
- (丙) 第 30 條，該條文使政府得以在專營權內，就專營巴士公司為其專營權或與專營權相關而使用或持有的固定資產，指明折舊率；及
- (丁) 第 32 條，該條文規定專營巴士公司須應財政司司長的規定，提供有關經營公共巴士服務的帳目和其他資料。

我謹此陳辭，動議通過有關的議案，使利潤管制計劃不適用於龍運的新專營權。謝謝主席。

環境運輸及工務局局長動議的議案如下：

“議決於 2002 年 10 月 22 日批出的授予龍運巴士有限公司在《2001 年路綫表（龍運巴士有限公司）令》（2001 年第 72 號法律公告）和行政長官會同行政會議其後作出的任何命令所指明的路綫經營公共巴士服務的權利的專營權在其整段有效期內，不受《公共巴士服務條例》第 V 部中第 27、28、29 及 31 條的規限。”

主席：梁耀忠議員，你是要求發言，還是想作出澄清？

梁耀忠議員：主席，我想局長澄清一點，她在發言的第一段中提到本年 10 月，她是否把年份說錯了，是否應該是去年，而不是本年呢？

環境運輸及工務局局長：主席，我確是說了本年，其實應該是指去年的。謝謝主席。

主席：我現在向各位提出的待議議題是：環境運輸及工務局局長動議的議案，予以通過。

是否有議員想發言？

劉千石議員：主席，由於這項決議案及局長稍後動議的另外兩項決議案是有關連的，我會在這裏一併發言。

主席，首先，我支持有關批出龍運巴士有限公司（“龍運”）、新世界第一巴士服務有限公司（“新巴”）和城巴有限公司（“城巴”）專營權的決議案；特別是有關豁免新專營權受利潤管制計劃規管一點，這是目前對所有專營巴士公司的劃一規定，也是市民大眾所支持的。

不過，既然自從 1997 年九龍巴士(1933)有限公司的專營權獲得延續開始，當前所有專營巴士公司已經不再使用利潤管制計劃，因此，《公共巴士服務條例》仍然保留利潤管制計劃的條文規定，是完全不合時宜的。我記得

在 98 年年中，當本會討論給予新巴取代中華巴士有限公司經營港島線的專營權決議案時，當時包括劉健儀議員在內的數位同事，已經公開要求政府修訂法例，刪除利潤管制計劃的項目，而當時的運輸局局長吳榮奎先生亦答應進行有關的檢討修訂。我實在不大明白，為何拖了四年半時間，仍然看不到政府正式提出法例修訂，我希望局長能跟進這事。

主席，我關注的第二方面，是獲得新專營權的巴士公司日後的服務改善，特別是龍運和今次獲得延續專營權的城巴路線，其主要的服務範圍是大嶼山北部及機場，而有關地區在不久將來無論是居住人口、就業人口以至流動人口均會有高速增長，因此，我希望政府及有關部門要密切地和巴士公司定期作出商討，以因應發展的需要而加強服務質量，給予乘客充足及優質的服務。

第三方面，我想簡單談一談市民相當關心的公共交通票價問題。

雖然在新專營權協議中，已經加入了條文，規定專營巴士公司在申請調高或調低車費時，必須考慮市民的接受程度和負擔能力等多項因素，但如果調整車費的主動權仍然掌握在巴士公司手中，而巴士公司又堅持不提出減車費申請的話，則高企不下的車費仍然是不能減低的。北大嶼山東涌地區對外的交通費極度高企，已經是人所共知的事實，因此，我希望政府和巴士公司繼續商討，透過各種方式以減低市民——特別是新市鎮居民——的交通費開支。

我知道政府將於稍後提出新的公共交通車費調整機制；而要在自由市場和社會責任之間找出一個平衡點，我覺得真是不容易的，我亦能想像政府正面對不少限制，並且要一些時間，工作才能見成效。不過，普羅市民的訴求，是非常強烈和迫切地要求公共交通機構全面減車費。我要指出，對於公共交通機構票價調整的新機制，市民的期望不僅是要增加透明度，而是要看到可以實際上減低車費。無論在新機制下調整票價的主動權是在營辦商抑或政府手中，我相信最重要的是讓市民看到，在經濟及民生狀況的條件改變情況下，車費可以正式向下調；否則，新機制只會淪為表面工夫、口惠而實不至。

主席，在廖局長上任後的半年內，本港的通縮進一步惡化、就業環境較以前變得更沒有保障、工資繼續有下降壓力，但主要公共交通機構從來沒有減低車費。我感覺到，普羅市民的忍耐程度已經到了極限，如果在不久將來仍然看不到兩間鐵路公司及巴士公司等交通機構在減票價方面作出回應，我相信民憤是會爆發的。希望政府和交通機構不要輕視和漠視這點。

謝謝主席。

李家祥議員：主席女士，我想申報利益，我是龍運巴士公司的獨立非執行董事，為了表示公正，我就這項對公司運作會有實際影響的議案不會發言，亦不會投票。

陳偉業議員：主席，今天這項議題的實際內容，是豁免這 3 間公司及與它們有關的數個地區的巴士線路的利潤管制。如果單是說豁免，原則是應該加以支持，因為自八十年代開始，即反對利潤管制的年代開始，很多議員於過去多年來已不斷提出此要求，所以如果單是說豁免利潤管制，就理應支持。

但是，今天這項議案背後有一個很重大的問題，就是有關所豁免路線的經營權並未經過公開競投，而是以一個延續的形式，讓這些公司繼續經營它們仍在經營的線路，東涌線便是一個例子。我記得在五六年前，該路線已開始由該巴士公司經營，是經過公開招標、公開競投而決定的，其後便開始了現時的服務，包括往來機場及東涌的路線。但是，在經營權於 5 年後屆滿，當時運輸署經過內部檢討之後，即當局逕自透過一個私相授受形式，讓這間公司續期 10 年。

在上一次立法會交通事務委員會的會議上，我已就此提出了反對的意見，因為既然當初競投巴士路線的時候，給予了公司 5 年的時間，年期屆滿後，便應該透過另一個公開招標的形式，讓市場決定新的價格是多少，新的路線是哪些。然而，運輸署卻沒有採用這個形式，而只是說訪問了很多乘客，經調查及研究過該公司的服務後，基本上滿意所提供的服務，認為頗良好，所以就再給予該公司 10 年的時間。可以說，這便相等於“別人原先是想買豉油，你卻連雞也送了給別人”。因此，就整個交通策劃方面而言，令我覺得很難支持這項決定。當然，我是支持豁免利潤管制的，但基於巴士公司在取得線路方面不太光彩、得來不合理，亦不是透過公開、公平的競爭而得，所以，雖然我是支持豁免利潤管制，但我卻認為沒有可能支持這項議案，因此，就議案的表決，主席，我是會棄權的。

我希望這項經營權經批出之後，真的可還居民一個公道，因為整條線路的發展，特別是在北大嶼山的發展，焦點基本上是放在機場部分，居民方面是被忽視了。整條路線的設計是厚待機場而漠視居民的權利，特別是新落成屋苑的居民。我自己在東涌逸東邨設有一個辦事處，那裏的居民是怨聲載道，因為他們說，只要搬到逸東邨，便是“斷六親”，假期不敢外出，因為車票太昂貴，那些搬進了該邨的居民的家人又不願意來探他們，也因為車票太昂貴；乘車時不但要轉乘再轉乘各種交通工具，而且每一次轉乘亦須付出很高昂的費用，如果一家人要外出，單是車費便已經過 100 元，比較之下，

住在北區大埔的居民，到深圳的車票是比去逸東邨或東涌還要便宜。因此，基於整個交通策劃及票價的問題，這個社區的發展受到限制，也影響了很多居民的生活。

局長以往提過很多關於減票價方面的事，但卻未見具體的成績，希望日後透過條例的通過，可以迫使這幾條線路減費，讓居民，特別是東涌的居民可享有較優惠的票價。不知局長會否考慮讓居民在來回票價上享有優惠？很少乘搭這些路線的人，偶然乘搭一次就不會感覺到甚麼，但居民卻每天都要乘搭，所以境況是很淒慘的。放假時，整個家庭可能想外出，但由於票價的壓力，令居民失去所有社交的生活。巴士公司可否考慮提供一些家庭形式，例如供一家四口使用的特惠票價，讓他們想外出時也不致因為票價的問題，而剝奪了家中幼童外出看看市區面貌的機會？因為可能由於票價的問題，有些兒童一年也不知道有多少次機會到市區去。所以，我希望就這方面，將來會有一些具體的成果。

主席，最後，最重要的一點，就是今天我在立法會亦有提出書面質詢的，關於青馬管制區的問題。過去一兩年，我不斷爭取東涌以至大嶼山的居民應有類似城門隧道及大欖隧道等相同的轉乘計劃。其實，自從上一次提及給予巴士公司多 10 年的經營權時，我已不斷要求，並建議當局考慮提出這樣的一項條件，因為既然給予它們多 10 年的經營權，便是與它們進行談判的最理想時候。我希望巴士公司能提供免費的轉乘，例如以 10 元車費的轉乘另一程 10 元車費的交通工具，便不應該付額外的費用，以 10 元車費的轉乘 17 元車費的交通工具，可加付 7 元的票價，但運輸署直至今天為止，就只容許東涌市鎮裏有轉乘的優惠，我若要以 3 元車費的轉乘 10 元車費的交通工具，便可獲減票價 1 元，但按如此的轉乘，乘客無論如何也要額外多付兩元，這樣的所謂優惠轉乘，其實只是減少了剝削、減少了“搶錢”而已，即是說原本要搶 3 元的，現在搶少一點，搶兩元，但其實仍是搶，對市民仍是不公平的。

今天從書面質詢的答覆，看到一點好消息，說將會在青馬管制區那裏設有轉乘，至於優惠方面，我希望要提供相等於城門隧道及大欖隧道的優惠，不要變相“搶錢”。說出來，巴士公司好像很慷慨似的，乘客乘搭 17 元車費的交通工具，轉乘 10 元車費的交通工具，可以付出較少的車費（我不知道將來會少付多少），但乘客仍然是要額外付錢的。

其實，轉乘的整個構思，是希望減少點對點的車輛，並在某一處中間點安排轉乘，使巴士公司不用開設那麼多路線。但是，現時的做法卻不是這樣，巴士公司不開設路線之餘，還透過轉乘的安排強行多收一點錢，令市民要多付，所以可見香港的交通費，佔家庭入息支出的百分比越來越大，這情況就是與運輸署策劃路線失誤有關。

局長在過去大半年的時間裏，不斷強調運輸費對家庭支出造成壓力。我認為今天的這項議案是沒多大機會不獲通過的了，但在通過之餘，我仍希望能透過豁免受利潤管制，對巴士公司管制多一些，迫逼多一點，假若他們不願意接受的話，便重新招標競投好了，這是最好的做法，因為這樣可讓市場作決定，巴士公司如果不願意做的話，可以讓專線小巴接手來做，若仍不足夠的話，便開一些非專利巴士，這也是很好的，因為非專利巴士收費是很便宜的，巴士公司要收取 20 元時，非專利巴士可能收 14 至 15 元便願意開辦了。況且，非專利巴士的點到點還快捷，服務好，又有足夠座位，乘客不用站立，所以，就服務質素而言，居民方面也是有所得益的。

我真的希望這方面可以加強競爭，使服務多元化，讓市民有真正的選擇，亦會令這些具特殊地位、經過私相授受形式取得專營權的公司不得像有恃無恐般，繼續壓榨居民，繼續搶掠居民的“血汗錢”。

謝謝主席。

劉江華議員：主席，民建聯對於這項決議案，我們是會支持的，特別對於取消准許收益，更感同意，因為這已不合時宜了。

對於 3 間巴士公司，即龍運、城巴和新巴的表現和態度，民建聯在過去數年，都進行過民意調查，發覺市民對這幾間巴士公司的服務質素，其實在一定程度上是感到滿意，因此，對於延續它們的專營權，我們是支持的。不過，到頭來，最終有問題的仍是車費。當然，我較為熟悉新界東的情況，所以可告訴各位，大家都覺得在新界東，由新城鎮到市區的車費是頗為昂貴。陳偉業議員剛才提到東涌，前數天，我曾到過東涌，有街坊向我說他們現時的車費是較屋租為昂貴——車費較屋租昂貴——屋租可能是七百多元，但車費則超過 1,000 元。情況是這樣：車費較屋租昂貴，車費較吃飯昂貴，現時當地的情況便是這樣了。

車費討論了半年，最終還未能看到實際的減價。我們在事務委員會曾建議在專營權條款中，加入減費的機制，事實上，專營權條款內是有所列明的，如果看清楚，可見其中列明巴士公司可以申請加價或減價，但如果巴士公司不申請減價，似乎便沒有辦法了。

不過，在專營權問題上，我認為處理是雙向的，正如局長剛才在回答一地兩檢的質詢時提到，兩地的地位是雙向和對等的。在簽署專營權方面，我認為亦是雙向和對等的，政府應具有主動權提出何時減價。當然，我們亦正在等待這項機制的出現，我希望局長稍後能回答，根據專營權的這項條款，究竟是否有機制讓政府可主動減價？我希望能獲得這方面的答案。

另一方面，在這議會中，我其實已是第三次提出專營條款內的第一條，其中列明：行政長官會同行政會議可釐定車費等級表的車費。這“可釐定”實際上已顯示可以作出主動，而這所謂最新的收費表究竟是何時訂定呢？是在 1997 年。1997 年是物價最貴的時候，而這車費表是在那時訂出的，我們可見，現時的車費表，包括過海巴士、冷氣巴士及循環線巴士的收費等，完全是在不合理的水平，而 5 年以來從未更改過。在 5 年物價最高時訂出的收費表，在 5 年後的今天如果完全不予更改的話，是說不過去的。我已第三次在這議會上提出此點，因此，我希望局長稍後在投票前回答：究竟政府會否在今年切實地與這數間巴士公司討論和檢討這收費表？由於這項權力是在政府手中，政府完全有權再次訂定這收費表，將各項收費訂在一個合理的水平的。因此，我非常希望局長稍後回答以上的兩項問題。

最後，我想說出的，是當我們經常指出車費高昂的問題時，巴士公司必定會搬出它是私人機構作為擋箭牌，但如果我們看得清楚一點，則可發覺它們是正在動用很多公共資源，例如廠房、油稅，以至現時巴士站的廣告的收益，其實這些都是正在動用公共資源。如果它們動用公共資源而不向公眾負責，只懂得追求利潤，便是有違政府與這數間公司訂定的專營權條款的精神，亦違反了公眾利益。因此，我希望局長代表立法會和市民，以這精神與這數間公司進行商議。主席，無論如何，今天有關這條款的議案一定會獲得通過，但我期望在今年內看到車費減價重現。

梁耀忠議員：主席，由於這項決議案與局長稍後動議的兩項決議案是相關的，所以我想一併在此表達一下我的個人意見。

首先，我想就延續龍運巴士有限公司、新世界第一巴士服務有限公司，以及城巴有限公司（機場及北大嶼山巴士路線網絡）等的專營權的決議案，先提出一些意見。

延續巴士公司的專營權，可以令這些巴士公司知道，它們可有較長時間穩定經營，穩定是有數方面的好處的。第一個好處是，有關的巴士公司可以就未來計劃作不是短視，而是長線的研究，他們無須擔憂兩三年後的專營權問題，否則他們會對經營的處理草草了事也說不定。如果延長了他們的專營權時間，他們便可以訂出較多的計劃，我認為這是有好處的。其次，我亦期望這樣做可對員工有幫助。如果這些公司不用裁員、減薪，當然是有利員工就業的穩定性，同時，我亦希望在這方面帶給員工一個喜訊：就是，這些公司可以長時間繼續運作下去。故此，這兩點也可算是好處。

第二方面，我想談一談剛才有數位同事提到的票價問題。事實上，我很同意剛才數位同事所說，現時新市鎮，尤其東涌新市鎮發展，與以前的衛星城市的發展實際上已有所不同。按照以前的衛星城市的規劃，一處是用以興建住宅，而另一處是用以興建工廠區，目的是希望衛星城市可以自給自足。但是，現時的發展卻大有不同，現時新市鎮是在較偏遠的地區興建民居，居民必須前往其他地區上班，所以交通工具對於這些地區的居民來說是必需的，尤其是現時新市鎮附近發展不大理想，居民往往要到其他較遠地區才能覓得工作，因此，交通費造成家庭費用中一項大開支，其實不單止上班的人要乘搭交通工具，甚至上學的學生也要乘搭交通工具的。故此，整個家庭的交通費開支合計起來，便佔家庭開支的頗大部分。現時的車費，確令某些家庭感到非常吃力，所以，我希望局長在這方面真的要多做工夫，將車費調低，以紓緩市民這方面的壓力。

第三方面，我想重談去年我曾動議的一項辯論議案，當時並獲得本會議員一致通過，議案是有關向殘疾人士提供票價優惠，例如向他們提供半價優惠，讓他們可有較多機會融入社會。剛才有同事只提及一般市民，我想在此強調，優惠應惠及殘疾人士——事實上，該項議案是獲得全體議員支持的一——不過，很可惜，在上次通過該項議案至今，我問局長那些機構的反應如何時，局長表示那些機構的反應是對建議原封不動，即就此點完全沒有任何表示，這令我感到非常失望。

其實，大家一直不斷倡議殘健一家親、讓殘疾人士融入社會，但如何讓他們真正融入社會，才是最大的問題。在上次進行該項議案辯論時我亦說過，當他們上街時，可能不單止是他們自己一個人上街的，他們大多數要別人陪伴，於是要付的便是兩個人的車費，這樣便已多花了錢，如果能向他們提供半價的話，對巴士公司來說這仍是有盈利的，因為最少可多賺一份錢。非但如此，殘疾人士通常不會在繁忙時間上街，他們大多數會選擇在非繁忙時間上街。所有交通運輸公司的成本早已訂定了，不會因為有任何人乘搭而要付出更多成本，所以，殘疾人士在巴士的非繁忙時段搭巴士，對巴士公司來說是利多於弊的，為何這些機構不願向殘疾人士提供車價優惠呢？這些機構是否仍然帶着歧視眼光來看他們？如果是的話，我想請例如平等機會委員會等有關部門做點工夫了。

我們為何不協助這羣人士？我們設立了這麼多設施，尤其地鐵公司和巴士公司，為殘疾人士加設了低地台，亦提供了很多有關設施。如果有設施而又不用的話，局長，我很擔心這些設施會因擱置日久而生鏽，更會容易出現故障。這些設施不是只供人觀看和作裝飾用途的，所以，擱置這些設施不用，究竟有甚麼好處呢？故此，在今天我們談論專營權時，我想切實做點事，我不

知道可否在專營權的合約中附加條件，說明巴士公司在這方面要為殘疾人士做些工夫，以協助他們，給他們融入社會的機會，不要加設一些只供人觀看或沒有實質用途的設施。

主席，我謹此陳辭。

主席：是否有議員想發言？

鄭家富議員：主席，我代表民主黨支持接着下來數項有關龍運巴士有限公司（“龍運”）、新世界第一巴士服務有限公司（“新巴”）及城巴有限公司（“城巴”）的命令。不過，雖然我們在事務委員會的會議上曾詳細反覆討論，甚至批評政府，而剛才多位議員也發表了很多意見，我仍然很希望政府確實明白，雖然這數間巴士公司，特別是龍運，服務範圍較小，但新巴及城巴的服務範圍卻一直在擴充，而香港過去在巴士路線的安排上，確實令巴士公司有一些法律空間或灰色地帶，因此，它們有機會在票價方面下工夫，致令偏遠地區的居民繳付高昂的車費。

雖然政府今次已就有關命令或專營權等問題，與數間巴士公司進行磋商、瞭解有關情況，甚至準備落實某些決定，我希望在此記錄在案，盼望局方，特別是新局長，以其新思維考慮一下究竟香港現時是否仍有需要保留隧道線、市郊線、鄉郊線及市區線等。我相信政府有需要考慮、修訂及修改有關政策，令巴士公司不能引用這些規則及條例，來設計一些平均公里票價特別高昂的線路。過去，很多地區的乘客及議會內很多同事都曾經表達過有關這方面的意見，我希望環境運輸及工務局會藉着批出專營權或在修訂法例及規則時提出。政府是有權及有“皇牌”這樣做，但政府好像不願意運用這項權力。單靠局長經常要求巴士公司減價是不足夠的。如果巴士公司不肯這樣做的話，我希望局長能以一些新思維，來想辦法解決這問題。問題是巴士公司提出減價時，要向運輸署申請，要經行政長官會同行政會議批准，而局方一定要利用手上的“皇牌”，來處理這些問題，這樣做才是最恰當的。

主席，無論如何，這 3 項命令並不可以立刻解決這些問題的。不過，作為民主黨的代表，我盼望環境運輸及工務局日後在這問題上，特別是在處理我認為最難處理的九龍巴士（1993）有限公司的專營權延續事宜時，能採取一些相應的措施，來處理我剛才所談及的種種難題。謝謝主席。

主席：是否有其他議員想發言？

（沒有議員回應）

主席：如果沒有，我現在請環境運輸及工務局局長發言答辯。

環境運輸及工務局局長：主席，我剛才小心聆聽了各位議員就有關議案提出的很多意見。關於票價機制的問題，我相信我們已經在不同的會議上進行過討論，我也很明白要就專營權的營運協議多做一些工作，因此，我們現正詳細瞭解哪些方面是要多做一些工作的。有關轉乘優惠的問題——陳偉業議員現時不在會議廳內——我們會在今年內再推出 45 項轉乘優惠。至於在就延續專營權進行磋商時，我們可以做些甚麼。例如有關傷殘人士的問題，只要是我們在法例下可以做的事，我們都會加以考慮的。謝謝主席。

主席：我現在向各位提出的待決議題是：環境運輸及工務局局長動議的議案，予以通過。現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（主席剛在視看有否議員舉手時，陳偉業議員起立。）

主席：陳偉業議員，你有甚麼要求？

陳偉業議員：主席，我可否要求記名表決？

主席：陳偉業議員，你當然可以要求記名表決。

陳偉業議員：主席，我剛才站起來時，你似乎感到有點驚訝；我以為我站起來，便等於是要求記名表決的了。

主席：陳議員，我們剛才仍在進行其中一個表決程序，尚未到達要求記名表決的階段，但這是不要緊的。

陳偉業議員要求記名表決。表決鐘會響 3 分鐘。

主席：現在開始表決。

主席：請大家核對所作的表決。如果沒有問題，現在停止表決，並顯示結果。

丁午壽議員、田北俊議員、朱幼麟議員、何秀蘭議員、何俊仁議員、何鍾泰議員、李卓人議員、李柱銘議員、李華明議員、吳亮星議員、周梁淑怡議員、涂謹申議員、張文光議員、許長青議員、陳婉嫻議員、梁劉柔芬議員、梁耀忠議員、單仲偕議員、黃宜弘議員、楊孝華議員、楊森議員、楊耀忠議員、劉千石議員、劉江華議員、劉健儀議員、劉漢銓議員、劉慧卿議員、蔡素玉議員、鄭家富議員、羅致光議員、譚耀宗議員、鄧兆棠議員、石禮謙議員、胡經昌議員、張宇人議員、麥國風議員、勞永樂議員、黃成智議員、葉國謙議員及劉炳章議員贊成。

李家祥議員及陳偉業議員棄權。

主席范徐麗泰議員沒有表決。

主席宣布有 43 人出席，40 人贊成，2 人棄權。由於議題獲得在席議員以過半數贊成，她於是宣布議案獲得通過。

THE PRESIDENT announced that there were 43 Members present, 40 were in favour of the motion and two abstained. Since the question was agreed by a majority of the Members present, she therefore declared that the motion was carried.

主席：第二項議案。

根據《公共巴士服務條例》動議的決議案

**PROPOSED RESOLUTION UNDER THE PUBLIC BUS SERVICES
ORDINANCE**

環境運輸及工務局局長：主席，我謹動議通過載列於議程內，以我名義提出的第二項議案，以使利潤管制計劃不適用於新世界第一巴士服務有限公司的新專營權。謝謝主席。

環境運輸及工務局局長動議的議案如下：

“議決於 2002 年 10 月 22 日批出的授予新世界第一巴士服務有限公司在《2001 年路綫表（新世界第一巴士服務有限公司）令》（2001 年第 74 號法律公告）和行政長官會同行政會議其後作出的任何命令所指明的路綫經營公共巴士服務的權利的專營權在其整段有效期內，不受《公共巴士服務條例》第 V 部中第 27、28、29 及 31 條的規限。”

主席：我現在向各位提出的待議議題是：環境運輸及工務局局長動議的議案，予以通過。

主席：是否有議員想發言？

（沒有議員表示想發言）

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得在席議員以過半數贊成。我宣布議案獲得通過。

主席：第三項議案。

根據《公共巴士服務條例》動議的決議案

PROPOSED RESOLUTION UNDER THE PUBLIC BUS SERVICES ORDINANCE

環境運輸及工務局局長：主席，我謹動議通過載列於議程內，以我名義提出的第三項議案，以使利潤管制計劃不適用於城巴有限公司大嶼山及機場巴士網絡的新專營權。謝謝主席。

環境運輸及工務局局長動議的議案如下：

“議決於 2002 年 10 月 22 日批出的授予城巴有限公司在《2001 年路線表（大嶼山北部及赤鱸角機場）（城巴有限公司）令》（2001 年第 75 號法律公告）和行政長官會同行政會議其後作出的任何命令所指明的路線經營公共巴士服務的權利的專營權在其整段有效期內，不受《公共巴士服務條例》第 V 部中第 27、28、29 及 31 條的規限。”

主席：我現在向各位提出的待議議題是：環境運輸及工務局局長動議的議案，予以通過。

主席：是否有議員想發言？

（沒有議員表示想發言）

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得在席議員以過半數贊成。我宣布議案獲得通過。

議員議案

MEMBERS' MOTIONS

主席：議員議案。就延展附屬法例的修訂期限而根據《釋義及通則條例》動議的決議案。

根據《釋義及通則條例》動議的決議案

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

周梁淑怡議員：主席，我動議通過以我名義提出的議案，議案內容已載列於議程內。

在 2003 年 1 月 10 日的內務委員會會議上，議員同意由我以內務委員會主席的名義，動議將在 2003 年 1 月 8 日提交立法會的其中 4 項附屬法例的審議期，延展至 2003 年 2 月 26 日，以便議員有更多時間研究該 4 項附屬法例。

該 4 項附屬法例包括兩項根據《法律執業者條例》訂立的規則，以及兩項根據《選舉管理委員會條例》訂立的規則。

主席，我謹請議員支持議案。

周梁淑怡議員動議的議案如下：

“議決就 2003 年 1 月 8 日提交立法會會議省覽的 —

- (a) 《2002 年認許及註冊（修訂）（第 2 號）規則》（即刊登於憲報的 2002 年第 247 號法律公告）；
- (b) 《法律執業者（風險管理教育）規則》（即刊登於憲報的 2002 年第 248 號法律公告）；

- (c) 《2002 年選舉管理委員會（選民登記）（立法會地方選區）（區議會選區）（修訂）規例》（即刊登於憲報的 2002 年第 254 號法律公告）；及
- (d) 《2002 年選舉管理委員會（登記）（立法會功能界別選民）（選舉委員會界別分組投票人）（選舉委員會委員）（修訂）規例》（即刊登於憲報的 2002 年第 255 號法律公告），

將《釋義及通則條例》（第 1 章）第 34(2)條所提述的附屬法例修訂期限根據該條例第 34(4)條延展至 2003 年 2 月 26 日的會議。”

主席：我現在向各位提出的待議議題是：周梁淑怡議員動議的議案，予以通過。

主席：是否有議員想發言？

（沒有議員回應）

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得經由功能團體選舉產生及分區直選和選舉委員會選舉產生的兩部分在席議員，分別以過半數贊成。我宣布議案獲得通過。

主席：兩項無立法效力的議案。我已接納內務委員會的建議：每位動議議案的議員連發言答辯在內最多有 15 分鐘發言；其他議員每人各有最多 7 分鐘發言。任何議員若發言超過時限，我必須指示該議員停止發言。

第一項議案：協助低收入人士及清貧長者。

協助低收入人士及清貧長者

ASSISTING LOW-INCOME EARNERS AND THE POOR ELDERLY

陳婉嫻議員：主席女士，我動議通過印載於議程內的議案。

香港人一直以來都很拼搏，而且只要有幹勁、“肯搏”、“肯做”，便可以找到工作，賺錢養活一家人。過往，香港是事求人，但現在卻人求事。現在要找一份工作已很難，找一份能養家的工作更難。

現在，整個社會的環境都已改變，正如行政長官所說，香港已“成功轉型為以服務業為主的經濟體系”。這種所謂“成功”的轉型，令一羣基層勞工失去了工作機會。近幾年失業率持續高企，雖曾由高位 7.8% 回落至最低 7.1%，但最新的數字又上升至 7.2%。政府表示，失業總人數保持二十五萬多人。

主席女士，以往製造業全盛時，不論學歷高低，總有職位給人做，因為以製造業為基礎，經濟活躍得多，不論高職位、低職位也有很多。不過，自從經濟體系由製造業轉型為服務業至今，工種少，工作職位有限，基層工友實在很難找到工作。即使找得到工作，工資也往往很低。

在 1999 至 2001 年期間，月入少於 3,000 元的人大約有八九萬，佔就業人數 3% 以下。但是，近兩年，這數字飆升得很厲害。2000 年，在政府外判增加的同時，人數也上升至 118 000，2002 年第三季更上升至 132 000，佔就業人數 4%。

政府外判服務卻不監管工資，助長了“工作多、工時長、工資低”的苦況。最關鍵的問題，在於再沒有“多勞多得”這支歌仔唱，工時長至 10 至 12 小時，但收入卻不成比例；而且年齡越大，越被市場排擠。

因此，最近幾年，香港基層勞工中形成了一個“低收入”的階層。有學者指出，根據國際貧窮線定義，本港大約有 128 萬人月入低於 2,500 元，生活在貧窮線以下，即香港有兩成人處於貧困境地。這些低收入的人不願放棄工作，不願領取綜合社會保障援助（“綜援”），但香港生活費高昂，令他們的收入更見緊絀，生活異常困苦。

我試舉民生兩項必需開支作為例子。以交通費為例，許多基層市民獲編配的公屋都在新市鎮，例如屯門、東涌等偏遠地區。如果他們要到工商業區工作，必須乘搭長途車；反觀政府卻沒有能力監控公共交通工具的票價，令車費高昂。4 年來通縮持續，但車費卻一直沒有下調。

以在觀塘區上班為例，如果工友家住屯門，來回車資要近 30 元；如果家住東涌，來回更要約 36 元。單是車費開支，每月便要 800 元至 1,000 元。試問如果工資只有四五千元，又怎能負擔如此高昂的車費呢？區內又沒有足夠工作，新市鎮根本沒有甚麼工作，那怎麼辦呢？很多時候，這些人便被迫領取綜援。

第二個例子是住屋。公共屋邨的租金昂貴，私人樓宇的租金就更昂貴，對低收入人士構成沉重負擔。舉例來說，私人樓宇的一個板間房，沒有廚房廁所，租金也要三千多元。公共屋邨租金雖然較私人樓宇便宜，但公共屋邨的租金水平是家庭收入的 15%至 18.5%；而新落成屋邨的租金更高達二三千元。試想租金開支加上交通費，一個四人的家庭，沒有過萬元的收入又怎能維持呢？

目前經濟環境不好，失業率高企，工資低，但租金高、車資高，令基層市民出外工作的機會受到掣肘。政府應繼續採用“社會工資”的概念，幫助低收入人士及清貧長者。

主席女士，在 2000 年的施政報告發表後，當中的衛生福利局局長也是楊永強醫生，他在立法會作出回應時說：“我們設有綜合社會保障援助計劃，為他們提供基本的經濟保障安全網。此外，我們亦廣泛推行了房屋、醫護、康復、社會福利和教育計劃，為社會上的貧困人士提供‘社會工資’。”

楊局長是在 2000 年 11 月 1 日這樣說的。這段話顯示政府過去的理念一直是以“社會工資”幫助低收入人士，讓他們能夠過活，以及幫助長者過活。讓我嘗試剖析這問題。

在“打工仔女”整體的收入中，除了僱主給他們的“市場工資”外（即除了二三千元工資外），按照政府的理念，還會有“社會工資”。我相信楊局長是指政府提供的房屋、醫護、社會福利和教育等不同形式的津貼和協助。這並不是甚麼新事物，香港自五十年代起，政府已為市民提供廉租屋、廉價醫療服務和九年免費教育等，以照顧一羣低收入人士，讓他們可以繼續過活。

一個社會如果“市場工資”越來越低，工人賺取的工資不能養家時，政府必須保持或提高“第二安全網”（在最近這半年，社會上經常有人提及“第二安全網”），又或以“社會工資”作為補充，在交通、房屋、醫護、社會福利等方面提供津助，使市民能夠維持基本的生活水平。

不過，目前特區政府卻偏偏反其道而行，“市場工資”越來越低，根本不足以糊口，但政府卻削減“社會工資”。新公共屋邨的租金越來越貴；公營醫療如急症室要收費，政府 4 月會大增醫療收費，即使準備入院也要收費；雖然保持九年免費教育，但我估計大學、大專院校和副學士課程都會增加學費，直接影響基層市民的子女接受教育的機會。此外，很多家長向我投訴，現時學校普遍要求學生在課程以外學習“一體一藝”。這構思本來是好的，但對低收入人士來說，這是一個沉重的負擔。又怎麼辦呢？

“市場工資”減，“社會工資”又減，基層工人即使出外工作，整體工資也無法維持基本的生活。那些手持微薄積蓄的清貧長者，既不能申領綜援，又找不到工作，在息口接近零的情況下，積蓄有出無入，面對政府增加公共醫療收費，更顯無助。過去，政府沒有建立退休金制度，他們的生活已過得很苦，如果連老人最需要的醫療服務也將收費、加價，香港如何能夠建立一個公義仁愛的社會？

政府在制訂社會政策時，實在要考慮政府過去曾再三提到的“社會工資”，以及“第二安全網”等因素。舉例來說，醫療服務要加費時，是否應考慮到“第二安全網”？車費如此高昂，當局在尊重商業運作之餘，是否應要求交通機構落實減價？又例如房屋委員會提供的租金津貼，雖然放寬了長者的申請資格，但卻不能惠及低收入人士，房屋委員會是否可考慮擴大優惠？在教育方面，能否不加學費，同時增加一些體藝的津助，讓低收入人士的子女在正規教育以外，亦可以學習和發揮體藝的才能？

主席女士，我很希望政府瞭解到，財政雖然出現赤字，但醫療、交通、房屋及教育等民生必需的服務，對低收入人士來說，這些服務都非常重要。如果削減的話，只是等於迫他們領取綜援，分分鐘政府會因加得減。這樣對願意自食其力的低收入人士是否公平呢？

主席女士，香港貧富懸殊的情況較發展中地區如拉丁美洲(0.49)和中東(0.37)還要差，堅尼系數達 0.525，貧富差距越來越大。我希望政府、社會，以及議事廳內各黨派和各位獨立議員，關注沒有領取綜援的低收入人士和清貧長者的苦況，要求政府不要再削減房屋、教育、醫療、福利等現有“社會工資”，一同找出協助他們的方法，改善他們和家人的生活，讓他們有尊嚴地、有骨氣地在香港生活下去。

主席女士，我謹此陳辭，希望各位同事支持我今天提出的議案。謝謝。

陳婉嫻議員動議的議案如下：

“鑒於現時經濟和就業環境仍然十分惡劣，沒有領取綜援的低收入人士及清貧長者生活非常困苦，本會促請政府在交通、醫療、房屋、教育等方面，為他們提供不同形式的協助或津貼，以改善該等人士及其家人的生活，紓緩他們所面對的壓力。”

主席：我現在向各位提出的待議議題是：陳婉嫻議員動議的議案，予以通過。

劉千石議員：主席，剛剛公布的失業率數字是 7.2%，半失業率則是 3.1%。無論是完全失業以至開工不足的百分比均有所上升，顯示就業市場再次轉壞。事實上，去年全年的失業率均高企在 7%以上，即長時間有二十多三十萬“打工仔女”“冇工開”，再加上半失業的人數，便達到接近 40 萬的歷史性最高水平。

主席，今時今日基層市民所面對的困境，是層出不窮的。除了高企不下的失業率，即使有工做的“打工仔女”亦要面對“人工越來越低、工時越來越長”的問題。簡單來說，便是“幾辛苦也不容易找到一口安樂茶飯”。失業的工友完全沒有收入，要每天在惶恐之中掙扎；有工開的，便越來越發覺“出了半斤力”，不單止未能“取回八兩”，甚至連“五兩”、“六兩”也沒有。不少工友甚至連兩餐溫飽亦有困難。可以說，失業及低收入，是困擾當前大多數中下階層的問題。

職工會聯盟（“職工盟”）早前根據政府統計資料作出推算，發現每 5 個香港人便有一個生活在貧窮線下，即貧窮人口已經接近 130 萬人。如果將 2001 年人口普查的資料和 1996 年中期普查的資料作比較，便可以發現，在 2001 年全港有接近 40 萬個家庭住戶生活在貧窮線以下，較 1996 年時增加兩成半。

職工盟整理出來的資料數據亦發現，在 2001 年，在職貧窮的住戶數目高達二十二萬六千多戶，即這些家庭縱使有一個或以上的成員“有工做”，整個家庭仍然是生活在極度困難當中。對於低收入人士及家庭的經濟困境，任何公義、關懷弱勢的社會和政府均有責任作出援手。除了陳婉嫻議員在議案中提及的交通、醫療、房屋、教育等方面的協助和津貼，我認為政府亦有必要積極考慮職工盟倡議的低收入就業家庭生活補助。

（代理主席周梁淑怡議員代為主持會議）

向低收入家庭提供一定程度的生活補助，是確保“工作有價”這原則，亦可以提供一個最低的就業生活標準。類似的計劃，在美國和英國等資本主義國家亦有推行。我認為以香港當前的經濟發展水平，應該加以參考。

職工盟提出的低收入就業家庭生活補助的構思，是要求政府為家庭收入低於某一個不合理水平的低收入家庭提供生活補貼。以一人家庭計，月入低於 2,600 元有補貼，四人家庭則月入低於 10,400 元有補貼。這補貼計劃的目的，是令他們的整體收入可以調整至比較合理的水平，最少是“有工開之後保證有飯開”。兩個月前，我聯同李卓人議員、梁耀忠議員和麥國風議員向財政司司長提交的預算案建議書中，已經提出這項構思的詳情。我們估計，如果政府接納我們的建議，每年的額外開支不會高於 100 億元，但可以照顧到最低收入的三成就業家庭，估計會有超過 100 萬的基層市民受惠。

代理主席，我相信，實施類似低收入就業家庭生活補助的制度，不但可以改善低收入家庭的生活，拉近越來越惡化的貧富差距，有利社會凝聚，而且低收入家庭的消費主要在香港進行，政府撥出的開支差不多全數流入本地的消費市場，對改善當前疲弱的消費市道能起積極作用。我希望楊局長向財政司司長再次反映，令 3 月公布的財政預算案能夠給予基層市民一些較好的消息。

代理主席，我謹此陳辭。

鄭家富議員：代理主席，隨着市面通縮情況持續，香港市民在衣、食、住、行 4 方面的消費似乎減輕了，但根據英國《經濟學人》最新發表的物價報告的資料顯示，在生活費方面，與全球其他 134 個城市相比，香港排行第四位，與去年比較，下跌了一級，僅次於前三甲的東京、大阪及奧斯陸。代理主席，我們要明白，現時香港三百多萬“打工仔女”的薪水亦已同步下調，市民仍須過着勒緊褲頭的日子，亦抱着“慳得就慳”的心態，盡量抑制消費意欲。根據統計處的資料顯示，香港的家庭住戶平均人數，以 1999 年至 2002 年第三季的同期數字比較，4 年來徘徊在 3.2 名與 3.3 名之間，上落不大。不過，在這數年內，家庭住戶每月入息中位數的上落幅度則相對較大。去年第三季的家庭住戶每月入息中位數數字，已由前一年同期的 18,000 元下降至 16,100 元，下跌幅度為 10.6%。

民主黨支持陳婉嫻議員今天提出的議案，而我本人會集中就交通和教育方面的開支表達意見。首先是交通方面，僱員再培訓局大力宣傳和推廣僱用本地家務助理的成效似乎不大，原因是家務助理與僱主居住的地點出現錯配的問題。家務助理須支付高昂的交通費，這些交通費應計算在成本內，直接影響家務助理的收入，因而削弱了她們跨區工作的意欲。當然，九龍巴士(1933)有限公司及“環保小巴大聯盟”願意為合資格的本地家務助理提供票價優惠，將有助提高她們跨區工作的意欲。可是，我非常希望政府能繼續與更多交通運輸公司商討提供票價優惠，除以家務助理為受惠對象外，更須研究應否擴闊至低收入人士。

至於教育方面，我記得在施政報告公布的數天前，李國章局長曾經向傳媒透露，由於政府面對棘手的財赤問題，現正審視高中、預科和大學的資助和學費。局長言下之意，實在令全港家長感到非常擔心，恐怕政府未來會減少以上 3 項教育的資助、增加學費。這項方案有違香港特別行政區政府大力投資教育的公開承諾。

代理主席，香港正處於經濟轉型中，我認為政府不單止不應增加學費，而且應再進一步提供完整的 11 年正規教育，即 9 年強迫教育和兩年資助教育，因此，政府必須增加中四及中五的資助學額。在香港，家長無論收入多寡，總希望子女能夠接受完整的中學教育，甚至是大學教育，對於沒有領取綜合社會保障援助的低收入人士而言，他們可以節衣縮食，但卻始終不會縮減子女的教育經費。為了體恤低收入人士的境況，政府應以積極態度回應我們的建議，凍結學費，並盡快提供完整的 11 年教育。

最後，我相信各位都記得，在政府草擬《強制性公積金計劃條例》時，我已代表民主黨就政府將強制性公積金（“強積金”）計劃的下限訂在

4,000 元的過低水平，要求政府修訂至 6,000 元，但不獲通過。去年，在修訂《強制性公積金計劃條例》時，由於經濟沒有改善，我們再次要求政府作出修訂，將下限由 5,000 元提高至 6,000 元，但仍然不獲通過。大家可知道，去年第三季收入低於 3,000 元至 5,000 元的人比上一年同期增加了 19.4%，這是很大的增幅，換言之，低收入人士增加了接近兩成。我們期望政府留意及密切瞭解低收入人口增長的幅度，對於他們來說，數百元的強積金供款，在生活上構成一定的經濟壓力，我盼望政府能再次研究是否可盡快提高強積金的下限，照顧低收入人士的強積金供款負擔。

代理主席，我謹此陳辭，支持議案。

譚耀宗議員：代理主席，香港人越來越長壽，長者人數亦越來越多，這是不爭的事實，但由於長期缺乏退休保障制度，香港長者晚年生活的財政來源，大部分只能依靠自己過往的儲蓄或政府發放的高齡津貼。現時，有 59% 的長者正領取高齡津貼，在這些長者當中，有不少人的積蓄不多，又不想依賴政府的綜合社會保障援助（“綜援”），因此每月就只靠 705 元的生果金來過日子，節衣縮食，日常生活慳無可慳。有一次，我到屋邨探訪長者時，發現一個婆婆還用火水爐來煮食，於是我問她為何不採用中央石油氣呢？她解釋說因為火水較便宜，可減少一點開支。

如何幫助這些缺乏家庭支柱的清貧長者呢？其一，是怎樣提供更多更直接的財政援助。現時的高齡津貼及綜援制度的問題，就是高齡津貼金額不足以維持生活，但對於長者申請綜援金的要求又過嚴。因此，為幫助清貧長者，我們必須認真考慮生果金和綜援金兩者之間是否有甚麼可以做的，有甚麼標準及有甚麼辦法應付。政府在前年答應開始檢討高齡津貼制度，但礙於財政赤字的問題，遲遲都未能推出新的措施。我認為政府除了考慮提供金錢資助的模式外，亦可以嘗試考慮以提供代用券的形式，協助清貧長者支付各類必要開支。這樣既可幫助真正有需要的長者，又可保證財政資源得以有效運用。

其次，應盡快取消高齡津貼的離港限制，隨着內地各項社會設施逐漸完備，港人退休後回內地生活將成為一種趨勢。可是，180 天的離港限制，卻使不少希望回鄉養老的長者卻步。政府應該打破這些舊有的思維框框，取消有關限制，並且加強與內地有關部門在社會服務及支援方面的合作，從而使有需要的長者能夠自由選擇一個更適合他們生活的環境。

除了上述提及的直接現金援助外，我認為要協助清貧長者，政府還可以從租金援助及醫療費用的津貼入手。隨着更多的公共屋邨重建，過去住在舊式屋邨的長者往往有需要遷往新落成的公屋，居住環境無疑能夠得到極大改善，但租金卻突然提高幾倍。對於那些並沒有申請綜援的長者來說，租金增長幾倍，簡直是痛苦的選擇，搬則加重負擔，不搬就會失去了一羣老街坊，所以對他們來說是一項痛苦的抉擇。因此，政府應正視這種情況，放寬長者申請公屋租金援助的限制，尤其是對受重建影響的長者，必須設立租金減免計劃，以期真正改善他們的生活環境。在醫療費用的問題上，長者由於過去生活條件較差，所以現時比較多病痛，更須經常看醫生吃藥，醫療費用對他們來說亦是一項沉重的負擔。所以，政府要將有限的醫療資源用在最有需要的市民身上，我們亦很明白這一點，但是如何可以利用一套寬鬆的豁免辦法，避免增加長者的財政負擔呢？這亦是有需要認真研究的。

至於長者綜援金額方面，在現時缺乏退休保障的情況下，長者的綜援金變相成為長者的退休金，因此必須保證綜援金金額能夠應付長者最基本的生活開支。

要紓緩低收入人士及清貧長者所面對的生活壓力，政府亦必須改善現有的行政架構，使社區支援組織能夠充分發揮功能。現時，政府部門架構複雜，直接與社區服務有關的執行部門，例如社會福利署、房屋署、教育署或民政事務總署等，各部門的轄區各不相同，部門與部門之間的溝通有時亦缺乏效率。因此，社會服務機構往往要在各項轉介工作上浪費大量的時間。其次，各個轄區的負責官員輪轉頻密，以致部門與服務機構之間未能建立穩定的聯絡機制，拖慢了個案的處理，而居民成立的志願組織比社會服務機構更難展開工作。因此，統一各執行部門的轄區，建立穩定的對口機制是改善社區支援的首要條件。

最後，我想談一談政府應設法研究為低收入人士提供交通資助，減輕負擔。剛才多位議員，包括民建聯的劉江華議員亦提到這一點，而我身處於新界西，便更明白新界區居民的交通負擔的確很沉重。很多時候，他們不知應怎樣選擇，究竟應該工作還是不工作呢？因為不工作便沒有收入，而他們亦不想單靠綜援金過活。可是，如果工作的話，一個人的交通費最少需要 1,000 元，但工作的薪金就只有四五千元。那麼，究竟他們應否工作呢？這的確是很難作出抉擇的。僱員再培訓局去年與九龍巴士(1933)有限公司(“九巴”)達成協議，九巴提供了 15 萬張乘車優惠券給持有僱員再培訓局技能卡的家務助理，讓她們可以憑優惠券半價乘搭九巴的 305 條路線。此外，“環保小巴大聯盟”旗下的小巴營辦商亦為持有僱員再培訓局技能卡的家務助理提供八折乘車優惠。我希望政府可以參考這些經驗，鼓勵公共交通機構為

弱勢社羣提供優惠措施，並且積極和各個交通機構合作，設立低收入人士的交通津貼計劃，以減輕他們的經濟負擔，協助他們可以跨區工作，紓緩他們的經濟壓力。

我謹此陳辭，支持議案。

張宇人議員：代理主席，香港目前的經濟情況的確十分不理想，通縮持續，收入下降，困擾各行各業。自由黨十分明白，也十分尊敬社會上，有一羣低收入人士，他們即使如何胼手胝足，捱更抵夜，俗語說的“搵得雞碎咁多的人工”，也不願意領取綜合社會保障援助（“綜援”），更令人對他們的處境，寄以無限的同情。

可是，同情歸同情，這羣人可能比領取綜援的人生活得更為困苦，但如果他們決意不伸手領取綜援或相關的資助，我們又可以如何呢？如果他們不理解綜援制度可以幫助他們，政府大可向他們加強宣傳和教育。

不過，在進一步討論對低收入人士提供的援助前，我想大家先看看我們的綜援制度究竟提供何等的保障。現時，全港綜援受助總人數，如按目前的速度增長，到本年度結束時，將會逼近 50 萬人，而我們的總勞動人口目前才不過 350 萬人，即每 7 個工作人口就要負擔 1 個綜援人口，負擔絕不可謂輕鬆。如果以納稅人口計算，比率便會更低。

綜援受助人的類別也非常廣泛，基本上，鰥寡孤獨、殘疾無依，以至長幼壯弱，只要他們是低收入或失業人士，統統都可領取綜援。因為我們的綜援網是不設上限的，所以只要他們是真的有需要接受社會提供援助，便絕不會被拒諸門外。所以，因應近年受助人數不斷增加，政府亦準備向立法會申請追加撥款 2.5 億元，令綜援方面的開支增至接近 170 億元，如連同其他的社會福利開支計算，已佔政府的經常開支約一成半。

至於低收入人士方面，社會福利署其實設立了“豁免計算入息”制度，在計算領取綜援的金額時，合資格人士每月最高可獲豁免的收入達 1,850 元，單親人士則為 2,500 元，但由沒有工作變為有工作，則首月的收入更可獲豁免計作入息，生活水平較沒有工作的綜援人士更好。申領綜援人數自 98 年起倍增，至目前已超過 12 400 人，加上當局近年不斷放寬豁免限額，以鼓勵他們重新投入社會工作，這方面豁免計算的入息總額，已由 98-99 年度的 1.69 億元，增至 2001-02 年度的 2.89 億元，4 年內增長達 71%。

問題是如果依照今天的議案所要求，就沒有領取綜援的低收入人士及清貧長者，按他們的生活需要及社會變化，增加額外的津貼援助，豈不是變相設立第二個安全網，我想我們是否有必要在綜援網以外，架床疊屋地增設多一套社會保障。如果認為我們現行的綜援制度仍未能協助最有需要的人，則我們大可檢討是否有需要進一步放寬申領的資格。不過，我想很多人，尤其是納稅人都忍不住要問一句，究竟我們想我們的綜援制度，最後要提供一套怎樣的生活標準呢？

代理主席，現時財赤嚴重，本年度的赤字更可能高達七百多億元，在入不敷支的情況下，當局還有沒有資源再設立第二個安全網呢？如果實行議案的建議，調撥額外資源作各種形式的津貼，將會無止境地增加社會福利的開支，有違審慎理財的原則，以及《基本法》對量入為出的規定。相反來說，當局應要善用現有的資源，有效地分配給社會上最有需要的人，以持續有效的方法運用現有的資源，這才是上策。否則，我們目前仍然擁有的近 3,000 億元的財政儲備，亦有坐吃山崩的一天。

其實，要改善市民的生活，我想我們應該像施政報告中提出的明確目標般，由政府致力改善經濟和營商環境，加緊吸引投資人士帶動經濟復甦，從而創造就業，解決貧窮的問題，令低收入人士都有機會自力更生，共享經濟成果，這才是最徹底的辦法。

代理主席，我謹此陳辭。

黃成智議員：代理主席，行政長官董建華先生在 2000 年的施政報告中說，政府關注低收入家庭的問題，並承諾改善低收入人士的生活，這是他其中一項主要的施政目標。

很可惜，在兩年多後的今天，香港的貧窮問題還沒有解決。香港特別行政區（“特區”）政府好像中了“財赤毒”般，忘記了它的承諾。在今年的施政報告內，行政長官不單止沒有提及如何幫助這些貧困的人脫貧，相反，政府還不時放出一些“氣球”，說要加稅或減開支，這種情況實在令人擔憂。

在經濟不景時，最受影響的便是低收入人士。在社會富裕的時候，這些人不能夠隨着社會富裕而得益，但在經濟不景時，他們便首當其衝受到影響，變得更為困苦。雖然很多貨品的價格均向下調整，但工人的工資向下調整的速度卻更快。根據政府統計處 2002 年第三季的調查，本港月入少於 3,000 元的低收入人士總數增至 132 500 人，較 2001 年同期多 42.9%。個人每月收

入少於 5,000 元的人數，則升至 499 000 人，較 2001 年同期多 18.2%。至於家庭入息少於 4,000 元的家庭數目，亦增至十七萬八千多個，較 2001 年同期增加了 20.8%。試問一個人收入少於 3,000 元或一個家庭的收入少於 4,000 元，又如何能應付三餐和一切生活開支呢？更遑論要維持有尊嚴的生活了。

政府一直拒絕訂下貧窮線，更欠缺長遠的減貧策略。聯合國經濟、社會及文化權利委員會於 2001 年 5 月在有關香港的報告中，已對香港的貧窮問題表示關注。對於特區政府一直欠缺充分及行之有效的機制，以制訂全面及貫徹的減貧政策，委員會表示關注。可是，特區政府對委員會的建議卻聽而不聞，令香港貧者越貧。

因此，民主黨今天除了希望政府能在交通、醫療、房屋、教育等方面為低收入人士及清貧長者提供協助，以改善他們的生活環境外，更希望政府能夠有長遠的策略來解決本港越來越嚴重的貧窮問題。

特區政府可能一直以為貧窮是個人質素的問題，就像行政長官在 2000 年的施政報告中指出，是由於人口老化或未能符合經濟轉型的需要而導致失業或收入下降。可是，除了個人因素外，社會的制度其實也是貧窮化的根源。樂施會與理工大學最近公布了一項調查，顯示在受訪的房屋署外判清潔工人中，大多數受訪者的月薪低於 5,000 元，超過五成受訪者的月薪更低於 4,000 元。此外，在受訪的房屋署外判保安人員中，大多數的薪金在 6,000 元以下。這些人的薪金為何這樣低呢？當然，其中一個原因是他們的學歷不高，因此找不到高薪厚職或不能“跳槽”，找另一份工作，但另一個非常重要的原因，卻是外判制度出現了問題。房屋署仍然是以價低者得的原則選擇外判公司，即使一些外判公司有違反勞工法例的紀錄，但在欠缺有效監管的情況下，這些公司仍能取得外判合約。

在欠缺有效保障的情況下，香港的貧窮問題只會越來越嚴重，很多工人的工資會越來越低，他們的處境會越來越惡劣。即使香港的經濟環境好轉，相信這些人的生活也難有甚麼很大的改變。

最近，政府不斷強調綜合社會保障援助（“綜援”）受助人的生活較很多人好，可惜，政府卻忘記了告訴公眾，那些沒有領取綜援或全靠自己一雙手謀生來糊口的人的生活是怎樣差。民主黨在此再三呼籲政府切實改善貧窮問題，制訂貧窮線，訂定長遠的減貧策略，幫助低下階層脫貧。

代理主席，民主黨明白挽救經濟是很重要的，但在改善經濟之餘，也請政府不要忘記這羣處於弱勢的人是需要政府援助的。

我謹此陳辭，支持議案。

梁耀忠議員：代理主席，財政司司長在去年的財政預算案中，要求市民要有“獅子山下”的精神，呼籲市民在逆境中要自強，而楊局長在剛過去的施政報告辯論中，也提及建設公義仁愛社會的四大支柱，並提及社會政策的角色是協助市民發揮所長，以及對弱勢社羣提供特別照顧，使他們能夠得到平等機會，盡量發揮所能。不過，很可惜，這些冠冕堂皇的話，其實是誰也懂得說的，但問題是在於以目前的社會狀況和政府所提供的條件，能否真的能讓我們這羣市民在逆境中自強和發揮所長？

很可惜，我們看到的實際情況是，僱員的工資不斷下調，根本未能提供基本條件，讓他們發揮所謂的自強精神。不單止如此，政府還要在經濟困難的情況下緊縮開支，大搞“社會政策大倒退”，令資源已非常貧乏的低下階層和弱勢社羣更難有機會發展。我覺得所謂“獅子山下”的精神和公義仁愛的社會只是政治口號，官員的“冷氣辦公室”思維，明顯地與社會大眾的生活脫節。我們認為，政府官員不應再只是喊政治口號，而是應實際地尋找具體方法來解決問題。

記得在 2000 年的財政預算案辯論中，政府不斷吹噓知識型經濟、科網熱潮等，當時我們已不斷指出，這是不能夠解決香港的貧富懸殊問題的，也不能令在職貧窮問題獲得改善。很可惜，情況真的被我所不幸言中，低收入人口不斷增加，目前，每人每月平均開支不超過 3,750 元的家庭達 45 萬個之多，佔全港家庭 28%。這種情況的成因是，資方不斷壓低工資，藉削減工資來維持利潤。在這方面，政府更帶頭將服務外判，從而減省員工福利，以及壓低工資。這些做法的效果是，正如一項調查顯示，在房屋署的外判清潔工人中，36%的工人的工資竟然低於 3,000 元。以這個款額，連自給自足的生活也難以維持，還談甚麼發揮所長？我覺得這簡直是像在講天方夜譚的故事一樣。

其實，提供合理的回報，一方面當然是資方的責任，另一方面，員工基本的生活需要必須得到滿足，才能投入工作，維持生產力。在這方面，如果資方能從長遠的角度來看，對資方是有好處的。因此，我認為應該設立“生活工資”的制度，以保障員工有合理和足以維持生活的回報，而政府也應帶頭減少外判，以及對現有的承辦商加強監管。

目前，勞苦大眾除了面對低收入的問題外，其實還有第二重壓力，便是政府以出現財赤問題為理由而緊縮開支。政府的政策根本是把財赤問題放在首位，把公義、仁愛擺在兩旁。楊局長在就施政報告辯論作出回應時強調，在過去 5 年，醫療及福利的經常性開支增加了 57%。由於支出不能無止境地增加，因此必須收縮服務，以及增加收費或增設收費項目。然而，我必須強調，要解決問題，必須從根本着手。醫療、福利等開支增加，原因不是在於人們濫用，而是在於經濟衰退，市民需要政府的協助，因此這些開支不斷增加。我覺得問題是在於我們不能單單考慮財赤問題而不找出問題的根源。我覺得要處理問題，便必須搞好社會的經濟，令所有人也有工作，屆時，依賴的程度自然會減低。

同樣地，我們可以看到工資越來越低，令小市民無法脫離對社會援助的依賴，因為正如我剛才說，市民的收入這樣低微，怎能應付醫療和其他方面昂貴的開支呢？因此，我覺得我們今天不能只說要削減政府開支，而不想想社會的實際狀況，單是說發揮所長，而不想想如何能幫助人們這樣做，否則，我非常擔心現時所說所做的事情，只是向一羣低下階層的市民落井下石而已。

我認為正確的做法應該是增加市民融入社會的資本，為低收入人士提供基本的醫療及社會福利，以建立第二個安全網，並提供資助或豁免部分收費，令他們可以將資源集中用在自我增值方面，同時，亦應該增加提供培訓的資源，讓弱勢社羣能夠真正地在逆境中自強。市民所需要的是實質支持，而不單止是唱兩句或整首“獅子山下”便算。精神上的支持是不夠的，還要加上實質的支持，才能見效。因此，我覺得在我們談論資源時，其中一項要談論的資源便是教育資源。教育能令小市民在目前困苦的生活中，感覺到將來仍然是有希望的，以及下一代會有機會過好日子。可惜，今天我看到的，是施政報告在教育方面的投資並不是不會手軟，而是越來越軟手軟腳，這樣必定會造成市民的信心危機，對社會的穩定造成影響。因此，我覺得政府必須改弦易轍。

此外，不少低收入的人是長者。他們之所以晚境淒涼，其實與政府過去不完善的退休政策有關。對沒有申領綜合社會保障援助的長者而言，709 元的高齡津貼根本微不足道，看一次急症便已花掉七分之一。如果我們再不研究老年退休的問題，問題會變得更嚴重和複雜。因此，我覺得政府應該重新考慮設立老年退休金制度，才能解決問題。

代理主席，我謹此陳辭。

麥國風議員：代理主席，根據政府統計處提供的資料，在 1997 年，全港共有 87 000 個家庭的收入少於 4,000 元，到 2002 年 9 至 11 月，這個數字已大幅增至大概 18 萬戶。如果以現時香港家庭平均每戶有 3.1 人計算（這是政府統計處 2002 年 9 至 11 月的資料），即全港共有大概 56 萬人過着一家每月總收入少於 4,000 元的貧困生活。如果我們看看由世界銀行訂定，用作反映貧富懸殊情況的堅尼系數，本港的系數由 1991 年的 0.476，上升至 2001 年的 5.25，這數據顯示香港的貧富懸殊情況竟然比印度、埃塞俄比亞等發展中國家還要兩極化，因此，協助低收入人士及清貧人士是刻不容緩的。

在文明社會中，社會保障是一個不可或缺的機制，其目的是在於建立一個安全網，為社會上有需要的人提供基本的生活保障。可惜，隨着經濟衰退和財赤問題惡化，政府要向綜合社會保障援助（“綜援”）計劃開刀，令人誤以為領取綜援的人是社會的負擔。在 1999 年，政府已削減 3 人或以上的領取綜援家庭的綜援金，政府現時又不斷放風，意圖再削減綜援，令這個弱勢社羣內的人雪上加霜。本人促請政府要體現社會保障制度的精神，建立完善的綜援制度，不要只着眼於財赤問題，一刀切地削減綜援，而把有需要的人拒諸門外。

根據由政府統計處提供、有關 2002 年 9 至 11 月間家庭住戶收入的報告，約有 22% 的家庭每月收入少於 7,999 元，而有 3 名家庭成員的領取綜援家庭的平均補助金額為 8,482 元。在 2000-01 財政年度，綜援受助人數總共約為 41 萬人，即在最低收入的兩成二家庭當中，很多人並沒有領取綜援。一家人每月靠少於 7,999 元維生，箇中苦況可想而知。因此，政府應盡快設立第二個安全網，為這些低收入的人提供醫療、生活和租金上的補貼，以保障其基本生活，同時也可避免有更多低收入的人跌入另一個安全網。長遠而言，此舉有助減低政府的開支。

香港的經濟正處於轉型期，低收入和清貧的人面對的最大困難是失業、就業不足和薪酬低。當局應該為這些人提供更多適合他們的培訓課程，幫助他們提升技術和知識，以提高其求生技能。雖然社會福利署（“社署”）在 1999 年 6 月推出自力更生支援計劃，以協助領取綜援的人就業，但成效究竟如何？根據社署提供的數字，自力更生支援計劃推出 3 年以來，在 10 萬個參加計劃的綜援個案中，只有 13% 的人成功覓得工作，但當中很多是屬於低收入的兼職工作，甚至是月薪低於 1,600 元的職位。社署應加強與勞工處合作，例如研究各區的職位空缺情況，因應計劃參與者的學歷和經驗，為其配對合適的工作。

政府須在房屋、醫療、老人退休等方面的社會政策加以配合，才能幫助低收入和貧窮的人。以醫療政策為例，當局於去年實施急症室收費，並會在今年 4 月逐步實施收取其他醫療費用的措施。本人認同有能力的人應該自己負擔部分醫療成本，可是，政府始終未能向外界清楚解釋哪些人可獲豁免收費。本人希望政府在推行醫療收費措施時，也要顧及低收入和清貧的人，以確保他們能夠得到合適的服務。

聯合國在 1995 年國際消貧年的行動計劃中指出，應該鼓勵和支持社區發展計劃。事實上，近年來，已有社會服務機構利用社區發展的模式，推動鄰里互助互愛的精神，鼓勵住在同一社區的人發揮所長，大家取長補短，共同面對和克服經濟困境。政府應該大力支持有關的社會服務機構和加以配合，推廣在社區互助方面的教育和宣傳，藉着社區發展的模式，為清貧人士提供服務，幫助他們改善生活。

政府不單止要為低收入和清貧的人提供生活上的協助，同時也要提供精神層面的輔導。經濟不景，裁員減薪的情況此起彼落，低收入和清貧的人飽受煎熬，難免會有氣餒、悲觀和消極的感受，以及對子女感到內疚或遷怒於子女，結果衍生其他家庭和社會問題。現時，社會出現“綜援養懶人”的論調，社會上有少部分人歧視領取綜援的人。這些奇異的目光可能會令領取綜援的人和低收入的人自暴自棄，令鄰里之間的關係不和諧。因此，政府應該透過學校教育和社區宣傳，向市民灌輸正確的價值觀，為有需要的人提供適當的心理輔導，幫助他們增強自信，以積極樂觀的態度面對生活。

行政長官在施政報告中聲言要建立一個公義仁愛的社會，那麼政府便要在制訂政策、教育、培訓等方面加以配合，以協助有關人士。代理主席，本人謹此陳辭，支持議案。

單仲偕議員：代理主席，我發言支持陳婉嫻議員的議案。

陳婉嫻議員議案的措辭是“促請政府在交通、醫療、房屋、教育等方面”提供協助，而我要談論的便是有關那個“等”字，因為我希望政府也從資訊科技的角度，協助低收入人士求職和緊貼社會，以改善他們的生活。

低收入人士一般的知識水平和技術水平可能較低，在知識型的社會中，資訊科技是必須的工具。學習基本的資訊科技，可以提升他們的工作能力，增加工作機會；除了勞動性質的工作外，他們還可以有多些選擇。坦白說，即使當酒樓“企堂”，現時也要使用資訊科技，因為他們是要使用電腦落單的。

學習資訊科技的技能，可以增加他們吸收社會資訊的渠道。例如在面對問題時，可運用資訊科技尋求協助的方法、明白他們的基本權益及就業市場的情況等。我舉出以下一個很簡單的例子。勞工處的網站載有 16 000 份工作，在網上找尋工作，較在勞工處服務站內逐項搜尋，可省卻更多時間，也是更快捷的。

董建華先生曾談及珠江三角洲。我在勞工處的網站，看到原來有 250 份工作是在內地就業的。有些內地東主，希望在香港聘請員工到內地工作。其實，透過資訊科技，可以協助低收入人士更方便地找到工作。由此可見，資訊發放是很重要的。

其實，政府也明白推動資訊科技普及化的重要性。自 2001 年起，多個政府部門和社會服務機構，其中有資訊科技署、社會福利署及民政事務總署等，曾舉行不少活動，向社會各界，包括長者、婦女、青少年及殘障者，推廣使用資訊科技的好處，以及提供免費和以低收入人士為對象的培訓課程，包括“IT 香港”、“IT 話咁易”、“超級數碼中心”和“公眾電腦設施”等。除了這些方面外，我亦希望政府能針對低收入人士和長者，推動更多有助他們掌握資訊科技技能的活動，從而提升他們在工作和吸收資訊方面的能力，緊貼社會，最終可以改善他們的生活，甚至改善他們的經濟能力。

我希望政府能把協助推動電腦回收計劃的工作做得更好。在該項計劃下，一些未能負擔購買新電腦的低收入家庭，可獲得由政府部門、私人機構等捐助的電腦，讓他們和其他家庭成員可以在家中學習資訊科技。事實上，在多方面的調查中，政府發現了低收入家庭擁有電腦的比例，是遠遠低於平均水平。可是，雖然政府有參與這方面的計劃——過去，其實有 50 個政府部門曾捐出超過 1 200 部舊電腦——但政府的角色不應只是計劃的參與者，還應協助解決這項計劃在維修上所面對的問題。例如主辦這項計劃的機構沒有足夠運作經費，也沒有合適的地點貯存回收的電腦，即根本沒有辦事處放置別人捐贈的電腦，這是很基本的問題。其實，政府要付出的不是很多，無須花費太多金錢。現時，這項計劃沒有足夠人手翻新和檢查電腦，其實，相關的服務機構亦可調動很多義工，進行這方面的工作。至於接受循環電腦的家庭和長者，未能負擔購買正版軟件這一點，我們曾跟軟件公司商討，它們表示可以提供協助，但政府須進行一些協調工作。

過去兩年，政府和各社會服務組織所推廣的運用資訊科技活動，是以嘉年華、認知學習課程、參觀活動的形式為主，政府現在是時候全面檢討各項推廣計劃的成效、內容、形式和方向，例如活動的內容有否重疊、資源運用是否恰當、受惠人數有多少、認知的課程是否有實質效用、數碼站的數目是否足夠、活動的形式是否恰當、計劃方向是否須予以改變等。其實，我擔

心政府在面對財赤之際，第一件要做的事便是把這些工作全部停止。然而，面對財赤，政府正正要做的，便是加強這方面的工作。基於助人自助的概念，我們最終也是希望低收入人士能負擔自己的生活。我希望政府能制訂長遠政策，鼓勵低收入人士和低技術能力的市民，掌握可以提升個人技能的資訊科技，以增加他們脫離低收入階層的能力為目標。謝謝代理主席。

何鍾泰議員：代理主席，香港的經濟已衰退了數年，在這數年間，香港社會發生了多項變化，例如自殺率、失業率和擁有負資產物業（“負資產”）的人數，都比經濟暢旺時上升了不少。在經濟低迷的情況下，各階層的人均受影響。低收入人士的生活固然比以往艱難，但中產階層的生活也未見得很理想。事實上，他們其中一部分現已成為負資產一族，生活捉襟見肘。因此，理論上，如果政府要幫助香港市民度過艱難歲月，須接受幫助的不單止是低收入人士，中產人士也需要幫助，但我們的庫房卻不容許我們這樣做。

無可否認，香港現時有不少低收入人士都過着困苦的生活，情況值得同情。如果政府資源容許，我們須給予他們一點援助。可是，香港政府的財政赤字問題嚴重，如果現時要投放更多資源在社會福利上，必然加重政府的財政負擔，更無法在短期內達致收支平衡，令經濟返回正軌。此外，跟很多國家，甚至先進國家相比，香港現時的社會福利已算不錯。就社會福利而言，本人認為現時最大的問題並非福利是否足夠，而是這些資源是否運用適當，有沒有被濫用。例如，最近有一名老婦被兒子送到中環行人隧道內行乞，她從行乞和政府社會福利得來的金錢，都被兒子用來花天酒地，結果自己繼續每天都要受到飢餓和寒冷煎熬，政府卻束手無策，實在是一個諷刺。這則新聞帶出一個信息，那便是我們的社會福利常有被濫用之嫌。在現時財政緊絀的情況下，這實在是不能容許的。因此，本人促請政府加強措施，避免社會福利被人濫用。本人認為在現時的財赤情況下，我們應該盡量減省開支，避免財赤問題繼續惡化。與此同時，我們在制訂社會福利政策時，應善用資源，並且確保它們得到充分利用，以免造成浪費。

其實，現時不單止是低收入人士及清貧長者生活困苦，很多中產人士的生活都有問題。他們大多是納稅人，但現時卻不但可能已變為負資產一族，更是近年裁員的對象。如果他們被公司裁退，生活將會變得更困苦；運氣好的能保留職位，但即使如此，也會受到加稅問題困擾，憂心如焚。

低收入人士和清貧長者的生活困苦，但同時中產人士的生活也困苦。如果政府為前者提供更多協助或津貼，幫助他們改善生活，我們是否也要協助

中產人士，尤其是負資產一族，度過難關？我們的財赤問題嚴峻，政府必須善用資源，否則，經濟復甦無期，更遑論為社會提供更多援助。政府現時急切要做的是改善經濟、創造就業機會、增加市民對政府和前景的信心，否則一切都只是空談。

代理主席，本人謹此陳辭。

劉漢銓議員：代理主席，本港漫長的經濟轉型期、惡劣的經濟和就業環境，並非一時可以改善。在龐大財赤壓力下，如何處理弱勢社羣需要和財赤壓力之間的關係，政府應該十分謹慎。

代理主席，在人類社會演進過程中，弱勢社羣被遺忘、被歧視和處於邊緣化狀態，是與文明發展不相協調的。弱勢社羣的問題，顯示了政府政策和社會價值觀的混亂和畸形。例如政府政策對公義仁愛的忽視、社會價值觀方面的功利主義，以及優勝劣敗的森林哲學，都會導致對弱勢社羣的疏遠、忽視和冷淡。

現時，在約 26 萬宗的綜合社會保障援助（“綜援”）個案中，老人佔 55%、傷殘及健康欠佳佔 14%、單親家庭佔 12%，而失業只佔約 15%。對於老弱傷殘的人，政府不可能要求他們自力更生；單親家長則須照顧 15 歲以下的兒童；低收入個案則顯示因工資太低或不夠養家，須領取綜援金作補貼。可是，對於沒有領取綜援的低收入人士及清貧長者，在金錢和精神兩方面，政府和社會的支援和關愛都顯得不足。然而，在當前龐大財赤壓力下，我們要體諒政府未必能夠增加金錢上的支援。

在此情況下，港進聯認為，政府和社會人士更須促進對沒有領取綜援的低收入人士及清貧長者加強精神關懷，提倡對他們的理解、鼓勵和尊重，疏導他們可能產生的焦慮、自卑和失望，幫助他們重建信心、自尊和自強，推動他們融入社會和開創新生活，建設公義仁愛的社會，增強社會凝聚力。

港進聯認為，對弱勢社羣加強精神關懷，政府應該在 3 個方面改善政策和採取措施。

第一，社會福利署（“社署”）等政府部門和機構，未能很好地宣傳和落實正確的綜援保障政策。一方面，核准綜援申請過寬甚至出現騙領綜援的個案，另一方面卻似乎在編製“綜援養懶人”的錯誤輿論，這樣會使真正遇到困難的低收入人士及清貧長者產生心理障礙，未能向社會及志願機構求助

而陷入嚴重困境，甚至絕境之中。所以，政府應亡羊補牢，一方面要堵塞漏洞，防止綜援被濫用，另一方面卻要正確地宣傳和落實救濟保障政策，使之成為陷入危機和困難的人的真正安全網。

第二，政府應推動全社會珍惜和發揚港人過往重視家庭、仁愛和諧、刻苦堅韌、自強不息的優秀精神傳統。社署和志願機構應加強宣傳陷入危機和困難的人可以如何求助。傳媒及學校在進行報道和教育時，應提倡和衷共濟及互相關懷，特別要提倡對沒有領取綜援的低收入人士及清貧長者的關愛、鼓勵和尊重，幫助他們克服生活困難和戰勝精神上的悲觀消沉，鼓勵他們以堅韌頑強的意志度過難關。本港的大眾傳媒和公眾文化在報道弱勢社羣的家庭悲劇或倫常慘案時，應避免偏重血腥與暴力渲染，宜重視疏導和理性分析。只要整個社會趨於祥和與理性，作為弱勢社羣的低收入人士及清貧長者，也會得到更多關心和幫助。

第三，因為物質和精神雙重壓力而患有抑鬱症、焦慮症的低收入人士及清貧長者為數很多，患了這些疾病而又能夠認識到自己有心理問題的只佔極少比例，而真正患有抑鬱症，又能被確診的人數更少。港進聯建議醫院管理局屬下的公立醫院，應該重視對低收入人士及清貧長者的心理問題和精神病症的預防和診治，以減少他們因心理問題和精神病症而導致的悲劇。

代理主席，本人謹此陳辭。

李卓人議員：代理主席，職工盟主席劉千石議員剛才已代表職工盟說出了我們的建議。為了解決低收入的問題，主要的方法是設立一個低收入家庭補貼制度，這是類似英國及美國現時稱為 **tax credit** 的制度。我不知道怎樣翻譯，但這制度其實相等於一項附徵稅，即如果是在某一條線之上便要繳稅，但在某一條線之下卻無須繳稅，政府甚至會補貼那個家庭。我們認為這個方法可以確保一個原則，那便是“有工開就有飯開”。可是，香港現在的低收入問題是即使有工開亦無飯開。大家都知道，一家四口的開支最少也要 1 萬元，但現在很多人的薪金卻只有四五千元。如果薪金只有四五千元，尤以兩夫婦為例，其中一個失業，另一個找到的工作只有 5,000 元薪金，那麼他們便真的是“有工開亦無飯開”，因為薪金實在太低了。我很希望楊局長真的可以研究以這個方法解決低收入的問題。問題一旦解決了，其實也會釋放了低收入家庭，讓他們可以應付現在生活上一切所需，甚至能夠容易一點應付醫療加費。我希望楊局長特別研究一下，以這方法解決現在令他很頭痛的其他問題。

張宇人議員剛才提出了一項建議，不知道楊局長會否採納。張宇人議員說现在的低收入人士，其實是可以領取綜合社會保障援助（“綜援”）的。我曾嘗試提議低收入人士領取綜援，但他們說不可以，因為他們考慮到綜援的負面標籤，於是無論怎樣捱，他們也不願意領取低收入綜援。張宇人議員提議政府進行宣傳，予以一個正面的形象，點出原則是“有工開便應該有飯開”，如果不能“開飯”，便應有一個制度幫助他們。現時電視上在拼命賣廣告，不知政府可否賣這方面的廣告呢？不過，政府當然是不會這樣做，因為政府根本是想削減綜援。可是，我剛才不知道有否聽錯了——我希望沒有“屈”張宇人議員——我聽到張宇人議員說應該就低收入綜援進行宣傳。希望局長可以考慮在這方面做一點事，並非單是顧着削減綜援開支，而是要真的幫助那些有需要的人。如果出來社會做事也不能養家，那是很不合理的。我希望局長可以回應一下，究竟會否作一些宣傳。

今天的另一個題目是清貧長者。今天為甚麼會出現了清貧長者呢？我認為是因為政府的一項政策，把一些長者趕離了綜援。那麼，那項政策是甚麼呢？那便是政府規定與家人同住的長者，必須與子女一起到社會福利署，申報了他們的全部入息，然後才可申請綜援。這項政策其實是把很多清貧長者趕離了綜援。這些長者的困難又在哪裏呢？他們的子女給他們的錢很少，而他們便是要以那微薄的金錢過活。他們以往可以領取綜援，但現在卻要靠家裏多放一雙筷子，給老人家吃飯。可是，老人家如果有甚麼疾病要吃中藥，子女便未必有錢給他們了。政府這項政策，其實是製造了更多清貧長者。所以，希望局長在這方面做一點事，但我知道大多數也是對牛彈琴的了，因為政府現在是鐵石心腸，不想有那麼多人領取綜援。不過，對於那些清貧長者，特別是與家人同住，而又根本沒有得到家人足夠補貼以應付生活的長者，政府是否可以有一點慈悲心呢？

我最後想提的一點，與局長並無關係，但希望局長可以轉達教育統籌局。政府其實現在有一項德政，那便是向一些在接受再培訓的低收入失業者提供津貼，我們與僱員再培訓局討論了良久，聽到有很多聲音說要取消這些津貼。這些津貼實際上是幫助了失業者接受再培訓，讓特別是低收入、低技術的工人可以獲得津貼，以應付再培訓課程的學費。希望政府不要再打這些課程的主意，說要加學費等。我們在這方面已爭辯了很多次，希望這些仍然存在的德政可以保留下去，真正幫助那些低收入人士。

謝謝代理主席。

鄧兆棠議員：代理主席，協助低收入人士及清貧長者應付日常生活環境的需要，是政府的責任。尤其一些長者，他們辛辛苦苦工作了數十年。可是，在今天的香港，真正可以舒舒服服安享晚年的長者，為數實在不多。大部分長者都是生活困苦弱勢社羣。原因在於香港過往沒有退休保障的制度，長者的生活依靠不外乎子女供養或自己微薄的積蓄，然而，這些支持往往不足夠或不穩定。雖然政府不斷強調，我們有安全網，可以為有困難的長者提供援助，但一些長者由於與家人同住或自己仍有一些“老本”，因此不符合申請綜合社會保障援助（“綜援”）的一般要求。此外，部分長者始終希望自力更生，寧願節衣縮食，也不願意靠政府。

數據顯示，在最低收入組別的家庭當中，超過七成有年老的家庭成員，他們大部分都是單身長者或年老的夫婦。獨居長者的收入中位數，只有三千多元，他們的苦況可想而知。我認為對於這些沒有申領綜援的貧困長者，政府確實有必要研究如何給予他們必要的協助。這亦是社會人士的共識。相信大家都記得，行政長官早在 97 年的施政報告中，便已經提出要關懷長者，要做到“老有所養、老有所屬、老有所為”。人到老年，最擔心的是醫療和住屋。因此，我認為政府必須做好以下的工作來幫助貧困長者。

首先，對長者來說，醫療服務是最有切身關係，也是其中一項他們最擔憂的事情。香港有七十多萬名長者患上不同的長期疾病，七成多的長者多向公立醫院求診，此外，公立醫院有五成半住院病人也是長者。政府面對財赤問題，增加醫療收費的措施勢將一個接一個出籠，貧窮長者會首當其衝。在實施新收費之前，我希望政府能盡快訂定一套簡單易明的減免機制，為一羣沒有領取綜援的低收入長者及長期病患者提供醫療保障，確保他們得到適當的治療。

其次，除了要提供治療外，政府必須推行更全面的社區醫療服務，從而減低長者疾病的病發率。有志願團體所做的調查發現不少患有長期病的長者，都缺乏自我護理的意識。就此，政府須加強長者及其家人的健康教育和支援，做到預防勝於治療。

第三，安穩的居住環境，對長者是十分重要的。根據嶺南大學所做的一項研究，在一些舊區裏，破舊的居住環境會減低長者的自尊心和對環境的控制感，繼而影響到他們的心理健康。雖然經過政府的努力，長者的居住情況和之前比較，是有一些改進，例如長者的公屋輪候時間已經縮短，但是，目前仍有 7 000 名長者在輪候租住公屋。部分長者是居住在天台屋、寮屋、板間房等環境惡劣的地方，亟需社會和政府的幫助。鑒於有長者寧願忍受着惡劣的居住環境，也不願領取租金津貼或遷入特別為長者興建的公屋，可見

政府必須對長者的住屋需求和政府所實行措施作全面的審視和改進。例如，將長者住屋集中在偏遠地區的做法，究竟能否有效照顧到長者的住屋需要？政府怎樣才可鼓勵到長者入住偏遠的長者屋呢？

除了租住公屋外，安老院舍也是清貧長者的居住依靠。政府最近表示會制訂院舍費用資助計劃，讓長者在選擇安老院舍方面有更大的決定，並使長者及其家人可按負擔能力，分擔安老院舍的護理費用。政府所說的大原則當然有其道理，不過，政府有必要向公眾交代清楚，現時的申請人是否很多都真的是有經濟能力卻濫用公共資源呢？並要引入審查制度，找出如何改善現行的資源分配，以及不會減少對有需要長者的幫助。我希望政府是真心真意想改善對長者的照顧，而不是削減對有需要長者的幫助。

（主席恢復主持會議）

主席，社會人士和長者對政府所提出有關社會福利的建議，往往都抱有很大的質疑，反映出政府沒有向受影響人士進行充分的溝通，沒有向他們解釋清楚他們將會得到的益處。政府有必要改善這種情況。我謹此陳辭。

主席：是否有議員想發言？

羅致光議員：主席，首先，我想就張宇人議員的發言作出回應，因為他提出了一個很有趣的問題，他問是否需要設立第二安全網。我想告訴他，我們現時其實已經有第二安全網，所以張議員不應該提出這問題。雖然我可能會說了局長稍後要說的話，但我依然想作出回應。

舉例來說，在教育方面，政府在幼兒服務如幼兒中心及幼稚園，會為有需要的低收入人士提供學費援助，**fee assistance scheme**。在中小學方面，會有書簿費津貼，大專生也有津助。在醫療方面，我們現時也設有豁免制度。當一些人不能負擔昂貴的醫療費用時，可以獲得豁免費用，又或申請資助。

政府最近說醫療服務要增加收費，加上急症室又要收費，所以我們要求政府檢討這制度，看看能否在增加收費後，幫助一些現時未能獲得幫助的人，例如一些要看 3 個專科的老人家，如果每個專科給他們 5 種藥物，便會令他們失去大半個月的高齡津貼（俗稱“生果金”）。我們是否有方法幫

助他們呢？因此，在討論陳婉嫻議員提出的這項議案時，我希望社會和立法會能提出多些建議，以幫助那些有需要的人。

我覺得今天的議案有一個基本的理念，便是所謂“第二安全網”的理念。我想就為何我們要討論這第二安全網理念提出數點意見。

第一，任何安全網也會出現一個問題，便是一定會有一條分界線。在這條線之下的人可以獲得幫助，但剛在這條線之上的人，雖然生活情況稍佳，便已得不到任何幫助。結果，在這條線之下的人因為得到幫助，所以生活還會較剛好在這條線之上的人為好，例如領取綜合社會保障援助（“綜援”）的人因無須支付醫藥費和其他費用，結果生活會較剛好在這條線之上的人為好。因此，我們希望設立第二安全網，令情況變得較為公平。

第二，是標籤問題。很多時候，我的同事會提到政府說“綜援養懶人”。不過，即使政府不這樣說，標籤仍是存在的。全世界領取福利(welfare)的人也會被標籤。當然，不同國家的標籤程度會不同，而香港的情況是頗為嚴重的。第二安全網可以起另一很重要的作用，便是減低標籤效應。其中一個方法是政府未必會支付現金給受助人，而是以間接的方法令他們少付些錢，又或透過一些特別指定用途的津助，例如我剛才提到的幼兒服務費用的津助，向他們提供協助。基本上，受助人不可以把這些資助作其他用途，例如購買食物，而一定要用於幼兒園或幼稚園的費用，標籤效應便會因而減少。有些人本來符合第一安全網的資格，但他們不肯接受援助，如果第二安全網可以為他們提供相同的援助，他們便會情願接受這些沒有高標籤的協助。對於那些受助人來說，這樣無疑會較好。

第三，我剛才也說過，很多時候，很多人其實不想跌進第一安全網，但因為種種原因而被迫要這樣做。舉例來說，我剛才提及的老人家，如果他們真的要看 3 個專科，而每個專科也給他們 5 種藥物，藥費加上專科醫療費用，他們的生果金一定不足以支付，他們唯一的解決方法是領取綜援。由於政府未能搞好豁免醫療費用的機制，而最終令一些老人家領取綜援，這是我們不想看到的情況。

另一例子是，一些受助人是單親家庭，須在市區租住一間房，但租金十分昂貴，又或受助人租住一間板間房，而周遭環境非常惡劣，如果受助人有一名十一二歲的女兒，便會擔心周圍的男士經常不穿上衣走動及說粗言穢語，所以覺得很危險而情願遷往新界，結果因此而失去工作。由於受助人要遷往天水圍的屋邨居住，因而失去工作，便會領取綜援。

我們其中一個基本理念，是避免有人因此而須領取綜援。簡單來說，例如在醫療方面，我們可以訂立一個制度，讓處於綜援水平或稍高於綜援水平的人，不會因政府沒有在醫療方面給予幫助而令他們跌進綜援網。這是所謂 **avoidance**，即減少跌進綜援網的人數。政府一定要盡快設法減少這數目。如果不訂立這樣一個制度，政府的開支反會增加，因為綜援金額會高於受助人本來須獲豁免繳交的費用。

在房屋方面，政府現時設有恩恤安置制度。我知道社會福利署最近曾進行檢討，但我覺得還可以再進一步。很多時候，很多人的收入不穩定，但卻須定期支付租金。如果政府能向他們提供市區的舊公屋單位，租金較為便宜，他們便無須申請綜援。因此，如果我們要設立第二安全網，便可以考慮為低收入家庭提供恩恤安置。事實上，他們符合“上樓”資格，又或可能正在輪候公屋，如果政府不加快為他們在市區找得一個舊單位，他們便可能被迫申請綜援。如果他們在房屋方面的開支能夠減低，以及居住環境獲得改善，他們基本上無須領取綜援。

最後，這問題是我在上星期的施政報告辯論中也曾提及的，便是有關復康巴士的問題。復康巴士本身也是一種資助的方式。現時，很多殘疾人士雖然找到工作，但因為沒有復康巴士接送，結果不能上班，於是只得放棄工作，領取綜援過活。如果能確保所有殘疾人士在找到工作後，即使未能獲得復康巴士服務，政府也會資助他們乘搭的士上班，我相信領取綜援的人數定會減少。

主席，我謹此陳辭，支持議案。

陳國強議員：主席，“打工仔”經常說“搵食、搵食”，無非是為了解決衣、食、住、行 4 項的需要。可是，香港現時面目全非，“打工仔”辛辛苦苦工作，所賺得的工資也不足以養活一家人。據城市大學的調查指出，全港有 40 萬人生活在貧窮線之下，每月平均收入低於 3,750 元，每天也只有 24 元購買食物，赤貧年代現在正式開始。

有報章報道過一個家庭的個案，父親任職建築工人，經常開工不足，子女的書簿費也要問友人借錢購買，每餐只能以平價即食麵及米粉作為主要食糧，又或購買 5 元一份的小魚、10 元瘦肉及蔬菜當作晚餐，生活苦不堪言。

我絕對相信香港有這種“非人生活”存在，有些老人家實在太貧窮，他們甚至不敢乘搭巴士，不敢開電燈，因而要摸黑上洗手間。試問政府怎能容忍這種事情發生呢？

另一方面，社會福利署又向領取綜合社會保障援助（“綜援”）的人磨刀霍霍，打算削減標準金額一成，更表示如果不得要領，便會使出撒手鐮，限制每人只可領取 3 年綜援。雖然政府在綜援方面的開支不斷增加，但這正正因為經濟惡劣，是安全網發揮作用所致，否則，我們何需綜援計劃？倒不如要求失業者、單親及老弱者自求多福，那不是更簡單直接嗎？

正如剛才有議員說，美國有所謂的“生活工資”，規定分判商向工人提供基本生活所需的資助。香港也應該引入這種概念，訂出一名“打工仔”的交通、伙食及醫療生活費用的開支，從而訂出基本工資。

陳婉嫻議員指出，正因市場工資急劇下降，社會工資才有需要取而代之，包含各種社會的資助在內，以防“打工仔”的收入脫離基本生活水平。現時的情況，正所謂“賤物鬥窮人”，但偏偏香港仍有很多項開支長期高企，例如交通費、公屋租金、醫療費用等。

公共交通工具的收費須跟從機制調整，這一點須較長時間等待，然而，醫療收費是由政府和醫院管理局全權控制，何以不能訂出全面的豁免措施呢？據知，衛生福利及食物局曾向政府高層提議，以入息中位數作為按能力分層收費的機制。如果病患者的入息低於四分之一，即可減免四分之一費用；如果低於一半，收費亦隨之減半，如此類推。

為何政府不能“中間落墨”，至今仍堅持只有領取綜援的人才獲得豁免？我們須負擔部分低收入者的醫療開支，好等“打工仔”即使做到病、做到殘，都能獲得低廉或免費的醫療。現時僱主不斷削減“打工仔”的工資，公立醫院又要提高收費，即使到急症室求診也要收取 100 元，試問“打工仔”如何照顧自己的身體健康？

公屋是為了協助貧困家庭解決住屋需要，然而，97 年至今的工資中位數不斷下跌，而且更下跌超過租金佔入息中位數一成的水平。根據法例，房屋委員會（“房委會”）有需要調低租金了。曾有公屋租戶表示要控告房委會，可見基層市民已經忍無可忍，然而，政府仍然充耳不聞，視而不見，令人感到無奈。

最近，政府甚至連教育收費、水費也研究收回成本，提高收費，政府為了解決財赤，不惜攻陷市民每一吋的生活空間，令低收入階層除了搖頭歎息之外，便不知如何是好了。

希望政府能以解決市民基本生活為依歸，繼續為我們提供各項基本生活福利，甚至增加，切勿減少或採取“用者自付”的原則，否則，市民真的“用者自苦”，而非“用者自付”了。

我謹此陳辭。

梁富華議員：主席女士，為沒有領取綜合社會保障援助（“綜援”）的低收入人士及清貧長者提供協助，在社會上可以從兩個層面着手：一是政府，二是私營機構。政府應該為須予協助的低收入人士在教育、醫療、房屋、交通等方面提供社會保障，確保他們及其家人不會因為沒錢而得不到公共醫療服務、他們的子女不會因為經濟問題而沒書讀，也不會因為沒錢支付高昂的交通費而影響其工作，而這種保障的形式、對象和目標，都是有別於綜援的。至於私營機構為低收入人士提供的最好協助，莫過於直接調低收費。低收入人士在有需要時得到社會上的協助，一方面可以讓他們的生活得到一定程度的改善，另一方面，亦是最具重要的成效，就是可以避免有更多人跌入綜援網，進一步加重政府的財政負擔。

政府在前天公布了本港最新的就業數據，失業率連續下跌 4 個月後再度回升，最新的失業率是 7.2%。雖然財政司司長梁錦松解釋，2002 年 10 至 12 月，本港的總勞動人口有 352 萬人，較 9 至 11 月少 4 000 人，而就業人數亦較 9 至 11 月的 3 270 900 人，減少 3 900 人，所以“一加一減”之下，失業人數其實少了 100 人，不過他預計失業率在未來一段日子仍會維持在高水平，農曆年後的失業率可能會再度上升。經濟發展及勞工局局長葉澍堃亦表示，失業重災區是 30 至 59 歲的中年一族，中低學歷人士亦有微升跡象。

本港人口不斷增長，勞動人口理應持續增加，不過，從最新的就業數據看來，今次是 2002 年 2 至 4 月以來首次錄得勞動人口下跌，而勞動人口的減少，相信並不是純粹因為“打工仔”年老退休或死亡等緣故，而是與部分“打工仔”因長期找不到工作，被迫提早退休、提早退出勞動市場，而他們為了生活，最終亦逼不得已要倚靠綜援過活。況且，近年本港裁員、減薪浪潮不斷湧現，部分僱主為進一步節省成本、減少開支，便紛紛向僱員開刀，而中年僱員就是最容易被選中開刀的對象之一。在這羣因長期找不到工作而心灰意冷，決定放棄逆境自強，申領綜援的人當中，不乏低學歷、低技術的中年人。

要避免更多低收入人士加入失業大軍，甚至跌入綜援網，政府應該做的，是要透過各項有效措施，為他們提供就業協助，讓他們繼續保持自食其力、

自力更生的能力。正如葉澍堃局長所說，失業重災區是 30 至 59 歲的中年一族，政府必須做到未雨綢繆，避免這羣很有可能會跌入綜援網的中年一族，最終因長期不能投入勞動市場，而選擇大家都不希望看到他們要走的一步，就是申領綜援。

其實，政府早在兩三年前已經開始關注中年人士的就業問題，所以在 2001 年 2 月推出中年再就業試點計劃，為僱主提供入職培訓津貼，鼓勵他們聘用 40 歲以上的失業人士，並且為此等僱員提供入職培訓。截至去年年底，該計劃已協助近 5 000 人就業。此外，勞工處在總結上述試點計劃的經驗後，亦會在今年 4 月實施為期一年的中年再就業培訓計劃及中年地區就業計劃，為 3 500 名 40 歲以上、失業超過 3 個月的人士提供進一步的協助。希望這兩項新計劃能夠收到預期的效果，為有需要幫助的中年人士，解決他們最迫切的就業問題，讓他們及其家人脫離經濟困境，進一步改善現有生活。

此外，我想談一談交通費問題。現時本港的交通費的確偏高，對於低收入人士而言，他們每月花在交通上的費用，可能佔去他們收入的一成，甚至更多。環境運輸及工務局局長廖秀冬上任初時，已經提出公共交通工具具有減價空間，並呼籲各公共交通機構盡快調低車費，減輕市民的負擔。然而，經過了半年的時間，公共交通機構有甚麼反應呢？他們始終也沒有調低車費，有的更公開表明，本身並無減價空間。雖然有部分公共交通機構有為部分乘客提供轉乘優惠，但相對於實實際際的減價，這些亦只不過是“小恩小惠”而已。說到底，這些公共交通機構眼中只有豐厚的盈利、只是要賺大錢，至於車費是否合理，市民能否負擔，實際上又與公司何干呢？我在此呼籲公共交通機構須認真考慮調低車費，與市民共度時艱。

不過，值得一讚的是，九巴和 89 條專線小巴線在去年 11 月及今年 1 月起，先後為全港所有符合資格的本港家務助理員提供了半價和八折的乘車優惠。雖然有關優惠為期分別只有 3 個月和半年，但這總算是好的開始，值得其他公共交通機構效法。由於現時很多家務助理都出現了地區錯配，部分婦女須乘車到較遠地區從事家務助理工作，而有關的交通費亦實在不少。故此，我希望有關機構認真考慮永久推出有關優惠，協助本港家務助理投入勞動市場。

主席女士，我謹此陳辭。

主席：是否有其他議員想發言？

（沒有議員回應）

SECRETARY FOR HEALTH, WELFARE AND FOOD: Madam President, I am grateful to the Honourable CHAN Yuen-han for moving this motion, and to Honourable Members for participating in this debate. We are aware of and empathize with the situation of the low-income earners and older persons with limited means. First, I should like to say a few words about our overall social philosophy and strategies to help these groups of individuals, and then provide some details of the multitude of government programmes in place to support and assist these individuals.

In my speech to Members of the Legislative Council during the policy address debate on 15 January, I outlined in some detail the philosophy behind the Government's social policies. Nevertheless, I wish to highlight our four overarching social policy principles. Firstly, that opportunities should be provided to enable everyone in the community to develop their full potential and participate in, and contribute to, the economic and social life in Hong Kong. Secondly, to provide additional and specific support to the disabled, the disadvantaged and vulnerable members of our community. Thirdly, to provide a basic income support safety net. And fourthly, to foster mutual care and support and to build up the social networks necessary for individuals and families to flourish.

Over the years, we have made substantial investments in our social services. In the fiscal year 2002-03, recurrent expenditure on our health, welfare, housing and education programmes amounts to \$126 billion, this is, 57% of total recurrent public expenditure.

In the face of the impact brought about by economic restructuring, our focus to assist the low-income and the unemployed is on fostering an environment which encourages and provides opportunities for upward social mobility. This strategy is shown to be correct because, as Members will be aware, based on studies made by the university and reported in 2001, they found that out of the 20% lowest paid workers in 1991, nearly 60% had by 2000 risen above that level of income. These findings demonstrate the high upward mobility of Hong Kong workers if they are given opportunities.

At the same time, to take care of the socially vulnerable, in particular those with limited capability to achieve this, specific help is required. As such, we have in place policies and services to secure their standard of living, improve their position and provide them with opportunities for economic and social

participation. In this way, we help the socially vulnerable, by enhancing, not impeding, their will to be self-reliant.

We consider that the multi-pronged approach of fostering economic growth, facilitating human investment and increasing social investment together, will provide the best environment for people to leave the poverty net. Healthy economic recovery and a broader economic base is the key to lifting the standard of living for all, including those with no or little income.

Human and social investment through education, training and retraining will raise the capability, productivity and competitiveness of our workforce, and help those unable to benefit from the changing economy in the short term.

We have a great variety of policies and measures in place to actualize our approach to assist those in need, many of which are specifically and specially tailor-made to assist the socially vulnerable, who have limited capacity and capability for upward social mobility.

I will turn to the support and assistance provided under specific policy areas, in particular highlighting those that are in place for non-Comprehensive Social Security Assistance (CSSA) recipients.

In terms of employment, the Administration is highly concerned about the employment situation in Hong Kong. The primary objective of our employment policy is to help the unemployed re-enter the workforce as soon as possible, and to minimize the duration of unemployment. Fundamentally, the Government has introduced a series of measures to revitalize the economy, which in turn will give rise to increased employment.

The Task Force on Employment chaired by the Financial Secretary has drawn up various measures to create jobs and ease unemployment. Apart from these standing efforts, the Government has in recent years launched an extensive range of short-term and long-term measures which aim to help the community deal with the current economic environment.

I should now like to turn to social security. Other than the CSSA, we have a Social Security Allowance Scheme of which the Old Age Allowance (OAA) is designed to meet the special needs of the older persons. Older

persons aged 65 to 69 receive a monthly payment of \$625, subject to making an income and asset declaration, whilst persons aged 70 or above receive \$705 a month regardless of means.

As regards support for needy elders, at present over 600 000 older persons are receiving financial assistance through either the CSSA or the OAA, with an estimated expenditure of \$11.8 billion in 2002-03, representing an increase of 50% compared to 1997-98. Our objective is to develop a long-term sustainable financial support system that better targets resources at elders most in need, drawing reference from the "Three Pillar Approach" recommended by the World Bank for old age financial protection.

Now turning to social welfare, our objective is to build a caring community by developing and providing effective and quality welfare services for those in need to:

- (a) foster an environment for the individual to develop his or her potential;
- (b) strengthen social relationships and enhance family functioning;
- (c) assist individuals in resolving personal and social problems; and
- (d) protect and empower the disabled, the disadvantaged and the vulnerable.

At an annual expenditure of around \$10 billion, our social welfare programme provides a wide range of direct welfare services, for the family, child, youth, older persons and people with disabilities. To quote a few examples on how these services assist the needy to join the workforce and be self-reliant, we have our child care services and after-school care programmes that help parents overcome barriers to work and rejoin the workforce. Under a fee assistance scheme, low-income families who are not on CSSA are assisted to meet their children's child care centre fees. For people with disabilities, we have extended the range of employment services for people with disabilities, including the creation of jobs, job placement, on-the-job training, supported as well as sheltered employment facilities.

There is a very well established network of welfare services for older persons in Hong Kong providing heavily subsidized community and home-based support, including home help and meal services. For those frail elders who have long term care needs, we are committed to providing them with quality and cost-effective care, and appropriate support for their carers.

Now turning to health, our policy objective on health services is to develop and maintain in Hong Kong a health care system which protects and promotes the health of the population, which provides lifelong holistic care to each person at affordable prices, and which is financially sustainable in the long run. The fundamental objective of government financing in health care services is to improve health and provide protection for the citizens from potentially high financial risks arising from catastrophic or prolonged illness. To fulfil this role, the public health care system must remain accessible to all, affordable by individuals, and of a high standard. Given finite resources, public funds should be channelled to assist the lower-income groups and to services which carry major risks to patients.

Our policy is that no one should be prevented, through lack of means, from obtaining adequate medical treatment. The rate of government subsidy in public medical expenditure is around 97%. And even with the new fee restructuring, the subsidy will still be in the rate of 96%. In proposing the fee restructuring, we have taken into account various guiding principles, which include affordability and facilitating access by vulnerable groups.

At present, medical fees for CSSA recipients are fully waived. We also have in place a fee waiver system for patients who are not receiving CSSA but who have insufficient earnings or have difficulty to pay for even the highly subsidized public health care services due to serious or chronic illnesses. To ensure that the restructured fees do not impact disproportionately on the low-income groups, the chronically ill and older persons with little income and assets, the existing non-CSSA mechanism will be further enhanced into a medical fee assistance scheme when the new fees are implemented.

Turning to housing, the Government is committed to providing subsidized rental housing to low-income families who are unable to afford private accommodation. Housing assistance to needy elders is a core element of this commitment.

Our public rental housing programme with over 630 000 flats provides subsidized homes to low-income families who cannot afford private sector accommodation. Households with limited means, irrespective of whether they are receiving social security or not, are eligible to apply for public rental housing. Approximately 65% of public housing tenants pay less than \$1,500 per month for rent, which is inclusive of rates and management fees.

In the past few years, we have made tremendous efforts in reducing the waiting time to enable low-income families to get access to public housing expeditiously. At present, the average waiting time is less than three years, down from over six years in 1997. For households which are not selective in the location or types of flats, they can be allocated public rental flats within a year.

While public housing rents are generally affordable, some tenants may encounter economic hardship. Tenants with long-term financial difficulties may seek assistance under the social security system. Tenants with temporary economic hardship and who are not receiving social security can apply for assistance under a Rent Assistance Scheme operated by the Housing Authority. Eligible applicants can have a 50% rent reduction under the Scheme if they have difficulties in paying rent.

The Government attaches importance to the housing needs of older persons. At present, 58% of older persons are living in some form of subsidized public housing, and the number of families with older persons on the General Waiting List has been reduced from 16 000 in 1997 to 7 000 today. To assist needy older persons to live in decent low-cost housing which satisfies their housing and social needs, the Housing Authority has put in place priority schemes to expedite the allocation of public rental flats to them. At present, elderly singletons are normally offered public rental flats in less than one and a half years.

In addition, as many older persons who apply for public housing have indicated preference to stay in urban districts with scanty public housing supply, the Housing Authority has introduced the Rent Allowance for Elderly Scheme in 2001 which provides a monthly cash allowance of 60% of the rents (up to \$1,810 for single elders and \$3,150 for three-person households) for elderly families to rent private accommodation meeting their own preferences.

Turning to education and training, the Government injects massive resources to improve education and manpower training, upgrade the quality of talents and promote lifelong learning, thereby enabling Hong Kong to grasp more effectively the opportunities in the new economic order. In the past few years, the Government has continuously increased the investments on education. The total public education expenditure has increased from \$37.9 billion in 1996-97 to \$61.4 billion in 2002-03, representing an increase of over 62%.

The provision of nine-year free universal basic education, together with the heavily subsidized senior secondary and tertiary education, guarantees educational opportunities for all who have the potential and ability to pursue studies. Training and retraining, as means of upgrading the skill level of the workforce, are especially important to those who need to acquire the new skills in the new economy. Training institutes, including the Vocational Training Council and the Employees Retraining Board, provide a wide range of relevant programmes.

It is the Government's policy to ensure that no student is deprived of education for lack of financial means. Under the CSSA Scheme, assistance covers schooling expenses, including school-related expenses from pre-primary level to upper secondary, and meal allowance for full-day students taking lunch away from home. Separately, we also administer various means-tested student financial assistance schemes to assist needy students at all levels in meeting the cost of their education-related expenses. Assistance to low-income families, which pass a means test, takes the form of remission of school fees for kindergarten pupils and senior secondary school students attending public sector schools, remission of examination fees for public examinations, grants for the purchase of textbooks and subsidies for school travel expenses for primary and secondary school students. Eligible post-secondary and tertiary students are provided with grants and loans for their tuition fees, academic expenses and living expenses including travel expenses during the academic year. In the 2002-03 school year, over 434 000 needy students have so far obtained assistance for their education-related expenses, totalling \$2,837 million in grants, fee remissions and loans.

Apart from the means-tested student financial assistance schemes, non-means-tested channels of government finance are also available to assist those who wish to upgrade themselves and increase their competitiveness in the job

markets. The Non-means Tested Loan Scheme provides loans for tuition fees for a wide variety of education programmes and training courses. Non-means tested loans for living expenses up to \$33,690 in 2002-03 are also available to eligible students pursuing accredited, self-financing post-secondary courses. Until the end of 2002, loans totalling \$925 million have been offered to 25 060 students. In addition, Project Yi Jin (Springboard) reimburses students 30% of their tuition fees on successful completion of the course. For those Yi Jin students who are assessed to be eligible for 100% assistance under the means test, they will be reimbursed 100% of their fees with effect from the 2002-03 school year.

On training and retraining, there are various opportunities for the lower-income groups. Under the Skills Upgrading Scheme, the Government covers 70% of the costs of the provision of training courses. In addition, CSSA recipients and persons with monthly income of \$6,333 or below can apply for reimbursement of the course fees, subject to satisfactory fulfillment of course attendance and assessment requirements.

Currently, the full-time placement-tied courses under the Employees Retraining Scheme for unemployed persons are free. Retraitees taking part-time or evening courses are now only required to pay 20% of the training costs. Unemployed or low-income persons taking these part-time courses can also apply to have the course fees waived subject to a commitment of achieving an attendance rate of 80%.

The Continuing Education Fund also provides subsidies of 80% of the course fees or up to \$10,000 to those eligible applicants who would like to pursue continuing education to enhance themselves.

Turning to transport, it is the Government's objective to facilitate the healthy development of public transport to meet the transport needs of the community and to provide choices to passengers. We endeavour to maintain market competition to ensure the provision of quality services at reasonable fares by public transport operators. On the process of setting public transport fares, all relevant factors, including affordability, are taken into account.

The Government understands the public's concern about public transport fares. We have approached the major public transport operators to encourage them to reduce fares or offer concessions to passengers as far as possible and

taking into account their respective operating conditions. Examples have been quoted where the two railway corporations and all of the franchised bus companies offer concessionary fares to older persons.

In conclusion, Madam President, for those who are not receiving social security for one reason or another, various forms of assistance, as outlined, are available to them. These are publicized through the respective departments and agencies, as well as the public enquiry services and the community network of the Home Affairs Department, or through our welfare network. In addition, the Social Welfare Department has published a booklet "Moving Forward with Our Support" to provide one-stop information on various kinds of financial assistance, as well as various types of employment and support services for the low-income groups.

It is a well-established government policy that no one should be denied access to vital social services through lack of means. The Government actively and effectively supports and assists the low-income earners, be they CSSA recipients or not, in many policy areas. Notwithstanding this, different people may have different perceptions about whether the current level of support is adequate or not. Given the current fiscal deficit situation, it is not realistic to expect the substantial growth in expenditure on social services over the past decade to continue, in the short-term. However, our aim is not to reduce services to the community, but rather to rationalize and re-engineer them so as to make them more effective and efficient. This will obviously help to improve the overall benefit of the services to the community.

Thank you, Madam President.

主席：陳婉嫻議員，請你發言答辯，你還有 4 分 29 秒。

陳婉嫻議員：主席女士，很多謝十多位同事在今天的辯論中發言。我想就一些同事的觀點作出回應。

剛才有些同事，例如何鍾泰議員及張宇人議員等強調，由於現時政府的財赤龐大，所以我們不應再增加開支。這似乎是“一加一”的問題。事實上，我們今天所討論的，是一羣沒有領取綜合社會保障援助（“綜援”）的低收入人士和長者。如果我們不幫助這些低收入人士，我想我們的財赤會更大。

大家都知道，很多人其實很想靠自己雙手找一份工作謀生的，但因交通費、房屋和各方面的支出不斷增加，很多時候，他們便要在這困難的情況下作出選擇。我的辦事處經常接到一些個案，求助人說並不想領取綜援。我眼看他們的困境，便勸他們領取綜援，但他們再三說不想這樣做。我們如何向他們提供協助呢？如果政府願意伸出援手，他們便可以“上車”繼續工作了。不過，如果我們說因財赤龐大，很難幫助這些人，他們於是只得繼續這樣生活下去了。我相信以後因失業而領取綜援的人不單止佔福利開支的 14%，而是會急劇增加。

此外，有些人說，香港人現時的生活其實不太困難，我想就此作出回應。我很想告訴政府及各位議員，一些沒有領取綜援的低收入家庭的生活水平，其實已回到戰後的年代，即赤貧水平。大家也看到，在清晨 5、6 時，一些低收入的人會到街市以一元數角購買菜檔賣剩的蔬菜，回家烹調作數天的食用。這種情況竟然在今天發生，一如回到我的童年時代。由於香港近年經濟低迷，我們身邊再次出現這種情況。我們如何幫助這羣生活在赤貧的人呢？我覺得只要他們得到大家的協助，便能度過難關，包括那些基於很多原因而沒有領取綜援的老人家。楊局長在 2000 年曾表示，政府準備就清貧老人問題作出檢討，研究採取甚麼新方法，在他們沒有領取綜援的情況下向他們提供協助。不過，很可惜，這項檢討一如很多事情，都已不了了之。

主席女士，我不否認楊局長剛才所說的一番話，便是香港甚麼也有。不過，如果照楊局長剛才所說，政府已多方面向市民提供協助，為何還會出現我剛才所說，香港那羣沒有領取綜援的人、一些低收入人士、赤貧老人家和弱勢社羣，現時的生活越趨貧窮化？我們可以怎麼辦呢？這正正說明現有的措施並不足以幫助他們度過今天的難關。

很多時候，在福利事務委員會上，我們看到一些危機家庭的個案。很多時候，在一些社會慘劇，例如貧窮老人家自殺或家庭變故發生後，福利事務委員會便會問，政府為何不走前些做工夫呢？為何要在這些慘劇、這些有困難的個案出現後，才做工夫呢？我希望政府重新研究我們今天討論的問題，便是現時有一些沒有領取綜援的低收入人士及清貧老人家等弱勢社羣，我們如何協助他們在今天的環境下生活下去。我們不希望在財赤下，他們的工資不斷下跌，但政府卻還削減現有的承擔。在 2000 年，楊局長曾說政府會廣泛推行房屋、醫療、康復、社會福利和教育計劃，為社會上的貧窮人士提供“社會工資”，但政府現時卻要削減這些服務。

主席女士，我希望同事支持我。謝謝。

主席：我現在向各位提出的待決議題是：陳婉嫻議員動議的議案，予以通過。現在付諸表決，贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(沒有議員舉手)

主席：我認為議題獲得經由功能團體選舉產生及分區直選和選舉委員會選舉產生的兩部分在席議員，分別以過半數贊成。我宣布議案獲得通過。

主席：第二項議案：推廣在香港使用英語。

推廣在香港使用英語

PROMOTING THE USE OF ENGLISH IN HONG KONG

MRS SELINA CHOW: Madam President, I have lost count of the number of times that I have spoken on the importance of the English language for Hong Kong. More often than not, these views have been triggered by the concern that I share with many that we are gradually losing one of our most valuable assets which has taken a long time to accumulate. Bilingualism is a legacy of our colonial past, a cultural advantage bestowed on us by our history, a symbol of the world city, and a capability that distinguishes us from other Chinese cities but that is subject to challenge arising from the awakening of blossoming economies like Shanghai and Singapore.

As far back as the early nineties, I have questioned the Government of the time what it would do to address the problem of falling standards of English, which was alerted by concerned citizens and groups of the time. I recall that the then Director of Education, Mr LI Yuet-ting, assured me categorically that the problem did not exist. Although I was absolutely convinced at the time that the concern was well justified, I did not have any data or statistics to prove my point. I still do not have any scientific proof to uphold the belief that the standard of

English has indeed fallen. But I do have findings of some key surveys to indicate that the perception and belief of lowering standards are real and widespread.

According to the most recent annual business confidence survey conducted by the Better Hong Kong Foundation, 59% of the executives interviewed were dissatisfied with the standard of English spoken here. The 2002 British Chamber of Commerce Business Confidence Survey indicated that 69% of the interviewees were dissatisfied with the standard of English proficiency here. The Asian Intelligence Report asked foreign businessmen working in Asia to rank the performance of 12 economies in Asia. Hong Kong ranked number six, rated even below Taiwan and South Korea. Singapore ranked number one.

Madam President, the Liberal Party has always pressed for the maintenance of the use of English, and we firmly believe that this is necessary in order to cement Hong Kong's stature as a world-class city. For after all, what are the prerequisites of a world-class city if not the qualities to enable people, wherever they come from, to meet, congregate, do business or enjoy their leisure? Without the ability to communicate with one another in a universal language, our aspiration and claim to be the hub of Asia cannot be sustained.

Madam President, the recent publication of the consultation document by the Action Plan to Raise Language Standards in Hong Kong Committee deserves another debate on the many issues that it has put to the public. However, for the purpose of this debate, I believe it is worth our while looking at one very important fundamental problem which might be the root cause of the fall in the standard of English here.

I am referring to students' attitude and motivation.

The Standing Committee on Language Education and Research (SCOLAR)'s survey conducted in March of 2002 indicated that according to students' own perception, less than 50% of our students were strongly motivated to learn Chinese and English. Based on teachers' perception, the proportion of students strongly motivated to learn Chinese and English drops to only 10%. If these findings are true reflection of the attitude, then we are in trouble. If the motivation is so low, then the effectiveness of all efforts taken by parties other than the students themselves would be very inefficient at best, and could come to naught at worst. The problem does require tackling at source.

The Liberal Party conducted a survey recently to gauge the preference of parents who could only have the best interests of their children at heart. We have interviewed 470 parents whose children are students. 81% of the interviewees say that they wish their children would learn English. However, half of them think that their children are not learning enough English in school. Mr Tommy CHEUNG will be speaking at length about the teaching of English in our schools. To that I would just like to add my own experience as a secondary school student which I would like to share with you all, and which I actually shared with our Secretary for Education as schoolmates.

At school, we had an English teacher who was feared and respected by all his students. It was not so much his mannerism or his temper that inspired fear. He was one of the most soft-spoken teachers one could ever find. It was his methodology. In short, he drilled into us a sense for the English language by having us do endless exercises on vocabulary, grammar, syntax and so on. That demanded discipline. It also required a great deal of work, hard work. But many of his students, like me, are thankful for his persistence. I can see now that there is no short-cut. We are not native English speakers, and we grow up in a Chinese-speaking environment. This is a fact. In order for our English to reach a standard and a level of correctness and mastery, it has to be taught, but taught interestingly, as a foreign language.

In our schools, the teachers are the key. If they can motivate students by adopting a lively and interesting approach, they would be leaving a lifelong legacy through the proud standard of their students' English. But teachers, it seems, have been reluctant to accept that they are the key, and that many of them need to improve their own standard of English as well as their ability to teach that language in order to adequately fulfil their role. I know I stand the risk of being accused of indiscretion and tactlessness. The trouble is our Government has been too tactful for far too long to allow English language teaching to have slipped to today's standard. The SCOLAR has come up with recommendations that deserve a real, hard look.

Not only has the standard of English slipped in our schools. Our tertiary institutions are facing similar problems, since it is only logical that falling standards in schools would mean that entrants into our universities would be less proficient in their English. In recent years, I have noticed that hardly a letter that comes from university undergraduates, or even graduates, would be free of

grammatical mistakes. It has been asserted that this downward spiral all began when the University of Hong Kong lowered its entry requirements for English in the 1980s.

We are pinning high hopes on Mr Arthur LI to come up with a comprehensive strategy to tackle this problem in our education system urgently.

One of the strongest motivation for anyone to learn a language must be the advantage one might gain in employment or business opportunities. Here, the requirement for different occupations is wide and varied. A shop assistant in a retail outlet that expects a large number of foreign visitors needs only a fairly narrow vocabulary that is relevant to the service or merchandise he supplies. A taxi driver, on the other hand, would need to know names of districts and streets. My point is that being a service economy, Hong Kong must ensure that the rank and file of service providers ought to communicate adequately in English.

The Workplace English Campaign has been introduced for this purpose. However, I understand that at present only \$34 million has been successfully applied for and paid out, and most applicants are employees rather than employers. I am concerned that the Government may not draw the right conclusion from this situation.

The simplistic view may be that such a fund is not necessary, as the response from the community is not enthusiastic. I submit that the problem is with the marketing of the Fund. When the campaign was first introduced, it had already been established that it is desirable for the Government to offer such assistance to upgrade English at the workplace. But like many government funding, once the funding has been approved, it has been left to the bureaucrats to determine its use. More often than not, the point is missed that subsidies to achieve a certain purpose and require efforts of the private sector, and in the case of Workplace English Campaign, the target audience consists of employers and employees, considerable marketing is necessary to ensure that the Fund achieves its original purpose. I therefore object to recent proposal to merge this funding with the Continuous Development Programme, as with such a merge the clear objective of improving the standard of English would be quite lost. Instead I believe the Government should reassess how to ensure that more people can benefit from the campaign, and this means listening to its potential applicants and users in the community, and engaging people with marketing expertise to promote its value and availability.

English, like any language, is the expression of an entire culture. The English language is no longer the language of just one nation. Having been adopted for use as a common language by many countries around the world, it has taken on a cosmopolitan character of its own. That is probably why Lan Kwai Fong and Soho do not only attract English-speaking visitors. They are also among the must-visit spots for non-English speakers. Our city, distinguished by its fusion of East and West, must maintain our Western feel in order to stand out among all Chinese cities. It is therefore not enough simply to rely on the fact that it says in the Basic Law that English is recognized also as an official language. Neither is it enough to pay lip service to the importance of English when senior officials are not prepared to speak it or answer questions from the English media. The Government has to practise what it preaches by giving equal weight to the official languages. It has to learn from countries like Singapore and Canada. In Singapore, television programmes are carried in the four official languages. In Canada, all government documents are produced in English and French.

I have recently expressed disappointment that the Government did not use the opportunity of reviewing the television broadcasting licences to ensure that the licensees are required to carry English programming of a higher standard. I cannot understand why the recommendation that English programmes should have English subtitles has been adopted only for news programmes. For it is mainly feature films and series that would attract the largest number of viewers, and the Government should have insisted that these programmes should carry English subtitles. I also lament the loss of an opportunity at the review to oblige the teaching of the English language through either the production or the presentation of acquired programmes. I know that productions are costly, but acquired programmes are less so, and since the licensees would have to buy programmes from abroad anyway, there is no reason why they cannot buy some of the highly commended English teaching programmes from acclaimed producers such as the BBC. I think the opportunity is not yet lost. The Government can still use its time in the electronic media to achieve this purpose. In addition, I believe that the English service of the Radio Hong Kong should be revamped to fulfil a more effective and relevant role in the education and communication in English by reshaping itself into a service for a wider public consisting of not only expatriates but also those who are interested in the English language and culture.

Madam President, it is high time that the Government should have a co-ordinated and comprehensive umbrella policy for the promotion for the use of English, as it could involve more than just the Education and Manpower Bureau. For instance, my comments above on the use of the mass media involve both the Commerce, Industry and Technology Bureau and the Education and Manpower Bureau, while government communication could involve all bureaux. Therefore I believe a task force within the Government under the chairmanship of the Chief Secretary for Administration is timely if we want results.

The Liberal Party has always tried to play our part. To begin with, we will be using more English for our speeches in this Council. Speaking of this Council, we have done some counting, and found that in the year 1982, 86% of our speeches were made in English. In the year 1992, this percentage has dropped to 28%. Last year, only 7% of our speeches were made in English. Is there not a clear message there?

周梁淑怡議員動議的議案如下：

"That, as English is one of the two official languages in Hong Kong under the Basic Law, and in order to strengthen Hong Kong's position as Asia's world city, this Council urges the Government to adopt measures to promote the use of English with a view to maintaining its importance and improving its standard in Hong Kong."

主席：我現在向各位提出的待議議題是：周梁淑怡議員動議的議案，予以通過。

MS AUDREY EU: Madam President, responding to the last question made by the Honourable Mrs Selina CHOW, obviously, we have to deliver the speech in English.

Madam President, I did not believe my husband when he came home one day and told me that when he was on a hospital round, a medical intern pointed to a female patient and said "he has headage". It took my husband some time to figure out that the medical intern was referring to the patient and saying that "she" was complaining of "headache". As I said, I did not believe him until one day I heard a law student complaining of "headage" instead of headache.

If I continue with these horror stories, Madam President, I am afraid that the seven minutes allocated to me would not be quite enough. But before I do so, I hasten to add that I have met many young people who speak delightful English. I have no doubt that the best in Hong Kong still remain the best, if not better than most compared to the rest of the world.

I simply refuse to believe that the future generation, or each generation, is, in fact, worse than the last. Our young people have so many more opportunities than we do: education, television, computer, Internet, more libraries, native-speaking English teachers, and so on and so forth. It is against logic, against evolution and against nature to think that our current generation is not as good as the last. However, the results of a survey carried out by the Standing Committee on Language Education and Research (SCOLAR) speak volumes. As Mrs Selina CHOW has already referred to those figures, I would not repeat them here. Suffice it to say that the figures are far from encouraging.

The SCOLAR report correctly points out the two key factors: motivation and language teachers. And of the two, motivation is far more important. One can learn good English through sheer determination even if he does not have good teachers. But if one does not have the determination, the best teachers cannot really help him. Speaking of motivation, again, like Mrs Selina CHOW, I think of the good old days when I was at school. My parents told me that to get on, the only way is to learn good English. In fact in those days, parents would let their children repeat one year in order to get into good English schools. Now, the thinking is very different. One chooses a medium of teaching which makes it easier for his child to learn. In the old days, children can be fined in class if they failed to speak English. But recently, I was told by the principal of a well-known English secondary school in Hong Kong that her students were reluctant to speak English because they would be scorned for showing off. At one time, speaking good English is a source of some pride. Now, it is a matter of shame if your English is better than your Cantonese or your Putonghua.

I certainly agree that we should speak good Cantonese and much better Putonghua, but that does not mean that we should slip up on our English. Indeed, one expatriate Judge told me recently that he spent his summer in the Tsinghua University. And when he went jogging in the morning at six o'clock, some mainland students would come up to him and say, "Speak English", so that they would have the opportunity to practise speaking English to the expatriate

Judge. When these mainland students do not have an opportunity to speak to expatriates on the campus, they would run around jogging in the morning, wearing earphones, listening to English radio broadcast or cassette tapes. Their eagerness to learn English is a contrast to the situation in Hong Kong. If we do not change our attitude, we would lose our status as an international hub, a financial city and a centre for professional and other services.

I welcome the report and the recommendations from the SCOLAR. It is important to set standards. However, I would like to put a caveat. It is important to remember that passing examinations is not the same as raising standards. The only way to improve is, of course, greater use of and more exposure to the English language. The mode of teaching and learning English should be more varied. There should be more discussion groups, activities, fun and games.

I have attended an English language summer camp called Summerbridge. The teachers were ordinary students. Many of them are returned students, who are studying abroad and returning home for the summer. They devised fun classes and activities for students about their same age, whose English standards were obviously not as good as theirs. They have theme days, for example, everybody would wear fun hats that day or fun gloves the other day. They taught new words everyday and they made sentences with students. For the homework, one may be given a piece of cheddar cheese and when he bit on it to show the marks left by his teeth, and he would be taught the different names of the teeth. The result was simply amazing. Very shy students picked up self-confidence to speak in English. I hope that more teachers and government organizations would organize these summer camps.

Speaking of summer camps, now more kids go up north to learn Putonghua in the summer. The reason is obvious, and that is because of motivation. I hope that the Government, in promoting integration up north, would not forget the importance of English. It must not forget our heritage and our destiny — both English and Chinese.

Thank you, Madam President. With these words, I support the motion.

MISS CHOY SO-YUK: Madam President, three and a half years ago, we had a similar motion in this Council which was unanimously carried. After that, we can see that the Government actually did put forward quite a few measures, such as the Native-speaking English Teacher (NET) schemes and the establishment of the Standing Committee on Language Education and Research (SCOLAR), as well as pouring money into information technology education and so on. However, after so many years, we still cannot see much improvement, if any, in our general English standard. As a matter of fact, I think that our English level is declining as years go by.

This problem is getting really acute now. We are talking about establishing stronger ties with the Pearl River Delta by complementing each other with our respective strengths. What are the strengths of Hong Kong? Admittedly, we still have plenty to offer — the rule of law, a simple and low tax system, the free flow of information, currency and goods and so on. However, one relatively obvious advantage we used to have over China, namely our English ability, is now diminishing, partly because our English standard is declining and also partly because the Mainland is catching up very fast. A recent survey, as the Honourable Mrs Selina CHOW has said, showed that 59% of executives are very or somewhat dissatisfied with the standard of English in Hong Kong. My experience is that, with very rare exceptions, fresh university graduates are not capable of expressing themselves properly in English. On the other side of the border, it is said that there are more Chinese studying English than there are native English speakers in the world. The TOEFL results last year show that mainland students ranked fifth among 15 countries in English proficiency and consistently outperform students from Hong Kong and those from most other Asian countries.

The SCOLAR has recently finished a report on language teaching in Hong Kong and has made quite a few good recommendations on how to improve our English education. Likewise, educators, experts, related communities and organizations have also voiced different opinions on the ways to improve the English standard in Hong Kong. I think that at such a stage, we have nothing to lose in trying any kind of measures.

Madam President, as someone with greater involvement in the promotion of Putonghua in Hong Kong, I always like to compare the progress in Putonghua and English proficiencies in Hong Kong in the past few years. Contrary to

English, we are glad to see that Hong Kong people are grasping Putonghua much better and that the standard is improving fast in recent years. The question that comes to my mind is, why is our improvement in Putonghua proficiency so much greater than that in English proficiency?

One may offer a few obvious explanations, such as the fact that Putonghua is after all a Chinese language and we can easily shift from Cantonese to Putonghua by twirling our tongues a little bit. Also, we have more opportunities in practising Putonghua since we have so many mainland visitors and we travel frequently in and out of China. However, these reasons cannot explain why mainland students are improving their English much faster than our students. In particular, mainlanders can hardly match us in their access to English mass media and to English speakers. We also have to consider the fact that we are actually spending a lot more money on our students than any of the mainland cities does. Moreover, within Hong Kong, we have two mandatory and free English television channels but none for Putonghua, and we have special subsidies for NETs but none for Putonghua teachers.

Madam President, at this point of time, I think we should try to find out the root of the problem so that we can solve it more effectively. I would like to suggest one or two reasons why our English proficiency is not improving as fast as that in Putonghua.

I have in my previous speech on the same topic suggested that after the resumption of Hong Kong's sovereignty by China, we have a pervasive misunderstanding that the Chinese language is where the action and money are, therefore the English language is put to the back burner. On occasions that we previously use English naturally, now we switch to Chinese automatically. Of course, it is only natural that we talk more about issues and matters about China in Chinese. Discussing issues and matters about Chinese culture in English sounds odd and weird. We hardly realize these changes.

The other reason may be rooted in certain complexes that we have developed over the years. That sense of superiority over mainlanders is so embedded in our mind that it makes us refrain from exposing our weaknesses in areas that we are supposed to be good at, like English proficiency. I have observed a phenomenon that is quite interesting. People who do not speak Putonghua well always declare it loudly, often quite proudly and add that it is

because they are locally born. These people will gladly start to speak awkward and broken Putonghua and regard themselves as more studious learners. If we tease them about their mistakes, they would just feel amused that they are being given attention. In this way, they improve their Putonghua very fast, as practice is the key to language learning.

On the other hand, when it comes to English, very few people who cannot speak the language well want to let others know. If we point out their mistakes, they might feel embarrassed and humiliated. They are inclined to shy away from using English and hence can hardly improve their English proficiency. Our learning capabilities are jeopardized by our own complexes.

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

MR TOMMY CHEUNG: Madam President, it is important to have a sound foundation for our children to develop into capable adults. There are conflicting research findings in the issue of the starting age for learning a language different from the mother tongue. I admit that there is no final conclusion. However, I subscribe to Rod ELLIS who, in his book *The Study in Second Language Acquisition*, listed several general conclusions that:

- (1) only child learners (possibly at around six years) are capable of acquiring a native accent in informal learning contexts;
- (2) children are more likely to reach higher levels of attainment in both pronunciation and grammar; and
- (3) the process of acquiring a second language grammar is not substantially affected by age, but that of acquiring pronunciation may be.

Children respond differently in their learning, because there are individual differences. To let children develop according to their ability is appropriate to child developmental theory. We should not drag the feet of those who can benefit from an early start by mandating the age to start learning English.

In fact, the Government should concentrate not only on upgrading the skills of primary and secondary school teachers, but more so, on upgrading the language skills of kindergarten and preschool teachers. So that, from the mass that go through this developmental stage, those who have the ability should be given the opportunity to go further ahead.

The education sector has attributed the downfall of students' ability in the use of English to as early as the omission of assessing English in the Secondary School Places Allocation (SSPA) when teachers concentrated their efforts in developing students' development in the knowledge and skills in Chinese and Mathematics. Now with the abolition of the SSPA, it is not surprising that secondary-school principals are dissatisfied with the overall standards of secondary-school entrants (as English falls far below the average standard).

Let us be realistic. Without formal assessment at the end of the primary level and lacking early exposure at the preschool level, I do not believe that our students' English standard would improve.

An accompanying fallacy is the strong emphasis on teachers' insistence on children producing accurate spoken and written English at the initial stage. This is developmentally inappropriate. Children make mistakes and errors even in their mother tongue. Mothers would rarely consciously correct speech errors of their children. To emphasize on accuracy at this stage is to put children into the chains and shackles of grammar and spelling. This limits creativity in children and suppresses fluent flow of language. The result is children losing interest in learning English.

To be able to continue learning English after school, one must rely on a basic skill: reading. Tens of millions of dollars have been spent on reading schemes both at the primary and the secondary level. However, our children were not taught how to read. They were not taught to relate English letters to their sounds, so they could not read the words they were not taught to read. They were taught the names, not the sounds, of the English letters, so they could not sound out the English words they were not taught to say. And as a result, our children cannot "read" properly and, needless to say, "learn" effectively.

With the falling of standards in English, the Government has carried out the Native-speaking English Teacher (NET) Scheme, which native English-

speaking teachers were recruited to help to brush up students' ability to use English. I strongly urge the Education and Manpower Bureau (EMB) to modify the existing scheme that allocates each school a NET, as this is only piecemeal and ineffective. Major criticisms from NETs themselves on this scheme include too many students/classes to look after, feeling lonely, not enough or even no support in resources and social life and so on. It is my view that the NETs are fighting a losing battle; the education authorities are fighting a losing war. I believe a concentration of such teachers in a smaller number of schools would give a multiplying effect than scattering them around on a lone mission. We should post groups of NETs (equivalent to the number of English teachers in one school) to schools of certain districts and supply them with the necessary resources, help and support. A period of time should be given for local English teachers to help them to integrate into the schools and the curriculum.

Then the NETs should take up the role of teaching English in the schools as well as developing meaningful out-of-classroom activities to complement the formal teaching, allowing student's opportunities to apply and practise English in authentic situations. The local English teachers in these schools are then given time off to engage in immersion programmes to improve their English proficiency and teaching skills. When the local English teachers return with confidence in their English proficiency and teaching skills, they will resume their role as English teachers in their schools, releasing the NETs to move on to other districts.

There are, of course, technical details to be sorted out, for example, how to choose districts and/or schools, how to guarantee fairness in the process, and so on. These kinds of details have to be discussed among the EMB and the different school districts in setting out appropriate guidelines and procedures.

Of course, the above suggestions can be implemented through using existing resources. But, if the Government can provide additional resources, we do not need to do it by district.

To summarize, the nurturing of the use of English must start as early as possible. We have neglected those aged zero to six for too long. Students should learn to read by teaching them phonics skills, so that they can read to learn independently, building up their confidence in their expressive and

receptive skills in English. While we take advantage of the NET Scheme to create an authentic language environment for our children, we should also develop our local English teachers by giving them immersion programmes so that they can better equip themselves in the teaching of English.

We have to fork out more resources or Hong Kong would lose its status as an international city.

With these remarks, Madam President, I support the Honourable Mrs Selina CHOW's motion.

DR YEUNG SUM: Madam President, the Chief Executive has laid out in many of his policy addresses the Government's plan to consolidate Hong Kong's position as an international city. If we are to successfully meet the challenges of tomorrow, it is vital that we raise the language standards of the community through the concerted efforts of teachers, parents, and the community at large.

We often heard university lecturers and employers complaining about the declining language proficiency level of students and graduates. Indeed, it takes an individual more efforts to correct his language problems when he has grown up. On the other hand, a young learner can make speedy progress in language acquisition. It is not uncommon to find a small child learning Cantonese, English and Putonghua at the same time, often at a rate faster than an adult. Therefore, it is of utmost importance for students to achieve basic competencies in languages at schools.

As we all know, benchmarking and examinations alone cannot stimulate students' interests in learning. A motivating language learning environment is one of the pillars to successful language training. But, how can we create a motivating language learning environment? Many teachers and students agree that at present, textbooks for English language learning are not interesting enough to stimulate their interests. Some textbooks are not even appropriate in depth. According to some local research findings, 30% of students have found their textbooks too difficult to follow. Teachers usually teach students according to textbooks disregarding their interests and ability. The problem of learning English with most Hong Kong people is that they do not have an English speaking context. This is closely related to how textbooks are written, and that

is why parents would spend extra money to send their children to tutorial classes under the guidance of native-speaking English teachers. The Education Department should review the curriculum and make it more stimulating and interesting.

"Spare to speak and spare to speed". In other words, speak more to make speedy progress. The problem of school children is that they do not have an English speaking environment. There are at present 114 English medium secondary schools. These schools sometimes use Chinese as a medium of instruction in subjects other than English language. The Democratic Party has all along supported the use of mother tongue as the main medium of instruction. However, measures should be taken to promote an English speaking environment. For example, schools can organize events like "English speaking day" or "English speaking week". Students learn languages best in a lively way. As mentioned previously, we do not have an English speaking environment which is close enough to that of the native speaker. What can teachers do? Ask students to watch a television programme in English, or organize learning activities such as debates, language camps and drama. Surely this is better than simply teaching them rules in class.

The quality of teachers is an important factor in making language teaching successful. To enhance the quality of language education, schools should move progressively towards deploying only teachers with a degree in the relevant language subject to teach languages. At present, many language teachers do not hold a degree or a diploma in the relevant language subject. Most teachers who have a degree in a relevant language subject are teaching in secondary schools because of better pay, leading to a shortage of supply of qualified language teachers in the primary level. At present, there are about 6 000 language teachers who do not have training in teaching languages. The Standing Committee on Language Education and Research recommended setting up an incentive grant scheme to provide each teacher with a grant covering 50% of course fees to acquire the qualifications necessary for language teaching. We welcome this move to improve the quality of language teaching.

The Native-speaking English Teacher (NET) Scheme plays an important role in fostering an enabling English environment for students too. But the cost-effectiveness of the scheme is affected by the shortage of manpower. At present, there are more than 600 NETs working in public sector and subsidized

schools. On average, there is only one NET for each school. Each class only meet this teacher once or twice in a year. This, together with the high turnover rate of these teachers, virtually renders the whole scheme ineffective. The Government should put in more resources to make this scheme successful.

One of the common problems facing language teachers is the heavy workload. On average, a primary school teacher has 37 students in a class, and a secondary school teacher has 35 to 40 students. Language teachers are particularly overloaded because of the nature of the subject. The school management should try as far as possible to reduce the non-teaching duties of language teachers. Schools should make better use of the additional resources available in recent years to facilitate school management. Language teachers can then concentrate on teaching duties.

All these efforts have to go together with small class teaching to improve language proficiency. Individual attention is particularly important in language teaching. The teacher should then give students individual attention and encourage them to speak English individually.

Therefore, effective English teaching can only be conducted or better be conducted in small classes. The decline in birthrate has given us a golden opportunity to implement small class teaching. Instead of cutting classes, the Education Department should seize the opportunity to implement small class teaching. This would benefit not only language teaching, but teaching in all subjects.

Apart from school teachers, the community at large should work together to create an environment conducive to language learning. In this connection, the mass media has an important role to play in language education. Television programmes on English channels should be provided with English subtitles so that viewers can also acquire the English language through entertainment.

For language education reform to be successful, we need a better-equipped language teaching force, a creative taskforce on language learning reform, and a government which resolves to invest in language education despite the pressure of economic downturn. And the sooner the investments the better.

Madam President, I support the motion.

DR RAYMOND HO: Madam President, English is an important medium of communication as millions of people in different parts of the world speak the language. It is also an important and useful language of business worldwide. I believe that everyone here in Hong Kong agrees with this. For years, the Government has been investing heavily in our language education to improve students' English standards. Parents always exhort their children right from their first school day to study hard and master the language in order to get ahead in society. Even the reunification of Hong Kong with China in 1997 has not changed this line of thinking.

In Hong Kong, English classes commence at nursery schools. The language usually takes up much of the school children's study time in primary and secondary school levels. At university level, English is, at least, officially speaking, the medium of instruction. Basically, the Government, parents, students, and people from all walks of life are well aware of the importance of English. Nonetheless, the English proficiency of our students of all levels is said to be declining. Meanwhile, employers are complaining about the declining English standard of our university graduates.

I believe that this disappointing situation must have something to do with our English language education. Instead of learning English in a lively and interesting manner in an appropriate environment, students have to cram grammar rules and even recite prepared essays for passing examinations. Except for a few outstanding students, such a system can at best produce students who read and write English. It is not uncommon to find students who are not able to make a single coherent sentence although they passed the Hong Kong Certificate of Education and the Hong Kong Advanced Level examinations. They are not to be blamed as they seldom use the language outside classrooms. As for those who fall behind, they just give it up altogether as English is all Greek to them. I would not be surprised if some students who finished Form Five cannot read out the 26 alphabets in the right order.

It is therefore imperative for the Government to overhaul the curriculum and pedagogy of our English language education. Some of the recommendations made by the Standing Committee on Language Education and Research in its recently released consultation document entitled "Action Plan to Raise Language Standards in Hong Kong" are worth considering. These suggestions, if implemented, could overcome the shortcomings associated with

rote learning. Of course, the examination-oriented culture must be discouraged if we are to make them effective.

On the other hand, the Government should enhance the Native-speaking English Teacher Scheme so as to offer a better English learning environment to our students. To ensure a quality English language education in schools, all local English teachers must have the right credentials and meet the required proficiency in the language.

Above all, the Government should take the lead in promoting the use of English. Public services should be available in both Chinese and English whenever applicable. The practice is in line with our status as an international commercial and business centre.

Madam President, I am in total agreement with the motion calling the Government to take measures to promote the use of English in Hong Kong. However, I found it most unfortunate that the motion is so worded to give an impression that both Chinese and English are two official languages of the same standing. The motion begins with "That, as English is one of the two official languages in Hong Kong under the Basic Law". The Chinese version reads "鑒於英文是《基本法》所訂香港兩種正式語文之一".

However, this is not exactly the case. As far as I can recall, the same question was discussed thoroughly by members of the Basic Law Consultative Committee, of which I was a member representing the engineering profession, between 1985 and 1990. It was agreed that Chinese is the first official language among the two. In accordance with this principle, Article 9 of the Basic Law states that "In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region". The Chinese version reads "香港特別行政區的行政機關、立法機關和司法機關，除使用中文外，還可使用英文，英文也是正式語文。".

Madam President, there should be no ambiguity on this point. But this technicality should pose no obstacle to the Government in coming up with measures to improve English standards in Hong Kong. I so submit. Thank you.

MR ABRAHAM SHEK: Madam President, as the language of international business — and also because of our colonial history — we have always been encouraged and motivated to be a city that maintains a high standard of English.

For these and other social and economic reasons, English plays a vital role in many aspects of our daily lives. It is the *lingua franca* for global business transactions and legal documents. And for students, achieving a good grade in language subjects is essential for admission to higher education and getting a good job.

The community at large also acknowledges the value of English and supports its wider use as well. With our expatriate and international population, there is also plenty of opportunity for practice. Yet, many contend that the English standard here is deteriorating. In fact, many employers are unhappy with the declining language skill among employees and fresh graduates. There is obviously a consensus agreeing that written and oral English standards should be improved in Hong Kong.

Let us look at the situation this way — 50% of Hong Kong's population is ethnic Chinese. They use Cantonese, their mother tongue, at home, at work and in the classrooms, too. Obviously, this kind of environment is far less conducive to the use of English than we would envision. As a result, the language is not likely to be promoted or enhanced among local populace. It is important then that we focus on improving the climate for language learning.

Since the handover, one environment that has experienced great change is our local schools. Secondary institutions across the territory are now encouraged to teach non-language subjects in Cantonese. The policy change in the medium of instruction has triggered heated debates among schools, especially those that used to teach in English. While I agree that the medium of instruction should not become a barrier to learning, schools on the other hand should nurture environments with more opportunities to use English in addition to Chinese. Further, we must prepare students to progress to the English-learning environment of universities. The switch to Cantonese was implemented to achieve a goal of greater general learning, and that was in the right direction, but has it been successful? Many educators support the new policy, though some university studies have produced different results. The Government's policy review later this year will hopefully give us a more definite answer and a clear

direction. Specifically, the Government needs to reach a balance between English and Chinese training in schools.

In addition, our students have not been given adequate motivation to improve their English language proficiency. Ask any student in Hong Kong about the value of learning English, and he or she would most likely give you a positive response. But the same student who says he or she appreciates the value of English may not necessarily demonstrate the same enthusiasm in English class. The fact is many students find language lessons boring and unstimulating. Outside the classroom, they are not inspired enough to initiate self-learning through reading or watching English media. Those who are motivated to learn English are often primarily concerned with passing examinations, and few continue past graduation with a lasting interest in language improvement or communication skills. Clearly, there is a gap between words and action. However, our students are not the only ones to be blamed. Uninspiring teachers, pressuring parents and an examination-oriented school curriculum all share some responsibility.

The fact is, the problem of trying to motivate students to learn a new language is not restricted to English. There is also concern over the next generation's standard of written Chinese and Putonghua as well. In our pursuit for greater integration with the Pearl River Delta, Hong Kong must shore up our distinct advantage in being able to communicate effectively with business interests in the East and the West. A biliterate and trilingual population is crucial in sustaining the city's competitive edge.

The most recent advocate of raising language standards in Hong Kong is the Standing Committee on Language Education and Research. The advisory body has conducted a review on Hong Kong's language education and identified two key issues that need special and prioritized attention: first, benchmark standards need to be set for language competency, and, second, student's motivation for language learning has to be raised. Again, these initiatives require the active participation and co-operation of schools, the parents and the general public at large. Front-line language teachers, in particular, should be invited to give their views and opinions on the Committee's proposals. Their participation is crucial in developing a practical and effective strategy for language improvement.

The review also raises the question of whether the Government should develop a more explicit and comprehensive language policy for Hong Kong. Certainly, a thorough course of action would help promote language proficiency in both the public and private sectors. The Government should also encourage the private sector to play a more active role in creating work cultures where language development is positively reinforced and lifelong learning is nurtured. Employers can play a big part in promoting language improvement.

Madam President, to successfully implement the challenges of a knowledge-based economy and consolidate our position as Asia's world city, we need to raise the general language standards and communication skills of our community. And the need is more urgent than ever. To achieve this goal, everyone has to — and must — contribute in his or her own way.

DENG Xiaoping gave us "one country, two systems". The British gave us "one city, two languages". These are the two gifts that made Hong Kong's past a success and will make our future a success.

Thank you, Madam President, I support the motion.

MR JASPER TSANG: Madam President, like everyone else who has spoken, I guess I have to speak in English in this debate. I must admit that it seems a bit pretentious of me because I have never used English in motion debates in this Chamber, with the only exception of a very short response to the Honourable Martin LEE in the policy debate last week.

I prefer to use Cantonese in these debates because, of course, I believe that I am much more fluent in that language, especially when I have to engage in verbal duels with my colleagues sitting over there. Another equally important reason is that I think Cantonese is much better understood by the media and the public. Like some of my colleagues, I speak at an English radio programme, "Letter to Hong Kong", once in a while. The contents of my letters are always reported in the Chinese press. However, almost every time, there are gross misinterpretations in the Chinese version, which is most annoying.

I need not be reminded of the importance of English, though, because there are many occasions on which I have to speak English, not only when I have

to debate about Article 23 of the Basic Law in front of foreign visitors with Mr Martin LEE or the Honourable Emily LAU, but also when I communicate with some members in my constituency. They are ethnic groups in Kowloon West who do not speak Cantonese, and as I do not speak Urdu, Hindi, Nepalese or Tagalog, we have to take English as our *lingua franca*.

However, Madam President, my frequent contacts with non-Chinese speakers mainly began when I entered politics and became spokesman of the Democratic Alliance for Betterment of Hong Kong. Before that, I had very little chance of speaking English both at work and after work. And I believe that for the average individual in Hong Kong, this is also the case. Although we are in a cosmopolitan city, to many people in Hong Kong, encounters with English speakers must be few and far between. The Honourable Mrs Selina CHOW said that bilingualism is a legacy of our colonial past. However, it has also been repeatedly pointed out that, unlike in many other former British colonies, in Hong Kong, English has never become a truly popular language, meaning that it is seldomly used outside the classroom and the office.

Perhaps there are a variety of reasons for this. The most fundamental being the great majority of Hong Kong residents speak Cantonese, a dialect with a very strong life. Cantonese is a colourful dialect enriched by Hong Kong culture and it serves the rhetoric needs of Hong Kong people so well that I think no one would want to substitute a foreign language for it. And ironically, as we grow more affluent, we need to speak English less. In my school days, we all sang English hit songs. Big blockbusters all came from Hollywood, and when one bought a new toaster or a hairdryer, he only got an instruction booklet in English and Japanese. Today, our youngsters prefer Hong Kong and Taiwanese singers, with their Cantonese and Mandarin songs. Andy LAU and Tony LEUNG have taken the place of Audrey HEPBURN and Gary COOPER, the English-speaking stars of our generation. And there is hardly any English publication but with a Chinese version. So how can we blame our kids for their lack of motivation to learn English?

A foreign language is like a new pair of shoes. One has to use it often enough to be comfortable in it. And we are in a sort of paradox, because on the one hand, we cannot improve our English standards without using it often enough, but on the other hand, because of our poor standards, we cannot use it freely. The solution, Madam President, can only lie in our school education.

Language experts talk a lot about immersion programmes. Well, we have to forget about this in Hong Kong because in Hong Kong, there is simply no English environment for our learners, our students, to immerse themselves in. The experts also advise that we should learn from authentic English, and again in our everyday life, there is very little authentic English.

I noted that although the motion calls for the Government to promote the use of English, most of our colleagues who have spoken dwelt on education and language teaching in our schools. And in fact, sometimes one wonders what our schools are teaching in their English classes. We hear mistakes — grammatical mistakes and lexical mistakes — not only among our students, but among those who are supposed to be well educated. On a recent occasion at a ceremony, I was asked to officiate. I was repeatedly addressed as "'Hornourable' TSANG Yok-sing" by the president of a very respectable association.

With these words, I support the motion.

MR HOWARD YOUNG: Madam President, English plays an important role in Hong Kong's quest to be Asia's world city. A multitude of international and multinational companies of various origins have been attracted to invest here. Despite their origin, most of the Caucasian world companies use English as their business language, and indeed so do many of the Asian companies. Large numbers of tourists and expatriates are also attracted to visit and to live here. Many of the tourists and most of the expatriates have a working knowledge of English. By using English, we can communicate and co-operate well with most foreigners in performing different types of financial, commercial and social activities. English has also been one of the main reasons for Hong Kong's development into a prosperous society during the last century.

After the reunification of Hong Kong with China, Hong Kong has successfully implemented "one country, two systems". As stated in Article 9 of the Basic Law, "In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region." By being a bilingual city, Hong Kong can distinguish itself from other cities in the rest of China. However, English standards and the use of English in some of the mainland cities such as Shanghai, Beijing, Guangzhou and Shenzhen have been improving rapidly.

Let me quote a few examples to illustrate this: I interviewed some candidates last month applying for corporate scholarships provided for Chinese scholars from Hong Kong, Beijing and Shanghai to study at Oxford University. As for those who came from the Mainland, I found their level of English quite impressive, especially their written English. Even though Hong Kong students theoretically have more opportunities to use English and have much more exposure to English, I did not find this duly reflected on the oral side. Another example, it has been reported that in Beijing, all taxi drivers had been learning English in order to better prepare for China's accession to the World Trade Organization (WTO) and the bid for the 2008 Olympic Games. This has been confirmed by tourist passengers encountered by enthusiastic taxi drivers trying out their newly learnt phrases on them. In addition, China's CCTV has also established an English channel and produces a number of English programmes to promote English, whereas in Hong Kong our traditional English television channels have been diluted by other languages.

Since 1997, one of the most quoted worries within Hong Kong is "Will Shanghai overtake Hong Kong?" With the inauguration of a magnetic levitation railway, reaching an agreement to build Universal Studios and acquiring the right to host World Expo 2010, we can see Shanghai progressing day by day at a rapid rate. In order to prevent our edge from being eroded, it is necessary for us to pinpoint and sustain our current relative advantages so as to maintain our competitiveness. One of our advantages is the wide use of English as an official government and legal language, in addition to being the major business language, a characteristic of our metropolitan status.

According to some surveys in recent years, foreign businessmen in Hong Kong generally find themselves dissatisfied with the decreasing standard of English of our working population. Madam President, it would not be surprising if someone said that Hong Kong's English standard seems to have lagged behind when compared with other English speaking world cities such as New York and London, but it is much worrying to know that our main Asian competitor, Singapore is ahead of us. Singapore has done much to encourage its people to use more English. The Singapore Government has highlighted the importance of English and launched several campaigns since 2000 with the aim of upgrading the English standard of its citizens.

In order to maintain Hong Kong as an international financial, tourism and commercial centre, the Liberal Party urges the Government to adopt more measures to promote the use of English in Hong Kong so that standards can be improved and upgraded. Many of the measures suggested by the Standing Committee on Language Education and Research are commendable, especially those on using international standards as a yardstick and upgrading our teachers' skills.

Under the principle of "one country, two systems", Hong Kong's previous legal system can be preserved. Traditionally, we follow common law. It is a fundamentally judge-made law and is to be found primarily in the judgements of the courts of the Hong Kong Special Administrative Region and other common law jurisdictions worldwide. As most of these jurisdictions also use English to deliver their judgements, it is also an advantage for Hong Kong in this aspect. This not only gives us much more exposure to English language, but it also gives foreign investors more confidence and convenience in understanding and dealing with the legal system of Hong Kong.

Another important reason for promoting the use of English is tourism. All of us who have international travel experience know that if we travel to a place where we can communicate with the local people at ease, it is much more fun, gives a good impression, and gives you more reason to visit again. Similarly, when foreign visitors travel to Hong Kong, they would be much more impressed if we could provide them with quality services in a language with which they are familiar. As English is one of the most popular languages in the world and has been widely adopted as an international "Language of Tourism", there is a need for us to equip ourselves with better English so as to create a tourist-friendly environment. This surely will benefit Hong Kong's tourism and henceforth our economy which has tourism as one of its four main pillars.

Madam President, the Hong Kong Disneyland is about to be completed in a few years' time. With China's accession to WTO, there is an expectation of more foreign investment in China, including those made through Hong Kong. These are challenges and opportunities and time is not on our side. If we intend to grasp these opportunities, hence ensuring the status of Hong Kong being an international metropolitan city and the gateway to China, truly a world city in Asia, we must upgrade our English standard.

Madam President, I support the motion, in theory and in practice.

MR MICHAEL MAK: Madam President, I have just finished writing the English script in a hurry and hopefully it is not too awkward to make my fellow legislators feel ashamed!

Anyway, I speak in support of the motion moved by the Honourable Mrs Selina CHOW.

I must say that I am dissatisfied with the current overall standard of English of the community and I must admit I do not speak good English. I, however, wish to comment from my experience as a legislator, a manager of a hospital and a father. I think each of our fellow legislators does need the assistance from the so-called personal assistants, who help us out with research, administration, not to mention script preparation. To meet the basic criteria of being a competent assistant to us, a candidate has to possess the very basic requirement of a good command of two languages, one of which being English. From my experience of trying to recruit the most suitable candidates, it is disappointing to learn that the standard of English of those candidates with a bachelor degree was far from satisfactory, I must say. Most of them could not write an application letter properly. I am also sorry to say that by now, I am still not relying on my existing assistants for the writing of my English speeches. Turning to my experience as a manager of a public hospital, I have the similar experience. I would attribute the use of too many jargons of our own in the health-care industry to be one of the reasons. The English standard of my elder son, who has recently completed his fifth form education, I must say, is poor, but I am sure his is not the poorest!

People are very keen and anxious to know the reasons of the degrading, which, I consider, is the result of multiple causes. In the era well before the return of the sovereignty of Hong Kong to the People's Republic of China, the colony was using English as the official language. It was well received that English was cardinal and essential to establish one's status, in terms of study, business and networking. Hardly was someone not extremely aware of the need for a good command of English! Parents were so worried about the future of their children so much so that they would like to send their kids to the English schools by all possible means. I must say I was lucky that my parents were not an exception to this. I wonder about the situation now, but I am quite sure that the parents do wish their children to master good English.

The use of English after our return to China is certainly diminished — the reasons are certainly understandable, be it considered politically correct or realistically necessary. I must advise those thinking it being politically correct that the English standard of our comrades in China is not bad at all, especially in our capital, Beijing.

I am also doubtful about the ill effects of using Chinese as the mode of instruction in our teaching. I really do not want to comment too much because the Permanent Secretary for Education and Manpower, Mrs Fanny LAW, would be furious again. She did scold me in the lift after the briefing by the Secretary for Education and Manpower and after I commented that the mode of using Chinese as the medium of teaching was probably one of the reasons leading to the poor standard of English nowadays. Anyway, I uphold my criticism on the policy.

What else should be blamed for the degrading — how about our quite ridiculous or distinct culture of using Chinese coupled with English? In using Chinglish, one can hardly master the either proficiency and one will not have the incentive to structure one's expression in complete sentence with a correct grammar.

Maybe I should refer to the standard of English of our school teachers. According to the assessment report launched on 24 September 2002 on Language Proficiency Assessment for Teachers (English Language), most of the candidates attending different assessments had an attainment rate far from satisfactory, say, of 662 candidates attending the reading assessment, the attainment rate was 55%, for speaking, almost 679 candidates attended and the attainment rate was 58%. What we can learn from the report is certainly that the teachers need improvement in their standard!

I also wish to accuse the contemporary activity in ICQ, which is widely participated by our kids. In the ICQ environment, we will be surprised by the language they use, for example, "B4" represents "before", "OIC" for "Oh I see", "Dunno" for "Don't know". What on earth are they doing? They create words of their own, in technical term, we call it "neologism".

I am, indeed, worried about the downgrading of the standard if we do not do something. I cannot think of something very substantial because it is not my work but the responsibilities of the Secretary for Education and Manpower.

However, we shall try our very best to use both English and Chinese proficiently and efficiently. Anyway, communication is not one-sided, and we should use the best cultural ways to express ourselves. English is the most common language in the world and we shall demonstrate to the rest of the world that Hong Kong, as a Pearl of the Orient and a cosmopolitan city, is able to master English in an effective way, although our mother tongue is not English.

Madam President, with these words, I support the motion. Thank you.

MR LAU PING-CHEUNG: Madam President, as a highly internationalized cosmopolitan city, Hong Kong has always been a passage window to the world for mainland China and indisputably a springboard for the Western world to the Mainland as well, particularly so before the return of Hong Kong's sovereignty to mainland China. The success of Hong Kong has depended not only on our full integration and being part of the international community, but also on our capability to master biliteracy and trilingualism (兩文三語). It is this capability that has enabled Hong Kong to maintain our connectivity not only with the Western world but also as a conduit and bridge between the Mainland and the Western world.

Unfortunately, society is experiencing a general decline in the standard of English language (in fact, as well as Chinese language).

This has not only caught the attention of the Chief Executive, Mr C. H. TUNG, who vowed in his 2001 policy address to promote the wider use of basic English and to upgrade the English language ability of our standards as our policy is to promote biliteracy and trilingualism, but it has also caused concern to the business community. So much so that even the most rhetorically conscious profession, the legal profession, has also voiced its concern on the falling standard of the English language among law graduates.

In 2001, the Administration through the Standing Committee on Language Education and Research (SCOLAR) carried out a review on the level of Hong Kong people's mastery of biliteracy and trilingualism. The result published in last October revealed that the business community has a general perception of decline in English standard across society. One of the reasons of such decline is probably due to the restructuring of our economy from manufacturing to services.

The report points out that services in the year 2000 were accounted for some 86% of Gross Domestic Product up from 69% in 1982 which translates into a workforce of 2.55 million in 2000 up from, that is, 1.25 million in 1982. That is to say, more people with less than capable English language ability has joined the services industry which require more interpersonal communication than the manufacturing industry.

No matter what, with the mainland services market poised to be fully open up in the coming few years after her accession to the World Trade Organization, Hong Kong's integration with our Motherland, particularly with the Pearl River Delta area, will be not only a must, but its speed and frequency of integration will be greatly expedited and increased. The demand for trilingual capability will undoubtedly be escalated. The Administration is therefore duty bound to invest more in our society to upgrade our language education and on-the-job language training. The various recommendations put forward by the SCOLAR, including pilot project to promote the teaching and learning English through television programme among secondary school teachers and students, should be supported and implemented without reservation.

In March 2000, the Administration rolled out an on-the-job training programme called "Workplace English Campaign" to upgrade English proficiency for six types of people. They are those in the low-proficiency job type, front-line service personnel, clerks, receptionists/operators, secretaries, executive/administrators/associate professionals. Those who go through such programme and satisfy a prescribed proficiency examination will be able to be reimbursed with half of the tuition and examination fees.

Up to October 2002, a total of 35 000 applications have been received for funding assistance under the Funding Scheme for Workplace English Training, involving some \$34 million. Notwithstanding the current financial difficulty facing the Administration, such investment in language education for the working class is most worthwhile.

Other initiatives such as the Native-speaking English Teacher programme and the Language Proficiency Requirement for Teachers are also important measures to elevate the standard and proficiency of English language in our society.

Now let me share with you my personal experience in learning the English language. I can still vividly recollect the day when I first came to Hong Kong in 1959 that I could hardly speak any Cantonese, not to mention any English. It was, however, through a systematic and complete education of the English language in school that we were able to pick up gradually the eight parts of speech of the English grammar which, in my experience, laid the foundation stone for building up the proficiency of the language. Not only were we taught how to build up sentences but we were also required to analyse sentences by breaking them down into and identifying the different parts of speech. And it was the latter part which had fused the English language into our memory without noticing it. Members in this Council who are of similar age as mine will probably still remember the little thin English grammar book called "Brighter Grammar" that we had used to acquire and acquaint ourselves with the English language in the primary school days.

English not being our mother tongue, and like any other languages, requires systematic and complete language education through persistent and continuing teaching and learning programme, particularly in the early days of one's learning life, before one can command the language well. I hope the Administration will revisit the teaching material and the teaching method that are now being used in primary schools where no systematic education in English grammar is taught.

With these words, I support the motion.

MR JAMES TIEN: Madam President, no Member of this legislature needs to be reminded that the reason so far all Members are speaking to you in English today is because, in Hong Kong, whether we speak in English or Cantonese is purely a matter of personal choice. Many of us use both media, changing from time to time according to the subject of the debate.

In the Liberal party, with our business background, the use of English is essential to further our working lives. In a world-class city like ours, the same applies to many sectors of society. It is not an exaggeration to say that there are a few in our working population who do not need a basic command of English in order to prosper in their daily lives.

English is the language of global commerce and industry. Of even greater importance to us, it is the language of the common law, on which our freedoms are based, and through which all our most vital and far-reaching legal judgements are made.

It is a fact that school leavers and students who have a good knowledge of English have an infinitely wider choice of careers than those who finish their education with poor English skills. The companies which earn most of Hong Kong's vital foreign exchange could not operate without being able to conduct high level business in English.

So, perhaps the most crucial factor, when Hong Kong's economic prosperity hinges on retaining its position as the region's premier service and financial centre, is that English must be fostered and promoted in every possible way. Our Government has made sterling efforts in recent years to promote our bilingual skills, through the Workplace English Campaign. In the two years of its existence, it has received 34 000 applications, of which more than 20 000 have been approved, with the campaign costing of \$34 million. This is a major achievement and it leaves no doubt about the importance the Government attaches to language proficiency.

Unfortunately, our English language standards have been slipping. This is very worrying. If we are to stay competitive in an increasingly challenging business environment, we must double our efforts to promote our English language skills.

There are many ways to improve our English language skills. Formal teaching is essential. English teachers' standard is also essential, but we must make English part of our lifestyle so that every citizen can on a daily basis acquire and improve their knowledge. This can be done through English language programmes on radio and television, through bilingual signage on our streets, through advertising in public places. All government notices and forms should return to their old bilingual format. That is the way it is done in rival cities in South East Asia, where, it has to be said, the use and level of English spoken is all too often far ahead of Hong Kong.

Despite that, it is not false pride, and it is no idle boast, to say that this city far outstrips any neighbouring metropolis in the incentives it can offer foreign

firms to set up regional headquarters here. Our free flow of information, rule of law, and our infrastructure is second to none. It would be unforgivable if a lack of English skills is to let us down in the increasingly fierce competition for foreign investment.

Madam President, that is why I urge our Government to do everything in its power to promote our second language, in particular by continuing to fund English language schemes, and by encouraging its citizens, across all ages and walks of life, to remember that a good command of English will help them to better jobs, better salaries and fuller lives. In doing so, they will help the Hong Kong Special Administration Region Government to maintain its prosperity, and enhance its stature as one of the great cities of the world. Surely that is an aspiration we can all share, and something that with a little application and extra effort, we can all achieve.

Madam President, I wholeheartedly support the Honourable Mrs Selina CHOW's motion.

主席：是否有其他議員想發言？

MR MARTIN LEE: Madam President, the only person who has not used English during this debate is you, and this shows how independent you are from all of us.

I share the view of many of the Members who have spoken that the standard of English used in Hong Kong has deteriorated greatly in recent years. Perhaps we should take a look at the motion. The last words read: "..... this Council urges the Government to adopt measures to promote the use of English with a view to maintaining its importance and improving its standard in Hong Kong." I do not think this is good English when it comes to "improving its standard". But it happens to all of us, Madam President. I use a dictionary every time I sit down to write something, whether it is a speech or for my work in court, because we do not use it enough. Thus, I do not think that we should leave it to the Government, or to our schools either. God helps those who help themselves.

May I share my experience with the people of Hong Kong through this debate, hopefully some people are listening in. When I was studying law in England, within five days of arrival in London, I discovered to my horror that I spoke English with a terrible Cantonese accent. And then I said to myself, how could I make a living at the Hong Kong Bar Association (Bar Association) with such a standard of spoken English? But I did not give up. I then switched on the television every evening and watched BBC news and tried to follow the newscaster as he or she read the news in English. I tried to follow the intonation, pronunciation and everything. And at first, for every 10 words from the newscaster, I could only follow four. Then I continued to improve: five, six, seven. At the end of two months, I found out that my awful Cantonese accent was gone.

Now, I think this is a very useful exercise. It is cheap. It does not cost anything, and you do not have to wait for the Government to deliberate and deliberate until finally it comes up with some measures, which I doubt would succeed. So I suggest that the people of Hong Kong should really help themselves.

The use of a dictionary, of course, is important. Many people do not use it enough. They avoid using certain words because they are not sure. They cannot spell correctly, and they do not ask people. Madam President, I ask people because I find my standard of English is extremely low compared with those who speak and write in English as a native language. So, this is our handicap. I am sure the people listening in this debate will find that the spoken English of all the Members who have spoken is extremely high. Yes, that is, if they are bilingual, if they are Chinese citizens living in Hong Kong. But whenever I speak to Englishmen, Americans and whoever, whose native language is English, and when they talk about legal subject, I am fine. When they talk about democracy, I am alright. When they talk about other things, there are so many words that I do not know. When it comes to flowers, I know rose. I do not know too many flowers. When it comes to the names of fish, I know garoupa, but I do not know too many. My vocabulary, of course, is limited, and I do not have time to read enough books, although at school, I read a lot.

I still remember the time when I went to see my father, who used to teach Chinese in Wah Yan College, Kowloon. I had just finished my Form Six and I

said to him, "Dad, I have thought long and hard about this matter, and I have decided that I will do Chinese in the Advanced Level." He said, "Son, I also thought long and hard, but I suggest you take English." I have to say that I somehow regretted it, particularly not so long ago the Honourable LEUNG Fu-wah criticized me for not being able to speak in Chinese too efficiently. But we all suffer from this natural handicap simply because we do not use it enough.

Now, what can we do about it? We can actually read aloud from newspapers, from books, and we can watch television and switch over to the English channel without relying on the Chinese subtitles, because if you rely on them, you will become dependent on them, and you really cannot benefit from the exercise of the language.

I remember a Judge who was retiring, and on his retirement, the Bar Association gave him a dinner. And he confided in us why he never knew Chinese: he could never speak in Cantonese. He said that when he was a young Magistrate, he tried very hard to learn Chinese. And on one occasion, he was invited to dinner. At the end of it, as he thoroughly enjoyed his food, he paid a compliment to the hostess and said, "Madam", he wanted to say "我好食", what he meant is "the food was lovely", but that he pronounced it as "我好色". Everybody roared with laughter, and the poor man never tried again.

When we make mistakes, I hope that people will not laugh at us. We should encourage one another, tell them quietly of course, to think in English, because that is the goal. If you cannot think in English, you cannot be proficient in English. If you can quarrel in English, and you win in your arguments, then you are getting there. In the meantime, you are bound to be despondent. My suggestion is to pray in English, because one thing I can assure Members is that God is extremely proficient in every language, including English.

Thank you.

主席：是否有其他議員想發言？

(沒有議員回應)

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, I would like to thank the Honourable Mrs Selina CHOW for providing us this excellent opportunity to speak on a subject that is so vitally important to Hong Kong's positioning as Asia's world city. Thanks, also, to other Honourable Members who have given us their insight and ideas on this matter.

This is one of those rare occasions where I think we all agree with the sentiment of the motion before us. There is no doubt that English remains an essential ingredient in our recipe for success as an economy and a cosmopolitan, world-class city.

In Hong Kong, English is very widely used in business, in the courts and within the Government. It is the international language of aviation and the language of choice for the member economies of the Asia-Pacific Economic Co-operation. When tourists from all corners of the globe come to Hong Kong, they use English to communicate with the local population, as well as fellow travellers from different countries. Quite often, when I travel overseas on duty visits or holidays, the language that brings people together more than any other is English.

It is clear that, if Hong Kong is to maintain its position as the most cosmopolitan and international city in Asia, we must ensure the use of English remains widespread and of a high standard in Hong Kong. English is an official language in Hong Kong and this status, as the Honourable Mrs Selina CHOW's motion notes, is enshrined in the Basic Law. The Official Languages Ordinance, enacted in 1974, to encapsulate our language policy, also states that both English and Chinese are of equal status and enjoy equality of use in communication between the Government and members of the public. Thus, we cannot blame what we may perceive as declining English standards in Hong Kong on a lack of a clear policy.

I want to assure this Council that the Government is firmly committed to nurturing the English language abilities of our community so that we can become a trilingual and biliterate society.

Indeed, as you will soon hear from my colleague, the Secretary for Education and Manpower, that the Government is devoting considerable resources to the teaching of English at schools, in the workplace and in the wider

community. The Native English-speaking Teacher Scheme, the Workplace English Campaign, the recently-released consultation document from the Standing Committee on Language Education and Research (SCOLAR), and the Continuing Education Fund are concrete examples of the Government's commitment to raising English standards.

It is upon this foundation that we will promote English usage in Hong Kong. However, we should also understand that this will be a medium to long-term undertaking. What we must aim for is a steady improvement in the English language abilities of our community. In addition, specific courses have been designed under the Skills Upgrading Scheme to help our service industry workers develop a good working vocabulary within a reasonably short time frame.

Over the past few years, we have heard comments, particularly from the international business community, that the standards of English are slipping in Hong Kong. Naturally, such comments concern the Government because one of our greatest assets has always been a workforce that can communicate in English and Chinese. The English abilities of our population have a direct bearing on our attractiveness as an international business hub and our long-term competitiveness. And if English standards are slipping then obviously we need to address that problem.

But are standards slipping? If we use data from Hong Kong Certificate of Education Examination (HKCEE) as a guide, it shows that Hong Kong students have performed fairly consistently in their English examinations over the past three decades. Then why do we still hear that English standards are falling?

The answer lies in the fact that our economy has undergone a massive change over the past three decades. And, with the advent of the Internet age in the 1990s, the effects of this paradigm shift have sharpened.

Since the late-1970s, Hong Kong has transformed itself from a manufacturing-based economy to a knowledge-based, services-oriented economy. The contribution of service industries to the Gross Domestic Product has risen from 69% in 1982 to 86% in the year 2000. During that same period, the number of employees engaged in service industries increased from 1.25 million, or 52% of the workforce in 1982, to 2.55 million, or 79% of the workforce in the year 2000.

And in the past decade we have also seen an influx of international companies into Hong Kong. The number of international companies with regional operations in Hong Kong has more than doubled from 1 345 in 1992 to 3 119 in the year 2002. Many, if not all, of them require staff who can speak English and Chinese.

Quite simply, we have a situation where demand for staff with good English-speaking abilities is at a premium and has outstripped supply. It is not so much a case of slipping standards. Rather, it is a case of bringing more students and workers up to the required standards. This we are working very hard to achieve.

Within the Government we are acutely aware of the need to promote the use of English among our colleagues. As the largest employer in Hong Kong we must lead by example. From 1 January this year, all applicants for civil service posts at degree or professional level will need to have acquired a pass in the Use of English and Use of Chinese papers in the Civil Service Common Recruitment Examination before applying for a job. For any other civil service post with academic qualifications below degree level, an applicant needs to have attained at least a Grade E in English Language (Syllabus B) and Chinese Language in the HKCEE, or its equivalent. Without passing this minimum standard, no one now can enter the Civil Service irrespective of rank. By introducing these standards, we are demonstrating the Government's commitment to providing the community with a civil service proficient in both English and Chinese.

On a personal note, I opt to conduct senior internal meetings in English. I know from past experience that most, if not all, of my colleagues at the senior level of the Government do the same. English and Chinese are used at Executive Council meetings, and government officials attending to the questions of Honourable Members in this Chamber are equally at home in English or Chinese.

English remains widely used within the Government. In many departments, it is the primary working language. Almost all inter and intra-departmental correspondence is in English.

The Director of Administration has, on occasion, reminded the government departments and bureaux to ensure that all written material meant for public consumption is in both English and Chinese. This includes government announcements, official forms, invitations, minutes of meetings and publicity material. By doing this we fulfil our obligations under the Basic Law and the Official Languages Ordinance, we remain faithful to our policy for a biliterate civil service and we eliminate inconvenience caused to members of the public who cannot read Chinese.

On the training side, the Civil Service Training and Development Institute (CSTDI) has a unit specifically dedicated to English and communication training. Over the past four years, some 27 500 civil servants have taken part in English-training courses over a total of almost 110 000 training days. Another 8 700 civil servants are expected to have completed English training courses by the end of 2002-03. Courses cover both oral and written communication.

Standard English writing programmes focus on day-to-day writing skills such as minutes, memos and letters, with emphasis on writing styles and language clarity. Middle managers receive training on editing and image building through writing. Apart from these standard programmes, customized courses are developed for specific groups and departments.

Oral communication training is designed mainly for junior, front-line staff. With the exception of two standard courses, all courses are designed for the specific communications needs of various departments.

Apart from formal courses, the CSTDI offers various services to meet specific needs of departments and staff through seminars, self-learning packages, web courses and mixed-mode programmes combining all the elements I have just mentioned.

Self-learning packages, mostly web-based, have been developed to help staff learn at their own pace. A number of job aids and e-tools are also available for staff who need handy references for their day-to-day writing tasks. These include the Plain English Campaign, the English Net and the Art of Word Choice.

These awareness and skills building tools have enabled our civil service staff to enhance their English competency at work, and such courses have been well received.

As you can see, Madam President, we are doing a lot to not only maintain but also raise standards of English within the Government. But we shall remain vigilant and not let complacency or mediocrity set in.

Madam President, one of the core values that underpins our positioning as Asia's world city is high quality. This applies as much to the products we make as to the services we provide. It also relates to the quality of our human capital in Hong Kong. We all know that people will pay a premium for quality goods or services. In other words, an investment in quality will reap dividends in the long run.

As a government we are committed to providing Hong Kong with a high quality workforce, and that must include a workforce that can speak fluent English and Chinese. To achieve this goal we will continue to invest heavily in education and training so that Hong Kong can remain an international city of choice for companies doing business in the region.

Madam President, may I make a humble suggestion for consideration by Honourable Members. Very few public forums come close to the Legislative Council in influencing public perceptions or starting a new community movement. In order to impress upon the community, the importance the Council attaches to the use of English and to maintaining good English standards, I suggest that the Council establishes a convention of holding its fully open Council meeting regularly, say once a month, in English. The same practice should apply in Committee or Panel meetings. Individual Members may, of course, speak always in Cantonese or Putonghua if they so decide at these meetings. I stress again this is entirely my humble suggestion and the decision is entirely for the Council to make.

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

SECRETARY FOR EDUCATION AND MANPOWER: Madam President, first of all, let me join my honourable friend, the Chief Secretary for Administration, in thanking the Honourable Mrs Selina CHOW for introducing today's motion. The Chief Secretary for Administration and Members of this Council have already spoken extensively on the importance of English to Hong Kong both at present and in the future. I do not intend to elaborate on this point.

While the Chief Secretary for Administration has given Members a detailed account of the measures taken by the Government to ensure that English will remain one of our two official languages, I would like to bring to Members' attention what the Government has been doing to promote the use of English among our students and our working adults. In fact, we are already doing what many Members have suggested.

English language has long been a part of the core curriculum of local schools. Students learn the language throughout the nine years of their basic education, with some 17% to 21% of their curriculum being devoted to the subject. We are also aware that most of our school children are exposed to English even before they start their primary education. A survey conducted by the Education Department in May 2000 found that almost all of the kindergartens surveyed provided some form of English learning for pre-primary children under their care.

Notwithstanding the fact that our students spend thousands of hours learning the language, employers are expressing concern over the decline in English proficiency, particularly in spoken English, among their employees. This is an issue that has given rise to much debate in the community. Educators, parents and employers are all asking, "What is wrong with the way we are teaching English in schools?"

The problem was captured succinctly in the Consultation Document on English Language Education issued by the Curriculum Development Council (CDC) in November 2000. It reads, "In many local English language classrooms, considerable emphasis has been placed on helping learners master the language forms (including vocabulary, text-types, grammar items and structures), communicative functions, and skills of listening, speaking, reading and writing. Mastery of these learning elements is no doubt important and

should continue to be promoted in the language classroom. However, mechanical drilling of these elements in isolated contexts is unmotivating and can hardly bring about effective language learning. This, together with the lack of a language-rich environment in Hong Kong, presents challenges for teachers of English."

The problem is not new. We have frequently heard from teachers about students lacking confidence in using English outside the classroom. Their English is also often described as "text-book", as opposed to "authentic" — the kind we come into contact with in real life situations and in the English media.

To address these concerns, the curriculum reform, which is an integral part of the education reform started in 2000, advocates providing students with more opportunities to use English for purposeful communication both inside and outside the classrooms. Teachers are encouraged to focus on the cultivation of the reading habit, the use of information technology, and the adoption of innovative teaching methods such as language games and creative projects, so that students will be motivated to learn the language. Teaching English in a small-class setting is indeed one of the means, and is already being practised in some schools.

The Standing Committee on Language Education and Research (SCOLAR) supports this direction of change. In the report of its recently completed review of language education in Hong Kong, the SCOLAR emphasizes the need to motivate students in language learning, and calls upon teachers, the school management, parents and the wider community to work together, with a view to creating an environment more conducive to language learning.

In summary, the SCOLAR recommends that the school management should create an environment that provides more opportunities for students to use English. English teachers should improve their teaching methods to arouse interest. They should also adopt a curriculum that suits the particular needs, interests and ability levels of their students. Parents should support the curriculum reform and cultivate in their children the habit to read. Last but not least, teachers, parents and students should make better use of the mass media, particularly television programmes in English, as a resource for learning the English language.

Among the many recommendations of the SCOLAR and the large variety of government initiatives to support the curriculum reform, I would like to highlight some examples to illustrate what we have been doing and will be doing to promote the use of English among students. I shall go into some details about the Native-speaking English Teacher (NET) schemes, co-curricular activities that encourage the use of English outside the classroom, the campaign to promote reading extensively in English, and a pilot project to use television programmes for English learning and teaching.

The NET schemes are important means by which the Government seeks to enrich the language environment in schools, to bolster students' confidence in using English to communicate, and to introduce a wider variety of English teaching methods. We believe the presence of NETs in our schools will encourage the use of English not only among our students but also among our teachers.

NETs have been teaching in a number of our secondary schools under the Expatriate English Language Teacher Pilot Scheme since 1987. To extend the benefit to all public sector secondary schools, we launched the enhanced NET Scheme in September 1998 to provide one NET for each school. Schools using Chinese as the medium of instruction may employ a second NET. In the current school year, 471 NETs are working in 430 secondary schools.

We have further extended the NET Scheme to public sector primary schools this school year. We intend to provide one NET for every two primary schools that apply to the Scheme, and have so far recruited 167 NETs to work with 334 primary schools. The remaining 298 primary schools that have not yet had the opportunity to share a NET are provided with cash grants of \$150,000 each to hire the services of native-speaking English Language Teaching Assistants (ELTAs). We have already started a new recruitment exercise and aim to recruit all the NETs we need in the 2003-04 school year.

In terms of the outcome, a study sponsored by the Language Fund and completed in 2001 indicated that the NET Scheme for secondary schools had yielded positive results. It has been successful in enriching the language environment and helping to diversify teaching methods among our secondary schools. Nevertheless, professional exchange and collaboration between local English teachers and the NETs should be further promoted.

In its review report, the SCOLAR recommends that the Government should ensure the NETs in both primary and secondary schools are properly deployed to achieve the objectives of the two schemes. To provide professional support to the primary schools and the NETs involved, we have set up an Advisory Teaching Team consisting of 20 NETs and 20 local teachers seconded from schools. The Team provides centralized professional development programmes on a monthly basis for the NETs and the local English teachers who work as their partners. It gathers and disseminates good practices in the teaching and learning of English, and promotes the exchange and collaboration between local English teachers and the NETs.

In addition to ensuring the effective deployment of NETs, the SCOLAR recommends that the school management should explore and provide experiential learning opportunities for students to practise and develop their language skills. One example is the English language camps jointly organized by the SCOLAR and the Education Department in March 2002 with support from the Language Fund. A total of 8 200 primary school students participated in fun-filled activities led by 2 500 students from secondary schools in day-camps held on two Saturdays. Evaluation reveals that these activities have been useful in enhancing the interest and confidence of primary school students in using English and in developing leadership among secondary school students.

We shall continue to provide financial and professional support to schools that wish to organize English language camps. We shall also encourage our schools to organize more co-curricular activities such as English days, debates, speech and drama competitions. We believe the NETs will be a useful resource, who will play an important part in the planning and organization of such activities. Schools can also explore the possibilities of working with business organizations, alumni, and sister schools both inside and outside Hong Kong to provide immersion programmes or placements in local commercial firms.

In order to motivate students to learn and use English more extensively, we have to maximize their exposure to the language outside the classroom. One way of achieving this is to nurture an interest in and a habit of reading extensively in English. Since 1997-98, we have progressively extended the English Extensive Reading Scheme to all school levels. An English Extensive Reading Grant is given to schools for the purchase of reading materials in English. The Quality Education Fund has also sponsored over 270 projects that

aim at promoting reading among pupils all the way from the pre-primary to the secondary level.

In May 2002, the Education Department set up a task force to map out a comprehensive strategy to promote reading among students. Schools have been asked to incorporate reading into their school plans, and a focused school development programme is being developed to support schools in this effort. Teachers are being trained to help their Primary One to Three students to learn to read. They will in turn conduct workshops for parents on how to help their children learn to read at home. Action research on approaches to promote reading and their impact on learning will be conducted. Lists of quality reading materials will be compiled and good practices in promoting a reading culture will be disseminated for the reference of schools. In addition, promotional activities will be arranged in collaboration with public libraries, the Hong Kong Education City, television and radio stations, to publicize the importance of reading throughout 2003.

The SCOLAR supports these continuous efforts to promote reading among students. In its review report, it draws special attention to the great influence parents have over their children's reading habit. Parents should themselves develop a reading habit, take their children to libraries regularly, help them select high quality reading materials, and spend time reading with them. These are simple suggestions for parents who want their children to develop an interest in reading.

Apart from the print medium, the electronic medium can also be used to increase students' exposure to so-called "authentic English". In Hong Kong, we have two local television channels and four radio channels that provide free English programmes. The SCOLAR found in a survey conducted in March 2002 that television was by far the more popular among students. Those who watched English television programmes were far more motivated to learn the language. Yet 36% of the students surveyed said they never or very seldom watched English programmes.

To encourage more students and teachers to learn and teach through English television programmes, the SCOLAR has launched a pilot project with the support of the Language Fund. Two entertaining television programmes targetting the teenaged audience have been selected on the advice of teachers and

students to serve as the basis of a series of exercises, games and activities focusing on English, and the resources will be made available at a website specially designed by the Hong Kong Education City. Teachers and students can access the resources whenever and wherever they find convenient.

The project will be launched in the second half of the 2002-03 school year. Information on it has been disseminated to schools and parent-teacher associations. We believe this is a worthwhile project and would urge all teachers and parents to encourage students to watch the programmes and attempt the online exercises and activities. Teachers may also wish to integrate these resources into their curriculum or adapt them for use in co-curricular activities.

Having reviewed what is being done to improve the effectiveness of English teaching and learning in schools, I feel obliged to address briefly the distinction between learning English as a second language and adopting it as a medium of instruction. It has been widely held that using English as the medium of instruction will improve students' English proficiency through increased exposure and use. Some people therefore argue that teaching in Chinese will reduce exposure to English and is unfavourable to the development of English proficiency. They even attribute the decline in English proficiency among university graduates in recent years to the adoption of Chinese as the medium of instruction in secondary schools.

First of all, I must point out that the first batch of students affected by the Medium of Instruction Guidance for Secondary Schools are still in Secondary Five at the moment. In fact, most of the university graduates currently in the workforce have come from schools that claimed to have adopted English as the medium of instruction. There is no evidence of any direct causal link between English proficiency and the medium of instruction in their secondary schools.

What is really important is that all schools, irrespective of the medium of instruction, should provide a congenial environment for language learning. This is precisely the rationale for the whole range of support measures we have introduced, including the NET schemes and the provision of teaching resources. We do recognize that more should be done and we shall not relent in our efforts in this direction. A number of studies have in fact been commissioned to explore ways of enriching the language environment in both Chinese-medium and English-medium schools to help students achieve better English competence.

A support strategy and measures to help Secondary One students adapt to the learning environment in English-medium schools are being explored, and an enrichment programme to increase the exposure to English among Secondary Two and Three students in Chinese-medium schools is being tested. We expect these studies to be completed by the end of 2004.

Nevertheless, we do appreciate the concern over insufficient exposure to English of students studying in Chinese-medium schools. For these schools, the Government has provided a package of support measures, including the provision of additional English teachers and additional grants for purchasing equipment and books. As mentioned earlier, these schools may also have a second NET.

The NET schemes may have been put in place, but some still argue that improvements to English teaching and learning are not possible without competent local English teachers. Members are familiar with the effort we have made in recent years to assure the English proficiency of these teachers. The Language Proficiency Requirement for English Teachers was announced in September 2000. By the 2006-07 school year, all teachers teaching English language in our primary and secondary schools, be they serving teachers or new to the profession, will have met the Requirement.

From the current academic year, the Government has also started to provide overseas immersion for all would-be English teachers as a mandatory part of their training programme. The immersion programme will not only help them master the English language, but also increase their understanding of the culture from which the language draws its vitality.

In addition to being proficient in the language, effective English teachers should also be well versed in subject knowledge and teaching methods. To ensure that all new teachers have adequate training in these two areas, the SCOLAR has recommended in its review report that schools should, as far as possible, recruit English teachers with a Bachelor of Education degree in English language, or a first degree in English language or English literature plus a Postgraduate Diploma or Certificate in Education majoring in English. We have heard comments both for and against this recommendation, and will listen to all views expressed during the public consultation exercise conducted on the SCOLAR's review report.

Students at local universities will continue to be exposed to English, which is the medium of instruction for most programmes of studies and the target of a variety of language enhancement programmes provided by their universities. Since 1991, the University Grants Committee (UGC) has been allocating Language Enhancement Grants to the UGC-funded institutions on top of their triennial grants. Over the past 12 years, a total of \$785 million has been disbursed to these institutions to support a wide range of courses designed to enhance students' English proficiency. Some of the courses aim at equipping first-year students with the English language skills required for academic studies at the tertiary level. Others address the needs and characteristics of particular disciplines and professions.

To raise university students' awareness of the importance of English proficiency and to encourage them to work harder at improving their English, the UGC has recently adopted the International English Language Testing System (IELTS) as a common English proficiency assessment. Starting from this academic year, graduating students in UGC-funded institutions may take the assessment on a voluntary basis and receive reimbursement of test fees.

The SCOLAR is also planning to consult human resources experts to determine the band scores of the test that reflect the level of English proficiency employers expect of university graduates. Professional bodies are being encouraged to specify the level of English proficiency they wish to set for their own professions, with reference to the IELTS band scores. Such initiatives should provide university students and professionals under training a useful reference and a clear standard to work towards.

To maintain the importance and upgrade the standard of English in Hong Kong, promoting the use of English among students is not enough. Efforts must be made to raise the awareness of the working population, and encourage them to improve their mastery of the language even after they have left school. To provide incentive, the SCOLAR recommends that employers set clear language requirements for recruitment and promotion. And, for working adults seeking to improve their English proficiency, the Government has in recent years provided a variety of subsidies and training programmes.

One example is the Workplace English Campaign launched with the support of the Language Fund in February 2000. Its Funding Scheme

subsidizes the attendance of training by individual employees, and the development of Workplace English courses by professional and trade organizations to meet their particular training needs. By the end of 2002, about \$38 million has been disbursed to or set aside for a total of 22 000 approved applications for subsidies from employees. As for course development, applications for 17 training courses have been approved, involving the commitment of \$1.3 million. The trades and professions that have benefitted from the scheme include taxi, import/export, legal and accounting services.

Besides the Workplace English Campaign, the Continuing Education Fund, which was launched in June 2002, also provides subsidies for training in English to non-degree-holders aged 18 to 60. So far, over 1 500 applications for English training subsidies have been approved.

Furthermore, English training programmes are available from the Employees Retraining Board and as part of the vocational education and training courses offered by the Vocational Training Council. Work-related English training for employees is also provided under the Skills Upgrading Scheme for employees in different industry sectors, for example, the retail, hairdressing, import/export and real estate service industries.

Some Members may say, "Well, these policies and measures are commendable. But how do you know they are indeed effective in raising the population's English standards?" I agree that while we push forward the curriculum reform and continue to support the different forms of language training for students and working adults, we also need to set an English standard to be attained and to develop tools for assessment.

In this connection, the SCOLAR has recommended in its review that basic competencies in English listening, speaking, reading and writing should be specified for school students, university graduates and professional groups. These basic competencies should be clearly defined in statements describing what the individual in question is capable of in terms of using the English language, which are to be accompanied by writing and speaking samples. The descriptors of the basic competencies for primary and secondary students, for instance, are already being developed and shall be tried out and validated by the end of 2004.

To ensure the basic competencies developed will cater to workplace needs, the SCOLAR invites employers and professional bodies to participate in setting the basic competencies for students and working adults who have completed Secondary Three, Five and Seven, as well as undergraduate and professional studies. By adopting them as language requirements for recruitment and promotion, employers could also help to motivate students and working adults to work towards achieving these basic competencies.

And, to monitor if our students, graduates and professionals are meeting the basic competencies set for their respective groups, the SCOLAR recommends that a set of assessment tools be developed. The Basic Competency Assessment, which will be the tool for assessing the achievement of basic competencies among students in Primary One to Secondary Three, will become available in phases starting from the coming school year to 2006. The Hong Kong Certificate of Education (HKCE) and Hong Kong Advanced Level (HKAL) examinations on Chinese and English will, on the other hand, become the tools for assessing the achievement of basic competencies by students in Secondary Five and Secondary Seven. The SCOLAR recommends that these HKCE and HKAL examinations should be reformed to set their grade levels against specified standards in 2007 and 2009 respectively. In the future standards-referenced HKCE English Language examination, for instance, Grade E should be set against the basic competencies for Secondary Five.

After we have measured our students against these standards, we shall be able to identify who will require additional help to achieve the basic competencies expected of them, and shall channel resources to where they should be directed.

In conclusion, let me reiterate that all sectors of the community must work together to promote the use and learning of English. Educators, parents, employers and learners themselves must each play their part. In expressing our support for today's motion, we look to the Legislative Council and the community at large for active participation and support as we strive to maintain and strengthen our population's ability to use English as one of the two official languages in Hong Kong.

Madam President, with these words, I support the motion.

主席：周梁淑怡議員，你現在可以發言答辯，你還有 1 分 13 秒。

MRS SELINA CHOW: Madam President, first of all, I thank the Chief Secretary for Administration for his support and the Secretary for Education and Manpower for his exceptionally lengthy piece of information on the Standing Committee on Language Education and Research.

I thank the 12 members who have spoken in this debate and who have indicated their support for my motion. In particular, I thank the Honourable Jasper TSANG, who has given me great face by making his virgin English speech in this debate, at the same time demonstrating his superb mastery of English. Now, the Honourable Michael MAK is too modest. His English is much better than he said it is, although his choice of vocabulary may occasionally run the risk of being unparliamentary.

On the other hand, the Honourable Martin LEE, I am afraid, does not have a perfect English accent, in spite of all the efforts he put in — but if it could be of any comfort to him — neither do I. And in addition to his examples, I would like to suggest that, if one is able to tell a joke in English and make one's audience laugh, then one will have proved that he has spoken it well.

主席：我現在向各位提出的待決議題是：周梁淑怡議員動議的議案，予以通過。現在付諸表決，贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（沒有議員舉手）

主席：我認為議題獲得經由功能團體選舉產生及分區直選和選舉委員會選舉產生的兩部分在席議員，分別以過半數贊成。我宣布議案獲得通過。

下次會議

NEXT MEETING

主席：今天是在農曆新年前的最後一次會議。我祝大家新春快樂，萬事如意。

我現在宣布休會。本會在 2003 年 2 月 12 日星期三下午 2 時 30 分續會。

立法會遂於晚上 9 時 32 分休會。

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

附件

《2001 年法律適應化修改條例草案》

全體委員會審議階段

由政務司司長動議的修正案條次建議修正案

附表 1 (a) 刪去第(ii)節。

第 1(a)條

(b) 刪去第(v)節。

附表 1 刪去在“修訂”之後的所有字句而代以，“，廢除“總督”而
第 2 條 代以“行政長官”。”。

附表 1 刪去該條。

第 3 條

附表 1 刪去該條。

第 4 條

附表 1 刪去該條。

第 5 條

附表 1 刪去該條。

第 8 條

附表 2 刪去(b)段。

第 2 條

條次

建議修正案

附表 2
第 3 條

刪去(d)段而代以 —

“(d) 在第(4)款中，廢除“其任期內”而代以“任職廉政專員期間”。”。

附表 2
第 7 條

刪去該條。

附表 2
第 10 條

刪去(b)段。

附表 2
第 10(c)條

刪去在“中”之後的所有字句而代以“，廢除“總督”而代以“行政長官”。”。

附表 2
第 11 條

刪去該條。

Annex**ADAPTATION OF LAWS BILL 2001****COMMITTEE STAGE**Amendments to be moved by the Chief Secretary for Administration

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1, section 1(a)	(a) By deleting subparagraph (ii). (b) By deleting subparagraph (v).
Schedule 1, section 2	By deleting everything after "amended" and substituting "by repealing "Governor" and substituting "Chief Executive".".
Schedule 1, section 3	By deleting the section.
Schedule 1, section 4	By deleting the section.
Schedule 1, section 5	By deleting the section.
Schedule 1, section 8	By deleting the section.
Schedule 2, section 2	By deleting paragraph (b).

Clause

Amendment Proposed

Schedule 2, By deleting paragraph (d) and substituting -
section 3

"(d) in subsection (4), by repealing "that appointment"
and substituting "the office of the Commissioner".".

Schedule 2, By deleting the section.
section 7

Schedule 2, By deleting paragraph (b).
section 10

Schedule 2, By deleting everything after "paragraph (c)" and substituting ", by
section 10(c) repealing "Governor" and substituting "Chief Executive".".

Schedule 2, By deleting the section.
section 11