

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 28 May 2003

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

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

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

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

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

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

THE HONOURABLE NG LEUNG-SING, J.P.

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING, J.P.

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

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

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

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

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

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

THE HONOURABLE LAU KONG-WAH

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

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

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

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

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

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

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

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

THE HONOURABLE LI FUNG-YING, J.P.

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

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

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

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

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

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

THE HONOURABLE MA FUNG-KWOK, J.P.

MEMBERS ABSENT:

THE HONOURABLE LAU CHIN-SHEK, J.P.

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE DONALD TSANG YAM-KUEN, G.B.M., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

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

DR THE HONOURABLE YEOH ENG-KIONG, J.P.
SECRETARY FOR HEALTH, WELFARE AND FOOD

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

THE HONOURABLE FREDERICK MA SI-HANG, J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

CLERKS IN ATTENDANCE:

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

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

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Waterworks (Reduction of Water Charge) Regulation 2003	130/2003
Sewage Services (Reduction of Sewage Charge and Trade Effluent Surcharge) Regulation 2003.....	131/2003
Rating (Exemption) Order 2003	132/2003
Tax Exemption (2001 Tax Year) Order	133/2003
Telecommunications (Carrier Licences) (Amendment) Regulation 2003	134/2003

Other Papers

- No. 86 — Traffic Accident Victims Assistance Fund
Annual Report for the year from 1 April 2001 to
31 March 2002
- No. 87 — The Government Minute in response to the Report No. 39
of the Public Accounts Committee dated February 2003

Report of the Bills Committee on Tung Chung Cable Car Bill

ADDRESS

PRESIDENT (in Cantonese): Address. The Chief Secretary for Administration will address the Council on the Government Minute in response to the Report No. 39 of the Public Accounts Committee dated February 2003.

The Government Minute in response to the Report No. 39 of the Public Accounts Committee dated February 2003

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, laid on the table today is the Government Minute responding to Report No. 39 of the Public Accounts Committee (PAC). The Minute sets out the measures that the Government has taken or is taking on the conclusions and recommendations contained in the Report.

The PAC produced a far less bulky report of 500 pages this year compared with the one of 700 pages a year ago. This does not mean any reduced effort on the part of the Committee. Perhaps, succinctness in language has played its part. The Report records the PAC's observations on the Accounts of the Government for the year ended 31 March 2002. It also goes through all the cases outstanding in previous reports and one case in Director of Audit's Report No. 38 which the PAC had completed investigation. In addition, it deals with five of the six subjects in Director of Audit's Report No. 39 which the PAC had chosen for further examination. The Administration is grateful for such great efforts and the sound advice.

The Honourable Eric LI, Chairman of the PAC, spoke on 19 February when tabling the PAC's Report. I would like to respond to some of his comments.

The Administration is committed to providing a quality and financially sustainable long-term care system for elders who require assistance. We are making good progress in various issues as reported in detail in the Government Minute. These issues include waiting time for the admission to care and attention homes, upgrading the level of service at bought-place homes, keeping applicants informed and implementing a work plan on providing subsidized long-term care services.

The Customs and Excise Department (C&ED) has deployed additional officers and stepped up inspections on incoming passengers at border control points for abuses of duty-free cigarettes concessions. The officers there now have access to the immigration database to verify quickly those who have spent less than 24 hours outside Hong Kong. As a step further, the C&ED is examining new modes for passenger clearance, including a special channel for declaring duty-free goods. The C&ED has also been closely monitoring the

sales activities of the Duty Free Shops and conducting surprise checks on them on a regular basis to ensure that they meet the licence conditions.

On the Special Finance Scheme for Small and Medium Enterprises (Special Finance Scheme), we accept that it is necessary to provide additional safeguards against possible abuses in devising funding schemes similar to the Special Finance Scheme. We have done so in the Small and Medium Enterprises (SME) Business Installations and Equipment Loan Guarantee Scheme in December 2001, and the new SME Loan Guarantee Scheme in March 2003.

The PAC commented that when seeking funding approval for the Special Finance Scheme from the Finance Committee, the Administration should have revealed the assumed default rate of 25%. I must point out that the Administration has not made any projection of the default rate when we made the proposal to the Finance Committee in 1998 and 1999. The assumed default rate was made not by the Government, but by the Small and Medium Enterprises Committee (SMEC) itself in mid-2001 for the purpose simply of projecting the amount of money likely to be recouped from the Special Finance Scheme for setting up four other SME funding schemes. This was no more than a planning parameter of the SMEC. It is wrong to say that the Administration withheld the assumption of a 25% default rate from the Finance Committee in 1998 and 1999.

Indeed, I am glad to say that the Special Finance Scheme has helped some 10 000 SMEs secure total loan facilities of about \$9.2 billion. The default rate now is only 7.54%.

On small house grants in the New Territories, the Lands Department has set up a working group comprising representatives of the Department and the Heung Yee Kuk to consider appropriate measures to prevent abuses of the Small House Policy. The Administration is discussing with the Heung Yee Kuk on a moratorium on the sale of small houses after their completion. The Administration is considering the various issues relating to the Policy with a view to identifying options for further consultation with stakeholders.

On the planning and provision of primary school places, the Education and Manpower Bureau (the Bureau) has critically reviewed the possible over-provision of primary school places in some districts. As a result, it has suspended 14 school projects. In addition, the Bureau will phase out some

schools in substandard buildings and those with low enrolment. We have also reviewed the scope of individual projects in the remaining phases of the School Improvement Programme and made adjustments wherever possible. The provision of school places and the School Improvement Programme are based on the best available population projection at the time. Although it is difficult, if not impossible, to forecast accurately the demand for school places with such variable factors as parental choices and population movement, we shall strive for a proper balance.

On the delivery of effective primary education, the Bureau has reviewed the arrangement for redundant teachers in aided primary schools and collected views from various sectors early this year. Based on the findings, the Bureau has asked the school management committees to formulate a set of objective, fair and transparent "school-based" criteria to determine teachers to be made redundant and the sequence of teachers to become redundant. We also asked them to set up a special appeal mechanism. The Bureau has been discussing with the stakeholders various measures to speed up the process of securing teaching posts for redundant teachers.

Madam President, the Administration takes the PAC's recommendations very seriously as shown in the actions taken and reported in the Government Minute. We will continue to co-operate fully with the PAC, monitor progress on the recommendations made, and make regular reports to the Legislative Council.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Use of Chinese Medicine in Preventing and Treating SARS

1. **MR YEUNG YIU-CHUNG** (in Cantonese): *Madam President, regarding the use of Chinese medicine in preventing and treating Severe Acute Respiratory Syndrome (SARS), will the Government inform this Council:*

- (a) *of the respective numbers of Chinese medicine prescriptions and treatment protocols for SARS received by the authorities from the*

people of Hong Kong, the Mainland and overseas regions, and how the authorities handle these prescriptions and treatment protocols;

- (b) of the details of the participation of the two mainland Chinese medicine experts invited by the authorities to treat SARS; and the specific participation of local Chinese medicine practitioners and the Chinese medicine experts teaching and conducting researches in Hong Kong in the prevention and treatment of SARS; and*
- (c) whether it will use and promote Chinese medicine in the prevention of SARS; if it will, of the details; if not, the reasons for that?*

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

- (a) As at 24 May 2003, we have received a total of 298 proposals related to Chinese medicine therapy for the treatment of SARS, of which 188 are from Hong Kong, 92 are from the Mainland and 14 are from overseas. In addition, four proposals are transmitted by electronic mail with no indication of their source.

The Hospital Authority (HA) has set up a Chinese Medicine Expert Panel on SARS Exploratory Treatment, which comprises local and mainland experts in Chinese medicine and other experts from the HA and Department of Health, to co-ordinate the use of Chinese medicine in the treatment of SARS. All proposals on Chinese medicine therapies for SARS received by the Government and the HA are referred to the Expert Panel for consideration.

- (b) Two Chinese medicine experts from the Chinese Medicine Hospital of Guangdong Province, Prof LIN Lin and Prof YANG Zhimin, arrived in Hong Kong in early May to provide expert advice on the use of Chinese medicine in treating SARS patients. They have experience in using an integrated Western Medicine/Chinese Medicine approach to treat SARS patients in Guangzhou. Since arrival, they have been working closely with Chinese medicine experts from the three local universities which offer Chinese medicine programmes to develop relevant clinical and research

protocols using the model of Western Medicine/Chinese Medicine collaboration for SARS treatment. As at 24 May, the two experts have conducted a total of 78 consultations for 29 patients in nine acute hospitals. They have also interviewed 37 patients in convalescence, among whom 11 have been recruited to participate in the clinical study for convalescing patients.

- (c) The Chinese Medicine Expert Panel on SARS Exploratory Treatment has formulated research and treatment protocols for the prevention and treatment of SARS, which are being implemented in the hospitals under the HA for SARS patients as appropriate. In addition to treating SARS patients, the HA has arranged the use of prophylaxis Chinese medicines for its front-line staff.

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, I am very pleased to hear from the Secretary that a Chinese Medicine Expert Panel on SARS Exploratory Treatment has been set up. Although the authorities have invited two mainland experts to assist in the treatment of SARS in Hong Kong, will the Secretary inform this Council why there is no participation by local Chinese medicine practitioners? Do the authorities lack confidence in local Chinese medicine practitioners?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): *Madam President, I have just mentioned in my main reply that the members of the Expert Panel actually include local and mainland Chinese medicine experts and other experts from the HA and the Department of Health. We have invited experts from Guangdong Province in particular because they have experience in using an integrated Western Medicine/Chinese Medicine approach to treat SARS patients.*

MR LEUNG FU-WAH (in Cantonese): *Madam President, 270 patients including four medical and health care workers have died since the outbreak of SARS, in particular, Sister Yung who recently passed away has been a member of our trade union for more than 30 years, and we are deeply grieved. The Secretary has mentioned in part (b) of his main reply that as at 24 May, the two experts have conducted a total of 78 consultations for 29 patients in nine acute*

hospitals. Will the Secretary inform this Council how many of the deceased SARS patients were given Chinese medicine treatment as an option of recovery?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have the information at hand, but the two Chinese medicine experts arrived in Hong Kong only in early May, so I believe the patients of the early stage have not received Chinese medicine treatment devised by these two experts. I do not have the relevant data at hand. Every patient has the right to choose and we will let the patients decide of their own accord whether or not to accept Chinese medicine treatment. As far as I know, some patients under intensive care are also taking Chinese medicine in addition to Western medicine now.

MR LEUNG FU-WAH (in Cantonese): *Madam President, the Secretary has not given an answer as to how many patients have received Chinese medicine treatment.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have the figures related to the deceased patients at hand, but I will give Mr LEUNG a reply in writing. (Appendix I)

MR MA FUNG-KWOK (in Cantonese): *Madam President, will the Secretary inform this Council whether local Chinese medicine practitioners have participated or when they started participating in the treatment throughout the course of combating SARS? Under what conditions will the Government or the HA let local Chinese medicine practitioners participate in the treatment?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we are prepared to introduce Chinese medicine services to public hospitals this quarter and Members should recall that I have said earlier on that three Chinese medicine out-patient clinics will be incorporated into the public hospital system this year. Previously, there were no Chinese medicine experts in public hospitals and we have invited experts from Guangdong Province to Hong Kong this time to conduct researches. Apart from individual

patients who have invited Chinese medicine practitioners to treat them, hospitals in general have not especially adopted Chinese medicine treatment for the time being because there are no experts at the hospital level to provide Chinese medicine treatment.

MR MA FUNG-KWOK (in Cantonese): *Madam President, the Secretary has just said that, upon request by the patients, the authorities would let them receive Chinese medicine treatment. Actually, as far as I know, though some patients have requested for Chinese medicine treatment, their requests have not been granted by the HA. Is this true?*

PRESIDENT (in Cantonese): Mr MA, please take your seat first. I am very sorry that this follow-up question is not a part of the supplementary question raised by you earlier. If the Secretary wishes to answer this question later when he answers another supplementary question, he can do so then.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, the Secretary has just said that two experts from Guangzhou were invited to come to Hong Kong only in May and my supplementary question is the same as the last follow-up asked by Mr MA Fung-kwok a while ago. I received some letters of complaint in April in which the complainants stated that their relatives had wanted to receive Chinese medicine treatment but only to be rejected by the HA. Will the Secretary inform this Council of the reasons for which the patients were not allowed to receive Chinese medicine treatment at that time? Was it because the authorities thought that the existing Chinese medicine system in Hong Kong was not good enough, or were there other reasons?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I believe the HA would not disallow patients to receive Chinese medicine treatment, but the HA is not able to provide Chinese medicine services for the time being because it currently does not have experts on this. We will provide Chinese medicine service in public hospitals in the future and we must have experts before we can do so. Western medicine treatment methods are generally adopted at the hospital level. If Western medicine practitioners have to adopt other treatment methods when treating patients, of

course, they should take the following responsibilities. First, even though the patients have made such a request, they should consider whether the treatment methods would affect the patients. Second, Western medicine practitioners have to judge whether the patients' taking Chinese medicine concurrently would affect the course of treatment. This is a general judgement by medical practitioners, and within the public hospital system — before we especially invited two professors from Guangzhou to come to Hong Kong and conduct researches on an integrated Western Medicine/Chinese Medicine approach to treat SARS patients — we have to take into account the requests of patients and the judgement of medical practitioners. If a medical practitioner thinks that the Chinese medicine treatment method will not cause a harmful reaction to the treatment protocol for a patient, he will agree to the patient receiving Chinese medicine treatment concurrently.

MS CYD HO (in Cantonese): *Madam President, the HA has invited two experts to come to Hong Kong this time, but I am concerned that this may only be a one-off exercise and the authorities would not continue to do so and it may be very difficult to continue to do so in future. Will the Secretary inform this Council, during the stay of these two experts in Hong Kong, whether Chinese medicine students being trained in Hong Kong would be given opportunities to participate in clinical training and observe the experts' work? If not, our proposal to provide Chinese medicine hospital care is not realizable in the foreseeable future. What conditions are not yet ripe for the systematic provision of Chinese medicine hospital care in Hong Kong? Do the authorities have plans or have they already started work to make these requisite conditions ripe step by step?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we have already announced that public hospitals will offer preliminary Chinese medicine out-patient services this year and suitable Chinese medicine treatment will be integrated into hospital care when necessary in the future. Due to the SARS incident, we have especially invited Chinese medicine experts from Guangdong Province to look into whether an integrated Western Medicine/Chinese Medicine model of treatment for SARS patients will be more effective than using western medicine only. If we find that it is effective after evaluation, we will certainly enhance the integrated Western Medicine/Chinese Medicine model in the future. We will certainly adopt a treatment method so long as it is effective in treating patients.

Concerning Chinese medicine students, I believe we have to discuss with universities the methods for training students. At present, we have arranged for students to receive internship training in hospitals but we certainly have to make special arrangements if students wish to observe the treatment of SARS patients because SARS is an infectious disease. I know that some universities train Chinese medicine students in Guangdong Province. Regardless of whether the students are trained in Guangdong Province or Hong Kong, we will discuss the issue with universities in a very open manner.

MR JASPER TSANG (in Cantonese): *Madam President, will the Secretary inform this Council when the Chinese Medicine Expert Panel on SARS Exploratory Treatment of the HA was set up? If the peak period of the SARS outbreak had already passed when the Panel was set up and since the Panel is SARS specific, would it give people an impression that an army is sent only after the thieves have run away?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, in fact, we have set up the Expert Panel with our counterparts in the Health Department of Guangdong Province through a certain channel. We started the conduct of exchanges and discussions in April from we learnt that Guangdong Province had experience in an integrated Western Medicine/Chinese Medicine approach which was generally helpful to SARS patients. We learnt through this channel that an integrated Western Medicine/Chinese Medicine approach might be helpful, thus the HA subsequently invited Guangdong Province to dispatch two experts to Hong Kong. Since the two experts arrived in Hong Kong in early May, we set up the Expert Panel in early May.

MR CHAN KAM-LAM (in Cantonese): *Madam President, the Secretary has stated in his main reply that the two experts have conducted a total of 78 consultations for 29 patients in nine acute hospitals. Will the Secretary inform this Council how these patients have been recovering after consultation by the two experts? I wish to understand how the conditions of patients who have received treatment using the integrated Western Medicine/Chinese Medicine model compare to other patients for whom the two experts have not conducted consultation.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have information as at 17 May. At that time, 23 SARS patients had received Chinese medicine treatment, of whom five were discharged, 15 were still receiving treatment in hospitals, and one was dead. As to the two remaining patients, the Chinese medicine practitioners indicated that they hoped the patients to discontinue taking Chinese medicine. We have not evaluated how these patients compare to patients who have only received Western medicine treatment for the time being. Since the adoption of the protocol is still at an early stage, we will only make an evaluation later to see how the patients who have received treatment using the integrated Western Medicine/Chinese Medicine model compare to patients who have only received Western medicine treatment.

PRESIDENT (in Cantonese): This Council has spent more than 15 minutes on this question. Last supplementary question.

DR LUI MING-WAH (in Cantonese): *Madam President, so far, it can be said that Hong Kong has the highest rate of people who died of SARS infection. When we consider the death rate in the Mainland we will find that it is much lower than ours, and it is generally considered that it is due to the group consultations by Chinese and Western medicine practitioners. Will the Secretary inform this Council why the Government has not asked Chinese medicine practitioners to look into the methods of treatment together at the outset despite the fact that there are many qualified Chinese medicine practitioners in Hong Kong? Since there is combined consultation in Guangdong Province, why has the Government not asked Chinese medicine practitioners in Guangdong Province to come to Hong Kong for group consultations earlier? What are the reasons?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I wish to clarify that the SARS death rate is determined by various factors and the most important factors are: first, the age of patients. Most of the infected patients in Hong Kong are older than those in many places. I know that the infected patients in the Mainland are younger, which is also a factor affecting the death rate. We have made a preliminary evaluation, and

found the death rate of older patients who are aged over 65 is approximately 55% while the death rate of younger patients is 6% to 7%, and there are no deaths among younger children. Thus, the death rate depends very much on the age of patients. Second, the channels of spreading. There are indications that the channels of spreading and the quantity of germs also affect the death rate. Members should remember that the SARS epidemic situation was very serious at Amoy Gardens. We are still looking into whether the channels of spreading and the quantity of germs in faeces will affect the death rate, but it is estimated that they have a very significant bearing on the death rate. Third, the time of incidence and treatment will also affect the death rate. Fourth, whether the patients have other illnesses. There is a high death rate in Hong Kong because many patients have other illnesses when they are infected, for instance, some patients have cancer, serious liver diseases, heart diseases, and so on, and they are senior citizens, thus, the death rate is very high.

We certainly do not wish to see patients not getting effective treatment and we have therefore especially invited two experts from Guangdong Province to come to Hong Kong and devise treatment methods for us. We did not have experience when the epidemic initially broke out, and I indicated when I answered a question a while ago that we had invited these experts to Hong Kong because we had a task force for exchanges with Guangdong Province through which we had learnt that they found the integrated Western Medicine/Chinese Medicine model effective.

PRESIDENT (in Cantonese): Second question.

Control of Highly Infectious Diseases

2. **MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, regarding the control of highly infectious diseases, will the Government inform this Council whether it will set up:*

- (a) *isolation centres at the airport and various border control points to admit cross-boundary travellers who are suspected to be infected with highly infectious diseases;*

- (b) *isolation centres in remote areas to admit those who are suspected to be infected with highly infectious diseases and have to be isolated; and*
- (c) *a hospital dedicated to treating patients suffering from infectious diseases?*

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

- (a) The Port Health Office of the Department of Health enforces relevant provisions of the Quarantine and Prevention of Disease Ordinance (Cap. 141) to prevent the spread of infectious diseases in Hong Kong. The Ordinance also gives effect to the International Health Regulations in order to prevent the introduction of quarantinable diseases, namely, plague, cholera and yellow fever, into Hong Kong. The master of any vessel or aircraft is required to report to the Port Health Office any case of quarantinable diseases or infectious diseases specified in the First Schedule of the Ordinance, which he knows to exist on his vessel or aircraft. Any persons suspected to be infected with these diseases may be medically inspected by a health officer and sent to hospitals for management as appropriate.

In order to contain the spread of the Severe Acute Respiratory Syndrome (SARS), the Government has implemented preventive measures at the airport and border control points, including health declaration and temperature screening. Travellers with body temperature higher than normal or reporting to have the specified symptoms will be referred to the medical post set up at the airport or the control points for further assessment. Those suspected to be infected with SARS will be referred to a hospital for further examination and treatment. Due precaution will be taken during examination and transfer of these suspects. Therefore, at present, there is no need to set up isolation centres at the airport or other border control points.

- (b) We will quickly identify the close contacts of suspected or confirmed SARS patients through proactive contact-tracing, and require them to undergo home confinement. These people are also given the choice of moving to holiday camps. In this connection, in April 2003 we appointed Lady MacLehose Holiday Village, Sai Kung Outdoor Recreation Centre and Lei Yu Mun Park and Holiday Village under Regulation 10 of the Prevention of the Spread of Infectious Diseases Regulations as places to which persons who have been exposed to the risk of infection of SARS are to be removed. We shall appoint other places for this purpose whenever necessary.
- (c) The Princess Margaret Hospital (PMH) is a designated infectious disease centre in Hong Kong equipped with dedicated facilities for handling patients with infectious diseases. Due to the declining demand for this type of medical services over the years, there are 86 isolation beds in the PMH at present. In the light of the recent outbreak of SARS in Hong Kong, we are considering various options of further expansion of the existing infectious disease facilities of the public hospital system in the context of the current organization of public hospital services and possible emergence of new infectious disease which we may encounter in future. As it would take time to build the infectious disease facilities, as a short-term measure, the Hospital Authority (HA) will improve the ventilation and isolation facilities of existing hospitals to improve their ability to handle infectious diseases.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, thank you for allowing me to put three questions in my main question. But I would like to follow up a few more questions. I will now raise one of them first and if time allows, I will raise another later.*

The experts of the World Health Organization said earlier that there might be a massive resurgence of SARS in these areas in winter this year. If Hong Kong is so unfortunate to have a resurgence of SARS, the possible outbreak will be about four months away. In reply to part (c) of my main question, the Secretary seemed to say that the Government had not reached a decision yet and

the issue was still under discussion. Does the Government treat the epidemic as a battle? When there was a massive outbreak of SARS in Beijing, a temporary hospital was immediately built. Can we treat this epidemic as a battle and build such a hospital before winter this year? Madam President, I do hope the Secretary will answer this question.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, preparatory work has been underway. We do not wish to see that our facilities are insufficient to handle another outbreak in future. Miss CHAN's suggestion is one of our considerations at the moment. The Chief Executive announced today that a review committee would be set up to review our performance in the control of the epidemic. It is hoped that experience will be gained so that our work in future will be improved. During the review, infectious disease facilities will be under discussion. We hope a decision will be reached soon. It is hoped that some wards will be built expeditiously for isolation purposes. If we arrive at such a conclusion, funding application will be made to the Finance Committee of the Legislative Council to facilitate expeditious construction of such wards. Moreover, we will also consider adopting some temporary measures.

DR LO WING-LOK (in Cantonese): *Madam President, the Secretary said in his reply that if suspected SARS case is found at border control points, the traveller would be referred to a hospital for further examination and treatment. If the traveller concerned refuses such an arrangement, will the Government take alternative measures such as immediate repatriation of the traveller to his place of origin?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, under the existing policy, we cannot refuse travellers entering Hong Kong on the grounds of suspected infection. If travellers are suspected of having a infectious disease, they will be required to receive treatment or to be referred to an isolation centre. In terms of health, travellers are permitted to enter Hong Kong under the condition that they have to be transferred to an isolation or treatment centre. There are certainly many ways for the Government to stop travellers from entering Hong Kong, but health is not one such reason for doing so.

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, three places have been appointed to accommodate suspected SARS carriers. How many people have moved into these places? And how many of them are residents of Amoy Gardens?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have such information at hand. I will give Mr CHAN a reply in writing. (Appendix II)

DR LAW CHI-KWONG (in Cantonese): *Madam President, I understand that these isolation centres are not for confirmed SARS patients but for their family members and people having had close contact with them. However, these holiday camps are for vacation purpose only. The facilities at the camps may not suit the purpose of isolation fully. For example, there are no individual toilets or showers in the camps. In addition, people confined in the camps need a lot of daily necessities, but some of these cannot be provided in the camps. Will the Government consider converting these places in the short run to such an extent that should they be used for isolation purposes in future, they will be up to the hygienic and living standards?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the simple answer to this question is yes.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, since the introduction of temperature screening and health check at the airport and border control points, how many suspected cases are there, in which travellers have to be subject to further examination?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we do have these data. Since the introduction of health declaration by travellers on 29 March, 1 530 travellers have declared unwell in the health declaration form. Forty-five of them have been referred to the accident and emergency department; 14 have been admitted to the hospital as suspected SARS patients and two of them have been confirmed to be infected

with SARS. Moreover, 5.2 million people have been subject to temperature screening so far. Sixty-one of them have been referred to the accident and emergency department; 12 have been hospitalized and four are still under observation.

MS LI FUNG-YING (in Cantonese): *Madam President, the Secretary said that the HA would adopt short-term measures to improve the ventilation and isolation facilities of the hospitals. Have these measures been put in place? Will they be implemented in hospitals in every cluster, or just in a few hospitals?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the first phase of work, that is, those work that is practicable and can be handled expeditiously, is completed. As far as I remember, a dozen or so hospitals are involved. Anyway, I will provide Members with information concerning the number of hospitals and improvement details in writing. (Appendix III)

The HA is now examining the second phase of work and preliminary recommendations have been submitted. The HA has provided us with preliminary recommendations on how to improve ventilation and isolation facilities, as well as work that can be started in the short run.

MR LAU KONG-WAH (in Cantonese): *Madam President, I am concerned about those short-term measures, that is, work that has to be done immediately. The hospitals in the Mainland gain the valuable experience of opening windows for better ventilation. However, hospitals in Hong Kong are mostly air-conditioned and many windows have to be kept closed. Will the Secretary consider along this line, that is, opening more windows for better ventilation? And are there isolation wards in every hospital? Can such wards be built in the short run?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as regards ventilation, nowadays, hospitals are generally air-conditioned. Therefore, to improve ventilation, we have to look into the possibility of enhancing the air-conditioning system such as installing exhaust

fans. Some hospitals have installed such fans to improve their ventilation systems while others have put in place low-pressure ventilation systems. In fact, the HA has adopted various measures. Perhaps my written reply will provide Members with more detailed information.

It takes time to build a hospital. Therefore, I hope my discussion with the HA will produce the best solution within this month so that some preparatory work can be done in the short run. Increasing the number of isolation wards is one of the options. In fact, there are isolation wards in every hospital. The problem lies with the insufficient number of such wards. The difficulty in handling SARS is that a lot of patients show no prominent symptoms. At present, only confirmed SARS patients are admitted to the isolation wards. The biggest problem is that there are a lot of suspected cases, and there are not enough wards for isolation purpose. Problems often arise under these circumstances. As patients do not show prominent symptoms, other patients in the same ward will be infected.

MR LEUNG FU-WAH (in Cantonese): *Madam President, the Secretary has just mentioned that health care staff was prone to be infected with SARS by patients showing no prominent symptoms. The two Health Care Assistants who died recently are such examples. May I ask the Secretary whether better measures can be taken to deal with these patients with hidden symptoms to avoid the spread of the virus?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we have indeed taken some measures to deal with patients with hidden symptoms. Most of them are elderly and their symptoms are not very prominent. Therefore, health care staff will be extra careful in handling elderly patients. As the mortality rate among the infected elderly is relatively high, extra attention will be paid in giving them treatment to prevent them from being infected with SARS. Once they are infected, other than no prominent symptoms, there are difficulties in terms of treatment and health care. This is because some elderly will suffer incontinence, and as Members know, the coronavirus can be found in such wastes. Therefore, some health care staff has contracted SARS through the handling of such wastes and vomit of the elderly but not through the spread of droplets. As this channel of transmission creates more serious problems, a lot of follow-up actions have to be carried out. I have

discussed earlier with the Director of Social Welfare, the Chief Executive of the HA and the Director of Health. We have agreed to enhance the treatment ability of the elderly homes to avoid hospitalization of the elderly. In addition, private doctors are now being invited to visit elderly homes and out-reach services are co-ordinated to reduce and avoid the hospitalization of elderly persons. Moreover, it is now usual practice in a lot of subsidized elderly homes to isolate the elderly patients after they are discharged from the hospital to avoid possible infection. Therefore, a lot of work has been done. In fact, serious problems have arisen in the treatment and handling of elderly patients.

PRESIDENT (in Cantonese): This Council has spent over 17 minutes on this question. We shall now proceed to the third question.

Measures to Attract Tourists to Hong Kong

3. **MR LAU KONG-WAH** (in Cantonese): *Madam President, regarding measures to attract tourists to Hong Kong, will the Government inform this Council:*

- (a) *of the respective percentage drops in tourist arrivals at Hong Kong and the average hotel occupancy rates in each of the past two months when atypical pneumonia was rampant, as compared to the corresponding months of last year and February this year, as well as the estimated resultant financial losses;*
- (b) *whether the authorities concerned have formulated concrete plans to attract tourists to Hong Kong, to be launched immediately after the lifting of the World Health Organization (WHO)'s travel advisory against Hong Kong; if so, whether such plans include organizing large-scale promotional activities; if so, of the details of such activities; and*
- (c) *as the Mainland has been a major source of tourists to Hong Kong, of the specific measures to attract mainlanders to visit Hong Kong and to ensure that an increased number of tourists will not aggravate the local atypical pneumonia situation?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President,

- (a) In February this year, total visitor arrivals to Hong Kong were 1.41 million, representing an increase of 26% over the same month last year. Because of the impact of SARS, total visitor arrivals in March this year registered only an increase of 4% over the same month last year, at 1.35 million. There were only 490 000 visitor arrivals in April, a drop of 65% from the same month last year. The average hotel occupancy rate in February and March was 81% and 79% respectively. The average occupancy rate was lower than 20% in April. When compared to the average occupancy rates of March and April last year, the decrease was seven and 57 percentage points respectively. The Government made an initial assessment in April of the economic impact of SARS and estimated that the direct loss to Gross Domestic Product (GDP) per month, that is, to the GDP in April, as a result of drop in business in the hotel, airline and travel agent sectors is about \$2 billion, which is about 1.8% of our monthly GDP.
- (b) The World Health Organization lifted the travel advisory on Hong Kong last week. Currently, our main task is to instil confidence in our community, the Mainland and the international community in Hong Kong. We will also encourage our people to resume normal life and economic activities.

There will be mega events to promote Hong Kong to the Mainland and the world to attract visitors to come. We are working with the Hong Kong Tourism Board (HKTb) and the tourism trade, including travel agents, hotels, airlines, retailers and restaurants to discuss our strategy to launch incentive programmes to attract visitors.

Meanwhile, the Government continues to implement tourism enhancement projects. There will be a Harbour Lighting Plan, including a Harbour Light and Sound Show, and the Avenue of Stars project. There will also be beautification works in major tourist areas such as at the Sai Kung waterfront, Lei Yue Mun waterfront, Central and Western District and Tsim Sha Tsui East to provide new attractions for our visitors.

- (c) In addition to various promotional events and incentive programmes, the Government will continue to liaise with the mainland authorities to facilitate more mainland visitors to come to Hong Kong, for example, to allow Guangdong residents to visit in their personal capacity as soon as possible. The HKTb will also strengthen their publicity and promotion efforts in the Mainland as part of the comeback plan.

To ensure that a rise in the number of tourists will not affect our prevention of SARS, the Government will strengthen screening and health checks at control points. All arriving passengers are required to complete a health declaration and are given body temperature checks. Any tourist suspected to be suffering from SARS will be interviewed by staff of the Department of Health (DH) at the control points and if necessary referred to hospital for further checks. In addition, the DH has issued guidelines to the tourism sector and visitors on SARS prevention and how to handle suspected cases of SARS. This is intended to raise awareness of SARS and reduce the chance of infection.

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary mentioned in the last paragraph of the main reply that the DH would issue guidelines to relevant trades in the tourism industry. However, this is far from adequate because the complementary facilities at many tourist spots are still inadequate, for example, there are not enough toilets, often resulting in long queues; there are not enough facilities for washing hands in toilets, nor is there any liquid soap; the rubbish bins do not have any lids, and so on. After these places are visited by picnickers on Saturdays, other picnickers who visit these places on Sundays will find rubbish everywhere. With such matching facilities, how can visitors be attracted to these places? Even local tour groups will probably be put off one after another on visiting these places. Of course, the Secretary for Economic Development and Labour may not be in a position to answer questions concerning toilets, but this will impact on tourism indeed. May I ask the Secretary if he will consider establishing an inter-departmental group so that the Secretaries can discuss how to improve Hong Kong's matching facilities for tourism?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I would like to thank Mr LAU for his concern for our tourism facilities. In fact, I am also very concerned about this. We have already established a group to examine which kinds of matching facilities at scenic spots are inadequate, such as toilets, as mentioned by Mr LAU, parking spaces, lighting, sign posts, and so on. In fact, it is not the case that every type of such facilities is inadequate. I also joined a local tour last week and went to some rather remote places. I can tell Mr LAU that liquid soap was available in the toilets there. This is a good thing to see. Of course, not every toilet is equipped with such facilities. Therefore, I agree that the departments concerned should improve these matching facilities as quickly as possible. We have already started to work on this and I hope Members will see some improvement soon.

MR HOWARD YOUNG (in Cantonese): *Madam President, the Secretary mentioned in part (c) that action will be taken to bring visitors from Guangdong Province back to Hong Kong. However, I noticed that in the press conference held in Guangdong yesterday, the people concerned were very vague on this, saying that these visits would not resume before June, but would resume no later than July, so there will be a void of one month. May I ask the Secretary if government departments can liaise with the China National Tourism Administration or the Guangdong Tourism Administration to urge them to resume arranging tour groups to Hong Kong as soon as possible, instead of waiting until as late as the end of June?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Thank you, Mr YOUNG. I think that the reply by the Director of the Guangdong Tourism Administration was in fact very clear. It was not vague at all since he gave June as the answer. We maintain very close contact with both the Guangdong Tourism Administration and the China National Tourism Administration. I believe everybody wants to work towards a four-word maxim, which is "the sooner, the better", and resume arranging "Hong Kong Tours" from Guangdong Province as soon as possible. Our position on this is very clear and we are working at full steam on this. I hope that Guangdong Province can resume arranging "Hong Kong Tours" as soon as possible.

MR AMBROSE LAU (in Cantonese): *Madam President, the Government mentioned in part (b) of the main reply that mega events will be organized and it is working with the HKTB and the tourism industry, including travel agents, hotels, airlines, retailers and restaurants to actively discuss the launch of various incentive programmes. So far, has the Government received any specific information on the discussions held? Have the relevant discussions been successful? I hope the Government can give us a detailed reply.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, concerning the specifics, we will hold a press conference tomorrow to give a detailed account of all the activities.

As regards Mr LAU's supplementary, we have been meeting the industry to hold discussions in the past few weeks. Various trades, such as hotels, airlines, retailers, restaurants and travel agents, will all consider offering concessions, since it is very important to offer concessions to tourists. Various trades have all made plans on this and we will announce all of them later. For example, a lot of different concessions will be offered by hotels, such as staying for two nights and get a third night for free, having a free night of stay on coming back next year, and so on. On the other hand, the catering industry plans to hold a lucky draw. We can also see that airlines have offered a number of concessions today and more will be offered in succession in future. The retail trade also plans to offer buy-one-get-one-free concessions, discounts, lucky draws, and so on. These are the plans made by various trades and they will be launched successively.

I have also said that since the travel advisory has just been lifted, therefore our main task is to instil confidence before launching major activities. We have plans to introduce a considerable number of large-scale activities. Secretary Patrick HO has mentioned the activities relating to the local economy, so I will not dwell on this further. I only wish to account briefly for several major tourism enhancement projects, such as the Strato-Fantasia, Mid-Autumn Lantern Celebration, International Musical Fireworks Competition, a synchronized lighting show and Harbour Light and Sound Show, followed by more than a dozen items afterwards. I would like to tell Mr LAU that we have plans to launch a series of large-scale activities. Those that fall within the ambit of Secretary Patrick HO include High Tea for Hong Kong, Dance and Dance in

Central and Western, and so on. I can assert that in the next few months, everyone will be very busy and life will be colourful, because not just tourists but also local residents can take part in these activities.

MR IP KWOK-HIM (in Cantonese): *Madam President, I wish to follow up the supplementary raised by Mr LAU Kong-wah. The Secretary mentioned in part (b) that tourism enhancement projects will be implemented, and since the Secretary has taken part in a local tour recently, he should be able to see many problems. The Secretary has said that measures will be taken. He should be aware of where the problems lie, for example, in parking spaces, toilets and inadequate facilities at some tourist spots, and so on. May I ask the Secretary if he can set down a specific timetable so that we can know the progress of the relevant work? Is the Government going to adopt urgent measures to promote local tours and provide greater convenience to visitors in order to promote local tourism? We are all fully aware that overseas visitors will not come back to Hong Kong all of a sudden, that is, not tomorrow or in a week's time. I believe we still have to rely on local tours for the time being.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I believe the problems did not surface only today. For example, we have always been concerned about the problems relating to toilets. However, this does not mean that the toilets at all popular tourist spots are insufficient. If Members have been to the Po Lin Monastery or Lantau Island, they will know that the toilets there are very beautiful. However, it is true that some toilets at certain places leave much to be desired, and the parking spaces for coaches at some places are inadequate. Different places have different problems. However, I found that the sign posts and descriptions recently put in place at some less popular heritage tourist spots are pretty fine. At present, most of the coaches rally and set off from Tsim Sha Tsui, and this situation is undesirable. In fact, it is not always necessary for these coaches to rally in Tsim Sha Tsui and one can consider picking up tourists at other places on Hong Kong Island or in the New Territories. We are following this issue up with the industry in the hope that some coaches can pick up tourists on Hong Kong Island to avoid causing traffic congestion. We have examined this matter with the relevant departments, such as the Transport Department, with a view to making speedy improvements.

MR IP KWOK-HIM (in Cantonese): *Madam President, the Secretary has not answered my supplementary. I asked the Secretary about the timetable.*

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

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the timetables for various areas are different. Regarding improvements in parking spaces for coaches, toilets, lighting, sign posts, and so on, some can be carried out earlier while others may have to be done later. For example, it may not be possible to identify more parking spaces immediately, so if the parking spaces at a sightseeing spot are inadequate, spaces for this purpose have to be identified in the vicinity. Therefore, my reply is that if an improvement to be made is simple, we will do it immediately.

MR NG LEUNG-SING (in Cantonese): *Madam President, concerning part (c) of the main reply, we are all concerned about the issue of allowing Guangdong residents to visit Hong Kong in their personal capacity. If this arrangement can be implemented in June, has the Government estimated how many tourists this will bring in a full year?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, what I said was that "Hong Kong Tours" from Guangdong Province could resume in June, but Mr NG asked about implementing the arrangement that would allow Guangdong residents to visit Hong Kong in their personal capacity. Certainly we will strive to achieve this and we are holding discussions on the relevant details. I remember that last time when Members asked similar questions, the Secretary for Security said that it was hoped the arrangement could be put into practice as soon as possible in the coming months. Of course, the sooner it is, the better it would be.

As regards the estimated number of people, I think it would be rather difficult to do so. There are tens of millions of people in Guangdong Province and I do not wish to estimate how many will come to Hong Kong. As far as "Hong Kong Tours" are concerned, the industry made an estimation this

morning, and I believe the industry is much better at this. According to the industry estimation, if "Hong Kong Tours" resumes, about 100 000 people will come in June. If the arrangement to allow Guangdong residents to visit Hong Kong in their personal capacity can be implemented, it will be more convenient to visit Hong Kong and I believe the number of people coming will be even greater.

MS LI FUNG-YING (in Cantonese): *Madam President, the Secretary mentioned in part (b) of the reply that the major task now is to instil confidence and encourage the public to resume their normal life and economic activities. Many workers have been forced to take no-pay leave or have their wages reduced as a result of SARS. May I ask the Secretary if the upcoming tasks will include addressing this problem so that the confidence of workers can be boosted and economic activities can resume?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, this is certainly one of my tasks. Mr LEUNG Fu-wah and a group of workers have recently held a discussion with me. We are of course concerned about this problem. We will provide more training places for skills upgrading and hope that the three sides, that is, employees, employers and the Government can hold discussions together on how to improve the consultative mechanism. I can tell Members that we will work hard in all areas.

PRESIDENT (in Cantonese): This Council has spent more than 17 minutes on this question. Last supplementary.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, it has been suggested that the most practical concession is to give away money. If each tourist is given several hundred dollars, tourists will definitely be attracted to Hong Kong. May I ask the Secretary if he has considered this suggestion? If not, why not?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the industry has put forward a lot of suggestions

and giving away money is just one of them. I think that we should consider if there are any other better approaches than giving away money. Of course, the industry wants to attract overseas visitors to Hong Kong and encourage them to spend by various means. However, giving away cash coupons will lead to a number of questions. For example, who should be given such coupons? Should they be given to all visitors coming to Hong Kong? Should they be given to all visitors coming to Hong Kong by land, sea and air? If someone comes to Hong Kong today, then again tomorrow, should the coupons be handed out again? Will the problem of counterfeiting arise? Even money can be counterfeited, so it would be all the more easy to counterfeit cash coupons. We have to consider many issues. I think that there are other ways to achieve the same results and we welcome suggestions from all parties. In fact, the industry has made a great deal of effort and contributed a lot of ideas, but we will report to Members in detail on which suggestions will actually be adopted in the briefing to be held tomorrow.

PRESIDENT (in Cantonese): Fourth question.

Issuance of Government Bonds

4. **MR NG LEUNG-SING** (in Cantonese): *Madam President, will the Government inform this Council whether it has assessed the issuing of government bonds, in particular, its need and cost-effectiveness, whether it is appropriate to issue bonds now, and the impact of bond issuance on Hong Kong's credit rating, linked exchange rate system and the development of the local bond market; if it has, of the assessment results?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, we often conduct internal study on whether the Government should issue any bonds. As the Financial Secretary has made clear in his 2003-04 Budget speech, the Government is not totally against issuing bonds. However, we must consider the use of the funds so raised, the cost of borrowing, and the impact on sovereign credit ratings and the development of financial markets in Hong Kong.

First, we must follow the principle of prudent fiscal policy when considering the use of funds raised from issuing bonds. The Basic Law

stipulates that the Government must keep our expenditure within the limits of revenues and strive to achieve a fiscal balance. Putting this in the context of a bond issuance, this means that we must not simply resort to borrowings to patch up the deficit in our Operating Account.

Simply considering from the perspective of cost-effectiveness, if the cost of issuing bonds by the Government is higher than the investment income from our fiscal reserves, then it is considered not cost-effective to fund public expenditures through borrowings.

Another issue is the impact of credit ratings on foreign investors' investment decision in Hong Kong as well as the cost of borrowing of local public enterprises and private companies. Our understanding is that assessments by international credit rating agencies on Hong Kong's credit ratings are based on a combination of factors, such as Hong Kong's economic performance, whether the Government has any debts outstanding and its fiscal position, financial stability, market infrastructure, and so on. Therefore it would be difficult to speculate on the impact of individual government policies on Hong Kong's overall credit ratings. That said, we are aware that credit rating agencies are paying close attention to the Government's efforts in managing the budget deficit. They recognize that Hong Kong's major strengths in its economic fundamentals lie with its debt-free status, substantial fiscal reserves, a large net international investment position, a robust banking sector, and so on. In assessing the impact of government bond issuance on credit ratings, I believe that the credit rating agencies will generally take into account circumstances under which the Government issues bond, the use of funds so raised and the size of the bond issuance.

Turning to the possible impact of government bond issuance on the linked exchange rate, much would depend on market perception. Market reaction would depend upon the nature and size of the issuance programme, among other considerations. In particular, it matters whether the issuance is perceived to be project-based and one-off in nature, or an ongoing programme to meet general revenue purposes. This is extremely important. These factors may affect market assessment on the Government's determination to correct the underlying imbalance and maintain fiscal sustainability in the long term. They also have implications for the short-to-medium-term evolution of the budget balances and fiscal reserves, which would in turn affect the size of foreign reserves held by the Exchange Fund. In sum, depending on the details of an issuance programme, if the market perceives an issuance of government bonds as a departure from

prudent fiscal policy, it would lead to a rise in the risk premium of the Hong Kong Dollar and pressures on the currency. However, if the market considers that the long-term fiscal position would not worsen as a result, such pressures may not arise.

Lastly, on the promotion of the development of the local financial markets, the issuance of government bonds usually has a positive impact on the development of the local debt market, such as the provision of a benchmark yield curve for credit reference. However, such a need is not particularly pressing in Hong Kong as the Exchange Fund note-issuance programme, and increasingly, the debt issuance by public sector entities such as the Airport Authority (AA), the MTR Corporation Limited (MTRCL) and the Kowloon-Canton Railway Corporation (KCRC) could to some extent help to establish a benchmark yield curve in Hong Kong. We will continue to facilitate the development of the bond market in Hong Kong through various means like encouraging public sector entities to issue bonds, enhancing market infrastructure, simplifying procedures for public offering and offering tax concessions.

MR NG LEUNG-SING (in Cantonese): *Madam President, in the third paragraph of the main reply, the Government stated that if the cost of issuing bonds by the Government was higher than the investment income from its fiscal reserves, it would be considered not cost-effective to fund public expenditures through borrowings. Will the Secretary inform us, in last year or the past three years, whether the interest rate and the cost of borrowing were higher than the current investment income of the Exchange Fund?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, Mr NG Leung-sing's supplementary question is a very good one. I do not have the relevant information of the past three years, but I can provide some information to Mr NG as reference. Last year, the rate of return for the Exchange Fund was 5.1%. If bonds of a 10-year term had been issued at the same time, the cost would have exceeded 5%. Using the 10-year bonds of the United States as the benchmark, it is estimated that if we were to issue 10-year bonds today, the rate of interest to be paid will range from 4.5% to 4.8%. I can hardly say whether or not our rate of return this year can exceed 5.1%. However, comparing to the 10-year bonds of the United States and that issued by the KCRC at present, the spread is around 1%.

MR JAMES TIEN (in Cantonese): *Madam President, in the last paragraph of the main reply, the Government mentioned that though the Hong Kong Government had not issued any bonds, public sector entities such as the AA, the KCRC and the MTRCL had issued bonds. What is the amount of bonds issued by those wholly or substantially government-owned entities, and the interest rate of those bonds?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I am not sure if Mr James TIEN is referring to Hong Kong Dollar bonds. If so, I am afraid I do not have the total amount involved in Hong Kong Dollar bonds alone at hand, but I will give a written reply to Mr TIEN.

Recently, the KCRC has issued 10-year bonds in the debt market. Its original target was to raise \$500 million, however, owing to huge demand, 10-year bonds amounting to \$800 million had been issued. It was the first time the KCRC raised funds in the Hong Kong Dollar debt market. Moreover, the KCRC is now engaging in the sale of retail bonds and the deadline for subscription is the coming Friday. The target of the issuance is to raise \$500 million, and the types of bonds issued include bonds of five-year term and 10-year term. A few months ago, the AA also issued bonds with a maximum term of seven years, and raised about \$900 million. Recently, the MTRCL has on two occasions issued 10-year bonds, each raising \$500 million. Both issuances have been successful. The bonds issued on both occasions were sold to institutional investors and were not retail bonds. We can thus see that the Hong Kong Dollar debt market has been quite buoyant recently. These public sector entities will make most use of the debt market to raise funds. As for the total amount of bonds issued, I will provide a written reply to Mr TIEN. (Appendix IV)

MR JAMES TIEN (in Cantonese): *Madam President, the Secretary has not answered the second part of my supplementary question. What are the interest rates offered on those bonds overall?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, the interest rates offered depend on the prevailing market situation. Regarding the retail bonds issued for the Airport Railway, if I do not have it wrong, the interest rate is below 5%. For the retail bonds issued by the KCRC this time, the interest rate is also set below 5%. As for information related to the actual interest rate of different bonds, I will provide a written reply to Mr TIEN. (Appendix V)

MR SIN CHUNG-KAI (in Cantonese): *Madam President, in his reply to Mr NG Leung-sing's supplementary question, the Secretary mentioned that if the cost of issuing bonds was higher than the return from the Exchange Fund, the Government would not issue bonds. However, when the Government reserves drop to a certain level, the cost of borrowing will be higher. It is said that when one is rich, the interest rate for borrowing will be lower; but when one is running out of money, the interest rate will be much higher. How will the Government strike a right balance? To what level have the reserves dropped before will the Government feel the pressure and the need to issue bonds?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, Mr SIN Chung-kai has raised a very good question. But I have to point out that the cost of interest is not our only consideration; we have to take into account a host of factors. As for the timing of issuing bonds, one can hardly borrow any money when one has none. Therefore, we have to monitor our fiscal deficit situation closely. Most often, credit rating agencies will downgrade the credit rating of a certain place when the place has a fiscal deficit. If the problem of fiscal deficit can be alleviated, and if credit rating agencies consider the situation in Hong Kong satisfactory, we have no reasons to worry at all. It is quite difficult to use any scientific method to decide when the Government should issue bonds and that how much should be issued. However, I can assure Members that we will conduct regular assessments in this respect.

MR SIN CHUNG-KAI (in Cantonese): *Madam President, part of my supplementary question is about to what level have the reserves dropped before the Government will feel the pressure and the need to issue bonds. This is about reserves level. Will the Secretary respond to this part of my question?*

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

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I have nothing to add.

MR HENRY WU (in Cantonese): *Madam President, in the last paragraph of the main reply, the Secretary said that the issue of government bonds would usually have a positive impact on the development of the local debt market. The word "usually" is used, which means that this may not necessarily be the case. May I ask the Secretary, according to his understanding, under what circumstances the issuance of government bonds will have a negative impact on the development of debt market? Have we ever experienced any such cases? The Secretary mentioned the benchmark yield curve in his main reply; will he explain how the positive impact or negative impact of the issuance of government bonds will affect the market in the light of the benchmark yield curve?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, if government bonds are issued, investors will be attracted to the debt market. The issue may also stimulate the secondary market to be more active. Therefore, we consider that the issuance of government bonds usually has a positive impact on the development of the local debt market. I cannot think of any negative impact.

I have mentioned the benchmark yield curve in my main reply, and we have in fact the benchmark in place. I have explained earlier that a number of public sector entities have already issue long-term bonds. In the past, among the public sector entities in Hong Kong, only the Hong Kong Monetary Authority had issued long-term bonds, but not the other. Nowadays, both the MTRCL and the KCRC have issued bonds, and that has given us a benchmark. If the Government one day decides to issue bonds, those benchmarks may be used as reference.

MR HENRY WU (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. I asked the Secretary under what circumstances the issuance of government bonds would have a negative impact on the market, but not whether he thought there would be any negative impact.*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, as I said earlier, I think the issue of government bonds should have positive impact, and I cannot think of any negative one. But as to our decision to issue bonds or not, that is a separate matter from the development of the debt market.

DR RAYMOND HO (in Cantonese): *Madam President, early this year, when I discussed the Budget with the Financial Secretary and the Secretary for Financial Services and the Treasury, I raised the issue on bond issuance. At that time, the Financial Secretary said that if the issuance of bonds was to raise funds for individual infrastructure items, that option might be considered. Does the building of the Central Government Complex fit in with the concept of the Financial Secretary? Will the Government consider issuing bonds to finance the project?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, the Financial Secretary has made it very clear that the Government does not wish to finance its operating expenditure by the issuance of bonds. However, he is more positive towards the issuance of bonds to finance individual infrastructure projects. As to whether the building of the Government headquarters at the Tamar site is an infrastructure project, decision could only be made after discussion. However, the Financial Secretary's principle is that the Government should not resort to the issuance of bonds to meet its operating expenditure.

PRESIDENT (in Cantonese): This Council has spent 15 minutes on this question. Last supplementary question.

MR NG LEUNG-SING (in Cantonese): *Madam President, since the issue of bonds is an option that can be considered, will the Government consider issuing bonds on the 20 000 to 30 000 secured premises under the Home Ownership Scheme not yet offered for sale, so that the resources involved can be used on the public again?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I have to thank Mr NG Leung-sing for his suggestion. I will study this and discuss with the relevant Policy Bureau.

PRESIDENT (in Cantonese): Fifth question.

Loan Guarantee Scheme for Industries Affected by Atypical Pneumonia

5. **MR JAMES TIEN** (in Cantonese): *Madam President, to provide relief to the tourism, restaurant, retail and entertainment industries, which had been badly hit by the outbreak of atypical pneumonia, the Government set up a \$3.5 billion Loan Guarantee Scheme last month. In this connection, will the Government inform this council:*

- (a) *of the response of the industries concerned to the Scheme, including the number of applications from each industry;*
- (b) *of the number of applications from each industry which have been approved so far and the total commitment involved; and*
- (c) *whether it has assessed the effectiveness of the Scheme; if it has, of the assessment results?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President,

- (a) The Government has set up a \$3.5-billion low-interest Loan Guarantee Scheme to provide immediate relief to restaurants, hotels, travel agents, tourist coach operators, retail outlets, cinemas and karaokes, which are experiencing cash flow problems as a result of the outbreak of the Severe Acute Respiratory Syndrome (SARS). The Scheme provides short-term loans to these establishments for payment of employees' salaries. Since its inception on 5 May 2003, 26 lending institutions have participated in the Scheme. As at 26 May, these lending institutions have received a total of 647 applications. As these institutions only keep statistics on approved

applications by industries, we cannot provide a breakdown of the total number of applications received by industries.

- (b) As at 26 May 2003, a total of 433 loans have been approved by the lending institutions under the Scheme, and the total amount of loans approved stands at about \$119 million. The breakdown of the approved loans by industries is as follows:

<i>Industries</i>	<i>No. of Approved Loans</i>	<i>Amount of Loans (HK\$)</i>
Restaurants/ Hotels/Guesthouses	105	56,331,062
Travel Agents/Tourist Coach Operators	56	16,511,071
Retail Outlets	272	46,192,885
Total	433	119,035,018

- (c) We have been closely monitoring the operation of the Scheme. As the Scheme has only been in place for three weeks, it is too early to have a full assessment of its effectiveness. The response of the businesses to the Scheme depends on a number of factors, including whether the market situation has improved. The Scheme may not be particularly attractive to large enterprises because of the limited amount of the loans. It will, however, be helpful to small and medium enterprises (SMEs) experiencing cash flow problems, particularly those lacking operating funds to pay their employees' salaries. Many proprietors have suggested that the use of the loans should be more flexible. For example, after paying staff salary, the remainder of the loans, if any, can be used to meet other operating expenses. As regards the requirement of guarantee from shareholders, the catering industries hope that the present requirement of joint and several guarantee for the loan from shareholders holding 90% or more of the equity interest in the business should be relaxed. After considering the views of the industries, the present market situation and the operation of the

Loan Guarantee Scheme so far, we shall seek the approval of the Finance Committee of this Council to suitably relax the requirements on the use of the loans and guarantee from shareholders.

MR JAMES TIEN (in Cantonese): *Madam President, the effect of this \$3.5 billion Scheme is not very satisfactory for only \$120 million has been loaned three weeks after the launch of the Scheme. Nevertheless, I am very pleased to see that the Secretary has reacted so swiftly under the accountability system and has even started to conduct a review. The Secretary mentioned that, having listened to the recommendations of the industries, the Government was prepared to relax the criteria for applications under the Scheme. Can the Secretary further explain what is going to be relaxed and whether the industries are supportive of this?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I would like to thank the Honourable James TIEN. Insofar as the relaxation of restrictions is concerned, the present policy requires that, in the case of a business having more than one shareholders, joint and several guarantee executed by shareholders holding 90% of equity interest is required. The catering industry in particular has found compliance with this requirement particularly difficult. I have received the relevant information furnished by the Honourable Tommy CHEUNG. Actually, I have discussed this matter with the industries too. We concurred that, although the present market situation had indeed improved, the restriction could still be relaxed by lowering the requirement from 90% to 70%. In other words, a guarantee executed by shareholders holding 70% of equity interest will be acceptable. Furthermore, discussions have been held between a number of proprietors from the four industries and the Government with respect to the use of the loans. It was particularly pointed out by the tourism and retail industries that, given the present market situation had started to improve, what the tourism industry needed most at the moment was working and operation capital to settle payments for air tickets, hotel accommodation, and so on, and the retail industry required sufficient funds for such purposes as purchase of stock. We find this reasonable and hope assistance can be offered to them as far as possible at this time when the economy has begun to show signs of improvement. This is because after all 500 000 employees are being affected. With enhanced flexibility, we can help to retain the posts for these employees as far as possible.

Having taken into account the abovesaid circumstances, we propose that the loans will still be used primarily for the payment of staff salaries. For the remainder of the loans — I believe the retail industry is very likely to encounter such situation — we propose that it can be used for other operational purposes such as payment of rent or purchase of stock. We hope these relaxation proposals can be implemented expeditiously because we were told by a number of Honourable Members and industries that they hoped the procedures could be streamlined early. I hope Honourable Members can give their consent. I am also prepared to raise this proposal at the meeting of the Finance Committee this Friday. This is already the quickest way.

MR TOMMY CHEUNG (in Cantonese): *Madam President, the information to which the Secretary alluded in his reply to the supplementary question is contained in a letter. In the letter, I have raised several details, including the fact that applications for loans cannot be approved if the guarantee is executed by shareholders of an offshore company or the company has a record of having a cheque dishonoured by a bank in the past six months. May I ask the Secretary whether the Government or the Secretary will consider relaxing the restrictions on these companies as well?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I would like to thank Mr Tommy CHEUNG. I hope Mr CHEUNG will not write to me too often. *(Laughter)*

The issue raised by Mr CHEUNG was actually related to details. First, insofar as offshore companies are concerned, what matters most is equity interest, that is, the holder of equity interest. If it can be proved that the relevant shareholder is the genuine owner of the company and he is willing to execute the guarantee, I think consideration can be given. In the end, however, I believe such matters should be left to the banks. Second, Mr CHEUNG raised the issue related to having dishonoured cheques in six months. Banks have their own usual practices. Members should bear in mind that banks are after all the lenders, whereas we act merely as a guarantor. If a client is considered by a bank as having problems with his integrity, I believe the bank will act according to its commercial judgement. Notwithstanding this, I understand that the first case can be considered. As for the second case, I think the banks' practice must be respected and the banks should be allowed to make their own judgement.

MRS SELINA CHOW (in Cantonese): *Madam President, during the initial period when the provision was approved by the Finance Committee, I requested the Secretary to pay attention to the matter and conduct a review expeditiously once problems arise or there is a need to do so. Therefore, I greatly welcome the commitment made by the Secretary just now. The Secretary stated in part (b) of the main reply that a large number of loan applications submitted by the retail industry had been approved. However, if we calculate on a proportion basis, the amount of loans obtained by retailers, each receiving a mere average of \$160,000, is smaller than that received by other industries. This is relatively small when compared to other industries, for they are able to secure a loan of more than \$300,000 or \$500,000. Some retailers told me that, although 26 banks had joined the Scheme, many SMEs, not necessarily being the clients of these banks, might encounter obstacles when applying for the loans. Will the Secretary consider, when carrying out the review, helping retailers who are unable to obtain loans at the moment?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): *Madam President, the proprietors are not strictly required to have business dealings with any of the 26 banks mentioned above. They are only required to submit their company records to let us know which bank they have dealings with. If the bank in question is not a participant of the Scheme, the proprietors can apply to one of the participating banks. Of course, it will be up to the bank to decide whether or not the loan should be approved. The application will be dealt with by the bank in accordance with the relevant principles and our requirements. We can see that the success rate is indeed very high. For the time being, I believe 80% of the applications have been approved.*

MR LEE CHEUK-YAN (in Cantonese): *Madam President, the Secretary has indicated in the main reply that restrictions on loan applications will be relaxed. May I ask the Secretary whether restrictions on industries will be relaxed as well? Although I did not write to the Secretary, I did verbally raise this point to the Secretary and he should be aware of it. I still wish to openly ask the Secretary one more time, though I already know the Secretary's answer: Can relaxation be made to allow more industries to apply to the Scheme? Actually, SARS affects, besides these four hard-hit industries, other sectors such as kindergartens, nanny vans, and so on. These industries have indeed been directly, not indirectly,*

affected. It is not justified for the Secretary to act in such a biased manner in the selection of industries. I hope the Secretary can answer this question: Can restrictions on industries be relaxed?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I would like to thank the Honourable LEE Cheuk-yan. Mr LEE should recall that I have discussed this issue with him before. When replying to the question raised by Mr Tommy CHEUNG, I said I did not wish to receive too many letters. What I really meant was Honourable Members could discuss with me direct. I would be very pleased to do this. I have actually explained to Mr LEE where the difficulties lie. I did consider this proposal but found it quite difficult to open the Scheme to more sectors. Let me cite kindergartens and nanny vans, to which Mr LEE referred just now, as examples. As I said earlier, given that the epidemic situation has been brought under control, we are hoping to see life return to normal. Members can see that classes and nanny vans have begun to resume normal operation. Now it is getting increasingly difficult to get a taxi in the morning. It can be seen that gradual changes are taking place. Kindergarten operators should not find the provision of loans particularly helpful at the moment.

We have also discussed with our colleagues in other Policy Bureaux with respect to such trades as taxis. The Transport Department has allowed taxis to pick up/set down passengers in prohibited zones. Discussions have also been held with banks to persuade them to allow taxi owners to pay interest while suspending the payment of principal. Furthermore, other measures are implemented to help them. After consideration, we felt that relaxing the use of the loans could directly help the relevant industries. Insofar as this measure is concerned, we will observe the market situation and other aspects before making a decision. We really hope to come up with other means to help affected industries.

MS MIRIAM LAU (in Cantonese): *Madam President, when replying to the supplementary question raised by Mr LEE Cheuk-yan, the Secretary only said that the impact on industries other than the four mentioned industries might not be very serious at the moment. He only presented us with the good side. He is actually not aware that many problems remain unresolved. Is the Secretary aware that many people in the transport industry have their vehicles seized*

during the SARS outbreak because of cash flow problems? This explains why I very much hope the Secretary can reconsider relaxing the scope of the Scheme. May I also ask the Secretary whether consideration will be given to relaxing the use of the loans should consideration be given to including industries other than these four industries in the Scheme? In other words, will the use of the loans be further relaxed, in addition to relaxing the restrictions on guarantee, so that the loans will no longer be restricted to the purpose of paying staff salaries?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I explained this point in my reply to the supplementary question raised by Mr James TIEN earlier. If Ms Miriam LAU's question is about the possibility of extending the Scheme to cover industries other than the four designated industries, I answered it already in my reply to the question raised by Mr LEE Cheuk-yan. Surely we will continue to keep the relevant situation in view.

I met with trades associated with the air service industry this week. Given that some operators of these industries incur an expenditure of at least several million dollars each month, a monthly loan of hundred thousand dollars or so is not going to help them immensely. It was agreed during the meeting between the relevant labour unions and me that other measures such as more training on skills upgrading can be implemented to help them. We can indeed consider these proposals, as well as many others. I only wish to say that it is impossible for us to help such affected industries as airlines, and I do hope Honourable Members can understand this. Nevertheless, I am very pleased to, and will continue to, pay attention and review the operation of businesses in this aspect.

MR FRED LI (in Cantonese): *Madam President, a large number of retailers affected by SARS, particularly small proprietors operating at Amoy Gardens, have told me that most of them are small proprietors who have no employees because their retail businesses are either operated by them or jointly with their spouse. At the moment, no rental reduction is offered; neither can this Scheme help them because they have no employees. To enable them to ride out their difficulties, has the Government considered reviewing the Scheme to help small retailers, particularly those small proprietors operating in the Amoy Gardens Arcade?*

SECRETRAY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I do not quite understand the supplementary question raised by Mr Fred LI. The small retail proprietors in the Amoy Gardens Arcade definitely fall into the retail industry. They may submit their applications because the retail industry is covered by the Scheme. I have earlier raised the point that the Government will consider relaxing the use of the loans. Some of the proprietors to whom Mr Fred LI referred earlier might be operating on a relatively small scale, employing only several employees. After paying the staff salaries, the remainder of the loans can be used for rent payment or other cash flow purposes. I believe this method can help them.

MR FRED LI (in Cantonese): *Madam President, my question might not be clear enough. I was referring to small retailers who take care of everything as both an employer and an employee. In that case, how can they apply for loans to pay for staff salaries? At the same time, they are required to pay rents. Without concessions, how can they tide over their difficulties?*

SECRETRAY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I guess I have answered the question raised by Mr Fred LI. Besides paying salaries, the loans can be used for other operation purposes. In other words, if the salary is paid to the employers themselves — the amount is unknown to me, we have proposed that the remainder of the loans be used more flexibly. This proposal, if passed on Friday, can enable the proprietors to use the remainder of their loans for such other purposes as rent payment and purchase of stock. I hope they will find this arrangement useful.

PRESIDENT (in Cantonese): This Council has spent more than 17 minutes on this question. We will now proceed to the last oral question.

Consultancy Study on Tourism Potential of Northern New Territories

6. **MR WONG YUNG-KAN** (in Cantonese): *Madam President, in response to the motion on "developing eco-tourism" which I moved in May last year, the former Secretary for Economic Services indicated that the Tourism Commission*

would commission a consultancy study on the tourism potential of the Northern New Territories. The consultancy study was completed recently. In this connection, will the Government inform this Council:

- (a) of the scheduled timing for releasing the report of the consultancy study; and*
- (b) whether it has worked out a timetable and set aside resources for implementing the recommendations of the consultancy report; if not, of the reasons for that?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, my reply to the two parts of the Honourable WONG Yung-kan's question is as follows:

- (a) In August 2002, the Tourism Commission engaged The Hong Kong Polytechnic University (the PolyU) to conduct a "Consultancy Study on Development of Tourism in the Northern New Territories". The objectives of the study are:
 - (i) to assess and identify the tourism potential of the Northern New Territories, with an emphasis on green tourism and cultural tourism; and
 - (ii) to identify development issues, and to make recommendations to develop tourism in a balanced manner taking into account environmental concerns, with a view to ensuring sustainable development.

The Consultancy Study has been completed. On 19 May, the Tourism Commission conducted a consultative forum for District Council members and representatives of concerned local community groups, travel trade and green groups. The forum was briefed on the study report.

The study covered the area between the border with the Mainland in the north, the Tolo Harbour and Tolo Channel in the east, extending from Tai Mei Tuk westward through Wong Leng, Luen Wo Hui,

Shek Wu Hui, Kwu Tung to end at Mai Po. The consultants divided the study area into 10 clusters for detailed assessment. The five clusters assessed to possess the highest potential for green and cultural tourism are:

- (i) the Plover Cove Reservoir and North Shore of Tolo Channel;
- (ii) Yan Chau Tong Marine Park and Plover Cove Country Park;
- (iii) Tung Ping Chau;
- (iv) Luk Keng and Country Parks; and
- (v) Sha Tau Kok.

The study report has recommended short-term and medium-to-long-term measures to realize the tourism potential of these clusters. Medium-to-long-term measures include the development of a tourism work plan for the Northern New Territories, improvements to the green tourism infrastructure, expanding the scale and variety of water-based public transportation services, facilitating the development of alternative types of tourist accommodation. Short-term measures include the installation of better signage, extension of bicycle paths, development of a variety of fee-paying tours, provision of mobile food services, environmental improvements and visual enhancements.

The executive summary of the study report was made available to the attendees prior to the forum. The full study report has been uploaded to the Tourism Commission's website for viewing by members of the public.

- (b) Initial comments on the study report were received at the consultative forum and participants were invited to provide the Tourism Commission with detailed proposals by the end of this month. In the light of the comments and suggestions collected, the Commission will consider, in conjunction with relevant bureaux and government departments, ways to take forward the proposals within a practicable timeframe. We expect that some of the short-term

recommendations can be implemented soon using existing resources. As regards the medium-to-long-term recommendations, we will seek funds from the Legislative Council to take them forward as appropriate. We will also consider inviting private sector participation to implement some of the projects.

MR WONG YUNG-KAN (in Cantonese): *Madam President, the Tourism Commission has made great efforts to complete this bulky report with so inclusive and rich contents. May I ask the Government how the relevant policy will be implemented? For example, the study report mentioned issues of accommodation, water-based transportation arrangements, environmental sanitation, environmental resources and their protection, and so on. As the study report recommended the implementation of medium-to-long-term measures, may I ask whether there is a timetable for the implementation of these measures? What is the earliest day to have them implemented?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I would like to thank Mr WONG Yung-kan. I believe Mr WONG also attended the consultative forum on that day. With regard to the timetable, we would probably have collected all the opinions by the end of this month, then colleagues from different Policy Bureaux and departments would get together to consider these proposals. Hopefully, we could come up with a detailed timetable by July or August. As I said just now, we have been working on some short-term measures, such as the environmental sanitation aspect mentioned by Mr WONG Yung-kan. With regard to the provision of concrete benches and construction of rain-shelters, some of the works could be expedited, and we hope that they could be implemented by the end of the year. However, some longer-term measures may require private sector participation. For example, projects which need investment would depend on the fact that whether anybody is interested in them. We would set down a timetable after taking all the views into consideration, of course we would inform Mr WONG Yung-kan by that time.

MS EMILY LAU (in Cantonese): *Madam President, the Secretary mentioned in the main reply that one of the objectives of engaging the PolyU to conduct this study was to ensure sustainable development, that is, to develop eco-tourism in a*

balanced manner taking into account environmental concerns. The Secretary also mentioned that five clusters offered distinct features, such as Yan Chau Tong and Tung Ping Chau. Madam President, everybody knows that if there are too many sightseers, plants and vegetation would likely be trodden down. Besides, there are corals in Tung Ping Chau and Yan Chau Tong, and many have reported that corals in the areas have been trodden down or even dug up beyond recognition. May I ask the Secretary how much we have paid the PolyU? What environmental protection measures has the PolyU proposed? Do they include a restriction on the number of visitors? Are there any other constructive proposals which would allow the sustainable development of eco-tourism?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the consultant's fee was around \$500,000. I know that Ms Emily LAU knows Yan Chau Tong and the nearby area very well, and I agree with her views. However, we are not talking about large-scale development. I have not brought along the plans with me today. The hostel facilities that we talk about are just some simple facilities. If Honourable Members have visited the place, they should notice that there are a number of small stone cottages. We just wish to maintain the landscape of the area, but we should keep the place clean, too. As to Yan Chau Tong, we could provide tourists with boats to conduct aquatic activities. But just as Ms Emily LAU said, there should not be too many tourists. We are not proposing to increase abruptly the number of tourists visiting the area. I can furnish Ms Emily LAU with the report so that she could scrutinize the recommendations in detail. We are currently consulting environmental protection organizations and green groups, and they have also submitted opinions to us. The consultation would be completed by the end of this month. We would implement some practicable but not eco-hazardous work after taking all the views into consideration.

MS EMILY LAU (in Cantonese): *Madam President, the Secretary has not answered how those corals will be protected, since a lot of corals have been destroyed by now.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, corals are under our protection, and in fact the

area is a marine park, which is not accessible to ordinary members of the public. I believe Ms Emily LAU also knows that marine parks are protected by the relevant ordinance, and they are managed by the Agriculture, Fisheries and Conservation Department (AFCD). What we are discussing now is exactly the issue about marine parks.

MISS CHOY SO-YUK (in Cantonese): *Madam President, my supplementary is similar to the one raised by Ms Emily LAU. Of course, I welcome the Government's efforts to develop tourism. However, I note the so-call eco-tourism in the report and in the main reply of the Secretary, I think it is more about the development of countryside tourism than eco-tourism. The Government must draw up very clear criteria. What exactly will the Government do? Only the ecology in remote and inaccessible places could be preserved well. However, the Government is developing many new routes, and a lot of tourists would certainly visit the areas, thus the ecology could hardly be conserved. What exactly does the Secretary wish to do?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, this is a very good supplementary. I think I should ask what we really want. On the one hand, Mr WONG Yung-kan urged me to expedite the development of eco-tourism in the Northern New Territories, and yet on the other, Miss CHOY So-yuk and Ms Emily LAU asked me not to attract too many tourists in order to prevent damage to the environment. The study report mentioned by Ms Emily LAU just now is a difficult one, it has to balance everything: sustainable development should be maintained, environmental concerns should be taken into account of, and eco-friendliness should be ensured; but the issue of promoting green tourism should also be looked into. This is actually a good idea, I hope that we could educate the public on all this. We are not unable to achieve that goal, but the key lies in striking the right balance. For that reason, we have to conduct a consultation on such a large scale and we have specially invited environmentalists and green groups to present their views. I believe their concerns would be similar to those raised by the two Honourable Members. I hope Honourable Members would give us some time. After we have heard the opinions of environmentalists, we would consider if there can be an approach that can balance the interests of all parties. That is, it would not attract too many tourists, and it would allow tourists who are interested in green tourism to see that we have a clean

environment and more facilities in place upon their visit. I believe it is a good idea, and we will strike as proper a balance as we can.

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, besides the Northern New Territories, will the Government also consider conducting a similar study on major islands or outlying islands close to Hong Kong? If the answer is positive, when would it commence?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I think it depends on which island we refer to. If we are talking about the biggest one, that is, the Lantau Island, we have been studying it all along; or if we are talking about small islands such as Tung Ping Chau, then it is also included in the study report mentioned earlier. In other words, we would consider every place which possesses tourism potential, but of course we would set the priority. If a place possesses tourism potential, we would conduct a study in future, because I also hope that we can develop some smaller islands and turn them into resort hotels or tourists attractions. As to places of eco-tourism value, they can also be developed in a step-by-step manner.

MR IP KWOK-HIM (in Cantonese): *Madam President, the Democratic Alliance for Betterment of Hong Kong has been promoting the development of eco-tourism, therefore, no matter Miss CHOY So-yuk or Mr WONG Yung-kan, all of them wish that eco-tourism could be promoted vigorously.*

The Secretary mentioned in part (a) of the main reply that five clusters were assessed to possess the highest potential for green and cultural tourism. Can the Secretary elaborate the meaning of possessing the highest potential for green and cultural tourism? How should it be comprehended and why were the five clusters identified to possess the highest potential?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, as the consultant's fee was paid, of course the consultants had to do their job. I think after they had studied the 10 clusters, they found that the five clusters were of the highest tourism potential. For

example, the Plover Cove Reservoir and South Shore of Tolo Channel are in fact very popular tourism sites, and everybody will have an idea of them when they talk about these places. I believe Honourable Members are familiar with Luk Keng, too. I wonder if Honourable Members have ever been there. Luk Keng is a beautiful place, it has not been developed yet, and it is a good place for tourists. Tung Ping Chau has its unique geology and biological resources. I also believe Honourable Members are familiar with them. I can see Dr David CHU is giving me a nod, thus I believe he knows the place well, too. Places I have mentioned, such as Luk Keng, Tung Ping Chau, and Yan Chau Tong in particular, are beautiful places, and together with Sha Tau Kok, they are places everybody knows well. For that reason, if we can exert more efforts in these areas by developing their potentials, we should be able to promote tourism there.

MS MIRIAM LAU (in Cantonese): *Madam President, many overseas' countries are enforcing some stringent environmental hygiene regulations in their country parks, and whoever litters the environment or ruins plants and vegetation would certainly be arrested. However, let us take Hong Kong as an example, where efforts in this respect appear to be quite lax. Just now Ms Emily LAU mentioned the situation in Tung Ping Chau which I very much agree, since I have been there personally and I could see that corals were damaged, everywhere was littered by tourists, and the condition of toilets was extremely disgusting. All of these things should not happen in the first place. May I ask the Secretary if more stringent legislation relating to environmental hygiene will be introduced in addition to strengthening law enforcement efforts in the course of developing eco-tourism in Hong Kong? The fact that there are not sufficient enforcement officers in Tung Ping Chau has allowed tourists to be careless in many respects, thus causing the environmental hygiene problem.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, with regard to environmental hygiene, I believe Chief Secretary for Administration Donald TSANG would talk about it later. Now let me return to the environmental hygiene issue in relation to tourism. I fully agree with the fact that the AFCD should exert more efforts in this respect. If Honourable Members ask me this question, I can tell Honourable Members that I am pondering whether we can ask the young people to make more efforts in this respect, so that they can become well versed in this through training. We

can start from two aspects: On the one hand, we can educate the public on the ecological aspects just mentioned, such as names of trees, and so on; then we may educate the public on environmental hygiene, such as how we should keep country parks and marine parks clean, not to disfigure the landscape and make it a mess, and not to litter the place. I hope that as far as the creation of job opportunities is concerned, consideration can be given to training up young people who are interested in this aspect, so they may communicate with the public in these beautiful places and if they see somebody is littering the place, they may carry out the relevant work. I hope that we could make more efforts in this respect.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. Oral question time ends here.

WRITTEN ANSWERS TO QUESTIONS

Smuggling of National Cultural Relics

7. **MR ANDREW CHENG** (in Chinese): *Madam President, regarding the smuggling of Chinese national cultural relics, will the Government inform this Council:*

- (a) *of the respective numbers of national cultural relics smuggled from the Mainland to Hong Kong and to foreign places via Hong Kong which were seized by the Hong Kong police each year since the reunification;*
- (b) *whether it knows the number of national cultural relics seized by foreign governments and the Interpol each year during the same period and, among them, the number of those smuggled from the Mainland to foreign places via Hong Kong;*
- (c) *how it handles the national cultural relics seized in Hong Kong;*
- (d) *whether it has assessed if Hong Kong has become a major destination and transit point for smuggled national cultural relics; if*

the assessment result indicates that Hong Kong has become such a destination and transit point, of the measures in place to cope with the situation; if the result indicates otherwise, the rationale for that;

- (e) whether the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the Convention) which was adopted by the United Nations Educational, Scientific and Cultural Organization in 1970 and ratified by our country, applies to Hong Kong; if not, of the reasons for that, and when the Convention will apply to Hong Kong; and*
- (f) whether it will legislate to combat the smuggling of national cultural relics so as to ensure that these relics will not be transported illegally out of the country; if it will, of the legislative timetable; if not, the reasons for that?*

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

- (a) Since the reunification, the Police Force of the Hong Kong Special Administrative Region (SAR) have not seized any national cultural relics smuggled from the Mainland to Hong Kong or to foreign places via Hong Kong. The Customs and Excise Department (C&ED) on the other hand, have seized at the Lok Ma Chau Control Point in September 1997 three golden statues of the Buddha cast in the 16th to 17th century which were illegally imported from the Mainland.
- (b) No relevant data is available from the law enforcement agencies of the SAR.
- (c) The SAR Government will handle national cultural relics seized in the SAR in accordance with the law. In general, the procedures are as follows:

Under the Import and Export Ordinance (Cap. 60, Laws of Hong Kong), all cargo, including national cultural relics, which is imported or exported shall be recorded in a manifest. If unmanifested national cultural relics imported or exported are seized

at the air, land or sea control points, the people involved will be prosecuted by the C&ED in accordance with the Import and Export Ordinance. The relics seized will then be passed to experts for authentication and assessment of market value, and the expert advice will be presented to the Court. Upon conclusion of the case, the SAR Government will apply for confiscation of the relics concerned in accordance with the law and inform the State Administration of Cultural Heritage, which may send officials to Hong Kong to conduct verification tests. Those national cultural relics found to be controlled properties will be returned to the State Administration by the SAR Government.

If the Hong Kong police suspect that the relics seized within the SAR are stolen property or obtained by other illegal means from the SAR or places outside the SAR, they will pursue criminal investigation to trace the source as well as identify the owner of or the person responsible for the relics. Proceedings will also be instituted against the parties concerned for criminal responsibilities in accordance with the Theft Ordinance (Cap. 210, Laws of Hong Kong). If the offenders are convicted, the Court may make an order for the recovery of the relics to their original owner under section 30 of the Theft Ordinance. If police investigations cannot identify the offenders under the Theft Ordinance and no one is convicted but evidence shows that the relics concerned are stolen or obtained by other illegal means, the SAR Court may make an order for the delivery of the relics to the person who appears to the Court to be entitled thereto under section 102 of the Criminal Procedure Ordinance (Cap. 221, Laws of Hong Kong).

- (d) At present, there is no evidence that the SAR is a major city for smuggling of national cultural relics. The C&ED is primarily responsible for combating smuggling activities. To prevent the import and export of smuggled articles, including national cultural relics, to and from Hong Kong, the C&ED conducts sea patrol and examination of vehicles, aircraft, vessels and goods at various immigration control points. It has also established specific liaison channels with its counterparts in the Mainland to facilitate the exchange of intelligence and mounting of joint operations to combat smuggling activities. In addition, a Co-operative Arrangement has

been signed between the Customs General Administration of the Mainland and the C&ED in March 2000 to enhance mutual co-operation in respect of exchange of intelligence and joint operations.

- (e) At present the Convention, which aims to protect the cultural properties of all countries, does not apply to Hong Kong. The Convention concerns the illicit excavation, import, export and transfer of cultural properties between countries. As Hong Kong is a Special Administrative Region of China, the Convention even if applicable to Hong Kong, would not address the Honourable Andrew CHENG's concern over the illicit movement of cultural relics from the Mainland to Hong Kong. The SAR Government has started examining if it is feasible to apply the Convention to Hong Kong and whether this will help combat the smuggling of national cultural relics from the SAR to foreign places. At this stage, there is no timetable for applying the Convention to Hong Kong.
- (f) As stated above, the SAR Government may invoke the Import and Export Ordinance and the Theft Ordinance to combat the smuggling of cultural relics. Under the Import and Export Ordinance, all cargo, including cultural relics, imported or exported shall be recorded in a manifest. Any person who imports or exports any unmanifested cargo commits an offence, unless he can prove that he did not know and could not with reasonable diligence have known that the cargo was unmanifested. Under the Theft Ordinance, the police can conduct criminal investigation to trace the source of the relics and proceedings will be instituted against the parties concerned. Since the SAR already has legislation to deal with imported or exported cargo, including cultural relics, and to trace stolen cultural relics, the Government does not for the time being recommend the enactment of a separate legislation to regulate the import and export of cultural relics.

Grid Computing

8. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, it has been reported that grid computing can integrate geographically dispersed computers*

into a computer network through the Internet for provision of super data processing power. Users can share and administer resources in the system to maximize the efficiency and utilization rate of its component computers. Grid computing also allows users in the system to collaborate in consolidating idle processing resources for enhancement of work efficiency and reduction of operating costs. In this connection, all computer networks throughout the United Kingdom will be linked into a large-scale grid computing network; the United States Department of Energy will install its first systems on a nationwide computing grid; and computer resources for researches on subjects like bioinformatics at five universities in the Netherlands will be linked into a grid computing network. In this connection, will the Government inform this Council:

- (a) whether it knows the plans for grid computing implemented in the above countries;*
- (b) whether it has assessed if grid computing is applicable to the operation of various government departments and the research work of various universities and research institutions in Hong Kong; if it has, of the assessment results; if not, the reasons for that; and*
- (c) if the above assessment results show that grid computing is applicable to the operation of various government departments, of the government departments which will take the lead in adopting such technology, the estimated savings to be achieved and its effects on the service quality of the departments concerned?*

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

- (a) We are aware of the grid computing projects carried out in the United Kingdom, the United States and the Netherlands. Apart from these, there are also similar projects in other places, such as the China Grid, the European Union Data Grid, the Asia Pacific Grid, and so on. In commercial operation, there is also application of grid computing where intensive computing or massive data analysis is required, for example, in using random state simulation to analyse complicated financial environment, optimizing product design, and pharmaceutical research and production.

- (b) While computer systems in most government departments are not required to handle intensive computing or massive data analysis as in the case of scientific research, we do not rule out the possibility that grid computing may be an effective solution to the data processing demand of some departments. Professional and academic experts have briefed the representatives of government departments on the application of grid computing through internal seminar organized by the Information Technology Services Department (ITSD). A web page on grid computing has also been posted by the ITSD on the Government's Intranet. All these provide departments with more information about grid computing so as to help them assess its applicability in their operation.

The HARNET (Hong Kong Academic and Research Network) which links up the networks of the eight universities in Hong Kong is technically feasible to support grid computing. It has conducted joint projects with the China Grid and participated in related activities of the Asia Pacific Grid. Individual institutions have also taken part in international conferences and initiated research on the application of grid computing.

As the issue still requires more detailed study, we have yet to conduct a comprehensive assessment of the applicability of grid computing to government departments as well as to local universities and research institutions. We, however, will continue to pay close attention to the technological development in this area, exchange views with universities on the setting up and application of grid computing, and study the feasibility of its application in Hong Kong.

- (c) The merit of grid computing lies in its capability to perform intensive computing or massive data processing. For the time being, international examples of successful application are mostly related to scientific research. As to whether the Government can make a wide use of grid computing to reduce expenditure or enhance the quality of services of the departments, since we do not have any substantive cases of implementation at the moment, we are not yet in a position to assess the effectiveness of grid computing. The Environmental Protection Department has made trial use of grid

computing technology. We will brief departments on possible areas of application of grid computing, such as data analysis, statistics, geographical data processing, scientific or economic simulation, and so on. At the same time, we will continue to pay attention to the grid computing technology and service level provided by the local information technology market, and provide such information to the departments for reference.

Identification of SARS Cases

9. **MS EMILY LAU** (in Chinese): *Madam President, it has been reported that a five-year-old boy, suspected of being infected with the Severe Acute Respiratory Syndrome (SARS), was admitted to Queen Mary Hospital (QMH) on 3 April. During the whole period of his stay in hospital, he was treated as a SARS patient. The boy died afterwards and the cause of his death as stated in the death certificate was "atypical pneumonia (Severe Acute Respiratory Syndrome) and immunodeficiency". Subsequently, a staff member of QMH informed the boy's family that he had not died of SARS and sought their consent to delete from the boy's death certificate the reference to SARS. Meanwhile, the Department of Health (DH) has not counted this case as a fatality of SARS. In this connection, will the executive authorities inform this Council:*

- (a) of the exact cause of the boy's death;*
- (b) of the justifications for QMH's requesting to alter the cause of death of the boy, and whether this practice is unusual; and*
- (c) whether they have assessed if the DH's not counting this case as a fatality of SARS was an deliberate act to cover up the position of the disease?*

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

- (a) The patient in question died of atypical pneumonia and not of confirmed SARS.

- (b) SARS is a new disease. At this stage, its diagnosis is still based on a host of clinical, epidemiological and exclusion criteria rather than a specific diagnostic test. It is recognized by the World Health Organization that as SARS is currently a diagnosis of exclusion, the status of a reported case may change over time.

In the course of treatment, the patient was diagnosed by his attending physicians to be a probable case of SARS. SARS was therefore recorded as the cause of death on his death certificate. Para-mortem investigations conducted subsequently to learn more about the exact cause of death of the deceased however revealed that the result of lung biopsy, by both culture and electron microscopy, was negative for the SARS coronavirus. The patient's lung histology was also not supportive of a diagnosis of SARS. That apart, the patient could not be linked epidemiologically to any confirmed SARS cases. This piece of new information suggested that it was highly unlikely that SARS was the cause of death of the patient. The clinicians have therefore initiated a review of the reported status of the patient and concluded that he was not a probable case of SARS and should be denotified as such.

Normally the Hospital Authority (HA) would not seek an amendment to the death certificate. This is because the cause of death as recorded on the death certificate should be that determined by the attending physicians at the time of death. In this case, the HA sought an amendment to the death certificate because it was the wish of the patient's parents to do so.

- (c) Upon receipt of the HA's notification of the said case as a SARS case, the DH included the case in the list of patients suffering from SARS. Subsequently, the HA informed the DH that laboratory results for SARS for the said patient were negative and that on the basis of a review of the case, the QMH advised denotification of the patient as a probable case of SARS. Based on the HA's advice, the DH would remove the patient from the SARS patients list and the death of the boy was not recorded in the list on death of SARS patients.

Hygiene Problems of Mobile Toilets in Country Parks

10. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that mobile toilets in country parks have no flushing devices, which easily gives rise to public hygiene problems. In this connection, will the Government inform this Council:*

- (a) *whether it has received complaints about hygiene problems of the mobile toilets over the past three years; if so, of the details;*
- (b) *whether the mobile toilets are regularly cleansed and disinfected; if so, of the details;*
- (c) *of the percentage of those country parks without permanent toilet facilities in all country parks in the territory, and whether the authorities have plans to replace these mobile toilets with permanent toilet facilities; if not, of the reasons for that; and*
- (d) *of the ways to avoid or reduce the use of vehicles for carrying human waste from the mobile toilets to sewage treatment plants, so as to minimize the chance of cross-infection?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President,

- (a) According to the record of the Agriculture, Fisheries and Conservation Department (AFCD), the Department received about 10 complaints related to mobile toilets in country parks in the past three years. The issues raised mainly concerned the cleanliness of the mobile toilets, the lack of water supply and damages caused by vandalism. In general, the issues raised were resolved within a day or two.
- (b) Mobile toilets in the country parks are cleansed and disinfected once to several times a day, and the sewage is tanked away about four to seven times a week depending on the utilization rate of the facilities. Moreover, water storage tanks of the mobile toilets are regularly refilled to provide water for flushing and hand washing.

- (c) Of the 23 country parks in Hong Kong, 19 are provided with permanent toilets with flushing facility. Mobile toilets are provided where site constraints make the provision of permanent toilet facilities technically infeasible, or in areas within water gathering grounds where there are no public sewers. Mobile toilets are meeting the operational needs of the country parks and the AFCD has no plan to replace them with permanent toilet facilities.
- (d) Cleansing contractors are employed to tank away sewage from the mobile toilets to sewage treatment plants using specialized vehicles. The AFCD will continue to closely monitor the work involved to ensure that the sewage is handled properly and no public hygiene problem is caused.

Proper Use of Bleach

11. **MR LAU KONG-WAH** (in Chinese): *Madam President, to avoid atypical pneumonia infection, an increasing number of people are using bleach to clean their homes. In this connection, will the Government inform this Council:*

- (a) *whether it plans to enhance public education on the proper use of bleach; if so, of the details of the plan;*
- (b) *of the number of reports received by the authorities since March this year of accidents caused by the improper use of bleach, and the number of persons thus injured; and*
- (c) *whether the Administration will step up the monitoring of the water quality of Hong Kong waters to ensure that the ecological environment has not been affected?*

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

- (a) As part of its efforts to combat the Severe Acute Respiratory Syndrome (SARS), the Government has launched a campaign to

raise public awareness of the importance of maintaining good environmental hygiene. We have been advocating the use of diluted bleach for disinfection purposes. The proper way to dilute and use bleach for disinfection is explained in leaflets, posters, announcements of public interest, health talks, exhibitions, media interviews and the website and telephone hotline of the Department of Health. We will continue to promote the proper use of bleach for disinfection, paying particular emphasis on the safety aspect, such as avoidance of mixing bleach with other cleansing solutions.

- (b) We do not maintain statistics on accidents caused by the improper use of bleach, because this is not separately captured in the Hospital Authority's clinical information system which uses the international classification of disease.
- (c) Since 1986, the Environmental Protection Department (EPD) has been monitoring the water quality of the marine environment in Hong Kong. The monitoring programme and the parameters covered are sufficient to assess the environmental and ecological impacts arising from the discharge of pollutants. In view of the recent increase in the use of bleach as a disinfectant by the general public, the EPD has analysed the latest marine water samples collected. The results of the analysis show that there is no noticeable change in water quality and therefore there should not be any adverse impact on our marine ecosystem. Nevertheless, the EPD will continue to monitor the water quality of Hong Kong closely.

Date for Delivery of Policy Address

12. **MS EMILY LAU** (in Chinese): *Madam President, in the current Legislative Session, the Chief Executive delivered the policy address in January instead of following the previous practice of delivering it in October, while the Financial Secretary still delivered the Budget in March. After reviewing this arrangement, the executive authorities have advised this Council that shortening the interval between the delivery of the policy address and the Budget to about two months is appropriate; it facilitates a more timely reflection of the policy address' priorities and policies in the Budget and a closer interaction between*

the policy address and budgetary processes, as well as enhances the overall efficiency of the government machinery. Therefore, they have decided that the practice for this Session should continue to be adopted in the coming years. However, the executive authorities admit that such an arrangement may have the drawback of creating a null period of Legislative Council activities between the start of a Legislative Session in October and the time when the policy address is delivered in January the following year. In this connection, will the executive authorities inform this Council:

- (a) of the specific justifications to prove that the delivery of the policy address in January instead of in October will enhance the overall efficiency of the government machinery and enable a closer interaction between the policy address and the Budget;*
- (b) whether they have conducted an assessment to ascertain that the delivery of the policy address in January can benefit the public; if they have, of the assessment details;*
- (c) which of the executive authorities of overseas countries do not deliver the policy addresses (or equivalent papers) at the start of a session of their legislatures; and*
- (d) whether they will reconsider reverting to the previous practice of delivering the policy address in October each year, in order to avoid the creation of a null period of Legislative Council activities in the first few months of a Legislative Session; if not, of the justifications for that?*

CHIEF SECRETARY FOR ADMINISTRATION (in Chinese): Madam President,

- (a) The Chief Executive delivered the first policy address of his second term in January 2003. The Budget remained to be published in March. Under this timetable, the time gap between the delivery of the policy address and the Budget is shortened from the previous about five months to two months. This timeframe enables more timely reflection of the policy address' priorities and policies in the 2003 Budget. Specific examples include:

- (i) the three-pronged plan to solve the deficit problem, as announced in the policy address, has been reflected in the 2003-04 Estimates published in the same year as well as the Medium Range Forecast; and
 - (ii) the specific budgetary initiatives in line with the policy address announced in the Budget include the \$1 billion for grants to match certain donations to universities, a \$200 million initiative to attract investments in the Greater Pearl River Delta and to set up offices in Hong Kong.
- (b) Having reviewed the timetable for the delivery of the policy address and the Budget in 2003, the Administration considers that narrowing the time gap between the policy address and the Budget to about two months is in the public interest because:
- (i) the policy address and the Budget processes are, and should be, closely interrelated. Delivering the policy address in January and publishing the Budget in March could narrow the time gap between the two, thereby improving the co-ordination/interaction between the formulation of programmes/policies and the budgetary process, and enabling the public to benefit from early implementation of the new policies announced in the policy address that require new funding; and
 - (ii) such close interaction between the policy address and the budgetary process is crucial in the coming years of fiscal consolidation. Given that resources will be even scarcer, it is all the more important that programmes/policies are formulated with regard to resources available, and budgets are formulated in a way targeting resources at the society's prevailing priorities.

During the review, the Administration has examined the pros and cons and the implications of the various options of narrowing the time gap between the delivery of the policy address and the Budget to about two months. Our findings are other options would involve

even more major changes and are therefore not feasible for implementation in the short-to-medium term. For example, if we were to change the Budget timing to December to tie in with the delivery of the policy address in October, not only would this option undermine the precision of our revenue estimates and lead to other practical problems, we would also have to amend the definitions of "financial year" and "assessment year" in our law. The ramifications would be enormous. It follows that delivering the policy address in January is the only viable option in the short-to-medium term, if we were to realize the benefits arising from the shortened time gap between the policy address and the Budget delivery.

- (c) The Administration has looked to overseas experiences in reviewing the arrangement for the delivery of the policy address. Given the differences in their political system, the practices for the overseas executive authorities to deliver work reports to their respective legislature vary in terms of the timing of delivery and their contents. For example:
 - (i) The French Prime Minister delivers an annual declaration of general policy to the parliament but does not follow a specific timetable.
 - (ii) The German Federal Chancellor delivers his state of the union address shortly after the inauguration of a new parliament. He would address the parliament on government policies from time to time but would not necessarily deliver a policy address at the opening of each parliamentary year.
 - (iii) The Queen's Speech of the United Kingdom, though delivered at the beginning of a parliamentary session, is different in contents from our policy address in that the former serves to outline the government bills to be introduced into the Parliament.

Furthermore, in respect of the time gap between the policy address and the Budget, some countries have followed similar arrangements

to those we adopted in 2003. For example, the Budget of the United States is published in about one month's time after the delivery of the President's State of the Union Address to the Congress.

Given the differences in the political systems of overseas countries, a too simplistic comparison between the arrangements in Hong Kong and the overseas practices would not be appropriate.

- (d) To address Members' concern about a possible null period that might arise before the policy address is delivered in January, particularly in the first Session of a new term, the Chief Secretary for Administration will submit the Administration's proposed Legislative Programme at the first sitting of future Legislative Sessions, setting out a tentative list of government bills to be introduced, so that Members may plan their work accordingly. The Administration will also aim to introduce government bills into Legislative Council for Members' scrutiny as early as possible.

In the longer term, subject to Members' agreement, and on the condition that this time gap between the delivery of the policy address and that of the Budget will be no more than about two months, we are prepared to consider advancing the Budget timing in order that we may revert to the previous practice of delivering the policy address in October.

Installation of Escalators by MTRCL

13. **MR YEUNG YIU-CHUNG** (in Chinese): *Madam President, regarding the installation of escalators inside and at the entrances and exits of Mass Transit Railway (MTR) stations by the MTR Corporation Limited (MTRCL), will the Government inform this Council whether it knows:*

- (a) *the numbers of MTR stations and entrances and exits installed with escalators, their percentages in the total numbers of MTR stations and entrances and exits, and the entrances and exits of MTR stations at which the MTRCL is installing or plans to install escalators; and*

- (b) *the criteria adopted by the MTRCL for determining the entrances and exits of MTR stations at which escalators should be installed; whether the MTRCL will review and revise these criteria; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President, among the existing 49 MTR stations with 289 entrances/exits, 146 entrances/exits (50.5%) in 34 stations (69%) are installed with escalators. Currently, there are 15 escalators under construction, the details are as follows:

<i>Locations</i>	<i>Number of escalators under construction at station entrance</i>
Mei Foo Station - new entrance D	9
Tsim Sha Tsui Station - entrance A2	3
Mong Kok Station - entrance E	2
Kowloon Tong Station - new entrance E	1
Total	15

Escalators installed at station entrances/exits are designed to facilitate smooth passenger flow. The MTRCL has indicated that the volume of passenger flow, including both existing and forecast figures, is one of the major factors in station entrance design. Fire regulations, safety standards and evacuation requirements will also be observed. Physical and technical constraints, for example, availability of space in the layout to incorporate escalators, will also be taken into consideration. The MTRCL will from time to time review the criteria for determining the provision of station facilities with a view to improving its services.

Construction of Temporary Cruise Terminal

14. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that the Government plans to provide a temporary cruise terminal at the Macao Ferry Terminal site. In this connection, will the Government inform this Council:*

- (a) *when the construction works of the terminal will commence and complete;*
- (b) *of the facilities available at the cruise terminal; and*
- (c) *of the estimated number of cruise liners which will use the terminal each year?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Chinese): Madam President,

- (a) The Government is examining ways to reinforce the structure of one of the piers of the Macao Ferry Terminal to provide a berth for small to medium sized cruise vessels of up to 27 000 displacement tonnes and a length of 180 m. The purpose of the enhancement works is to provide an additional facility to meet demands for berthing pending the completion of a new cruise terminal at Southeast Kowloon in 2009. We will consult the industry on the operational arrangements for this berth. We expect that the works will start in the second half of this year for completion in the first half of next year. The upgrading of the berth will not affect the existing operation of the Macao Ferry Terminal.
- (b) The improvement works will add a new berth to the Macao Ferry Terminal for cruise ships, which we envisage, will use the existing services and facilities at the Terminal, including customs, immigration and quarantine services.
- (c) Cruise ship itineraries are drawn up by cruise lines taking into account various factors, including market demand. We estimate that this additional berth will be able to accommodate two to three vessels per week. At this stage, it is not possible to predict the actual usage of the berth as this will depend upon market circumstances in future.

Industrial Accidents in Penal Institutions

15. **MR LEUNG YIU-CHUNG** (in Chinese): *Madam President, I have received complaints alleging that industrial accidents frequently occurred in prisons recently. In this connection, will the Government inform this Council:*

- (a) *of the number of industrial accidents involving inmates serving their sentences in penal institutions under the Correctional Services Department in each of the past three years and, among them, the number of serious industrial accidents; and*
- (b) *whether victims of such industrial accidents have been granted compensation; if so, of the method of calculating the amount of compensation?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) In penal institutions of the Correctional Services Department, all injuries involving inmates, including minor injuries such as scratches, are treated in prison hospital and recorded. The numbers of work injury incidents that happened at workshops and during domestic services and outside work in the past three years from 2000 to 2002 were 767, 783 and 684 respectively.

At the end of 2001, the Correctional Services Department started to classify work-related accidents with reference to the definition of occupational injuries adopted by the Occupational Safety and Health Council. In 2002 there were 69 injury cases arising from work-related accidents and resulting in death or incapacity for work of over three consecutive days. All concerned prisoners have returned to normal work after being given adequate and free medical treatment. With reference to the above principle, the injury rate per 1 000 prisoners was 5.74 in 2002, while the injury rate per 1 000 workers in the territory was 19.2 for the same period.

Where permanent disability is caused by a work-related accident, the case will be referred to a medical board for assessment of the degree. Information on the cases in the past three years is as follows:

<i>Year</i>	<i>Degree of Permanent Disability</i>	<i>Number of Cases</i>
2000	1%	3
	2%	1
2001	1%	1
	2%	2
	4%	1
2002	1%	1
	2.5%	1

(b) The Correctional Services Department provides free medical treatment and paid sick leave in all injury cases. If the injury is not self-inflicted and the injured person is not entirely at fault for his or her injury that has resulted in permanent disability, the Government will further consider granting an *ex gratia* payment. The calculation of *ex gratia* payment will take into consideration the following factors:

- (i) the weighted average monthly basic salary of a general worker in Hong Kong (or the Mainland, as the case may be) at the date of discharge of the injured (with 10% upward adjustment to reflect the fringe benefits and the inconvenience and pain brought by permanent disability);
- (ii) the degree of permanent disability;
- (iii) the age of the injured; and
- (iv) the contributory negligence of the injured.

Environmental Hygiene of Single Private Residential Buildings Without Owners' Corporations

16. **MR FREDERICK FUNG** (in Chinese): *Madam President, regarding the environmental hygiene of the common area of single private residential buildings*

(SPRB) for which owners' corporations (OCs) have not been formed, will the Government inform this Council:

- (a) whether it has statistics on the number of SPRB without OCs and its percentage in all SPRB;*
- (b) of the number of complaints or requests for assistance received by the departments concerned in relation to the environmental hygiene of the common area of such buildings in each of the past three years; and how they were followed up;*
- (c) of the measures to assist the residents in keeping the common area of such buildings clean; and*
- (d) whether it will consider sending government contractors to clean the common area of such buildings and then recover the costs from the owners concerned; if it will, of the details of its consideration and the implementation timetable; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) There are a total of 42 000 private buildings in Hong Kong, of which about 38 100 are private multi-storey buildings^{Note}. Of these 38 100 buildings, some 14 000 (37%) have incorporated themselves into OCs under the Building Management Ordinance and some 12 400 (32%) have some form of residents associations (for example, Mutual Aid Committees (MACs), owners' committees, and so on). Another 3 700 (10%) buildings, though without any form of residents' associations, have employed management companies to assist in the management of the buildings. This means that some 8 000 (21%) private multi-storey buildings in the territory, most of them being old tenement buildings, are without any form of management (either by owners or by management companies).

^{Note} The remaining 3 900 buildings are small houses in the New Territories or stand-alone houses.

- (b) The Food and Environmental Hygiene Department (FEHD) received 5 217, 6 570 and 9 255 complaints concerning environmental hygiene issues in private tenement buildings in 2000-01, 2001-02 and 2002-03 respectively. These complaints were mostly related to refuse accumulation, pest infestation, defective pipes/drains and water seepage. The FEHD has investigated these cases and taken appropriate follow-up actions such as issuing warnings or statutory notices to the occupiers/owners concerned and making referrals to relevant departments to address the problems.

From time to time, the Buildings Department (BD) also receives complaints about unauthorized building works (UBWs) and building/drainage defects that are related to environmental hygiene problems. However, the BD does not keep separate statistics on them. For UBWs constituting a serious health hazard, for example, illegal pipes or drains, or a serious environmental nuisance, for example, yard structure obstructing the repair of drainage works, the BD will take immediate enforcement action to remove them. For defective pipes or drains, the BD will serve orders on the owners to carry out the necessary drainage works to rectify the problems.

- (c) and (d)

The responsibilities for cleansing of private buildings rest firmly with the owners and residents.

As part of the Government's multi-pronged efforts to combat atypical pneumonia, the FEHD has inspected all residential buildings and will address the problem of environmental nuisance in old tenement buildings by taking appropriate enforcement actions. Under the Public Health and Municipal Services Ordinance (Cap. 132), the FEHD could administer warnings or issue statutory notices to the occupier/owner of the premises to require them to abate the nuisance. The BD will also continue with its enforcement action under the Buildings Ordinance (Cap. 123). The Administration is considering how best to assist these old tenement buildings in the long run.

As part of its community building and public education efforts, the Home Affairs Department has been liaising with building owners to promote good building management and to encourage and assist them to form OCs to facilitate better building management. The Administration has also launched territory-wide cleansing campaigns to promote the awareness of the community to the importance of a hygienic living environment and to appeal to the entire community to jointly step up cleansing of our environment.

Proposed Joint User Complex and Wholesale Fish Market at Area 44 of Tuen Mun

17. **MR LEUNG YIU-CHUNG** (in Chinese): *Madam President, the Architectural Services Department is planning to build a Joint User Complex and Wholesale Fish Market at Area 44, Tuen Mun, and the Environmental Impact Assessment (EIA) Report submitted in respect of the project was approved with conditions set by the Director of Environmental Protection (the Director) on 14 March this year. In this connection, will the Government inform this Council:*

- (a) of the number of written objections the Director received from the public during the public inspection period of the EIA Report; and of the reasons for the Director's approving the EIA Report despite the large number of objections received;*
- (b) whether it has decided to implement the project; if so, of the implementation schedule; if not, whether it will consider identifying an alternative site for the provision of the facilities; and*
- (c) whether it plans to contract out the daily operation of the Wholesale Fish Market to the private sector; if so, whether the selection exercise for the operator has been completed; if so, of the name of the operator selected?*

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

- (a) The Director of Environmental Protection (DEP) received a total of 1 071 sets of public comments when the EIA report was exhibited for public inspection from 19 November 2002 to 18 December 2002. 400 of them supported the proposed project whilst the remaining 671 raised either concerns on or objection to it.

The public comments received were mainly about the possible odour and noise impacts arising from the operation of the fish market. After having duly examined the public comments and further information submitted by the Director of Architectural Services in response to the comments, the DEP considered that, with the mitigation measures and the environmental monitoring and audit programme recommended in the EIA report, the environmental impacts would be controlled to within established standards. The DEP therefore approved the EIA report with conditions on 14 March 2003. The recommended mitigation measures will be set out as conditions in the Environmental Permit for the construction and operation of the fish market.

- (b) As the EIA report has now been approved, we intend to apply for funding to enable the construction of the Complex. Subject to the availability of funds, we will commence design, tendering procedures and construction of the Complex. At this stage, we envisage that the project would take about four years to complete.
- (c) The proposed Wholesale Fish Market in Area 44 of Tuen Mun will be operated by the Fish Marketing Organization, which is a statutory organization established under the Marine Fish (Marketing) Ordinance (Cap. 291) to regulate and manage wholesale fish markets in Hong Kong.

Sewage Disposal Systems of Public Housing Estates

18. **MR FREDERICK FUNG** (in Chinese): *Madam President, will the Government inform this Council of:*

- (a) *the current number of public housing estates (PHEs) with sewage disposal systems (including the vertical sewers or waste pipes, and trunk sewers) installed inside the flats, and the percentage of this number in the total number of PHEs in Hong Kong;*
- (b) *the number of complaints, broken down by estates, received by the authorities from tenants of PHEs mentioned in (a) regarding the seepage of sewage disposal systems of the estates in each of the past three years, and the average time required for carrying out the relevant follow-up actions and remedial works?*

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

Madam President, my reply to the two-part question is as follows:

- (a) Of the 580 000 flats in 149 public rental housing estates of the Housing Authority (not including estates sold under the Tenants Purchase Scheme and Buy-or-Rent Option estates), 437 000 flats (representing 75% of total) in 115 estates have the main sewage pipes installed inside the flats.
- (b) Damage in internal drainage system is readily noticeable. Tenants of the 115 estates mentioned above can report such damage to the Housing Department (HD) immediately for follow-up. In the past three years, the HD has carried out 47 824 repairs for the internal drainage systems of these 115 estates in response to tenants' reports. Breakdown by estate is at Annex. Generally speaking, after inspection over 80% of the reports only require minor repairs, which are usually completed within 10 days. The remaining cases are more complex as they involve inspection and repair works in other flats, detailed investigation and ordering of replacement parts. On average, these works take about 30 days to complete. In emergency cases, the HD will undertake inspection immediately and make good the damage as soon as possible.

Annex

Number of drainage repairs in response to tenants' reports
from the 115 public rental housing estates with internal main sewage pipes
in the past three years

<i>Estate</i>	<i>Repairs</i>			<i>Estate</i>	<i>Repairs</i>		
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>		<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>
Ap Lei Chau	39	172	224	Kwong Fuk	98	147	82
Butterfly	107	280	254	Kwong Tin	88	148	91
Chak On	90	102	78	Lai King	45	39	89
Cheung Ching	88	85	0	Lai Kok	23	54	68
Cheung Fat	297	146	108	Lai On	53	82	65
Cheung Hang	126	77	0	Lai Yiu	27	49	108
Cheung Hong	269	525	621	Lee On	70	128	203
Cheung Kwai	3	1	0	Lei Muk Shue (II)	91	124	58
Cheung Shan	6	6	0	Lei Tung	207	364	57
Cheung Wah	253	77	0	Lek Yuen	122	124	101
Choi Fi	2	6	40	Lok Fu	110	202	202
Choi Hung	87	145	150	Lok Wah (North)	50	60	155
Choi Wan (I)	63	62	83	Lok Wah (South)	417	536	581
Choi Wan (II)	27	20	0	Long Ping	241	346	320
Choi Yuen	201	303	175	Lung Hang	49	65	79
Chuk Yuen (South)	126	85	0	Lung Tin	35	25	13
Chun Shek	15	24	20	Ma Hang	2	12	27
Chung On	16	7	0	Ma Tau Wai	54	63	0
Fu Cheong	0	0	0	Mei Lam	124	148	198
Fu Shan	8	17	25	Mei Tung	6	18	8
Fu Shin	172	266	227	Ming Tak	0	0	1
Fuk Loi	24	54	32	Model Housing	48	78	56
Hau Tak (I)	115	111	47	Nam Cheong	310	337	239
Hing Man	534	650	334	Nam Shan	105	93	86
Hing Tung	1	1	3	Ngau Tau Kok Lower (I)	220	177	56
Hing Wah (II)	57	81	72	Ngau Tau Kok Lower (II)	532	747	721
Ka Fuk	33	15	0	Oi Man	123	153	204
Kai Yip	106	147	169	On Ting	94	98	142
Kam Peng	10	11	34	On Yam	421	446	509
Ko Yee	17	49	38	Pak Tin	71	76	66
Kwai Fong	435	372	430	Ping Shek	129	127	115
Kwai Shing (East)	132	23	0	Ping Tin	0	0	0
Kwai Shing (West)	78	98	147	Po Lam	229	250	620

<i>Estate</i>	<i>Repairs</i>			<i>Estate</i>	<i>Repairs</i>		
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>		<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>
Sai Wan	5	11	26	Tin Shui (II)	98	134	75
Sam Shing	25	20	37	Tin Yat	0	0	0
Sau Mau Ping (I)	40	37	37	Tin Yiu (I)	650	825	304
Sau Mau Ping (III)	61	5	1	Tin Yiu (II)	74	153	197
Sha Kok	84	109	75	Tsui Lam	70	86	171
Shan King	363	496	244	Tsui Ping (South)	48	81	0
Shek Kip Mei	202	308	275	Tsz Ching	50	176	183
Shek Lei (I)	120	177	78	Tsz Hong	0	0	0
Shek Lei (II)	227	38	0	Tsz Lok	87	82	120
Shek Wai Kok	260	370	307	Tsz Man	18	25	40
Shek Yam (East)	61	49	82	Tung Tau (I)	29	6	4
Shui Pin Wai	136	139	17	Wah Fu (I)	91	194	208
Shun Lee	107	162	109	Wah Fu (II)	201	138	49
Shun On	43	66	0	Wah Sum	21	8	0
Shun Tin	254	350	388	Wan Tsui	90	137	107
Siu Sai Wan	383	471	400	Wang Tau Hom	293	453	334
So Uk	244	195	211	Wo Che	231	232	160
Sun Chui	170	174	270	Wo Lok	128	77	117
Sun Tin Wai	37	115	204	Wong Chuk Hang	401	391	109
Tai Hang Tung	93	85	7	Wong Tai Sin Lower (II)	207	248	191
Tai Hing	366	469	482	Wu King	110	289	344
Tai Wo Hau	252	372	216	Yau Oi	135	181	309
Tai Yuen	42	17	0	Yiu Tung	75	72	99
Tin Heng	0	0	0	Yue Wan	47	37	36
Tin Shui (I)	83	247	177	Sub-total	14 552	17 841	15 431
				Total		47 824	

Prosecution Against Spitting Citizens

19. **MR KENNETH TING** (in Chinese): *Madam President, will the Government inform this Council whether, in order to contain the continuous spread of atypical pneumonia in Hong Kong, it will follow the Guangzhou Municipal Government's practice of allowing law enforcement officers to make video recordings of spitting citizens and use them as evidence for prosecution, with a view to enhancing enforcement effects; if not, of the measures in place to step up prosecution against spitting citizens?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): Madam President, spitting is an offence under the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570). An offender is liable to a fixed penalty of \$600. Spitting is also an offence under the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg.). The maximum fine for an offender is \$5,000 upon first conviction and \$10,000 upon subsequent convictions.

Since the implementation of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) on 10 June 2002, only 18 out of a total of about 1 900 spitting offenders issued with fixed penalty notices have disputed liability. None of them was subsequently acquitted by the Court. As the evidence produced by the prosecution was observed to be sufficient for the Court to rule against the offenders, we do not plan to use video recording of the offence as evidence for prosecution.

In view of the recent outbreak of atypical pneumonia, the Food and Environmental Hygiene Department has strengthened enforcement actions against spitting in public places. To increase the deterrent effect, enforcement officers have issued summonses in lieu of fixed penalty notices against spitting offenders since 28 March 2003.

Arrangement for Different Staff in Food Establishments to Handle Food and Work as Cashiers

20. **DR LUI MING-WAH** (in Chinese): *Madam President, I have received complaints from members of the public that many staff of food establishments handle food (such as cooking and serving food to customers) and work as cashiers at the same time. Their hands will be contaminated by bacteria when handling notes and coins, and in turn contaminate the food. In this connection, will the Government inform this Council whether existing legislation requires persons in charge of food establishments to arrange for different staff to handle food and work as cashiers; if not, of the reasons for that, and whether it has plans to legislate in this regard; if it has no such plans, the justifications for that?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): Madam President, under section 22(a) of the Food Business Regulation (Cap.

132 sub. leg.), a person engaged in the handling of food in a food business is required to keep all parts of his body which may come into contact with food as clean as practicable. Failure to comply with the provision is an offence. The maximum penalty is a fine of \$10,000 and imprisonment of three months.

The Food and Environmental Hygiene Department has also imposed licensing requirements and conditions on food premises to prevent food contamination due to improper handling. For example, for fast food restaurants where cash registers are installed at a counter within the food preparation area, licensees are required to deploy different staff for food preparation and cashier duties. Repeated non-compliance with these licensing requirements/conditions may lead to suspension or cancellation of licences.

In 2002, 77 verbal warnings were given to food business licensees for breaching the above legislation and licensing requirements/conditions. The irregularities in these cases have all been rectified.

STATEMENT

PRESIDENT (in Cantonese): Statement. The Chief Secretary for Administration is going to make a statement on the Interim Report on Measures to Improve Environmental Hygiene in Hong Kong.

In accordance with the Rules of Procedure, no debate may arise on the statement, but I shall exercise my discretion to allow short questions to be put to the Chief Secretary for Administration for the purpose of elucidating it.

Interim Report on Measures to Improve Environmental Hygiene in Hong Kong

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, thank you for allowing me to make a statement in the Legislative Council today on the Interim Report on Measures to Improve Environmental Hygiene in Hong Kong (the Report) of the Team Clean.

During the past century, there had been many outbreaks of global epidemics of respiratory system diseases. Such epidemics include the major

outbreak of the Spanish flu between 1918 and 1920, claiming over 20 million to 40 million lives worldwide, though the actual statistics are not too definite now because it happened nearly a century ago. The outbreaks of three epidemics, namely, the Asian flu in 1957, the Hong Kong flu in 1968 and the Russian flu in 1977, had altogether claimed more than 100 000 lives in the world. Besides, there is also AIDS that emerged between the '70s and the '80s of the last century. So far, more than 12 million people in the world had died of AIDS, and more than 30 million people had been infected with the disease.

I have quoted these examples not to water down the seriousness of the present Severe Acute Respiratory Syndrome (SARS) hazards. Instead, I would like to point out to Members categorically that, despite the rapid progress of scientific development, human beings are still under the constant threat of different kinds of formidable global epidemics. Today, at a time of globalization when the air and land transports are well developed, once an epidemic has broken out, it will spread much faster and to a greater area, therefore, it is even more terrible than before.

Do not take my words as alarmist talk. SARS has brought a major disaster to Hong Kong. If SARS is not spread by droplet transmission, but by air transmission, I believe the numbers of infections and deaths will be many times higher than the present figures. Even under the present circumstances, the precious lives of 270 Hong Kong citizens have been taken away by SARS. It is an extremely critical situation. This is not just a figure, but it represents some concrete lives.

The people of Hong Kong have suffered a great deal during the SARS outbreak. They feel that their lives are being threatened. They wear face masks when venturing out of their homes, looking anxious all the time. The business of industries like catering, tourism, retail, airline and hotel have plummeted, thus greatly affecting the livelihood of those people engaged in such industries. Schools have been suspended for over two months, and people going on business trips are subject to unnecessary restrictions.

However, Hong Kong has not fallen down.

Looking at the issue from another perspective, the SARS outbreak has enabled us to see the good side of Hong Kong. We see "love" in Hong Kong people who showed great enthusiasm in donating money to help those unfortunate children affected by SARS. We see the "fighting spirit" in Hong

Kong people from hardened struggle put up by various businesses to keep their operation afloat. We see the "flexibility" in Hong Kong people from the efforts made by some industries to create opportunities in time of adversities. We see the "strength" of Hong Kong people from the success of our microbiologists in tracing the source of SARS successfully in a short period of time. We see "justice" in Hong Kong people when the public threw in full support to the Government to allow a crew of sailors with suspected SARS symptoms to enter Hong Kong for medical treatment. We see "devotion" in Hong Kong people from the devoted and selfless hard work of medical and cleaning staff.

With the SARS outbreak, we came to understand our community anew, heightening our affection for Hong Kong. We reaffirm certain fundamental values, and show more concern to our family, friends and colleagues. After the SARS challenge, Hong Kong has become more sophisticated, more confident, and more fearless in the face of challenges. This makes me believe that Hong Kong is unbeatable. I hope that the solidarity and fighting spirit triggered by the SARS outbreak can open new horizons to our society.

Nevertheless, I sincerely hope that everyone can remain highly alert to the disease. Never relax our vigilance in preventing SARS despite the containment of the SARS outbreak and the lifting of the World Health Organization (WHO) travel advisory on Hong Kong. Besides being more alert to the revival of SARS, we also have to prevent other infectious diseases from attacking us. The Government of the Hong Kong Special Administrative Region (SAR) should therefore be very serious in involving the community to clean up the city. I have to stress that this is an initiative that requires the sustained effort and participation of the entire community.

To make Hong Kong a first-class city in the world, we think that all efforts must begin with the individual, extend to the family and the neighbours, and then radiate throughout the entire community. Therefore, our work plan has been structured in a hierarchy of personal hygiene, home hygiene and community hygiene.

I was appointed by the Chief Executive on 5 May to set up a team to improve the overall environmental hygiene of Hong Kong. In three weeks' time we have set our work targets, which will be fulfilled in two phases. The measures in Phase I will be launched immediately, most of which will be fully implemented by the end of July. In Phase II, we shall handle bigger and longer-term problems, part of which requires further examination. We shall submit our Phase II work plan within three months.

In the process of compiling this report, we have met with people from all walks of life, such as microbiologists, people from the construction industry and education sector, medical staff, the press and district representatives. Of course, we have also received positive suggestions from colleagues of various government departments. All of them have raised their own opinions based on the spirit of "Hong Kong, Our Home".

Today, I am going to present to Members an outline of my report, the upcoming measures for Phase I, and the issues to be studied under Phase II.

In the past, a number of Clean Hong Kong campaigns have enjoyed various degrees of success. But they did not lead to sustained efforts within the community, and the culture of keeping Hong Kong clean is not well established. From the past experience, we have decided to adopt the following strategies.

First, full involvement of the community — We believe that the hygiene and cleanliness of Hong Kong can be maintained only with the support of all its people. All measures designed under our plan are aimed at mobilizing participation from the whole community through different government departments, non-government organizations and institutions.

Second, sustainable development — We have to address a lot of deep-rooted problems if we want to achieve long-term effect in keeping Hong Kong clean. On the one hand, we have to impose penalties with deterrent effect in order to produce immediate effects; and on the other, we have to bring about long-term effects through civic education. We also have to establish a system to sustain the efforts.

Third, breaking new grounds — We need brave and novel approaches to tackle long-standing problems such as spitting and littering, filthy back alleys, poorly managed private streets, dilapidated old tenement buildings and unhygienic food handling practices, and so on.

The Report issued by our team today listed a number of approaches to improve environmental hygiene. I would like to outline the major approaches we are going to take to improve the hygiene and cleanliness conditions of Hong Kong.

There are a number of deep-rooted hygiene problems in Hong Kong. Such problems of "zero tolerance" to us are very much disgusting to the people

of Hong Kong. Also, their existence is not compatible with the image of Hong Kong as an advanced cosmopolitan city. Such hygiene problems must be stringently tackled; that is, they will be treated with "zero tolerance" when law enforcement action is taken. I hope the public can take the same attitude towards such practices. We shall mobilize all the necessary resources to tackle these problems.

First of all, we have to address the problems of spitting and littering. Such practices do not only bring Hong Kong into disrepute, but are, as learned from the SARS outbreak, hazardous to health. During the consultation period, many members of the public strongly advocated the imposition of severe punishment on those who are inconsiderate of the health of other people.

Spitting is a highly unhygienic and disgusting habit. The droplets from spitting contain a lot of bacteria and virus, such as influenza virus and coronavirus. People will be infected if they come into direct or indirect contact with droplets from people who carry such viruses. So we can see that spitting will transmit all sorts of respiratory diseases, which may seriously threaten the health of others.

The Report proposes that severe punishment should be imposed on those who spit or litter in public areas by raising the fixed penalty from \$600 to \$1,500. The relevant legislative amendments are being drafted, and we hope to table them before the Legislative Council for enactment as soon as possible. The police, the Food and Environmental Hygiene Department (FEHD), the Housing Department and other relevant departments will work together in enforcement, and the FEHD will deploy plain-clothes officers for the purpose. Starting from tomorrow (29 May), this measure will be strictly enforced.

After the SARS outbreak, the public has generally heightened their demand on the hygiene standards of restaurants, including the long-standing hygiene problems of restaurant toilets and kitchens. We shall update the guidelines on hygienic operations for restaurants, and step up prosecutions against substandard operation, in particular, in relation to food preparation and display, toilet cleanliness, and so on.

Despite regular enforcement actions taken by the relevant authorities, illegal cooked food hawking remains rampant in public housing estates. To tackle this problem, the FEHD will depart from the conventional division of

labour among various departments, but will join hands instead with the Hawker Control Team to strengthen control over cooked food hawking in public housing estates, with backup provided by the police. Starting from June, we shall take actions in six public housing estates, where residents have been looking forward to solving this problem. The Housing Department will also make new arrangements in deploying staff to work on shifts, thereby covering late evenings. Additional security guards will be deployed to carry out patrols.

According to the relevant legislation, premises occupiers have to keep six meters of adjoining area clean. Yet many snack shop owners and premises occupiers neglect such responsibility, leaving the pavement around the shops dirty. The pavements there are often damp and slippery, or littered with garbage. We shall strengthen enforcement to enhance the cleanliness and hygiene of public areas.

In public markets, cooked food centres and bazaars, some stall owners often overlook their responsibility in keeping their stalls clean, resulting in generally unsatisfactory hygiene conditions. We cannot let such stalls continue to operate as this has a strong bearing on public health. We shall take firm enforcement actions against violations of hygiene-related legislation and tenancy conditions, and repeated breaches will lead to inclusion in a list of dirty premises for publication or even termination of tenancy. The authorities will take massive enforcement actions from 5 June, and prior to such actions, a letter will be issued to the relevant shops and stalls to remind them of their responsibility to meet the required hygiene standards.

Dripping air conditioners are a constant nuisance to the public. Each year there is a considerable number of complaints about dripping air conditioners. The authorities used to serve abatement notices not in a prompt manner, nor to enforce relevant laws and regulations strictly. We shall step up enforcement actions as from July and streamline the procedures to minimize such environmental nuisance.

I must stress that, when we say we are going to step up enforcement actions against the above acts of "zero tolerance", we are only enforcing the existing legislation. The above hygiene problems are basically intolerable in the existing law. Have members of the public worked according to the law, there will not have been any problems of "zero tolerance" at all. In the past, some people failed to abide by the law and the Government has not done a good job in enforcement against such. From now on, we hope to see improvements

in compliance and enforcement, so that bad practices in society can be completely eliminated.

Apart from solving those hygiene problems of "zero tolerance", we shall take a step further to make Hong Kong a cleaner and brighter place, bringing a new look to this city. It is inadequate if we focus on hygiene black spots only. We can do better in many places other than such black spots. This is the only way that Hong Kong can claim itself a world-class international city, and a clean and hygienic one.

- We shall step up street cleansing from once a week to every two days for townships and busy areas;
- Major cleansing and disinfection twice weekly of areas with heavy hawker concentrations;
- Enhance cleansing of street furniture, such as road signs and barriers from half-yearly intervals to monthly;
- More frequent re-painting of footbridges and vehicular bridges;
- For road markings in busy areas, the frequency of re-painting will be increased from annual to quarterly intervals; and
- Re-plant blackened plants at roadsides.

We plan to implement these measures continuously in future to bring sustained and visible effects. Short-term measures will not change the hygiene conditions of Hong Kong.

The challenge of the SARS outbreak have enabled us to discover certain general weaknesses in Hong Kong. The investigation report on the SARS outbreak at Amoy Gardens has pointed to environmental factors in the spread of the virus. This has aroused enormous government and public concern about the health hazards posed by substandard drains and pipes in buildings. To allay the people's worries, the Government will adopt a series of novel measures to ensure that, once a complaint against drainage defects is received, prompt action will be taken and priority will be given to inspecting and repairing drains in the relevant building.

Inspection of external drainage pipes will be carried out in all private residential buildings from May to July. We shall issue repair orders to those buildings with drainage defects. All along, the authorities have been doing the same. And from now on, we shall speed up the relevant procedures and take actions whenever the relevant owners fail to execute the repair order. Actions to be taken include prosecution against the premise owners, and emergency repairs will be carried out by the authorities, the costs of which will be recovered from the owners later.

We shall issue guidelines on inspecting and repairing internal drains to help owners of private buildings to check their internal drains. We have contacted some professional groups, such as the Hong Kong Institute of Surveyors and Hong Kong Institute of Engineers, which are willing to contribute to improving the environment of Hong Kong by providing free general consultation service to the public.

Many old private buildings in Hong Kong, in particular old tenement buildings, are poorly managed and in an unsatisfactory state of hygiene. There is usually an accumulation of refuse in lightwells, corridors and staircases, which gives rise to vermin infestation. Owners/occupiers, who are not well co-ordinated among themselves, have not even engaged cleaning agents to collect household refuse. There are around 800 buildings in such a dismal state of hygiene. Similar poor hygiene conditions are found in some old public housing estates.

To this end, we shall adopt a series of measures:

- From May to November, we shall deploy staff to cleanse the common areas of these 800 buildings, and parts of these common areas will be limewashed;
- From June to December, we shall deploy staff to collect refuse in roads and streets of the old districts; and

Many cases of excessive storage of rubbish or the keeping of an astonishing number of pets in private buildings were discovered in the past, and they constituted nuisances to the neighbours as well as to the environment. We encourage the public to report similar situations. Once confirmed that such cases do exist, relevant personnel will be deployed to enter the premises and deal with the situations according to the law.

Regarding the public housing estates, we shall adopt the following new measures:

- Between June and August, we shall conduct on-site inspection of the external drainage pipes of public housing estates, to be followed by half-yearly inspections thereafter;
- Between May and August, we shall engage "estate drainage ambassadors" to inspect internal drainage pipes in older housing blocks or blocks occupied primarily by senior citizens in public housing estates;
- Between May and August, we shall dispatch staff to clean up 258 hygiene black spots (including canopies) in 99 estates to bring about visible improvements to the hygiene conditions in public housing estates;
- For some older public housing estates with no sound rubbish collection facilities and measures, rubbish bags will be distributed to each household, rubbish bin will be placed at each floor and the time of collecting rubbish will be adjusted, so as to ensure that the rubbish collected can be cleared on the same day; and
- We shall improve the hygiene conditions at the refuse collection points of public housing estates.

Back alleys and private streets have long been hygiene black spots in Hong Kong. These filthy places are principal sources of vermin infestation. They are also convenient locations for restaurants to carry out dish washing and food preparation. They not only affect the appearance of our city, but also threaten public health. The Report suggests that actions will be taken in the next two months to clean up the hygiene black spots in the priority districts. Over 200 identified public and private back alleys should be cleansed thoroughly once or twice a week. We shall limewash certain back alleys and undertake minor repairs. We shall make video recordings of the "before" and "after" situations for monitoring purposes in future. We shall strengthen enforcement against the dirtying of back alleys and related waste disposal offences by shops and stalls. Those owners who make private places dirty will also be prosecuted strictly.

Back alleys and private streets are complicated problems. Some of them are in poor hygiene conditions. We shall launch a pilot project at six places to break away from the past practice where clean up work was done only after a complaint had been received. Under this project, the relevant departments will strive to thoroughly solve those problems which have caused serious pollution to the environment, including the fixing of damaged drains and demolition of illegal structures, and resort to the "act now, recover costs later" principle. The result of the pilot project will help develop a new model for inter-departmental partnership and co-operation with the public. Such a model will be very useful to solving similar special cases in future.

Cleanliness and hygiene directly affect the interest of the public. People from different sectors are strongly demanding that these problems be resolved. We welcome the public to call the Integrated Call Centre (ICC) hotline (Tel: 1823) or the hotlines of various departments to report environmental black spots or other conditions of substandard hygiene. At present, follow-up actions on such complaints are taken by the departments concerned. After strengthening district administration, we shall put in place a rapid response system. Each District Office will set up a district database to monitor the follow-up actions taken by the departments in respect of complaints and strengthen inter-departmental co-ordination.

I must stress again that the improvement of hygiene conditions relies on the wide participation of residents. To promote the awareness of residents in keeping public housing estates clean, the housing manager of every public housing estate will mobilize Estate Management Advisory Committee members and residents' associations to clean the common areas of public housing estates. Also, cleansing competitions and a Public Housing Estate Cleanliness Incentive Scheme will be held in public housing estates on a regular basis.

The cleansing of back alleys and private streets also requires the participation of residents, occupiers and shop owners. We shall form neighbourhood "Hygiene Squads" to monitor the hygiene conditions of back alleys/private streets and report to District Offices for follow-up actions.

"Full involvement of the community" — We hope the public can be aware of the fact that any undertaking that relies on government efforts alone is doomed to fail. Hygiene and cleanliness can be maintained and continued only with the support and co-operation of the public.

A clean and healthy city is built on a community of citizens who observe high standards of hygiene. To ensure that all our efforts are sustainable, we must help the public build up a good awareness of cleanliness and hygiene. The Government will reinforce education and promotion of such awareness in all aspects in future. It is inadequate to maintain cleanliness and hygiene only by law enforcement. We hope everybody will come to realize that maintaining cleanliness will ultimately result in good health, so that the people will develop clean and hygienic habits and social culture.

We shall launch a series of Announcement of Public Interest to further explain the importance of hygiene and health and change the outdated mindset of some citizens.

We shall issue guidelines on personal and domestic hygiene and cleanliness to help people foster good habits.

For teachers and students, we shall organize special courses on "Promoting Healthy School" to further take forward the concept of hygiene in schools.

To make students pay more attention to hygiene and reflect on the experience and lesson learned from the SARS outbreak, we shall organize a territory-wide competition with the topic of Keeping Hong Kong Clean. We shall, in a common effort to promote the cause, invite people from different sectors of the community to sit on the adjudication panel.

New immigrants and domestic helpers are also members of the community and should have good hygiene awareness. Apart from teaching them the essential hygiene knowledge in the light of their needs, we should brief them on the penalties for public health offences.

For tourists and the general public, we shall launch some publicity efforts on good hygiene practices on public transport vehicles, tourist coaches, at hotels and other public venues, and remind them of the need to observe public health laws in Hong Kong.

The lessons learnt from SARS have heightened the awareness of the people in their prevention against dengue fever. This is indeed a blessing for us. The hot and rainy weather in Hong Kong offers favourable conditions for

mosquitoes to breed. We must take early preventive measures against dengue fever. We must proactively take anti-mosquito measures in June and July, the peak breeding season of mosquitoes. We have formulated the following prevention policies:

- We shall step up the inspection of housing estates and commercial properties, construction sites and hiking trails;
- We shall continue to remove stagnant water or spray larvicidal oils/pesticide where appropriate;
- We shall proceed with essential works such as desilting, construction of drains and levelling of depressions to prevent accumulation of stagnant water;
- We shall intensify grass cutting at vacant government land lots and localities with high ovitrap indices; and
- We shall take concerted actions with the construction industry against dengue fever and provide training to workers and site staff.

Madam President, the whole community, including people from all the social strata, of Hong Kong has never been so earnest in attaching such great significance and concern to the issue of cleanliness and hygiene. We all know that this is a social awakening facilitated by SARS, common sense knowledge gained at the cost of nearly 300 lives. Among those who had lost their precious lives, there were the medical and health care workers who bravely sacrificed their lives in the process of saving the lives of others. In order to ensure that our posterity would not forget this painful lesson, and would maintain a high degree of personal and social hygiene, in order to prevent the outbreak of epidemics and in memory of the people who died, we are considering the building of a commemorative facility on a certain site. It will permanently reminds us of the significance of public health and public hygiene. These are items on which we shall conduct further studies.

Public health is a long-term issue. Apart from solving some urgent issues, there are still more issues that warrant further studies. We shall deal with such issues in Phase II. Meanwhile, we also have to examine how best to make the work of cleanliness and hygiene sustainable. I would like to briefly speak on some of the issues that require further studies and solution.

Educational effort is surely one of the issues that we should do on a permanent basis. Apart from launching education initiatives among the general public, we must also reinforce hygiene education and civic education on a day-to-day basis and incorporate them as significant elements into the school curriculum. It is significant to launch hygiene education among students, and this work has to blend well with civic education, thereby making personal hygiene a social responsibility. It is not just for yourself, but also for others. Only in this way can we make the awareness of hygiene a really firm conviction.

During the consultation period, many members of the public urged the Government to step up enforcement. A lot of people suggested that we should strengthen the punishment and deterrence against offenders. The suggestions include the raising of the penalties, adding an element of community service, publishing the names of offenders, the consideration of making certain behaviour a criminal offence for repeated offenders or formulating a prosecution policy that carries a criminal record upon conviction for offenders. We shall study these suggestions in great detail.

On the hygiene of buildings, we still have to conduct studies and reviews on issues related to many different aspects. We shall discuss relevant sections of the Building Regulations with stakeholders to improve the future design of drainage systems of buildings. We shall also encounter legal problems arising from the refusal of owners to pay for the costs after the Government has repaired drains in private residential buildings. We shall consider taking proceedings against these persons, and imposing a cost entry against their lease (commonly known as "marking the lease"). Apart from these measures, we may collect the costs by way of imposing a charge on their quarterly rates bill.

On the management of private residential buildings, we have received many suggestions. Specifically, some request that the Government should consider requiring owners to maintain the buildings and to effect appropriate building management on a compulsory basis; some suggest that loans should be provided to needy owners or owners' corporations in carrying out maintenance repairs of their buildings. We shall study these suggestions carefully. We shall explore how we can assist owners/tenants of old tenement buildings in employing building management companies and contractors, who shall undertake the work of cleansing and collecting domestic rubbish for them. We shall also consider whether we should establish a "conditions of building grading system" to reflect their hygiene and cleanliness conditions and to promote building cleanliness by making use of the market forces.

Good urban and building design should include a clean and hygienic environment. We have received a suggestion that we should formulate the design standards for drainage systems and draw up a code of practice. We would work in partnership with the industry and professionals to explore and identify new and improved building design standards, so as to create an environment for sustainable healthy living. Many hotels in Hong Kong are internationally renowned and have received numerous prestigious awards. Their facilities rank first-class even by international standards. However, we must still be alert. We shall consider a review of the ventilation in hotels in the context of the review of building design.

On the problems of the internal drainage pipes in public housing estates, we have to formulate a timetable for inspection and maintenance in future. If necessary, emergency maintenance service will be provided. For tenants who repeatedly breach the health code through such actions as littering and accumulation of excessive rubbish in public housing estates, we shall consider, as far as possible, terminating the leases of and evict them from their flats.

We shall explore whether it is necessary to introduce legislative amendments to strengthen enforcement actions against the dirtying of back alleys and private places. Consideration is also given to the installation of CCTVs to be operated by local community groups for problematic back alleys, and this would facilitate the prosecution of recalcitrant offenders.

For food establishments, we shall explore the possibility of stipulating in the tenancy conditions that stall owners are required to launch a thorough cleansing monthly. We shall streamline the process of terminating a tenancy for repeated breaches of hygiene-related regulations or tenancy conditions. We shall consider publishing a list of food establishments with unhygienic kitchens and toilets to exert pressure on operators to improve the hygiene standard of their premises. To encourage owners to refurbish their toilets, we shall consider making thoroughly hygienic toilets a critical factor in the renewal of licences. We shall also consider adopting appropriate incentive schemes.

To sustain a high level of cleanliness throughout the territory, we shall consider carrying on with our present practice of launching "Intensive Clean-up Day" at the end of each month. The coverage of the operation includes private tenement buildings, hygiene black spots, problematic back alleys, markets, hawker bazaars and areas with a concentration of hawker activity.

The avian flu has been causing considerable concern among the people of Hong Kong since 1997. There were four outbreaks during the past few years, and people were infected with the virus in two of them. The most serious outbreak occurred in 1997 in which 17 persons were infected and six died. In the outbreak that took place in the beginning of this year, two persons returning to Hong Kong from the Mainland were infected, and eventually one of them died. On the financial side, the Government had paid more than \$200 million to the industry as compensation for the massive slaughters of chickens. Medical specialists point out that avian flu infects human beings through virus emitted from chickens and by way of contact between chickens and human beings. Even for chickens already vaccinated, it is still unsure whether they can be immune from the attack of the virus. Therefore, in the retail market, if the people come into very close contact with a large quantity of live chickens, or if the place is a gathering point of the avian flu virus, then there would be a potential dangerous crisis that human beings will be infected. Since the SARS outbreak, there have been voices in society calling for a ban on the sale of live poultry, so as to prevent the avian flu virus from affecting the health of the people. We shall study the issue very carefully.

In view of a recent finding by microbiologists that coronarvirus is present in masked palm civet, we have temporarily suspended the importation of game meat of civet cats. We shall consider whether the ban should be made permanent or whether we should just impose conditions to ensure that the imported game meat will not pose a threat to public health. We shall also review if a further ban on import of all live civet cats and other live wild animals as pets and for food and trade should be imposed.

Madam President, on the issue of improving the environmental hygiene of Hong Kong, I believe many Hong Kong people have great expectations. The expectations have come in the wake of the impact of SARS, from which Hong Kong people fully come round to the importance of cleanliness and hygiene to a city. They realize that it is not just a matter of comfort. Instead, it has far greater implications, that it is about our life, property and safety. If we really want our city to become Asia's World City, Hong Kong must become cleaner and more hygienic, and we must adopt higher standards before we can promote the development of various sectors of our economy.

May I call on every Hong Kong citizen to join the community-wide Cleaning Campaign with the same enthusiasm as in the battle against SARS. Cleaning Hong Kong is about the primary and long-term interest of the territory. The cleanliness should be owned by everyone. As long as everyone makes it a point not to do anything that will make Hong Kong dirty and unhygienic, then we can treasure Hong Kong, just in the same way as we treasure our own home.

Thank you.

PRESIDENT (IN Cantonese): Honourable Members, there are now nine Members in the queue, who would like to raise short questions for elucidation of the statement.

MR FRED LI (in Cantonese): *Madam President, the Chief Secretary for Administration mentioned in paragraph 28 that the Administration will take enforcement actions against some "intolerable acts" — of course he did list many examples. In fact, the Government will only be enforcing some laws already in force, for the authorities have not been doing very well in enforcement. These are the contents quoted from the speech of the Chief Secretary. May I ask Mr TSANG how he could monitor and ensure the various enforcement departments will act according to his requirements and instructions to step up enforcement against such "intolerable acts"?*

PRESIDENT (in Cantonese): Chief Secretary, can you briefly make a further elucidation?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I hope Honourable Members are aware that we still have another motion debate on the same subject this evening. Therefore, I shall share some of the detailed information with Members by then. On the issue of law enforcement, it is very obvious to everyone. If we soon find that the relevant departments enforce laws very strictly and there is an increase in the number of prosecutions and cases submitted to the Court, then Members will know that enforcement actions have been strengthened. The most important point is: If the streets have become clean and the hygiene conditions have improved, then it

will be evident that such enforcement actions are effective. As I have just said, I feel that this "zero tolerance" attitude is essential; not just enforcement officers should have such an attitude, but the general public should adopt such an attitude towards anything that is not hygienic and not clean.

MR WONG YUNG-KAN (in Cantonese): *Madam President, I would like to raise a question on paragraph 64, the Government*

PRESIDENT (in Cantonese): Mr WONG, you mean paragraph 64?

MR WONG YUNG-KAN (in Cantonese): *Yes, paragraph 64, on the issue of avian flu. Since the SARS outbreak, there have been voices in society calling for a general ban on the sale of live poultry. Has the Government considered the future prospects of this trade? What should they do?*

PRESIDENT (in Cantonese): Chief Secretary, did you hear clearly the question raised by Mr WONG for elucidation?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, this is a rather in-depth question. May I request the President to give a ruling.

PRESIDENT (in Cantonese): Mr WONG, can you put it in more concise terms? You can only request the Chief Secretary to elucidate the content of his statement. But you seem to have raised a question on an extensive scope.

MR WONG YUNG-KAN (in Cantonese): *Yes, I would like to ask the Chief Secretary this question. As there are people in society calling for the prohibition of the sale of live poultry, and the Government says that it will consider the issue, so how will it consider the issue? How will it handle the issue of live poultry?*

PRESIDENT (in Cantonese): Mr WONG Yung-kan, I think this is just your personal opinion. As the Government is considering the issue, you may express your opinions directly if you have any such opinions.

MR LAU KONG-WAH (in Cantonese): *Madam President, I would like to ask the Chief Secretary to elucidate paragraph 22, in which it is mentioned that, with effect from tomorrow, the Government will take strict enforcement action against such behaviour as littering and spitting. In the past, the Government had also alluded to strict enforcement in this regard, but achieved little effect. Therefore, may I ask the Chief Secretary how strict it will be this time? Will the Government be really strict in enforcement without any tolerance?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, yes. Apart from deploying additional manpower, we shall have better co-ordination of the working hours of officers on duty. Furthermore, we shall issue some specific guidelines on the monitoring aspect. I very much hope that Members can see the effects of our work in this aspect very soon.

MS EMILY LAU (in Cantonese): *Madam President, I am also raising a question on paragraph 22, on the part of enforcement. The Chief Secretary says that the Administration will deploy additional manpower, so how many additional officers will be deployed? Will there be a minimum quota on the number of penalty tickets they have to issue? Madam President, it is also mentioned that the FEHD will deploy plain-clothes officers to perform duties. Can the Chief Secretary elucidate how such plain-clothes officers will assist in law enforcement?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the duties of plain-clothes and uniform officers are identical. If they see someone litter or spit, they will take law enforcement action according to the relevant ordinances. Apart from pressing charges, they will follow the relevant procedures in taking such actions.

What I mean by stepping up enforcement is to increase the intensity of our actions and to deploy more officers to do it. I believe, eventually the relevant figures will not necessarily rise drastically, because if the general public really realize the seriousness of the matter, they will naturally commit less such unlawful and unhygienic acts. So, the number of such cases may drop instead of rising. However, the most important point is, everyone will be able to tell whether the urban area has become clean. Otherwise, the enforcement exercise is unsuccessful, or the people are not enthusiastic enough about the whole project or campaign. However, if the environment does show some improvement, then it is sufficient proof that the campaign has been effective. In this connection, my colleagues and I will exert our utmost in strengthening supervision.

MS EMILY LAU (in Cantonese): *The Chief Secretary has not clarified whether addition staff will be employed.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, we shall deploy more manpower.

DR RAYMOND HO (in Cantonese): *Madam President, I would like to ask the Chief Secretary to elucidate paragraph 33. The Chief Secretary says that the Government will inspect the external drainage pipes in all private residential buildings from May to July, and if drainage defects are detected, repair orders will be issued to such buildings. All along, the authorities have been doing this all along, but they will speed up the procedures thereafter. It is 28 May today. In other words, there are still two more months to go. There are tens of thousands high-rise buildings in Hong Kong. Will it mean that all that the Government will do is to send an officer to stand outside of a building and have a look of it, that is, conducting a visual inspection, or checking by the naked eye. Such inspection cannot be conducted if it rains during this period of time. I do not know how it will be done, as suggested by the Chief Secretary. Does he mean to say that he will increase the manpower for the purpose or are there other options? Why are there leaking and clogged drainage pipes in so many buildings? Actually how will the Chief Secretary tackle the problem? Will he actively expand a certain department in order to carry out work in this regard?*

PRESIDENT (in Cantonese): Chief Secretary, do you have further information for Members, so that they can have a better understanding?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I understand very well that Dr HO knows much better than I do in this field because he is a professional. However, even if I know that he wants to test me, I certainly cannot say no. *(Laughter)* There are about 30 000 private residential buildings in Hong Kong, of which some 18 000 buildings have already established their owners' corporations with building management. Of course, when people check whether there are defects in the external drainage pipes, they will be able to detect any leakage if they make use of the assistance provided by the Buildings Department. Besides, we have in place a plan to check all the drainage pipes of private residential buildings. Yet the plan will take a long time, and now we have shortened the time required. We shall make use of the present resources of the Buildings Department, as well as the staff and professionals specifically engaged to check all the buildings in two months, that is, all the 12 000 buildings without building management. If drainage defects are detected in the visual inspection, we shall issue repair orders to those buildings. I hope the Honourable Member would be satisfied with this answer.

DR RAYMOND HO (in Cantonese): *Madam President, I would like to follow up one point. What I am talking about is high-rise buildings. If visual inspection is conducted, how can buildings with tens of floors be checked with the eye? I say this because, in his reply, the Chief Secretary still maintains that visual inspection will be used to check the buildings.*

PRESIDENT (in Cantonese): Dr HO, this is a very detailed question. If you think that the reply of the Chief Secretary is not clear enough, you may ask for further elucidation. If Members have some other opinions, they may speak more in the relevant debate that will be held later in this Council. *(Laughter)*

MR JAMES TIEN (in Cantonese): *Madam President, I also wish to become a plain-clothes officer, can I do that? (Laughter)*

Madam President, I would like to ask the Chief Secretary to elucidate paragraph 39, in which it is mentioned that the Government intends to do some work, such as maintenance and cleansing, with the 200 public and private back alleys on the list of black spots. May I ask the Chief Secretary if it will be necessary to make some legislative amendments to enable such work to be done with these private back alleys? According to the existing legislation, does the Chief Secretary have such authority to do such work?

PRESIDENT (in Cantonese): Chief Secretary, can you make a further elucidation?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the issue of private back alleys is very complicated. I have made it very clear in my statement that the conditions in certain private back alleys are terrible. Recently, many media reports have already exposed these problems. The work we are going to do is permitted by the existing legislation. As the situations of these private back alleys are already deemed to pose some health hazards, therefore the relevant ordinances permit us to do the necessary work. Of course, we shall require the owners of these back alleys and private streets to do the relevant work. However, if our repeated efforts in persuading the owners to do the work fail to achieve any satisfactory effect, then the Government has the power to enter such streets to carry out the necessary work such as replacing the sewage pipes, cleansing the place, rectification of the misconnected sewers and resurfacing the ground, and so on, and we shall recover all the costs incurred from the owners.

MR MICHAEL MAK (in Cantonese): *Madam President, I just wish to ask the Chief Secretary to elucidate this: He mentioned in paragraph 14 that several Clean Hong Kong campaigns had been launched in the past, and each time some degree of success was attained. However, he also indicated that the effectiveness of the campaigns could not be sustained, for a clean culture has not been established. Such a statement seems to be self-contradictory — on the one hand, he says there has been some achievement, but on the other, he says the effectiveness is not sustained*

PRESIDENT (in Cantonese): Mr MAK, what are you requesting the Chief Secretary to elucidate?

MR MICHAEL MAK (in Cantonese): *What I wish to seek elucidation is, the Chief Secretary says that several Clean Hong Kong campaigns had been launched in the past, and each time some success was attained. But, he says that the effectiveness of the campaigns cannot be sustained, and a clean culture has not been established. Does such a self-contradictory remark mean to say that past campaigns were not effective at all?*

PRESIDENT (in Cantonese): Mr Michael MAK, this is not a request for elucidation. Sorry, please sit down.

MR FREDERICK FUNG (in Cantonese): *Madam President, the Chief Secretary has just mentioned in his speech about the long-term work, that is, a lot of the work in Phase II is related to examination of the legislation and civic education. I would like to ask the Chief Secretary that I did not hear the Chief Secretary*

PRESIDENT (in Cantonese): Mr FUNG, which paragraph are you requesting the Chief Secretary to elucidate?

MR FREDERICK FUNG (in Cantonese): *It is in the speech just delivered by the Chief Secretary. I cannot identify which paragraph it belongs to.*

PRESIDENT (in Cantonese): Mr FUNG, if the Chief Secretary has not mentioned the relevant content in his statement, how can you request him to make any elucidation.

MR FREDERICK FUNG (in Cantonese): *But he did mention it.*

PRESIDENT (in Cantonese): Mr FUNG, if the Chief Secretary has mentioned it, may I ask which paragraph is it? Maybe you can sit down first and identify the relevant paragraph because we really have a very tight schedule. Let me ask the next Member to make the request for elucidation before coming back to you.

MR FREDERICK FUNG (in Cantonese): *Madam President, but the speech of the Chief Secretary does not cover this part.*

PRESIDENT (in Cantonese): Mr FUNG, if the speech of the Chief Secretary does not cover this part, then you cannot request him to make any elucidation.

MR FREDERICK FUNG (in Cantonese): *He did mention it.*

PRESIDENT (in Cantonese): Mr FUNG, I do not know what kind of request you are making.

MR FREDERICK FUNG (in Cantonese): *The Chief Secretary mentioned that the Phase II work would involve examination of certain legislation.*

PRESIDENT (in Cantonese): Then, please identify this part from the speech. Fine?

MR FREDERICK FUNG (in Cantonese): *But I cannot find this part from the speech. (Laughter)*

PRESIDENT (in Cantonese): Mr FUNG, why can you not find it from the speech? You are holding a copy of the speech. Maybe you should look it up slowly. Later on, after you have located the relevant part, I would let you make your request for elucidation. This is not the ordinary question time. I can only allow Members to make requests for elucidation.

MR FREDERICK FUNG (in Cantonese): *But did the Chief Secretary follow the content of the statement completely in delivering his speech?*

PRESIDENT (in Cantonese): Some minor differences did exist. However, I did catch it very clearly, but this has nothing to do with the question you wish to raise.

MR FREDERICK FUNG (in Cantonese): *All right.*

MR ALBERT CHAN (in Cantonese): *Madam President, I hope my question is really a request for elucidation. In his lengthy speech spanning 24 pages, only 24 words are used to discuss the problem of vacant government land. They are in paragraph 52. The Government proposes to "intensify grass cutting", and then all the problems can be resolved. May I ask the Chief Secretary to elucidate how the Government can solve the problems simply by intensifying grass cutting?*

PRESIDENT (in Cantonese): Chief Secretary, can you further elucidate this?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I was discussing anti-mosquito measures when I mentioned intensifying grass cutting. Apart from strengthening the work we are currently doing, such as the inspection visits and spraying of larvicidal oils as mentioned by me, we also have to intensify grass cutting. It is specific to our effort in anti-mosquito work.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, I would like to ask the Chief Secretary to elucidate paragraph 36, the part on cleansing 800 private residential buildings. The Chief Secretary says that part of the common areas of the buildings will be limewashed and cleansed. This will also involve the ownership issue*

PRESIDENT (in Cantonese): Mr LAU, are you asking the Chief Secretary to elucidate the ownership issue?

MR LAU PING-CHEUNG (in Cantonese): *What I mean to say is, I do not know whether the Government can deploy staff to enter the areas belonging to such private buildings to do the cleansing. Although the Government does it out of good intention, the owners concerned may not allow the workers to enter the buildings to do such work. I would like to ask the Chief Secretary to elucidate whether the Government can do this*

PRESIDENT (in Cantonese): Mr LAU, are you asking the Chief Secretary to elucidate whether the Government possesses the power to help others limewash their areas, right?

MR LAU PING-CHEUNG (in Cantonese): *Yes, I am requesting the Chief Secretary to elucidate whether the Government has the power to assist the owners of the relevant buildings in limewashing and cleansing their areas?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): If the common areas of private residential buildings have become so dirty to the extent of posing a health hazard, then the Government does have the power to tackle such problems. If limewashing the common areas is necessary for it to be improved to the required hygiene condition, then the Government does possess such power.

MR IP KWOK-HIM (in Cantonese): *Madam President, I would like to ask the Chief Secretary to elucidate paragraph 60, in which he mentions that the Government may consider as far as possible to terminate the leases of land and evict public housing estate tenants who repeatedly breach the health code through such actions as littering and accumulation of rubbish. I would like to ask the Chief Secretary to elucidate: Can the "repeated violations" be quantified, and does the expression of "may consider as far as possible" mean that this proposal may not necessarily be implemented?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I am sorry. There may be some mistakes in rhetoric. When I delivered my speech a moment ago, I had already amended this part. Of course, the decision rests with the Housing Authority (HA). However, our intention is very clear. Of course, in the process of approving this proposal, the HA will formulate quantifiable criteria.

PRESIDENT (in Cantonese): Chief Secretary, Mr IP asked if the "repeated violations" could be quantified.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): This will be decided by the HA.

MR ANDREW CHENG (in Cantonese): *Madam President, I would like to ask the Chief Secretary to elucidate paragraph 64, in which he says he will carefully consider the issue, that is, the issue of prohibiting the sale of live poultry. As this issue is really related to the food culture of the people of Hong Kong, the interest of the poultry trade, health and hygiene as well as public interest, the Government really has to think carefully in balancing the interests of the public. Can the Chief Secretary elucidate on the criteria it will adopt in consideration, and how long it will take to consider the issue? In the process of handling this sensitive issue which involves the interests of various sectors, will the Government first conduct an open consultation before considering the issue?*

PRESIDENT (in Cantonese): Chief Secretary, do you have additional information for us?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, yes. As this elucidation has led to a rather significant issue, I would also like to, if possible, give a more detailed explanation of the relevant approach in the Legislative Council later on. However, we must first establish what the present problems are, and we must make the people of Hong Kong realize the impact of prohibiting the sale of live chickens on our living habits; as well as

making it perfectly clear what kind of crisis it will bring if we take this action. Against this perspective, it is necessary for us to hold discussions in order to identify the best solution to address this issue. With your indulgence, we shall debate on this issue later on.

PRESIDENT (in Cantonese): Mr Frederick FUNG, have you found that part of the statement?

MR FREDERICK FUNG (in Cantonese): *Madam President, in paragraph 54, the Chief Secretary mentions that he will study the work of maintaining cleanliness and hygiene as well as carrying on with work in this regard. Later on in paragraphs 55 to 57, he lists out some examples of legislation. May I ask the Chief Secretary if he has ever thought of how to encourage owners of private residential buildings to form owners' corporations or make the engagement of management companies, so that the cleanliness problem of their own buildings can be addressed on a sustained basis?*

PRESIDENT (in Cantonese): Mr FUNG, you may sit down. Strictly speaking, you are not making a request for elucidation, but have raised many questions. This is the last question I would allow Members to raise for elucidation. I shall see if the Chief Secretary has any information for us. If not, we shall have to wait for the response from the Chief Secretary in the motion debate later on.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, we have considered the issue, and our thinking is the same as that of Mr FUNG. *(Laughter)*

PRESIDENT (in Cantonese): We still have many Members waiting for their turns to raise questions. Among the 15 Members making the request, 12 of them have already raised short questions for elucidation. If Members still have some questions for elucidation or some comments, they may raise them in the motion debate held later. I also hope that the Chief Secretary can respond to them as far as possible.

BILL**Second Reading of Bill****Resumption of Second Reading Debate on Bill**

PRESIDENT (in Cantonese): We will resume the Second Reading debate on the Tung Chung Cable Car Bill.

TUNG CHUNG CABLE CAR BILL**Resumption of debate on Second Reading which was moved on 12 February 2003**

PRESIDENT (in Cantonese): Mr James TIEN, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

MR JAMES TIEN: Madam President, as Chairman of the Bills Committee on Tung Chung Cable Car Bill, I wish to report on the work of the Committee.

In June 2002, the Government selected the MTR Corporation Limited (MTRCL) as the successful proponent to take forward the Tung Chung Cable Car Project. The Government subsequently entered into a Provisional Agreement with the MTRCL. This Agreement provides the basis for the MTRCL to commence preparatory work on the Project before enactment of the enabling legislation for the Cable Car System.

The Tung Chung Cable Car Bill is intended to provide the legal framework for the grant of a 30-year franchise to the MTRCL or its wholly-owned subsidiary for the design, construction, operation and maintenance of the Cable Car System.

As the Report of the Bills Committee has already set out the deliberation of the Bills Committee in detail, I will only highlight a few issues concerning the Cable Car System which were discussed extensively in the Bills Committee.

Firstly, the financial aspect of the Cable Car System. We have examined in detail the financial aspect of the Cable Car System. We have looked into the fare levels of the Cable Car System and the need to introduce a fare regulatory mechanism to control its fares. We note the Administration's view that the Cable Car System is a tourism project but not an essential public transport facility. The Government does not provide any guarantee on the level of return to the franchisee. It has to bear the commercial risks arising from the investment in the Cable Car System. In determining its business strategy, including the fare structure, the franchisee will have to take into account competitions from other transport operators and other tourist attractions to ensure the competitiveness of the Cable Car System. Concessionary and promotional fares may be introduced as appropriate.

On the financial viability of the Cable Car System, the MTRCL has assured us that the project is a self-financing project with a satisfactory rate of return. It will not require any cross subsidy from the MTR railway operation.

The long-term sustainability of the Cable Car System is another issue which we have examined in detail.

The Bills Committee has examined whether the exemption granted to the MTRCL under the Noise Control Ordinance (Cap. 400) would be applicable to the Cable Car System in the event that the franchise to operate the Cable Car System is granted to the MTRCL. The Bills Committee notes that the scope of the Noise Control Ordinance would be wide enough to apply to the control of noise emanating from the Cable Car System. As such, if a noise abatement notice is served on the MTRCL under section 13 of the Noise Control Ordinance in respect of the Cable Car System, the MTRCL would be able to rely on section 37 of that Ordinance to evade its responsibility on certain grounds. To allay members' concern about the exemption granted to the MTRCL in the Noise Control Ordinance, the Administration agrees to move a Committee stage amendment to the effect that section 37 of the Noise Control Ordinance shall not apply to the construction works as defined in the Bill or to the operation of the Cable Car System.

We have also looked at other legislation of similar nature to the Noise Control Ordinance, including the Air Pollution Control Ordinance (Cap. 311), Waste Disposal Ordinance (Cap. 354) and Water Pollution Control Ordinance (Cap. 358), and found that these Ordinances do not contain any provision similar to section 37 of the Noise Control Ordinance.

We also note that the Cable Car System is a designated project under the Environmental Impact Assessment Ordinance (EIA Ordinance) (Cap. 499). The MTRCL will have to complete an Environmental Impact Assessment (EIA) Study in accordance with the statutory requirements of the EIA Ordinance, and seek approval for the EIA Report under the EIA Ordinance. The MTRCL will have to apply for an environmental permit under the EIA Ordinance for the construction and operation of the Cable Car System. The franchisee will also have ongoing obligations under the Project Agreement to comply with all relevant legislation, including environmental legislation. Any substantial breach of the Project Agreement, including non-compliance with any relevant legislation, would attract a financial penalty.

We are also concerned about the likely impact of the Cable Car System on other public transport operators. We note the Administration's view that development of the Cable Car System is expected to bring a substantial increase in the number of visitors to Ngong Ping. The MTRCL estimates that with the developments at Ngong Ping and the Cable Car System, the total number of visitors to the area will increase from 1.16 million in 1999 to 1.9 million in 2006 and 2.5 million in 2016. The Cable Car System is expected to have some impact on the market share of the Tung Chung to Ngong Ping service of the New Lantau Bus Company. However, it is also envisaged that the bus company would benefit from the additional visitors to Lantau induced by the Cable Car System and other developments at Ngong Ping. The impact of the project on Lantau taxi should not be significant.

Safety of the Cable Car System is of paramount importance. We have examined the safety requirements for operation of the Cable Car System under inclement weather, including requirements to reduce the speed or to stop the operation of the system under prescribed conditions. We note that the operation and safety standards of the Cable Car System will be regulated by the Aerial Ropeways (Safety) Ordinance (Cap. 211).

Madam President, the legal framework for the grant of the franchise is basically modelled on other existing legislation. The Administration has accepted the Bills Committee's suggestion to move a number of Committee stage amendments to improve the text of the Bill. With the exception of a member, the majority of the Bills Committee members are in support of the Bill.

With these remarks, we support the Second Reading of the Bill.

MR TAM YIU-CHUNG (in Cantonese): Madam President, Ngong Ping is one of the major tourist attractions in Hong Kong, while the Giant Buddha and Po Lin Monastery are hot spots for tourists. However, due to inconvenient access, the number of tourists visiting that place has been declining in recent years. In 1998, the Government announced the construction of a cable car linking Tung Chung and Ngong Ping on Lantau Island. Before this, the Democratic Alliance for Betterment of Hong Kong (DAB) had urged the Government to launch the project on a number of occasions. Now the Government is doing a belated good deed by formulating the legal framework for the implementation of the project. For that reason, the DAB supports the passage of the Tung Chung Cable Car Bill (the Bill).

Subject to the Bill, the MTR Corporation Limited (MTRCL) or its wholly-owned subsidiary would be granted a 30-year franchise for the design, construction, operation and maintenance of the Cable Car System. The Bill also provides for a mechanism of compensation for private land owners who suffer losses or damages as a result of the construction or operation of the Cable Car System. It is estimated that only a small number of private lands would be affected by the project, but prescribing an excessively short time limit for submitting claims would after all undermine the interest of stakeholders. Having regard to the fact that many owners of New Territories land have taken their residence overseas, they may not necessarily have first-hand information about the influence on their interest in the lands, thus a mechanism should be put in place to allow them to submit claims after the expiry of the time limit, with a view to enhancing the protection of private ownership. Other legislation involving easement also provides for this mechanism, such as the Railways Ordinance.

Most of the areas covered by the Tung Chung Cable Car System are country parks. For this reason, many residents and green groups are concerned about its impact on the environment. The Government has reiterated that the Cable Car System would be subject to regulation by environmental protection laws, and a Committee stage amendment would be proposed to remove the grey areas and bring the construction and operation of the Cable Car System under the regulation of the Noise Control Ordinance, in order to address environmental concerns in the course of developing tourism. This is welcomed.

Another issue I wish to raise is the land use planning of Ngong Ping. This time around, alongside with the construction of the Cable Car System as a

tourist facility, the MTRCL will build a theme tourist corridor at Ngong Ping and the Government has also planned to develop a Piazza there. All of these measures will surely affect the nearby Po Lin Monastery. In order to ensure that no complementary development would ruin the natural and religious setting of Ngong Ping and its tranquil environment, the Government should strengthen the consultation and co-ordination with the monastery and to find a win-win solution in respect of the management of nearby access roads and the Piazza; that is, it should be able to demonstrate respect for religion on the one hand, and to push the tourism industry of Hong Kong to another pinnacle on the other, which is something the people of Hong Kong would fain see.

With these remarks, Madam President, I support the resumption of the Second Reading of the Bill and the Committee stage amendments. Thank you, Madam President.

MR ALBERT CHAN (in Cantonese): Madam President, I rise to speak against the resumption of the Second Reading of the Tung Chung Cable Car Bill (the Bill) and its relevant amendments.

The Bill fully reflects that the Government's neglect of the smaller communities and the underprivileged in the course of handling large-scale development projects. The Government simply ignores the life or death and interest of other social groups just with an announcement on encouraging the development of tourism. The Bill, which involves the construction of the Cable Car System at Tung Chung, meets not only opposition from the Po Lin Monastery, but also owners of Tung Chung Crescent and communities of residents in Southern Lantau, including Tai O, Mui Wo, Cheung Sha and Pui O. They have raised oppositions not solely on environmental grounds, but also because the Cable Car System, upon completion, would deal a fatal blow to the economic activities at Southern Lantau. The major reason is that the key transport network would be monopolized by the MTRCL which will certainly offer fare concession to passengers, including Mass Transit Railway cum cable car round trip fare concession, and that would prevent tourists intent on visiting the Giant Buddha from stopping off at Tai O and other districts in Southern Lantau, let alone visiting Mui Wo. Thus it would deal a fatal blow to tourism in these smaller communities. The Government has come up with no corresponding measure in the course of drawing up the overall plan and granting the franchise to deal with or minimize the impact on these communities at all.

Another blow is the impact on bus services on Lantau Island. In recent years, bus services on Lantau have been suffering from a deficit of millions of dollars. The New Lantau Bus Company (1973) Limited (NLB) manages to stay in business on subsidization by proceeds from the Buddha line. Very often, fees on ordinary days could only be maintained at as low a level as possible with the backing of the company's holiday income. However, once the Tung Chung Cable Car System is commissioned, the number of bus passengers travelling to and from the Buddha would be significantly reduced, dealing a fatal blow to its business. I have contacted the NLB on a few occasions. The company considers that the outlook is bleak as it may have to return the franchise to the Government soon after the Tung Chung Cable Car System comes into service, and that will cause a breakdown in NLB services. Even if the services do not break down, the fees that residents have to pay on ordinary days will rise significantly.

So far, the Government has not proposed any counter-measure, explanation or any concrete policy to look after the future development of the NLB, nor has it considered the future impact on the residents. For this reason, it is impossible for me to support the resumed Second Reading of the Bill.

Moreover, Madam President, the Bill also involves unfairness. It is because the Tung Chung cable car project tender was only confined to the franchise of cable car system operation at the very beginning, but as soon as the franchise was granted to the MTRCL, a large piece of land was also granted to the MTRCL. Instead of launching a public tender, the authorities granted the MTRCL the franchise to run the Tung Chung Cable Car System as well as the right to develop the lot at Ngong Ping for tourism purposes. This arrangement was made in high favour of the MTRCL after the tender was issued.

Madam President, another issue involves the sewerage system project at Ngong Ping. The project is simply subsidizing the development plan of the MTRCL at the expense of taxpayers, which is also unfair. In the wake of so many unfair, unhealthy, and unfavourable incidents going against the various communities and socially disadvantaged groups, and the Government has put in place no concrete measures to rectify them or to protect the interest of the communities and residents, I urge Honourable Members to think twice and reassess their support for the Bill, as we should absolutely not make innocent people suffer for the sake of developing a tourism project alone. Thank you, Madam President.

MR HOWARD YOUNG (in Cantonese): Madam President, owing to the shortage of natural resources, tourist attractions in Hong Kong are sometimes criticized of lacking in novelty. From time to time, I will hear people and members of the tourism trade complain that our tourist attractions are limited to the Peak, Repulse Bay, Ocean Park and Wong Tai Sin Temple. I do not share such views. I believe Secretary Stephen IP, having joined the local tour organized by the trade last week, knows clearly that there is a wide range of scenic spots and attractions worth visiting in Hong Kong. However, some attractions are also not easily accessible, and the transport is inconvenient. Last week, we failed to visit one of the tourist spots. The Po Lin Monastery and the Buddha are excellent scenic spots, but they are not readily accessible. Over the past few years, facilities at those tourist attractions have been upgraded and improved, but they still lack the appeal to compel tourists to lengthen their stay in Hong Kong. As indicated by statistics, the duration of stay of tourists in Hong Kong in the past few years has dropped on average. Therefore, the tourism industry always hope that the Government can give a hand in developing new tourist spots to attract more tourists to Hong Kong. The trade also hopes that tourists visiting Hong Kong are not just visiting, but will stay one more night in Hong Kong and spend more. Thus, we have to offer more attractions in Hong Kong to the tourists.

Against this background, the tourism industry supports the Government in granting the franchise to the MTRCL to construct the Cable Car System linking Tung Chung and Ngong Ping in Lantau. The system is expected to be completed in 2005, just in line with the date of completion of the Hong Kong Disney theme park, adding a new tourist attraction in Hong Kong. We think that if tourists visiting Hong Kong will also tour around the Lantau, apart from just visiting the Disneyland, they may stay one or two more nights. This will be fantastic then. We believe that with the complementary development of a themed tourist corridor at Ngong Ping and neighbouring tourist attractions, Lantau will become a new popular tourist spot in Hong Kong.

Many tourists love the natural and tranquil environment on Lantau. Upon the completion of the Tian Tan Buddha Statue, tourists from around the world are attracted by its reputation. However, roads in Lantau are rugged and feeder transport is not comprehensive, which can hardly meet the demand of tourists, particularly during weekends. Long queues are often found at bus stops and tourists usually have to wait for an hour or so. In order to solve the

transportation problem, the Government proposed the construction of a cable car system linking Tung Chung and Ngong Ping. This is a feasible solution that can offer an alternative to tourists. In the longer term, I think the Government should consider providing more modes of transport to tourists as options and provision against any unexpected incidents. Besides, some tourists may not like to take the cable car for both up-hill and downhill trips. They may like to tour around the island and make their way through Silver Mine Bay on return. The provision of more modes of transport may thus help to ease the pressure. Therefore, the Government should consider expanding the traffic capacity between Ngong Ping and Silver Mine Bay. I do not quite understand the logic of Mr Albert CHAN's remark about the vulnerable groups residing in the southern part of Lantau. However, I think that with a more comprehensive transport network established in the future, more people may be attracted to Cheung Sha, Pui O, Silver Mine Bay and so on.

To make tourists extend their stay in Hong Kong, it is imperative that we can offer a wide range of interesting tourist attractions. In order to develop Lantau into a unique tourist attraction with great diversity, the cable car alone can hardly make tourists stay longer. Apart from the Po Lin Monastery and the grand Buddha statue, the authorities should also develop neighbouring tourist attractions as a complement. Residents in the vicinity may even be encouraged to develop lodging facilities somewhat like the family-run lodges of overseas countries, with a view to making tourists lengthen their stay. These residents may be the vulnerable groups mentioned by Mr Albert CHAN, but the situation may offer them better development opportunities. I recall that in a meeting of the Panel of Economic Services, when the idea of developing Lantau was mooted, several Members had pointed out that depending on the cable car project alone was not feasible and more tourist attractions had to be established. Some members of the tourism industry even proposed the construction of a hotel. Of course, many people have raised objection to the proposal later. However, the development of family-run lodges will not only become tourist attractions, but also increase the income of local residents and enable the tourists to stay one more night. This is then a three-win or even four-win solution. In developing complementary facilities, such as shopping malls and guesthouses, I hope the authorities would ensure that developments will blend in with the natural and peaceful environment there. Those developments should not resemble the layout of general shopping malls, but should blend in with the special features there, like the religious ambience of the Po Lin Monastery.

Moreover, I believe the number of tourists will surge upon the completion of the Cable Car System and the tourist corridor. The Government should thus provide sufficient matching facilities, such as public toilets and parking spaces for coaches. I should make a point about public toilets in particular, for I often receive complaints from travel agencies that there is not enough supply of public toilets and the sanitary condition of such toilets is not satisfactory. I hope the Government can make improvement and take follow-up action in respect of this place and other places.

Regarding the fares to be charged, apart from making adjustment in line with market forces, it is not appropriate of the MTRCL to set the fares at too high a level, hoping to yield a return within a short period. I have discussed this with Mr Albert CHAN just now. He worries that the fares may be too low, but I worry that it may be too high that tourists may be discouraged and put off. The MTRCL may consider offering discounts to group tour agents, so that they will help to promote Hong Kong, Lantau and all other tourist attractions, and to attract more tourists to visit Hong Kong on group tours. The MTRCL may also co-operate with the tourist industry to promote Hong Kong tours, so as to increase the utilization rate of the Cable Car System.

With these remarks, I support the Bill.

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

MR SIN CHUNG-KAI (in Cantonese): Madam President, the Democratic Party supports the project, this Bill and all the amendments. However, I made a suggestion during deliberations on the Bill, that is, we have to take into account the problem to be encountered by Lantau Island residents in the future. Just now Mr Albert CHAN also mentioned the issue. One of the possible options is to assign the Commissioner for Tourism to discuss the concept of "one-day-travel ticket" with the relevant bus and ferry companies and the MTRCL. Under this concept of a bus-cum-ferry ticket with a validity of one day, a tourist can pay a lump sum fee and then travel by all modes of transport. For example, when visitors arrive in Ngong Ping via Mui Wo, they may take the cable car on their return trip via Tung Chung, or they can do it the other way round, that is, to go to Ngong Ping via Tung Chung and return via Mui Wo. In fact, tourists may not necessarily dislike this mode, and conversely, they may love to have an

option like this. However, if the MTRCL offers a round trip fare concession of \$50, then it will limit the choice of passengers, because they will have to take the same route as they leave for the sake of saving money.

I think the authorities should give this suggestion some thought. If the concept of "one-day-travel ticket" is put into practice, the relevant bus company may enjoy an increased income on the one hand, and from the perspective of travellers, it is another kind of convenience on the other, as they may take the bus to Tung Chung and then take the ferry back to Central. To tourists, they can visit a lot of places in one day, and they can enjoy the scenic beauty of Southern Lantau. I hope the Commissioner for Tourism can follow this proposal up. I so submit.

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

(No Member indicated a wish to speak)

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the Bills Committee on the Tung Chung Cable Car Bill (the Bills Committee) had held six meetings to discuss issues arising from the Tung Chung Cable Car Project and examine the Tung Chung Cable Car Bill (the Bill). I would like to express my gratitude to the Honourable James TIEN, Chairman of the Bills Committee, and other members of the Committee for their efforts and valuable comments on the Bill. Here, I would also thank Members for their support to the Bill.

The main purpose of the Bill is to provide the legal framework for the grant of a 30-year franchise to the MTR Corporation Limited (MTRCL) or its wholly-owned subsidiary for the design, construction, operation and maintenance of the Tung Chung Cable Car System. The Bill also defines the respective rights and obligations of the Government and the franchisee under the franchise. The Cable Car Project is one of the major tourism projects actively promoted by the Government of the Hong Kong Special Administrative Region (SAR). The development of the System will help realize our strategy of promoting the development of Hong Kong as the premier tourist destination in Asia through increasing the number of tourist spots in Hong Kong. In addition,

the development of the Cable Car System will bring more visitors to Ngong Ping, and will enhance the link between Ngong Ping and tourists spots at different parts of Lantau, further promoting tourism development on the Island.

During the course of the Bills Committee's work, members raised a number of issues which concern the Cable Car Project, and the framework of the franchise. There were questions on whether there is a need to regulate the fare level of the Cable Car System and on the financial viability of the Project. The Administration's position is that the Cable Car System is a tourism project, not an essential public transport facility. The franchisee has to bear all the commercial risks arising from the operation of the Cable Car System. It should be able to determine the fare structure of the System on its own. We believe that in determining its business strategy (including fare structure), the franchisee will have to take into account competitions from other transport operators and other tourist attractions to ensure the competitiveness of the Cable Car System. We have conveyed Members' concern to the MTRCL and impressed upon them the need to take into account the affordability of people in different sectors of the community. On the financial viability of the Cable Car System, the MTRCL has confirmed that the Project will be self-financing and will not require any subsidy from its railway operations.

The Bills Committee also expressed concern over the potential impact of the Cable Car System on other transport operators on Lantau. In this connection, the Administration explained to the Bills Committee that the development of the Cable Car System is expected to bring a substantial increase in the number of visitors to Ngong Ping. Although the Cable Car System is expected to have some impact on the market share of individual bus route of the New Lantau Bus Company, local transport operators generally may benefit from the additional visitors to Lantau induced by the Cable Car System and other developments at Ngong Ping.

The Bills Committee also raised questions about the safety standards and the environmental aspects of the Cable Car System. As I explained during my speech in the Legislative Council meeting in February this year, the operation, maintenance and safety standards of the Cable Car System will be regulated by the Aerial Ropeways (Safety) Ordinance, as in the case of the aerial ropeway system in Ocean Park. Indeed, the safe operation of the Cable Car System is a

matter of top priority to both the Government and the franchisee. The MTRCL has also indicated that the System is designed to cope with the prevailing weather conditions in Hong Kong. Operations of the System will be continuously monitored with safety devices to be installed in the Cable Car System.

The development of the Cable Car System is a designated project under the Environmental Impact Assessment Ordinance (the Ordinance). To take forward the Project, the MTRCL is required to conduct an environmental impact assessment study and complete all the relevant statutory procedures. The franchisee will also have ongoing obligations under the Project Agreement to comply with all the relevant legislation, including the Ordinance. Indeed, to ensure the attractiveness of the Cable Car to visitors, the franchisee should make sure that the design and operation of the Cable Car respect the unique natural heritage of Lantau. I hope that Mr Albert CHAN and Mr TAM Yiu-chung will feel easier on the mentioning of this. Indeed, same as them, we are also concerned very much about the environmental issues.

I would like to take this opportunity to respond to the views aired by Mr TAM Yiu-chung. Mr TAM Yiu-chung mentioned just now that he hoped that we would have more communication with the Po Lin Monastery. I want to tell Mr TAM that in this respect, in fact, the government departments concerned have been discussing with the Po Lin Monastery about the management of the open square, and the progress is pretty well. I visited the Po Lin Monastery two weeks ago, and found that we have good communication in this aspect.

Just now, Mr Albert CHAN has his opinions differed from the rest as usual. I would like to respond briefly to some of his views. I mentioned the environmental issue a moment ago. I think that Members are very much concerned about this area, and we will also ensure that the Cable Car will not affect the environment. Besides, I do not agree that the residents in Lantau belong to a weak and minority group. As a matter of fact, in the course of consultation, we have consulted the local residents. I want to point out that indeed, Mr CHAN does not need to be so pessimistic. Of course, I understand that he is very concerned about the future of the New Lantau Bus Company. However, we truly believe that there are also other tourist spots appealing to visitors. For example, the making of stone inscription of *Xinjing* (Heart Sutra) with the manuscript by Prof RAO Zong-yi is also planned to be undergoing in Lantau. Upon completion of the Cable Car System, I believe that more visitors

will be attracted to Lantau. Apart from competition, I think that there can also be co-operation projects. As I am aware, the New Lantau Bus Company and the MTRCL will carry out some co-operation plans. It is because if there are more visitors to Lantau, not only will they take the Cable Car to Ngong Ping, but they will also travel to other areas of south Lantau, and bus services will be needed. If we believe that the number of visitors will increase, what Mr CHAN has to worry about may be insufficient bus services in the future. However, he does not have to be over pessimistic.

Apart from responding to Mr CHAN, Mr SIN Chung-kai also mentioned one-day-travel ticket a moment ago. Actually, this kind of travel tickets are very common overseas. I, of course, think that it is possible to consider this idea. However, it has to be considered among the related transport organizations, as public transport services like ferry, bus, mass transit railway, and so on are involved. As a matter of course, we will be very pleased to play the co-ordinating role in the process, but eventually, it will be up to the market to decide whether there is such a need. Anyway, I find this idea rather appealing.

Mr Howard YOUNG just now mentioned his wish that there can be more tourist spots in Hong Kong, so that Hong Kong can be more attractive to local and foreign visitors alike. We hope that upon completion of the Cable Car System, there will be one more tourist spot to enhance Hong Kong's attractiveness to visitors. I also hope that Members can support this Project.

Madam President, the Tung Chung Cable Car System is a major tourism development. I thank the Bills Committee again for its efforts to assist us in expediting the legislative procedures, thus enabling the resumption of the Second Reading of this Bill today. The Government will work closely with the MTRCL to ensure the early completion of the Cable Car System. I hope that Members (including Mr Albert CHAN) will support this Bill today. And I will move the amendments later. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Tung Chung Cable Car Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

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

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

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

Mr Kenneth TING, Mr James TIEN, Ms Cyd HO, Mr Albert HO, Dr Raymond HO, Mr Martin LEE, Mr Eric LI, Mr Fred LI, Mr NG Leung-sing, Miss Margaret NG, Mrs Selina CHOW, Mr James TO, Mr CHEUNG Man-kwong, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Mr SIN Chung-kai, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Dr YEUNG Sum, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Ms Miriam LAU, Mr Ambrose LAU, Ms Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr SZETO Wah, Dr LAW Chi-kwong, Mr TAM Yiu-chung, Dr TANG Siu-tong, Ms LI Fung-ying, Mr Henry WU, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr WONG Sing-chi, Mr Frederick FUNG, Mr IP Kwok-him, Mr LAU Ping-cheung and Ms Audrey EU voted for the motion.

Dr David CHU, Mr LEUNG Yiu-chung and Mr Albert CHAN voted against the motion.

Mr Michael MAK abstained.

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

THE PRESIDENT announced that there were 48 Members present, 43 were in favour of the motion, three against it and one abstained. Since the question was agreed by a majority of the Members present, she therefore declared that the motion was carried.

CLERK (in Cantonese): Tung Chung Cable Car Bill.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

TUNG CHUNG CABLE CAR BILL

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

CLERK (in Cantonese): Clauses 1, 3, 4, 6 to 9, 11, 12, 15, 17, 18, 21, 26, 30, 32 and 34 to 39.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 2, 5, 10, 13, 14, 16, 19, 20, 22 to 25, 27, 28, 29, 31 and 33.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam Chairman, I move the amendments to clauses which have been read out as set out in the paper circularized to Members.

The proposed amendments have been scrutinized and endorsed by the Bills Committee.

Clause 10 of the Bill grants rights in respect of easements in favour of the franchisee. These include the right to place and operate "aerial ropeways above ground level". During our consultation with the Airport Authority on the provisions of the Bill, it had been drawn to our attention that clause 10(2), as drafted, has the effect of allowing the cable car company (the Company) a right to place permanent structures on the land in question. This is not in line with the intention of the Bill since the right to erect or maintain a structure on or over the land has already been provided for under clause 6, which grants to the Company the right to occupy the Cable Car System area. The amended clause 10(2) clarifies that the right under clause 10 does not include the right to place permanent structures.

Members of the Bills Committee expressed concern about the time limit for dealing with claims for compensation under clauses 13 and 14. Having considered their views, we have proposed certain amendments to the two clauses. Under the amended clause 13, claims for compensation may be submitted out of the time limit of 12 months stipulated, and there is no time limit for submitting unresolved claims to the Lands Tribunal. The amended clause 14 has relaxed the time limit for submitting claims to the Company. We also take the opportunity to introduce a new subclause 14(5A) to make it clear that a decision of the Lands Tribunal under the Lands Tribunal Ordinance (Cap. 17) would apply to compensation by the Company.

The Bills Committee also expressed concern that the exemption from the Noise Control Ordinance (Cap. 400) that the MTR Corporation Limited (MTRCL) enjoyed should not apply to the franchise. Since it has never been our policy intention to enable the Company to be exempt from any statutory requirement, we have introduced a new provision under clause 20 to disapply section 37 of the Noise Control Ordinance.

Clause 27 provides that the Chief Executive in Council may by order revoke the franchise. However, the Bill has not specifically catered for the continuation of the franchise after a revocation order is made. The amended clause 27 enables the Chief Executive in Council to vest the franchise with another body corporate after the revocation.

Consequential amendments are proposed by introducing a new clause 5(4), and amendments to clause 16(2) and clause 28(2) to bring various provisions dealing with the disposal of the franchise to a body corporate other than the MTRCL or its subsidiary into line with each other. The definitions of "Company", "fare-paying passenger" and "Project Agreement" under clause 2 are also amended correspondingly. Clause 29 deals with the consequences of a termination of the franchise. The amended clause 29 will ensure that the liability of the Company arising from the emergency access to land pursuant to clause 14 will not cease only by reason of the franchise being terminated. The other amendments to the Bill are largely technical changes to clarify the intention of the Bill or to ensure consistency between the Chinese and English texts. Thank you, Madam Chairman.

Proposed amendments

Clause 2 (see Annex)

Clause 5 (see Annex)

Clause 10 (see Annex)

Clause 13 (see Annex)

Clause 14 (see Annex)

Clause 16 (see Annex)

Clause 19 (see Annex)

Clause 20 (see Annex)

Clause 22 (see Annex)

Clause 23 (see Annex)

Clause 24 (see Annex)

Clause 25 (see Annex)

Clause 27 (see Annex)

Clause 28 (see Annex)

Clause 29 (see Annex)

Clause 31 (see Annex)

Clause 33 (see Annex)

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Economic Development and Labour be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 2, 5, 10, 13, 14, 16, 19, 20, 22 to 25, 27, 28, 29, 31 and 33 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Schedule.

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

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bill

PRESIDENT (in Cantonese): Bill: Third Reading.

TUNG CHUNG CABLE CAR BILL

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the

Tung Chung Cable Car Bill

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Tung Chung Cable Car Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Tung Chung Cable Car Bill.

MOTION

PRESIDENT (in Cantonese): Motion. Proposed resolution under the Interpretation and General Clauses Ordinance to amend the Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I move that the motion set out on the Agenda regarding the resolution to amend the Prevention of Spread of Infectious Diseases (Amendment) Regulation 2003 (the Amendment Regulation) be approved.

The Quarantine and Prevention of Disease Ordinance (the Ordinance) provides a legislative framework for the quarantine and prevention of communicable diseases of public health importance. In view of the emergence of a new virus leading to the Severe Acute Respiratory Syndrome (SARS), we made the Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2003 and the Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2003 on 27 March 2003 to include SARS as one of the infectious diseases to which the provisions of the Ordinance and its subsidiary legislation apply.

We have since reviewed the Prevention of the Spread of Infectious Diseases Regulations to ascertain if amendments are required to enable us to implement further precautionary measures to control the spread of SARS. To reassure the international community that effective measures are in place to prevent the spread of SARS across borders, the Chief Executive in Council made the Amendment Regulation on 15 April 2003 to provide the necessary statutory powers for implementing further control measures. These include:

- (a) health officers to restrict specified persons from leaving Hong Kong;
- (b) authorized persons to measure the body temperature on any persons arriving in or departing Hong Kong; and

- (c) health officers or authorized medical practitioners to carry out medical examination on any persons arriving in or departing Hong Kong for the purpose of ascertaining whether he is likely to be infected with SARS.

Given the urgent need to introduce these additional precautionary measures, the Amendment Regulation came into operation immediately upon gazettal on 17 April 2003. The relevant control measures have also been implemented on the same date.

I would like to take this opportunity to thank members of the Subcommittee, particularly its Chairman, the Honourable Michael MAK, for their meticulous scrutiny of the Amendment Regulation. I am grateful for Members' support of the Amendment Regulation, which demonstrates that the Administration, the legislature and the community are in a solid and united front in the fight against SARS.

The Subcommittee has proposed a textual amendment to regulation 27C(1) to tie the provision explicitly to the control of SARS. This amendment is in line with the Administration's intention. The resolution now before Members seeks to amend regulation 27C(1) for this purpose. The wording follows that in section 8(1) of the Ordinance.

The Subcommittee has also suggested that the Administration conduct an overall review of the Ordinance as soon as practicable. In the coming months, we will review the Ordinance to ascertain there is sufficient legal backing for the control of a SARS epidemic. The overall review of the Ordinance, which deals with the control of 28 infectious diseases, will be conducted at a later stage in the light of the development of the longer-term strategies in handling infectious diseases as a whole.

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

The Secretary for Health, Welfare and Food moved the following motion:

"That the Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003, published in the Gazette as Legal Notice No. 107 of 2003 and laid on the table of the Legislative Council on 30 April 2003, be

amended in section 3 in the new regulation 27C(1) by repealing "Any" and substituting "As a measure for preventing the introduction into, the spread in and the transmission from Hong Kong of Severe Acute Respiratory Syndrome, any".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Health, Welfare and Food be passed.

MR MICHAEL MAK (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee on Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003 (the Subcommittee), I would like to report on the deliberations of the Subcommittee.

The Subcommittee has held one meeting with the Administration to discuss the amendments. Members unanimously support the Spread of Infectious Diseases (Amendment) Regulation 2003 (the Amendment Regulation) which they agree is necessary. However, some members have raised a number of questions about regulation 27C(1) and the actual implementation arrangements in general.

In response to a member's request, the Administration has moved an amendment to regulation 27C(1) to tie the provision explicitly to the control of SARS outbreak.

Noting that the methods to be used for taking the body temperature of passengers is not specified in the Amendment Regulation, a member asked for the relevant information such as guidelines to be provided to the Subcommittee for members' reference. The Administration provided the guidelines on measuring body temperature for members' information on 21 May 2003.

In addition, as the original Ordinance, that is, the Quarantine and Prevention of Disease Ordinance, dates back to 1936, the Subcommittee is of the view that an overall review should be made and amendments proposed where necessary. The Administration has undertaken to review the Ordinance at an appropriate time.

With these remarks and on behalf of the Subcommittee, I support the motion moved by the Secretary for Health, Welfare and Food.

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

MISS MARGARET NG: Madam President, I support the Government's motion to amend regulation 27C(1) by adding the words "As a measure for preventing the introduction into, the spread in and the transmission from Hong Kong of Severe Acute Respiratory Syndrome". The words make clear that the power to take the body temperature of persons arriving and departing Hong Kong are limited to the purpose of Severe Acute Respiratory Syndrome (SARS) prevention. Without these words, the regulation would appear to give the authorities a general power to interfere with these persons by taking their body temperature at any time for any other purpose, and while the interference is resisted, to invoke the related powers of detention.

The Subcommittee asked for the amendment to be made not because we thought the Government intended to abuse the power which is obviously being given expeditiously to meet the needs of the SARS emergency. We did so because in recent years, the Government has been showing a disquieting tendency to take advantage of the language of a provision, to use the power for purposes clearly not contemplated by the legislation. We are reluctant to let a loophole stay open if it can be closed, and so avoid future abuse.

I am very much obliged to the Government for readily acceding to our request, and for inserting this simple amendment. If this attitude could only be applied to other legislative proposals before this Council, Madam President, many Honourable Members will find their burden much more pleasant.

I am especially pleased to note the Secretary's promise to review the Quarantine and Prevention of Disease Ordinance in the coming months to make sure that there is sufficient legal backing for the control of SARS. But it is not enough. The overall review mentioned in the Secretary's speech must be carried out immediately afterwards to update this elderly Ordinance which was passed when Hong Kong's society and the way of life of its inhabitants were very different. We need the updated long-term strategy and a new set of emergency measures so that the Government and the community can respond with full speed, order and assurance whenever, heaven forbid, an epidemic should strike. We have paid dearly in this bout of SARS. We have been caught unprepared. Once is enough. If we fail to seize the opportunity and mend our fences now, we will only have ourselves to blame when we are caught a second time.

Madam President, I urge the Government not to become lax. It is when crisis appears to abate that we face the most dangerous hour.

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Health, Welfare and Food, do you wish to reply?

(The Secretary for Health, Welfare and Food indicated that he did not wish to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Health, Welfare and Food be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: the movers of the motions will each have up to 15 minutes for their

speeches including their replies, and another five minutes to speak on the amendment; the mover of an amendment will have up to 10 minutes to speak; other Members will each have up to seven minutes for their speeches. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: The 4 June incident.

THE 4 JUNE INCIDENT

MR SZETO WAH (in Cantonese): Madam President, I move the motion that "the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated". Thank you.

Mr SZETO Wah moved the following motion: (Translation)

"That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated."

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

Does any Member wish to speak?

MR ALBERT HO (in Cantonese): Madam President, there is profound significance in the motion on the 4 June incident moved by Mr SZETO Wah each year. Like a routine check-up, it examines if our hearts are functioning normally. What I mean by our hearts is of course our conscience. Is our conscience still alive and kicking, or have the hearts of some people been stolen or thrown to the dogs, or does their conscience still exist?

The Legislative Council of Hong Kong is a venue where there can be free debate and free speech. Just as everyone of us can speak according to their conscience, so can they act against it and lie. However, no matter whether we follow our conscience or act against it in making our speeches, all our words will be recorded and go down as history. All our actions and words will be

reference for others in future. From Members' past actions and comments, it can be judged whether their conscience is still in there, still alive and kicking.

George ORWELL said that the communists are the most organized liars in human history. Doubtless, since the beginning of times, all tyranny had to rely on liars to support and bolster it. Not only do tyrants use coercion and inducements and all sorts of despicable ways to make people lie in a collective manner, in extreme circumstances, for example during the Cultural Revolution, many people even had to stomach grievances and insults and lie in support of tyranny and persecute the innocent. What is more, they even had to persecute, amid tears, their own family members, friends or even themselves. Human nature was totally distorted, right and wrong reversed, and truths and lies confounded. In fact, the simple truth is, as history has shown us, people tell lies collectively or the Government forces them to lie collectively because those in power lack the courage and confidence to let the world know the truth of certain matters. They have to use such despicable means as deception and oppression to maintain their effective rule and hold on to their superficial authority and prestige.

Madam President, the democratic movement in 1989 occurred in a very special historical setting and dimension. In 1989, when the democratic movement occurred, our country had carried out economic reforms and opened up for nearly 10 years. There was a certain degree of latitude in society, albeit extremely limited, which allowed the people to engage in some spontaneous actions subject also to a tremendous amount of supervision and control. Our country was at that time evolving from a totalitarian system and country under the rule of MAO Zedong to an autocratic society and country under the control of DENG Xiaoping.

In any event, under the special milieu and dimensions of that time, the democratic movement in 1989 indeed unfolded spontaneously, evolving into an upright, sweeping and breath-taking patriotic democratic movement. Whether it be the participants or people who were concerned about the movement — and the Chinese Government also knew full well — everybody knew clearly that it was a spontaneous democratic movement with a pure motive.

However, because of the fears of the leaders, fears that their power were being threatened, that their status would be shaken, that the interest of their party,

the communist party, would be eroded, the rulers at that time lost their sanity and became completely hardened, eventually precipitating a huge tragedy in history, that is, using arms to massacre the people.

In fact, after the 4 June incident, the Government still had to rely on lies to explain itself away, by labelling the movement as a planned counter-revolutionary initiative with the ulterior motive of subverting the state and overthrowing the communist party. Some people even said that there had been foreign forces supporting the movement behind the scenes. The most blatant lie was that told by the then spokesman for the Central Authorities, YUAN Mu, who discounted the number of victims that ran into the thousands until it reached 23. I now realize it is from here that the number 23 comes, (*laughter*) that the number 23 has in fact such great symoblic meaning.

(THE PRESIDENT'S DEPUTY, MRS SELINA CHOW, took the Chair)

Madam Deputy, on the anniversary of the 4 June incident this year, the Hong Kong Alliance in Support of Patriotic Democratic Movements of China will call for the vindication of the 4 June incident and opposition to the enactment of laws on Article 23. To oppose the Article 23 legislation is to oppose lies. Therefore, in the legislature today, we appeal to Members not to lie any more and act as accomplices. Furthermore, we think that we should not just stop at that. We believe that as political figures, we have the duty to speak our minds at the appropriate moment. To remain silent is to be an accomplice. We have to ensure that all people who are willing to speak their minds will not be oppressed in any way. Therefore, we have to oppose to the enactment of laws on Article 23 of the Basic Law and on national security. I so submit.

MR SIN CHUNG-KAI (in Cantonese): Madam Deputy, Mr SZETO Wah moves the motion on not forgetting the 4 June incident every year. After 14 years, has the 1989 pro-democracy movement been really forgotten? We should be able to find the answer from the Internet. It is because if this is a matter of concern to the public, one can find thousands of websites on it on the Internet. Then, let us just see how the Cyberworld looks at the 4 June incident.

At the famous browser site "Google", I have tried to key in some words related to the 1989 pro-democracy movement, and the search result is: for the 4 June incident, there are 59 800 hits; for the 1989 pro-democracy movement, 13 800; for not forgetting the 4 June incident, 39 000; and for vindicating pro-democracy movements, 6 530. From these figures, no matter these websites or webpages are for or against the 1989 pro-democracy movement, it can be seen that the 4 June incident has still not been forgotten. Even though there are criticisms against people who call for vindication of the movement, voices asking for vindication still carry on.

As a matter of fact, messages and information on many commemorative activities, signature campaigns, and pro-democracy movements are disseminated through the Internet. For instance, for the Tiananmen Mothers Campaign, the website is <<http://www.fillthesquare.org>>. A group of relatives of the victims in the 4 June incident have organized themselves to stop the Government from shirking its responsibilities. They are searching for the culprits of the 4 June massacre and fighting for their right to openly mourn for their beloved dead. Through the Internet, they invite friends to send flowers to the virtual Tiananmen Square for the victims and send petitions to the Procurator General of the Supreme People's Procuratorate, asking for immediate investigation of the facts concerning the 4 June incident and urging to bring to trial the leaders then who ordered the troops on curfew duty to commit offences like intentional killing and intentional injuring of other people. They hope that one day they do not have to worry about persecution by the government, when instead they can cover the Tiananmen Square in Beijing freely with bouquets of flowers each comprising six red roses and four white roses, in order to mourn for the 4 June massacre victims.

Electronic data delivery centres like Human Right China at <<http://www.hrichina.org>>, and the Information Centre of Human Rights and Democratic Movement in China (<<http://www.hkhkhk.com>>) would shoulder the responsibility of delivering messages on dissidents and people involved in pro-democracy movements in the Mainland to facilitate people of different areas in keeping watch on the human rights situation in the Mainland. Some forums on the Internet, like Democratic Forum (<<http://asiademo.org>>), provide free venues for people to continue debating the truth of democracy. We thus see that people have not forgotten the history, but continue to discuss their views on the 1989 pro-democracy movement on the Internet, mourn for those martyrs of democracy, demonstrate their determination to fight for a democratic China, and

organize various commemorative activities. It should be noted that, the Cyberworld is the young people

MR MARTIN LEE (in Cantonese): Madam Deputy, I think that a quorum of the whole Council is lacking now.

(After the summon bell had been rung, several Members returned to the Chamber)

DEPUTY PRESIDENT (in Cantonese): Mr SIN Chung-kai, you may continue with your speech.

MR SIN CHUNG-KAI (in Cantonese):It should be noted that the Cyberworld is the young people's world. Therefore, not only do these webpages record history, they also pass on the quest of fighting for a democratic China from one generation to the next.

Of course, some people reckon that since China is progressing, it is not necessary to mention the 4 June incident anymore. Indeed, China is progressing. It is because China has already learnt how to follow technology closely, by imposing a ban on the freedom of the press and the freedom on the Internet, by tracing and arresting those senders of articles on the Internet criticizing the Government and calling for vindication of the 4 June incident, those people contacting dissidents overseas through electronic mail, those downloading the so-called subversive articles from overseas websites, those persons-in-charge of the websites which publish articles on the 4 June incident, and so on. They are JIANG Shihua, LENG Wanbao, LI Hongmin, LIU Waifang, NU Xinhua, HE Shan, WANG Jinbo, XU Wai, CHE Hongnian, WAN Yanhai, CHAN Shaowen, GUO Qinghai, LI Dawai, FAN Ziliang, LIN Hai, HUANG Qi, and so on. For all these people related to pro-democracy movements, they are either being charged with the offence of subversion or the offence of sedition. They have to serve definite imprisonment terms ranging from four years to 11 years, some even have been detained on a long-term basis. Courts in the Mainland even know how to refuse open trial and hearings under the pretext of "personal privacy". These people only account for a small number. We can find more cases by browsing the website of Human Right China. In the Mainland, those browsers which people can make use of to

search for websites related to the 4 June incident are all blocked. The website <<http://www.google.com>> which I mentioned earlier was blocked in the Mainland in September last year.

Besides, China even know how to make use of laws as a means to restrict people's freedom on the Internet. There are almost 15 pieces of such laws, like the Management Provisions on Electronic Bulletin Services in Internet, the Interim Provisions on the Administration of Internet Publication, the Decision on Safeguarding the Security of the Internet, and so on.

Madam Deputy, I do not think all this represents genuine progress. The real progress to which I aspire is progress in the political system, improvement in democracy and improvement in the thinking of leaders. I trust that when it comes the day this Council needs not debate this motion, when the 1989 pro-democracy movement is vindicated, there will be true progress.

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

MR CHEUNG MAN-KWONG (in Cantonese): Madam Deputy, the motion moved by Mr SZETO Wah on the 4 June incident is a motion of conscience. That this motion has been moved for six consecutive years is a pride that we can speak of the Legislative Council. This year the timing of this motion on the 4 June incident coincides with the imminent enactment of the law concerning Article 23 of the Basic Law (Article 23), thus adding to it some measure of realistic and political significance. There is close linkage between Article 23 and the 4 June incident. Article 23 has become more draconian because of the 4 June incident. Take the offence of subversion as an example. The creation of this offence is to prevent Hong Kong from becoming a base of subversion against China. After the 4 June incident, this was the biggest suspicion and fear that the Central People's Government harbours towards Hong Kong people, and it was thus written into Article 23.

However, it has already been 14 full years since then, have any Hong Kong people staged any subversion against the Central Authorities? No. Hong Kong people only commemorate the 4 June incident peacefully. Hong Kong people only ask for vindication of the 4 June incident. The candle-light

gathering held in Victoria Park has even become a classic example of world peace movements. This is a pride of Hong Kong people. The purpose of commemorating the 4 June incident is to make people not to forget it. After the 4 June incident, a slogan was displayed in Beijing: "People will not forget", and people were moved at the sight of it. Indeed, people will not forget the young martyrs, and will definitely not forget these young people who strove and fought for their beliefs of democracy and freedom even at the expense of their lives.

To vindicate the 4 June incident is to do history justice. This so-called vindication pinpoints the mistake made by the Central Government in cracking down on the demonstration in the 4 June incident, treating the 4 June incident as a counterrevolutionary commotion. Nevertheless, people do not think it that way, and even a lot of pro-China people do not think it that way. People reckon the 4 June incident as a peaceful democratic movement, and consider those who sacrificed themselves at Tiananmen Square heroes of the people. Their names, sooner or later, will be inscribed on the memorial plaque at Tiananmen Square.

Of course, the Central Government now forbids people to commemorate the 4 June incident, and refuses to vindicate the 4 June incident. It only wants to play down the incident. They have already turned the riot into a storm, demonstrating that the Central Government knows inside itself that it is in the wrong. Today in the Legislative Council, the silence of the pro-Government party can be interpreted in the same way. It is because they know that one day, the 4 June incident will be vindicated, and history will settle accounts with them in due course.

Why is the Central Government so afraid of the 4 June incident being vindicated? It is because the Central Government is afraid that after the 4 June incident is vindicated, those people behind the incident will pursue political responsibilities. However, does the silence of the people today mean that history will remain silent forever? The Kwangju incident of South Korea, the 28 February incident of Taiwan, and the Spring in Prague of Czechoslovakia had to go through a long period of time, after a strenuous struggle, before they were vindicated. The 4 June incident will also be like that. As the Chinese saying goes, "Without undergoing the coldness chilled to the bone, one can hardly enjoy the fragrance of plum blossoms". Those who persist will be blessed, as their conscience will be peaceful, and their hope will come true.

However, the mind of those rulers who cracked down on the people will not be peaceful, as they have to use tanks and Article 23 to protect themselves. In name, Article 23 is meant to protect national security, but more importantly, it is meant to protect a still dictatorial regime, a regime upheld by one-party dictatorship. Thus, Article 23 is the Hong Kong version of suppression against counterrevolutionary offence after the establishment of the country. It is extending the law on control of dissidents to the Hong Kong people and Chinese all over the world. It is attempting to round up the whole gang at one swoop, trying to make the dissidents disappear, and even if they do not disappear, then make them silent.

Article 23 has become more draconian because of the 4 June incident. Its targets have also included the pro-democratic movement organizations in Hong Kong, such as the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (Hong Kong Alliance). The slogan of the Hong Kong Alliance this year is: "Do not forget the 4 June incident, oppose Article 23". We are totally aware that the sword used to suppress the people has already landed on Hong Kong, six years after the reunification. An imperious regime has been suppressing its dissidents. There has never been "one country, two systems". All along, there has only been one country, one system. Even the Hong Kong Special Administrative Region cannot escape, and the Hong Kong Alliance, of course, will not be able to escape.

Article 23 is the draconian law that will come anyway. However, can the draconian law change the right and wrong about of the 4 June incident and the will of the people? Can it wash away the blood on the hands of the killers? Can this sin of a thousand years evade recording in history? If the right and wrong, the people's will, bloodstain and sin will be gone when suppressed, dead when killed, or clean when washed, Hong Kong will be hopeless, and China will also be hopeless.

LU Xun once said, "As long as there are stones, flames will never die." By the same token, "As long as there are people, conscience will never die." The motion on the 4 June incident today will become a hard-and-fast record. Together with the records of the last six years, it will be written in the history of the Hong Kong Legislative Council. This record will go down in history as a record made shortly before the law on Article 23 is to be passed. As long as people's will does not die, the will of vindicating the 4 June incident continues. This motion echoes the voices responsible to the conscience and history.

With these remarks, Madam Deputy, I support the motion of conscience moved by SZETO Wah. Thank you.

MR ANDREW CHENG (in Cantonese): Madam Deputy, this year is the 14th anniversary of the 4 June democratic movement in 1989. In these 14 years, to Hong Kong people, the Tiananmen incident which happened in that year has remained vivid in their minds. Every year, many people still make the effort to join the marches and rallies with their hearts. As to those who did not take part in the marches and rallies, I believe their silence does not mean that they have forgotten the incident. They have pledged not to forget it. To the great majority of Hong Kong people, the 4 June incident has become a collective memory, a memory of our people as a whole, but unfortunately, this is also a heartrending memory.

There will definitely be a fair judgement of such a heartrending memory in history. This is only a matter of time. The pledge not to forget the 4 June incident means that it has to be vindicated. To vindicate the 4 June incident, actual actions must be taken. One very simple action is to strongly call on our leaders not to forget this tragic piece of history, to avoid a repeat of the incident and going down in history as a sinner.

Therefore, the aim of Mr SZETO Wah in moving the same motion every year is to call on Chinese descendants who are still human not to forget the 4 June incident. This year, not only must we not forget the 4 June incident, we must also oppose the enactment of laws to implement Article 23 of the Basic Law (Article 23).

Fourteen years ago, one million people took to the streets in Hong Kong to mourn the massacre on 4 June. Fourteen years later, 60 000 Hong Kong people took to the streets to decry the Article 23 legislation. The 4 June incident aroused Hong Kong people's discontent with the corrupt and decadent regime, whereas the Article 23 legislation conjured up the 4 June ghost haunting Hong Kong people. In the 4 June incident, many Hong Kong people were indignant that passionate young people with an ardent heart were branded with the offences of treason and subversion. The legislation on Article 23 has made Hong Kong people feel worried that their patriotism will be labelled as treason, their criticisms incitement, and their rallies subversion.

The 4 June massacre was a heinous act committed by the Chinese communist regime. A fair judgement will definitely be passed by history according to its deserts. The problem is that those in power have failed to learn lessons from this tragic piece of history and make any progress, on the contrary, they have gone further by enacting draconian laws one after another to tighten the screw on the freedom of its people, turning the law into a political tool, so that those who love the country and its people dare not voice their discontents, still less strive to vindicate the 4 June incident.

To oppose the enactment of laws to implement Article 23 is to pave the way and make preparations for the vindication of the 4 June incident. To legislate on Article 23 will impose multiple hurdles for the struggle to vindicate the 4 June incident. Before the 4 June incident is vindicated, there is now already a rush to introduce the legislation on Article 23. The wrongs done to the dead in the 4 June incident have not yet been righted, while the Article 23 legislation forebodes more wrongful imprisonment. When will our Government come to its senses? YUAN Mu said that 23 persons had died in the 4 June incident, if so, then how many aggrieved deaths will the legislation on Article 23 cause? Therefore, it is significant that we do not forget the 4 June incident. It is a reminder for the people and the Government that they should reflect on the mistakes made in the 4 June incident, that they should never turn against the people, for example, not to force through the legislation on Article 23.

In the 4 June incident, one of the most controversial issues was whether the patriotic students at that time had colluded with foreign forces and accepted foreign funds, and whether there was a motive to overthrow the regime. All these were unfounded allegations. It is just like YUAN Mu's famous line, "Only 23 people died in the Tiananmen incident". If lies are repeated often enough, they will become truths.

Madam Deputy, our country has gained accession to the World Trade Organization and it is converging economically with the international community. If our leaders hold dialogues with leaders of other countries, they are said to be handling affairs of the country lawfully. However, if dissidents co-operate or communicate with internationally recognized human rights organizations, they will be branded as colluding with foreign forces, open to charges of treason at any time. The objective of the legislation on Article 23 is to proscribe

organizations which are illegal in the eyes of the Government. In doing so, they have forgotten the heart-rending lessons of the 4 June incident. Therefore, by not forgetting the 4 June incident, we remind our rulers that converging with the international community should not be confined to the economic domain only, but this should also be done in such diverse aspects as human rights, democracy, the rule of law, and so on. Only in this way will our Motherland make any progress.

In the past few years, although Hong Kong has achieved remarkable economic development and the life of Hong Kong people has been affluent, what many Hong Kong people find regrettable is that their hearts and minds are alienated from their country. Hong Kong is a city full of contradictions. As Chinese descendants, Hong Kong people care about their country and their hearts are brimming with patriotism, however, they also have a deep-rooted distrust and negative feelings towards the government in power.

Madam Deputy, recently I have the pleasure of reading a book published in 2001 and written by Mr TSAI Jung-fang, which is entitled *The Hong Kong People's History of Hong Kong*. The author put forward a historical viewpoint rooted in Hong Kong in trying to understand why Hong Kong people always harbour negative feelings towards the Chinese Government. The author stressed, to the effect, that "the Chinese leadership should recognize the needs of Hong Kong people, adopt policies that answer their aspirations, let Hong Kong people create a political system that is free, democratic and governed by the rule of law, and give a free rein to Hong Kong people in developing their talents fully. Only in this way will Hong Kong people view it in a positively light. Otherwise, Hong Kong people will only regard the Chinese Government as a foreign power."

Madam Deputy, the candle vigils that Hong Kong people take part in on 4 June each year are gatherings with the greatest numbers of participants in the world. The spirit of not forgetting the 4 June incident among Hong Kong people must be affirmed. Hong Kong people have their own needs. For 14 years, we have stressed persistently that the 4 June incident must be vindicated. This year, furthermore, we have to adopt the same perseverance in remembering the 4 June incident to oppose the Article 23 legislation.

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

MISS MARGARET NG (in Cantonese): Madam Deputy, I thank Mr SZETO Wah for moving the motion "to urge the 4 June incident be not forgotten" near 4 June every year so that once every year, we can pay tribute to the martyrs who sacrificed their lives for democracy and freedom, and tell people who are striving for democracy and freedom on Chinese soil that we are kindred spirits.

Madam Deputy, after the reunification, Hong Kong is the only free piece of land in China that can commemorate the 4 June incident openly. We still enjoy the freedom of speech, of association and of assembly, and in this Chamber in particular, we still have the freedom to oppose the Government. We treasure such freedoms more and more and find them increasingly precious because we have become more keenly aware that these freedoms can be taken away from us.

Our most painful experience this year is in dealing with the proposed legislation on Article 23 of the Basic Law. We have learnt from this experience that some things that can obviously be done well, which can be beneficial to both Hong Kong and China, can turn sour because of the stupidity of some people. It is apparent that a piece of well-drafted legislation will be enacted to protect our freedom. In the end, a piece of draconian law will be enacted in haste. We have also learnt from this experience that a lot of people equate "one country" principle with restriction of personal freedom. The more loyal to the "one country" principle, the "two systems" principle, as well as the space for freedom and individual, should be all the more undermined.

Madam Deputy, such views are very backward indeed. They are backward in every sense of the word. As a matter of fact, China as a whole is marching towards openness, democracy and the rule of law. Although the road ahead is still very long and full of barriers on the way, these voices become stronger and receive growing recognition. They are recognized both by the leaders and the establishment. Even if they cannot be implemented one hundred percent overnight, I believe those seeds have been sown and taken root.

I have recently watched a documentary called "China in the Red" outside Hong Kong, which is about the pains and achievements in the implementation of economic reforms in China in the past decade. Many academics appear in the documentary to express their comments and ideas. Among them is Prof WU

Jinglian, an economist in the Mainland. I think he is not a complete stranger to Hong Kong people because not only his writings are available in Hong Kong, he is also an honorary doctorate at the Baptist University. Near the end of the documentary, Prof WU said, to this effect, "There are immense problems in China. We have walked the wrong way for a long time. However, we have achieved unprecedented results in the past decade." At the end, he said that he hoped he might see democracy, the rule of law and economic prosperity in China during his life.

In some of Prof WU's writings, he wrote that a lot of people had misunderstanding about the rule of law. What they said about "to rule the country by law" and "to rule the country in accordance with the law" were wrong. He thought that although "to rule the country in accordance with the law" was better than "to rule the country by law", there was an embedded idea that they were the leaders who governed the people. The only question was how to rule. Prof WU also thought that the rule of law was the rule of law. Both the state itself and the exercise of all powers should be subject to the law. All power bodies, which included the Communist Party of China, should be subject to the law. This is the view of Prof WU Jinglian, one of the architects of the opening and economic reforms of China.

In the documentary, some other mainland academics also expressed their views. They thought that the most important issue in China at the moment was economic liberalization, such as how to build up a market economy and how to develop the stock market. In this connection, they had the following view: To achieve these goals, China must have democracy and freedom, especially the freedom of the press and of information. Otherwise, in no way could China reach that stage where wealth could be created and the China economy taken to a higher pedestal.

Madam Deputy, these are the voices of people who truly love China. They ask for freedom, democracy, the rule of law and openness. We should unite with these forces and insist to fight for democracy, the rule of law and freedom. With perseverance, we will unite with these liberal forces.

To vindicate the 4 June incident is an inevitable course of history. We are now just waiting for this to happen. While we are waiting, we commemorate this day every year to show our pride. Thank you.

MR FREDERICK FUNG (in Cantonese): Madam Deputy, 14 years ago, one group after another group of earnest young Chinese students organized themselves together. This happened against a background that after the catastrophic 10 years of the Cultural Revolution in China, social problems had arisen in tandem with the economic development, which included corruption among officials, great disparity between the development of cities and rural areas, and an immense wealth gap between the rich and the poor. In addition, the "big-pot" system in the past had collapsed, resulting in a large number of unemployed. Some of them could not find jobs, some of them had only meagre income and some of them remained unemployed. The students therefore wanted to make appeals to the Chinese Government through peaceful means, which included such moderate social movements like sit-in, hunger strike, and so on. Their actions strongly stirred the hearts of the people. Their influence not only prevailed in Beijing and China, but also in Hong Kong and Chinese communities all over the world.

At that time, everybody was united in the hope that the movement would stimulate and arouse the Government to launch reforms. Many people followed the example of the students and organized themselves to make positive suggestions to the Government, which were pinpointing mainly prevailing malpractices then. They strove for the attention of the Government to the unfairness caused by the overheated economic development. In fact, they strove through peaceful, reasonable and acceptable means.

In retrospect, the students did agree to the direction and the way ahead of the economic development in China. However, when social problems arose along with the development, they suggested the Government to introduce some reforms, which included not only economic reforms, but also reforms to the political system. They hoped that the transparency of administration by the government would be enhanced. They also hoped that channels would be established and institutionalized for the people to submit their opinions to the Government. In this way, collective wisdom could be drawn. Chinese people might have a chance to offer constructive ideas in relation to the development of their own country for the consideration of the Government. This way, both the Government and the people might work together for the future of the country and resolve various social problems.

The Hong Kong Association for Democracy and People's Livelihood (ADPL) and I think that such a spirit should be respected and recognized. Their appeals voiced in that scenario and their behaviour and actions were rational and

in line with social operation. Unfortunately, the movement ended in violent suppression, resulting in deaths and injuries. This ending has dashed the hopes of Chinese people in the Mainland, Hong Kong and overseas for the Chinese Government. This is a sad and regrettable ending, in which all the sad and regrettable memories will be forever engraved in the hearts of the Chinese people.

The ADPL and I have been enlightened in two aspects by the 4 June incident. Firstly, a lot of unarmed students were arrested unreasonably by the military and police forces. Some were seriously hurt physically and emotionally, and some even sacrificed their lives. However, they were given no legitimate and open trial. The Chinese Government owes the Chinese people and the world an account and explanation of the facts of the incident. Secondly, the 4 June incident reflects the aspirations of the Chinese people and even the whole Chinese race for the political development of the country. In particular, it gives us an idea of the thinking of the young educated in respect of democracy and freedom.

The ADPL and I think that if the Chinese Government handled the incident in an appropriate manner and with the best intentions, the ending of the movement would certainly be different. Today, China will be able to pave the way for democracy with the participation of the people. The whole Chinese race will be led towards unity in the long run. Regrettably, the Government then resorted to mistaken and inferior tactics to suppress the appeals of the people for political reforms. Therefore, it let slip a golden opportunity to reform and improve the upper echelons of the country.

In a nutshell, 14 years after the 4 June incident, China has achieved certain progress in economic development. Last year, China succeeded in gaining accession to the World Trade Organization and the right to host the Olympic Games. China has become a more active member of the international community and established links with the other countries. Both the education and living standards of the people in the Mainland have been improved. The ADPL and I think that since China is a country with a history of 5 000 years, and a country which has reached a period of prosperity recognized by all, the Chinese Government should face the history and its past mistake, and vindicate the 4 June pro-democracy movement so that our patriotic students can be given a fair and reasonable verdict.

Madam Deputy, I so submit.

DR YEUNG SUM (in Cantonese): Madam Deputy, the leading group of China has changed. The new State President, HU Jintao, the leader of China

MR MARTIN LEE (in Cantonese): Madam Deputy, I think we lack a quorum again.

(THE PRESIDENT resumed the Chair)

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Dr YEUNG, please continue.

DR YEUNG SUM (in Cantonese): Madam President, the leading group of China has changed. State President HU Jintao has mentioned to rule the country in accordance with the law. This is really a new practice put forward by a new personality. Moreover, during the recent SARS outbreak, Minister of Public Health ZHANG Wenkang has been removed from office by the Chinese leaders because of his attempt to cover up the spread of the epidemic.

Compared with the lawless days of the Cultural Revolution, to rule the country in accordance with the law is a major progress indeed. However, Madam President, there is still a wide gap between this concept of ruling the country in accordance with the law and the principle of the rule of law as generally understood by us. As far as I can remember, Mr Peter WESLEY-SMITH, former Dean of the Faculty of Law of the University of Hong Kong, once said that there were some simple and basic principles underlining the rule of law. For example, legislation should be clearly drafted to avoid ambiguities and misunderstandings. Moreover, everyone is equal before the law. Everyone receives equal treatment before the law. For example, if the poor cannot afford legal representation in proceedings, they will obtain legal aid. He also mentioned that everyone is presumed innocent before trial. These are the basic principles of the rule of law.

Judging by the present state of law in the Mainland, I believe there is still a rather wide gap between this concept of ruling the country in accordance with the law and the principle of the rule of law as we generally understand it. However, I would like to point out that it certainly represents a major progress when compared with the lawless days of the Cultural Revolution. Since the Chinese leader has mentioned to rule the country in accordance with the law, the Chinese Government should conduct an in-depth investigation into the pro-democracy movement of 1989 so that justice can be done to the people involved in the movement. According to the Constitution of China, people enjoy the freedom of assembly and of association. The pro-democracy movement of 1989, therefore, should not be condemned as an counterrevolutionary movement. People involved in the movement should be suitably vindicated. Since the great principle of ruling the country in accordance with the law has been put forward, I think actions should be taken in accordance with the law.

Madam President, I think there is still a big question mark over this concept of ruling the country in accordance with the law. If a democratic system is not in place, the National People's Congress may pass some draconian laws. And the courts may not be able to handle cases in an independent manner because they are usually subject to influence of political factors. It has been a very long time since the pro-democracy movement of 1989. However, its impact is profound, especially in Article 23 of the Basic Law (Article 23). The Basic Law was promulgated in 1990. After its promulgation, we found this article out of the blue because there was no such article in the draft. Apparently, the Central Government was afraid that Hong Kong would turn into an anti-communist base since 1 million Hong Kong people took to the streets to support the students during the pro-democracy movement of 1989. Insofar as Article 23 is concerned, I feel very sorry that the Government of the Hong Kong Special Administrative Region (SAR), instead of exerting its utmost to strive for human rights and freedom for Hong Kong people, has given up the yardstick of freedom in these areas readily. I believe the SAR Government intends to win praises from the Central Government. However, at the same time, this casts a great shadow over the legal system of Hong Kong. It is really a pity that the dividing wall of "one country, two systems" is charged mercilessly. If the proposed legislation on Article 23 is passed, the Government will be given excessive powers to undermine people's freedom of association, of the press, of religion and of academic research.

Thanks to the support of the Hong Kong Alliance in Support of Patriotic Democratic Movement of China and the general public, a candle vigil is held on 4 June every year. Some people may question the meaning of such activities. I personally think that it really has profound meaning. The history of the pro-democracy movement of 1989, the suppression by the Chinese Government and the subsequent massacre must be passed down from generation to the next through this gathering. The pro-democracy movement may not be vindicated in the immediate future. However, if we are confident and insistent and pass the history of this incident from generation to generation, I believe the 4 June incident will eventually be vindicated and the one-party dictatorship will also end.

Why do I say so? This is because I have confidence in the people and in history. With the accession to the World Trade Organization, China has to become a member of the international community and merge into the rest of the world by establishing links with the other countries. Moreover, with economic development, the intelligence of the people will be enhanced and the middle class will rise gradually. According to the general studies of politics, when these happen, the yearnings for democracy and human rights can never be suppressed. These yearnings will thrive and turn into an enormous driving force among the people for political and legal reforms.

I would like to call on the people of Hong Kong to participate in the 1 June march and the 4 June gathering. I also hope that people will take part in the march to be held on 1 July. As Hong Kong still enjoys a lot of freedom, we should seize the space for freedom and participate in the gathering.

Mr SZETO Wah mentioned last Sunday that whether it was possible for us to generate a change in quantity and then a change in quality through the movement. A change in quantity means that people will seize the space for freedom as far as possible and come forth to fight for the vindication of the pro-democracy movement of 1989 and to oppose the enactment of law on Article 23. It is hoped that an immense social force will be formed to compel the SAR Government to withdraw the proposed legislation on Article 23. Even if the Government refuses to withdraw the proposed legislation, the impact to be caused by such legislation should be minimized as far as possible. I hope that the 4 June movement will continue and the 4 June incident vindicated one day. I also hope that the one-party dictatorship of China will end one day, and a space for freedom and democracy will be restored for the compatriots in China and Hong Kong. Thank you, Madam President.

MS AUDREY EU (in Cantonese): Madam President, I am very grateful to Mr SZETO Wah for proposing a motion on the vindication of the 4 June incident every year. At this very critical moment when the law to implement Article 23 of the Basic Law (Article 23) is about to be enacted, this motion is particularly meaningful to the people of Hong Kong.

The mentioning of the 4 June incident naturally reminds people of a newspaper article written by BAO Tong, the secretary of the former Secretary-General ZHAO Ziyang of the Communist Party of China on his worries about the implementation of Article 23 in Hong Kong. He pointed out, to this effect, "Article 23 is a weapon for the defence of one-party dictatorship. The implementation of Article 23 is like hanging the Sword of Damocles over the heads of the 6 million Hong Kong people by a strand of hair, reminding the people of Hong Kong constantly of the might of one-party dictatorship. This is just the intent of Article 23..... . It can have its harm completely hidden, yet it can kill in the split of a second."

Yesterday, at a meeting scrutinizing the National Security (Legislative Provisions) Bill, Secretary for Security Regina IP, as usual, repeatedly ridiculed Members' worries about the enactment of laws on Article 23, commenting that their worries could be attributed to their having been misled or lack of knowledge on China. During the discussion on new section 8A(2)(c) to be added to the Societies Ordinance, which deal with the proscription of local organizations affiliated with a mainland organization that has been proscribed in the Mainland, the Secretary said that the Government of the Hong Kong Special Administrative Region had to take action to protect national security, and that there was nothing wrong with this. She even asked in return, to the effect, "Why have they to be so anxious once proscription by the Mainland is mentioned? Despite the different systems adopted in the Mainland, they act in accordance with the law." Madam President, "act in accordance with the law", what a comment. The 4 June incident is a good example. Is the suppression of people holding peaceful demonstration also an act in accordance with the law?

Let us not talk about the 4 June incident, for it is quite long ago. Only very recently, similar cases abound in the Mainland. Dr WAN Yanhai was arrested for disclosing the number of AIDS patients in Henan Province and their miserable conditions, and was charged with "unlawful disclosure of state secrets". YAO Fuxin and XIAO Yunliang, workers from Liaoyang

Municipality, were charged with the offence of "subverting the national government" for leading workers on a peaceful demonstration in the streets to voice their dissatisfactions with their annuity and wages being withheld. From our point of view, the above incidents are in no way related to "national security". However, they were finally treated as cases "endangering national security". How can one tell Hong Kong people not to worry?

According to Secretary Regina IP, we do not know China well. Maybe the China she knows is different from the one known by the great majority public. Let me quote BAO Tong's article once again, "Millions of citizens have been unjustly prosecuted for offences like 'treason'. Misfortunes befell on them just because they loved their people and their country too much and too deep, to the extent of offending the leadership." He went on to say, "the implementation of Article 23 means that one-party dictatorship will be transplanted in Hong Kong in accordance with the law, that Hong Kong is beginning to become more like the Mainland in accordance with the law, and that 'one country, two systems' can be shattered in accordance with the law."

It has been 14 years since the 4 June incident. On every 4 June evening, tens of thousands of people still participate in the candle vigil at the Victoria Park. Mr Daniel R. FUNG, SC, a delegate to the Chinese People's Political Consultative Conference, said in an earlier interview with the media that he thought the leaders of the Communist Party of China had long since "straightened out" the 4 June incident tacitly, only that a "vindication" in black and white was lacking. However, the incident is still cast in the minds of the people of Hong Kong. Madam President, a tacit vindication is not enough. It is only when we have the courage to face the bitter lesson from this chapter of history openly and make frank and sincere remarks that we can be bold enough to take a further step on the road to democracy.

I hope that discussions on Article 23 will be deferred until the 4 June incident is vindicated. Thank you, Madam President.

MR JAMES TIEN (in Cantonese): Madam President, it has been 14 years since the 4 June incident. As usual, Mr SZETO Wah has moved a motion on the incident as an annual ritual. The Liberal Party will, as usual, abstain in the vote. However, again as usual, I will give a brief response out of our respect to Mr SZETO Wah for his steadfast position in his conviction.

Regarding the circumstances surrounding the 4 June incident and why it ended in bloodshed, the Liberal Party, like last year, is of the view that history will pass a verdict.

Whether the 4 June incident should be vindicated is, we believe, a matter for the Central Authorities to consider. Nevertheless, it is certain that the past 10 years or so have seen remark achievement in the reform and opening of China. The progresses on the political front and legal system development made the State have continued to advance. Swiftly, China economy has grown and its society developed. The quality of life of its people has also been greatly improved. This shows that our country is on the way to a better future.

In recent years, the Central Government has made enormous improvement in terms of the style of administration, the transparency of government and the accountability of officials. The most recent example is the swift removal by new State President HU Jintao and new Premier WEN Jiabao of officials filing false report on the SARS outbreak. They have won high praises. Regarding the lifting of the travel advisory against Hong Kong by the World Health Organization last Friday, Vice-Premier WU Yi has certainly exerted her influence. Furthermore, former Premier ZHU Rongji has spared no effort in combating corruption and achieved remarkable success.

Madam President, at the 16th National Congress of the Communist Party of China held in November, the thought of the "Three Represents" of former General Secretary JIANG Zemin was recognized, and the admission of capitalist to the Party was endorsed. At the latest meeting of the National People's Congress and Chinese People's Political Consultative Conference held in March this year, more representatives from private enterprises were included to allow voices from more sectors of society to be reflected to the Government more directly. It all goes to show that the Central Government has made progress in development of the political system.

Regarding the development of external relations, China has recently succeeded in entering the World Trade Organization and in bidding to host the Olympic Games in 2008, while Shanghai has successfully secured the right to host the 2010 World Exhibition. These are events that serve to confirm that China's achievements on various fronts in recent years have gained recognition by the international community.

The Liberal Party thus maintains that whatever reform to be launched by the Mainland should be built on the foundation of a stable political and economic environment. Thus, at this stage, at the top of the priority list of the Central Government is economic development to create a more prosperous and vigorous community, only then can happiness be brought to the people.

Madam President, I so submit.

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

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, we have insisted on commemorating the suppressed pro-democracy movement of 1989 and continued to demand vindication of the movement for 14 long years. In the past, a lot of people told us to forget about the 4 June incident and support those in power. The latest version is urging us to keep abreast of the times. However, I would like to point out that if forgetting the 4 June incident and keeping abreast of the times means confusing the right and the wrong and ingratiating myself to those in power, I would rather stay in a space out of keeping with the times until the vindication of the pro-democracy movement of 1989.

Some people are of the view that the Mainland has made enormous progress in the past 14 years and we should look at the present leaders in a new light. Mr James TIEN also mentioned this point earlier. Regrettably, is the so-called progress real progress? When I think of how they deal with the dissidents, I think they have not changed in nature at all. They still regard these dissidents as scourges, or even virus carriers. Those in power during the 4 June movement treated the pro-democracy campaigners like the poultry in the avian flu incident, that is, sparing none of them their lives. In recent years, they have treated those infected with democracy like patients contracted atypical pneumonia, that is, all of them have been isolated either in prisons or reform-through-labour camps. The means may be different, but the nature remains unchanged. Therefore, how can we say that a regime has made progress when it still places itself on the opposite side of the interests of the people and the country?

In fact, those in power have never stopped suppressing democracy. Today, many Members have mentioned the enactment of laws to implement Article 23 of the Basic Law (Article 23). This is the most obvious example. As everybody knows, the present leaders do not allow any voice calling for democracy within the territory of China. They have worried themselves sick that the seed of democracy in Hong Kong will be planted in the minds of the millions of compatriots in the Mainland and the unpopular regime will eventually be overthrown. Therefore, after the suppression of the 4 June pro-democracy movement, a clause on the prohibition of subversion against the Central People's Government was added to the chapter on national security of the Basic Law in an attempt to deprive people of the right to oppose an unjust regime. The Government of the Hong Kong Special Administrative Region (SAR) led by TUNG Chee-hwa still insists on enacting laws on Article 23, and this precisely reflects that the so-called progress of the past 14 years is nothing more than an illusion.

Apart from the Article 23 legislation, current issues such as the Severe Acute Respiratory Syndrome (SARS) is also an awakening to us, making us all the more convinced that Hong Kong and the Mainland are inseparable and the development of Hong Kong hinges on the progress of the Mainland. The SARS epidemic has caused severe damages to Hong Kong. The covering up of the epidemic situation by the mainland authorities is one of the reasons why Hong Kong was short on vigilance to take precautionary measures. As a result, over 200 people lost their lives. This incident reflects that the malpractice of the corrupt bureaucrats of the Mainland not only affects the mainland people but also causes damages to Hong Kong. The democratic development of Hong Kong is vitally interrelated with the development of the Mainland. Any attempt to place Hong Kong outside China and separate Hong Kong cleanly from the democratic development of the Mainland is deceiving oneself and others. As long as there is an autocratic regime in power, the preordained political system in Hong Kong will remain in place. The present leaders understand better than us that China and Hong Kong are closely related. While Hong Kong is influenced by the Mainland, it can influence the Mainland *vice versa*. A place like Hong Kong, where democracy and freedom may flourish, cannot be tolerated in China.

In addition, we have also learnt from the atypical pneumonia epidemic that democracy and people's livelihood are inseparable. In the debate on this motion every year, many Members, especially those who oppose the motion, would say that if the pro-democracy movement had not been suppressed then, it would not have been possible for China to achieve such results in economic

development today. In fact, apart from this, people also pointed out that if an autocratic regime had not been in place, the atypical pneumonia epidemic in the Mainland would not have been contained so quickly. For example, a hospital could be built in only five days in Beijing to receive patients. However, I would like to point out that had the pro-democracy movement of 1989 not been suppressed, the democracy and freedom that could have been enjoyed by the people in the Mainland might ensure a higher degree of transparency of the epidemic situation. Since there was freedom of the press, people might have learnt more about the epidemic and heightened their awareness. As a result, the epidemic might not have spread to the present extent. Therefore, I think that the fight for democracy not only concerns dissidents like us, it is also closely related to the lives and livelihood of the general public. Therefore, in demanding the vindication of the 4 June incident today, we not only ask for justice to be done for those suppressed in the movement, but also commemorate the innocents who sacrificed their lives under the corrupt regime, which include miners who work for illegal mines, villagers who are forced to sell blood and patients who die in epidemic.

Madam President, some people think that our country is progressing. However, an epidemic has made us see how fragile a country is when there is no fundamental reform but only superficial economic prosperity. At present, there are still mainland officials who sharply attack that freedom of the press will scare away investors, and there are still district bureaucrats who lie with their eyes open. They twisted the fact of being the source of the epidemic into the discoverer of the epidemic because of their advanced technology. These phenomena reflect the lack of a democratic system to check corrupt bureaucrats. As long as the pro-democracy movement of 1989 is not vindicated and a democratic system is not established in China, we can only "insist! insist! insist!" in response to those who ask us to put down the burden of the 4 June incident and to keep abreast of the times.

Madam President, I so submit.

MS CYD HO (in Cantonese): Madam President, 14 years ago, the people of Hong Kong rendered their support to.....

MR MARTIN LEE (in Cantonese): Madam President, a quorum is again lacking.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber?

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Ms Cyd HO, you may continue.

MS CYD HO (in Cantonese): Madam President, 14 years ago, the people of Hong Kong rendered their support to the pro-democracy movement in the Mainland, because they hoped that there could be democracy in China, that Hong Kong could still enjoy democracy when it came under one country again. At that time, as many as 1.5 million people took to the streets, in an unprecedented peaceful assembly. Very much unfortunately, the Chinese people sowed the seeds, but the harvest was reaped in Eastern Europe, on the other side of the globe.

Sometime before the 4 June incident in 1989, many people looked upon the country with high expectations; all people were so patriotic, regardless of who they were. Together, all of them questioned, criticized and condemned that core of power in Beijing, for there was at that time no need to show any blind loyalty to the Communist Party of China. When that power core inflicted harm on the people, when it suppressed all opposition in the name of stability, when it sought to curb the people in their demand for clean administration, in their fight against corruption and speculation by officials, and when it turned its military might against the people, all patriotic residents of Hong Kong at that time, whether they belonged to the right wing or the left wing, whether they were old patriots or new ones, pooled themselves together in a patriotic outburst. There was unprecedented solidarity in society even without any government championing. The reasons were very simple. That was because we were able to tell right from wrong. Or, it might be that since it was generally believed that the people in power might somehow step down, some thus reckoned that they could as well be a bit more courageous than usual and step forward to tell what was right and what was wrong. Social cohesion is surprisingly such a simple thing — it will emerge as long as there can be any opportunity to voice the facts and the truth. Who needs any government officials to shout themselves hoarse and exhausted for it?

At that time, we all said a lot and jointly signed up many newspaper advertisements too. What was most frequently heard was this: "We must care for and protect the students". Those who were more radical said, "We strongly condemn those in power in Beijing for their bloody suppression of the students and the masses on 4 June". And, some seething with righteous indignation even said, "The Chamber expresses its shock and outrage at the crazy and bloody suppression of Beijing students and citizens by a handful of Chinese leaders. We strongly condemn the handful of Chinese leaders for their atrocities, and express our mourning for our deceased compatriots." The condemnation I read aloud just now was issued by the Chinese General Chamber of Commerce. It is a pity that although Mr Martin LEE interrupted the meeting for a quorum, no Member belonging to the Chinese General Chamber of Commerce has returned to hear me read out the condemnation.

The outburst of righteous indignation at that time was so touching. Unfortunately, however, the tyranny managed to gain the upper hand temporarily, and as usual, the people of Hong Kong were flexible and quick enough to trim the sails to the wind. Fourteen years later, today, the people who jointly signed up the advertisements are faced with the enactment of laws to implement Article 23 of the Basic Law (Article 23). Some of these people are even Members of the Council. However, they are so sharply divided now, so one realizes that patriots are divided into different types. All these people stood together as one group years back, but now, it is said that some of them are not worthy of being called Chinese. People should remember that the relative latitude of the original Article 23 was in fact removed after the pro-democracy movement in 1989 and replaced by the existing provisions, including the one on banning connections with foreign political organizations. But some have chosen to forget, to forget that the final version of Article 23 is intended to prevent Hong Kong from becoming a base to subvert a high-handed one-party dictatorship, to prevent the people from criticizing official corruption.

Where has the ability to distinguish between right and wrong gone? The supporters of Article 23 legislation argue that not everyone will violate the national security legislation so very easily, so there is no infringement of freedom. This is wrong. The many declarations we made at that time all advocated that the freedom of the press and expression must be protected. Let me try to illustrate my point more specifically. I will again refer to the Chinese General Chamber of Commerce as an example. On 5 June that very year, the Chamber issued a solemn declaration consisting of four points. The fourth-

point declaration reads like this: "We hereby call upon all our 6 000 or so members and the people of Hong Kong to try every possible way to tell the people in the Mainland what we know about the massacre committed by the army." Judged against the proposed provisions of the Article 23 legislation, this declaration of the Chamber may already constitute the offences of sedition, disclosure of damaging information and issuing of seditious publications. Those responsible could be sentenced to life imprisonment two times. If there had been any Article 23 legislation years back, then even if no prosecution was initiated in 1989, people can still be prosecuted this year, that is, 14 years later, or even 40 years later, due to the removal of the time limit for prosecution.

Our country has definitely become more open sine 1989. But Hong Kong has on the contrary regressed a great deal, becoming less open. Madam President, I hope we can all see our love for our country as a means to understand the fine elements of our cultural heritage. As for those unhealthy elements, elements which may lead to riots and suppression, we should discard them.

If we can draw lessons from history and avoid the repetition of mistakes, we will be able to make faster progress. But if we choose to forget the historical past and refuse to learn from experience, then, sorry, history will only repeat itself. Suppression and bloodshed will only repeat themselves again and again. If we choose to forget the historical past, it will sooner or later repeat itself before our very eyes, becoming our nightmare.

The Article 23 legislation put before us now contains many provisions with shoddy definitions. There are also provisions that are very much an overkill. Are we going to achieve social cohesion and harmony by introducing democracy and protecting human rights? Or, are we going to suppress the discontented masses by draconian laws and run the risks of resultant riots? The legislators must really do justice to those Chinese citizens who died in the suppression; they must also do the right thing for their own children.

Lastly, I wish to tell a story in history. In the State of Qin, SHANG Yang, a representative of the Legalists, tried to administer the state by the strict application of laws. When he was Prime Minister, he put in place a compulsory crime-reporting system whereby one who knew of a crime but did not make a report would be implicated. Later on, SHANG himself broke the law, but

because of this crime-reporting system, no one was willing to offer him any help and shelter. In the end, having no way to escape, he was arrested and executed in the city market. The Chinese idiom "作法自弊" (he who makes the law is implicated by the law) comes from this story. Legislators please take note.

MR MARTIN LEE (in Cantonese): Madam President, again, a quorum is lacking.

PRESIDENT (in Cantonese): Mr LEE, please take your seat first. Will the Clerk please ring the bell to summon Members back to the meeting? I suppose Mr LEE can continue with his speech very soon.

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr Martin LEE, you may continue.

MR MARTIN LEE (in Cantonese): Madam President, I did have a reason for drawing your attention four times to the lack of a quorum. Those Members who are unwilling to listen to our speeches are exactly those who support the enactment of laws to implement Article 23 of the Basic Law (Article 23). Since they have the "guts" to support Article 23 legislation, they should also have the "guts" to listen to our speeches.

On 19 May 1989, LI Peng declared a curfew. The following day, that is, 20 May, 50 000 people took to the streets despite the hoisting of Typhoon Signal No. 8. On 21 May that year, a Sunday, 1 million people took to the streets. Then, on 22 May, the UMELCO convened an in-house meeting to discuss the issue of political development. Committee Chairman Lydia DUNN, who had just returned from China, was the first to speak at the meeting. She said that in the Mainland, she saw hundreds and thousands of people taking to the streets, commenting that China could no longer remain unchanged, and neither could Hong Kong. We reached a consensus very quickly, whereby all of us agreed that all Legislative Council Members should be returned by direct elections as from the following term. Mrs Selina CHOW, however, disagreed, explaining

that we should not make any decision at such an emotive moment. She therefore advised us to wait a few days more, until the following Wednesday. That Wednesday was 24 May, and when it came, as expected, some people really made a volte-face. But a UMELCO consensus was still reached, whereby it was agreed that all Legislative Council seats must be returned by direct elections before the reunification. On 26 May, the "Concert for Democracy in China" raised more than \$10 million. On 28 May, the ensuing Sunday, 1 million people again took to the streets. Then, on the following Sunday, 4 June, there came the massacre.

Recently, that is, on 7 May this year, a motion on a vote of no confidence in Antony LEUNG was moved in the Legislative Council; on 14 May, another motion was moved

DR PHILIP WONG (in Cantonese): Madam President, a quorum is not present.

MR MARTIN LEE (in Cantonese): Thank you.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the meeting.

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr Martin LEE, you may continue.

MR MARTIN LEE (in Cantonese): Madam President, my thanks go to Dr Philip WONG for pointing out for me that a quorum is not present, though it now seems he does not want to listen to my speech. Anyway, I still have to thank him, because of his reminder, several public officers have come into the Chamber. I hope these officials can respond to the motion later on.

Madam President, I was saying that on 7 May this year, there was a motion debate in this Council on a vote of no confidence in Financial Secretary

Antony LEUNG. On the ensuing Wednesday, 14 May, there was another motion debate on requesting the Chief Executive to resign. Last Wednesday, 21 May, Mr Albert HO moved a motion on implementing the election of the Chief Executive and all Legislative Council Members by universal suffrage. Secretary for Constitutional Affairs Stephen LAM asked why there had been so many sensitive motions. He is however not here today. Today is just 28 May, and the best day for a motion debate on the 4 June incident should be 4 June, but that very day this year happens to be a holiday. I believe that after the vindication of the 4 June incident, 4 June every year will be designated a holiday.

Fourteen years ago today, 28 May 1989, 1 million people took to the streets for the second time. I just wish to remind Members to recall how they felt at that time. In fact, the 1 million of us were all of one heart at that time. It was such a great delight to see "leftists", "rightists" and those in the middle all taking to the streets together, because all of us were filled with great hope, hoping that democracy would come and the fight against corruption would succeed. Many Members no longer want to debate with us now. In the motion debates over these three weeks, they simply kept on saying that we had to pool ourselves together to combat Severe Acute Respiratory Syndrome (SARS).

The people of Hong Kong are capable of struggling on with one heart. The only thing is that the Government itself is now stirring up the most divisive issue of all, insisting that Article 23 legislation must be enacted as quickly as possible. Why such haste? I really cannot see any reason for that. Anyway, the Government itself is stirring up the most socially divisive issue. Whenever the Government does not want us to discuss an issue, it will tell us to forget about it for the most pressing issue to tackle now is SARS. I can see that some Members are still so reluctant to stay in the Chamber now to listen to our discussions on the 4 June incident. Obviously, these Members all have a guilty conscience, so even listening is so disconcerting to them.

They will not admit this, of course. They will simply say, "It has nothing to do with our "respect" or lack of it for your discussions on the 4 June incident. But this topic is brought up for discussion once every year, so how can one still have any interest in it?" But can't we see that Mr James TIEN at least still bothers to read aloud the same speech every year (though he has to say "14 years" this year and had to say "13" last year and "12" the year before last). No Members belonging to the DAB have spoken today, and I suppose none of

them will do so anyway. But at least, its Chairman has not left the Chamber since the first call for a quorum was made.

Madam President, yes, we will continue to bring up the issue for discussion every year. When vindication comes, we will celebrate. There is one big difference between us and our State leaders. In regard to the 4 June incident, the Central Government always wishes to "wash its hands, wash its hands and wash its hands" to rid them of the stains of blood. We have always wanted "vindication, vindication and vindication" — the vindication of the 4 June incident. Thank you.

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

MR LEE CHEUK-YAN (in Cantonese): Madam President, from a book I have recently read, I have learnt of an editorial entitled "Time Has Started", published in the *People's Daily* in November 1949. The author of this editorial was accused by MAO Zedong of being a Kuomintang element and sentenced to jail six years later.

Honestly, I find "Time Has Started" a very heartening expression. The year 1949 was the very year when the Chinese people said goodbye to the feudal order, to colonialism and to the spheres of influence of foreign aggressors — in a word, the very year when the Chinese people rose to their feet. However, very soon, time seemed to come to a halt, and autocracy returned. As I perceive it, the 4 June incident virtually brought time to full stop. To begin with, I have not been allowed to return to the Motherland since the 4 June incident, but this is not the only reason; what is more, after one has seen how a people's government — a self-proclaimed people's government — suppressed the people, and how a self-proclaimed people's army shot and killed the people, one can only say the 4 June incident really brought time to a standstill.

Many people argue that society has continued to make progress and the economy has also continued to develop. But we should really look back and note that despite all the economic development, political reforms and progress in human rights and liberties have all been brought to a complete standstill. Let me say to Members that human beings are no simple economic beings; they also cherish many values and have many loft aspirations — not the "noble

aspirations" mentioned by TUNG Chee-hwa, though — and some of these aspirations, such as those associated with unity, freedom and tolerance, are in fact very important. Unfortunately, the 4 June incident brought all this to a halt, depriving the people of their freedom and China the seeds of democracy. But some people may not look at things that way. I do not know how they perceive time.

I am going to read aloud a declaration and hope that those concerned can make a clarification on what timeframe they had in mind at the time:

First, we strongly condemn those in power in Beijing for their bloody suppression of the students and masses on 4 June;

Second, those in power in Beijing must stop all suppression and arrests immediately;

Third, we express our deepest mourning for the students and masses killed in the 4 June incident;

Fourth, we call upon all workers in Hong Kong to tell their relatives and friends in the Mainland the truth behind the 4 June incident in various forms and through various channels.....

MR JAMES TO (in Cantonese): Madam President, a quorum is lacking now.

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may continue.

MR LEE CHEUK-YAN (in Cantonese): Thank you, Madam President. I was up to the fifth point of the declaration. Let me now continue.

Fifth, we call upon all workers in Hong Kong to take part in the mourning to be held on 7 June in the forms suitable to the specifics of their respective trades and industries;

Sixth, we call upon people from all walks of life in Hong Kong to remain calm and join hands to work pragmatically for the stability of Hong Kong. We also call upon them to continue to support the patriotic pro-democracy movement in the Mainland with an active, sensible and peaceful attitude.

This declaration was issued on 6 June 1989. This declaration called upon workers to take part in the mourning on 7 June. This declaration was not issued by the Hong Kong Confederation of Trade Unions (CTU), but by the Hong Kong Federation of Trade Unions (FTU). The CTU was not yet founded at that time.

Then, on 16 June, there was another declaration, also issued by the FTU:

"While the blood stains on the streets of Beijing are still wet, a massive, nation-wide campaign to arrest people has started" — very touching, I must say. The declaration then raised another point — "the protection of the freedom of the press and expression; fourth, we shall insist on our patriotic position and struggle for democracy."

This was a declaration signed jointly by many organizations, including the FTU, including even Mr TAM Yiu-chung and Mr Jasper TSANG, who are both sitting in the Chamber. The title of the declaration was "What Should We Do?". Sometimes, when I look at all these declarations, I honestly do not know what I should do. The next time when the FTU, Mr Jasper TSANG and Mr TAM Yiu-chung make a declaration, maybe they can tell me just for how long it will stand. Just one month? Two months, one year, or what? How long will their declarations stand? If, some time after issuing these declarations, they have the face to side with those in power again, to side with the government which suppresses the people, I really have to ask, "What should we do?"

We often say we will not forget the 4 June incident, but what do we really mean by this? I think it is imperative that we must do justice to all those martyrs of democracy. If we forget the 4 June incident, we will in fact be asking all those students and people who died for the cause of democracy to die a second time. If we not only forget the 4 June incident but also make a "volte-face", the martyrs of democracy, having died a tragic death, will not rest in peace and will rise from their graves in discontent, so to speak.

I therefore think that having issued their declarations, they should really stick to their avowed position. The 4 June incident was itself a tragedy caused by one-party dictatorship. How can the repetition of such a tragedy be prevented? The answer must be the end of one-party dictatorship. Sadly, we now see that people still want to enact laws to implement Article 23 of the Basic Law and introduce the tool of suppression of one-party dictatorship into Hong Kong under the guise of legislative enactment. Secretary Regina IP often asks, "Can there be anything more important than national security?" The "royalists" may also ask this question very often. But let me just tell Members that there is one thing which is most important. It is the freedom of the people. It is more precious than anything else on earth. Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr SZETO Wah, you may now reply. You have up to 14 minutes 51 seconds.

MR SZETO WAH (in Cantonese): Madam President, today.....

MR JAMES TO (in Cantonese): Madam President, a quorum is not present now.

PRESIDENT (in Cantonese): Mr SZETO Wah, please sit down. Mr James TO has pointed out that a quorum is not present.

MR SZETO WAH (in Cantonese): Please do not count the two seconds just now.
(Laughter)

PRESIDENT (in Cantonese): Fine. Will the Clerk please ring the bell to summon Members to return to the Chamber.

(After the summon bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): Mr SZETO Wah, please continue.

MR SZETO WAH (in Cantonese): Madam President, today, it is the sixth time that I move a motion on the 4 June incident in this Council. It is immaterial whether the motion is passed or not. My purpose is to record in history some people's faces year in year out.

For the first time, on 21 May 1997, the voting result was that 22 Members were in favour of the motion, four abstained and one against it. The motion was carried.

In 1998, as the through-train had been derailed, we were forced to alight. Since there was only the Provisional Legislative Council then, we were unable to move the motion.

For the second time, on 19 May 1999, the voting result was that 20 Members were in favour of the motion, 22 against it and 13 abstained. The motion was negated. However, in the group of Members returned by geographical constituencies through direct elections and by the Election Committee, the motion was passed with a voting result of 14 to 13.

For the third time, on 17 May 2000, the voting result was that 19 Members were in favour of the motion, 19 against it and nine abstained. Similarly, in the group of Members returned by geographical constituencies through direct elections and by the Election Committee, the motion was passed with a voting result of 14 to 12. However, due to the separate voting mechanism, the motion was negated.

For the fourth time, on 16 May 2001, the voting result was that 21 Members were in favour of the motion, 19 against it and eight abstained. On the total count of votes, there were more Members in favour of the motion than those against it. However, also due to the separate voting mechanism, the motion was negated.

For the fifth time, on 30 May last year (that is, 2002), the voting result was that 18 Members were in favour of the motion, 17 against it and nine abstained. Similarly, although on the total count of votes, there were more

Members in favour of the motion than those against it, due to the separate voting mechanism, the motion was again negated.

As I analyse it, from the five votings mentioned above, voting Members could not simply be divided into three categories of in favour, against and abstaining. I have come up with the following conclusion: I am not going to mention those who voted in favour of the motion. For those who abstained, they are basically Members belonging to the Liberal Party. During the first motion debate, Mr Allen LEE, Chairman of the Liberal Party, already made clear their stance. Subsequently, Mr James TIEN, the succeeding Chairman of the Party, also made a speech of similar content. There have been long-standing abstentions, and they include Mr Eric LI, Mr LEE Kai-ming and Mr Bernard CHAN. For those who have been voting against the motion, their stance has all along been the same and they have not changed.

Those Members who voted against the motion can also be classified into two categories. For the first category, they only voted against the motion but did not speak. For the second category, not only did they vote against the motion, but they also spoke to attack the 1989 pro-democracy movement. They are Mr CHIM Pui-chung, Mr WONG Yung-kan, Mr TAM Yiu-chung, Mr NG Leung-sing, Mr Ambrose LAU and Mr YEUNG Yiu-chung.

Mr CHIM Pui-chung spoke in the first motion debate. But later, he was imprisoned for a criminal offence. He lost his membership in this Council and hence the chance and qualification to vote and speak in this Chamber. I have once said that those who crack down on patriotic student movements would come to a tragic end. Those who speak to attack patriotic student movements would also come to a tragic end.

The remaining four Members are Mr WONG Yung-kan, Mr NG Leung-sing, Mr Ambrose LAU, Mr YEUNG Yiu-chung. They all spoke in the second motion debate moved by me. However, since then, they all remained silent in the subsequent motion debates. In comparing those who spoke and those who did not speak, I find that the latter have a bit more sense of guilt and conscience. A mute voting machine is in any way better than a voting machine which makes noises.

There is another category of Members whose stance and position must be mentioned. They did attend the Legislative Council meetings concerned, as I

have checked the Official Records of Proceedings. I found that in the agenda items prior to and after the motion, they had participated in the voting. However, they refrained from attending the motion concerned and did not participate in its voting, and their position has all along been the same. I have to name them. They are Mr Timothy FOK, Mr Andrew WONG, Ms LI Fung-ying, Mr Abraham SHEK and Dr LO Wing-lok. Their refusal to attend and vote in the motion is also an expression of their position, which I rather appreciate. I understand the reasons of some of the Members. Take Ms LI Fung-ying as an example, she is a representative of the Federation of Hong Kong and Kowloon Labour Unions, which is still a member of our Hong Kong Alliance in Support of Patriotic Democratic Movements of China, although she seldom attends our meetings. I think that her refusal to attend and vote in the motion is an improvement compared with her predecessor Mr LEE Kai-ming who abstained from voting. Nevertheless, about Mr Andrew WONG, I just do not understand the reason.

There is an ex-Member who has ceased to be a Member of this Council for years, and that is Mr Ambrose CHEUNG, who I really have to mention. He spoke and voted in favour of the motion in the first motion debate moved by me. I have not met him for a long time and here, I send him my regards.

Today, similarly, a lot of Members will vote against the motion. As in the past, they have remained silent, and some are not even sitting in this Chamber. Originally, I was prepared to use a lot of time refuting their arguments. But now, as it is pointless to do so, I have to square old accounts. I would now comment on some of their speeches made in the motion debate that I moved for the second time, which I had not thoroughly commented on back then.

First of all, it is Mr WONG Yung-kan. I clearly recall that he said.....

PRESIDENT (in Cantonese): Mr SZETO Wah, your speech cannot digress from the scope of this motion debate. You can only mention matters that are related.

MR SZETO WAH (in Cantonese): I am talking about the 4 June incident.

PRESIDENT (in Cantonese): I know that you are talking about the 4 June incident. But please state clearly how the content of the past debates in this Council is related to this debate.

MR SZETO WAH (in Cantonese): I clearly recall that at that time, the last sentence of his speech was: "我知道稍後會被人'片到開花'" (meaning "I know that I might be torn apart later"). I checked his speech in the Official Record of Proceedings and I saw that this was not so colloquially written. This was written as "我知道可能會被人痛罵" ("I know that I might be castigated"). To rewrite "片到開花" (torn apart) as "痛罵" (castigated) is a good move. *(Laughter)* In my opinion, when he knew that somebody would tear him apart afterwards, he actually felt somewhat guilty inside him. But he is a very honest person. If he was required to speak, he would speak. And I believe that his speech was written by another person. In the original speech, that sentence would not be written as "片到開花" (torn apart). Thus, I believe that "片到開花" (torn apart) was impromptu. He actually revealed his real feeling at that time.

Besides, it is until today that I have the opportunity to correct a point because Mr TAM Yiu-chung had quoted a poem by BAI Juyi in his speech:

When the Duke of Zhou feared rumours,
When WANG Mang was humble and not yet usurped the throne,
If they had died at that time, how to anybody
Could their true colours become known?

At that time, I said that this poem should have come from the *Romance of Three Kingdoms*, but I was wrong. This poem was actually originally written by BAI Juyi. However, when it was quoted in the *Romance of Three Kingdoms*, a few words had been changed. I made a mistake back then, and here I tender him my apologies.

At that time, I asked him: In 1989, he took to the streets to join the demonstration. He took the lead in shouting "Down with DENG, LI and YANG". Was he the Duke of Zhou or WANG Mang then? Or now that after he had made a volte-face, when he spoke and voted against the motion, was he the Duke of Zhou or WANG Mang? In fact, he was neither of them. He was only playing the role assigned to him. Whatever people ask him to play, he would play. I believe that on the day when the 4 June incident is vindicated, he

will ask himself again whether he is the Duke of Zhou or WANG Mang. I have intended to comment on Mr YEUNG Yiu-chung, as well as Mr NG Leung-sing and Mr Ambrose LAU, however, I would rather leave it as I see that there is not much time left.

When Mr Donald TSANG was sitting here just now, I was very glad. It is because in the past motion debates concerned, government officials had never spoken. So, was he going to speak then? But now it seems that this is not very likely. (*Laughter*) Why will no government officials speak in this motion? I think that no one is willing to take up this difficult task. Isn't it true? On second thoughts, I think it might not be due to this reason. There are two persons who surely will be willing to take up this task, and they are Mrs Regina IP and Mr Stephen LAM. They will be very willing to take up this task which is considered as unpleasant and difficult by others. However, I find that both of them are not suitable. The most suitable person to respond to this motion is Mr TUNG Chee-hwa. It is because shortly after reunification, he called upon Hong Kong people to set down the burden. And he should come and say this in the Council. He has met with me twice in private. On both occasions, he asked me not to commemorate the 4 June incident. He should come and say this to the others, too. Afterwards, he asked to meet me again, but I refused, because I said that since he would only be repeating himself, it was pointless to meet again.

PRESIDENT (in Cantonese): Mr SZETO Wah, I am really sorry that I have to interrupt you again. I have to remind you that according to Rule 33(3A) of the Rules of Procedure: "The reply, if so made (you are now speaking in reply), shall be confined to matters raised during the debate."

The matters that you now refer to have not been raised during this debate. Thus, when you speak in reply, please only mention those matters raised during this debate.

MR SZETO WAH (in Cantonese): In regard to the 4 June incident, there are three official lines which are spoken very often. They are "look forward", "do not argue" and "leave it to history". Ask people to "look forward" is to ask them to forget history, not to learn from history. In that way, people will definitely repeat the mistakes made in the past. "Do not argue" is to disregard the truth, because the more you debate, the more conspicuous is the truth.

However, why would people be afraid of seeing the truth from arguments? To "leave it to history" is simply filibustering. It is wishful thinking that procrastination can make the facts fade away from people's memory, or save oneself from the oblivion of people. Nevertheless, the longer the debt of blood is to be repaid, the higher is the interest that one has to tender.

When Dr JIANG Yanyong, the Beijing doctor who disclosed that the authorities had been covering up the epidemic in the Mainland, was interviewed by the reporters from *Sing Tao Daily* and *The Sun* from Hong Kong, he mentioned that he had participated in the rescuing work in the 4 June incident. He was full of pain and hatred when he saw the huge number of casualties. Mr GAO Wenqian, author of the recently published *The Latter Years of ZHOU Enlai*, is also a Member of the Central Party Literature Research Centre of the Central People's Republic and Head of the ZHOU Enlai Research Group. He has also participated in compiling *A Chronicle of ZHOU Enlai*, *A Biography of ZHOU Enlai*, *A Biography of MAO Zedong*, and so on, which are official publications. In the book, he mentioned that he had been determined to write this book during the 4 June incident in order to reflect the truth of history. And he has spent five years on this book, which is indeed a good read.

"Take heed of the striking thunder in a world of silence." Lies presented in black and white can never cover up the fact of bloodshed. Do not think that all people will lose their memories. Dr JIANG Yanyong and Mr GAO Wenqian have not lost their memories. Mr LEE Cheuk-yan referred to some declarations earlier. He read out a declaration by the Hong Kong Federation of Trade Unions. Now, let me read out a more momentous one. It is a pity that Dr Philip WONG is not here, as back then, he was in full support of this declaration released on 6 June by the Chinese General Chamber of Commerce. It says: The Chamber of Commerce, to the massacre committed by a handful of persons in power in China on the students in Beijing.....

PRESIDENT (in Cantonese): Mr SZETO Wah, I really have to apologize for interrupting your speech again, as the content of your speech is indeed.....

MR SZETO WAH (in Cantonese): I am only supplementing what has been said by Mr LEE Cheuk-yan.

PRESIDENT (in Cantonese): Mr SZETO Wah, this supplementary part of your speech has not been mentioned in the entire debate. In fact, what you are saying now should have been said right at the beginning when you spoke to move the motion, but now it is the time for you to speak in reply. I think that there is something wrong with it. Maybe other Members can help Mr SZETO Wah.....

MR SZETO WAH (in Cantonese): I am only supplementing what has been said by Mr LEE Cheuk-yan.

(Mr James TO made an indication)

PRESIDENT (in Cantonese): Mr James TO, please speak.

MR JAMES TO (in Cantonese): Madam President, I certainly respect your view. However, I only want to bring out one point and to make clarification. If Member A, for example, Mr LEE Cheuk-yan has aired a certain viewpoint, say he found that in regard to the 4 June incident (as we are discussing the 4 June incident), organization A has made declaration A, and as I understand it, Mr SZETO Wah was just now responding to this. He was saying that declaration A made by the so-called organization A as quoted by Member A was not the most radical one, as there were even more radical ones made by other organizations then. In fact, Mr SZETO Wah was talking about the quotation at that time.

PRESIDENT (in Cantonese): I can accept Mr TO's explanation. Mr SZETO Wah, please continue with your reply.

MR SZETO WAH (in Cantonese): First, the Chamber of Commerce expresses our astonishment and anger to the maniac massacre committed by a handful of persons in power in China on the students and people in Beijing. We strongly condemn the violent act of those handful of persons in power in China and express our condolence for the death of the compatriots. Second, the Chamber of Commerce reckons that using violence to suppress public opinion is not the

way to rule the country. Violence should be stopped at once while a National People's Congress meeting should be convened immediately to listen to public opinions and solve the problems. Third, the Chamber of Commerce sincerely calls upon all people in Hong Kong and China to maintain their patriotic stance, unite together, keep calm, closely monitor the development of events, provide effective support to those compatriots in the Mainland who are fighting for freedom and democracy, and to make useful contribution to the stability and prosperity of Hong Kong. Fourth, we urge the 6 000-odd members of the Chamber of Commerce and the public of Hong Kong to pass on the truth as we can comprehend about the massacre by military troops to the people in China.

There is other information which I can supplement. He has just read out a declaration by the Hong Kong Federation of Trade Unions. And now let me take out a statement from the Hong Kong Federation of Education Workers Limited.

PRESIDENT (in Cantonese): Mr SZETO Wah, your speaking time is up.

MR SZETO WAH (in Cantonese): I so submit and would like to claim a division.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by SZETO Wah be passed.

PRESIDENT (in Cantonese): The division bell will ring for three minutes.

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

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

Functional Constituencies:

Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr LAW Chi-kwong and Mr Michael MAK voted for the motion.

Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Dr Philip WONG, Mr WONG Yung-kan, Mr Henry WU, Mr LEUNG Fu-wah, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Mr Kenneth TING, Mr James TIEN, Mr Eric LI, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU and Mr Tommy CHEUNG abstained.

Geographical Constituencies and Election Committee:

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

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

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, five were in favour of the motion, eight against it and nine abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 15 were in favour of the motion and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion: Clean Hong Kong.

CLEAN HONG KONG

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, I remember that 30 years ago when I was in junior secondary school, my teacher asked me to write a composition on the topic "My views on Clean Hong Kong". However, I have to ask Members to take the trouble to discuss "Clean Hong Kong" in this Chamber again today. Some may ask why it is necessary for Honourable Members to spend public money on discussing this topic about which even secondary school students can write compositions. If Hong Kong has not been devastated by the Severe Acute Respiratory Syndrome (SARS) epidemic, we would not have discovered that certain places in Hong Kong are so shockingly filthy. I have an article in yesterday's *Ming Pao* about the conditions of lightwells at hand. Without the lesson learnt from and the price paid for the SARS epidemic, we would not know that Clean Hong Kong is not a simple or easy matter for it involves legislation and enforcement, the communication and co-operation among government departments, and the participation of the community. To completely send away the SARS God of Plague, ensure people's safety, health and quality living, it is a prime task of great urgency to handle cleaning and hygiene matters well.

The havoc wreaked by SARS has highlighted lots of problems with environmental hygiene in Hong Kong. The sewerage systems of many buildings have long been out of repair, the back alleys are soiled, objects are thrown from height and litterbugs abound despite efforts to stop them and people have a weak sense of personal hygiene. All this has made it easy for viruses to breed and spread to jeopardize people's health and safety. The extremely filthy and sickening hygiene black spots shown on television and the pictures in newspapers not only humiliate Hong Kong before the international community but also threaten Hong Kong people's health and lives. The serious and long-standing problems of environmental hygiene in Hong Kong have surfaced before our eyes in the wake of the SARS outbreak this time. It is not too late to mend the fold even after some of the sheep have been lost and we drum up our resolve and seize the opportunity to improve environmental hygiene and establish habits

of personal hygiene and health care. This is a time for us to take vigorous measures and make forceful moves to clean Hong Kong well.

In fact, the proposal to clean Hong Kong is not just made today. We have heard the two slogans: Keeping Hong Kong Clean is Everyone's Responsibility (清潔香港、人人有責) and Everybody Hates Littering (亂拋垃圾、人見人憎) for a long time. Although the Clean Hong Kong Campaign has been held for more than 30 years, its effectiveness has not been satisfactory. Just take a look at the streets, parks, back alleys and the countryside and we will find rubbish everywhere; we will see graffiti everywhere and heaps of rubbish after some large-scale festive celebrations. The old "Clean Hong Kong Campaign" signboard has almost been torn apart by groups of people who have no sense of morals.

Madam President, improving environmental hygiene involves many government departments such as the Food and Environmental Hygiene Department (FEHD), the Agriculture, Fisheries and Conservation Department, the Architectural Services Department, the Buildings Department, the Drainage Services Department, the Civil Engineering Department, the Environmental Protection Department, the Highways Department, the Home Affairs Department, the Housing Department, the Lands Department, the Leisure and Cultural Services Department, the Marine Department and the Education and Manpower Bureau, and centralized planning and enhanced co-ordination is required to achieve substantial results. Although the existing Steering Committee on Clean Hong Kong is composed of members of the public and government departments, it lacks the power and influence to instruct departments to enforce measures and conduct effective monitoring. Moreover, various departments currently make policies on environmental hygiene and each of these departments does things in its own way, thus, their efficiency is naturally affected. Nevertheless, a bigger problem is that various departments will shirk responsibilities for no man's land and the problems are often left sitting. A survey conducted by the Democratic Alliance for Betterment of Hong Kong (DAB) last week shows that more than 50% of the respondents are not satisfied with the Government's work in keeping streets and public toilets clean.

Madam President, as regards environmental hygiene problems in the communities, it is most difficult to deal with hygiene problems within private

properties. There are the accumulation of rubbish in back alleys and lightwells and on canopies, sewage leakage and illegal structures, and the occupiers of some flats even intentionally keep rubbish inside their flats. It seems that the Government is at its wits' end against all this. Actually, the Public Health and Municipal Services Ordinance empowers the FEHD to issue notices to order the possessors of premises to remove rubbish and clean up within a specified time. Though the FEHD has this power, it has seldom exercised it because it is difficult to define property and rubbish on private premises. The DAB is of the view that if the Government wishes to amend the legislation, it can start doing so in two aspects. On the one hand, it can consider ensuring through the Building Management Ordinance that the owners' corporations and property management companies have sufficient powers to deal with problems causing serious environmental hygiene nuisances in buildings; and on the other, it can amend the Public Health and Municipal Services Ordinance and other relevant legislation to enable the FEHD to exercise its powers more effectively and deal with the problem of accumulation of rubbish on private premises.

Madam President, to effectively avoid future attacks by three major infectious diseases, namely atypical pneumonia, influenza and dengue fever, it is really imperative for the Government to clean Hong Kong vigorously by imposing heavy penalties. There are voices from the community asking for an increase in the amount of fixed penalty to enhance the deterrent effect. A survey conducted by the DAB also shows that 40% of the respondents think that the penalty amount is too low, and most of them think that the penalty should be increased to \$1,000. More than 80% of them also support punishing an offender by the award of a community service order besides levying a penalty. The DAB is of the view that, though we may not wish to require an offender to wear particular clothing and clean the streets like what is done in other places, making people who do great damage to the hygiene and environment of the communities perform community services can achieve punishment and education effects and is more satisfactory than merely imposing penalties.

Even if there is sound legislation, it will be useless without strict enforcement. After the implementation of fixed penalties under the relevant legislation in June last year, the seven departments empowered to issue fixed penalty notices to offenders have issued a total of more than 15 000 fixed penalty notices, and over 90% of them are issued by the FEHD. The figures reflect that other departments have obviously failed to enforce the law effectively. The

Secretary for Housing, Planning and Lands offered an apology to this Council earlier in the week and admitted that the Housing Department has not been sufficiently active in prosecuting spitters within housing estates, resulting in an extremely small number of prosecutions, and he promised to make improvement. I am very pleased to see that Mr SUEN has boldly admitted mistakes and actively made improvement, which is the spirit of accountability. I also hope that the management of other departments would uphold the spirit of accountability and urge front-line law enforcement officers to step up enforcement during these unusual times and stop being indulgent towards people who take no heed of consideration for others and cause damage to environmental hygiene in Hong Kong.

The FEHD started taking actions to invite the public to report hygiene black spots in 2002 and has since made regular updates of the list of black spots on its website to let the public know the latest development. The DAB thinks that the relevant scheme can be extended to public housing estates, and the Housing Department and the Housing Society can organize similar reporting campaigns together with the shop operators in housing estates. If those who made reports are given shopping coupons provided by the shop operators, it can improve environmental hygiene in housing estates and induce the public to spend money in housing estates. Moreover, the Housing Department and the Housing Society can regularly post messages related to improvements made to the hygiene black spots via the Internet and in the lobbies to raise public concern for the relevant work.

Apart from amending the legislation, stepping up the maintenance and repairs of buildings and sewerage systems as well as increasing penalties, the key area of our work should be publicity and education. Rubbish will not grow from the ground or fall from the sky. If everybody is conscious and considerate, and stop littering and spitting, rubbish will naturally vanish from public places. The authorities must enhance publicity and education and mobilize the participation of all citizens before the Clean Hong Kong Campaign can be made a success. The education sector, District Councils, community groups and other non-government organizations can perform important functions in many aspects. The DAB thinks that the initiatives related to environmental hygiene education are very fragmented at present. Clean Hong Kong and environmental protection are closely related topics but the educational work relating to Clean Hong Kong and environmental protection is carried out in a disjointed manner at present, with different government bureaux and committees respectively taking

charge. There may be overlapping of resources and the publicity messages given to the public may become complicated. The DAB thinks that future publicity activities on Clean Hong Kong must be facilitated by better co-operation with the environmental protection campaigns to pool resources and give the public clearer messages about loving and protecting the environment of the communities. The DAB suggests that the Government should make reference to the Fire Safety Ambassador Scheme and appoint environmental hygiene ambassadors to enable participation by residents in improving the environment, thereby enhancing their sense of civic awareness. We also suggest that the Government should designate the last Friday of each month as a day for cleanliness and health so that the whole community will work together to enhance awareness of cleanliness, hygiene and personal health, and handle environmental hygiene, domestic cleaning and hygiene and personal hygiene matters well so as to ensure that Hong Kong is a quality city that is clean, hygienic and safe.

Madam President, I have looked up the records of all motion debates of this Council during the six years after the reunification and found that none of these debates was related to Clean Hong Kong. We cannot put all the blame on this Council for attaching insufficient importance to the issue, but it more or less reflects that the community has attached insufficient importance to the issue. In my opinion, Clean Hong Kong cannot be accomplished in one go and I also hope that debates can be held in this Council again at suitable times in future to vigorously discuss Clean Hong Kong. The Pearl of the Orient will then be gleaming with radiance again.

It is our prime task to make concerted efforts to improve environmental hygiene in Hong Kong. The Team Clean led by the Chief Secretary for Administration announced short-term improvement proposals this afternoon, which is appropriate to the occasion indeed. The public can no longer tolerate the conditions of cleanliness in Hong Kong and the Chief Secretary for Administration has also stressed that the Government will definitely not tolerate them. The Team Clean has more or less answered the community's aspirations, but it is crucial for it to strengthen leadership and carry out its work in a comprehensive manner. The public also hopes the Team Clean led by the Chief Secretary for Administration would exert all its strength and accomplish the important task with innovative ideas and methods. The DAB is of the view that, when the Team Clean led by the Chief Secretary for Administration designs a long-term mechanism for the future, it must consider whether the highest

authority is sufficiently able to instruct government departments to implement various proposals. At the same time, government departments must be suitably reorganized to redraw the division of work for handling environmental hygiene matters. The District Councils should play a more active monitoring role at the district level. The Government can instruct various departments to be accountable to the District Councils in respect of environmental hygiene and the District Officers in various districts can assist the District Councils in co-ordinating the work of various departments concerned. Furthermore, the Government should provide the District Councils with more resources to enable them to carry out small-scale improvement and landscaping works in the districts.

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

Mr YEUNG Yiu-chung moved the following motion: (Translation)

"That this Council urges the Government to expeditiously draw up a set of cross-sector and sustainable framework and strategies to reorganize and enhance the environmental hygiene improvement measures of the relevant government bureaux and departments, and to pool the efforts of various sectors of the community, including the business and education sectors, professional bodies, District Councils and non-government organizations, to mobilize the participation of all citizens to ensure that Hong Kong becomes a clean and hygienic world city."

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

PRESIDENT (in Cantonese): Mr Fred LI will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

Mr Fred LI, please speak and move your amendment.

MR FRED LI (in Cantonese): Madam President, I move that Mr YEUNG Yiu-chung's motion be amended, as printed on the Agenda.

As the Government has basically done what is set out in the original motion, I think this Council should make some key proposals. I will now propose three amendments for the Government's consideration.

The first proposal is related to spitting, a topic discussed by the most people. I have focused on discussing spitting because the Government is dealing with spitting and littering together, but I think the problem of spitting is more serious. In the light of the Severe Acute Respiratory Syndrome (SARS) problem, we should not lightly let off people who committed such inconsiderate acts. We may deal a blow to spitting from two directions, namely increasing the penalty and the award of a community service order. We think the Government should consider amending the Fixed Penalty (Public Cleanliness Offences) Ordinance to raise the ceiling of the fixed penalty. However, we also wish to emphasize that the Government should actually conduct an overall review of the present law enforcement situation before increasing the penalty. Concerning the fixed penalty of \$600, does the penalty have to be increased to \$1,500 because the penalty of \$600 has insufficient deterrent effect? In my opinion, the amount of the penalty is not a decisive factor, but there are many enforcement problems. For example, the management of more than half of the housing estates under the Housing Department has been outsourced to private management companies that do not have any power of enforcement.

Second, the Leisure and Cultural Services Department (LCSD) manages more than six indoor games halls and more and more work will be outsourced, and all parks will be outsourced to management and cleaning companies. These companies do not have the statutory power to enforce the law pinpointing spitting and littering. It turned out that the law could not be enforced at many public places under the jurisdiction of the Government, thus, I think that priority should be given to tackling this problem and the Government should not jump to the conclusion that the problem can be solved merely by increasing the penalty to \$1,500.

Insofar as the award of a community service order is concerned, I think that this measure is more effective than increasing the penalty, but I do not favour parading somebody through the streets to expose him before the public as a penalty. A method similar to a community service order should be adopted to clean up the communities. I have noticed that a newspaper report has stated that the idea of the Team Clean is to make people who cannot afford the penalty payment perform community services. I have read the Interim Report but it appears that there is no mention on this point in it. I favour working along both

lines, that is, imposing a penalty and making an offender perform community services.

Besides, the problem of domestic waste in public housing estates is a very old problem that has existed for many years and remained not solved since the time I was a district board member. The Lower Ngau Tau Kok Estate and the Lek Yuen Estate are on the list of buildings with a larger number of people infected with SARS. The Government must look squarely at several aspects of the poor condition of environmental hygiene of public housing estates, especially old estates.

Firstly, the design of old public housing estates makes the residents put refuse everywhere. If the three officials currently in this Chamber inspect some estates, they will naturally find bags of refuse placed in the lift lobbies. Many of such bags have not been sealed well and some residents who are more inconsiderate may hurl bags of refuse out into the lift lobbies as if they are shooting basketballs, scattering refuse everywhere and splashing food and gravy on the floor. We can also find stains all over the interiors of newly occupied blocks. The worst thing is that will cause the breeding of mosquitoes and pests and pollutes the environment.

Moreover, though there are refuse chutes in the refuse chambers of quite a number of public housing buildings, these refuse chambers are very often locked for security purposes and the residents cannot make use of them. So, the refuse chambers are purely designed for cleaners to collect rubbish at regular intervals and the functions of the refuse chutes have not been given full play to.

In addition, I wish to talk about the refuse collection points in the housing estates. We have found upon an on-site inspection that there are a few problems with the refuse collection points in the housing estates. First, most of them are open-air refuse collection points that are not enclosed and without drainage culverts; second, there are no water taps at the refuse collection points; third, most refuse collection points emit unpleasant odour, have sewage leakage and are haunted by pests and mice; and fourth, bulky wastes have been placed in the refuse collection points for a long time. We visited the districts to find out about these problems during the SARS outbreak and found that the environmental problems caused by these refuse collection points had remained not solved. I think that the Government should make improvements in two aspects:

First, the Food and Environmental Hygiene Department (FEHD) should strictly enforce the Public Health and Municipal Services Ordinance and improve the cleanliness of public housing estates, and when necessary, prosecute the persons-in-charge concerned such as the cleaning companies and the Housing Department (HD). As far as I understand it, the FEHD can prosecute the HD if it is not satisfied with the condition of environmental hygiene of the estates under the HD, for instance, the refuse containers have not been covered. Of course, bureaucrats shield one another and the Urban Council of the past and the existing FEHD have never prosecuted the HD throughout the years.

Second, the HD should make reference to the experience of the FEHD in building or rebuilding the refuse collection points, and when necessary, the FEHD should do the design for the HD to ensure that refuse is handled at enclosed refuse collection points accessible by refuse collection vehicles.

The refuse collection points of some new public housing are not accessible by refuse collection vehicles and all refuse containers are placed outside the refuse collection points awaiting the arrival of refuse collection vehicles. The longer the waiting time, the more nuisances it may cause to the residents nearby and upstairs.

Madam President, we also have to take various anti-rodent and anti-mosquito actions to maintain a good standard of environmental hygiene. We may have to pool our resources to deal with dengue fever after SARS. Government information on the average ovitrap index in April this year shows that the indices recorded in eight districts exceed 20%, thus, I urge the Government to take proper preventive measures against mosquitoes.

Regarding anti-cockroach measures, I understand that the Government has launched a large-scale Anti-rodent and Anti-mosquito Campaigns of but not campaigns against insects such as cockroaches. I am not asking the Government to launch campaigns such as distributing cockroach traps and insecticide to households, but I suggest that it should encourage the public to exterminate cockroaches through public education and take the initiative to carry out anti-cockroach campaigns in public places. Why do I have to emphasize the extermination of cockroaches? It is because the investigation report on the Amoy Gardens incident has revealed that the estate is infested with cockroaches

and the authorities have found coronaviruses in the bodies of cockroaches and in the excrement of mice. Therefore, besides launching anti-rodent and anti-mosquito campaigns, I hope the Government will also launch anti-cockroach campaigns to improve our surrounding environment.

I still have some more time, so I wish to quickly respond to the Interim Report released by the Chief Secretary for Administration today. The Chief Secretary for Administration has mentioned that the penalty for littering and spitting will be increased from \$600 to \$1,500. I emphasize that merely increasing the penalty is not useful and the problem lies in enforcement. I have just said that the Government must deal with the Government's outsourcing contractors' lack of enforcement power and the education of the public.

Second, the Chief Secretary for Administration has just said that we should break new grounds and solve the problems of refuse, spitting and back alleys by taking brave and novel approaches. I wish to stress that I have also talked to Mr John TSANG about the problem of objects thrown from height. The refuse in many lightwells and back alleys and on top of air-conditioners is thrown from height by residents living on upper floors. They will sometimes throw cigarette ends, causing a fire downstairs and other hazards, and they will also throw a lot of unimaginable refuse and filthy objects. In my opinion, the Government should also break new grounds and take novel approaches to solve the problem of objects thrown from height.

The Interim Report has also mentioned many amendments to laws and considerations. I do not disagree with these recommendations but I wish to ask when these amendments will be made. What procedures and processes will be involved? The Team Clean will be dissolved three months later and decisions in respect of these amendments to laws and considerations will certainly not be made within three months. When will the decisions be made? What processes will be involved? I hope the Chief Secretary for Administration can respond to my questions.

Furthermore, it is a nuisance for dogs to foul the streets and the penalty for such acts still remains at \$600. Why is it not increased to \$1,500? Therefore, I also hope that the Chief Secretary for Administration will take those criteria into consideration. Why do they pinpoint spitting and littering but not dogs fouling the streets?

I find that the measures proposed by the Chief Secretary for Administration include stepping up street washing. Are these measures to step up street washing sustained measures to be taken on a long-term basis or short-term measures that will be taken for three months only? I hope the Chief Secretary for Administration can give us an account.

I sincerely hope that the Chief Secretary for Administration will not dissolve the Team Clean three months later because a lot of work cannot be completed and long-standing problems cannot be solved within three months. There are many problems and I hope that the Chief Secretary for Administration can go over the opinions expressed by Members today. With these remarks, Madam President, I beg to move.

Mr Fred LI moved the following amendment: (Translation)

"To add "which should include: (a) amending the relevant legislation to raise the penalty level for spitting in public places and to include the performance of community services as one of the penalties; (b) resolving the problem of domestic waste disposal in the public housing estates in the territory; and (c) reviewing the effectiveness of the existing Anti-rodent and Anti-mosquito Campaigns, and implementing anti-cockroach campaigns in various districts;" after "to reorganize and enhance the environmental hygiene improvement measures of the relevant government bureaux and departments,"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Fred LI to Mr YEUNG Yiu-chung's motion, be passed.

MR NG LEUNG-SING (in Cantonese): Madam President, I believe nobody wants to meet perils and disasters, but perils and disasters often bring opportunities. For instance, the outbreak of atypical pneumonia has given Hong Kong an opportunity to review our public health policies and their effectiveness. Although Hong Kong is considered as a highly developed world city, the beautiful scenery of the Victoria Harbour and the row upon row of gorgeous buildings in the commercial areas are only part of our landscape. There are still many dark and filthy hygiene black spots in many old districts in

urgent need of redevelopment, dilapidated buildings and alleys in inconspicuous places. With the sewerage facilities damaged and nobody to clean up rubbish, these places have become hotbeds for the breeding of mosquitoes and pests and the incubation of viruses and diseases, which does not suit the image of Hong Kong as a world city at all. Moreover, such phenomena as dumping articles and rubbish at will and spitting are frequently found. I am afraid Hong Kong people's awareness of public hygiene should be reviewed and quickly enhanced indeed.

Of course, an indispensable link to the effective improvement of the overall public hygiene condition in Hong Kong and elimination of the hygiene black spots is to review the effects of the existing legislation concerned. In my opinion, while taking educational measures to enhance people's awareness of consideration for others, it is necessary to levy heavy penalties to punish litterbugs. Thus, it is essential to raise the penalties under the relevant legislation, pinpointing not only spitting in public places, but also acts of dumping rubbish and various articles at will. In particular, there should be legislation in place to enable stringent actions pinpointing unhygienic acts in places of residence such as throwing unwanted household goods out of windows or disposing of them at common areas.

Apart from penalties, I also support stepping up the award of compulsory community service orders as a punishment because it is an educational measure that can achieve greater deterrent effect. Moreover, the law enforcement officers from the relevant government departments must be vested with greater power and enhanced professionalism in enforcement. In this respect, the Government can consider making use of the community forces such as organizing neighbourhood and elderly volunteers to perform the function of public monitoring and assist in the enforcement by a limited number of government health department officers in order to better and more extensively maintain the standard of environmental hygiene in the communities. Furthermore, the Government should also consider how police officers can, on the premise of not affecting their day-to-day work in the prevention of crimes, reasonably and flexibly provide the law enforcement operations of health department officers with effective co-ordination and support.

Quite a number of buildings in the old districts have serious hygiene problems including dilapidated sewerage and other hygiene facilities, and filthy common areas, lightwells, back alleys and canopies being left unattended.

Therefore, it is necessary to further specify in the legislation the joint and several responsibilities of owners for hygiene and cleanliness. When the owners fail to fulfil their responsibilities, the health departments should have suitable powers of inspection and enforcement to enter premises for inspection or even cleaning up, and recover the relevant fees.

The participation of the whole community and sustained efforts are essential to maintaining public hygiene in Hong Kong, and the effects cannot be achieved by one or two thorough cleanup campaigns. I suggest the Government should consider whether it can formulate an objective set of hygiene standard indices with a scientific basis and apply it to all commercial and residential buildings in Hong Kong for regular comparison and appraisal. This measure can, through market forces, link the values of the relevant buildings and properties to the environmental hygiene condition appraised. I believe such measures are helpful to promoting active and systematic improvements in the overall hygiene condition of the communities.

Madam President, I so submit.

MR LAU PING-CHEUNG (in Cantonese): Madam President, I rise to speak in support of the original motion and the amendment.

According to the findings of the investigation at Amoy Gardens, the virus that causes atypical pneumonia is transmitted through the sewerage system. And the investigation conducted by the Department of Health into the recent cases in Wing Shue House at Lek Yuen Estate reveals that the disease is spread through the environment. One of the channels of transmission is probably spit. When residents step on the spit of a patient in common areas, they carry the virus back home. These reflect that environmental hygiene problems that were neglected in the past may cause serious consequences. Therefore, it is necessary for us to review the hygiene condition of the community to eradicate the hotbed of virus.

I strongly support part (a) of the amendment proposed by Mr Fred LI. The fixed penalty for spitting in public places has been raised to \$600 since June last year. By mid-May this year, 15 000 summonses have been issued. Over 90% of the summonses were issued by staff of the Food and Environmental

Hygiene Department outside public housing estates. However, it does not mean the condition in public housing estates is good. It is because companies taking up the outsourced management of the public housing estates are not authorized to issue summons to residents littering the estates. Government official has admitted that this is an oversight. I am pleased to note that in presenting the Team Clean's Interim Report on Measures to Improve Environmental Hygiene in Hong Kong this afternoon, the Chief Secretary for Administration has made some suggestions to plug this loophole, which include stepping up prosecution, raising the penalty level and even imposing the community service order.

I also strongly support part (b) of the amendment, which suggests resolving the problem of domestic waste disposal in the public housing estates. But I think consideration in this respect should be escalated to the level of urban and building design. In this way, private buildings and public housing estates will be covered. For example, the design of some old public housing estates does not include any decent refuse collection facilities. As a result, domestic waste often causes environmental pollution and nuisances. Measures announced by the Chief Secretary for Administration today include distributing bin linings to public housing estate households, placing refuse collection bins at proper locations at each floor and collecting domestic waste daily. I think these are answers to the problem.

However, if more common areas can be made available inside a building — both in private and public housing estate — for the provision of corridors or refuse collection points, designers will be given a freer hand in designing the building. Environmentally-friendly features may then be introduced, for example, windows at the corridor to let in sunlight, better ventilation, bigger refuse collection points, and so on. To encourage the industry to design more environmentally-friendly buildings, the Government should consider further relaxing the plot ratio concession for environmentally-friendly features. In particular, more concessions should be given to new development projects in the New Territories. Why? This is because if more environmentally-friendly features are incorporated into the newly constructed buildings, there will be more common areas at each floor and thus a more comfortable and hygienic environment. Naturally, people will find these buildings more appealing. In the long term, those who live in the urban areas will be attracted to move to the newly developed areas, thus helping to reduce the density of the urban population.

As regards those dilapidated buildings in the urban areas that are not managed by any resident bodies, I think the Government should reconsider enforcing mandatory building inspection and maintenance. The ones who will bear the most direct impact of such a dilapidated building are the owners and tenants who live in it. However, defective drains are a vehicle for virus transmission, thus constituting a public threat. From a certain point of view, irresponsible owners who are not willing to maintain their buildings at regular intervals indeed pose a threat to public safety. It is necessary for the Government to enact laws to regulate the situation, like the mandatory examination system for vehicles in Hong Kong. Therefore, if owners refuse to carry out maintenance works for the drains or buildings, or they cannot afford to do so, the Government should take the necessary rectification measures for the building first by invoking the Building Safety Improvement Loan Scheme, and try to recover the costs later. The Chief Secretary for Administration has also mentioned today that registering a charge against the land title might be one of the future considerations. In fact, since the Scheme was merged into a \$700 million fund in 2001, by the end of April this year, 4 709 applications in total have been approved, involving about \$140 million. Therefore, ample fund is still available.

Madam President, a health care worker who has taken part in the treatment of patients infected with the Severe Acute Respiratory Syndrome (SARS) has once said that the biggest support for the medical workers is not to "set fire" behind their backs. By that he means people should maintain personal and environmental hygiene to avoid being infected with SARS, and the burden of the medical workers will then be eased. I so submit.

MR CHAN KWOK-KEUNG (in Cantonese): Madam President, the story of Mencius' mother moving her home three times tells us that education is very important, and the environment has profound impact on the growth of everyone. Today, Hong Kong is talking about Clean Hong Kong again. Have we ever considered re-educating the citizens or our next generation?

For 30 years, the commercial and tourist districts in Hong Kong have become very clean and tidy. However, in the old districts and public housing estates, many people still dump rubbish everywhere. We can always see foul water and rubbish at rear staircases, back alleys, planters and canopies. It

seems that Hong Kong does not like taking a bath. It only puts on clean clothes, but under the glamorous clothes, there may be a filthy and stinky body.

Recently, it has been reported in the media that the Government will launch some stringent measures in cleaning up Hong Kong, including the designation of a monthly clean-up day. However, these are only stopgap measures. If there is only one day in a month for cleaning up, will there be no one caring about the cleansing work for the rest 29 days? Of course, I understand that the meaning of one clean-up day is more than that. But this can reflect that the Government is always too superficial in considering matters. Cleansing has to be done every day. If there are not enough cleansing workers, the Government is responsible to ensure that there are enough workers doing cleansing work. Therefore, we mainly have to rely on the teams responsible for the urban landscape of Hong Kong, and that is, the cleansing teams of the Food and Environmental Hygiene Department.

The Government has been implementing some outsourcing plans recently, and the cleansing teams have also been entrusted to the contractors. Due to this, the Government seems to have slackened its pace in this respect. When the cleansing work is taken up by the contractors, it is only the contractors who will be benefited in the end. The wage level of cleansing workers has been drastically reduced while all the hygiene black spots remain the same. Has the Government reviewed the arrangement concerning the employment of cleansing workers? As attention and strength are required in cleansing work, should more attractive employment terms and conditions be given to the workers concerned?

In addition, there is a lack of consistency in the Government's planning on urban outlook. In the vicinity of the Legislative Council Building in Central, cleansing workers can always be seen cleaning up the streets, so as to render the Central District clean and tidy. However, in Tsuen Wan, Sham Shui Po and Mong Kok, some of the streets look really awful. They are not attended to by anyone. And what is the reason for that? Can that be compared to a scene in the old Cantonese films in which a person had worn a sleeveless shirt, and he thus wore a jacket on top to conceal it?

The special measure adopted by the Government recently is to employ a few thousand cleansing workers, and guarantee that their remuneration will not fall below \$7,000. This is a desirable improvement. If we can pay more

attention to the remuneration of cleansing workers, they will be more devoted when carrying out cleansing work. This batch of workers can assist the Government to deal with hygiene black spots by instantly removing the dirt and rubbish already accumulated for a long time. However, the authorities should still map out a long-term strategy pinpointing hygiene black spots. This should not be an initiative to be completed within one month, but a sustained effort every day. I hope that in future, the slogan "Keep Hong Kong Clean" will no longer be heard again. As in Japan and Singapore, cleanliness has already become a habit in people's daily lives.

Apart from forming an efficient cleansing team, we should also change some customary practices and enhance the people's social ethics, especially the social ethics of the younger generation. We can see that many young people always litter and vandalize public objects. The incident at the Hong Kong Cultural Centre on New Year's Eve has already sounded an alarm, reflecting that the hygiene education in Hong Kong is a failure. As a columnist has pointed out, in Japanese education, people are taught about the concept of hygiene when they are small. Since cleanliness and hygiene are already deeply rooted in the minds of Japanese children, severe punishment and draconian laws can be done away with while the targets can still be attained.

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

MR HUI CHEUNG-CHING (in Cantonese): Madam President, when the Chief Executive appointed the Chief Secretary for Administration as the convenor of the Team Clean recently, some public opinions had it that the Chief Executive was wasting the Chief Secretary for Administration's talent on a petty job. These criticisms explain why past Clean Hong Kong campaigns have not been effective despite more than 30 years of implementation. It is because both the Government and the public have underestimated the importance, complexity and sustainability of this work. As a matter of fact, the outbreak of Severe Acute Respiratory Syndrome (SARS) has fully exposed the defects of the Hong Kong economy which is service-oriented, and focuses on people, logistics and capital flow. The greatest risk may not come from fluctuations in the external economic conditions, but may come from some contagious viruses within, which are intangible, colourless and odourless and subject to no boundaries. Once there is any mistake in the health and hygiene defence system, the Hong Kong economy can hardly survive. We can see that keeping Hong Kong clean is

essential to the survival and development of Hong Kong. We should not make any mistake about it.

In some places in Hong Kong, we can see rubbish everywhere, dilapidated drains, foul water oozing out, rats and cockroaches running here and there. In many places in the rural area, even in some popular tourist spots, there is rubbish piling up and no one cares about it. These problems in Hong Kong are much more widespread and serious than those in Japan, Singapore and countries in Europe and the United States. In order to prevent the hygienic problems in Hong Kong from getting out of control, the Government must do a major operation on the policy-making structure, culture and customs. It has to radically overhaul the executive structure and may have to increase penalty in order to change the prevailing habits and customs. First, I agree with the proposal put forward by the Chief Secretary for Administration today that the fixed penalty should be increased from \$600 to \$1,500, and the level should be progressively increased according to the repetition of the offence. Second, to those public housing residents who throw rubbish from height, disregarding public hygiene and safety, I support that the Government should consider resuming their housing units if they fail to improve after being fined several times. Third, the Government should set up a system to publicly criticize those public or private housing estates, including village houses in the rural areas, which have poor environmental hygiene, with their names disclosed, so that potential home buyers know how to make their own choices. To enhance the attractiveness of the residential units, owners naturally will not take environmental hygiene in the vicinity so lightly. And fourth, for the current cleansing work of the Government, the Food and Environmental Hygiene Department is responsible for public areas, the Leisure and Cultural Services Department is responsible for parks and beaches, the Housing Department is responsible for public housing estates and courts, the Agriculture, Fisheries and Conservation Department is responsible for country parks, the Marine Department is responsible for the harbour, and the Environmental Protection Department is responsible for illegal dumping of rubbish in public areas. This can be pleasantly called division of labour. However, it is actually lack of co-ordination and co-operation, rendering the job of cleaning Hong Kong costly but ineffective. The Administration should consider reorganizing the structure, grouping all the cleansing workers scattered in various departments under one executive department. They will take co-ordinated instructions, disregarding the different practices in different departments. The cleansing work should then be made much more effective.

Madam President, the Government should make the keep Hong Kong clean and epidemic-free campaigns sustainable, regulated and institutionalized. The target is to make sure that no rubbish, garbage, foul water, and so on will be accumulated around the housing premises in Hong Kong Island, Kowloon, the New Territories, outlying islands and the rural areas. Therefore, it is imperative that the Administration clearly defines the terms of reference of various departments, formulates cleansing rules and details, requires all members of the public, the managing companies concerned, the government departments concerned, even the related rural management organizations and rural committees to strictly comply with the rules and to be responsible for the environmental hygiene of the respective areas. At the same time, the litter warden corps of the Government should also carry out their duties fully. The Government should provide them with sufficient manpower, proper establishment and reasonable powers so that they can handle the matters with assurance.

After the outbreak of SARS, the hygiene problems of Hong Kong accumulated over the years have been exposed to the world. As the world city in Asia, Hong Kong has always claimed to be attaching importance to the quality of life. However, this brand name has been tainted. In order to restore to the previous spectacular and prosperous situation, Hong Kong cannot rely on one or two "cleansing shows" only, but practically show others its results. It should rebuild the confidence of tourists in Hong Kong with its good impression gained over years.

Madam President, I so submit.

MR LAU WONG-FAT (in Cantonese): Madam President, this battle against SARS has really exposed problems in public health and shown that a lot has to be done to improve the situation. The Government should put in the best of its efforts to treat the matter seriously and to step up with enforcement actions as well as to promote the right attitude towards public health.

I therefore hope that the Team Clean headed by the Chief Secretary for Administration will eliminate the previous practice among government departments of merely minding their own business.

Madam President, one of the major reasons that has handicapped the results of previous Clean Hong Kong Campaigns is that the departments have not

been rigorous enough in their enforcement actions. For example, despite the fact that the authorities have initiated more prosecutions and imposed heavier penalties on litterbugs and those who spit in public since last May, and that seven departments are engaged in these efforts, the lack of co-ordination among the departments have hampered the enforcement actions and undermined the deterrent effect. Therefore, the Liberal Party is absolutely in support of tougher enforcement actions, and heavier penalties may even be considered to achieve the desired deterrent effect. For repeated offenders or those who are in financial difficulty, I think a community service order can be imposed so that they can be educated and become more civic-minded.

The Liberal Party believes that after the SARS attack, many people will have a greater awareness of cleanliness and sanitation, but to avoid committing the previous mistake of having only a passing concern about public health and stopping to clean up as the SARS situation seems to turn for the better, I would suggest that long-term civic education in this respect should be enhanced so that the people can stay constantly vigilant about environmental hygiene and sanitation.

As for cleanliness in the household, we suggest that attention should be paid to both inside and outside the household, that is, apart from always cleaning up our household, we should also pay attention to such matters as the repairs and maintenance of pipes inside and outside the household so that chances of breeding and spreading diseases can be eliminated. We should abandon the mentality of minding our own business and work together to make the public places clean and tidy.

With respect to the design of sewage drains in some old-style public housing estates, the authorities are duty-bound to speed up the inspection and survey work and repair the faulty systems. As for private housing estates, the owners' corporations should discuss with the management companies to ensure that the estates have a clean and hygienic environment. Meanwhile, the Home Affairs Bureau should also make active attempts to help residents organize owners' corporations so that they can take part in the management of their own buildings or estates.

Apart from hygiene problems in old buildings in the urban area which warrant our attention, I would also think that environmental hygiene in rural areas should also not be neglected. This is especially so during the past few weeks when there were a lot of local tours to the rural areas and the number of

people who went there rose rapidly, however, the matching sanitation facilities are still inadequate. Public toilets, rubbish bins and sewage facilities fail to meet the demand caused by this great surge in tourists and this may lead to problems in environmental hygiene. The Government should address this problem.

As the representative of the Heung Yee Kuk in this Council, I would like to point out that for certain private lands which have been included in the country parks or green zones, the problem of littering may arise under the present fad of country tours. The cleanliness and sanitation of these places should be attended to, and I think the authorities should address this issue promptly and consult the Heung Yee Kuk on this.

Madam President, for the Clean Hong Kong Campaign to succeed, we must not merely rely on government efforts alone, for the co-operation and active participation of the public are also important. We think that if the Team Clean wishes to form a new institutional framework specially tasked with the work of cleaning Hong Kong, it should not just be an inter-departmental unit, but also a cross-sector set-up. By this I mean the unit should include representatives from the business sector, the education sector, the professional bodies, the District Councils, the Heung Yee Kuk and various non-governmental organizations. Efforts should be made to pool collective wisdom and give the best play to individual merits, so that work in environmental hygiene can be lasting, effective and thorough.

In view of the possibility of legislative work to tally with the long-term cleaning strategy, we hope that the Government will be prudent about this. For the Liberal Party has always thought that there are already sufficient laws to address the issue and it is only because of enforcement problems that the effect has not been so marked.

As for the amendment to the motion, the Liberal Party considers that it is quite similar to the original motion and so we would also support it.

Madam President, I am convinced that when everyone plays a part in cleaning up the environment, it will not only make Hong Kong live up to its name of being a city of events, but also a safe and healthy city. This will attract visitors to come here to have fun in an assured state of mind, and it can also enable our economy to recover sooner. With these remarks, I support the motion.

MR WONG YUNG-KAN (in Cantonese): Madam President, Hong Kong has been subject to the successive attacks of contagious diseases in recent years. First, there was avian flu. Then, there was dengue fever, and now, there is atypical pneumonia. The outbreak of these three infectious diseases is largely the result of poor public hygiene in Hong Kong. During the onslaught of avian flu, many people died, and the Government had to slaughter all chickens and pay compensations amounting to hundreds of million dollars. The Government, the industry and the community were all taught a bitter lesson. We are now caught in an even more serious catastrophe. Four dedicated front-line health care workers have died as a result of infection in the course of treating patients. Some 200 members of the public have also died of the disease, and more than 1 000 people have been infected. We have lost much more than what we lost in any previous outbreak of epidemic. Atypical pneumonia has luckily been brought under control by now. People have started to recover from the fear and sorrow caused by the epidemic, so we should really start to think about how we can rebuild a hygienic environment in Hong Kong.

Madam President, today, many Members have spoken on how the environmental hygiene of Hong Kong should be improved, and the Team Clean led by the Chief Secretary for Administration has also announced a series of short-term improvement measures today. In response to media reports that the Government is considering the possibility of banning the importation and rearing of livestock, as the representative of the agriculture and fisheries industry, I must express strong discontent on their behalf. Admittedly, at the time of the first avian flu outbreak, the hygiene conditions in some chicken farms, wholesale markets and market stalls were not satisfactory. But the industry has been co-operating fully with the Government in recent years to improve the hygiene standards in chicken farms, wholesale markets and retail markets. The measures adopted include a rest day for cleaning, imposition of higher hygiene standards for chicken farms and the segregation of livestock. I must mention here that the pilot scheme on avian flu vaccination for chickens has revealed that the avian flu incidence level and bacterial level of vaccinated chickens are far lower than those of chickens not vaccinated. Since the implementation of these measures, there has been no local case of the fatal H5N1, proving that the measures are able to reduce the transmission of avian flu from birds to humans.

Madam President, though many people say that the agriculture and fisheries industry is a sunset industry, many people are nonetheless willing to invest in it. Moreover, the number of people employed by the industry as a

whole is by no means small. Last weekend, for example, the investors of the "Kamei" Chicken farm signed a formal agreement with the sole agent on expanding the domestic market share. But so unexpectedly, just two days later, they now hear that the rearing of livestock may be banned. This is really like a death knell to the investors who have worked so hard and spent so much money on building up the brand name "Kamei" Chicken. What is more, most of the 150 existing chicken farms in Hong Kong have already made huge investments in meeting the standards laid down by the Agriculture, Fisheries and Conservation Department (AFCD). Some of them have even borrowed money to improve the hygiene standards of their farms. Their only hope is to maintain their family business and their only means of earning a living. According to conservative estimation, at least 60 000 people are engaged in the rearing, transportation, wholesaling and retailing of chickens. Most of these people are not well educated, and to put it crudely, apart from rearing and slaughtering chickens, they really do not have any other means of living. I really hope that the higher echelons of the Government can see clearly that despite its hardship, the industry is still willing to co-operate with the AFCD, improve its hygiene standards and implement measures to improve livestock safety. If the Government ignores the efforts made by the industry in recent years, if it adopts any excessive measures under the guise of hygiene to force the industry to wind up, then I really do not know how to soothe the discontent of all these people and assist them in earning a living in the future.

Madam President, environmental hygiene is basically the greatest subject of complaints I have to deal with as a District Council member of Tai Po. Public hygiene in public housing estates alone is already such a headache. To begin with, the low efficiency of the Housing Department is always criticized by residents. The Department has been criticized for being too slow in handling complaints relating to estate management. It is sometimes even criticized of sitting on complaints. This is particularly the case with leaking drain pipes, which have led people to grumble that the Department simply fails to help them alleviate their worries. The DAB is of the view that the Government must seriously inspect all the sewers in public housing estates and make appropriate repairs, so as to allay people's worries. Madam President, the Chief Secretary for Administration has said that this will be done. Besides, in regard to the cleanliness of public areas, despite our frequent complaints to the authorities, we have just been given a runaround. They often talk about resource constraints, but the real cause is just procrastination. Actually, there is a committee on

environmental hygiene in each District Council. The Government may consider the idea of making all departments responsible for environmental hygiene accountable to District Councils. District Officers may also play a role by assisting District Councils in co-ordinating the work of the departments responsible for environmental hygiene. That way, there will be a central accountability mechanism in each district to facilitate the work on environmental hygiene.

Madam President, another concern of mine is the hygiene conditions in food establishments. Every year, there are cases of food poisoning involving people who have eaten unclean food in food establishments. Unlicensed food establishments are one thing, and we are also concerned about some unscrupulous food establishment operators. They simply ignore the importance of hygiene and do food processing and dish washing and even dispose of used cooking oil in the back alleys of buildings. Such unlawful activities have caused the problem of food contamination, and not only this, the back alleys of buildings may even be polluted by the effluents and leftovers of these food establishments. The illegal disposal of used cooking oil may also contaminate or even clog the sewers of buildings, leading to the rapid deterioration of a building's environmental hygiene. The Legislative Council has actually passed many laws in recent years to give more powers to the Food and Environmental Hygiene Department (FEHD), so that it can speed up its work of weeding out unlicensed food establishments and closing down those with serious hygiene problems. The FEHD should really exercise these powers appropriately to enhance the work of clamping down on food establishments with serious hygiene problems, so as to protect public health.

Thank you, Madam President.

MS LI FUNG-YING (in Cantonese): Madam President, the World Health Organization (WHO) revoked the travel advice on Hong Kong last week. It is hoped that it is the day for Hong Kong to make a new start to become a healthy and clean city. This target can be achieved only by the concerted effort of all people in Hong Kong. However, we have a long and arduous road ahead, particularly when Hong Kong is at the moment in an economic downturn and with a heavy deficit. Grievances prevail in society and people are under great pressure of living. How can we achieve this target?

On the day when the WHO revoked the travel advice on Hong Kong, the Economic Relaunch Strategy Group (the Strategy Group) led by the Financial Secretary announced a series of activities, which are mainly for the purpose of putting up a money-spun façade of prosperity to attract tourists to visit Hong Kong. This is not the rebirth of a phoenix from the ashes, but the sheer replacement of burnt feathers on it. I do not intend to comment on the measures put forward by the Strategy Group to relaunch Hong Kong economy. I only hope that the Government will keep its feet on the ground and implement some specific measures to remove the filth of Hong Kong. We can see in a programme called "Where is the end of Black Spot?", made recently by the media to show the hygiene condition of Hong Kong, that there are problems everywhere and rubbish piled mountain high. I hope that the Team Clean led by the Chief Secretary for Administration will find answers to all these problems and take practical measures to show the world that Hong Kong is a clean and healthy city in the true sense of the term.

The Financial Secretary consulted Members of the Legislative Council on measures to revive the economy of Hong Kong last week. I put forward the suggestion that on the day when the WHO revoked the travel advice on Hong Kong, a team of professional cleaners, equipped with advanced facilities and clad in neat uniforms should be set up. They will act as the main force to promote Hong Kong as a clean and healthy city. By doing so, the hygiene condition of Hong Kong will be improved and the image of Hong Kong enhanced. I think this is more meaningful than a deliberate building of a façade of prosperity. I hope the Government will give careful consideration to this suggestion.

Madam President, the present level of hygiene condition in Hong Kong has been maintained through the continuous exploitation of grass-roots workers. Their wages are suppressed to the minimum and their working hours are extended. The cleaning tools they use are the cheapest and the most primitive. I am really sorry to see elderly men and women in shabby clothes brush and clean public toilets over 10 hours a day, or push dirty rubbish carts along dusty roadsides while they should enjoy their old age at home. During the outbreak of the Severe Acute Respiratory Syndrome (SARS), these cleaners had to work in infected areas without any protective gear. With the rising expectation on the standard of hygiene of our city in future, should we further exploit our grass-roots workers who are now working long hours in adverse conditions for

minimal wages, or should we review our present outsourcing system which only focuses on cost saving and awarding tenders to the lowest bids? I think it is time to review the system: To enhance the standard of cleaning work at primary level by offering better terms of employment and equipment to employ more workers. In this way, unemployment will be alleviated and cleaners will be able to work and lead their lives with dignity.

Cleaning Hong Kong is not just the responsibility of the cleaners. It is just like the case of combating SARS, which is not the sole responsibility of the medical workers. Everybody has to pay attention to personal hygiene. The public awareness of hygiene in Hong Kong has been heightened after the outbreak of SARS. The key at the moment is to sustain this public awareness and strengthen civic responsibility of the public. In the statement of the Chief Secretary for Administration today, he suggested that stringent measures should be taken to improve the hygiene condition of Hong Kong, which included termination of leases and eviction of public housing tenants as a heavier punishment for repeated offences. The amendment proposed today also suggests raising the penalty level. Although these suggestions may deter people from keeping the habits of littering and spitting, I have reservations about them.

In June last year, we passed a law to double the penalty levels for littering and spitting. However, only 17 000 penalty notices were issued last year, which is fewer than the 20 000 or so notices issued both in 2000 and 2001. After the penalty level has been raised, by January this year, nine public officers have been seriously wounded in the course of enforcement. What is the reason for the drop in the number of summons issued? Is it a result of the enhancement of civic responsibility, or the worries of public officers for their personal safety? Therefore, I do not think that raising the penalty level year on year is a right measure to improve the hygiene condition. Before stringent measures are implemented, the affordability of society must be taken into consideration. Under the present social conditions of Hong Kong, I am afraid a further raise in the penalty level will result in more loss than gain. Under the present circumstances, a better option is for the Government and the non-government organizations to join hands in promoting to clean Hong Kong, and to see to it that every member of the public is aware of his responsibility.

Madam President, I so submit.

MR TAM YIU-CHUNG (in Cantonese): Madam President, the Interim Report on Measures to Improve Environmental Hygiene in Hong Kong released by the Chief Secretary for Administration (Chief Secretary) in the Council today and Mr YEUNG Yiu-chung's motion are cognate. "Pitch in to clean Hong Kong" was the theme of a jingle used in past Clean Hong Kong Campaigns. Having been battered by atypical pneumonia over the past three months, all Hong Kong residents should now have a much deeper understanding of this theme.

Since an official of such importance, the Chief Secretary, is put in charge of work of cleaning Hong Kong this time around, I may as well bring his attention to some long-standing difficult problems faced by us, in the hope that his wisdom can help us resolve them. I must of course add that these problems are partly caused by building design and partly by some residents who are inconsiderate, unhygienic in habits or selfish. What actually are these problems? They are related to refuse disposal in public housing estates. We often have to go to public housing estates to meet the residents there, and we thus notice that refuse disposal is really a "serious long-standing" problem. Why? If one goes to a public housing block and goes upstairs by a lift, one will see two refuse baskets when the lift door opens. Residents are supposed to dispose of their refuse in these baskets. But the provision of refuse baskets is against the Fire Services Ordinance and thus disallowed by the Fire Services Department. Now the provision of refuse baskets is disallowed, so what can be done? The Housing Department has to remove all refuse baskets. Actually it is not a bad idea to ask each household to place its refuse outside its unit for collection by cleaning workers twice a day. However, some residents are unwilling to do so, and what is more, in the case of some households, their members may not always be home, so they cannot place their refuse outside their units in time for collection.

There is actually a refuse storage chamber on each floor of a public housing block, but there are some problems with the design of these chambers. First, it is incredibly small in size. Second, there are several concerns too. First, the opening and closing of the chamber door will produce loud bangs, and the two households living next to it may grumble and complain about the noise nuisance. Second, the door of a refuse storage chamber is usually locked, for fear that it may be used for illegal activities such as drug injection and indecent assault. These refuse storage chambers are generally small in size. The refuse storage chambers in new-style public housing estates are equipped with chutes,

but the size of the inlet of these chutes is strangely so small, each measuring less than 1 ft x 1 ft in area. And, the inlet design of these refuse chutes is very interesting in that one must first pull down the chute lid before one can put anything into the dustpan-like structure inside, which can only take a very small bag of refuse. Anything of a relatively big size cannot be dumped into it, and there is no question of putting in a supermarket plastic bag filled up with garbage. And, after one has put in the garbage, one must replace the lid before the garbage can go down the chute. What problems will such a design cause? Residents' refuse usually comes in very large bags. Inside such a small chamber, it will be impossible for a cleaning worker to empty the bags one by one and then put the garbage into the chute. There is simply insufficient manpower to do this.

I have approached the authorities concerned on the design of these refuse chutes, asking them why they are so small, and whether they can be widened a little bit. The authorities have replied that the chutes cannot be widened because of the requirements under the Buildings Ordinance. I guess safety considerations may be involved. If a refuse chute is too wide, even a man may fall down through it. Or, when a very large bag of garbage falls down from high levels, it will produce very loud bangs upon impact like a bomb. But I do not know whether these are really the considerations. In any case, the chutes have to be so small under the requirements of the Buildings Ordinance. As a result, no one is willing to use the refuse chutes, which have thus been laid to waste. I believe the Director of Housing is aware of these problems, but it seems he can do nothing about them, with the result that residents living on different levels just do not know how they should dispose of their garbage.

There is another problem, largely caused by the provision of refuse baskets in lift lobbies. Some thrifty elderly people often scour refuse baskets in the hope of finding some aluminum cans or newspaper wrappings which they can sell at waste recycling stations for pocket money. This has worsened the situation because garbage will be scattered all around. I do not know whether the Chief Secretary has any concrete understanding of this problem. But since Mr Fred LI also mentioned it, I have sought to talk about it in greater detail, in the hope of making the Chief Secretary appreciate the difficulties involved. I guess Housing Managers are sometimes rather helpless, not knowing how to tackle these problems. The placement of refuse baskets in lift lobbies is disallowed, but then residents keep on putting bags and bags of refuse beside lift doors. Refuse storage chambers cannot perform the designed function and

refute chutes are too small. One just does not know how to tackle these problems. I believe that we should be able to solve these problems under the leadership of the Chief Secretary.

Objects thrown from height are yet another problem which is very common in public housing estates. I too am very puzzled; I just cannot understand why some residents like to throw objects, even objects beyond our imagination, from height. According to the Housing Department, closed-circuit television cameras are installed in some housing estates, but since the Personal Data (Privacy) Ordinance forbids the filming of residents' activities, cameras can only be positioned at some side corners. So, even when a case of object thrown from height is filmed and the unit involved can thus be ascertained, still, no arrest and prosecution can be made because owing to the constraints imposed by the Ordinance, there cannot be any clear recording on who actually threw the object. Recording which can ascertain the unit involved is of no use and cannot be used as evidence for prosecution. As a result, closed-circuit television cameras simply fail to achieve any deterrent effect. Incidentally, owing to resource constraints, in some cases, there are not really any cameras and their installations are in fact empty. The reason is that there are not enough closed-circuit television cameras.

In regard to the problem of spitting which Members have talked about, I have to say that some elderly people do indeed have such a bad habit. There may be some physiological reasons, or maybe, they formed such a habit as a child in their native agricultural villages, and now, even though they have moved to live in a big city, they still cannot kick the habit. For reasons unknown, they may feel like spitting all of a sudden, and they seem to have a very special ability that enables them to spit their phlegm onto a targeted spot like an arrow. Actually, if we stay at some particular spots for long enough, we will easily come across these people. But we sometimes feel that it is rather "inhuman" to report their acts to the authorities, because they are mostly old and poor. How are we going to educate them? There are publicity soundtracks on the radio and footage on television, and leaflets are also distributed, but all these may not reach them. How can we deliver the message to them? Heavy penalties are of course one possibility, but I sometimes feel that it is very "inhuman" to do so.

Due to the time constraint, I cannot speak too much. One evening two days ago, I attended a residents' meeting at a certain village in Yuen Long. On my way out, when I was driving past a refuse collection point, I was startled

because I saw two pig carcasses. It was just about ten o'clock at night, but people already threw these carcasses there. This is actually very common in agricultural villages. Many people do just the same thing.

I support the motion and the views of the Chief Secretary.

MS AUDREY EU (in Cantonese): Madam President, this sudden and unexpected outbreak of Severe Acute Respiratory Syndrome (SARS) has revealed that the metropolis of Hong Kong is actually plagued with a myriad of hidden hygiene problems. All along, we have dismissed public hygiene as a "trivial matter" not worthy of any attention. One of the lessons learnt from this SARS outbreak is that all Hong Kong people must reflect on their lifestyles and hygiene standards in the past.

Madam President, today, I wish especially to say a few words on the "toilet culture", because toilets are a major medium of disease transmission. In order to maintain good public hygiene, we must eradicate the problems associated with public toilets. I am not talking about the public toilets on the streets only; I am also referring to the toilets in food establishments. Conditions in public toilets are an "age-old" problem in Hong Kong. The hygiene conditions in public toilets are in some measure a civilization index of a place. The toilet is the very place where human beings answer their most basic physiological need, and the way in which the people of a place use their toilets is indicative not only of their moral standards but also of their sense of belonging to the place. While the people of Hong Kong have always boasted of themselves as being highly "civilized", their "public toilet culture" is but deplorable. Everyone living in Hong Kong is a victim of this.

Clean Hong Kong Campaigns have been going on for 30 years, but people have not yet built up a sound concept on maintaining public hygiene. The Government should seize the present opportunity to change its publicity strategy. Besides highlighting the advantages of keeping the environment clean, it should also remind people that public hygiene involves much more than "being considerate"; it is also an issue that closely affects their own interests and lives.

Madam President, apart from health care staff, another group of people that must be commended are all the 100 000 cleaning workers in Hong Kong who work day and night to serve the community. Since the outbreak of atypical

pneumonia, the workload of cleaning workers has increased geometrically, for besides stepping up routine cleaning, they still have to conduct lots of additional, full-scale disinfection exercises.

As a result of the economic sluggishness in recent years, the cleaning workers in Hong Kong have had to suffer various forms of exploitation, and the Complaints Division of the Legislative Council has handled a number of complaints from cleaning workers. A survey conducted by The Hong Kong Polytechnic University early this year reveals that the treatment received by outsourcing cleaning workers of public organizations is both unreasonable and poor. The worst treatment is found with the outsourcing workers of the Housing Department, for 85% of them earn a monthly income of less than \$5,000, which is below the poverty line, and 36% of them even earn less than \$3,000 a month. The lack of statutory holidays and sick leave has almost become a "standard practice" for the trade.

At the same time when the Government seeks to change people's concept on hygiene and cleanliness, it must give concrete recognition to the significant contribution of these "unsung heroes". Mere "lip-service" commendation will not be enough, and a concrete system must be put in place to protect outsourcing workers, so as to prevent their continued exploitation by cleaning contractors under the outsourcing system.

The large-scale outbreak of SARS at Amoy Gardens has aroused concern over the hygiene problems caused by the structural designs of old buildings. Although the Buildings Department implemented the Comprehensive Building Safety Improvement Loan Scheme two years ago to make maintenance loans available to private residential property owners, not much has been achieved, as only 4 500 applications have been approved so far.

There are currently some 40 000 multi-storeyed buildings in Hong Kong, and only about 70% of them are managed by Owners' Corporations (OCs) or residents' organizations. Under section 18 of the existing Building Management Ordinance, an OC is not empowered to act for all owners or any individual owner to apply for a maintenance loan under the abovementioned loan scheme. But since property ownership in old districts is scattered, once an owner cannot be located, or if an owner refuses to pay his share of the maintenance costs, the whole maintenance project may fall through because the OC is not empowered to apply for a loan on the owner's behalf to make up for the shortfall.

The Home Affairs Department has recently published a consultation document on amendment of the Building Management Ordinance, proposing to remove the above-mentioned restriction and authorize an OC to apply to the Government for a loan. Under the proposal, an OC will only be the agent of an owner who owes or refuses to pay maintenance fees. The fees outstanding will not be transferred to the OC or other owners. I hope that the proposed amendment can help ameliorate the problem of private building maintenance. However, Madam President, I still wish to point out that if the flat in question is a negative equity asset, or if the owner simply refuses to pay, or if he cannot be located, the Government may not necessarily be able to solve the problem though it is prepared to extend loans.

According to sources, the Government intends to introduce a mandatory building inspection and maintenance scheme. While it explores the feasibility of such a scheme, the Government must take into account the special circumstances of buildings in old districts. Since most of these buildings do not have an OC, they may face some difficulties in organizing maintenance projects. What is more, the residents of single residential buildings in old districts are mostly elderly people or low-income earners, who may not have the means to meet the maintenance fees. Actually, earlier on, when the Legislative Council scrutinized two relevant bills (Mr IP Kwok-him was the Chairman of the Bills Committees), it was already noted that there were great difficulties in respect of fire service installations and timely maintenance.

Mr Fred LI's amendment proposes to raise the fines and penalties for spitting. Actually, in an earlier enactment by the Legislative Council in respect of the relevant fixed penalty, the fine for littering was drastically increased to \$600. There was very strong reaction from the community then, and I am sure that Mr Fred LI should still remember all that because he was the Chairman of the relevant Bills Committee. He was in fact reprimanded by some famous radio talk show hosts. Now, with the onslaught of SARS, the Food and Environmental Hygiene Department has been issuing summonses instead of fixed penalty notices since the middle of March. People caught spitting have to attend court hearings, and the Court now imposes fines ranging from \$200 to \$1,500 in amount. Most of the time, the fine imposed is about \$1,000. At a time when we are attacked by SARS, the imposition of heavy penalties to crack down on inconsiderate acts is inevitable.

Madam President, Members have in fact raised many problems and issues today, and all these are concrete problems which the Government must seek to resolve. With these remarks, Madam President, I support the original motion and the amendment.

MISS CHOY SO-YUK (in Cantonese): Madam President, while we are glad that the travel advisory against Hong Kong has been lifted, we should stay on alert for as long as Hong Kong is still listed as an infected area. For even if the epidemic disappears today, it may strike again in future. It is therefore a tall challenge to the SAR Government to exert its best in public hygiene in order to prevent a resurgence of the SARS epidemic.

It is fortunate that the authorities have not lost their guard and as I have heard from the briefing made by the Chief Secretary for Administration earlier, the Government has not overlooked any aspect in the prevention of the epidemic. The details and the related measures are given meticulously, even to the extent of giving the intervals for the regular cleaning of road signs. I was especially impressed when the Chief Secretary repeatedly emphasized that there would be zero tolerance for acts that damage environmental hygiene. That shows that the Government is determined to tackle the problem. Determination is indeed the key to the success in this vital issue of disease prevention. Therefore, I have repeatedly spoken in this Council to urge the authorities to act boldly and decisively and to employ whatever means necessary to eliminate the possibility of a SARS comeback. So I am totally in support of the measures proposed by the Chief Secretary and I hope that the Government can live up to its words and persist in its fight against the epidemic.

It remains, however, that improving the community environment is a long and arduous task. The root of the problem can never be expected to be eradicated simply by resorting to a few moves and measures. I therefore think that the various Clean Hong Kong District Promotion Committees should be turned into standing bodies so that the public can be made aware of the concern and commitment on the part of the Government in improving our environment, and that this is not a superficial window-dressing kind of initiative.

Madam President, while the measures proposed by the Chief Secretary are specific and detailed, they are not without any room for improvement. Here are some points I wish to make. While the Government pledges to address the

problem of water dripping from air-conditioners, it should also be concerned about the problem of objects thrown from height. Many people have said to me that the problem of objects thrown from height is serious with regard to high-rise buildings. However, the police are at a loss as to what can be done about it and they find it hard to collect enough evidence for prosecution. This has indirectly aggravated the problem for offenders can get away with it. I support the idea of installing CCTVs on the outer walls or at the rooftops of buildings which have a serious problem in this regard. This should be coupled with heavy penalties so that deterrence can be achieved. Some people may advance the grounds of privacy to oppose the idea of installing monitoring devices in buildings, I would think that we should not sacrifice the life and personal safety of the pedestrians as well as the environmental hygiene of our community just to protect the privacy of those who are not civic-minded.

Though the Chief Secretary has touched on the problem of leakage in the ceilings, he has not discussed the root of this long-standing problem in detail. The root of the problem is that the kind of colour powder test made by the Food and Environmental Hygiene Department is not so effective in determining the source of the leakage. This has left the residents in the floor below helpless. This problem of leakage will not just affect the hygiene of a flat, it can also lead to disastrous results if the virus is transmitted through the waste water. Therefore, the authorities should simplify the procedures for the issue of a warrant to enter the premises concerned, and in the event of failure to determine who should be held liable for the leakage, order the owners of premises immediate above and below to share the costs of repair.

As to the proposal of cleaning and painting the road signs frequently, it is definitely a very good idea and it can be done better. The Highways Department has made a study on using multi-purpose street lamp posts which combine traffic lights, street lamps and road signs into one. It has also tried to adopt signs which display the street numbers of buildings as well. So when the Chief Secretary puts into force these cleaning measures, he may as well speed up the plans made by the Highways Department so that these two sets of plans can go ahead at the same time. This will not only facilitate the cleaning campaign, but also help the people and the tourists find their destinations.

As for the suggestion made by the Chief Secretary to distribute garbage bags and rubbish bins to buildings with a less than satisfactory hygiene condition, I think that this is a good way to improve the environment around the buildings.

I hope that the Government can at the same time require residents to separate the wet and dry waste. The way to do this is simple. The Government can just place two rubbish bins on each floor of the buildings and require residents to put dry waste which can be recycled into the garbage bags provided by the Government. As for the wet waste, it should be put into other plastic bags. Then the residents should dispose of these two kinds of waste into different rubbish bins on each floor of their buildings. This is a very cost-effective way and it can help extend the service life of landfills. So why should we not do it? As a matter of fact, the DAB has carried out a pilot scheme for the separation of waste in Island East for three months, and since each tonne of dry waste collected can fetch a price of \$750, this is good enough to finance the scheme and keep it rolling. This is therefore the right time to expand the scheme to cover the entire territory, especially those buildings which I have just mentioned. It can also promote a greater public awareness of waste recycling.

Madam President, during these past three months when the people of Hong Kong were distressed by the epidemic, the community had indeed paid a heavy price. However, the people have also learnt a most unforgettable lesson of civic education. The Government should make good use of this opportunity to use all the sources available to promote active participation on the part of the public in the hope that this all-out effort can strike home the message of cleaning Hong Kong deep into the minds of the people.

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

MR MICHAEL MAK (in Cantonese): Madam President, it is beyond doubt that poor sanitation of individuals and the environment will cause infection with infectious diseases. The SARS attack in Hong Kong has prompted the Government to launch a territory-wide cleaning campaign and government officials come out to clean up various districts. The world has had its eyes open to the poor hygiene condition in Hong Kong. In fact, what is shown on the television screen is only the tip of an iceberg of rubbish in Hong Kong. One can easily see waste paper and cigarette butts all over the streets and piles of bamboo skewers strewn around snack shops. According to information from the Marine Department, the amount of rubbish picked up from Hong Kong waters over the past three years was 27 400 tonnes of which 4 300 tonnes from the inner harbour of the Victoria Harbour alone. As a result, the Victoria Harbour which we are so proud of has become a flagrant harbour.

Hong Kong is famous for being the Pearl of the Orient, it is most unfortunate that in recent years the people of Hong Kong have not loved Hong Kong as they used to do. They are littering everywhere and so this Pearl of the Orient has now lost its lustre. I was born here and I have been living here since. Now that this Pearl of the Orient is relegated to the "sewer of the Orient", this is most disgusting. It is a most pressing task to clean up Hong Kong. According to figures from a discussion paper dated 27 May from the Panel on Food Safety and Environmental Hygiene, the cleaning offence which most people commit in public places is littering and it takes up 83.3%, followed by spitting in public places, or 11.9%. Since 28 March, summonses are issued instead of fixed penalty tickets in a bid to prosecute those who spit in public and the Court will try such cases. This is aimed at achieving a deterrent effect. However, the fine imposed in some cases is even lower than the fixed penalty of \$600, and that has lost the deterrent effect. I urge that the relevant departments should step up their enforcement actions and the Government should amend the relevant legislation. I am very glad to hear the Chief Secretary say today that the penalty will be raised to \$1,500. In fact, I do not think that fines are an effective means to achieve a deterrent effect, for offenders may litter a hundred times but they may be caught only once or twice. Then these offenders may pay the fine and get away with it, that is, they may not be prosecuted most of the time. I have always advocated that a community service order be imposed as a penalty, for seen from a behaviourist perspective, this can oblige offenders to actually bear the consequence of their actions. In addition, during the course of enforcing the community service order, the guidance provided by the probation officers will also serve to make offenders understand their wrongdoings.

Now the government departments do not have any co-ordination at all and they just mind their own business, passing the buck around. If such bureaucratic practice is allowed to continue, the Clean Hong Kong Campaign is bound to fail. For example, in the complaint received by me today, a member of the public pointed out that old CD-ROMs piled up in the apron of the old airport, thus attracting many rats and cockroaches. I called up the Lands Department and the Food and Environmental Hygiene Department, but they just shirked off their responsibilities, saying that it was outside their scope of duties. I hope that the Team Clean chaired by Chief Secretary for Administration Donald TSANG will forge greater co-operation between departments and discourage them from just minding their own business and passing the buck around.

The SARS incident has dealt a heavy blow to Hong Kong, but it may well be a blessing in disguise. If only we can seize the opportunity, the crisis can be turned into an opportunity. From the SARS incident the people have come to realize that they should pin too much hope on the Government and that they should work for their well-being. The efforts made by various sectors in society to save the economy have increased unity among the people. The Government should seize this golden opportunity to mobilize people from all walks of life to pitch in their efforts to really clean Hong Kong up.

The habits of littering and spitting in public have become part of our subculture and these bad and filthy habits must be kicked. But it is not an easy thing to quit such habits. No lasting effect can be achieved if we simply make rigorous enforcement efforts or impose fines and other penalties, for the effect will only be transitory. We must tackle the problem at root. The Government should step up publicity and education efforts in districts and schools. The adults should set themselves up as models so that young people will learn to love the territory and be good citizens. They should be taught to keep the environment clean for that is essential to their health. Proper concepts of hygiene should be instilled in their minds. I have great expectations for the Team Clean headed by the Chief Secretary and I hope that under his leadership, the campaign will not have a fine start but a poor finish like the previous Clean Hong Kong Campaign. Some time earlier I asked the Chief Secretary to make a clarification, but he has yet to make that. I asked him why was it that we had been talking about cleaning Hong Kong for 30 years but to little avail. It is only after this SARS outbreak that there are calls again for cleaning Hong Kong and stamping out these bad habits of Hong Kong people. But how can these bad habits be stamped out? That I think would have to depend on how the Chief Secretary would lead the people of Hong Kong and how hard we try.

With these remarks, I support the original motion and the amendment.

MR MA FUNG-KWOK (in Cantonese): Madam President, I speak in support of the motion moved by Mr YEUNG Yiu-chung and the amendment moved by Mr Fred LI. The turmoil caused by SARS as it sweeps through the territory has served to expose the many problems we have in environmental hygiene. We can no longer afford to neglect such problems. We must take forceful and effective measures and get hold of the opportunity offered by the lifting of the WHO travel advisory against us to rebuild our international image as a clean, tidy, civilized and healthy metropolis.

The hygiene and appearance of a city is a window on how civilized its people are. I still recall that starting from the latter part of the sixties of the last century, with the economic take-off of Hong Kong, great attention was paid to environmental hygiene and there was an inculcation of a civic mind in the people which emphasized hygiene, cleanliness and protection of the environment. From the decades-old "Miss Safety" to the well-known "litterbug", the people of Hong Kong were all educated from their tender age by these publicity campaigns on how to be a good citizen, that is, they should obey the traffic regulations, do not spit in public places and keep Hong Kong clean. All these concepts have become deeply rooted in our minds as the years go by.

However, when we entered the latter part of the transition, there was an exodus of migrants and there was a predominant loss of hope for the future, the sense of belonging in some people thus began to weaken and the Government at that time began to lose its sense of direction as it was beset with numerous political controversies. So the hygiene condition deteriorated, and to such an extent that it did not measure up with our status as an international metropolis and a tourist centre.

This state of affairs has not changed for the better in the few years after the reunification, as we were first hit by the avian flu and now by SARS. The prevalence of garbage in Hong Kong tops the list of major cities in the world. The garbage collected by the Marine Department from our waters has grown by 70% over the last five years. Many busy streets, some housing estates, markets, public toilets, back alleys and drains have become so filthy with litter that they are black spots of public health. On festive occasions and after big events are over, those public places where the crowds have gathered all become disgustingly filled with litter. Some young people have even made graffiti on the walls in public places and that is really an eyesore.

It has become an unfortunate fact that in recent years there has been a decline in qualities found in Hong Kong people such as honesty, politeness, friendliness, care for business reputation, civic-mindedness, being law-abiding and hardworking, and so on. Some people only care about their rights instead of their responsibilities and they only want their interests and refuse to make commitments, carrying nothing about the overall interests of the community. As a result, disputes would arise all the time and the situation is becoming widespread and serious. Some schools only teach textbook knowledge but

nothing on how students should behave. They do not pay attention to civic education and teach students how to be good citizens. As a result, most students are affected by the bad influences of society and they indulge in cheap and vulgar matters and lack noble sentiments and lofty ideals. Besides, they have very little sense of civic-mindedness. All these adverse factors will hamper our economic recovery and our becoming the most competitive and attractive city in China and so we should attach great importance to it.

Any campaign which aims at cleaning Hong Kong must start with the roots. I think first of all we must grasp this opportunity of the SARS epidemic and launch a persistent and in-depth civic education campaign, the contents of which should start with the onslaught of SARS and how poor hygiene contributed to the spread of the epidemic; from the heroic actions of the medical and health care workers to how SARS was overcome with the unity of the people; from the grave damage done by SARS to how our economy began to recover and how a better, harmonious, aggressive and prosperous Hong Kong is rebuilt from the ashes. The aim is to let the people know that Hong Kong is plagued with so many problems and if we do not work hard to catch up with the tide of world development, we may be swept away. With such a sense of crisis, we would be united and love Hong Kong all the more and care more about its image.

The next thing is to formulate various publicity and education strategies, taking into account the characteristics of people from different walks of life and social strata, so that the entire community will develop a habit of being hygienic and clean. Our society is a pluralistic society, and our people come from different parts of the world and from the Mainland. So they may have different ways of life and some even do not pay too much attention to personal hygiene. While we should promote good habits, we should also influence these people so that they may change their bad habits. We should target our publicity and education efforts at these problems, while the community should engage in persistent efforts to carry out these measures.

Moreover, we should step up with our legislative and enforcement actions and impose penalties on those who commit public health offences. An additional penalty of voluntary cleaning in the community may also be considered. Only by doing so can this two-pronged approach become effective.

I so submit. Thank you, Madam President.

MR ALBERT CHAN (in Cantonese): Madam President, on the question of how to clean Hong Kong, I would like to tender the Chief Secretary for Administration a piece of advice and that is, "enhance the awareness of hygiene and improve management at the district level". What I emphasize is the latter part, that is, improve management at the district level. We have implemented the Clean Hong Kong campaign for so many years, though there have been some improvements to the situation, there are still many serious environmental hygiene problems. They are still there mainly because the bureaucratic practice of government departments has not changed over the decades and on the question of environmental hygiene, there is invariably a lack of co-ordination among various government departments which pass the buck around. As a result, many policies are not properly and practically implemented. The Government may like to consider the following 11 points I am going to make to improve hygiene in Hong Kong.

First, set up a system of district managers tasked with the handling of hygiene matters. Now there are 18 administrative districts in Hong Kong, the Government may draw reference from the management of other cities and appoint a district manager in each district who is tasked with administrative matters, one of which being hygiene. In many cities, there is an executive office under the mayor of the city which is responsible for local district matters. Though the jobs and responsibilities of the district manager are similar to District Officers, the current District Officers are not professional managers and they do not have enough resources and powers to handle district affairs. Therefore, these District Officers are not the ideal candidates for the job. The Government should restructure the Home Affairs Department and the district administrative framework. It should set up an office specifically tasked with the administration of district affairs and the office-holder should be given solid powers to co-ordinate all relevant departments and to handle district affairs effectively.

Second, the Home Affairs Bureau should be vested with the power to effect mandatory management of old buildings. Now many of these old buildings have not formed owners' corporation and have not hired any management companies, thus there are many problems and grave inadequacies in building management. As a result, there are serious problems in maintenance and hygiene. The Government should amend the Building Management Ordinance to vest powers in the Secretary for Home Affairs to appoint managers or management companies to undertake building management work and collect fees from the owners according to their shares of title with a view to improving the hygiene condition of the buildings concerned.

Third, improve the management of government lands. Currently, there are environmental hygiene problems in many government lands on the outskirts of new towns and rural areas as a result of improper management. The Government is accountable for these conditions. Many government lands are also illegally occupied and used as dumping grounds for waste or abandoned vehicles, thus leading to serious environmental hygiene problems. Therefore, improving the administration of land is an important task that should be done.

Fourth, improve the administration of abandoned private agricultural land. With the decline of agriculture in Hong Kong, there is an increase of disused private agricultural land in the rural areas. These lands are not managed and weeds grow on them. Some of these lands are even full of litter and other wastes, thus breeding insects and pests. Therefore, the Government should step up the control of these abandoned private agricultural lands or change their land use, so as to improve the hygiene condition there and to avoid posing a threat to the ecology.

Fifth, the Government should implement the scheme for the separation of waste. Despite the fact that this is done in many cities, Hong Kong is still lagging far behind. Though some incentives have been offered by the Government, these are not comprehensive enough and the scheme is not implemented in each housing estate.

Sixth, there should be better use of the refuse chutes and the refuse collection chambers to avoid litter being discarded in the lift lobbies or at the back stairs of the buildings. In most of the residential buildings, litter is collected in the lift lobbies and at the back stairs. The refuse collection chamber is usually locked for security reasons and residents cannot put the litter directly into the refuse chutes. In some buildings, though there is a refuse chute, it has never been used. This is a serious waste of resources. Many management companies do not use the refuse chutes and refuse collection chambers because of technical reasons. The Government or the management companies should consider installing a combination lock in the refuse collection chamber of each floor to prevent access by outsiders from entering. That can solve the security problem. If litter can be disposed of in the refuse chutes, that can improve the hygiene condition in the lift lobbies and the back stairs. The Government should formulate sound regulatory measures to ensure the proper use of refuse chutes and refuse collection chambers.

Seventh, step up the supervision of construction sites to avoid stagnant water from collecting. In the measures proposed by the Chief Executive, this is also included. But the question remains enforcement.

Eighth, improve the sewage collection system in the rural areas. In my opinion, this is a dangerous spot which may cause a future outbreak of an epidemic. Now in many rural areas in the New Territories, there are many old-style village houses and small houses which do not have any sewage collection facilities and the villagers have to use septic tanks to treat the waste. Some of these septic tanks pose a serious hygiene problem because of poor maintenance or design. Presently the Government does not have any effective measures to regulate septic tanks in the villages. Some property owners have not cleaned these facilities for a long time and so these septic tanks have become breeding grounds for insects and viruses. The Government should therefore make a full-scale review of sewage treatment in the villages and improve the sewage collection systems and the septic tanks there.

Ninth, illegal connection of sewers with storm water drains should be prevented. This is a problem which exists in industrial buildings, residential buildings and the rural areas.

Tenth, liquid soap and paper towel dispensers should be fitted in toilets. Many private shopping malls and hotels have already installed such facilities, but many of the public toilets and toilets managed by the Food and Environmental Hygiene Department do not provide any liquid soap and paper towels. The Government should do something about it.

Eleventh, the hawker control team should be restructured and hygiene black spots should be tackled. As this is a problem which has existed for so many years, the Government must try to eliminate it.

All in all, to improve environmental hygiene, public awareness in this aspect must be enhanced and the framework and system of district administration must be improved. If only slogans are chanted repeatedly, there will never be any tangible improvement to environmental hygiene. I hope the Government can really learn its lessons.

Thank you, Madam President.

MR WONG SING-CHI (in Cantonese): Madam President, when the Team Clean was set up more than two weeks ago, it stated that it would improve the environmental hygiene of Hong Kong with some new and unconventional measures. The Chief Secretary for Administration has announced the recommendations made by the Team Clean today. However, if some of these recommendations are implemented, they would impose enormous pressure on certain disadvantaged groups in society, I am afraid.

Why? This is because one of the recommendations made in the report is to terminate the tenancies of repeat and unrepentant spitters who live in public housing estate flats. The Democratic Party agrees that the upper limit of fixed penalties should be raised and that offenders should be required to do community service, however, these measures should be applied with a fair hand. We do not think that the background of the offenders should be used as a basis for further actions and that is really overboard. These people can live in public housing estates because they are eligible, not because of anything they have done. It would be unfair to them if their tenancies are terminated because of spitting. If the argument put forward by the Government stands, then if those who are well-off spit, should we give them a means test and require them to hand over half of their assets? Or if some people spit in the parks, should they be stripped of the right to enter the parks again? I think such measures are really too excessive.

Any person with common sense will agree that this will not work and it may even encroach on the rights of the people. The idea behind all these measures seems to be bullying the disadvantaged. These measures are far too extreme and stringent, and the Government must give serious thoughts to their implementation or otherwise. As a matter of fact, it will achieve sufficient deterrent effect and serve the education purpose if spitters are required to do community service. For when they are doing such service, they will have a chance to think about the damage done to the environment by spitting.

Another extreme measure recommended in the report is to ban the sale of live poultry. The issue has been under discussion for a long time. Yesterday, the poultry trade made a petition at the entrance of this Council and the Government should be aware of the opposition of the sector. I believe the Government should make an assessment to determine if putting this measure in force will help stamp out infectious diseases or that it will lead to massive unemployment before public hygiene is improved. The Government must not act arbitrarily, and think of more measures so that the chances of spreading

infectious diseases can be minimized, while the sector's business and prospects will not be affected. Otherwise, these measures will not only break the convention, but also the rice bowls of many people. To put it bluntly, this is like chopping off one's toes to prevent an insect bite. That is really too much.

When the Team Clean is to break the conventions and introduce novel measures, it should also break the hurdles imposed by bureaucratism on improving environmental hygiene. I am glad to hear the Chief Secretary say that the Food and Environmental Hygiene Department (FEHD) will join hands with the Housing Department (HD) to crack down on illegal hawkers in the housing estates. This is an unprecedented move. However, there is no mention that the same kind of joint raids will be conducted on litterbugs and spitters. Presently, the management of many housing estates has been contracted out and the management companies in fact do not have powers of law enforcement. If these companies request the HD to deploy staff to catch the litterbugs, then they will have to pay a fee to the HD in the region of some \$10,000. After a special task force is dispatched by the HD, the companies concerned may give the HD an impression that they are not doing their job competently. The company may have points deducted in the assessment made by the HD and that will seriously affect the chances of their contracts being renewed by the HD. In such circumstances, we can imagine that no management company will ask the HD to come to the housing estates and catch the litterbugs. And given the fact that these companies do not have the authority to prosecute litterbugs, the litterbugs will be free to do what they want. As we see it, all such things stem from the bureaucratic system, and so I think this bureaucratic system must be broken.

Moreover, even if the FEHD has the authority to prosecute litterbugs in the housing estates, the past experience is that both the FEHD and the HD have reached an understanding beforehand, that is, if the HD takes action, the FEHD will stay away and will not enter the housing estate to take enforcement actions. Therefore, no officers will want to enter the housing estates and take enforcement actions. For the management companies, they do not want to tackle this problem of littering because they are afraid that their points will be deducted and they will be blacklisted, with the result that they cannot submit tenders for the management of HD estates in the future. Then the hygiene condition of the housing estates will only deteriorate. So that is the case with bureaucratism, so full of hurdles and restraints. I think if the Team Clean really wishes to break the conventions and introduce reforms, the first thing it must do is to weed out this bureaucratic mentality.

I hope that the Government can look into the question of how HD officials can effectively help the staff of the management companies to take enforcement actions. Moreover, as the main enforcement authority, the HD should refrain from observing conventions and minding its own business. Officers of the FEHD have the authority to enter housing estates, parks, and even beaches to enforce the law. Though the HD, the Leisure and Cultural Services Department and the Environmental Protection Department will enforce the law in their respective ambits, it is the responsibility of the FEHD to enforce the law in all the districts because it is the department responsible for public environmental hygiene.

Lastly, I would also like to mention that had the Government not scrapped the two former Municipal Councils in 2002, the two former Municipal Councils would do a much better and effective job in environmental hygiene.

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

MRS SOPHIE LEUNG (in Cantonese): Madam President, I am glad to see that the Government has released this Interim Report today and that the Chief Secretary for Administration has been appointed head of the Team Clean. I trust that this would be a most challenging task to accomplish in the days to come. There must be some bold and innovative thinking to engineer a change of the deep-rooted bad habits in this liberal city. I have great expectations for this, for not every city can overcome a disease like SARS despite their advanced state of public health.

I have returned to Hong Kong only today. I discussed this problem on the western coast of the United States with eight experts last week. They were very appreciative of our efforts in this battle against SARS. They said that for every major city, when it was to face an entirely new epidemic, it might not dare to say that it would not be caught unprepared and that graver blunders might not be made. However, it was fortunate that we could respond swiftly to the epidemic and that we could constantly change our strategies.

Having said that, we all agree that the 21st century will bring about many new diseases to mankind, such as the dengue fever which appears in the summer, and there is the "West Nile" in America. The latter does not even have a

Chinese name for it and it is also spread by insects. And there is SARS which we are all fighting hard now. Though these experts hope that we can eradicate this disease, we know that this is not possible, for epidemics will break out again. So in this century, due to frequent passenger and goods flows, as well as close contact between animals and human beings, it is likely that diseases like this will emerge time and again. So we share a common feeling that there should be a big change in public health policy for the 21st century. I think if Hong Kong cannot advance a public health policy for the 21st century at this juncture, we would miss the opportunity. So we should be prepared to give serious thoughts to such a policy.

Moreover, I have heard many Honourable colleagues sing many praises on the recommendations put forward today, but I have also heard Honourable colleagues express their worries on these. Why? It is because we are presenting our ideas and worries from our own background or on behalf of our constituencies. However, after discussions, there should not be much resistance to these measures proposed. So I hope Honourable Members can view the matter from this perspective.

What then should a public health policy for the 21st century encompass? It should be all-inclusive, and even issues like urban planning should be covered. Let us look at air quality in Causeway Bay, why has it come to such a deplorable condition? Does the Government have any plans to remedy this? There may well be one, for some old buildings in the outskirts of the area may have to be demolished and if we can demolish these buildings properly and leave a passageway for clean and fresh air to flow in, that is certainly a workable plan.

Another very important thing, and that is one which we should not overlook, is providing a healthy food chain. Now we eat almost everything and we savour on game. But should we do this? Should we not have a good look at our food chain with a respect for nature and value the peaceful coexistence between humans and animals? How can a healthy and hygienic food chain be provided? We can never view these matters from a perspective detached from sustainable development. Now we use a lot of bleach because of the SARS epidemic. I have asked in this Chamber whether or not we will cause a movement of rats and cockroaches due to our efforts to keep our city clean. Staff from the Department of Health told me that this would not happen, for we have a lot of these anti-rodent campaigns. But we see cockroaches moving, climbing up the walls and the rats are getting bigger in size. For any city like

ours with an abundant supply of food, a lot of food will be dumped into the drains and this is what feeds the rats and cockroaches. Is this a proper way to dump or dispose of our food? All these are questions we should think about.

Apart from this public health policy for the 21st century, another new thinking is that we should all think about our individual responsibilities and to what extent they have developed. We should all rethink about how important it is. We cannot hope to pass on the responsibility to the Government and ask other people to do it for us. This applies to the problem of hygiene in our homes, the problem of the elderly, and so on. What then should the District Councils do? All these issues boil down to the question of individual responsibilities and community responsibilities.

Another point I wish to make is that if we are to demonstrate to the world that we are determined to improve our environment, and to show that we are clean and healthy, then we should give other cities some good ideas to follow when they face these difficulties. I believe we can all recall that a few years ago, there were talks in Paris and New York on the growth in the rat population which was faster than that of human beings. The situation we have now is quite similar. Do we have any campaign that will exterminate the rats for good? Can we change our habit of dumping food remains into the drains? Can we present a set of effective solutions for other cities to follow, so that they know we are capable and determined?

Madam President, I so submit.

DR RAYMOND HO (in Cantonese): Madam President, there used to be a slogan which the Hong Kong Government coined years ago to the effect that cleaning Hong Kong is everyone's responsibility. With the continuing efforts made by the Government over the years, environmental hygiene in Hong Kong has improved enormously compared to the situation 30 years ago. However, the atypical pneumonia outbreak has brought to light many areas that warrant improvement. In view of this, I think the Government should pay more attention to the hygiene level of Hong Kong and take positive actions to improve it, so that the people can live in a comfortable and hygienic environment which is also conducive to boosting the development of tourism.

Although Hong Kong is an international city endowed with metropolitan allure, its hygiene condition is still far from world-class. Take the public toilets

here as an example. Though a lot of resources have been put into beautifying them, the hygiene conditions there are still not satisfactory. The placing of potted plants, providing paper towels and enhancing the lighting in the toilets will help create a favourable impression on the public as well as the tourists. However, the most important things are to keep the toilets dry and do regular cleaning and sterilization. Moreover, consideration should be given to providing faucets equipped with sensor to avoid manual operation. Apart from public toilets, the hygiene of washrooms in restaurants and food establishments are also a cause of concern. I think the Government should encourage the catering sector to conduct frequent cleaning and sterilization of washrooms as that will certainly facilitate an early recovery of the sector. A good toilet culture should be fostered generally.

Littering is a bad habit of many people in Hong Kong. If Hong Kong is to become a clean city, the people must kick this bad habit. In fact, not only will littering affect the appearance of our city, it will also pose a hazard to others. For example, some time ago on a footbridge in Wan Chai, I saw a young couple each holding a cigarette and a can of soft drink. A while later, they threw the cigarette butts and the cans down the footbridge under which was precisely a pedestrian walkway. One can imagine if there were pedestrians there at that time, they might be injured or have their clothes soiled.

Spitting is also an annoying habit. Despite the heavier penalties imposed on spitters, the effect is not so marked. I think tougher action must be taken by the Government on those who litter and spit to achieve the desired deterrent effect.

As for pests like cockroaches, rats, flies and mosquitoes, more attention should be paid by the Government as they will spread viruses. Mosquitoes, for example, help spread dengue fever. Since the outbreak of atypical pneumonia, many people in Hong Kong and from different trades have realized the importance of environmental hygiene. I hope the Government can make use of this opportunity to mobilize the Policy Bureaux, the public as well as the relevant sectors to vigorously take forward the Clean Hong Kong campaign.

The Chief Secretary for Administration has read out the Interim Report of the Team Clean chaired by him before this Council today, listing out various measures to improve environmental hygiene in Hong Kong. I think the general direction and strategies adopted by the Government in cleaning up Hong Kong

are correct. It remains, of course, that more consideration should be made on some areas. I hope that the Government can fully understand the practical issues involved, so that its actions will not become empty talks and detached from reality.

Hong Kong is an international city that attracts many overseas visitors to come here every year. The number of visitors has dropped sharply after the outbreak of atypical pneumonia, and it has dealt a serious blow to our economy. I trust that cleaning up Hong Kong will serve to revive our economy. It is indeed very important to build up a good international image, and a fundamental change of our bad habits will certainly earn us the respect of foreigners. I hope that the Government can devise the relevant measures as soon as possible so as to raise the level of public hygiene and quicken the pace of economic recovery.

Madam President, I so submit.

MR CHAN KAM-LAM (in Cantonese): Madam President, the outbreak of atypical pneumonia, which is an epidemic of the century, has claimed more than 200 lives in Hong Kong, including even medical workers who sacrificed their lives heroically. If the epidemic can awake the people, sharpen their will, foster unity among them, and make them kick the bad habits, then the sacrifices of the medical workers are not worthless.

The Clean Hong Kong campaign has been ongoing in Hong Kong since the '70s. From the Litter Bug to the Dragon of Cleanliness and back to the Litter Bug again, 30 years have passed in the blink of an eye; and we see such slogans as "Everybody loves Clean Hong Kong", "spitting is detestable", "Littering Fixed Penalty \$600", and so on, year after year. Certainly, the result is there for all to see. But public awareness of cleanliness has indeed gone downhill in recent years. Today, I have heard many Members say that heaps of rubbish are found everywhere in Hong Kong, describing Hong Kong as if it is a "fragrant harbour" devoid of any merit. I think they may be exaggerating. After all, people with no civic-mindedness are still in the minority, and a vast majority of the people do resent inconsiderate behaviour. Certainly, sustained efforts are required to maintain a clean environment and efforts must not slacken. Therefore, it is entirely necessary to enhance the public's awareness of hygiene after the havoc wreaked by atypical pneumonia.

The Secretary for Housing, Planning and Lands, Mr Michael SUEN, criticized the inspection teams of the Housing Department (HD) earlier for having issued only 65 summons for spitting in the past 10 months, saying that their performance had been extremely poor. Certainly, I hope the HD can deploy additional manpower to prosecute spitting residents. Apart from imposing a fine on them, a community service order should also be passed on them, so that they can learn a lesson while serving the community.

Since the massive outbreak of the epidemic at Amoy Gardens, sewers have become the focus of public attention. Recently, residents at Mei Lam Estate, Sha Tin, have complained about the design of sewers in their housing estate in that one sewer is shared by two adjacent households. As a result, over the last 20 years, whenever one of the households flushes the toilet, a small amount of excrement will be flushed into the toilet of the adjoining flat. The residents are worried because in case someone in any of the flats is infected by atypical pneumonia, the virus will spread through his excrement.

Although the HD has verbally undertaken to carry out improvement works for households in Mei Lam Estate affected by cross flushing of excrement, the fact is that, according to the HD's estimation, a similar sewer design is adopted in about 200-odd old public housing blocks now. Last week, I conducted a questionnaire survey among households at Kai Yip Estate, Kwun Tong. Among the 700 households interviewed, over 100 households stated that there has been a case of cross flushing for many years, but the HD has never taken any follow-up action.

Besides, according to a territory-wide survey conducted by the Democratic Alliance for Betterment of Hong Kong (DAB) earlier, leakage is found at the sewage pipes of many housing estates. Even after repeated complaints by the households concerned, the HD has only carried out some temporary repair works. At some of those housing estates where the pipes are installed inside the housing units, there are even complaints from the tenants that the leakage in the bathroom is so serious that the water leaking out of the sewage pipes can fill half a bucket in two days. But the HD or the management company has never addressed this problem squarely. The DAB hopes that the HD can seriously address the problem of sewage pipes in the wake of the atypical pneumonia incident.

Moreover, earlier on there was extensive coverage in the media on an old lady who had the habit of collecting refuse, and the refuse collected had accumulated to 30 tons in her four flats. The Food and Environmental Hygiene Department (FEHD) subsequently had to send over 10 workers to take actions, and it took two weeks in a row to clear the junk inside her flats. In fact, many elderly people in public housing estates under the management of HD also like to pile up a huge amount of objects and refuse in their flats. But the HD has all along been at its wit's end as to how these problems can be tackled. Although the Chief Secretary for Administration has announced today that the tenancy of households who have no regard for public hygiene would be terminated, to some pathological tenants, the termination of tenancy only means moving away from public housing estates temporarily, for they can be reallocated a public housing unit through compassionate housing very soon.

In Tsui Ping Estate, a resident not only piles up objects in his flat, but also put his objects and refuse in the common areas outside his flat. Worse still, he has even excreted waste there, thus seriously affecting the environmental hygiene. Although District Council members, the FEHD and the Social Welfare Department had jointly taken actions to remove the articles from his flat, he slipped back into his old behaviour a few days later. We consider it necessary to come up with special measures to deal with these tenants with abnormal behaviour. Apart from removing them from the housing estate, it is better to house them in an environment where they can be given sufficient care in order to rectify their behavioural abnormalities.

Madam President, today, the Chief Secretary for Administration, Mr Donald TSANG, presented the Interim Report of Team Clean and put forward many proposals which are basically consistent with the views of DAB. So, the DAB will throw full weight behind them. The DAB also calls on Hong Kong people to work in concert and to eradicate the bad habits with resolve, in order to thoroughly improve the environment in Hong Kong and to strive for the good reputation of being a hygienic metropolis.

With these remarks, I support the motion.

MR FREDERICK FUNG (in Cantonese): Madam President, originally I was not prepared to speak, because my views have already been submitted to the Government. I have read the Interim Report of Team Clean published by the Government just now. I have read it thrice. I would like to express my views on the Report.

First of all, I think the Report actually serves to extend, widen and intensify the cleaning-related work currently undertaken by various government departments. On the imposition of harsher punishments by the Government, I would like to put forward a view and that is, I hope the Government, before actually giving effect to these punishments, such as the very harsh penalties of increasing the fine from \$600 to \$1,500 or ordering the eviction of tenants of public housing estates from their public rental units, must make it clear to every person who may be affected in a very high profile that they will be severely punished for doing any of such acts. Otherwise, the penalties cannot serve another purpose. It is because I believe the objective of the penalties is not really to collect a fine of \$1,500 from the offenders or to recover their public rental units. Instead, the objective is to change the behaviour of these people through penalties, deterring them from spitting, throwing objects from height and littering. This should be our objective. Then how can we achieve this objective? We must let the people know that they will be fined \$1,500 if they continue to spit, and tenants of public housing estates will be evicted if they continue to litter. The Government must make the people understand that these acts are wrong. This is more important than punishing them. So, I hope the Government can direct efforts to make these people understand that they are wrong.

I think the measures mentioned in the Report are basically stop-gap only. Insofar as these stop-gap measures are concerned, the Government has been very thorough, for almost everything that we could possibly think of is included in the Report for implementation in phases. I note that each measure will be implemented in two phases — Phase I and Phase II. That is, work will be carried out more comprehensively in Phase I and efforts will be intensified in Phase II. In his speech this afternoon, the Chief Secretary for Administration mentioned that work must be carried out expeditiously. This undertaking and thinking do merit our support. I hope the Government can really do what it has undertaken to do.

I think there are a number of inadequacies in the entire Report. Firstly, the lack of vision; and secondly, little is said in respect of civic education, that is, about changing people's behaviour. It is because, in the long term, we cannot ask the Food and Environmental Hygiene Department to clean the streets or back alleys all the time. Should the Department be made responsible for cleaning these places for one day, one month, one year, 10 years, a lifetime, two lifetimes or three lifetimes? I think the Government should not be made responsible for all the cleaning work. Private premises should be cleaned up by the owners. Cleanliness and tidiness on private premises (I do not mean unlawful structures) should be the responsibility of their owners. As to how such work can be incorporated into the scope of responsibility of owners or how it can be institutionalized to become a kind of standing responsibility of owners, the Report is silent on this. I hope the Chief Secretary for Administration can address this point in the next phase of work.

Secondly, about civic education. Page 33 of the Report mentions schools and when it comes to schools, the focus must be on students. However, students only account for one million-odd of the population of Hong Kong. Even if we assume that people working in schools are also covered, how will the Government's civic education or education reach such ordinary citizens who are not studying or working in schools like us? There is little discussion on this in the Report. Nor is this mentioned in the targets for Phase I and Phase II. So, I hope the Government can step up its efforts in this regard. If I have the opportunity to meet with government officials, I will tell them our views. But due to the time constraint, I cannot talk more about this and after all, this is not my focus.

Then where is my focus? It is how cleaning at private places can be institutionalized, as I mentioned earlier. This is my concern. It is because we must do this in the long run. In fact, in 1995 and 1996, we already proposed to the then Secretary for Home Affairs, Mr David LAN, that the hiring of management companies should be made mandatory. Certainly, if an owner's corporation (OC) is set up, the OC can hire a management company to manage the building and to handle work including repairs, cleaning, and so on. Everything can be handled through the management company. What constitutes a cause of grave concern is buildings where no OC can be set up or members of the OC are not active and know nothing about how an OC should operate. I think the Government can, through the Home Affairs Bureau, appoint non-governmental organizations (NGOs) or voluntary agencies to engage management companies for these buildings. I think it should not be the

responsibility of the Government to monitor these management companies. If the Government is responsible for monitoring the management companies, that would be tantamount to the existing system of the Housing Department. I do not think we should have a second Housing Department. However, it is a viable option if the Bureau can commission NGOs which can then hire management companies to manage private buildings.

I trust NGOs, particularly the existing social work agencies. The reason is that it is normally a belief of NGOs not to manage a place permanently. They will encourage as much involvement as possible from the people there, so that the people can make decisions on their own. Then the NGOs will return the powers to the people and leave. These NGOs are like water in the making of concrete. Concrete is originally in the form of loose sand and cement but after water is added to it, it becomes brick and mortar. But one cannot find any water in it when the brick and mortar breaks. That is the function of NGOs. Since management companies operate on a full-time basis, they can act as a stimulus. In the long run, management companies should not only be tasked to manage buildings without OCs. They can serve the objective of setting up OCs for buildings without OCs. Why are District Offices unable to do this now? It is because District Offices do not have staff to handle this area of work full-time. We have always criticized the District Offices of establishing OCs but not providing assistance to them afterwards. If the management company is made responsible for setting up an OC and nurturing the OC, the OC can in turn direct the work of the management company when it reaches maturity. In that case, there would be sufficient manpower or staff to handle this area of work. If the Government considers it impossible to achieve this objective in one step, another option is for the NGOs to hire cleaning companies, rather than management companies. The cleaning company can start from the cleaning work and then develop into a management company.

In fact, I would like to say more but I do not have the time. The last point I wish to make concerns Annex 2 to the Report which contains a flow chart of work at the district level. I do not quite like this flow chart, because it has cast the District Councils (DCs) aside. Insofar as this area of work is concerned, the DCs may even be more important than District Offices. I think the DCs should be able to act as the decision-making authority in respect of the cleaning work, whereas District Offices can be the secretariat of DCs, and the District Management Committees (DMCs) can be responsible for implementing the decisions of DCs. Of course, implementation by the DMCs is merely a kind

assistance from the DMCs, but not a statutory requirement. Anyhow, the principle is that we should devolve powers to the DCs to carry out this area of work, so that DCs will mobilize its members to involve in the work in their respective constituencies, and this will mobilize even greater community involvement. I hope the Government can consider this.

Thank you, Madam President.

MRS SELINA CHOW (in Cantonese): Madam President, to build up a good impression of Hong Kong among tourists, we have to rely not only on the publicity and promotional efforts of the Hong Kong Tourism Board (HKTb) or other agencies in different parts of the world. In fact, over the years, the HKTb has conducted many surveys among visitors to understand what they think of Hong Kong, with a view to creating an image of a "City of Life" for Hong Kong.

The atypical pneumonia incident has undoubtedly highlighted the fact that Hong Kong has a team of excellent medical workers and quality medical services. But it has indeed done serious damages to Hong Kong's healthy and hygienic image too. The HKTb has all along closely liaised with the Government and the tourism sector to discuss promotional strategies to relaunch Hong Kong. Every one of us is very eager to launch vigorous campaigns pending the reaction of the public and when the right timing.

At this stage, Hong Kong should work to preserve its advantages by consolidating its healthy and hygienic image. In fact, the Food and Environmental Hygiene Department has worked very hard to promote the Clean Hong Kong campaign. Many different organizations, including the HKTb, have sent their representatives to attend the meetings and provide input from the tourism viewpoint. After the atypical pneumonia incident, the work to clean up Hong Kong has become all the more important. Coverage on the various measures taken by government departments to clean up Hong Kong and the relevant situation by international media can also consolidate visitors' views on Hong Kong's cleanliness and hygiene condition.

The Victoria Harbour is one of the most important tourism assets in Hong Kong. The HKTb has just announced that a new tourist attraction, the Avenue of Stars, which uses movies as its theme, will be built at the Tsim Sha Tsui Promenade. The Tourism Commission also has a series of plans to beautify the

entire Tsim Sha Tsui Promenade. A new cruise service touring the Victoria Harbour will also be introduced this year to enable tourists to visit the tourist attractions located on both sides of the Victoria Harbour by sea. A clean and beautiful Victoria Harbour is precisely the prime requisite of these new tourism projects. We, therefore, hope that the relevant authorities can clear the rubbish on sea more frequently.

Public toilets are one of the essential facilities for visitors. We certainly do not wish that this important facility will leave a bad impression of Hong Kong on tourists. Of course, we must continue to make an effort to promote Hong Kong to foreign visitors. We also hope that visitors, while enjoying the delicious cuisine in Hong Kong, will have a good impression of the toilets in all restaurants. In fact, talking about "toilets" here sounds rather out of class. But they are important not only to our daily life, but also to visitors. Even when we visit other countries, toilets are also very important to us and they are of great concern to us too. I am very glad to see that many tourist attractions have now attached importance to the hygiene condition of public toilets, and the standard of them has also improved considerably. Having said that, however, many other toilets which are not managed by the Government but are frequented by the public and visitors may not be up to standard. Therefore, the Government must come up with a set of measures to raise their standard.

Certainly, the overall clean image of many streets, shops, tourist attractions and country parks in Hong Kong will depend on the efforts of the Government in drawing up policies and in earnestly enforcing them. The Government has always talked about promoting green tourism. The people of Hong Kong also like to go outdoors to the country parks. But more often than not, the sanitation facilities at these places may not be satisfactory. Obviously, apart from the efforts of the Government, it is also necessary to obtain the support of all trades and industries and the support of each and every member of the public before we can truly meet high standards in terms of cleanliness and hygiene.

The HKTB has compiled a proposal on the feasible measures to clean up the city from a tourism perspective. The proposal will be submitted to the Government later for further study and follow-up. However, I wish to emphasize here that the building up of the image of Hong Kong will rely on the concerted efforts of all citizens. We should not entirely rely on the Government to promote the work of cleaning up Hong Kong. Co-operation from all quarters

is necessary to polish the healthy and hygienic face of Hong Kong. To promote tourism, efforts must start from within Hong Kong and extend to without. If the health and hygiene conditions in Hong Kong can reach the required standard or the standard required of an Asian cosmopolitan, we will be able to win the praises of international media and even tourists from around the world. In that case, it will be very easy to attract visitors to return to Hong Kong and Hong Kong will then be on the road to speedy recovery.

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

DR LO WING-LOK (in Cantonese): Madam President, Chief Secretary for Administration Donald TSANG mentioned in his speech this afternoon the need to establish a culture of cleanliness in Hong Kong and to work for sustained results. So, three strategies are drawn up for the current Clean Hong Kong campaign, namely, territory-wide participation, sustainable development and breaking new grounds. I would like to talk about my interpretation of these three strategies and my expectations of them.

All along, we can see that Clean Hong Kong campaigns with territory-wide participation means the Government putting on a show and the public watching it. The effectiveness of this type of participation is actually very limited. So, I am very glad to hear the Chief Secretary talk in his speech this afternoon, not only about "putting on a show", but rather about more substantive efforts to mobilize the public. Therefore, it means not only territory-wide participation, but territory-wide active participation. Public participation used to be passive, but it has now become active.

After the Severe Acute Respiratory Syndrome (SARS) incident, individuals and community leaders have actually become far more proactive. Individuals have been more proactive as they are aware that they must rely on themselves to fend off the health hazards posed by SARS, because the Government does not have the vaccine for injection. Nor is there any potent drug for prevention purposes. The people must pay attention to cleanliness by, for instance, always washing their hands, wearing a mask where necessary, actively paying attention to the health conditions of their family members, and so on. All these are instances of active participation and proactiveness.

As for community leaders, many colleagues mentioned District Councils (DCs) earlier. I had had the opportunity to work with DC members during the SARS incident. I found that these political leaders in districts had played a far different role when compared to the past. In the past, they would say to me, "Dr LO, let us work together to urge the Government to build hospitals that provide 24-hour out-patient services." Community leaders would make appeals, and the Government would be the giver. But it has been different this time around, as the community leaders have played the role of calling on everyone to maintain a hygienic living environment, to be concerned about our family and to work in concert to take care of our neighbours. Their proactiveness is very different from the past. So, I think the Government should seize the opportunity and ride on the momentum of such proactiveness of individuals and community leaders, so that the Clean Hong Kong campaign can be implemented more successfully. In this connection, I think the role of DCs cannot be neglected. Their members are community leaders and they should, on their own initiative, lead the residents to foster a more hygienic environment at the district level.

The second strategy is sustainable development. To promote sustainable development, we must make changes to personal behaviour. How should personal behaviour be changed? I think a multi-pronged approach should be adopted. While past Clean Hong Kong campaigns were implemented on a very large scale, the problem is that the result was limited to a cognitive level. That is, people all think that it is good to keep Hong Kong clean. Everyone will nod in agreement. But in most cases, they do not take any action despite the full recognition that this is a good cause, and they just stop at the primary level. Therefore, in order to give the Clean Hong Kong campaign depth, we consider it necessary to change the attitude of the people and to change their behaviour.

We used to focus on public interest, stressing that the campaigns were conducted for the public good and for the cleanliness of Hong Kong in order to leave a good impression on foreign tourists after their visit to the territory. All this has to do with public interest. However, the SARS incident has made people realize that maintaining a clean environment and paying attention to personal hygiene are also in their own interest. If they do not take care of their personal cleanliness and hygiene properly, they might contract serious illnesses and might die. This is precisely private interest, and this is also very important. If all the people of Hong Kong can work for their own private interest, the result

will be that the public interest of Hong Kong will also be taken care of. Therefore, given the severe impact of SARS, I believe we can do better in sustainability. The message being put across to the public by the Government is that this has to do with the people's own self, their own safety and their own interest. I believe the Government can ride on this momentum to do better in the Clean Hong Kong campaign.

The third strategy is to break new grounds. What do we learn from the Chief Secretary's speech concerning how to break new grounds? In fact, the relevant measures are broadly the same, but he has spoken on the penalties at great length. In the past, penalties were very mild but they are now very harsh. The Government used to adopt an absolute tolerant attitude but this time, it has made it crystal clear that its attitude is zero tolerance. This is a very good message.

What would the Government do when lots of rubbish were found on the streets in the past? The Government would blame itself for providing too few rubbish bins or not clearing the rubbish bins often enough, thus resulting in overflowing rubbish bins and so, the people could not be blamed for disposing of rubbish beside the rubbish bins. The Government was very good to its people in so doing, but the problem also lies in the Government's excessive forbearance towards the people. Although the rubbish bins are full, it does not mean that the people can litter everywhere. They should bring the rubbish home for disposal. Why can they not do so?

The Government has also been very tolerant of certain industries. Newspapers left behind by newspaper vendors are found everywhere at Queen's Road Central in the morning, but the Government would clear the street shortly afterwards. This is an instance of absolute tolerance of the Government. The same happens at floral markets and wet markets, and the Government would clear the rubbish as soon as the markets closed. I think the Government should change its attitude from absolute tolerant to absolute intolerant, in order to deter these from becoming habitual. This is the way to break new grounds.

I also see another sign of breaking new grounds. In the past, emphasis was put on clearing rubbish on the streets and on sea. But now, attention should also be paid to the hygiene problems in old buildings, problem buildings, sewage pipes and back alleys in the urban areas. These are also good efforts to break new grounds.

So, I have pinned high hopes on the new Clean Hong Kong campaign under the leadership of Chief Secretary for Administration Donald TSANG and I am also confident about it. I wish him every success.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr YEUNG Yiu-chung, you may now speak on the amendment of Mr Fred LI.

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, Mr Fred LI has added three specific measures to the wordings of the motion proposed by me. Although there are far more measures for improving environmental hygiene than these three measures such as the measures to prevent throwing objects from height and tackle the problems of the cleansing of private streets and the accumulation of refuse at home, and so on, other measures have not been ruled out by Mr LI for he has used the words "which should include". Besides, the DAB also supports and favours the three measures proposed by Mr LI, so the DAB supports Mr LI's amendment. Thank you, Madam President.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, when I was appointed by the Chief Executive to set up Team Clean early this month, my colleagues and I set the target of formulating work plans for short-term measures in Phase I within three weeks or by the end of May. Today's motion debate has come just at the right time.

This afternoon, I already presented as scheduled the Interim Report of Team Clean, and Members should have received a copy of this Report. The Report lists out in detail our strategies, including a cross-sectoral and sustainable framework and various short- and long-term improvement measures. Most of the issues raised by Members in respect of today's motion have already been addressed in detail in the Report. I will not respond to them one by one. But here, I wish to reiterate a number of keys to the success of this campaign.

Firstly, as pointed out by many members of the community and press commentaries, after the ravages of the Severe Acute Respiratory Syndrome (SARS), all Hong Kong people have fully recognized the importance of public and environmental hygiene. The outbreak of SARS has exposed two of our major weaknesses. First, there are still many hygiene black spots with overflowing sewers, pest infestation and heaps of rubbish; second, there are still people who have not corrected their bad habits in personal hygiene by continuing to spit and litter wantonly. These bad habits that defy public hygiene will not only make people become vulnerable to viral infection, but also seriously threaten public hygiene. However thorough our efforts in epidemic prevention, a new round of epidemic may be triggered anytime by these people who are not civic-minded. To improve public hygiene standards, we must make an effort; we must target actions on those irresponsible and uncivil offenders and warn them of our "zero tolerance". We will encourage them to kick the bad habits by harsh penalties and by other means, including publicity and education.

Mr TAM Yiu-chung mentioned earlier the problems in the handling of domestic refuse in public housing estates. He raised some questions but gave no answers. Perhaps let me give a brief account of our work in this area. In fact, the Housing Department (HD) has just conducted a comprehensive review of the collection of refuse in public housing estates and decided to take improvement measures in four areas, including the arrangements for refuse collection, monitoring of the work of contractors for cleaning services, law enforcement, and education and publicity, with a view to ensuring cleanliness in public housing estates. First, the HD will hand out garbage bags to residents to facilitate recovery by cleaners. Second, residents will be reminded to dispose of their refuse at designated refuse collection points at specified time and if necessary, the time of refuse collection may be adjusted in accordance with the conditions of individual housing estates as well as the needs of the residents, and refuse collection chambers will be opened and additional rubbish bins will be provided at refuse collection points for residents to dispose of their rubbish at time other than the specified time. Third, an innovative biochemical odour removal device will be installed at refuse collection points to eliminate the odour, improve the environment and reduce the impact on nearby residents. I hope that these measures are positive and concrete solutions to these problems.

Our second objective is "sustainability", which is an important element of our initiatives. Any transient measure or window-dressing will be of no avail. Each action must be handled by a designated law enforcement agency and complemented by feasible matching measures and well-thought out strategies. As I pointed out in the Report, we will introduce pilot schemes to be implemented specifically at the community level. Members of District Councils (DCs), in collaboration with different sectors of the community and members of different organizations and jointly with District Officers and District Management Committees, will form the sustainable backbone for district administration. Improvement measures will be taken forward in the community under the leadership of District Officers to ensure that government departments will cease to work in isolation.

Thirdly, the Government must seize the opportunity offered by prevalent popular zeal on improving hygiene to yield visible results as soon as possible and to gather sufficient momentum for the reforms, so that the Clean Hong Kong campaign will become an ongoing and far-reaching activity and better still, part of our lives. In this connection, I maintain that we must make visible achievements in areas that badly warrant improvement within a short span of time, so as to demonstrate our determination with facts.

Therefore, we will certainly seize this opportunity to induce as much support and participation as possible from the people, thereby ensuring that the Clean Hong Kong campaign can evolve into an ongoing exercise. We will mobilize all the people of Hong Kong to promote community involvement. Before implementing controversial measures, consultation will be conducted to give the public ample opportunities of discussion, in order to arrive at an option that is acceptable to the majority public.

Fourthly, we must make people understand that they must pay a price for a clean Hong Kong. While it may cause inconvenience or make us feel unhappy or uneasy to change some of our habits, this is the path that Hong Kong must take. Other than this, I think we do not have any option. Otherwise, we will have to pay an even greater price. We must break new grounds before Hong Kong can genuinely become a first-class cosmopolitan.

After the SARS epidemic, the Team Clean considers it necessary to reconsider the issue of imposing a ban on the retail sale of live poultry in the interest of protecting public health. Mr WONG Yung-kan has provided a lot of

input in this regard earlier on. I wish to point out that the four previous outbreaks of avian flu have cost the community of Hong Kong, including the citizens and the industry, dearly. They have been greatly affected both financially and psychologically. There is already proof that the avian flu virus can jump across species to infect humans. Although there has been no case of human-to-human transmission, experts still consider it highly likely for this to happen. Therefore, the avian flu poses some sort of a hazard to public hygiene and health. It is like a time bomb. We cannot simply turn a blind eye to it.

Certainly, the public must be consulted before a decision is made as to whether the retail sale of live poultry should be banned. We do appreciate that this involves the eating habits of the public and the livelihood of workers in the industry. For this reason, the Team Clean suggests that the Government must, as a first step, make the public fully understand the potential hazards posed by avian flu to public health and conduct detailed assessments of the other factors and viable options before causing the public to make the decision as to whether the habit of consuming freshly slaughtered chicken should be maintained.

Moreover, I must emphasize that the Team Clean has not decided to impose a ban on live poultry or come up with any concrete proposals at this stage. We will explore and study this issue in detail in the next phase of work. We are aware that the Government must not make a decision on its own as far as this issue is concerned. The views of the public and the industries affected must be fully consulted. I hope that a consensus can be reached among various sectors of the community early.

Madam President, in the course of formulating the work plans of the Team Clean, we have listened to the views of various sectors of the community. I have also listened very attentively to the speeches of Members earlier, and I am very grateful for their input. Their views are consistent with the work of the Team Clean in Phases I and II. Colleagues in the Team and myself are greatly encouraged by their enthusiasm and will consider their individual views in detail. Indeed, without the support from Members of the Legislative Council, members of various sectors of the community and each member of the public, and if we solely rely on the efforts of the Government, the work of the Team Clean is doomed to fail. The publication of the Interim Report is only the first step taken by the Team Clean in its work. We will submit concrete work plans for long-term improvement measures in three months. In the interim, Team Clean and

the relevant departments will seek more opportunities to explore the various proposals at the panel of the Legislative Council and to finalize a feasible timetable.

I urge Members to continue giving staunch support to the work of the Team Clean, so as to make Hong Kong a hygienic and clean city. Thank You, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr Fred LI to Mr YEUNG Yiu-chung's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr YEUNG Yiu-chung, you may now reply and you have two minutes 24 seconds.

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, I am very grateful to the 21 Members who have expressed their views on this motion related to Clean Hong Kong. These Members from different background and functional constituencies have made many positive and constructive suggestions. There are also quite a number of positive ideas in the Interim Report of the Team Clean.

I think that Clean Hong Kong is easier said than done but the community has a strong appeal in the wake of the Severe Acute Respiratory Syndrome epidemic. I believe the Chief Secretary for Administration must be able to handle the matter well. I also think that, this Council, as public opinion organ monitoring the Government, should play a more positive and constructive role in cleaning up Hong Kong and closely co-operate with the executive authorities in such aspects as the transmission of messages, collection of public opinion, law amendment, civic education, and so on, in order to implement the Clean Hong Kong campaign better.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr YEUNG Yiu-chung, as amended by Mr Fred LI, be passed.

Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 11 June 2003.

Adjourned accordingly at two minutes to Eleven o'clock.

Annex**TUNG CHUNG CABLE CAR BILL****COMMITTEE STAGE**Amendments to be moved by the Secretary for
Economic Development and Labour

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	<p>(a) In the definition of "Company" by adding before the semicolon -</p> <p style="padding-left: 40px;">", or a person to whom the franchise is assigned under section 5, or a body corporate designated under section 27(7)".</p> <p>(b) In the definition of "fare-paying passenger" by deleting "to the Company or its agent, or to the MTR Corporation Limited or its agent".</p> <p>(c) In paragraph (a) of the definition of "Project" by deleting "finance" and substituting "financing".</p> <p>(d) In paragraph (b) of the definition of "Project Agreement" by deleting "section 5" and substituting "this Ordinance".</p> <p>(e) In the definition of "局長" by deleting "Secretary" and substituting "Secretary".</p> <p>(f) In the definition of "第 2 級"、"第 3 級" by adding "分別" before "指".</p>
2(4)	<p>(a) By deleting "a Secretary or a Director" and substituting "the Secretary or the Director".</p> <p>(b) By adding "分別" before "授權".</p>

ClauseAmendment Proposed

2(5) By deleting "任何權力或指派任何" and substituting "或指派任何權力或".

2 By adding -

"(6) For the purposes of this Ordinance, a body corporate shall be deemed to be the wholly-owned subsidiary of another if it has no members except that other and that other's wholly-owned subsidiaries and its or their nominees.".

5(2) (a) In paragraph (c) by adding ", consistently with subsection (4)(a)" after "transferred".

(b) By deleting "所指" where it twice appears and substituting "所規定".

5(3) By deleting "該處置" and substituting "擬議處置".

5 By adding -

"(4) If the disposal pursuant to subsection (1) amounts to an assignment of the franchise -

(a) it must be to a body corporate; and

(b) Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is deemed to be amended -

(i) to remove the Company which is disposing of its rights and obligations (unless it is the MTR Corporation Limited); and

ClauseAmendment Proposed

- (ii) to include the body corporate to which the franchise is assigned."

10(2) By deleting everything after "land" and substituting a full stop.

13(2) By adding ", or within such longer period as the Director may in any particular case allow" after "easement".

13(6) By deleting ", not later than 60 days after the expiration of that period,".

13 By adding -

"(9A) Compensation and costs payable by the Government under this section are payable out of the general revenue.".

14(5) By deleting paragraph (c) and substituting -

"(c) the reference in that subsection (2) to "the creation of the easement" is to be read as a reference to "the entry on the land"."

14 By adding -

"(5A) In the application of the Lands Tribunal Ordinance (Cap. 17) to a claim under this section, section 11(1) of that Ordinance shall have effect as if for paragraphs (a) and (b) thereof there were substituted the words "the amount of compensation payable under section 14 of the Tung Chung Cable Car Ordinance (of 2003)".

ClauseAmendment Proposed

16(2) By deleting everything after "If" and substituting -

"-

(a) the franchise is assigned under section 5 to any person other than a wholly-owned subsidiary of the MTR Corporation Limited; or

(b) a body corporate is designated under section 27(7) as the Company (being a Company other than the MTR Corporation Limited or its wholly-owned subsidiary),

the Secretary may by notice published in the Gazette amend the Schedule."

19(10) By deleting "罰款所規定的款項" and substituting "的罰款".

20 (a) In the heading by deleting "**Buildings Ordinance**" and substituting "**other Ordinances**".

(b) By renumbering the clause as clause 20(1).

(c) By adding -

"(2) Section 37 of the Noise Control Ordinance (Cap. 400) shall not apply to construction works as defined in this Ordinance or to the operation of the Cable Car System."

<u>Clause</u>	<u>Amendment Proposed</u>
22(1)(f)	By deleting everything after "地與" and before "的事宜" and substituting "吊車系統的管制、營運與管理以及乘客和吊車系統的安全有關且屬吊車公司認為需要或適宜作出規定的任何其他".
23(1)	By adding "if that information is within the person's knowledge" before the full stop.
24(2)	By deleting "事項" and substituting "情況".
25(3) and (4)	By deleting "根據第(2)款送達" and substituting "第(2)款所指".
27	By adding - "(7) If the franchise is revoked under subsection (1), the Chief Executive in Council may by order designate another body corporate as the Company for the purposes of this Ordinance, on such terms and conditions, consistent with this Ordinance, as the Chief Executive in Council thinks fit, and upon the publication of that order in the Gazette the franchise vests in that body corporate. (8) Upon the publication of an order under subsection (7), Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is deemed to be amended - (a) to remove the Company whose franchise has been revoked (unless it is the MTR Corporation Limited); and (b) to include the body corporate designated under subsection (7).".

ClauseAmendment Proposed

28(2) By adding before the full stop -

" , but upon the designation of a body corporate as the Company under section 27(7), they vest in that body corporate without further order".

29(1) By adding -

"(ba) payment of compensation arising from entry on land by the Company pursuant to section 14;".

31 In the Chinese text, by deleting the clause and substituting -

"31. 政府對吊車公司的債項並
無法律責任

吊車公司資產根據本部歸屬政府，並不使政府須為
吊車公司的任何債項負法律責任。".

33(2)(a) By deleting "to regulations" and substituting "of regulations".

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mr LEUNG Fu-wah's supplementary question to Question 1**

As at 29 May 2003, a total of eight deceased Severe Acute Respiratory Syndrome patients had received Chinese medicine treatment during hospitalization at public hospitals. Among them, one patient had attended Chinese medicine consultation but refused to take the prescribed Chinese medicines. Three other patients passed away before taking any Chinese medicines.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mr CHAN Kwok-keung's supplementary question to Question 2**

In April 2003, the Government appointed Lady MacLehose Holiday Village, Sai Kung Outdoor Recreation Centre and Lei Yu Mun Park and Holiday Village under Regulation 10 of the Prevention of the Spread of Infectious Diseases Regulations as places to which persons who have been exposed to the risk of infection of SARS are to be removed.

As at 29 May 2003, a total of 320 persons had been removed to these places, 247 of whom were residents of Amoy Gardens.

Appendix III

WRITTEN ANSWER

Written answer by the Secretary for Health, Welfare and Food to Ms LI Fung-ying's supplementary question to Question 2

During the recent outbreak of the Severe Acute Respiratory Syndrome, the Hospital Authority had made some make-shift arrangements to improve the ventilation and isolation facilities in public hospitals. The improvement works primarily involved installation of exhaust fans in wards and operating theatres that were not originally designed with negative pressure control in order to increase air-change rate and create negative pressure effect. Details of the improvement works are set out at Annex.

Annex

Improvement of Mechanical Ventilation and Air Conditioning (MVAC) systems to create negative pressure and/or increase fresh air supply[#]

<i>Cluster</i>	<i>Hospital</i>	<i>Ward</i>	<i>Operating Theatre</i>
Hong Kong East	Pamela Youde Nethersole Eastern Hospital	9	1
	Ruttonjee and Tang Shiu Kin Hospitals	2	-
	Tung Wah Eastern Hospital	6	-
Hong Kong West	Queen Mary Hospital	4	1
	Tung Wah Group of Hospitals	2	-
	Fung Yiu King Hospital		
Kowloon Central	Queen Elizabeth Hospital	39	-
	Hong Kong Buddhist Hospital	2	-
	Kowloon Hospital	2	-
Kowloon East	United Christian Hospital	11	1

WRITTEN ANSWER — Continued

Improvement of Mechanical Ventilation and Air Conditioning (MVAC) systems to create negative pressure and/or increase fresh air supply[#]

<i>Cluster</i>	<i>Hospital</i>	<i>Ward</i>	<i>Operating Theatre</i>
Kowloon West	Princes Margaret Hospital	41	3
	Caritas Medical Centre	9	-
	Kwai Chung Hospital	1	-
	Kwong Wah Hospital	25	1
	Tung Wah Group of Hospitals	13	-
	Wong Tai Sin Hospital		
	Yan Chai Hospital	10	1
New Territories East	Alice Ho Miu Ling Nethersole Hospital	6	-
	North District Hospital	3	-
	Prince of Wales Hospital	18	2
	Shatin Hospital	2	-
	Tai Po Hospital	6	-
	Cheshire Home, Sha Tin	4	-
New Territories West	Tuen Mun Hospital	24	2
	Pok Oi Hospital	5	-
	Total	244	12

[#] Works include any of the following:

- Installation of exhaust fans;
- Full opening of fresh air intake dampers;
- Closure/reduction of return air dampers to reduce air recirculation; and
- Increase of blower speed for exhaust fans.

Appendices IV and V

WRITTEN ANSWER

Written answer by the Secretary for Financial Services and the Treasury to Mr James TIEN's supplementary question to Question 4

In regard to the total amount of bonds issued by wholly or substantially government-owned entities and the interest rates for these bonds, the requested information is as follows:

Information on Bonds Issued by Government-owned Entities in Hong Kong
(as at 11 June 2003)

	<i>Airport Authority</i>	<i>Hong Kong Mortgage Corporation Limited</i>	<i>Kowloon-Canton Railway Corporation</i>	<i>MTR Corporation Limited</i>
<i>Total amount outstanding</i>				
Hong Kong Dollar Bond (HK\$, million)	1,997	32,760	1,800	12,995
US Dollar Bond (US\$, million)	39	-	2,050	1,828
<i>Coupon Rate for the latest Hong Kong dollar issues^</i>				
Tenor:				
2 years	-	2.095% ## (issued in 2003)	-	3.75% # (issued in 2002)
3 years	2.3% # (issued in 2003)	2.33% ## (issued in 2003)	-	4.50% # (issued in 2002)

WRITTEN ANSWER — Continued

	<i>Airport Authority</i>	<i>Hong Kong Mortgage Corporation Limited</i>	<i>Kowloon-Canton Railway Corporation</i>	<i>MTR Corporation Limited</i>
4 years	2.7% # (2 years extendable to 4 years. Issued in 2003)	-	-	5.00% # (issued in 2002)
5 years	-	3.5% ## (issued in 2003)	3% # (issued in 2003)	5.30% ## (issued in 2001)
7 years	4.3% # (issued in 2003)	-	-	-
10 years	-	4.57% ## (issued in 2003)	4.8% # 4.65% ## (issued in 2003)	4.50% ## (issued in 2003)

*Coupon Rate for the
latest US dollar
issues^*

Tenor:

2 years	-	-	-	-
3 years	-	-	-	-
4 years	-	-	-	-
5 years	2.95% # (3 years extendable to 5 years. Issued in 2003)	-	-	6 month LIBOR +0.90% ## (issued in 1998)

WRITTEN ANSWER — Continued

	<i>Airport Authority</i>	<i>Hong Kong Mortgage Corporation Limited</i>	<i>Kowloon-Canton Railway Corporation</i>	<i>MTR Corporation Limited</i>
7 years	-	-	-	3 month LIBOR + 1% ## (issued in 1998)
10 years	-	-	7.25% ## (issued in 1999) 8% ## (issued in 2000)	7.5% ## (issued in 2000)
15 years	-	-	7.77% ## (issued in 2000)	-
20 years	-	-	-	8.375% ## (issued in 1998)

^ - Coupons can be paid annually, semi-annually or quarterly depends on the terms of each issue.

- Retail issue

- Non-retail issue

"-" - Not applicable

LIBOR - London Interbank Offer Rate