

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 26 January 2005

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, J.P.

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

THE HONOURABLE HOWARD YOUNG, S.B.S., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, 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 TIMOTHY FOK TSUN-TING, G.B.S., J.P.

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

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

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, J.P.

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

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

THE HONOURABLE DANIEL LAM WAI-KEUNG, B.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE MA LIK, J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, S.B.S., J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

**PUBLIC OFFICERS ATTENDING:**

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

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.  
THE FINANCIAL SECRETARY

THE HONOURABLE ELSIE LEUNG OI-SIE, G.B.M., J.P.  
THE SECRETARY FOR JUSTICE

PROF THE HONOURABLE ARTHUR LI KWOK-CHEUNG, G.B.S., J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

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

DR THE HONOURABLE PATRICK HO CHI-PING, J.P.  
SECRETARY FOR HOME AFFAIRS

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

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

THE HONOURABLE STEPHEN LAM SUI-LUNG, J.P.  
SECRETARY FOR CONSTITUTIONAL AFFAIRS

THE HONOURABLE AMBROSE LEE SIU-KWONG, I.D.S.M., J.P.  
SECRETARY FOR SECURITY

DR THE HONOURABLE YORK CHOW YAT-NGOK, S.B.S., J.P.  
SECRETARY FOR HEALTH, WELFARE AND FOOD

**CLERKS IN ATTENDANCE:**

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): Mr LEE Cheuk-yan, please be seated.

### **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Proposed resolution under Rule 91 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region.

### **PROPOSED RESOLUTION UNDER RULE 91 OF THE RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

**MS MIRIAM LAU** (in Cantonese): Madam President, I move that the resolution standing in my name be passed, and that is, Rules 23(2) and 24(3) of the Rules of Procedure be suspended.

Last Wednesday when we were just about to proceed to the questions on the Agenda, we lacked a quorum and the President announced that the meeting be adjourned. In order that the 19 questions originally scheduled for that meeting can be raised at this meeting, I, in my capacity as Chairman of the House Committee, move that Rules 23(2) and 24(3) of the Rules of Procedure be suspended. Rule 23(2) provides that no more than 20 questions are allowed at each Council meeting and Rule 24(3) provides that each Member is allowed to ask no more than two questions at each Council meeting.

I urge Members to support this resolution.

Thank you, Madam President.

### **Ms Miriam LAU moved the following motion:**

"RESOLVED that Rules 23(2) and 24(3) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be suspended to enable Members to ask, at this Council meeting, the questions scheduled for the Council meeting held on 19 January 2005 but were not asked."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

## **ORAL ANSWERS TO QUESTIONS**

**(Questions originally scheduled for the last Council meeting)**

**PRESIDENT** (in Cantonese): Questions. According to House Rules, question time normally does not exceed one and a half hours, that is, each question is allocated about 15 minutes on average. After a Member has asked a main question and the relevant official has given reply, the Member who asks a question has priority to ask the first supplementary. Other Members who wish to ask supplementary questions will please indicate their wish by pressing the "Request-to-speak" button and wait for his/her turn.

A supplementary should only contain one question and should be as concise as possible so that more supplementaries may be asked by Members. Members should not make statements when asking supplementaries, as this contravenes Rule 26(5) of the Rules of Procedure.

First question.

### **Performance and Conduct of Civil Servants**

1. **MR ANDREW LEUNG** (in Cantonese): *Madam President, regarding the performance and conduct of civil servants, will the Government inform this Council:*

- (a) *given that the authorities revised the procedures in 2003 to enable them to take action under Section 12 of the Public Service (Administration) Order to require an officer to retire in the public interest, if his/her performance is rated unsatisfactory within an appraisal period of 12 consecutive months and evidence shows that appropriate counselling and warning have been given by the management, whether they have assessed if the procedures can facilitate management actions and the effectiveness of such actions; if they have, of the assessment results; and*
- (b) *whether measures will be taken to further enhance the performance of civil servants and maintain their integrity in order to ensure that Hong Kong will continue to have a meritorious and honest Civil Service; if so, of the details of these measures?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, the Government is committed to maintaining a professional, efficient and honest Civil Service. Apart from giving due recognition to the meritorious performance of civil servants, our civil service management system also screens out substandard performers and places them under supervision to help them attain the required standard of performance. Appropriate actions will be taken to handle staff with persistent substandard performance, including where appropriate the compulsory retirement of an officer in the public interest. As regards integrity, all civil servants are expected to observe the rule of law and act



with impartiality and honesty. They must abide by the code of conduct embodied in various civil service rules and regulations and uphold high standards of probity in both their official capacity and daily life. The Government takes a firm stand towards acts of misconduct committed by civil servants. Once allegations are substantiated through due process, the Government will not hesitate to impose appropriate disciplinary punishment according to the circumstances of the case.

My reply to the question is as follows:

- (a) With the implementation of the revised procedures for handling underperformers in April 2003, we have shortened the lead time for compulsorily retiring such officers in the public interest. In the 21 months ending December 2004, 17 civil servants were removed from the service for persistent substandard performance, relative to 16 such cases in the preceding four years. During this period, another 73 civil servants were brought under supervision under the section 12 procedures. Of these, 31 showed substantive improvement that rendered further actions under section 12 not necessary. For the remaining 42 civil servants, 32 are still under supervision while 10 have left the service for other reasons.

Notwithstanding the positive results that we have achieved with the implementation of the revised procedures, we shall continue with our efforts to streamline the procedures so that the lead time for the compulsory retirement of persistent substandard performers could be further reduced. We plan to consult the Public Service Commission and the staff sides on relevant proposals in the coming few months.

- (b) I will present my response from two angles, namely, enhancing the performance and maintaining the integrity of the Civil Service.

On measures to enhance the performance of the Civil Service on a sustained basis, we dedicate our efforts to three main areas, namely giving due encouragement and recognition to staff who perform well; providing effective training and development opportunities; and improving the performance management system.

- (i) New initiatives designed to give due recognition to civil servants who perform well include the expansion of the departmental Commendation Letter Scheme in early 2004 and the introduction of the Secretary for the Civil Service's Commendation Award Scheme. We also have plans to expand the Civil Service Customer Service Award Scheme in 2005 to recognize effective co-operation among departments. To encourage civil servants to further upgrade the quality of their services to the public, we will also introduce new awards to recognize remarkable achievements in innovation and application of technology.
- (ii) The Government at present devotes about \$1 billion to the training of civil servants each year with the objective of achieving continuous improvements in the overall performance of the Civil Service. Apart from providing civil servants with suitable professional training and development opportunities, we also encourage staff to pursue learning in their own time so that they could enhance their resilience and capacity to adapt to changes. As an integral part of such initiatives, a new round of training sponsorship scheme will be launched in 2005. Junior staff and middle managers will be sponsored to take accredited external management programmes. Sponsorship will also be granted to front-line staff to take after-work courses that are job-related or lead to an academic qualification up to Secondary Five.
- (iii) Continuous efforts will be made to improve the performance management system so as to reinforce our performance-based culture, which include further tightening up the aforesaid procedures for handling substandard performers.

As regards measures to uphold the probity of civil servants, I would like to first point out that the Civil Service we have in Hong Kong is widely recognized as being amongst the cleanest in the world. In fact, relative to 2003, 2004 saw a decrease of about 17% in the number of corruption reports involving government departments and a drop of about 24% in the number of civil servants prosecuted for corruption.

The above notwithstanding, we see no room for complacency and we will remain vigilant. On the preventive front, we have from time to time expanded or updated the guidelines on conduct matters. The Independent Commission Against Corruption (ICAC) has been undertaking various assignment studies for government departments to help minimize opportunities for corruption or malpractice. We plan to issue to civil servants at all levels a revised "Civil Servants' Guide to Good Practices" in mid-2005.

The Government also endeavours to uphold high standards of probity and conduct in the Civil Service through publicity and education. The Civil Service Bureau and ICAC have worked in close co-operation with government departments in promoting an ethical culture in the workplace, including offering them assistance in organizing seminars and workshops on effective integrity management measures.

The Civil Service Bureau and ICAC will jointly organize a large-scale leadership forum in mid-2005, which will provide an opportunity for the Government, the public sector and the business community to share experience in integrity management and examine new ethical challenges.

We shall continue to take stern disciplinary actions against civil servants who have misconducted themselves. In the three years ending September 2004, on average some 660 disciplinary cases were processed each year under the Public Service (Administration) Order or the disciplined services legislation. Of these, close to 120 cases resulted in the dismissal or compulsory retirement of the officers concerned. Staff from the Secretariat on Civil Service Discipline visit departments on a regular basis to share with departmental management information or trends that are emerging on the discipline front, and assist them in taking appropriate disciplinary actions against staff who have misconducted themselves.

The Administration will review the effectiveness of the above measures on a regular basis and introduce new initiatives to ensure that Hong Kong continues to have a meritorious and clean Civil Service.

**MR ANDREW LEUNG** (in Cantonese): *Madam President, in part (a) of the main reply, the Secretary mentioned that, according to the figures at hand, the number of civil servants who had been rated as underperformers during the past year was very few because only 17 civil servants had been removed from the service. Is the number of underperformers so small due to good management culture of the Civil Service Bureau or a serious inadequacy of measures to deal with such staff? If the latter is the reason, what follow-up measures will be taken by the Government?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): *Madam President, first of all, as the Secretary for the Civil Service, I will certainly say that the Civil Service on the whole is good indeed. But I will not tolerate the persistent substandard performers. I have pointed out in the main reply that we will consider further streamlining the procedures so as to shorten the lead time for handling the compulsory retirement cases. In other words, in the future, civil servants at the supervisory level will be required to be more stringent in observing their subordinates' performance. If someone is identified as a persistent underperformer, it may not be necessary to wait for 12 months because actions may be considered in six months' time. The commencement of the procedures for compulsory retirement of the civil servant will be considered if no improvement is made. So we will take note of Mr LEUNG's views and continue with our efforts in this aspect.*

**MRS SOPHIE LEUNG** (in Cantonese): *Madam President, in part (b) of the main reply, the Secretary said that effort would be made in enhancing the performance and maintaining the integrity of the Civil Service. Regarding enhancing the performance of civil servants, he mentioned that encouragement and recognition would be given. In respect of encouragement, has the Secretary noticed that the staff, particularly the civil servants, hope that there can be room for them to put their decision-making ability into flexible play? How will the Secretary strike a balance between giving encouragement and maintaining probity and performance so that they can have such room?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, I agree with Mrs Sophie LEUNG's point. In respect of giving encouragement and recognition to the staff, we have discussions with the department heads on a regular basis to see how to enhance team spirit in other areas or improve the organization structure and procedures so that the staff can have a sense of achievement and satisfaction. All this can directly improve their performance. We have been doing this and more efforts can be made in the future.

**DR LUI MING-WAH** (in Cantonese): *Madam President, in private sector, underperformers can be dismissed by giving a compensation equivalent to two or three months' salaries. But the Government is very generous in dismissing its staff, for it will order them to retire only. What is the difference between retirement and dismissal?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, a civil servant will lose his pension if he is dismissed. If he is required to retire due to unsatisfactory performance, he is still entitled to pension. However, he can receive the pension relevant to his years of service only when he reaches the normal retirement age in accordance with the terms of the Public Service (Administration) Order.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, in the last paragraph, the Secretary said that the Administration would review the above measures, including those which would ensure the integrity of the civil servants, on a regular basis. May I ask the Secretary whether a review on a regular basis means a review to be conducted at a fixed interval or a review to be conducted only when there is a sharp increase of relevant cases?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, a review on a regular basis means that the effectiveness of the measures will be examined to see if further improvement is required at an interval of time. For instance, I mentioned in the main reply that procedures had been revised in 2003 in order to streamline the procedures for compulsorily retiring underperformers. This year, we have also undertaken to tighten the relevant regulations for focused handling of cases. Regarding other aspects, we will usually consider whether

some policies and measures should be further improved on the occasion of the annual policy address.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, in any workplace, if a staff member has performance problem, it is mostly not only a personal problem but also a problem related to management style, morale of other staff and the milieu. The implementation of the "financial envelope" system and the reduction of posts by the Government in recent years have led to an enormous increase of workload, thus presenting dim prospects for the civil servants. Have the authorities considered that the civil servants' morale will be adversely affected under such circumstances?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Certainly, I understand that the implementation of the "financial envelope" system, reduction of manpower and shortage of resources have caused a lot of pressure on many civil servants in recent years. So, in this aspect, I urge departments to closely liaise with the staff and request departments to study if there is room for improvement in work flow. Meanwhile, as I said in my main reply, more efforts would be made in other aspects, such as giving encouragement, recognition and training to our staff. Although I also understand that our staff may feel some pressure in the past couple of years, I still hope that the pressure can be converted into positive challenges and the morale of civil servants as a whole can be improved and even further raised through other means.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, I have a follow-up question and hope that the Secretary can give me a clear reply. In view of the fact that the temporary staff do not have any prospects for promotion and further studies while the contract staff are denied the same training opportunities enjoyed by civil servants on pension terms, may I ask the Secretary how the morale of such staff can be raised as he has just said?*

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, you have to learn to be brief and precise when asking supplementary questions. You just have to point out which part of your question has not been answered.

Secretary, do you have anything to add?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I can respond to Mr WONG Kwok-hing's question although there is no mention on the promotion prospects of non-civil servants in his original supplementary question. First of all, the promotion system for civil servants will still be maintained. We very much emphasize that promotion opportunities should be continued to be provided to civil servants if there are vacancies and needs and funds are available in the departments concerned. During January to August, more than 1 000 civil servants were promoted. Regarding the differential treatment or lack of promotion prospects for non-civil servants, this is outside the scope of this question. I am more than happy to respond to Mr WONG's question about the treatment and morale of non-civil servants on other occasions.

**PRESIDENT** (in Cantonese): We have spent 17 minutes on this question. Last supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Madam President, Secretary Joseph WONG.*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, you should put the question to me and the Secretary will answer it.

**MR LEUNG KWOK-HUNG** (in Cantonese): *I should put the question to you?*

**PRESIDENT** (in Cantonese): Yes, you should put the question to the President. Put the question to the President.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Madam President, please ask the Secretary this question.*

**PRESIDENT** (in Cantonese): The Secretary will answer it. Please ask your question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Does Secretary Joseph WONG have any records of senior civil servants refusing to answer questions, that is, they refuse to answer questions when they are in service? Will these officials be dismissed? Is there any record? Have there been cases where officials were dismissed because of such behaviour? Madam President.*

**PRESIDENT** (in Cantonese): Please sit down after you have asked your question. Otherwise, I do not know whether you have finished asking your supplementary question or not. Please sit down first. Besides, you need not address any secretary. Just face the President and ask the Government the supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *I just want to be more polite.*

**PRESIDENT** (in Cantonese): Your supplementary question for the Secretary asks if any civil servants have been dismissed because they refused to answer questions. Am I right?

**MR LEUNG KWOK-HUNG** (in Cantonese): *Yes. Is there any record? How many? Have there been such cases?*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please stand up when you speak. You should not be sitting when you speak. Now you have finished your question, you can sit down. Thank you for your co-operation.

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): We do not have such simple breakdowns. We do not have a category on civil servants being subject to disciplinary action just because they have failed to answer questions. Our categorization is more stringent. We will examine what the civil servants concerned have done and which civil service rules and regulations have been violated, for instance, a front-line staff member responsible for answering enquiries by the public having failed to discharge his duties. So, he has failed to perform his duties and this warrants an investigation into whether he has violated the regulations and whether disciplinary action should be taken.



**MR LEUNG KWOK-HUNG** (in Cantonese): *Madam President, how are you? I hope you can ask the Secretary this question for me: Now there is a civil servant who is a leader drawing public money and whose name is TUNG Chee-hwa. When he was on duty, he refused to answer questions during the question time. Should this be regarded as dereliction of duty? Should such a case be dealt with? I want to ask the Secretary this question.*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, this is not a follow-up question because it is not part of your initial supplementary question. So the Secretary needs not reply.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Madam President, this is a report. The Secretary said that there was no such record. Here I would like to remind him that this Council is an organ responsible for monitoring the Government. If the Secretary said that there was no such record, I would like to tell him that there is such a record. This is an exercise of the solemn power of Members and that is, the duty to monitor government administration.*

**PRESIDENT** (in Cantonese): Now please sit down. I have already said that it is not a follow-up question. If you want to know why, I can explain to you after the meeting. Now I do not want to waste the precious time of Members. Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *No, sorry, Madam President, I am now monitoring the Government. You cannot say that this is a waste of time.*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, I now consider this an act of disorderly behaviour and give you a warning. Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Madam President, I would like to ask you one thing and you can make a ruling. Just now what I was doing was to monitor the Government. If you do not think that this is solemn, why should I be a Member?*

**PRESIDENT** (in Cantonese): To monitor the Government is the duty of a Member. But it is also a Member's duty to observe the Rules of Procedure. If a Member acts in an improper way at an inappropriate time, he cannot evade his responsibility under the pretext of monitoring the Government. Mr LEUNG Kwok-hung, sorry, I have made the ruling. Yours is not a follow-up question.

**PRESIDENT** (in Cantonese): Second question.

### **Protection of Natural Rivers and Streams in Hong Kong**

2. **MR MARTIN LEE** (in Cantonese): *Madam President, regarding the protection of natural rivers and streams in Hong Kong, will the Government inform this Council:*

- (a) *of the existing policies on the conservation of natural rivers and streams in Hong Kong, as well as a breakdown of the laws concerned; the government departments responsible for enforcing the relevant laws; and the enforcement measures taken by them;*
- (b) *whether it has conducted surveys on the natural rivers and streams in Hong Kong so as to establish a databank on their locations, ecosystems and water flows; if so, of the situation as reflected by the present data; and*
- (c) *as the natural rivers in Hong Kong have been polluted, damaged or channelized continuously, resulting in serious disruption of their ecosystems, whether the authorities will consider enacting comprehensive legislation on the protection of natural rivers so as to curb such situation?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**  
(in Cantonese): Madam President,

- (a) The Government is committed to protecting the ecosystems and important habitats in Hong Kong, including woodlands, mangroves,

freshwater wetlands and natural rivers. Most of the rivers and streams in Hong Kong are on government land and subject to the control of the following legislation:

- (i) Land (Miscellaneous Provisions) Ordinance (Cap. 28) enforced by the Lands Department;
- (ii) Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK) enforced by the Food and Environmental Hygiene Department; and
- (iii) Waste Disposal Ordinance (Cap. 354) and Water Pollution Control Ordinance (Cap. 358) enforced by the Environmental Protection Department (EPD).

Some of the territory's natural rivers and streams (on both government land and private land) are located within country parks, and therefore protected by the Country Park Ordinance (Cap. 208) under the Agriculture, Fisheries and Conservation Department (AFCD)'s jurisdiction. For those natural rivers and streams located within "Conservation Area" and "Sites of Special Scientific Interest" zones, they are protected by the Town Planning Ordinance (Cap. 131) under the Planning Department's jurisdiction. Apart from the aforementioned legislation, these rivers and streams are also protected by the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) under the EPD's jurisdiction.

In addition, the Government has devised a number of administrative measures to ensure that conservation of rivers and streams, especially ecologically important ones, is given full consideration by the project proponents/contractors during the construction and operation stages of works projects. These administrative measures include the following:

- (i) Public works projects should not cause damage to or interfere with watercourses as far as practicable, except for the execution of the works. The proponents/contractors should reinstate the watercourses after the works are completed.

- (ii) The Environment, Transport and Works Bureau issued a revised Technical Circular (Works) No. 13/2003 in September 2003 to provide guidelines and procedures for dealing with environmental implications of government projects or proposals not covered by the EIAO.
- (iii) The Drainage Services Department (DSD) issued an updated internal guideline circular (DSD Technical Circular No. 2/2004) in October 2004, setting out the factors to be considered when planning drainage works on ecologically important rivers, and streams and providing guidelines on good site management in the construction stage. The DSD and other relevant departments are compiling a set of guidelines on environmental-friendly drainage channels designs for reference by project proponents.
- (iv) Based on the comments of the bureaux/departments concerned, the Environment, Transport and Works Bureau is also drafting a technical circular to provide guidance for the departments concerned and require them to minimize or, if possible, avoid any impacts of works projects on natural rivers and streams during the planning, design and construction stages to better protect these rivers and streams;
- (v) Regarding private developments, the Buildings Department has recently implemented an improvement measure which requires that all applications for building and site formation works affecting natural rivers and streams should be referred to the AFCD and other departments concerned for comments. Similarly, the Planning Department also refers planning applications affecting the ecology of natural rivers and streams to the AFCD for comments.

The protection of natural rivers and streams involves nature conservation, land planning and landscape management. Bureaux/departments concerned will closely co-operate with one another in this regard.

- (b) The AFCD started a territory-wide ecological baseline study in 2002, which covers mangroves, woodlands, freshwater wetlands, natural rivers and other important habitats. So far, over 200 rivers and streams have been surveyed. Ecological data recorded in the survey include the ecological status of the rivers and streams, as well as the freshwater fishes and dragonflies found in their vicinity. After preliminary screening, 33 rivers and streams have been identified as ecologically important. The Environment, Transport and Works Bureau technical circular currently being drafted will enhance the protection of these 33 ecologically important rivers and streams from the impacts of development projects.
- (c) The existing Water Pollution Control Ordinance (Cap. 358) regulates the discharge of sewage into inland waters (including rivers and streams). The EPD and other departments concerned have taken prosecution action from time to time against works contractors for illegal discharge in breach of the Water Pollution Control Ordinance.

In the implementation of flood prevention projects, the DSD is giving more consideration to the protection of the environment and preservation of natural habitats. An Environmental Impact Assessment (EIA) study is required before a major channelization project can be carried out. The advice of the EPD and the AFCD will also be sought on environmental and ecological matters respectively. The DSD will also consult green bodies when planning drainage works. The Environment, Transport and Works Bureau is drafting a technical circular to provide guidance for the departments concerned and require them to avoid, if possible, any impacts of works projects on natural rivers and streams during the planning, design and construction stages to better protect these rivers and streams.

In order to more effectively monitor the impacts of works on natural rivers and streams, works departments are required to monitor the construction process and the implementation of mitigation measures to ensure that the impacts of works projects on natural rivers and streams are minimized.

Since the existing legislation can effectively regulate works projects and combat illegal acts and enhanced administrative measures have already been taken to protect natural rivers and streams, especially ecologically important ones, we do not consider it necessary to introduce a new law to protect these streams and rivers.

**MR MARTIN LEE** (in Cantonese): *Madam President, the Government has put in place seven pieces of legislation and five administrative measures to conserve our natural rivers, yet the approach has been proved to be ineffective evident in the repeated recurrence of ecological tragedies at rivers like Tung Chung River, Lam Tsuen River and She Shan River in Tai Po. Will the Government consider making reference to the experiences of other countries, including the United Kingdom and the United States, in formulating policies on the conservation of natural rivers, and drumming up its resolve to introduce specialized legislation to fully protect our natural rivers and streams?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, the conservation of rivers does involve the participation of various parties, and three Policy Bureaux have put in place relevant legislation. In view of the Tung Chung River incident, we have been examining how best to improve enforcement and legislation. While the Lands Department can effect regulation through law enforcement, it will be impossible to step up inspections and enforcement actions at so many rivers. We can not require our staff to carry out incessant inspections. Therefore, as far as enforcement is concerned, we feel that we still have problems to solve.

Besides, on the issue of construction works, I am aware that most works projects under government regulation are required to adopt measures to enhance protection for rivers. So we have included in no time five administrative measures to take forward some initiatives within our capabilities.

I have also examined the legislation on river protection in the United Kingdom and the United States, and found that they attach a lot of importance to water rights, that is, the rights for using the natural water resources, including groundwater. While part of their legislation may be applicable to Hong Kong, we have still not reached a stage where immediate enactment of this kind of law is necessary. We have to study carefully to ascertain the most suitable way forward.

**MR DANIEL LAM** (in Cantonese): *Madam President, both the protection of our ecosystems and the development of derelict areas are the wishes of us villagers. While protecting natural rivers, will the Government ensure that the land development rights of the river basins will not be restricted as a result of conservation? Also, if such problem arises, will the Government take appropriate measures to safeguard the legitimate interest of relevant landowners?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, all land developments are subject to the control of legislation, that is, they must meet the statutory requirement of EIA. The protection of rivers and streams has all along been one of the requirements. Thus, there is no question of imposing additional pressures or barriers on land use due to our special emphasis on river protection now. Under the existing legislation, landowners must take into consideration the environmental impact on river conservation and land use when carrying out developments.

**MR CHEUNG HOK-MING** (in Cantonese): *Madam President, in part (b) of the main reply to Mr Martin LEE's question, the Secretary pointed out that over 200 streams had been surveyed and among them, 33 rivers had been identified as ecologically important. Of these 33 rivers, does the Secretary know how many of them have altered their watercourse after a couple of years, thus causing certain parts of them encroach upon private land? How the Government is going to reach an agreement with the owners in the process of river conservation?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): First of all, I have to explain that for the 33 rivers identified as ecologically important, the AFCD will only deploy its limited manpower resources to enhance protection, monitoring and inspection for these rivers, but it will not impose additional conditions in the planning process.

In fact, as a result of natural current and soil losses over the years, the courses of all rivers would change inevitably. Some rivers that used to run on government land might in time change their courses to private land. However, on the protection of rivers, the approach will be the same on both government and private land. A number of rivers running through the country parks are

accorded protection under this circumstance. Thus, the existing laws are not in conflict with the survey conducted. We only wish to deploy manpower resources to enhance protection of ecologically important rivers.

**MR WONG YUNG-KUN** (in Cantonese): *Madam President, in reply to a supplementary question, the Secretary indicated that more than 200 rivers had been surveyed. I wish to know if the Government still remembers in the Sham Chung development, the river was inadvertently destructed when building the golf course, and the Government permitted the developers to restore the river with concrete lining. If this goes on, what measures does the Government have to prevent developers or such actions from destructing our rivers? How is the situation going to be improved? Besides, can it provide us with information on the 33 rivers?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): We are also distressed to see the destruction of rivers. As a result of urban development, many rivers caused damage to rural land or farmland. In many cases, due to the need to reduce the flooding risk, we have to resort to the use of concrete lining as riverbed, so as to speed up the flow. It is our only option in the absence of alternatives. Our work in flood prevention is to speed up the water flow. It is due to the fact that the soil of many places which used to allow permeation in the New Territories has become housing developments, resulting in a need to increase the capacity of our rivers. Moreover, other alternatives, such as the expansion of headwaters, it would be difficult to widen the watercourse on both sides of the river due to land restriction. We are thus forced to adopt these approaches.

As to the question on the way forward as raised by Mr WONG Yung-kun, we have of course set down indicators on planning and land administration. Should any development undertaken by developers involve these rivers, we will carry out the works in accordance with the Environmental Impact Assessment Ordinance to minimize disruption to the environment. We will stick to this principle.

As regards the information on the 33 rivers required by Mr WONG Yung-kun, we are in the course of collating the relevant data and it will be ready for publication once the study and examination work is completed. The information on conservation and ecosystem will be maintained as a databank.



**MISS CHOY SO-YUK** (in Cantonese): *Madam President, I would like to ask the Secretary about the drafting of the Technical Circular. First, when the Circular is expected to be implemented? Second, will the Secretary restrict, in the Technical Circular, all drainage works from being carried out in rivers to prevent streams from being channelized? Furthermore, rivers and streams per se are important ecologically even in the absence of special species, they are natural scenery of ecological importance. Why did the Government only enhance the protection of the 33 rivers identified in the survey? Should protection also be enhanced for other rivers?*

**PRESIDENT** (in Cantonese): *Miss CHOY So-yuk, please be seated first. You have just raised a total of three supplementary questions. The first two are relevant to the Technical Circular. As for the second part, I consider it another supplementary question. Which part do you wish to be replied by the Secretary, the first or the second part?*

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, my questions are indeed about the Technical Circular. As the Secretary mentioned that enhanced protection would only be given to those 33 ecologically important rivers and streams but not the others, may I know why rivers and streams other than those 33 would not be specifically protected?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): *Madam President, I believe there is a little confusion in Miss CHOY So-yuk's supplementary question. This Technical Circular is a guideline for the DSD in carrying out public works projects to restore rivers. As I mentioned just now, the 33 rivers and streams were rivers that would be given priority by the AFCD in resource deployment. They have nothing to do with public works projects.*

The Technical Circular being drafted will be published in the first quarter of this year. As regards whether it is possible to protect rivers from being channelized, as I explained just now, the existence of a number of rivers and streams, other than their ecological value, is to discharge rainwater. During a torrential downpour, the rivers on the plain would be a very important channel for the channelling of rainwater. Thus, the function of rivers and streams in

flood prevention must be maintained. For those rivers where it is impossible to speed up their flow or maintain a smooth flow, concrete lining has to be built on the riverbed. However, in doing so, we will endeavour to preserve the habitats in the rivers. For instance, we will dig bigger holes in the bedding of the river to ensure sufficient permeation and to lay pebbles on the riverbed for the preservation of habitats while serving the purpose of flood prevention at the same time. I certainly agree that it would be better to let them maintain the status quo, however, as I have just mentioned, the development of our rural areas has led to a major decrease in permeable soil. In view of the extra burden on the existing rivers, we have no options but to resort to technological solutions in maintaining the flow.

**PRESIDENT** (in Cantonese): We have spent more than 21 minutes on this question. Last supplementary question.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, regarding the protection of rivers and streams by law, the Government pointed out in part (a) of the main reply that most of the rivers and streams in Hong Kong were on government land and subject to the control of legislation. It then pointed out in paragraph (iii) that as some of the territory's natural rivers and streams were located within country parks, they were therefore protected by another piece of legislation. As for the reply given in part (c), I guess it mainly concerned works undertaken on private land. In fact, does it mean that for rivers that are not on government land or in country parts where no works is being undertaken, the Government will have very little power in monitoring and protection? Will the Government be legally less competent in dealing with cases other than the three situations as mentioned above?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): It would be rather complicated to answer Mr Howard YOUNG's supplementary question. Under the legislation being enforced by the Lands Department, many lots are on lease, and no one will be allowed to engage in any excavation works without authorization. In studying the excavation of Tung Chung River, we have examined in detail these ordinances to find out if prosecution could be instituted against the landowner direct. However, as this is a complicated issue, we still have to seek legal advice, to find out how direct

the scope of the Lands (Miscellaneous Provisions) Ordinance can cover. The issue about private land is still under examination.

**PRESIDENT** (in Cantonese): Third question.

### **Enforcement of Arbitral Awards and Judgements in Commercial Matters**

3. **MS MARGARET NG:** *Madam President, regarding the enforcement of arbitral awards and judgements in commercial matters, will the Government inform this Council:*

- (a) *given that in response to the request made by the Panel on Administration of Justice and Legal Services (the AJLS Panel) in March last year for statistics on the number of applications for enforcement of Hong Kong arbitral awards on the Mainland, the Acting Deputy Solicitor General informed the AJLS Panel in July that a reply from the mainland authorities was still awaited, what statistics and information have been obtained so far, particularly in the up-to-date numbers of applications made, awards enforced as well as unsuccessful applications and the reasons for their being unsuccessful; and*
- (b) *how the enforcement situation as reflected in the statistics and information in (a) above will affect the Government's position on the current negotiation on the reciprocal enforcement of judgements in commercial matters between the Hong Kong Special Administrative Region (SAR) and the Mainland?*

**SECRETARY FOR JUSTICE:** Madam President,

- (a) After the AJLS Panel meeting held on 22 March 2004, my Department approached the Supreme People's Court (SPC) for information on enforcement of SAR arbitral awards on the Mainland. The SPC advised us that, according to its records, the mainland Courts have not received any application for enforcing arbitral awards made in the SAR. This was not satisfactory. I

therefore followed up with the SPC during my visit to Beijing in summer 2004, and again when the President of the SPC, Mr XIAO yang, visited Hong Kong in November 2004. I was informed on 19 January 2005 by a delegation headed by officials from the SPC visiting Hong Kong that they would be organizing a field study by visiting the Courts in Guangdong Province responsible for the enforcement of Hong Kong awards to study why there is no record of any application for the enforcement of Hong Kong arbitral awards.

In early 2002, my Department had jointly with The Law Society of Hong Kong (Law Society), the Hong Kong International Arbitration Centre, the Hong Kong Institute of Arbitrators and the Chartered Institute of Arbitrators — East Asia Branch, conducted a survey on the enforcement on the Mainland of arbitral awards made in Hong Kong. There were only a few responses, but none of them complained about any application for enforcement of a Hong Kong arbitral award having been refused by mainland Court after the implementation of the arrangement. Since the record of enforcement is not yet available from the Mainland, on 24 November 2004, the Department of Justice wrote to the local legal and arbitration professional bodies, as well as major chambers of commerce, for updated information on any non-enforcement of Hong Kong arbitral awards. To date, there has been no response indicating any case of non-enforcement. We hope that the field study of the SPC would produce useful results and would assist us in understanding the situation concerning enforcement. We would also consider exploring with Law Society and the local arbitration bodies the feasibility of a notification system whereby the members will inform us of any application for enforcement and the result of it, as well as the time taken for enforcement, and in the case of non-enforcement, the reason given for that.

Another possibility would be to require all applications to be submitted to the SPC for registration before dispatching them to local Court where the award is to be enforced. This possibility will be explored further after the results of mainland and local investigations are known, and with the agreement of relevant parties.

- (b) Regarding the second part of the Honourable Margaret NG's question, under the principle of "one country, two systems", we have no right to interfere with the administration of justice on the Mainland. Since an agreement on arbitral awards is in place, if a Hong Kong arbitral award is not enforced on the Mainland, we are entitled to take the matter up with our counterpart and find out why. The lack of a record of enforcement or non-enforcement is discouraging, but we are in the course of finding out the reason for this. If there is evidence of non-enforcement, we shall take up the matter with the SPC.

The reasons we pursue an agreement under which certain Hong Kong judgements in commercial cases could be enforced on the Mainland are: (i) this would save the time and expense of bringing the action again on the Mainland; (ii) the Hong Kong party might not be able to comply with the rules of procedure concerning jurisdiction or proof of claim under the mainland law; and (iii) the other party to the proceedings may not have assets in Hong Kong but have assets on the Mainland. An agreement for reciprocal enforcement is certainly beneficial to a Hong Kong company or individual, and is a proposal supported by many in the business sector when we carried out the consultation in the spring of 2002. The proposal was also supported by the AJLS Panel before we started negotiations with the Mainland.

The Administration informed the AJLS Panel of the latest developments concerning the ongoing discussions at its meeting on 22 November 2004. The Administration reported at that meeting that since mid-2002, we had conducted three rounds of informal meetings with the mainland authorities to exchange views on the scope of the proposed arrangement, on the issue of finality, and on the technicalities involved in the recognition and enforcement of judgements in both jurisdictions. These meetings have served to enhance our understanding of the other side's legal and judicial systems, and the rationale underlying the proposed arrangement.

Discussions are still continuing, and indeed, other meetings were held on the 19 and 20 January 2005 and some progress has been made. It would be premature at this stage to predict when we may

reach a mutually satisfactory and acceptable arrangement. Both the SAR and the mainland authorities recognize that the arrangement would need to be underpinned by local legislation in the SAR before it may take effect in Hong Kong. We will report to the AJLS Panel when there is any major development.

**MS MARGARET NG:** *Madam President, the short answer is that there is no record of any enforcement on the Mainland of arbitral awards made in Hong Kong. In spite of exhaustive research, there is still no record. My question is: This being the case, what is the basis for any confidence that the enforcement of judgements will be truly reciprocal? What would be the effect if it is uncertain whether Hong Kong judgements are enforced on the Mainland while mainland judgements are regularly enforced in Hong Kong?*

*Madam President, I just would also like to slightly clarify the point made in the Secretary's answer about the support of the AJLS Panel — there were also a lot of reservations expressed.*

**SECRETARY FOR JUSTICE:** Madam President, it is true that there has been no record or no available record for enforcement of arbitral awards on the Mainland, but likewise, there has been no evidence of non-enforcement of arbitral awards. Actually, that is what puzzled us and we are trying to find out what exactly the position is. If, according to our local investigation, there is indeed any incident at all of non-enforcement, the Department of Justice would be glad to take it up with the SPC, and if the Honourable Margaret NG has any evidence of that, or any incident of a case in which the Hong Kong award is not enforced on the Mainland, I would be glad to take it up.

**PRESIDENT** (in Cantonese): Ms Margaret NG, has your supplementary question not been answered?

**MS MARGARET NG** (in Cantonese): *Madam President, the Secretary has not answered the second part of my supplementary at all. Given that such a case did not exist, that means while mainland awards will definitely be enforced in Hong Kong, we are not certain whether awards made in Hong Kong will be*

*enforced in the Mainland. Under the circumstances, is there any reason for the continued requirement for compliance with the terms of the agreement?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, as I said before, while we do not have any record of enforcement of Hong Kong arbitral awards in the Mainland, we do not have any evidence of non-enforcement of Hong Kong awards in the Mainland. As I have already explained the advantages of the proposed agreement for reciprocal enforcement of awards in part (b) of my main reply, I shall not repeat them. The proposal under negotiation currently seeks to give Hong Kong businessmen another option, but it is restricted to an award being enforceable in the other jurisdiction only if an agreement has been reached before or after the commercial dispute on which court is to have jurisdiction to make the award. Therefore, if a Hong Kong businessman does not have confidence in the judicial system and the enforcement of awards in the Mainland, there is really no need for him to make use of this arrangement. This arrangement only offers another channel to him to enforce an award.

**MR RONNY TONG** (in Cantonese): *Madam President, reciprocal enforcement of awards and judgements is based on the principle of mutuality. I would like to ask the Government: Before, not after, making these arrangements, has the Government conducted any research to find out the number of Hong Kong litigants who have experienced difficulties in enforcing or trying to enforce an award, or in applying for an award or judgement, thus necessitating these arrangements?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, before this arrangement came into force, there was no way of enforcing any Hong Kong award in the mainland Courts. Therefore, we could not have carried out such research.

**MS AUDREY EU** (in Cantonese): *Madam President, if a mainland arbitral award or judgement has to be enforced in Hong Kong, it has to go through the Courts of Hong Kong. Therefore, if we make enquiries with the Courts of Hong*

*Kong, the Judiciary can certainly provide us with the number of mainland awards or judgements which have been enforced in Hong Kong. We are now asking questions about the situation in the Mainland. This is what the main question seeks to find out: We made a request in the AJLS Panel in March last year which was followed up in July, but were told there was no reply. It is now January and the Secretary said in two parts of her main reply that the situation was not satisfactory and disappointing. Madam President, will the Secretary explain to us why it has taken so long and yet we do not have a satisfactory reply?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, my difficulty is that I do not know the reasons, even the SPC does not know the reasons and that is why a field study has to be conducted. The SPC indicated that it would conduct a study at the end of this month and therefore we would like to wait for the results. However, as Honourable Members could see, we did not accept the reply at all. After receiving the reply, we raised the issue with the SPC and when the President of the SPC visited Hong Kong in November, we raised the issue once again. However, does it mean that no conclusion has been reached after all these discussions? I think the information that we received from them on 19 November, that they were prepared to conduct a field study is a rather positive response. I hope the field study will produce useful results.

**MR JASPER TSANG:** *Madam President, in her answer, the Secretary mentioned a field study to be conducted by the SPC in Guangdong about the enforcement of Hong Kong arbitral awards. Can I ask if the Secretary is aware of the details of this field study, including when it is going to take place, and what specific questions will be asked?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, we learnt about the matter, that is, the proposed field study, only last week. To date, we have not received any information. I only know that the Intermediate People's Court of Guangdong Province is responsible for enforcing arbitral awards and they will conduct the field study in Guangdong. The questions which we have asked the SPC include: First, the number of applications made to the mainland Courts seeking enforcement of Hong Kong arbitral awards since the arrangement



came into force; second, the rate of success of enforcement of the applications; third, the reasons for rejecting the applications, if any; fourth, the approximate rate of successful enforcement out of the applications for enforcement of awards granted by the Courts and fifth, the reasons involved for any non-enforcement of awards for the applicants. Madam President, those were the questions we asked in the letter to the SPC dated 8 April 2004.

**MR ALAN LEONG** (in Cantonese): *Madam President, the Secretary listed three reasons in the second paragraph of part (b) of the main reply, explaining why there had to be continuous discussions on reciprocal enforcement of awards in commercial matters. Certainly, this is beneficial to the businessmen of Hong Kong. However, since reciprocal enforcement is involved, the question of enforcement of mainland judgements in Hong Kong definitely has to be considered. I think the Secretary knows that many businessmen have reservations about this. The Secretary said in the last paragraph of the main reply, "the arrangement would need to be underpinned by local legislation in the SAR before it may take effect in Hong Kong. We will report to the AJLS Panel when there is any major development". May I ask the Secretary whether the Department will actually report to the Panel only after negotiations with the mainland authorities have produced results? If so, a very embarrassing situation will arise should the Panel make any suggestions, for there is no way that they can be relayed to the mainland authorities during the process of negotiation. Will such a situation arise, that is, the conclusion reached may not be supported by the Legislative Council?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, as I said in the main reply, the arrangement for reciprocal enforcement of commercial judgements would give businessmen an advantage and another option. Without such an arrangement, businessmen might not be able to enforce any Hong Kong award in the Mainland at all. Furthermore, whether businessmen can take legal action in the Mainland also involves the question of jurisdiction. Therefore, we think that this arrangement is beneficial to the businessmen of Hong Kong. Mr Alan LEONG is worried that after we have reached an agreement, the Legislative Council may consider it unsatisfactory and will therefore disapprove of it, or will not support the legislative process involved. In fact, the

Department of Justice has been reporting the matter to the AJLS Panel and after listening to the views of its members, we have conveyed their suggestions to the other party. Therefore, we will also consider the views expressed by Mr Alan LEONG just now. If our agreement is not supported by the Legislative Council, or the proposed legislation cannot even be passed, there is no way to enforce it. When the negotiations have reached a more mature stage, we will certainly report to the AJLS Panel.

**PRESIDENT** (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question.

**MR ALBERT HO** (in Cantonese): *Madam President, the Secretary mentioned in the main reply that in early 2002, the Department of Justice had conducted a joint survey with Law Society, the Hong Kong International Arbitration Centre and others and received only a few responses. Can the Secretary tell us what information has been obtained from the few responses and what conclusion has been drawn?*

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, in 2002, the Working Group sent out letters to 18 internationally renowned law firms in co-ordination with Law Society to make enquiries about the situation of enforcement. However, no specific examples were provided in the responses to explain why the awards had not been enforced. The information provided to us mainly concerns the unavailability of information about the other party, the type of assets owned by the debtor there and where the debtor lives. Therefore, the difficulties of enforcement were not different from those encountered in Hong Kong. If the applicant did not know where the assets of the debtor were, no award could be enforced. The majority of the letters received expressed a common concern that the awards might not be enforced due to certain problems. These worries included protectionism, manipulation of relationships and the possibility that the local Courts might be unclear about enforcement procedures. However, these were worries of the law firms only and no specific examples had been cited to indicate that awards could not be enforced because of protectionism, bribery, and so on. They have not provided any concrete examples to us.

**PRESIDENT** (in Cantonese): Fourth question.

### **Pollution of Streams**

4. **MR LAU WONG-FAT** (in Cantonese) : *Madam President, under the Water Pollution Control Ordinance and the Waste Disposal Ordinance, a person commits an offence if he discharges sewage or disposes of waste into streams without prior approval. However, I have learnt that in a number of places in the New Territories, such as Pat Heung, Ping Shan and Tin Shui Wai, the streams are heavily polluted as a result of illegal discharges, which not only constitutes a visual blight, but also causes foul smell and mosquito breeding, posing health hazards to the local residents. In this connection, will the Government inform this Council whether:*

- (a) *it has looked into the reasons for the authorities' failure to curb those activities which have caused pollution in streams, and whether such reasons include loopholes in the relevant legislation, inadequate enforcement efforts and so forth;*
- (b) *it has assessed the effectiveness of night-time raids on illegal discharge of sewage from pig farms and soya product factories late at night; and*
- (c) *it will consider devising more comprehensive measures to tackle pollution in streams caused by illegal discharges?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**  
(in Cantonese): Madam President,

- (a) The Government attaches great importance to protecting the environment of streams and rivers. Apart from controlling pollution sources and mitigating pollution loads through legislation and law enforcement, we also take steps to improve the sewerage infrastructure to remove pollutants. However, as sewage is produced by every household and all commercial and industrial establishments, it is the common responsibility of all parties to make an effort to protect the environment. Since the enactment of the

Water Pollution Control Ordinance and the Waste Disposal Ordinance, the pollution loads arising from livestock rearing in the Northwest New Territories, including Tin Shui Wai, Kam Tin, Ping Shan and Pat Heung in Yuen Long, has reduced by over 90%, which is equivalent to the pollution loads generated by over 1 million people. The pollution problems of the rivers and streams in that region have accordingly improved considerably in the past decade. However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams in the Northwest New Territories to remain unsatisfactory.

As regards law enforcement, the front-line staff of the Environmental Protection Department (EPD) have indeed encountered considerable difficulties. A major reason is that according to the prevailing legal principles and law requirements, our enforcement staff have to collect valid effluent samples as evidence for prosecution. However, as illegal discharges can often be completed in a few minutes, it is very difficult to catch the culprits red-handed and collect evidence on the spot, which results in prosecution difficulties.

- (b) Our information shows that most pig farms and soya product factories do comply with the legal requirements for treating sewage properly before discharging while few farms or factories commit illegal sewage discharges at night. In order to combat such illegal activities, the EPD has stepped up surveillance and inspection against livestock farms suspected of breaching the law. In 2004, over 2 000 routine inspections were conducted on livestock farms in the vicinity of Yuen Long to ensure statutory environmental requirements are fulfilled. The EPD also carried out 40 prolonged night-time ambushes on farms suspected of illegal discharges, resulting in 25 successful convictions.

During the same period, the EPD also conducted 75 routine inspections on soya product factories in the New Territories. The

Department also carried out five prolonged night-time ambushes on factories suspected of illegal discharges at night, resulting in two successful convictions.

- (c) To deal with livestock farms suspected of illegal discharges more effectively, the Agriculture, Fisheries and Conservation Department (AFCD) is devising a demerit point system. Under the proposed system, if a livestock farm is convicted of an offence under relevant ordinances, points will be deducted. When the total points deducted in a specific period exceed the specified ceiling, the livestock keeping licence of the farm will be revoked. In addition, the authority is also exploring whether more stringent environmental requirements can be included as licensing conditions. Any livestock farm failing to comply with such licensing conditions can then be liable to revocation of its licence. If the proposed demerit point system can be duly implemented, it will be a very effective means to address the environmental and hygienic problems caused by livestock farms.

Apart from enforcement action, the Government has also been providing a door-to-door livestock waste free collection service since July 1996 with a view to reducing the pollution caused by livestock waste. The annual recurrent cost for providing the service is roughly \$12 million. It serves about 400 farms at present and 170 tonnes of livestock waste is collected daily. Moreover, the Drainage Services Department has also been conducting ad hoc maintenance dredging in some rivers or nullahs to address the odour problem. Taking the Tin Shui Wai Nullah as an example, the cost for a recent maintenance dredging project has amounted to \$3.3 million.

Finally, the EPD also takes the initiative to enhance its co-operation with the trade through a partnership programme to help the farmers to improve the efficiency of their waste treatment process. The EPD is also planning to make use of a web-based platform to provide information on livestock farms so that the Government and members of the public and Legislative Council can jointly monitor the environmental impacts caused by these farms, which in turn will help strengthen the self-discipline of local farmers to meet the legal requirements.

**MR LAU WONG-FAT** (in Cantonese) : *Madam President, from the field inspection conducted by myself and the complaints I have received, I note that there is a significant discrepancy between the actual level of pollution in streams in the New Territories and the situation explained by Secretary Dr Sarah LIAO that the water quality of some rivers and streams in the Northwest New Territories was just unsatisfactory. In view of the fact that Secretary Dr Sarah LIAO inspected the Tung Chung River in Lantau in person as she attached great importance to the illegal excavation of the riverbed there and the incident was settled soon after her visit, I therefore sincerely ask Secretary Dr Sarah LIAO to conduct a field inspection in person, so that she can have a look at polluted streams in the New Territories and understand the condition of the people, and hopefully the problem can be duly solved. In the meantime, I am prepared to join Secretary Dr Sarah LIAO's field inspection, what does the Secretary think?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, I wish to thank Mr LAU Wong-fat's keenness to join me and inspect these rivers and streams. In fact, I often conduct such field inspection. Certainly, some of the rivers and streams are heavily polluted, such as the Sham Tseng River which I inspected this past Saturday. I believe Members should still remember this dusky river. Since the Government carried out some improvement works last year, the water quality has improved now. Nevertheless, my ultimate hope is that Mr LAU Wong-fat can help us. In fact, disposal of waste into streams is a common scene in rural areas, and currently, the sewerage network has only been built in 110 villages out of 955 villages in the rural area, but the implementation of improvement works to the sewerage system requires more time. At present, each rural household should have its own septic tank and soakaway system. I hope each and every rural resident can shoulder his own responsibility and clean up his own septic tank. If they can carry out the task effectively, then it will be a great help to us before the problem is totally solved.

**MR LAU WONG-FAT** (in Cantonese) : *Madam President, just now I invited the Secretary to conduct a field inspection in person, but she did not reply.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): I wish to thank Mr LAU Wong-fat, I will accept his invitation.

**MR ALBERT CHAN** (in Cantonese): *Madam President, with regard to the pollution caused by the discharge of livestock waste, the Health, Welfare and Food Bureau is currently considering adopting a measure which encourages the surrender of farm licences as a remedy, and that will put over 90% of the pig farmers out of business. The long-term solution is probably the support given by the Secretary in the recall of licences from pig farmers. Madam President, I wish to follow up the issue of village houses. In addition to illegal discharge of waste from pig farms, a major part of the pollution of rivers and streams is aggravated by sewage discharged from village houses. Firstly, foul water sewers of village houses are not connected, and they simply flow into nearby streams; secondly, when septic tanks are full, they would also be illegally discharged into nearby streams, which has caused pollution of streams and the natural environment. May I ask what measures the Secretary has to eradicate such cases and to prevent further pollution of streams and the natural environment?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, the answer I gave earlier had actually replied part of this supplementary. The sewerage works are being conducted or have been completed for 110 of the 955 villages. In this respect, we have two solutions: Before sewers can be laid, I hope owners of these village houses can clean up their septic tanks as a matter of discipline. In the '90s, the EPD once tried to register all the septic tanks of village houses and tried to enforce a control scheme, but the plan was eventually scrapped due to the strong objection of villagers then. If we have to carry out the task once again, the support of rural residents in the New Territories is necessary. Secondly, in the long run, co-operation from New Territories residents and owners of village houses are required in the laying of sewers, because it is very common in the construction of village houses that no room is reserved for the connection of trunk sewer. Besides, the space between each village house is very narrow, which has made it impossible to lay a sewer in each house.

I have inspected several locations recently, for example, in Sam Mun Tsai, a small works project involved considerable cost of time and resources, because land resumption is a big problem there. I hope people from rural bodies would co-operate with us all along during the implementation of this plan. We build the sewerage system for the sake of public hygiene and improvement of the environment, so if everybody can co-operate with each other, the sewerage system can be better arranged in public areas and inside each individual village house, then we can speed up the progress of the project.

**MR ALBERT CHAN** (in Cantonese): *Madam President, just now the Secretary explained the problem in planning, but another part of my supplementary was about the illegal discharge of waste from septic tanks into streams. May I ask the Secretary what plans she has to curb this problem and strengthen control?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Of course, we can prosecute those people who discharge waste illegally, and we have prepared a discharge guideline for village houses, so they could refer to the guideline and understand how they should comply with the guideline. According to our sewage discharge legislation, we may prosecute a person if he discharges sewage into streams and rivers, but as I have explained in the main reply earlier, the difficulties with prosecution lie in the fact that it is difficult to collect evidence. We have to catch the culprits red-handed and arrest them on the spot, before we can prosecute them with the evidence collected on the spot. For that reason, we have some difficulties in enforcement indeed, but the legislation on prosecution of culprits is already in place. If members of the public report such cases to us, we will definitely be glad to take follow-up actions.

**MR JAMES TIEN** (in Cantonese): *Madam President, the Secretary mentioned in part (b) of the main reply that over 2 000 routine inspections were conducted on livestock farms but only 25 successful convictions were made. She explained the reasons just now, pointing out that it was difficult to collect the evidence in a few minutes on the spot. Nevertheless, residents have provided some photographs to the Heung Yee Kuk and we have also seen them. They showed that some pipes have actually been laid illegally to discharge the waste, such that these people would turn on the tap to discharge the effluent and turn it off after discharge. In this connection, may I ask the Secretary whether the Government has plans to inspect these secretly-built pipes which discharge sewage and whether they could be used as evidence? Since the Secretary said earlier that it would be difficult to collect the evidence, may I ask whether the pipes seized during the inspection could be deemed as evidence?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, our EPD colleagues have also told me about the issue of illegal connection of pipes. These people would lay pipes in their



pig farms which extend to a place faraway from their farms and then discharge the effluent into streams, and these pipes could be turned on and off. If we have to press charges against these people, we cannot initiate the prosecution since these are just some pipes. We have to obtain evidence to prove that effluents were discharged into the stream through these pipes and then we can press charges. We have also considered whether we can use a tracer to prove that the effluents were discharged through the pipes, nevertheless, we are unable to place the tracer in pig farms. This is a problem that remains unsolved. We have discussed with legal professionals many times to see whether the evidence needed could be indirect evidence, but there is also difficulty in this respect. Nevertheless, we will take Mr James TIEN's suggestion into consideration.

**DR KWOK KA-KI** (in Cantonese): *Madam President, the Secretary explained in part (a) of the main reply about the continued development in the river catchments and the lack of maintenance of many private septic tank systems. Furthermore, the Secretary reiterated that she hoped villagers and residents would take care of the matter by themselves, but I can hardly see that the Secretary has any plans. Nor has she shown us a clearer picture to illustrate when the pollution problem in streams would be solved. My supplementary is: According to the Secretary's estimation, with her endeavours plus the assistance of Mr LAU Wong-fat, and so forth, when would the problem of pollution in streams be completely solved? If a timetable is in place, how would the Secretary achieve that objective?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, with the co-operation from rural bodies and if villagers make great efforts to maintain the normal operation of their septic tanks and soakaway systems, the problem could be solved in a rather simple and easy manner. Nevertheless, sewerage maintenance is a rather long-term undertaking, so perhaps I should provide some information to Dr KWOK Ka-ki in order to make him realize the problem in terms of time. In the past five years, we have conducted sewerage works at a total cost of as much as \$1.7 billion, in which \$1.2 billion was spent on works which have been completed. The remaining works amounted to \$500 million. Moreover, we are prepared to spend another \$880 million to improve the sewerage works in the rural New Territories and to raise them to Category B, but this does not include drainage and flood prevention

projects or sewage treatment and disposal facilities for handling increased sewage flows as a result of the extension of the sewerage network. Another problem is, not all of the pollution of rivers and streams comes from village houses. Another problem which is more difficult to handle is the problem of squatter huts. Squatter huts are basically temporary illegal structures, and we have to discuss with the Lands Department to see whether we should treat them as temporary or permanent structures. We have to make prudent consideration in the planning of drainage works, otherwise when it is the time to deal with these huts, they are already demolished while others are still there after decades. For that reason, apart from the need for a timetable and a plan in the respect of sewerage system, there is an unknown land administration factor, that is, how we should address the issue of squatter huts.

**DR KWOK KA-KI** (in Cantonese): *Madam President, despite the Secretary's explanation just now that a review would be conducted in 2010 and her enumeration of the costs of construction works, may I ask how long it will take by the Secretary's estimation? Will the problem be ameliorated in about 2020 or 2030 by her estimation?*

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

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I have nothing to add.

**PRESIDENT** (in Cantonese): This Council has spent more than 20 minutes on this question. We now proceed to the fifth question.

### **Returning of Some Legislative Council Members by Functional Constituencies**

5. **MR FREDERICK FUNG** (in Cantonese): *Madam President, the arrangement whereby a certain number of Members of the legislature are now returned by functional constituencies (FCs) has been adopted for nearly 20 years since 1985-86. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed the merits and demerits of the above arrangement in regard to the social and constitutional development of Hong Kong; if so, of the assessment results; if not, the reasons for that; and*
- (b) *given that Article 68 of the Basic Law provides that the ultimate aim in respect of the method for forming the Legislative Council is the election of all the Members of the Legislative Council by universal suffrage, whether it has assessed if the adoption of the arrangement whereby a certain number of Members of the Legislative Council are returned by FCs for a long period of time constitutes a violation of such a provision; if the assessment result is in the affirmative, of the timetable for abolishment of such an election method and what specific measures will be adopted in this regard; if the assessment result is in the negative, the reasons for that?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, regarding the first part of the question, since the Legislative Council held its first election in 1985, FCs have been part of Hong Kong's electoral system. Before 1985, all Members were appointed to the Legislative Council, many of whom were drawn from various sectors of the community. Accordingly, when elections were introduced to the Legislative Council in 1985, the Government decided then that different sectors should be allowed to continue to contribute to the community through FCs in the Legislative Council.

After the reunification, the Legislative Council has retained the FC seats in order to address the interests of different sectors of society, with a view to realizing the principle of balanced participation.

Balanced participation is one of the basic principles, which is also espoused by developed democratic societies in other parts of the world. Different societies would achieve this aim through different means. For example, some would adopt the model of an Upper House or a Senate in a bicameral legislature to achieve balanced participation, while others would do so through political parties that could represent the interests of different strata and sectors.

FCs have brought into the Legislative Council the voices of the commercial and industrial sector, the professional sector, trade unions and other sectors. Elected representatives of these sectors can also make use of their professional knowledge to contribute to the work of the Legislative Council, enriching the deliberations of the Council in terms of diversity and coverage. The existing arrangement whereby the Legislative Council is composed of members from the geographical constituencies and the FCs can ensure that the work and deliberations of the Legislative Council can meet the interests of members of the public as well as those of different sectors.

Regarding the second part of the question, Article 68 of the Basic Law (Article 68) prescribes that our ultimate aim is to elect all Legislative Council Members by universal suffrage. The provision also provides that we should attain this aim in the light of Hong Kong's actual situation and in accordance with the principle of gradual and orderly progress. Aside from the above, Article 68 does not stipulate any further requirements on the pace or form in moving towards universal suffrage.

Geographical direct elections through "one-man-one-vote" represent a form of universal suffrage. Other forms of "one-man-one-vote" elections, including indirect elections, which meet the electoral principles of "universal" and "equal" suffrage and can cater for the needs of Hong Kong, can also be possible models of universal suffrage.

Amongst the opinions collected by the Constitutional Development Task Force (the Task Force) during the last round of consultation, there were views which suggested that members of the public can return representatives of the relevant industries by "one-man-one-vote", after the organizations in the FCs had nominated a certain number of candidates. There were also suggestions that consideration should be given to adopting a bicameral model to retain the voices of FCs in the legislature.

The issue as to whether the FCs should be retained should only be decided after careful consideration and thorough public debate. As universal suffrage would not be implemented in the 2008 Legislative Council election, there is no need for us to form a view on the issue at this stage. Our present priority is to deal with the two electoral methods for 2007 and 2008.

**MR FREDERICK FUNG** (in Cantonese): *Madam President, in the fifth paragraph of the main reply, the Secretary mentioned that Article 68 had not stipulated any further requirements on the pace or form in moving towards universal suffrage. But in fact Article 68 clearly prescribes that our ultimate aim is to elect all Legislative Council Members by universal suffrage in accordance with the principle of gradual and orderly progress. In other words, the Basic Law has basically confirmed that universal suffrage, which will replace FCs, is the underlying direction for achieving balanced participation. However, in the fifth paragraph of the main reply, the Secretary said that Article 68 had not specified the timing of achieving the above target. In fact, the article has already provided that the aim should be achieved in accordance with the principle of gradual and orderly progress. With a passive attitude, however, the Government has not made any progress, not to mention gradual and orderly progress. Does this contravene Article 68?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): *Madam President, Article 68 does provide that all Legislative Council Members will be elected by universal suffrage ultimately. However, Article 68 does not specify what mode of universal suffrage should be adopted. So, in my main reply, I said that we should progressively examine the way of implementing universal suffrage in future. As regards gradual and orderly progress, we still hope that, in dealing with the two electoral methods for our constitutional development, the system could be further opened up to allow further participation by the public in 2007 and 2008 so as to enhance the representativeness of the two electoral systems.*

**MR FREDERICK FUNG** (in Cantonese): *Madam President, I think the Secretary has not answered my supplementary question. When we say gradual and orderly progress, we mean that FCs will be abolished in a gradual and orderly manner instead of increasing the number of electors of FCs in such a manner. I think the Secretary has not answered my question.*

**PRESIDENT** (in Cantonese): *Is this your question or your opinion?*

**MR FREDERICK FUNG** (in Cantonese): *Madam President, frankly speaking, the Secretary has not answered my question. Can he address my question and give me a reply?*

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

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I have fully addressed his question. I said Article 68 has specified that our ultimate aim is to implement universal suffrage. But as regards how universal suffrage should be implemented and what mode of universal suffrage should be adopted, Article 68 does not set out any specific and detailed provision. So, we have to further explore the issue in the future. At this stage, however, we are now dealing with the elections in 2007 and 2008. The two electoral systems will further be opened so as to enhance their representativeness and allow more public participation.

**PRESIDENT** (in Cantonese): Honourable Members, a total of 10 Members are waiting for their turns — we have one more now, and that makes 11 Members. Members should be as concise as possible when asking supplementaries so that more questions can be raised.

**MR LEE CHEUK-YAN** (in Cantonese): *Madam President, I think the Secretary's reply is full of sophistry. How can FCs, which represent a political privilege, be related to universal suffrage? I would like to ask the Secretary a question. In the main reply, the Secretary said some people were of the opinion that members of the public could return representatives of the relevant industries by "one-man-one-vote", after the organizations in the FCs had nominated a certain number of candidates. Does the Secretary think that this view meets the principles of "universal" and "equal" suffrage in the sixth paragraph of the main reply? How can the principle of universality be achieved? How can the principle of equality be met if some people cannot be a candidate at all? When some people can run in the election while the ordinary citizens cannot, how can we say that it is universal and equal? And how can we say that the electoral principles of universal suffrage are fulfilled?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I can tell Mr LEE Cheuk-yan that we are now actually in the process of collecting views. Any suggestions which are considered to be useful will be further examined in the long term. However, Mr LEE Cheuk-yan and other

Members should consider whether an electoral system of "one-man-one-vote" will certainly not be universal and equal.

**MR LEE CHEUK-YAN** (in Cantonese): *Madam President, the Secretary has not answered my supplementary. I asked him if such electoral method was universal and equal.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, since we need not make any long-term decision on this question today, we will not find any final answer. As these questions would have far-reaching implications, we have to explore them further in the future.

**DR FERNANDO CHEUNG** (in Cantonese): *Madam President, the Secretary just now mentioned that the Government was still doing assessment and even the Fourth Report has also mentioned that the long-term development of FCs should be examined. Just now Mr Frederick FUNG has made it very clearly that FCs, under Article 68, will be abolished in a gradual and orderly manner and universal suffrage will be implemented ultimately. So, once again I would like to ask the Secretary: As the Secretary himself also mentioned that the long-term development of FCs should be examined, as pointed out in the Fourth Report, does this not contravene the Basic Law already?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I am grateful to Dr CHEUNG for his question. In dealing with constitutional development, particularly in relation to the future composition of the Legislative Council as prescribed by Article 68, any amendments and changes should be made in a gradual and orderly manner in the light of the actual situation of Hong Kong in order to meet the principle of balanced participation. In dealing with these proposals, we need to have the agreement of two thirds of the Members, the Chief Executive's support and the approval of the Central Authorities before we can take them forward. These proposals can only be implemented if these principles are adhered to. I also believe that it will be in compliance with the Basic Law if any of these proposals is dealt with according to these principles and procedures.

**DR FERNANDO CHEUNG** (in Cantonese): *Madam President, my supplementary question was very clear. Although the Basic Law has specified that in the long term, our constitutional development is to implement universal suffrage, the Fourth Report still said that the long-term development of FC election should be examined. Has this in fact not contravened the Basic Law?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): *Madam President, I can only reiterate that as Article 68 does not mention how the composition of the Legislative Council can achieve the mode of universal suffrage in the long term, we have to explore the way forward in future.*

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, through you, I would like to ask the Secretary a question. I support the abolition of FCs because this is a small circle election. In the main reply, the Secretary mentioned that the FC elections would be conducted by "one-man-one-vote". But I know that the practice of "one-company-one-vote" still exists in the FCs. This is an extremely unfair electoral system. I hope the Secretary can respond whether in the Government's timetable, any attempt will be made so as to solve the unfair practice of "one-company-one-vote".*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): *Madam President, during the past six months' public consultation, we have received various views, one of which suggested that company votes and corporate votes should be replaced by individual votes. Meanwhile, however, some corporations consider that their representativeness in the FCs is not enough. So, if we consider broadening the electorate base of the FCs, we need to have sufficient discussions in this Council when we deal with the mainstream proposal, the amendment to Annexes I and II and the enactment of local legislation. Besides, I believe the consent and basic support of different sectors are required before we can take forward these amendments and changes.*

**MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, in his reply to Mr Frederick FUNG's question just now, the Secretary said that the so-called gradual and orderly progress is to further open up the system in order to achieve gradual and orderly progress. But in answering the questions of Miss TAM*



*Heung-man and other Members, the Secretary said that we had to seek the consent of the sectors or two thirds of the Legislative Council Members for amending the Annexes to the Basic Law in order to abolish FCs or to broaden the electorate of FCs. May I ask the Secretary, if we cannot obtain the sectors' consent and the approval of two thirds of the Legislative Council Members to the consolidated proposal, how we can achieve gradual and orderly progress? When our constitutional system keeps the status quo, can this be considered gradual and orderly progress?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the design of the Basic Law itself is to ensure that the two electoral systems can be amended only if we can solicit wide support in the community. So we have to meet three requirements step by step according to Annexes I and II of the Basic Law. In any community, should any significant amendments to the constitutional system be made, it is natural that the support of the majority both inside and outside the legislature is required. This can also ensure that we have a stable arrangement for society. So, when dealing with the issue concerning the changes to our electoral systems, the Government, Members and various bodies in society should continue to examine it in a more positive and proactive way, express views and seek consensus.

**MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, the Secretary has not answered my question. Can we call it gradual and orderly progress if we do not see any reform to our constitutional system which totally remains unchanged? The Secretary has not answered my question.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the Special Administrative Region Government and the Task Force do not wish to see our constitutional system make no progress. We have time and again clearly explained our fundamental attitude, and that is, we hope that the electoral systems in respect of the elections of the Chief Executive and the Legislative Council in 2007 and 2008 respectively can be further opened up. To achieve this aim, however, not only the Government but also Members of this Council and the bodies and factions they represent have to work hard together in order to achieve the goal and make progress.

**MS EMILY LAU** (in Cantonese): *Madam President, in the main reply, the Secretary mentioned that after the reunification, the Legislative Council had retained the FC seats in order to address the interests of different sectors of society, with a view to realizing the principle of balanced participation. Nevertheless, such pretext was not advanced even in the colonial era when it was shamelessly admitted that nobody except the rich was represented in the FCs. May I ask the Secretary how the aim of ensuring representation and participation of various strata in the electoral system can be realized? I ask this question because the majority of different strata and people consider that they have been excluded and this is a serious insult to them. How can balanced participation be realized?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the 30 FC seats actually represent various sectors and strata, including the commercial and industrial sector, the professional sector, trade unions and other professional bodies, such as teachers, nurses and doctors. They do not only represent certain strata, as Ms LAU has just said. Furthermore, our geographical direct elections widely represent different districts and people in Hong Kong. So, the existing electoral methods and the composition of the Legislative Council in Hong Kong have already realized the principle of balanced participation. Having said that, if we wish to further broaden the arrangement for the implementation of universal suffrage, we still have to take into account the interests of various strata and continue to maintain the arrangement for balanced participation.

**MS EMILY LAU** (in Cantonese): *Madam President, the Secretary has not answered my question. While many people, many sectors and trades are excluded and only the commercial and industrial sector and the professionals can participate in the elections, how can balanced participation be achieved? How can the Government explain to the people that they are involved?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, as I have just said, the 30 FC seats are returned not only by the professional and commercial and industrial sectors but also the trade unions, such as the agricultural and fisheries and social work sectors. During public consultation, however, we have indeed received views from various different bodies and individuals claiming that certain sectors do not have sufficient or even

lack representation in the Legislative Council. For instance, some suggested that a women constituency be set up. Some considered that a youth sector and student constituency should be set up, apart from the suggestion of setting up a constituency representing the small and medium enterprises. Various sectors and different bodies have expressed their views. As for these views and all other views, we will accept and examine them all. We hope that the mainstream proposal can be introduced in the middle of this year and can represent the majority views of the community and gain the supports of Members in this Chamber after thorough deliberations.

**MR JAMES TO** (in Cantonese): *Madam President, in the main reply, the Secretary mentioned that there were views suggesting that members of the public could return representatives of the relevant industries by "one-man-one-vote", after the organizations in the FCs had nominated a certain number of candidates and perhaps consideration should be given to adopting a bicameral model. Does the Secretary mean that these two different views of the public, which are contained in the main reply, tally legally with our aspiration for implementation of universal suffrage in the long run? Or is the Secretary so nonsensical that he was not answering this question and just wrote down any suggestions which might even contravene the principle of universal suffrage simply because he wished to cite evidence to support FCs and small circle elections. Which one is the answer?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, my attitude is very clear and straight. First of all, if these views are raised by people and different bodies, they will be disclosed as far as possible unless some individuals consider their identities be kept confidential. As regards whether or not FCs should be retained in the long run, we have raised the issue and further examination and discussion are encouraged. We have also indicated that there is no need for us to form a view on the issue at this stage because universal suffrage has not been achieved. In 2007 and 2008, the crucial consideration is how best these two electoral methods can be changed, their representativeness enhanced and more room created to allow the participation of various political parties and those who wish to devote themselves to political affairs. However, as regards legal interpretation and arrangement, I think any amendments or long-term amendments should comply with the principle of gradual and orderly progress in the light of the actual situation of

Hong Kong and ensure balanced participation. I believe, any proposal with the support of two thirds of Members, the consent of the Chief Executive and approval of the Central Authorities will be in compliance with the requirements of the Basic Law.

**MR JAMES TO** (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. What I meant is, Madam President, please look at the third last paragraph of the main reply which said that geographical direct elections through "one-man-one-vote" represented a form of universal suffrage and the second last paragraph which set out the public views he just mentioned. So my question is very simple. Part (b) of Mr Frederick Fung's main question mentioned that Article 68 had provided that the ultimate aim was to implement universal suffrage and the Secretary, in response, provided a reply as just said. So I asked the Secretary: Did he mean that those views tallied with Article 68? I did not ask any question about the 2007 and 2008 elections. Nor did I ask about the possible scenario before implementing universal suffrage, which is the ultimate aim. Instead I asked whether these two different views tallied with Article 68. If not, why did the Secretary write them down? Otherwise, they are just nonsense.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, I know that Mr James TO is very eager to know the form of universal suffrage when it is ultimately achieved. Today, we can exchange our views, but no one can find any final answer for the model of universal suffrage that is ultimately implemented. However, I understand that Mr James TO may have a presumption that geographical direct election is the only model which can achieve universal suffrage. The only view I have, however, is that we still have to examine how to achieve universal suffrage and the model to be adopted.

**MR JAMES TO** (in Cantonese): *Madam President, did the Secretary say yes or no? Did he mean that these two different views did not contravene Article 68 and were therefore written down? The Secretary has not answered my question, has he?*

**PRESIDENT** (in Cantonese): Have you finished with your question? Secretary, do you have anything to add?

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in our opinion, as these views have been raised, they merit consideration and will serve as valuable reference in our future discussions and examination of this issue.

**PRESIDENT** (in Cantonese): Since we have spent more than 23 minutes on this question, this question ends here. Sixth question.

### **Enhancing Employment Opportunities of Youth**

6. **DR FERNANDO CHEUNG** (in Cantonese): *Madam President, it has been reported that the results of a survey published last month reviewed that among 509 young people in the 15-24 age group interviewed, 19% indicated that they were unemployed, and 60% indicated that the main difficulty they encountered in seeking jobs was their lack of work experience, followed by their academic qualifications and skills being below those required by the positions. Some young people said in a press conference that as they lived in the remote North District and came from poor families, the travelling expenses on going to urban areas for job-hunting were a heavy burden for them. In this connection, will the Government inform this Council:*

- (a) *of the measures it will take to assist young people from low-income families in the remote areas in finding work in urban areas;*
- (b) *whether it will consider including more career-oriented subjects in the junior secondary school curriculum to cater for the needs of young junior secondary school leavers, and extending free education from nine years to 12 years to enhance the employment opportunities of young people; and*
- (c) *whether it has assessed the adequacy and effectiveness of existing employment support measures for unemployed young people and the areas that can be improved; if it has, of the assessment results?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, my reply to the three parts of Dr Fernando CHEUNG's question is as follows:

- (a) The Labour Department (LD) provides a comprehensive range of employment services to the public, including young people. Apart from visiting the LD's 10 Job Centres in various districts, job-seekers can make use of the Interactive Employment Service website to complete the registration procedure and browse job vacancies. They can also secure job referrals through the Telephone Employment Service hotline.

The LD has launched the Youth Work Experience and Training Scheme (YWETS) since July 2002 to provide on-the-job training for young people to enhance their employability. In order to help young people living in the remote areas to find jobs, the LD has requested participating non-government organizations (NGOs) with service centres in the remote areas, through their employer network, to try and organize job fairs in their respective districts. In doing so, more local vacancies could be made available for young people looking for jobs in areas near their residence. This will also encourage employers with vacancies outside that district to participate in these job fairs and conduct job interviews on the spot, thereby alleviating the financial burden of young people in travelling to urban areas to find work.

- (b) At present, the junior secondary curriculum aims to help students to learn how to learn and to have whole person development, including understanding their own inclinations, interests and abilities so that they can make appropriate choice of subjects in the senior secondary forms. Based on Hong Kong's experience in the past and demand on the quality of lifelong learning in basic education, we consider that it is not appropriate to introduce career-oriented curriculum (COC) too early to junior secondary forms. Besides, COC for senior secondary forms does not only aim at career training. It also provides alongside other subjects a learning platform for both practical experiences related to certain careers/professions as well as some foundation knowledge under a diversified learning mode. COC is now in its second year of trial run. We hope to complete our review of the COC pilot scheme before implementation of the new senior secondary curriculum.

The Government has all along been providing nine-year free universal and basic education to children aged six to 15 (Primary One to Secondary Three) and heavily subsidized senior secondary education. Since the 2002-03 academic year, we have provided an adequate number of subsidized Secondary Four/Five and vocational training places to all secondary three graduates from publicly-funded schools who are capable and willing to continue their studies. At present, the actual rate of subsidy for Secondary Four/Five education is 85%.

We are consulting the public on the proposed senior secondary education system. Under the proposed system, the current two-year senior secondary education system will be changed to a three-year one. All students will have the opportunity to receive six years of secondary education.

In view of the stringent financial situation and the fact that the proposal will involve significant resources, the Government will not consider extending free education from nine years to 11 or 12 years at this stage.

Nevertheless, the Government pledges that no children will be deprived of the opportunities to education because of financial difficulties. Apart from nine-year free education and heavily subsidized senior secondary education, we also provide various assistance to students from low-income families. These include fee remission for senior secondary education, examination fee remission, school textbook assistance, travel subsidy, and so on.

- (c) The LD is implementing three different training and employment programmes for young people aged 15 to 24 with education attainment below degree level. These include the Youth Pre-employment Training Programme (YPTP), the YWETS which I mentioned earlier, and the Youth Self-employment Support Scheme (YSSS). These programmes collectively provide a comprehensive range of options and services to cater for the employment and training needs of youths from different age groups with the aim of enhancing their employability.

The YPTP was launched in September 1999 to enhance the employability of school leavers aged 15 to 19 through the provision of a wide range of modular training, job placement opportunities, career counselling and support services. Over the past five years, more than 57 000 young persons were trained under the Programme and about 70% of them secured employment after training. The LD will continue to run the YPTP until 2007 when a comprehensive review will be conducted.

The YWETS was launched in July 2002 to provide on-the-job training of six to 12 months for about 10 000 young people aged between 15 and 24 in two years. The scheme aims at enriching the work experience of youths through employment, thereby enhancing their employability. By end-2004, more than 18 000 trainees were successfully placed in training vacancies under the Scheme. In addition, some 10 000 trainees were placed in jobs in the open employment market with the advice and assistance of their case managers provided under the Scheme. Given the success of the Scheme, the Government allocated another \$300 million in 2004 to extend it for another two years.

The Centre for Social Policy Studies of The Hong Kong Polytechnic University, which has been commissioned by the LD to evaluate the performance of the YPTP and the YWETS, has affirmed the effectiveness of both Schemes and recommended extending the YWETS and continuing with the YPTP.

In May 2004, the LD launched a new pilot scheme — the YSSS. Some 1 500 trainees have been enrolled to receive training under 36 projects in different areas of business, such as information technology and multimedia applications, personal care, and public performances. On completion of initial training, trainees have started to undergo hands-on practices in self-employment since mid-September 2004. The LD has commissioned the CityU Professional Services Limited, a company of the City University of Hong Kong, to review and evaluate the effectiveness of the YSSS.

We consider that the above youth employment and training programmes have a positive effect on improving the employment of



young people. In fact, the unemployment rate of young people aged 15 to 19 has dropped by 16 percentage points from a high record of 37.6% for the period June to August 2003, to 21.5% for the period October to December 2004, with an unemployed population of about 15 000.

**DR FERNANDO CHEUNG** (in Cantonese): *Madam President, the Government's reply to part (a) of the question — the part regarding assisting young people in the remote areas in finding work and getting employed — shows that it knows very little of this problem. The Government even held local job fairs with the help of some local service organizations. I think many people (particularly those families in the remote areas) know that those districts actually do not have sufficient job or employment opportunities. A lot of young people have to find jobs in the urban area or areas close to it where more job opportunities are available. If local job fairs were held but there were insufficient jobs in the districts, employers would have no incentive whatsoever to hold the job fairs. The problem now lies with high travelling expenses. Young people in the remote areas, particularly those from low-income families, are facing great difficulties when finding jobs. May I ask the Government, apart from holding local job fairs, what other measures there are to alleviate the transport difficulties encountered by young people in the remote areas in getting a job?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, Dr Fernando CHEUNG is right, that is, some areas do not have many jobs to offer. Therefore, apart from offering services through job centres, the LD has provided in areas with no regional offices, for example, North District, Vacancy Search Terminals for those who want to look for jobs to access the Interactive Employment Service website. Of course, the LD also has an employment telephone hotline. Arrangements are made as far as possible for the young people to use these services, without having to go to the urban area to look for jobs each and every time. Moreover, I also understand that, just as the Member said just now, the districts may not have too many job opportunities, thus, we will encourage employers who are outside the districts to recruit people locally, so that the young people need not go to the urban area to find job every time.

Apart from the aforesaid services provided by the LD, I also understand that the Social Welfare Department (SWD) — though this is not within my ambit — is also subsidizing about 70 intensive employment assistance schemes and Support for Self-reliance Schemes in different districts, providing assistance, for example, in respect of travelling expenses, and so on, to the young people from some low-income families.

**DR FERNANDO CHEUNG** (in Cantonese): *Regarding the part of the question on seeking jobs, actually, even if the young people in the remote areas can get a job, the high travelling expenses mean that their income is not enough to meet the expenditure on travelling, living and other job-related expenses. Therefore, in this regard, I do not know if the Government .....*

**PRESIDENT** (in Cantonese): Dr Fernando CHEUNG, according to the Rules of Procedure, Members only have to raise the part of their earlier supplementary question which has not been answered and do not have to explain again. Therefore, you only have to raise the relevant part.

**DR FERNANDO CHEUNG** (in Cantonese): *The Secretary has not answered the part with regard to travelling. Are there any concessionary measures in place to help young people in the remote areas to find jobs?*

**PRESIDENT** (in Cantonese): Which Secretary is to answer? Is there anything to add? Secretary for Economic Development and Labour.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I have in fact mentioned earlier that the SWD has some schemes, such as the intensive employment assistance schemes and Support for Self-reliance Schemes which are at present assisting young people from low-income families to meet employment related expenses, including subsidies for travelling expenses. As regards other aspects, I have nothing to add.

**MS LI FUNG-YING** (in Cantonese): *Madam President, although the two Secretaries have introduced some specific measures just now, and said that there*

*has been a drop in the unemployment rate of young people, it still remains high at 25.6%. Would the Secretary provide some extra measures on top of these schemes to assist the young people? To be specific, travel subsidies or allowances can be provided.*

**PRESIDENT** (in Cantonese): Which Secretary is to answer? Secretary for Economic Development and Labour.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I would like to tell Ms LI Fung-ying that the unemployment rate has in fact seen a second drop. The latest quarterly (October to December 2004) unemployment rate of young people has dropped from 25.6% as mentioned by her to 21.5%, with the number of unemployed now standing at 15 000. In fact, I have mentioned earlier in the main reply that there are modular training tailor-made for young people, job placement opportunities, on-the-job placement programmes, and so on. We can see that programmes from the YPTP to the YWETS are all very effective. The employment rate of young people who have completed the YPTP is close to 70%, and as for the YWETS, for the last two years, over 18 000 YWETS students found employment under the scheme and another 10 000 found jobs in the open market. Actually, the jobs they have secured add up to 17 000 which is enough to absorb the young people who are unemployed at present. We think enhancing the personal communication skills of the young people, providing them with modular training, and so on, are measures which can best help them, giving them confidence in seeking jobs. Just as I said earlier, helping them to find jobs through these programmes is the most effective method.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, in his earlier reply to Ms LI Fung-ying, Secretary Stephen IP said that, as pointed out in the main reply, the unemployment rate of young people aged 15 to 19 for the period of September to November 2004 was 25.6% but dropped to 21.6% during October to December. We also noted this, but I hope the Secretary would not be complacent because this was the height of employment when a lot of trades were making recruitment. He said in his reply to Ms LI that there were some temporary jobs, and expected that the prevailing unemployment problem could be solved. However, these jobs will only last for a few months and after that, they*

*will become unemployed. Does the Secretary have any plans to consolidate resources which are now scattered among various bureaux to address the unemployment problem of young people squarely, including the establishment of a committee to pay attention to the unemployment condition of young people? They are now "non-engaged" — with no opportunities to learn and work. What can they do? May I ask Secretary Stephen IP if the Government has any preparations in this regard? Can resources be consolidated to solve the long-term unemployment problem of the young people, instead of providing temporary jobs?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, let me try to tackle this question, but I do not know if Secretary Dr Patrick HO has anything to add. Miss CHAN, I am not complacent but anyway, a drop in the unemployment rate is good news. Of course, like her, I hope that the unemployment rate will continue to fall. We do not consider that a drop in the unemployment rate to 21% is already acceptable.

In fact, we also attach great importance to whether the programmes mentioned earlier can really help the young people. Therefore, we have actively invited The Hong Kong Polytechnic University to assess whether the implementation of the YWETS is effective. Even though we have launched the YSSS, we have invited the City University of Hong Kong to carry out an assessment because everyone is concerned about whether these programmes are effective. I can point out that the YSSS itself has secured some business at present, and its income in the last few months has amounted to around \$1 million. This is very encouraging to the young people. The Member asked just now how more jobs could be created to ensure that young people who have completed the programmes would not become unemployed. I also expressed earlier that in actual fact, 70% of the youth participants of the YPTP had managed to find a job. We have worked very hard all along. As mentioned in the policy address, we have created more jobs in many sectors, for example, in the creative industry, which I believe are suitable for the young people. In this respect, we have made efforts through the various bureaux and in different policy areas to create more jobs, and some can satisfy the demand of the young people.

**PRESIDENT** (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question.

**MR JAMES TIEN** (in Cantonese): *Madam President, with regard to this question of the unemployment of young people and low-income earners, I note that the majority of the affected are in towns in New Territories East and New Territories West. Madam President, each town has a population of several hundred thousand people. Although the small cities of a lot of overseas countries have only less than a hundred thousand people, they have their own local economies. Taking the circumstances in Hong Kong, no matter what, the travelling expenses (ranging from a few hundred dollars to \$1,000) are expensive, and what is more, people have to spend one hour per trip travelling to and from the urban area. May I ask the Government what plans there are to improve local commercial operations of the towns with a population of several hundred thousand people in New Territories East and New Territories West? This may not involve the channelling of benefits between the Government and the businesses. In respect of government-business co-operation, if the small businessmen of the New Territories General Chamber of Commerce in the New Territories can create more job opportunities, the problem mentioned by the Member earlier can be resolved. Has the Government considered this?*

**PRESIDENT** (in Cantonese): Which Secretary is to answer? Secretary for Home Affairs.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, in this regard, the Home Affairs Bureau has, through the 18 District Councils and the work done by them, hoped to co-ordinate in the districts some characteristic local economy programmes. The local economy programme has been launched for two to three years and the original intent was to bring about some small-scale investment or business activities within the districts so as to promote local consumption and create some job opportunities. We will continue with our efforts in this respect and learn from successes and failures. We hope to do more in this area in future.

**PRESIDENT** (in Cantonese): Oral questions end here.

**WRITTEN ANSWERS TO QUESTIONS****Providing Assistance to Hong Kong Residents in Danger Outside Hong Kong**

7. **MRS SOPHIE LEUNG** (in Chinese): *Madam President, the tsunami in South Asia last month resulted in hundreds of Hong Kong residents travelling in Southern Asia losing contact with their families, and some of them were injured or died. The Government has been criticized for underestimating the number of Hong Kong residents affected by the disaster at the initial stage, and the support team comprising officers from various government departments was not sent to the stricken regions until four days after the incident, which was considered to be a slow response. In this connection, will the Government inform this Council whether it has plans to set up a standing mechanism to provide assistance to Hong Kong residents in danger outside Hong Kong, which includes a one-stop telephone hotline, if it will not, of the reasons for that?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President, the earthquake and tsunami disaster that occurred on 26 December 2004 led to a very large number of casualties in the affected countries around the Indian Ocean, including Hong Kong residents travelling in those places. We are saddened by the catastrophe and we extend our deepest sympathy to the bereaved families.

The Government has paid close attention to this incident and the situation of the Hong Kong residents stricken by the disaster right from the start. On the day of the incident (26 December), in accordance with the system under which we provide assistance to Hong Kong residents involved in emergencies while they are outside of Hong Kong, we got in touch with Chinese diplomatic and consular missions posted to the affected countries and cities through the Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong to request assistance for our residents involved in the disaster. The relevant consular staff immediately attended the affected areas to evaluate the situation and to provide practical assistance to stricken Hong Kong residents. On the same afternoon, our own immigration officers were ready to go, but due to the closure of the Phuket Airport their departure could not be made immediately. At the same time, medical and ambulance personnel were on stand by for deployment to the affected areas. We also began to publicize through the mass media the established hotline of the Immigration Department's Assistance to Hong Kong

Residents Unit (AHU), and deployed additional staff to handle requests that might come in through the hotline. On the second day (27 December), two immigration officers were despatched to Phuket on the first available flight to evaluate the situation, followed later on the same day by two additional members of staff each to Phuket and Sri Lanka. The Thailand and Sri Lanka contingents were reinforced by four and two immigration officers respectively on 28 December. The size of the emergency assistance team was continually reinforced, until it was over 160 by 30 December, with personnel from the Security Bureau, Police Force, Immigration Department, Hospital Authority, Civil Aid Service and Auxiliary Medical Service. The team performed essential services of various kinds and helped to trace missing persons in Phuket and other popular tourist destinations in the region.

As indicated above, the Assistance to Hong Kong Residents Scheme run by the Immigration Department was immediately activated. Following that we have been formulating and organizing our response drawing on relevant components of our established "Contingency Plan for Natural Disasters" as appropriate. This plan provides guidelines on the crucial components of an emergency response, such as the roles and responsibilities of designated parties involved in the response; arrangements for decision-making, communication and command, and so on. The plan caters for disasters occurring in Hong Kong. We think that we should improve further on our emergency response system by establishing specific guidelines catering for disasters outside Hong Kong similar to the recent tsunami disaster, drawing on relevant components of our existing guidelines modified in the light of the experience we have gained from tackling the recent tsunami disaster.

Under the Assistance to Hong Kong Residents Scheme we have an established hotline (telephone number 2829 3010), which is widely publicized through the mass media upon occurrence of serious accidents and casualties involving Hong Kong residents. This number is published through the Immigration Department's website (<<http://www.immd.gov.hk>>), as well as the "Guide to Consular Protection and Services Outside Chinese Territory" and "Guide to Assistance Services to Hong Kong Residents in the Mainland" obtainable at the Information Office and departure halls of immigration control points of the Immigration Department. In the review mentioned above, we will consider whether and how we could improve further on the hotline arrangement.

**Hong Kong Productivity Council**

8. **MISS CHAN YUEN-HAN** (in Chinese): *Madam President, will the Government inform this Council whether it knows the following regarding the Hong Kong Productivity Council (HKPC) and its subsidiaries in each of the past three years:*

- (a) the respective total number of employees;*
- (b) the respective establishments of their departments/units, and the respective numbers of employees who were made redundant, newly employed and transferred;*
- (c) the respective intakes, tuition fees and profits of the training courses conducted;*
- (d) whether non-Hong Kong residents were employed; if so, the number involved and its percentage in the total number of employees;*
- (e) among the organizations they served, the respective numbers of such organizations which did and did not operate manufacturing processes in Hong Kong;*
- (f) the respective amounts of funds dedicated to serving the two types of organizations mentioned in part (e), and the respective percentages of such amounts in the total amounts spent; and*
- (g) if the HKPC and its subsidiaries do not have the above statistics, the reasons for that, and whether the Administration will request them to collect and keep the relevant statistics?*

**SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY** (in Chinese): *Madam President, the HKPC has established five subsidiaries, namely the Design Innovation (HK) Limited, the Clothing Technology Demonstration Centre Company Limited, the BMM Limited, the Productivity (Holdings) Limited<sup>1</sup>, and the HKPC Technology (Holdings) Company Limited. Since the*

<sup>1</sup> The Productivity (Holdings) Limited has established three consulting companies in Guangzhou, Dongguan and Shenzhen respectively. Information on the three consulting companies has been incorporated into that of the Productivity (Holdings) Limited.



work of the HKPC Technology (Holdings) Company Limited is undertaken by the staff of the HKPC, the company has not recruited any employees, nor has it conducted any training courses. The following replies therefore do not cover this company.

- (a) The total number of employees of the HKPC and its four subsidiaries in the past three years were 734, 670 and 639 respectively. Information on the number of employees of each organization is detailed in Annex 1 for reference.
- (b) The distribution of the employees of the HKPC and its four subsidiaries in the past three years is detailed in Annex 2 for reference.

Apart from cases of retirement, contract expiry and resignation, a total of four employees were dismissed by the HKPC and its four subsidiaries in the past three years. A total of 155 employees were newly recruited. The relevant information is detailed in Annexes 3 and 4 respectively for reference.

On the number of employees redeployed internally, the HKPC had re-aligned its service and made appropriate redeployment arrangement in the past three years, in order to achieve a more effective utilization of human resources and to meet the changing service needs of the industry. In 2004, upon the implementation of a new strategy to facilitate Hong Kong's industries to move up the value chain and enhance their competitiveness, the HKPC reviewed its organizational structure for better focus on the development of its core competencies. Accordingly, a total of 49 HKPC staff needed to be redeployed. For 2002 and 2003, the HKPC has not compiled similar statistics.

The four subsidiaries of the HKPC did not make any staff redeployment arrangement in the past three years.

- (c) In the past three years the HKPC conducted 1 064, 807 and 359 training courses respectively, whereas the Productivity (Holdings) Limited has provided 18 training courses since 2004. Information on total intakes, the amount of tuition fees received, and so on, is detailed in Annex 5 for reference. The other three subsidiaries of the HKPC did not provide any training courses.

- (d) Except in the case of Productivity (Holdings) Limited<sup>2</sup>, the employees of the HKPC and its other subsidiaries were all Hong Kong residents.
- (e) The HKPC has not conducted any systematic information collection or statistical surveys on whether its clients have any manufacturing processes in Hong Kong. Indeed most of its clients are from the manufacturing industries and relevant sectors.
- (f) Since the HKPC does not make reference to whether its clients have any manufacturing processes in Hong Kong in determining the amount and proportion of its resource allocation, it did not possess such information.
- (g) In order to meet the changing service needs of the industries, the HKPC must redeploy its resources and manpower flexibly to facilitate provision of appropriate services in the light of prevailing circumstances. The consultations and surveys conducted by the HKPC on the industries are focused on their service requirements instead of whether they have any manufacturing processes in Hong Kong. Therefore, the HKPC does not specifically compile or maintain the statistics in questions.

As always, the HKPC's mission is to serve Hong Kong enterprises. With the closer economic co-operation and integration between Hong Kong and the Pearl River Delta (PRD), many Hong Kong enterprises also have manufacturing operations in the PRD. In accordance with the consultancy study on the HKPC's role, management and operation completed in 2002, the main geographical focus of the HKPC should be Hong Kong and the PRD. The recommendations have been reported to the Legislative Council Panel on Commerce and Industry. Accordingly, the Productivity (Holdings) Limited has set up offices in Guangzhou, Dongguan and Shenzhen to enhance its support to Hong Kong enterprises in the PRD.

<sup>2</sup> The Productivity (Holdings) Limited established the consulting companies in Guangzhou, Dongguan and Shenzhen and employed 24 employees. All the employees are mainland residents.

## Annex 1

Number of employees of the HKPC and its subsidiaries in the past three years

	2002-03	2003-04	2004-05 (as at December 2004)
HKPC	699	596	554
Design Innovation (HK) Limited	6	7	7
Clothing Technology Demonstration Centre Company Limited	25	24	24
BMM Limited	34	31	30
Productivity (Holdings) Limited	-	12	24
	734	670	639

## Annex 2

Staff Establishments of the HKPC and its subsidiaries in the past three years

*HKPC*

	2002-03	2003-04	2004-05 (as at December 2004)
Information Technology and Services Branch	154	127	-
Innovation Process and Automation Branch	167	154	-
Environment and Product Innovation Branch	149	127	-
Services and Business Branch	128	119	-
Administration and Corporate Communications	71	69	-
Manufacturing Productivity Branch*	-	-	130
Product Productivity Branch*	-	-	173
Business Productivity Branch*	-	-	161
Corporate Services Branch*	-	-	90
	669	596	554

- \* In 2004-05, the HKPC implemented a new strategy to facilitate Hong Kong's industries to move up the value chain and enhance their competitiveness, and accordingly reviewed its organizational structure.

*Design Innovation (HK) Limited*

	2002-03	2003-04	2004-05 (as at December 2004)
Operation	5	6	6
Administration	1	1	1
	6	7	7

*Clothing Technology Demonstration Centre Company Limited*

	2002-03	2003-04	2004-05 (as at December 2004)
Operation	24	23	23
Administration	1	1	1
	25	24	24

*BMM Limited*

	2002-03	2003-04	2004-05 (as at December 2004)
Operation	33	30	29
Administration	1	1	1
	34	31	30

*Productivity (Holdings) Limited*

	2002-03	2003-04	2004-05 (as at December 2004)
Operation	-	9	18
Administration	-	3	6
	-	12	24

## Annex 3

Number of staff made redundant by the HKPC and its subsidiaries  
in the past three years\*

	2002-03	2003-04	2004-05 (as at December 2004)
HKPC	0	3	1
Design Innovation (HK) Limited	0	0	0
Clothing Technology Demonstration Centre Company Limited	0	0	0
BMM Limited	0	0	0
Productivity (Holdings) Limited	-	0	0
	0	3	1

\* Number of dismissal excludes cases of retirement, contract expiry and resignation.

## Annex 4

Number of staff newly employed by the HKPC and its subsidiaries  
in the past three years

	2002-03	2003-04	2004-05 (as at December 2004)
HKPC	52	33	41
Design Innovation (HK) Limited	0	2	2
Clothing Technology Demonstration Centre Company Limited	0	0	0
BMM Limited	0	0	1
Productivity (Holdings) Limited	-	12	12
	52	47	56

## Training Courses conducted by the HKPC in the past three years

	2002-03	2003-04	2004-05 (as at December 2004)
Number of Training Courses	1 064	807	359
Number of Intakes	17 297	11 804	9 935
Tuition fees received	HK\$75,000,000	HK\$56,000,000	HK\$39,000,000

Note 1: Since the training courses conducted by the HKPC were charged on a cost-recovery basis, the fees have no profit element.

Note 2: Since there are a large number of training courses involved, the number of intakes and tuition fees received in relation to individual courses have not been listed out in this Annex.

## Training Courses conducted by the Productivity (Holdings) Limited in the past three years

	2002-03	2003-04	2004-05 (as at December 2004)
Number of Training Courses	-	0	18
Number of Intakes	-	0	311
Tuition fees received	-	0	RMB 305,400 yuan
Profits	-	0	RMB 15,270 yuan

**Impact of Abolition of Minimum Brokerage Commission Rule**

9. **MR JEFFREY LAM** (in Chinese): *Madam President, will the Government inform this Council of the changes in the trading volume of securities, stockbrokers' commission income, and trading activity of securities investors after the abolition of the minimum brokerage commission rule on*

*1 April 2003, as compared to those before the abolition, as well as the numbers of securities companies which have wound up their businesses and of securities professionals who have become unemployed so far, due to the abolition of the above rule?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): Madam President, we have consulted the Securities and Futures Commission (SFC). Its reply is as follows.

Average daily turnover increased from HK\$6.1 billion in Q1 2003 (preceding the abolition of minimum commission rate) to HK\$12.3 billion in Q3 2004. The average daily turnover reached HK\$20 billion in November 2004. Statistics of average daily turnover since the abolition are set out in the table below:

	<i>Before the abolition</i>	<i>After the abolition</i>					
	<i>2003 Q1</i>	<i>2003 Q2</i>	<i>2003 Q3</i>	<i>2003 Q4</i>	<i>2004 Q1</i>	<i>2004 Q2</i>	<i>2004 Q3</i>
Average daily turnover (HK\$ billion)	6.1	8.1	12.0	15.3	19.7	13.8	12.3

Gross securities commission income per broker increased from HK\$4.5 million before the abolition to HK\$8.2 million in Q3 2004. The figure reached HK\$12.4 million in Q1 2004. Statistics of the gross securities commission income per broker are set out in the table below:

	<i>Before the abolition</i>	<i>After the abolition</i>					
	<i>2003 Q1</i>	<i>2003 Q2</i>	<i>2003 Q3</i>	<i>2003 Q4</i>	<i>2004 Q1</i>	<i>2004 Q2</i>	<i>2004 Q3</i>
Gross securities commission income per broker (HK\$ million)	4.5	5.3	8.8	10.3	12.4	8.8	8.2

The number of transactions executed on the Stock Exchange of Hong Kong increased from 8.78 million in Q1 2003 to 14.9 million in Q3 2004. Statistics of the number of transactions since the abolition are set out in the table below:

	<i>Before the abolition</i>	<i>After the abolition</i>					
	<i>2003 Q1</i>	<i>2003 Q2</i>	<i>2003 Q3</i>	<i>2003 Q4</i>	<i>2004 Q1</i>	<i>2004 Q2</i>	<i>2004 Q3</i>
Number of transactions (million)	8.78	11.02	18.05	19.76	23.15	15.55	14.9

The number of firms has decreased from 478 before the abolition to 446 in Q3 2004 while the number of licensed persons has increased to 9 120 in Q3 2004 compared with 8 586 before the abolition. Employment statistics of the Stock Exchange of Hong Kong participants from Q1 2003 to Q3 2004 are set out in the table below:

	<i>Before abolition of minimum commission</i>	<i>After abolition of minimum commission</i>					
	<i>2003 Q1</i>	<i>2003 Q2</i>	<i>2003 Q3</i>	<i>2003 Q4</i>	<i>2004 Q1</i>	<i>2004 Q2</i>	<i>2004 Q3</i>
Number of firms	478	467	453	449	448	447	446
No. of licensed persons	8 586	8 484	8 561	8 664	8 770	8 954	9 120

The abovementioned changes may be attributable to a number of factors, including market sentiment, capital flow, interest rate movements and external factors, such as the economic conditions in the United States and the mainland China.

The SFC is not aware of any cases of unemployment and shut-down of stockbroking operations in relation to the abolition of minimum commission.



**Measures for Assisting New Arrivals from the Mainland**

10. **MR WONG KWOK-HING** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the details of the funding schemes currently offered by government departments to render support to new arrivals from the Mainland in education, housing, financial assistance, childminding and medical services, together with a breakdown of funding amounts allocated to each of the above areas for the above persons and the entire population of Hong Kong respectively in each of the past five years; and*
- (b) *as the Consultation Paper on "Legislating Against Racial Discrimination" points out that new arrivals from the Mainland sometimes face discrimination by Hong Kong Chinese persons who form the majority, of the details of the education and publicity programmes and measures currently implemented by the authorities to eliminate discrimination against new arrivals from the Mainland, as well as the respective funding amounts allocated to such programmes and measures in each of the past five years?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, the Government attaches great importance to the early integration of new arrivals into the local community. The following funding schemes are currently offered by government departments to give support to new arrivals from the Mainland:

- (1) *Financial assistance* — new arrivals who are in need of financial assistance can apply to the Social Welfare Department for Comprehensive Social Security Assistance (CSSA) to meet their basic needs. The applicant must pass the financial tests and satisfy the prescribed residence requirements: (i) he/she must have been a Hong Kong resident for at least seven years; and (ii) he/she must have resided in Hong Kong continuously for at least one year immediately before the date of application. However, persons who have become Hong Kong residents before 1 January 2004 are exempted from the seven-year residence requirement. Hong Kong residents aged below 18 are also exempted from the residence requirements in both (i) and (ii) above. In exceptional

circumstances, CSSA may be granted at the discretion of the Director of Social Welfare to a person who does not satisfy the residence requirements. Expenditure on CSSA in the past five years is as follows:

<i>Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Total Expenditure (\$ million)	13,560 (Actual)	14,405 (Actual)	16,131 (Actual)	17,306 (Actual)	17,889 (Estimate)
Expenditure for Residents Residing in Hong Kong for Less Than Seven Years (\$ million)	1,535 (Actual)	1,728 (Actual)	2,031 (Actual)	2,071 (Actual)	Not available until end of financial year

- (2) *Education support* — a 60-hour induction programme and a full-time six-month initiation programme are provided to new arrival children. Those schools admitting new arrival children may also apply for a School-based Support Scheme Grant to run more school-based courses to support their learning. Expenditure on these programmes for new arrival children in the past five years is as follows:

<i>Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Expenditure (\$ million)	53 (Actual)	39 (Actual)	37 (Actual)	30 (Actual)	36 (Estimate)

- (3) *Child care centre fee assistance* — to assist those parents using an aided day creche service and aided day nursery service run by non-governmental organizations, the Social Welfare Department is running a Child Care Centre Fee Assistance Scheme. As this assistance scheme is available to all needy individuals including new arrivals, a breakdown of the resource input for the assistance scheme solely for new arrivals from the Mainland is not available. Expenditure on the scheme in the past five years is as follows:

<i>Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Expenditure (\$ million)	346 (Actual)	351 (Actual)	368 (Actual)	355 (Actual)	356 (Estimate)

In addition to the funding schemes above, new arrivals from the Mainland in general enjoy all the services available to the general public provided by non-governmental organizations, public bodies and government departments concerned, including public rental housing and medical services.

To help promote the integration of mainland new arrivals into the community, the Home Affairs Department (HAD) has been organizing since 2001 a community education programme to enhance mutual understanding between new arrivals and local residents. In 2004-05, the HAD has introduced the following education and publicity programmes in collaboration with Radio Television Hong Kong (RTHK) to further promote the acceptance of new arrivals:

- (i) a weekly "phone-in" session has been broadcast as part of a radio programme on the Putonghua Channel of RTHK since 4 June 2004; and
- (ii) 13 radio interviews were broadcast as part of the radio programme "Happy Daily" on Channel One of RTHK from 6 July 2004 to 5 October 2004.

Separately, the HAD will launch a publicity campaign to promote the acceptance of new arrivals in late January 2005. It will include a TV announcement of public interest (API), a radio API and publicity posters to publicize the message of mutual acceptance and building a harmonious community. To further disseminate this message of a harmonious community, a community education programme in the form of a concert will also be held on 26 February 2005 in collaboration with non-governmental organizations and government departments concerned.

Expenditure on these education and publicity programmes, excluding staff costs, in the past five years is as follows:

<i>Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Expenditure	\$304,744 (Actual)	\$325,394 (Actual)	\$195,922 (Actual)	\$242,519 (Actual)	\$622,000 (Estimate)

### **Information on Statutory Bodies**

11. **MR ALAN LEONG** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *whether it knows the following information about each statutory body:*
- (i) *its date and purpose of establishment;*
  - (ii) *total amount of public assets injected into it and funding granted to it by the Government since its establishment;*
  - (iii) *current number of its staff members (including contract, temporary and part-time staff) who are receiving remuneration higher than the first salary point of the Directorate Pay Scale of the Civil Service;*
  - (iv) *whether it has adopted the civil service pay scales for remunerating its staff; and*
  - (v) *its total expenditure on staff remuneration and allowances in the previous year; and*
- (b) *how it monitors the operation, number of staff employed, remuneration system and expenditures of statutory bodies?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, we have difficulty providing the full details of the information requested. Responsible bureaux and departments have as far as possible provided the requested information in respect of parts (a) and (b) for the statutory bodies under their respective purviews in the time available. The requested information for each of the 223 statutory bodies has been set out in a proforma for Members' information.

In relation to the proforma for statutory bodies, it should be noted that:

- (i) given the passage of time, some statutory bodies have difficulty in providing information on the total amount of public assets injected into them and the funding granted to them by the Government since their establishment;

- (ii) we have provided information on the number of staff receiving remuneration comparable to the civil service directorate pay scale (that is, Directorate Grade 1 or above) as only this information is readily available.

At present, of the 223 statutory bodies, 46 are advisory boards and committees, 15 are non-departmental public bodies, five are public corporations, 47 are regulatory boards and bodies, 52 are appeal boards, and 43 are advisory and management boards of trusts, funds and funding schemes. Given the diversity of statutory bodies, there are variations in the mode and extent of the Government's control over the operation (including staffing) and in the remuneration systems of these bodies. There is no standard or common monitoring or control mechanism applicable to all.

In general, the Government monitors the operation of statutory bodies by the following means:

- (1) sending government representatives to sit on a statutory body as ex officio members or sending government representatives to sit on a statutory body as attendees; and/or
- (2) requiring a statutory body (normally for public corporations, public bodies, and regulatory bodies carrying out executive functions) to submit:
  - (i) a proposed programme of activities, and estimates of income and expenditure for the coming year to the Government for approval; and/or
  - (ii) an annual report, statements of accounts and auditor's report to the Government; and/or
  - (iii) tabling of an annual report, statements of accounts and auditor's report in the Legislative Council.

For details of the monitoring system for each statutory body, please refer to part 6 of the proforma.

As for staffing and remuneration, statutory bodies subvented by the Government (for example, the Consumer Council, The Hong Kong Academy for Performing Arts, the Office of The Ombudsman, and the Vocational Training Council) have to follow the guidelines promulgated by the Government for the control and monitoring of the ranking, structure and remuneration of the top three tiers of executives in subvented bodies receiving more than 50% of their operating income from the Government. Appeal boards and panels, most regulatory boards, advisory boards and committees, and advisory and management boards of trusts, funds and funding schemes are serviced by the bureaux/departments concerned and the staffing support is part of their establishment.

#### List of Statutory Bodies

<i>Name of Body</i>
Administrative Appeals Board
Advisory Committee on Travel Agents
Agricultural Products Scholarship Fund Advisory Committee
Air Pollution Control Appeal Board
Air Transport Licensing Authority
Airport Authority Hong Kong
Antiquities Advisory Board
Appeal Board (Amusement Game Centres)
Appeal Board (Amusement Rides (Safety))
Appeal Board (Bedspace Apartments)
Appeal Board (Club (Safety of Premises) Ordinance, Cap. 376)
Appeal Board (Hotel and Guesthouse Accommodation Ordinance, Cap. 349)
Appeal Board on Closure Orders (Immediate Health Hazard)
Appeal Board on Public Meetings and Processions
Appeal Board Panel (Consumer Goods Safety)
Appeal Board Panel (Electricity)
Appeal Board Panel (Entertainment Special Effects)
Appeal Board Panel (Gas Safety)
Appeal Board Panel (Lifts and Escalators Safety)
Appeal Board Panel (Town Planning)
Appeal Board Panel (Toys and Children's Products Safety)

<i>Name of Body</i>
Appeal Board under Betting Duty Ordinance
Appeal Board under Rabies Ordinance (Cap. 421)
Appeal Boards Panel (Education)
Appeal Panel (Estate Agents Ordinance)
Appeal Panel (Housing)
Appeal Tribunal Panel (Buildings)
Architects Registration Board
Asbestos Administration Committee
Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel
Authorized Persons Registration Committee Panel
Aviation Security Committee
Board of Control – Grant Schools Provident Fund
Board of Control – Subsidized Schools Provident Fund
Board of Directors of the Surviving Spouses' and Children's Pension Scheme
Board of Directors of the Widows and Orphans Pension Scheme
Board of Governors of the Prince Philip Dental Hospital
Board of Inland Revenue
Board of Review (Film Censorship)
Board of Review (Inland Revenue Ordinance)
Board of Trustees of the Lord Wilson Heritage Trust
Board of Trustees of the Sir Edward Youde Memorial Fund
Brewin Trust Fund Committee
Builders' Lifts And Tower Working Platforms (Safety) Ordinance – Appeal Board Panel
Builders' Lifts And Tower Working Platforms (Safety) Ordinance – Disciplinary Tribunal Panel
Central and Western District Council
Chinese Temples Committee
Chiropractors Council
City University of Hong Kong
Clothing Industry Training Authority
Construction Industry Training Authority
Construction Workers Registration Authority
Consumer Council

<i>Name of Body</i>
Contractors Registration Committee Panel
Copyright Tribunal
Correctional Services Children's Education Trust Committee
Correctional Services Children's Education Trust Investment Advisory Board
Council of the Lord Wilson Heritage Trust
Council of the Queen Elizabeth Foundation for the Mentally Handicapped
Council on Human Reproductive Technology
Country and Marine Parks Board
Customs and Excise Service Children's Education Trust Fund Committee
Customs and Excise Service Children's Education Trust Fund Investment Advisory Board
Dental Council of Hong Kong
Disciplinary Board Panel(Land Survey)
Disciplinary Board Panel (Lifts and Escalators (Safety Ordinance))
Disciplinary Committee Panel under the Social Workers Registration Ordinance
Disciplinary Tribunal Panel (Electricity)
Dogs and Cats Classification Board
Drainage Appeal Board Panel
Dumping at Sea Appeal Board Panel
Eastern District Council
Education Scholarships Fund Committee
Electoral Affairs Commission
Emergency Relief Fund Committee
Employee Retraining Board
Employees Compensation Assistance Fund Board
Employees' Compensation Insurance Levies Management Board
Endangered Species Advisory Committee
Engineers Registration Board
Environment and Conservation Fund Committee
Environmental Impact Assessment Appeal Board
Equal Opportunities Commission
Estate Agents Authority
Federation of Hong Kong Industries
Fire Service Installation Contractors Disciplinary Board
Fish Marketing Advisory Board



<i>Name of Body</i>
Football Betting and Lotteries Commission
Gas Safety Advisory Committee
Grantham Scholarships Fund Committee
Guardianship Board
HKSAR Passports Appeal Board
Hong Kong Academy of Medicine
Hong Kong Arts Centre
Hong Kong Arts Development Council
Hong Kong Baptist University
Hong Kong Council for Academic Accreditation
Hong Kong Council on Smoking and Health
Hong Kong Deposit Protection Board
Hong Kong Examinations and Assessment Authority
Hong Kong Export Credit Insurance Corporation
Hong Kong Housing Authority
Hong Kong Institute of Certified Public Accountants
Hong Kong Productivity Council
Hong Kong Science and Technology Parks Corporation
Hong Kong Tourism Board
Hong Kong Trade Development Council
Hong Kong War Memorial Pensions Advisory Committee
Hong Kong War Memorial Pensions Appeal Board
Hospital Authority
Housing Managers Registration Board
Human Organ Transplant Board
Immigration Tribunal
Independent Commission Against Corruption Witness Protection Review Board
Insurance Advisory Committee
Islands District Council
Kadoorie Agricultural Aid Loan Fund Committee
Kowloon City District Council
Kowloon-Canton Railway Corporation
Kwai Tsing District Council
Kwun Tong District Council
Land (Miscellaneous Provisions) Ordinance Review Panel

<i>Name of Body</i>
Land Surveyors Registration Committee
Landscape Architects Registration Board
Legal Aid Services Council
Li Po Chun Charitable Trust Fund Committee
Licensing Appeals Board
Lingnan University
Liquor Licensing Board
Long-term Prison Sentences Review Board
Mandatory Provident Fund Industry Schemes Committee
Mandatory Provident Fund Schemes Advisory Committee
Mandatory Provident Fund Schemes Appeal Board
Mandatory Provident Fund Schemes Authority
Marine Fish Scholarship Fund Advisory Committee
Marketing Advisory Board
Medical Council of Hong Kong
Mental Health Review Tribunal
Mercantile Marine Assistance Fund Committee
Medwives Council of Hong Kong
Morrison Scholarships Fund
Municipal Services Appeals Board
Noise Control Appeal Board
Non-local Higher and Professional Education Appeal Board
North District Council
Nursing Council of Hong Kong
Occupational Deafness Compensation Board
Occupational Retirement Schemes Appeal Board
Occupational Safety and Health Council
Ocean Park Corporation
Office of The Ombudsman
Panel of Film Censorship Advisers
Pensions Appeal Panel
Pensions Assessment Board
Personal Data (Privacy) Advisory Committee
Pharmacy and Poisons Appeal Tribunal

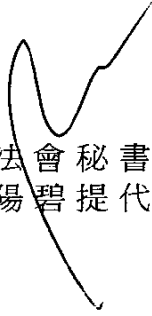
<i>Name of Body</i>
Pharmacy and Poisons Board
Pilotage Advisory Committee
Planners Registration Board
Pneumoconiosis Compensation Fund Board
Po Leung Kuk Advisory Board
Police Children's Education Trust Investment Advisory Board
Police Children's Education Trust Management Committee
Police Education and Welfare Trust Investment Advisory Board
Police Education and Welfare Trust Management Committee
Police Witness Protection Review Board
Post-Release Supervision Board
Prisoners' Education Trust Fund Committee
Prisoners' Education Trust Fund Investment Advisory Committee
Protection of Wages on Insolvency Fund Board
Public Service Commission
Registered Contractors' Disciplinary Board Panel
Registration of Persons Tribunal
Release under Supervision Board
Residential Care Homes (Elderly Persons) Appeal Board
Risk Management Committee of the Hong Kong Exchanges and Clearing Limited
Safety Officer Advisory Committee
Sai Kung District Council
Seafarers' Advisory Board
Security and Futures Commission Advisory Committee
Security and Guarding Services Industry Authority
Sha Tin District Council
Sham Shui Po District Council
Sir David Trench Fund for Recreation Investment Advisory Committee
Sir Edward Youde Memorial Fund Council
Sir Murray MacLehose Trust Fund Advisory Committee
Sir Robert Black Trust Fund Committee
Social Work Training Fund Committee
Social Workers Registration Board

<i>Name of Body</i>
Southern District Council
Standing Advisory Committee (Oil Storage Installations)
Structural Engineers Registration Committee Panel
Supplementary Medical Professions Council
Surveyors Registration Board
Tai Po District Council
Telecommunications (Competition Provisions) Appeal Board
The Board of Management of the Chinese Permanent Cemeteries
The Broadcasting Authority
The Chinese Medicine Council of Hong Kong
The Chinese University of Hong Kong
The Hong Kong Academy for Performing Arts
The Hong Kong Institute of Education
The Hong Kong Polytechnic University
The Hong Kong University of Science and Technology
The Open University of Hong Kong
The Radiation Board
The Securities and Futures Commission
The University of Hong Kong
Town Planning Board
Transport Tribunal
Travel Industry Compensation Fund Management Board
Tsuen Wan District Council
Tuen Mun District Council
Tung Wah Group of Hospitals Advisory Board
Urban Renewal Authority
Veterinary Surgeons Board
Vocational Training Council
Wan Chai District Council
Waste Disposal Appeal Board
Water Pollution Control Appeal Board
Wong Tai Sin District Council
Yau Tsim Mong District Council
Yuen Long District Council

\* 議員備註

本質詢的答覆的附件的中、英文版一共大約有 1 000 頁。為節省用紙，該附件並未複印給全體議員。議員如欲取獲有關複本，請聯絡本人。

此外，有關複本亦將存放於立法會圖書館，以供議員參閱。



立法會秘書  
(梁歐陽碧提代行)

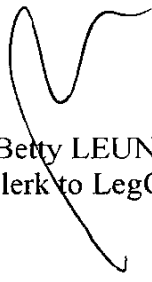
2005 年 1 月 19 日

19 January 2005

\* Note to Members

The attachment to the reply to this question consists of about 1 000 pages (both Chinese and English versions). To economize on the use of paper, it has not been copied to all Members. Members who wish to receive a copy of it are requested to contact the undersigned.

Also, a copy of the attachment is placed at the LegCo Library for Members' reference.



(Mrs Betty LEUNG)  
for Clerk to LegCo

**Commencement Dates of Current Ordinances**

12. **MR ALBERT HO** (in Chinese): *Madam President, will the Government inform this Council of the current ordinances which:*

- (a) *have not yet commenced;*
- (b) *contain some provisions that have not yet commenced; and*
- (c) *have been enacted by the legislature for more than six months but have not yet commenced, the reasons for that and the expected commencement dates of such ordinances?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Chinese): Madam President, the reply to the question is set out in the Annexes as follows.

- (a) Details of 12 ordinances which have not commenced are at Annex A.
- (b) Details of 35 ordinances containing some provisions yet to commence are at Annex B.
- (c) All the ordinances in the two Annexes have been enacted by the Legislative Council for more than six months. They, or some of their provisions, have not come into operation because:
  - (i) Preparatory work for commencement is still in progress. For example, the work on relevant subsidiary legislation or necessary administrative measures has not finished;
  - (ii) They are contingent measures and not supposed to come into operation except in certain specified circumstances;
  - (iii) They are being reviewed by the responsible bureaux; and/or
  - (iv) They are no longer required as they have been overtaken by, for instance, advances in technology, enactment of other new legislation, and so on.

Some 60% of the cases in the two Annexes fall under (i) above. They will commence once the necessary preparatory work has been completed. We cannot provide realistic estimates for the commencement of the other ordinances for reasons explained above.

## Annex A

Ordinances enacted for more than six months and have not commenced  
(As at 10 January 2005)

	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
1.	Waste Disposal (Amendment) Ordinance 2004	Preparatory work for commencement in progress	mid-2005
2.	Town Planning (Amendment) Ordinance 2004	Preparatory work for commencement in progress	mid-2005
3.	Land Titles Ordinance	Preparatory work for commencement in progress	July 2006
4.	Adoption (Amendment) Ordinance 2004	Preparatory work for commencement in progress	2005 to 2006
5.	Human Organ Transplant (Amendment) Ordinance 2004	Preparatory work for commencement in progress	mid-2005
6.	Interest and Surcharge on Arrears of Maintenance Ordinance 2003	Preparatory work for commencement in progress	second quarter of 2005
7.	Dangerous Goods (Amendment) Ordinance 2002	Preparatory work for commencement in progress	2005 to 2006
8.	Fire Safety (Buildings) Ordinance	Preparatory work for commencement in progress	

	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
9.	Merchant Shipping (Local Vessels) Ordinance	Preparatory work for commencement in progress	2005 to 2006
10.	Freight Containers (Safety) Ordinance	Preparatory work for commencement in progress	within 2006
11.	Crimes (Amendment) (No. 2) Ordinance 1997	Being reviewed	
12.	Interception of Communications Ordinance	Being reviewed	

## Annex B

Parts of Ordinances enacted for more than six months and have not commenced  
(As at 10 January 2005)

	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
1.	Deposit Protection Scheme Ordinance	Preparatory work for commencement in progress	Relevant provisions will commence by phases in 2005 and 2006
2.	Buildings (Amendment) Ordinance 2004	Preparatory work for commencement in progress	31 December 2005
3.	Construction Workers Registration Ordinance	Preparatory work for commencement in progress	Some provisions will commence in December 2005 and others in late 2006
4.	United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004	Preparatory work for commencement in progress	2005 to 2006



	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
5.	Companies (Amendment) Ordinance 2004	Preparatory work for commencement in progress	latter half of 2005
6.	Adaptation of Laws Ordinance 2003	Being reviewed	
7.	Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003	Preparatory work for commencement in progress	2006 to 2007
8.	Evidence (Miscellaneous Amendments) Ordinance 2003	Preparatory work for commencement in progress	2005 to 2006
9.	Companies (Amendment) Ordinance 2003	Preparatory work for commencement in progress	second half of 2005
10.	Land Registration (Amendment) Ordinance 2002	Preparatory work for commencement in progress	12 February 2005
11.	United Nations (Anti-Terrorism Measures) Ordinance	Preparatory work for commencement in progress	2005 to 2006
12.	Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002	Preparatory work for commencement of certain provisions in progress and commencement of other provisions no longer required	2005 to 2006
13.	Intellectual Property (Miscellaneous Amendments) Ordinance 2001	No longer required	
14.	International Organizations (Privileges and Immunities) Ordinance	Preparatory work for commencement in progress	2006 to 2007

	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
15.	Telecommunication (Amendment) Ordinance 2000	Preparatory work for commencement in progress	end 2005
16.	Human Reproductive Technology Ordinance	Preparatory work for commencement in progress	2005 to 2006
17.	Adaptation of Laws (No. 9) Ordinance 2000	Contingent measures not supposed to come into operation except in specified circumstances	
18.	Building Management (Amendment) Ordinance 2000	Preparatory work for commencement in progress	end 2005
19.	Banking (Amendment) Ordinance 1999	Preparatory work for commencement in progress	second quarter of 2005
20.	Chinese Medicine Ordinance	Preparatory work for commencement in progress	2006 to 2007
21.	Shipping and Port Control (Amendment) Ordinance	Preparatory work for commencement in progress	2005 to 2006
22.	Legal Practitioners (Amendment) Ordinance 1998	Preparatory work for commencement in progress	first half of 2005
23.	Estate Agents Ordinance	Being reviewed	
24.	Nurses Registration (Amendment) Ordinance 1997	Preparatory work for commencement in progress	
25.	Mutual Legal Assistance in Criminal Matters Ordinance	Being reviewed	
26.	Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997	Preparatory work for commencement in progress	Some provisions will commence in 2005

	<i>Ordinance</i>	<i>Present Position</i>	<i>Expected Commencement Date</i>
27.	Dumping at Sea Ordinance	No longer required	
28.	Wills (Amendment) Ordinance 1995	Being reviewed	
29.	Personal Data (Privacy) Ordinance	Being reviewed	
30.	Sewage Services Ordinance	Contingent measures not supposed to come into operation except in specified circumstances	
31.	Air Pollution Control (Amendment) Ordinance 1993	Contingent measures not supposed to come into operation except in specified circumstances	
32.	Laws (Loose-leaf Publication) Ordinance	Being reviewed	
33.	Noise Control Ordinance	Contingent measures not supposed to come into operation except in specified circumstances	
34.	Labour Relations Ordinance	Contingent measures not supposed to come into operation except in specified circumstances	
35.	Boilers and Pressure Vessels Ordinance	No longer required	

### **Contracting out System**

13. **DR YEUNG SUM** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the number of welfare service units contracted out through competitive bidding by the Social Welfare Department (SWD) since 2001, the number of tenders received for the welfare service units,*

*and how the unit costs of the services contracted out through the above mode compare to those under the Lump Sum Grant (LSG); and*

- (b) whether it has assessed the total savings achieved by adopting the system of contracting out through competitive bidding, and the impact of the system on the quantity and quality of welfare services; if it has, of the assessment results; if not, the reasons for that?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Chinese):  
Madam President, at present, the SWD contracts out residential care services through open tender. This mode of providing residential care services has been in place since 2001.

Under this mode, the Government awards the service contracts for operating purpose-built residential care homes for the elderly (RCHEs) through open tender by non-government organizations (NGOs) and the private sector. To avoid vicious competition by bidding at the lowest price, price is not the prime consideration of the Government in awarding the service contracts. Service quality is the determining factor, constituting 80% of the weighting in the assessment.

The objectives of awarding service contracts for RCHEs through open tender are to provide a level playing field such that both NGOs and private operators will have equal opportunities to run residential care homes with places subsidized by the Government, and to enhance the cost-effectiveness of the services. In the Director of Audit's Report No. 38 on residential services for the elderly published in 2002, the Director of Audit recommended that the Administration should review the cost-effectiveness of providing residential care places, consider contracting out subsidized residential care services through open tender where practicable, and reduce the operating costs of subvented RCHEs having regard to the lower costs which the SWD had attained through awarding RCHE service contracts by open tender.

Unlike care and attention (C&A) homes and nursing homes (NHs) subvented under the LSG, RCHEs operated under service contracts through open tender (contract homes) are required to provide continuum of care and a specific number of non-subsidized residential care places.

Our replies to the specific questions raised by Dr YEUNG Sum are as below:

- (a) As at December 2004, the SWD has awarded seven service contracts for operating RCHEs through open tender. Six are operated by NGOs, and one by a private operator. All of them have commenced operation. The number of tenders received for each contract varies. The greatest number of tenders received per contract is 26, and the smallest number is six. The average number of tenders received for each contract is 15.

As the cost structure on staffing expenditures in contract homes and RCHEs subvented under the LSG is different, and because of site-specific factors, the average unit cost of a subsidized residential care place between the two types of homes are different. It is not appropriate to make a direct comparison between them.

For reference purpose, according to the 2004-05 Budget Estimates, the average monthly unit cost of a residential care place in the seven contract homes is estimated to be \$5,945. The average monthly unit cost per place in C&A homes and NHs subvented under the LSG are estimated to be \$7,753 and \$11,622 respectively.

- (b) The seven service contracts involve 604 subsidized and 355 non-subsidized places. For reference purpose, the SWD estimates that there is a saving of about 34% in the recurrent expenditures regarding the average unit cost of a subsidized residential care place provided through service contracts *vis-a-vis* the LSG.

As contract homes are required to provide a specific number of non-subsidized places at their premises, there will be an increase in the supply of non-subsidized places in addition to an increase in the subsidized places when the Government awards RCHE service contracts through open tender.

Contract homes must comply with the service specifications, requirements and indicators as stipulated by the SWD. The SWD monitors and conducts surprise visits to the contract homes, with a view to assessing their performance and service quality. The SWD's assessment results indicate that the contract homes have so far been operating satisfactorily, and have been complying with the specifications and requirements of the service contracts in general. Also, contract homes are required to conduct users' satisfaction survey at least once a year. The outcomes of the surveys show that about 85% of the users are satisfied or very satisfied with the services of the contract homes. The SWD will continue to monitor the operation of the contract homes and regularly review the effectiveness of individual homes.

### **Publications with Registration Cancelled**

14. **MR LEUNG YIU-CHUNG** (in Chinese): *Madam President, will the Government inform this Council of the number of newspapers and periodicals, other than those classified as indecent articles under the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390), whose registration under the Registration of Local Newspapers Ordinance (RLNO) (Cap. 268) was cancelled or deemed to have lapsed due to cessation of publication in the past 10 years, and the names of these publications, the dates of their first registration, as well as the dates at which their registration was cancelled or deemed to have lapsed?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, according to the records kept by the Television and Entertainment Licensing Authority (TELA), the number of newspapers and periodicals that were de-registered or the registration of which was deemed to have lapsed due to cessation of publication under the RLNO in the 10 years 1995 to 2004 is 1 794.

A table listing the titles of the 1 161 newspapers and periodicals that were de-registered from 1999 to 2004, together with the respective dates of registration and de-registration, is provided at the Annex. The TELA's database for the registration of newspapers and periodicals was computerized in 1999. Similar information for newspapers and periodicals de-registered prior

to 1999 is not readily available because of the absence of computerized records. Compiling such information would require time and a huge amount of manpower resources as the TELA would have to go through over a thousand files.

The table at the Annex also includes newspapers and periodicals containing articles classified as indecent under the COIAO as the TELA does not have a separate record of such newspapers and periodicals. Classification under the COIAO is not a requirement of the RLNO. When the TELA comes across an article in a newspaper or periodical which is considered not meeting the requirements of the COIAO, the TELA may submit the article to the Obscene Articles Tribunal for classification and follow up action where appropriate.

List of De-registered Newspapers 1999 - 2004

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper or Periodical</i>
1	06/01/1999	06/12/1996	S Magazine S 雜誌
2	06/01/1999	30/11/1976	Food World 飲食世界
3	08/01/1999	03/12/1996	MODERN YACHT 現代遊艇
4	08/01/1999	08/11/1990	Asian Sources Global Trader
5	14/01/1999	12/05/1998	荊楚爭雄記
6	02/02/1999	17/03/1998	Dark Side Of The Moon 月影 II
7	02/02/1999	11/01/1994	HONG KONG NOW! 免費觀光指南
8	02/02/1999	10/11/1995	HONG KONG NOW! 免費觀光月刊
9	02/02/1999	29/05/1987	HONG KONG NOW ! 觀光
10	08/02/1999	04/02/1998	SMALL TALK
11	09/02/1999	09/09/1997	民主之聲
12	09/02/1999	03/08/1995	The World of Collectors 收藏天地
13	09/02/1999	06/08/1997	IF 時裝薈萃
14	09/02/1999	19/02/1998	Raku 東瀛玩意訂購誌
15	09/02/1999	02/07/1998	私立學園
16	09/02/1999	07/03/1997	GAMER
17	09/02/1999	13/05/1998	CHINA MEDIA 龍媒
18	09/02/1999	27/02/1998	BILINGUAL DIGEST 雙語文摘月刊
19	09/02/1999	17/03/1998	MAD DOG WEEKLY 癲狗周刊
20	13/02/1999	08/12/1989	The Indonesia Letter
21	13/02/1999	08/12/1989	The Asia Letter

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
22	13/02/1999	08/12/1989	ASEAN Briefing
23	13/02/1999	08/12/1989	The Japan Letter
24	13/02/1999	10/12/1973	Executive Fitness Newsletter-Asian Edition
25	13/02/1999	08/12/1989	The China Letter
26	15/02/1999	03/03/1992	Absolute HI-VI 絕對影音
27	04/03/1999	15/01/1998	ROCK the basketball maniacs' magazine ROCK 籃球迷雜 誌
28	16/03/1999	08/04/1998	DAVID'S CHOICE 大衛消費廣告 雜誌
29	16/03/1999	20/03/1998	Health & Beauty 健姿訊
30	16/03/1999	31/03/1998	The Rail 直通車
31	16/03/1999	03/05/1996	ASIAN HOME GOURMET
32	18/03/1999	13/02/1960	The Free News 自由報
33	24/03/1999	06/08/1996	KISS MAGAZINE
34	09/04/1999	30/04/1998	RUN-ON
35	09/04/1999	22/06/1998	China Economy 中華經濟
36	09/04/1999	16/06/1998	HUA REN FENG CAI 華人風采
37	09/04/1999	23/12/1997	HOW Hong Kong 好香港
38	09/04/1999	22/04/1980	Disc Jockey
39	09/04/1999	09/06/1998	China Satcom 衛星通信廣播 電視
40	19/04/1999	08/07/1998	三級奸爸嘢
41	19/04/1999	27/05/1998	BALL KING WEEKLY 波經
42	21/04/1999	27/07/1998	DAMI COMICZINE WEEKLY
43	21/04/1999	12/05/1998	INFORMATION INDUSTRIAL 信息產業商情 TRADE
44	27/04/1999	27/09/1994	香港文藝
45	06/05/1999	27/03/1981	The Regent MAGAZINE
46	14/05/1999	22/06/1995	Business & Technology Information Quarterly
47	14/05/1999	24/08/1982	Micro Special Monthly 微型電腦專刊
48	14/05/1999	21/07/1988	PC Computer Education 電腦教育雜誌
49	14/05/1999	27/01/1994	CORONET MAGAZINE 皇冠季刊
50	20/05/1999	21/07/1998	Avenue Hong Kong
51	20/05/1999	20/04/1998	UNITED JOURNAL 統一報



<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
52	20/05/1999	18/06/1998	RACING ILLUSTRATED 跑馬雙周
53	20/05/1999	18/06/1998	ARCH
54	27/05/1999	10/08/1998	NEW HONG KONG TIMES 新香港時報
55	27/05/1999	18/12/1996	World Chinese Arts Gazette 世界華人藝術報
56	27/05/1999	20/08/1998	Esquire Special Collection 君子雜誌別冊
57	10/06/1999	13/11/1998	A GUIDE TO INVESTMENT IN CHINESE ENTERPRISES 中國鄉鎮經貿投資導刊
58	10/06/1999	29/09/1995	I CHI BAN
59	10/06/1999	16/09/1998	BUSINESS INFORMATION 信息產業報
60	10/06/1999	14/09/1998	Hall of Fame 名人世界
61	22/06/1999	31/08/1998	基本雜誌
62	22/06/1999	29/01/1992	知訊報
63	22/06/1999	30/04/1997	BIG PLAYMAN 豪情大滾友
64	22/06/1999	03/08/1995	KPS Entertainment Express
65	27/06/1999	26/05/1992	MULTIMEDIA SPECIAL 多媒體專刊
66	28/06/1999	09/07/1996	People's Observer 人民觀察
67	28/06/1999	14/05/1998	i- Magazine i- 雜誌
68	05/07/1999	17/07/1997	TODAY'S PARENTS 牙牙
69	05/07/1999	25/01/1980	Yi-China Message 驛
70	05/07/1999	26/10/1998	CYBER SCHOOL BUS
71	08/07/1999	19/05/1998	白領世界
72	09/07/1999	15/12/1997	PAKU PAKU 美食道場
73	09/07/1999	11/08/1994	BOUTIQUE INTERNATIONAL
74	09/07/1999	21/07/1998	Avenue China
75	09/07/1999	22/10/1998	填色樂
76	16/07/1999	18/09/1998	EYT WEEKLY 豪情歡樂街
77	28/07/1999	30/09/1998	JINGJIU 京九時報
78	28/07/1999	22/10/1998	Daddy Express Weekly 爹哋快報
79	28/07/1999	30/07/1997	THE KINDERLAND 親親樂園
80	28/07/1999	29/09/1998	STEWARDESS 空姐
81	28/07/1999	22/10/1998	偶像私相簿
82	28/07/1999	07/01/1998	CHINESE 中國人
83	28/07/1999	22/10/1998	Mommy Express Weekly 媽咪快報
84	02/08/1999	04/06/1998	AVIRAM
85	02/08/1999	02/06/1998	PENTHOUSE 全真集

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
86	02/08/1999	14/09/1998	喜瑪拉雅國際建築設計雜誌
87	04/08/1999	27/07/1984	Asian Oil & Gas
88	10/08/1999	27/06/1991	INSIDE FASHION
89	23/08/1999	29/10/1998	Football Asia
90	23/08/1999	13/11/1998	THE TOP OF CHINESE MEDICINE 中華醫學龍虎榜
91	23/08/1999	28/04/1998	APPLE BETTING POST 蘋果賠率
92	23/08/1999	04/10/1995	HONG KONG WRITERS 香港作家
93	23/08/1999	18/09/1998	S WEEKLY S 周刊
94	27/08/1999	08/12/1998	LAN MAGAZINE - CHINESE EDITION
95	27/08/1999	23/10/1998	Night Club 夜總會
96	27/08/1999	17/08/1993	SCENT
97	06/09/1999	25/09/1998	自選通性
98	06/09/1999	12/12/1996	marie claire bis 瑪利嘉兒
99	06/09/1999	27/07/1993	TEXTILE AND GARMENT MACHINERY 紡織製衣機械
100	06/09/1999	19/01/1994	DELEGATES HANDBOOK
101	10/09/1999	06/08/1997	HONG KONG PENSION FUNDS 香港退休金
102	15/09/1999	08/08/1997	CHINA TIMES MAGAZINE 中國時代
103	15/09/1999	26/11/1998	CHINA INVESTMENT 中國投資
104	15/09/1999	27/11/1998	LISA 味道 — 煮意無限 Touch
105	15/09/1999	09/08/1995	Hi Vi LAND Hi Vi 天地
106	15/09/1999	15/12/1998	DIGEST OF TELECOMMUNICATION AND INFORMATION 通信與信息文摘
107	24/09/1999	12/08/1997	COMPUTER CITY 電腦城
108	24/09/1999	12/08/1998	中國招商
109	29/09/1999	15/10/1998	AUTO MODEL HONG KONG 汽車模型
110	19/10/1999	20/08/1998	CHINESE HEALTH & MEDICINE JOURNAL 中華保健醫藥報
111	19/10/1999	17/11/1998	ASIA PACIFIC ECONOMIC HERALD MAGAZINE 亞太經濟導報
112	19/10/1999	12/09/1997	Network Guide 網絡街
113	20/10/1999	09/05/1977	The Conmilit 現代軍事

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114	26/10/1999	14/10/1996	APPLE RACING JOURNAL 蘋果馬訊
115	26/10/1999	28/04/1998	WORLD CITY-IN WEEKEND 世界都市周末 NEWSPAPER 報
116	29/10/1999	10/03/1999	NAN SEIREI 男精 0
117	29/10/1999	15/09/1978	HONG KONG NOW! Free 香港免費觀光 Biweekly Guide For Visitors 指南觀光
118	04/11/1999	03/02/1986	China Talk 中國近況
119	04/11/1999	28/09/1951	HONG KONG PEOPLE'S DAILY 港人日報
120	04/11/1999	11/03/1999	CHINA COMPUTING REVIEW
121	15/11/1999	20/10/1973	Break Through Magazine 突破雜誌
122	23/11/1999	11/07/1997	國酒
123	23/11/1999	16/03/1999	星談
124	23/11/1999	16/03/1999	My Birthday
125	26/11/1999	04/12/1998	E Cup
126	01/12/1999	14/01/1999	WAICO CRAZY NIGHT 偉哥夜生活
127	01/12/1999	16/03/1999	Dream Girl
128	01/12/1999	16/03/1999	談星
129	01/12/1999	16/03/1999	尖端漫畫
130	01/12/1999	12/01/1998	Attraction 生活時尚
131	15/12/1999	28/04/1995	ASIAN NEWSPAPER FOCUS
132	15/12/1999	24/10/1983	Soccer Magazine 足球雜誌
133	15/12/1999	01/12/1970	Productivity News (Web Format) 生產力通訊
134	15/12/1999	23/10/1997	Barbie 芭比月刊
135	15/12/1999	19/10/1994	亞洲酒店專業導報
136	15/12/1999	28/07/1998	Sing Tao Kids Weekly 星島兒童周刊
137	23/12/1999	16/10/1985	Adweek Asia
138	06/01/2000	29/06/1999	Asian Boating
139	06/01/2000	01/05/1979	Asian Sources Electronic Components (Asian Edition)
140	06/01/2000	19/05/1999	ADULT MAGAZINE 成人雜誌
141	06/01/2000	05/11/1998	Hong Kong Book Review 香港書評
142	06/01/2000	16/07/1990	Asian Sources Electronic Components-American Edition
143	06/01/2000	09/11/1998	FASHION, INC
144	06/01/2000	29/06/1999	Ahoy
145	11/01/2000	20/10/1998	e time 易談

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
146	11/01/2000	17/01/1997	小鹿斑比
147	11/01/2000	03/05/1999	Bus Guide Monthly 巴士月刊
148	11/01/2000	09/04/1999	FAMILY HEALTH MAGAZINE 家庭保健雜誌
149	11/01/2000	30/04/1999	COSMETOLOGY CLASSICS 美容精典
150	11/01/2000	09/04/1998	BIOHAZARD 2
151	11/01/2000	09/04/1999	東方醫學家
152	11/01/2000	08/04/1999	Teletubbies 天線得得 B
153	11/01/2000	10/05/1995	WORLD OF MEDICINE & HEALTH 醫藥博覽
154	11/01/2000	02/02/1999	指南王
155	11/01/2000	14/05/1997	Winnie the Pooh 小熊維尼 Disney 童年月刊
156	19/01/2000	28/06/1952	Hsin Hua News Agency (Hong Kong Branch) (Daily News Releases) 新華通訊社香港分社 (電訊稿)
157	24/01/2000	29/05/1999	WORLD JOURNAL OF INFECTION 世界感染雜誌
158	24/01/2000	29/05/1999	WORLD JOURNAL OF MEDICINE TODAY 世界今日醫學
159	27/01/2000	11/12/1996	ABSOLUTE
160	31/01/2000	23/12/1997	INTERTRADE 國際貿易
161	31/01/2000	29/12/1998	THE GLOBAL FAMILY TIMES 世界家庭新聞
162	14/02/2000	28/01/1999	BOX+BUYABLE
163	14/02/2000	31/01/1980	Renmin Ribao 人民日報
164	14/02/2000	13/02/1996	CHINA MORNING POST HONG KONG 中國晨報
165	25/02/2000	24/01/1996	"CONSTRUCTION & DECORATION" "HOTEL & ENTERTAINMENT" MATERIALS, MACHINES & SUPPLIES PURCHASER GUIDE BOOK 建築與裝潢酒店及娛樂材料 / 機械 / 設備採購名錄
166	25/02/2000	26/02/1999	JA FUN 智叻紛
167	25/02/2000	02/02/1999	Wasabi
168	02/03/2000	04/03/1999	CHINESE COMMERCE 中華商界

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
169	02/03/2000	22/06/1999	Game Station
170	02/03/2000	22/06/1999	Game Code 金手指雙週
171	02/03/2000	14/06/1999	Time Out Shenzhen 深圳消費通
172	13/03/2000	03/10/1996	HORIZON 縱橫
173	13/03/2000	22/10/1997	X 暴族
174	13/03/2000	15/07/1999	His 激熱
175	21/03/2000	18/01/1996	SURPRISE WEEKLY 凸周刊
176	21/03/2000	31/03/1994	CHINA COMMERCIAL NEWS 中國商訊
177	28/03/2000	23/07/1997	選宅情報
178	28/03/2000	24/01/1997	PC 2000 格價專家
179	14/04/2000	22/10/1998	大話西遊
180	14/04/2000	08/04/1997	YELLOW MAGAZINE 黃色雜誌
181	14/04/2000	14/07/1999	HONG KONG CORPORATE BUYER'S GUIDE TO NETWORKED COMPUTING
182	14/04/2000	08/07/1999	CHINA SCHEMING 中國策劃
183	14/04/2000	08/07/1999	口腔疾病防治雜誌
184	14/04/2000	26/08/1986	CATHAY OVERSEAS TRADE
185	18/04/2000	18/03/1999	CTI WORLD CTI 世界
186	26/04/2000	18/08/1970	Auto Magazine 汽車雜誌
187	04/05/2000	01/03/1999	INTERNATIONAL JOURNAL OF 國際華佗醫藥 HUATUO MEDICINE 雜誌
188	04/05/2000	14/03/1996	洪興仔
189	15/05/2000	18/05/1994	HOROLOGICAL COMPONENT 時計配件
190	15/05/2000	04/03/1998	YOUNG MEN'S MAGAZINE 玩具王季刊專 SPECIAL EDITION 書
191	19/05/2000	16/08/1999	Woman Today
192	19/05/2000	05/08/1999	精裝古惑仔
193	19/05/2000	05/08/1999	新古惑仔
194	19/05/2000	27/08/1999	香港古惑仔
195	19/05/2000	27/08/1999	旺角古惑仔
196	19/05/2000	05/08/1999	正牌古惑仔
197	19/05/2000	27/08/1999	砵蘭街古惑仔
198	19/05/2000	27/08/1999	超級古惑仔
199	19/05/2000	27/08/1999	江湖古惑仔
200	19/05/2000	27/08/1999	黑社會檔案之古惑仔

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
201	19/05/2000	29/08/1996	CONSTRUCTION Enterprise 建築企業 Periodical
202	19/05/2000	16/06/1994	Communications & Networking 國際通信網絡 China
203	19/05/2000	11/07/1997	USER WEEKLY 電腦用家
204	19/05/2000	27/08/1999	真正古惑仔
205	19/05/2000	27/08/1999	正宗古惑仔
206	19/05/2000	27/08/1999	油尖旺古惑仔
207	19/05/2000	05/08/1999	金牌古惑仔
208	19/05/2000	21/05/1996	HutchLife 和電傳情
209	19/05/2000	27/08/1999	古惑仔外傳之太子傳說
210	19/05/2000	27/08/1999	皇牌古惑仔
211	19/05/2000	27/08/1999	銅鑼灣古惑仔
212	26/05/2000	12/05/1969	Japan News Bulletin 新日本月刊
213	26/05/2000	12/04/2000	Hong Kong i Mail
214	26/05/2000	14/07/1999	I.T. TIMES (HONG KONG EDITION)
215	01/06/2000	26/03/1999	BOOKMARKS
216	09/06/2000	09/04/1999	WORLD YOUTH TRADITIONAL 世界青年中醫 CHINESE MEDICINE POST 藥雜誌
217	09/06/2000	01/06/1993	ASIAN HOTELIER
218	15/06/2000	13/04/1994	TELECOM TRADE 電信商情
219	15/06/2000	15/04/1998	藍精靈童年月刊
220	29/06/2000	24/08/1993	Macau Magazine
221	29/06/2000	23/10/1981	Chinese Star Race Card 星報綠邨排位 表
222	29/06/2000	16/05/1972	Vila Verde Post 綠邨報
223	29/06/2000	03/07/1978	The Neutral Post 中立報
224	29/06/2000	15/09/1999	六周刊
225	29/06/2000	02/12/1969	The Chinese Edition Of The Star 中文星報
226	29/06/2000	14/09/1999	Modern City Magazine 現代號外
227	29/06/2000	03/10/1997	BON VOYAGE 天下遊
228	29/06/2000	15/09/1999	九周刊
229	29/06/2000	24/10/1996	貨船通訊
230	29/06/2000	15/09/1999	八周刊
231	29/06/2000	10/11/1964	The Star

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232	29/06/2000	21/09/1995	如來神掌
233	29/06/2000	28/05/1992	China News & World Reports Magazine 環球中華雜誌
234	06/07/2000	04/05/1966	Crown Magazine 皇冠
235	06/07/2000	07/05/1997	Restaurants ASIA
236	06/07/2000	21/06/1999	REGAL MAGAZINE 宏月刊
237	07/07/2000	17/09/1999	MODERN TRADITIONAL CHINESE MEDICINE 現代中醫藥
238	24/07/2000	24/05/1999	金牌爛仔
239	24/07/2000	16/08/1999	Asian Entrepreneur
240	24/07/2000	24/05/1999	黑道戰紋下山虎
241	24/07/2000	16/08/1999	PostCard
242	31/07/2000	17/06/1999	TRIAD SOCIETY FILE 黑社會檔案
243	31/07/2000	18/06/1998	SUPER CAR INTERNATIONAL 超級汽車
244	10/08/2000	21/10/1999	太子傳說
245	10/08/2000	22/10/1999	TCM Port 中藥港
246	10/08/2000	21/10/1999	大飛傳
247	10/08/2000	29/10/1999	CHINA INSURANCE MAGAZINE 保險贏家
248	10/08/2000	21/10/1999	春宮圖
249	10/08/2000	21/10/1999	SUPER RACING JOURNAL 超級馬訊
250	10/08/2000	03/09/1999	Final Score
251	10/08/2000	21/10/1999	耀揚傳
252	17/08/2000	11/11/1999	Rosemary
253	17/08/2000	10/11/1999	China Satcom 衛星通信廣播 電視
254	17/08/2000	19/11/1999	KUNG FU MAGAZINE 功夫雜誌
255	17/08/2000	03/09/1999	玉蒲團
256	18/08/2000	24/08/1993	WELCOME TO CHINA SHANGHAI
257	28/08/2000	13/10/1998	香港國際民聲報
258	28/08/2000	28/07/1998	AUTOX 自動車評論
259	28/08/2000	14/09/1998	香港傳記人物
260	30/08/2000	23/07/1999	International Journal Of Chinese Trace Element 國際中華微量 元素雜誌
261	30/08/2000	21/07/1998	JOYCE CHINA

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
262	30/08/2000	02/07/1998	洪興打仔陳浩南
263	01/09/2000	23/08/1990	JOYCE MAGAZINE
264	05/09/2000	13/12/1999	Time Out Beijing 北京消費通
265	05/09/2000	03/12/1999	香港《中華投資與展望》
266	05/09/2000	17/12/1999	中國酒店旅遊雜誌
267	05/09/2000	13/12/1999	Time Out Shanghai 上海消費通
268	05/09/2000	13/12/1999	Time Out Hong Kong 香港消費通
269	05/09/2000	13/12/1999	Time Out Guangzhou 廣州消費通
270	05/09/2000	09/12/1999	蜀山少年
271	07/09/2000	27/05/1999	The Art of Time
272	09/09/2000	06/08/1999	PARDES
273	09/09/2000	07/07/1999	Advance Speed 改
274	14/09/2000	20/10/1999	Chinese Celebritys 中華名人
275	14/09/2000	22/09/1998	小說世紀
276	20/09/2000	08/04/1997	JOURNEY TO SOUND 音響之路
277	20/09/2000	08/06/1999	SINO FOREIGN PRACTICAL 中外實用醫學 MEDICAL JOURNAL 雜誌
278	20/09/2000	08/10/1996	The Islands' Orbital
279	20/09/2000	17/02/2000	MONDAY 週刊
280	20/09/2000	02/09/1998	LOVE GENERATION 情書
281	20/09/2000	21/07/1999	暴力主義打仔浩南
282	05/10/2000	18/10/1978	T.V. News Weekly 大眾電視
283	05/10/2000	26/03/1997	AppleTech
284	05/10/2000	05/08/1999	歡場大哥
285	05/10/2000	02/09/1998	HONG KONG-CHINA RACE 香港中國賽鴿 PIGEON
286	12/10/2000	09/08/1995	TINIG BALITA
287	12/10/2000	14/09/1989	TINIG FILIPINO INTERNATIONAL
288	12/10/2000	27/09/1951	Daily Commodity Quotations 經濟商報
289	24/10/2000	11/06/1997	HONG KONG TODAY 今日香港
290	24/10/2000	29/10/1993	CHINA TODAY 今日中國
291	24/10/2000	06/07/1995	LAI KING EXPRESS 荔景快訊
292	24/10/2000	11/06/1997	A MAGAZINE A 周刊
293	27/10/2000	09/10/1986	SUNDAY Hongkong Standard
294	03/11/2000	02/04/1985	Electronics News for China 國際電子商情



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295	03/11/2000	30/08/1985	H.K. TELEVISION IDOLS' 螢幕偶像
296	03/11/2000	08/07/1988	Chief Executive China 世界經理人文摘
297	03/11/2000	11/07/1995	China Exporter 中國出口商
298	03/11/2000	02/02/1987	Asian Sources Electronics Engineer 電子工程專輯
299	03/11/2000	30/03/1983	Asian Sources Computer Products
300	03/11/2000	31/10/1980	Asian Sources Timepieces
301	03/11/2000	03/09/1999	火武耀揚
302	03/11/2000	17/06/1974	Asian Sources Electronics
303	03/11/2000	25/09/1975	Asian Sources Hardware
304	03/11/2000	21/07/1981	Asian Source Gifts & Home Products
305	03/11/2000	18/10/1977	Asian Source Fashion Accessories & Suppliers
306	03/11/2000	16/07/1990	Asian Sources Electronics Components-Worldwide Edition
307	03/11/2000	06/01/1993	Asian Sources Telecom Products
308	08/11/2000	07/01/1999	不惑
309	08/11/2000	26/01/2000	CHINA WINDOW MAGAZINE 《中國窗口》雜誌
310	08/11/2000	12/01/1999	Red-Panel Asia 國際新科藝專訊
311	08/11/2000	09/12/1999	烈火殺人王
312	08/11/2000	07/01/1999	亞太財經報導
313	08/11/2000	21/10/1999	THE MOBILE PHONES FASHION 手機時尚
314	08/11/2000	06/12/1999	FEMME FILIPINA
315	10/11/2000	26/09/1996	New Zealand In Hong Kong
316	23/11/2000	20/05/1986	Fragrant Harbour
317	14/12/2000	18/11/1997	THE ISLANDS 千島
318	14/12/2000	10/10/1960	Tin Tin Daily News 天天日報
319	14/12/2000	02/10/1979	SONIC REVIEW 音響世界
320	14/12/2000	04/02/1997	尋秦記
321	14/12/2000	29/10/1997	PORTFOLIO
322	14/12/2000	02/10/1985	Asia Engineer
323	14/12/2000	04/11/1998	New 兒童樂園
324	19/12/2000	19/10/1998	Youth's Bi-weekly 青年人雙周刊

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325	19/12/2000	17/10/1984	Racing News 賽馬消息
326	27/12/2000	11/01/2000	Internet Asia (Hong Kong)
327	12/01/2001	01/12/1994	SCE - SELLING TO CHINA 中國電子採購 ELECTRONICS 專刊
328	12/01/2001	23/08/2000	THE DIRECTIONS POST 大方向
329	12/01/2001	13/01/1971	The Hong Kong Manager 香港經理
330	12/01/2001	09/11/1998	Hong Kong e-Commerce Magazine 香港電子商業
331	12/01/2001	14/01/2000	ASIAMED NEWSPAPER 亞洲醫藥週報 WEEKLY
332	13/02/2001	06/12/1999	Show8 Bi-Weekly Magazine Show8 雙周刊
333	13/02/2001	09/12/1999	赤紅熱血
334	13/02/2001	14/08/1996	20/20 Asia
335	13/02/2001	27/11/1998	Chung Tin Daily News 中天日報
336	13/02/2001	01/12/1994	MBT-MERCHANDISING & BUYING TELECOMMUNICATION PRODUCTS & ACCESSORIES
337	15/02/2001	20/05/1952	Newsdom 新聞天地
338	15/02/2001	14/03/2000	China Telecom Monthly 中國電信
339	15/02/2001	13/03/2000	Financial Research Fellows 金融學人
340	21/02/2001	22/12/1998	ORIENTAL ART 東方美術-中國 香港東方藝術 中心
341	21/02/2001	19/12/1988	China Architecture & Urbanism 建築與城市
342	06/03/2001	29/12/1995	MBO-MERCHANDISING & 電機電子元件 BUYING COMPONENTS-HONG 採購專刊 KONG EDITION
343	06/03/2001	23/12/1999	TELECOM NEWS 通信天地
344	06/03/2001	13/03/2000	7-chat
345	06/03/2001	24/01/1979	突破少年
346	06/03/2001	29/12/1995	JAMA Chinese Edition
347	08/03/2001	03/04/1995	I.T.DAILY.Com
348	08/03/2001	20/04/1999	ELECTRONIC COMPONENT & 電子元器件應 DEVICE APPLICATIONS 用
349	08/03/2001	25/09/1951	Hong Kong Times 香港時報
350	09/03/2001	05/02/1969	Sing Tao Sports Weekly 星島體育

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351	14/03/2001	31/08/1999	Daddy Express Weekly 爹哋快報
352	14/03/2001	28/06/1994	ASIAMED MAGAZINE 亞洲醫藥雜誌 MONTHLY 月刊
353	14/03/2001	31/08/1999	壽司仔
354	14/03/2001	03/04/2000	DOT COM
355	14/03/2001	01/08/1997	CHINA COMMUNICATIONS 中國通信新聞 NEWS
356	14/03/2001	31/08/1999	填色樂
357	14/03/2001	03/04/2000	O OH
358	14/03/2001	17/04/2000	CENTURY TALENTS 世紀英才
359	14/03/2001	30/05/2000	INTERNATIONAL HOTEL 國際酒店管理 MANAGEMENT
360	14/03/2001	13/04/2000	ALLSOCCERNET 完全足球
361	14/03/2001	17/04/2000	World Economic Forum 世界經濟論壇
362	14/03/2001	03/04/2000	NET TEENS
363	14/03/2001	17/04/2000	WORLD ENTREPRENEUR 世界企業家
364	14/03/2001	18/04/2000	YOUNG BEAUTY 季刊專書
365	14/03/2001	10/09/1999	DALIAN CITYTALK 大連趣談
366	14/03/2001	31/08/1999	易周刊
367	14/03/2001	03/04/2000	TOM
368	14/03/2001	25/04/1975	China News 中國新聞
369	14/03/2001	04/05/1999	Kick 雜擊
370	14/03/2001	31/08/1999	二周刊
371	19/03/2001	15/01/1993	PCWORLD HONG KONG
372	21/03/2001	20/01/1999	純文學月刊
373	21/03/2001	20/01/2000	PREMIER CRU
374	21/03/2001	13/03/1986	Asian Security & Safety Journal 亞洲保安安全 雜誌
375	04/04/2001	01/02/1989	asian affairs
376	06/04/2001	27/06/2000	Yahtour Guide 商旅指南
377	10/04/2001	30/03/1995	Tech Centre News
378	10/04/2001	21/04/1987	MODERN ELECTRONIC 現代電子技術 TECHNOLOGY
379	17/04/2001	19/04/1996	Eastern News 今日東區
380	24/04/2001	06/08/1998	現代金融
381	02/05/2001	14/06/2000	HKFN Weekly 財路周刊

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382	02/05/2001	03/06/1999	WWW dot
383	02/05/2001	27/05/1999	NEW GENERATION MODEL 新模型誌 MAGAZINE
384	02/05/2001	12/07/1999	GIFTS AND HOUSEWARE 禮品家庭用品 (CHINA EDITION) (中國版)
385	02/05/2001	09/06/2000	ARTHALL 名家
386	02/05/2001	13/06/2000	談星
387	02/05/2001	11/06/1981	中國與福音
388	02/05/2001	15/05/1997	JUMP SHOOT
389	02/05/2001	19/03/1981	Modern Electronic 現代電子
390	02/05/2001	13/06/2000	My Birthday
391	02/05/2001	20/06/2000	ORIENTAL PHOTOGRAPHY 東方攝影-中國 東方藝術中心
392	02/05/2001	20/06/2000	ORIENTAL DRAMA 東方戲劇-中國 東方藝術中心
393	02/05/2001	20/06/2000	ORIENTAL LITERATURE 東方文學-中國 東方藝術中心
394	04/05/2001	29/02/2000	Bike Asia
395	04/05/2001	20/06/2000	ORIENTAL CALLIGRAPHY 東方書法-中國 東方藝術中心
396	04/05/2001	03/03/2000	i Soccer 全意足球
397	04/05/2001	29/02/2000	亞洲機車
398	04/05/2001	15/06/2000	刀霸天下
399	07/05/2001	31/07/2000	Smart Shoppers Weekly 買得好週刊
400	11/05/2001	26/09/1997	長沙灣邨通訊
401	21/05/2001	01/09/2000	CN-Markets Express 財華速遞
402	07/06/2001	11/07/2000	Global Sources Telecom Products 環球資源通信 產品專刊
403	07/06/2001	11/07/2000	Global Sources Chief Executive 環球資源世界 China 經理人文摘
404	07/06/2001	11/07/2000	Telecom Products 通信產品專刊
405	07/06/2001	02/04/1991	INTE 當代家庭
406	07/06/2001	11/07/2000	Global Sources Electronics News 環球資源國際 for China 電子商情
407	07/06/2001	31/07/1978	Asian Shipping
408	07/06/2001	11/07/2000	Global Sources Electronics 環球資源電子

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			Engineer 工程專輯
409	07/06/2001	15/05/2000	福居設計
410	07/06/2001	19/06/2000	China Weekly 中國周刊
411	07/06/2001	21/07/2000	cnYES.com.hk
412	07/06/2001	11/07/2000	Global Sources Timepieces 環球資源鐘表 產品專刊
413	07/06/2001	31/07/2000	FACE
414	07/06/2001	11/07/2000	Global Sources Electronic 環球資源電子 Components (Worldwide) 零件專刊
415	07/06/2001	11/08/2000	中國風險投資
416	07/06/2001	29/10/1999	NEW HONG KONG TIMES 新香港時報
417	07/06/2001	11/07/2000	Global Sources Computer Products 環球資源電腦 產品專刊
418	07/06/2001	11/07/2000	Computer Products 電腦產品專刊
419	07/06/2001	11/07/2000	Global Sources Communications & 環球資源國際 Networking China 通信網絡
420	07/06/2001	11/07/2000	Communications & Networking 國際通信網絡 China
421	07/06/2001	28/06/1988	Industrial Automation 工業自動化
422	07/06/2001	19/09/2000	YAT PAO 日報
423	07/06/2001	11/07/2000	Timepieces 鐘錶產品專刊
424	07/06/2001	02/06/1998	BEST OF THE BEST
425	07/06/2001	11/07/2000	Global Sources Electronics 環球資源電子 產品專刊
426	07/06/2001	11/07/2000	Electronics 電子產品專刊
427	07/06/2001	19/06/2000	China Economist 中國經濟學家
428	07/06/2001	10/06/1999	Get Magazine 紀本
429	07/06/2001	30/08/2000	Doctor Know
430	07/06/2001	11/07/2000	Global Sources Gifts & Home 環球資源禮品 Products 及家居用品專 刊
431	07/06/2001	11/07/2000	Hardwares 機械工具專刊
432	07/06/2001	09/11/1988	MBE - Merchandising & Buying ELECTRONICS
433	07/06/2001	18/06/1998	ELEGANCE 清秀雜誌
434	07/06/2001	28/07/2000	SPEC R 汽車改裝專集

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435	07/06/2001	11/07/2000	Global Sources Hardwares 環球資源機械 工具專刊
436	07/06/2001	04/09/2000	HONG KONG WEEKLY PRESS 香港週報
437	07/06/2001	01/09/2000	EVERYBODY'S DAILY NEWS 人人日報
438	07/06/2001	14/02/1963	EXPRESS NEWS 快報
439	07/06/2001	30/08/2000	The Day Trader
440	07/06/2001	27/03/1996	RACING EXPRESS 快報馬經
441	07/06/2001	11/07/2000	Electronic Components (Worldwide) 電子零件專刊
442	07/06/2001	11/07/2000	Gifts & Home Products 禮品及家居用 品專刊
443	07/06/2001	23/06/1999	The World Youth And Children 世界青少年兒 童
444	07/06/2001	20/01/1995	Shenxing Times 深星時報
445	07/06/2001	07/09/2000	Good Family 好家庭
446	07/06/2001	20/06/2000	ORIENTAL WOODCUT 東方版畫-中國 東方藝術中心
447	07/06/2001	06/09/2000	The World Economist 世界經濟
448	07/06/2001	11/07/2000	Global Sources Fashion Accssories & Supplies 環球資源衣飾 用品及配料專 刊
449	07/06/2001	11/07/2000	Fashion Accessories & Supplies 衣飾用品及配 料專刊
450	14/06/2001	15/10/1999	THE GOLDEN CLICK 點股成金
451	21/06/2001	11/07/2000	Global Sources China Exporter 環球資源中國 出口商
452	05/07/2001	03/05/1996	items 品目
453	05/07/2001	28/04/2000	FAQ Firearms Asia Quarterly 亞洲槍訊
454	05/07/2001	15/07/2000	Science Park News
455	13/07/2001	29/04/1997	ASIA CABLE & SATELLITE WORLD
456	13/07/2001	23/06/1999	MAJALAH TUNGGAL
457	16/07/2001	22/07/1981	Champion Sports 奪標
458	26/07/2001	13/08/1998	Asia Inc.
459	31/07/2001	21/05/1997	JAMA SOUTHEAST ASIA
460	06/08/2001	25/10/2000	Beauty Salon 美容店

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461	06/08/2001	10/10/2000	CHINA MOBILE 中國移動通信 COMMUNICATIONS
462	06/08/2001	18/04/2000	healthanswers.com.hk 健途網絡
463	06/08/2001	09/04/1997	CHINA FURNITURE 中國家具
464	31/08/2001	04/07/2001	MC 嘉兒
465	31/08/2001	16/03/1977	Travelnews Asia
466	31/08/2001	04/07/2001	CLAIRE & CLAIRE 嘉兒嘉兒
467	31/08/2001	14/08/1959	Lowan's Racing Tips 老溫賽馬貼士
468	01/09/2001	10/06/1994	CHINA GOLF 中國高爾夫
469	01/09/2001	21/06/2000	NET DIRECTORY 上網秘笈
470	01/09/2001	21/06/2000	WEB GUIDE 網站百科
471	01/09/2001	21/06/2000	WEB DIRECTORY 網站大搜查
472	01/09/2001	21/06/2000	NET REVIEW 上網遊記
473	01/09/2001	21/06/2000	NET GUIDE 網站指南
474	01/09/2001	21/06/2000	NET DIGEST 網上遊
475	01/09/2001	21/06/2000	WEB DIGEST 網站大全
476	01/09/2001	21/06/2000	WWW.DIRECTORY 網指
477	01/09/2001	09/06/2000	STOCKHOUSE
478	01/09/2001	21/06/2000	網頁 GUIDE
479	01/09/2001	21/06/2000	WWW.REVIEW 網通街
480	01/09/2001	21/06/2000	WWW.GUIDE 網街
481	01/09/2001	21/06/2000	WEB REVIEW 網評
482	01/09/2001	21/06/2000	WWW.DIGEST 全網通
483	01/09/2001	27/06/2000	Bossible 創富者
484	01/09/2001	26/07/2000	玩具王
485	01/09/2001	20/06/1995	OCTOBER REVIEW 十月評論
486	04/10/2001	25/07/2000	華夏英才
487	04/10/2001	14/07/1995	KOWLOON LINK
488	04/10/2001	13/07/1998	Readers News
489	05/10/2001	26/07/1995	ACTION asia
490	05/10/2001	14/02/2000	Internet 網絡贏家
491	05/10/2001	17/02/2000	REASONING NOVEL 推理小說雜誌 MAGAZINE
492	05/10/2001	29/08/1996	HomeNet 網絡家庭
493	05/10/2001	06/11/1997	Hong Kong P.E.N. 香港筆薈
494	05/10/2001	01/12/2000	CHINA VENTURE CAPITAL 中國創業投資

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495	05/10/2001	02/08/2000	NETVIGATOR 網上行
496	24/10/2001	06/08/1996	GOLF DIGEST 高爾夫文摘
497	26/10/2001	15/10/1998	Bug 千年虫
498	26/10/2001	10/09/1992	PROGRESS MONG KOK 旺角民聲
499	26/10/2001	14/08/1989	FASHION LINK ACCESSORIES 服飾配料專刊 COLLECTION
500	26/10/2001	18/11/1999	CHINA REFORM 改革
501	26/10/2001	22/11/2000	Stay Fit 留住窈窕
502	07/11/2001	19/09/2000	HONG KONG GLOBE 公正報
503	10/11/2001	06/12/1994	秀茂坪通訊
504	19/11/2001	05/09/1997	CHINA LABOUR BULLETIN
505	20/11/2001	13/06/2000	TOKION HONG KONG 時音
506	05/12/2001	17/11/1995	Kid's Pal 乖乖之友
507	05/12/2001	31/10/2000	High Spirits
508	05/12/2001	04/03/1999	PLASTICS NETWORK 塑膠縱橫
509	05/12/2001	16/05/2001	Asian Interior Designer
510	05/12/2001	10/10/2000	I . KIDS 少年王
511	07/12/2001	13/10/2000	ASIA BROADBAND TECHNOLOGY
512	11/12/2001	22/11/2000	MONTHLY DREAMWAVE 月刊 Dreamwave
513	17/12/2001	13/10/2000	INSIDE SPORT
514	17/12/2001	12/10/1999	Zoom China
515	28/12/2001	04/01/2001	ERA . CHINESE 時代華人
516	28/12/2001	28/02/1994	港澳通訊
517	28/12/2001	03/11/1998	ASIAN BRAND NEWS
518	28/12/2001	17/01/2001	中國建設科技
519	28/12/2001	18/10/2000	A Daily A 報
520	28/12/2001	14/10/1994	TULAY NG TAGUMPAY
521	29/12/2001	20/10/1999	Cards Tech & Security 卡技術與安全
522	08/01/2002	09/02/2001	CHINA MEDATA 中國藥谷
523	17/01/2002	18/04/2001	PORTLAND EXPRESS 砵蘭街周訊
524	17/01/2002	20/04/2001	"A" EVENING POST A 晚報
525	17/01/2002	27/03/2001	THE HONG KONG POETRY 香港詩刊 BIMONTHLY
526	17/01/2002	19/04/2001	家庭中醫藥



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527	17/01/2002	17/01/2001	國際商務
528	17/01/2002	24/07/1998	CHINESE JOURNAL OF COMPOSITE CLINICAL MEDICINE 中華綜合臨床 醫學雜誌
529	17/01/2002	18/04/2001	CHINA PETROLEUM PETROCHEMICAL EQUIPMENT 中國石油石化 設備
530	24/01/2002	28/03/2001	THIS WEEK 本周刊
531	24/01/2002	27/09/1994	Orient Beauty 芙蓉雅集
532	24/01/2002	05/03/2001	ICHIBAN 優閣
533	24/01/2002	13/03/2001	波經
534	24/01/2002	16/05/1990	GREEN ALERT 綠色警覺
535	24/01/2002	27/03/2001	CHINA YELLOW WINE MAGAZINE 中華黃酒雜誌
536	24/01/2002	16/01/2001	Sure Win Racing Post 金錢馬經
537	24/01/2002	11/01/2001	Ball Weekly 波周刊
538	24/01/2002	20/03/2001	國際華人報
539	24/01/2002	10/10/2001	澳馬天下
540	05/02/2002	01/12/2000	ATTENTION 關注
541	05/02/2002	26/01/1987	A-Club Bi-weekly 動畫俱樂部
542	05/02/2002	02/12/1996	HONG KONG PROPERTY CONSTRUCTION & MANAGEMENT TIMES 香港物業營造 管理導報
543	05/02/2002	06/12/1999	HONG KONG JOURNAL OF MEDICINE 香港醫藥
544	07/02/2002	07/05/2001	CHINA UTILITY MEDICINE JOURNAL 中國實用醫學 雜誌
545	07/02/2002	23/03/1999	EPICURUS 享樂人生
546	07/02/2002	17/05/2001	文匯財富周刊
547	07/02/2002	29/05/2001	HONG KONG TOURIST MAP 香港觀光地圖
548	07/02/2002	08/07/1998	HONG KONG BEAUTY MAGAZINE 香港美容專業 雜誌
549	28/02/2002	22/01/2001	HERO
550	11/03/2002	26/05/2000	iMag
551	11/03/2002	14/06/2000	ET VISION
552	19/03/2002	31/10/2000	Wine & Dine 品味
553	19/03/2002	16/05/2001	Internet World

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554	19/03/2002	17/06/1977	TV Times
555	19/03/2002	21/06/2001	夜の旅
556	19/03/2002	08/05/2001	波盤皇
557	19/03/2002	05/12/1975	The Youngsters' Companion 青年良友
558	19/03/2002	28/06/2001	PRICE AND TIME 價格與時間
559	19/03/2002	25/04/2001	貼士皇
560	08/04/2002	29/03/2001	CHINA ECONOMY 中國經濟
561	15/04/2002	03/06/1999	FLOAT FISHING 研釣集
562	15/04/2002	09/06/2000	CHINA WINE TEA CIGARETTE 中國煙酒茶
563	15/04/2002	11/07/2001	CHINA AIRPORTS MAGAZINE 中國空港
564	15/04/2002	04/07/2001	DELICACIES & GOURMET 美食周刊
565	15/04/2002	17/07/2001	華齡之友
566	15/04/2002	12/01/2000	Electronic Business Asia
567	25/04/2002	20/02/2001	Smart Weekly 知本周刊
568	07/05/2002	11/02/1992	MBO Merchandising & Buying Components
569	07/05/2002	05/03/1997	MBC-Merchandising & Buying Cable & Connector Products
570	08/05/2002	27/07/2000	Business Smart
571	08/05/2002	30/08/2000	商貿 Smart
572	16/05/2002	10/03/2001	My Money
573	22/05/2002	14/05/2002	The Standard
574	30/05/2002	18/09/1975	GOLD T.V. Weekly 金電視
575	03/06/2002	27/03/1996	SERVICE TO THE FILIPINO SUN
576	03/06/2002	13/08/2001	NEW MAGAZINE 新健美
577	03/06/2002	24/09/2001	OPTION WEEKLY
578	03/06/2002	23/08/2000	Revolution
579	03/06/2002	21/05/1998	TTG CHINA
580	03/06/2002	27/03/1998	HYPER PC PLAYER 電腦遊園地
581	05/06/2002	24/09/2001	J. J. FANS
582	05/06/2002	24/11/2000	CHINA ECONOMIC & TRADE 中國經貿
583	05/06/2002	10/02/1998	刀劍笑
584	05/06/2002	24/09/2001	OPTION
585	05/06/2002	04/12/1992	Corporate Networking
586	05/06/2002	08/09/2001	TIMES FINANCE 時代金融

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587	05/06/2002	31/07/1995	HKIA journal 香港建築師學報
588	05/06/2002	23/08/2001	Cyber 晚報
589	13/06/2002	07/04/2001	WONDERFUL MAGAZINE
590	13/06/2002	09/04/1998	江湖大家族
591	18/06/2002	18/04/2001	PRO-SOCCER 專業波訊
592	18/06/2002	17/05/2001	文匯粵港通
593	18/06/2002	30/05/2000	CHINESE MEDICINE BULLETIN 中華醫學叢刊
594	18/06/2002	21/05/1979	ASIAWEEK
595	20/06/2002	03/04/1996	VITALITY 生命力健康雜誌
596	04/07/2002	27/06/2000	消費 Smart
597	04/07/2002	16/05/1978	Social Service Quarterly 社聯季刊
598	16/07/2002	22/11/2000	POCKET WORLD 手提機樂園
599	16/07/2002	09/01/2001	sense
600	16/07/2002	26/10/2001	Realtime Extra 即時號外
601	16/07/2002	30/12/1992	Digital Times 數碼時代
602	16/07/2002	01/03/2001	Cup Daily 茶杯日報
603	16/07/2002	20/02/2001	SMART DAILY 知本日報
604	16/07/2002	20/08/1997	APEC TIME 亞太經濟時代
605	16/07/2002	09/10/2001	Best Car Tuning 駕馭
606	16/07/2002	09/10/2001	Best Car 御駕
607	16/07/2002	16/10/2001	EGGY 雞蛋仔
608	16/07/2002	13/07/2000	SITE 遊記
609	16/07/2002	17/10/2001	MeTRo Express 都會快訊
610	16/07/2002	31/10/2001	STAR
611	18/07/2002	11/10/2001	The Portland News 砵蘭馬報
612	18/07/2002	14/05/2001	SHENZHEN WALKER 深圳旅遊王
613	18/07/2002	24/06/1983	Newsweek International
614	18/07/2002	21/05/1998	CHINA SPRING 中國之春
615	01/08/2002	15/05/2000	36.com
616	01/08/2002	30/05/2000	LITERATURE HISTORY & PHILOSOPHY RESEARCH 文史哲研究
617	07/08/2002	27/06/2000	KNOWLEDGE AND DESTINY 知識與命運
618	08/08/2002	17/12/1997	Inspiration
619	08/08/2002	12/11/2001	Internation Traditional Chinese 國際中醫藥

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			Medicine
620	08/08/2002	18/03/2000	生果周刊
621	08/08/2002	06/10/1994	古惑仔
622	08/08/2002	07/09/2000	Eat Weekly 食神
623	08/08/2002	15/10/2001	先鋒波盤
624	08/08/2002	23/11/2001	CHINA-WTO WORLDWIDE 國際策畧 STRATEGY
625	08/08/2002	15/12/1959	FOCUS HONG KONG
626	08/08/2002	31/08/1999	Mommy Express Weekly 媽咪快報
627	08/08/2002	12/11/2001	WORLD CHINESE MERCHANT 世界華商
628	08/08/2002	29/11/2001	International Scholar Tribune 國際學者論壇
629	12/08/2002	03/06/1999	MERCHANDISING & BUYING 玩具買家 TOYS & GAMES (TOY)
630	12/08/2002	16/06/1977	ATV WEEKLY 亞視周刊
631	12/08/2002	02/06/1998	名錶世界
632	27/08/2002	19/04/2001	HEALTH No.1 健康第一
633	27/08/2002	10/07/2001	Planet Build
634	27/08/2002	14/09/2001	Health Magazine 健康雜誌
635	02/09/2002	25/04/2002	VIEWPOINT TRAVEL 動點旅游
636	06/09/2002	28/06/2000	MERCHANDISING & BUYING GIFTS & HOUSEWARE PRODUCTS (MGH)
637	06/09/2002	28/08/2000	idd (idol dot dot)
638	07/09/2002	28/12/2001	LIVE SOCCER 拉闊足球
639	07/09/2002	07/12/2001	SAATHI
640	07/09/2002	16/02/2001	職業贏馬
641	07/09/2002	29/09/1997	NETWORK TODAY 今日網絡
642	07/09/2002	25/05/1999	cheez Girl
643	07/09/2002	31/07/2001	Made in China 中國製造
644	10/09/2002	12/07/1999	RC SPEED 遙控高速
645	10/09/2002	16/01/2001	Global Executive 環球管理
646	10/09/2002	06/07/1995	GAME PLAYERS MAGAZINE 遊戲誌
647	13/09/2002	26/10/1999	WHERE To Go Guide
648	23/09/2002	02/12/1999	TRAVEL TIPS 旅遊天書
649	23/09/2002	07/11/2000	Hong Kong-China Race Pigeon 香港中國賽鴿 Magazine

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650	27/09/2002	23/11/1999	a + d 建築與設計
651	27/09/2002	12/01/2002	CHINA NOW: MEDICAL DEVICES
652	07/10/2002	24/09/2001	筍料一周
653	08/10/2002	25/01/2002	當代美術報
654	08/10/2002	26/01/2002	Bright China Management Magazine 光華管理導刊
655	08/10/2002	29/01/2002	CHINESE JOURNAL OF CHINESE AND WESTERN PHARMACEUTICAL INDUSTRY 中外藥業
656	08/10/2002	29/01/2002	JOURNAL OF CLINICAL MEDICINE 臨床醫學雜誌
657	08/10/2002	07/01/2002	MODERN SURGERY 當代外科雜誌
658	08/10/2002	07/01/2002	CHINESE JOURNAL OF MINI-INVASIVE THERAPY 中華微創醫學 雜誌
659	08/10/2002	17/01/2002	GT2002 GROUND TOURING
660	08/10/2002	25/10/2000	Soccer 28 足球 28
661	08/10/2002	31/01/2002	TUMOUR JOURNAL OF THE WORLD SHI JIE ZHONG LIU ZA ZHI 世界腫瘤雜誌
662	18/10/2002	24/05/2001	CHINA NOW: BROADCAST & BROADBAND 當今中國: 廣播 與寬帶
663	18/10/2002	11/08/1997	HOLIDAY Asia
664	18/10/2002	30/10/2001	Apec & Kamu
665	18/10/2002	30/08/2000	INTERNATIONAL PHARMACEUTICAL INFORMATION 世界藥品信息
666	18/10/2002	31/07/2001	藝術與收藏
667	04/11/2002	24/04/2001	Where 香港
668	04/11/2002	24/09/2001	立博體育快訊
669	04/11/2002	10/12/2001	PRIVATE ENTERPRISER 民營企業家
670	04/11/2002	31/08/1999	Hong Kong Racing Guide 香港馬簿
671	04/11/2002	30/04/2002	小孩子完全成長手冊
672	04/11/2002	08/02/2002	五金建築裝飾
673	14/11/2002	10/09/1997	GAME PLUS 遊樂誌
674	05/12/2002	09/01/2002	CANTON GUIDE 廣東便利

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675	05/12/2002	21/03/2002	Strait Bridge Monthly 台商
676	05/12/2002	30/09/1986	China Trade & Investment 中國貿易與投資
677	05/12/2002	11/09/2000	e-plus
678	05/12/2002	13/03/2000	CHINA LEGAL SYSTEM 中國法制
679	05/12/2002	24/09/2001	HONG KONG NEWS
680	10/12/2002	02/03/2002	crossover
681	10/12/2002	02/03/2002	cool style
682	16/12/2002	12/10/2001	Keyman Show
683	16/12/2002	05/10/1987	eWEEK ASIA
684	23/12/2002	13/07/1995	CARGO BOSS 貨運通
685	06/01/2003	26/06/2002	CHEN NEWS PAPER 震報
686	06/01/2003	26/10/2001	兒童 ATV 雜誌
687	10/01/2003	22/02/1994	Monday RECRUIT
688	10/01/2003	05/06/2002	星期二報
689	10/01/2003	19/01/1998	CENTRAL 卓越
690	10/01/2003	18/11/1998	米報
691	16/01/2003	29/05/2001	HELP ! 救命!
692	16/01/2003	18/04/2002	CHINESE PANORAMA 華人風采
693	16/01/2003	09/11/1994	RICHARD'S INFORMATION 李察資訊
694	16/01/2003	16/04/2002	價格與時間
695	16/01/2003	12/03/2002	大貓阿福
696	16/01/2003	12/03/2002	大話西遊三格大全
697	16/01/2003	08/11/1995	ASIAFIT
698	23/01/2003	17/11/1998	霸刀
699	23/01/2003	22/11/2000	WEEKLY GAMEWAVE 週刊遊戲熱浪
700	25/02/2003	29/05/1973	Soccer World 足球世界
701	25/02/2003	05/03/2002	PC GAME ZERO
702	03/03/2003	10/05/2002	INTERNATIONAL BUSINESS 國際商務
703	03/03/2003	03/05/2002	RESEARCH OF HOSPITAL ADMINISTRATION 醫院管理研究
704	03/03/2003	28/12/2001	成與敗
705	03/03/2003	19/04/2000	Voice
706	03/03/2003	24/07/1990	BRITISH SOCCER 英國足球畫冊
707	10/03/2003	02/02/2002	CHINA PROPERTY GUIDE BOOK 中國買樓指南

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708	26/03/2003	07/06/2002	Healer For All 訪醫問樂
709	26/03/2003	27/12/2001	CHINA TRADITIONAL AND MODERN MEDICINE MAGAZINE 中華傳統與現代醫學雜誌
710	26/03/2003	01/07/1986	Travel Industry 旅遊業
711	26/03/2003	28/06/2002	SINO-MYHOME 深圳置業通
712	26/03/2003	26/06/2002	AV Weekly
713	26/03/2003	20/06/2002	CHINA TEACHING CROSS MAGAZINE 中國教學縱橫雜誌
714	26/03/2003	29/04/1992	RECRUIT
715	26/03/2003	13/06/2001	Broadband China 寬帶網絡
716	26/03/2003	26/01/2000	中國鞋訊
717	26/03/2003	27/03/2002	MODERN TEACHING 現代教學通訊
718	01/04/2003	17/01/1997	PARENTAGE 親子時代
719	01/04/2003	19/01/1994	SHANGHAI COLLECTIONS
720	01/04/2003	14/01/2002	Hong Kong Sports
721	01/04/2003	13/07/2002	中華醫學理論與實踐
722	01/04/2003	25/01/2002	Gameplayers Online Magazine 遊網誌
723	01/04/2003	17/01/2002	WORLD URBAN TRANSPORT 世界城市交通
724	01/04/2003	21/01/1998	MEN'S MACHINES 武剛車紀
725	10/04/2003	29/01/2002	CHINESE JOURNAL OF TRADITIONAL MEDICINE 中華傳統醫學雜誌
726	10/04/2003	29/01/2002	CHINESE JOURNAL OF HEALTH ADMINISTRATION 中華衛生管理
727	10/04/2003	12/01/1999	Hong Kong Health Journal 香港健康報
728	10/04/2003	31/01/2002	CHINA ELEMENTARY EDUCATION 中華基礎教育
729	10/04/2003	05/06/2002	星期二 Recruit
730	10/04/2003	02/06/1994	CHINA MARKET JOURNAL 中國市場
731	10/04/2003	31/01/2002	CHINESE JOURNAL OF MODERN CLINICAL MEDICINE 中國現代臨床醫藥雜誌
732	10/04/2003	31/01/2002	CHINA MEDICINE MAGAZINE 中華醫藥雜誌
733	12/04/2003	17/07/2002	HAPPY SUCCESS 快樂成功
734	12/04/2003	16/07/2002	WHERE TO ENJOY 消費在何處
735	12/04/2003	26/07/2002	中國畫清賞
736	12/04/2003	09/02/2001	世界華人

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737	12/04/2003	20/06/2001	i soccer 全意足球
738	12/04/2003	03/07/2002	CHINA MEDICINE 中國醫葯監督 SUPERVISION
739	12/04/2003	03/07/2002	China Panorama 見聞中國
740	12/04/2003	26/07/2002	藝術狀態
741	12/04/2003	03/07/2002	SHE QU WEI SHENG BAO JIAN 社區衛生保健
742	12/04/2003	22/07/2002	MODERN MEDICAL 現代醫療器械 APPARATUS
743	12/04/2003	03/07/2002	MEDICINE 醫葯
744	12/04/2003	03/07/2002	Then 舊聞
745	29/04/2003	31/01/2002	Chinese Journal of Eyclopedic 中華全科醫葯 雜誌
746	29/04/2003	27/12/2001	中國全科醫學研究雜誌
747	15/05/2003	22/11/2000	Culturecom News 文傳電子報
748	16/05/2003	07/08/2002	CLINICAL MEDICAL 中華臨床醫葯 ASSEMBLE OF CHINA 薈萃
749	16/05/2003	13/07/2001	HKSTP News
750	16/05/2003	07/08/2002	CHINESE CLINICAL MEDICINE 中華臨床醫學 GALAXY 薈萃
751	16/05/2003	07/08/2002	CHINESE JOURNAL OF 中華臨床護理 CLINICAL NURSING 雜誌
752	16/05/2003	05/08/2002	CHINESE AND FOREIGN NEW 中外新醫學 MEDICINE
753	16/05/2003	27/09/2000	INTERNATIONAL 國際抗癌報 ANTICANCER PAPER
754	16/05/2003	04/09/1987	ITASIA
755	16/05/2003	23/08/2002	The Top Chinese in Business 華商世紀
756	16/05/2003	07/08/2002	CHINESE JOURNAL OF 中國臨床醫葯 CLINICAL MEDICINE 研究雜誌 RESEARCH
757	16/05/2003	07/08/2002	CHINESE CLINICAL INTERNAL 中華臨床內科 MEDICAL MAGAZINE 雜誌
758	31/05/2003	14/03/2002	PC-plus
759	31/05/2003	30/05/1989	One Earth 一個地球
760	02/06/2003	12/01/2000	EDN Asia
761	02/06/2003	12/01/2000	EDN China



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762	02/06/2003	20/10/2000	Digihall
763	09/06/2003	29/05/2001	DELEGATES HANDBOOK
764	09/06/2003	02/04/1998	夜遊人
765	09/06/2003	10/07/2002	Girl
766	09/06/2003	08/10/2001	BRIGHT MORNING STAR 明亮晨星月報 PRESS MONTHLY
767	09/06/2003	10/09/2002	GLOBAL FIRE CONTROL 環球消防
768	09/06/2003	12/09/2002	Global Entrepreneur 環球企業家
769	09/06/2003	03/09/2002	China Quality And WTO 中國質量與 WTO
770	09/06/2003	03/09/2002	China Foreign News Spread 中外新聞傳播
771	09/06/2003	02/05/2000	Cyber 日報
772	09/06/2003	03/09/2002	World Architecture Report 世界建築報道
773	09/06/2003	14/03/2002	CHINESE FOOD 中國餐飲
774	09/06/2003	04/09/2002	The Quality & Reputation Promotion of 質量信譽中國 China 行
775	09/06/2003	03/09/2002	Stem Cell 幹細胞雜誌
776	19/06/2003	10/07/2002	DC MAGAZINE
777	19/06/2003	18/10/1993	INTERNATIONAL TELECOM 世界電信網絡 NETWORK
778	19/06/2003	16/04/2002	B + G
779	23/06/2003	06/04/2002	Pearl 明珠
780	23/06/2003	10/04/2002	CHINA REPORT 央視中國報道
781	27/06/2003	20/04/1999	HYPER 玩具誌 MAGAZINE
782	02/07/2003	11/04/2002	China Jobs 中國機遇
783	10/07/2003	18/10/2002	ASIA PACIFIC (INT'L) 亞太國際功能 FUNCTIONAL-WATER 水
784	10/07/2003	18/10/2002	CHINA MODERN MEDICIEN 中國現代醫藥 雜誌
785	11/07/2003	07/05/1984	Point 點
786	11/07/2003	30/04/1993	TOUR GUIDE 旅遊世界
787	11/07/2003	10/05/2002	HERBAL HEALTH MAGAZINE 本草雜誌
788	11/07/2003	29/05/2001	HONG KONG TODAY
789	11/07/2003	26/04/2002	CITYLIFE
790	11/07/2003	10/02/2000	海峽月刊
791	11/07/2003	14/08/2001	CHINESE JOURNAL OF 中華現代醫學 MODERN MEDICINE 雜誌

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792	11/07/2003	04/10/2002	PIZZA@
793	11/07/2003	08/10/2002	Zhong Hua Yi Xue Liao Wang 中華醫學瞭望
794	24/07/2003	28/07/1992	EASTWEEK 東周刊
795	30/07/2003	14/05/2001	My New Home Bookazine 廣東買樓王
796	30/07/2003	22/05/2002	本事年代
797	06/08/2003	06/06/1956	Cosmorama 中外畫刊
798	06/08/2003	05/06/2002	星期五報 Recruit
799	06/08/2003	07/06/2002	Cultured Merchants 儒商
800	06/08/2003	07/10/1997	TV Technology Japanese Edition 日本語版
801	25/08/2003	17/10/1983	School & Family 學校與家庭
802	25/08/2003	18/10/1984	The Young 現代少年
803	29/08/2003	01/09/1989	Han Mo 名家翰墨
804	04/09/2003	06/12/2002	BRITISH FOOTBALL WEEK 英足波報
805	04/09/2003	09/12/2002	Enjoy Shanghai 吃喝玩樂在上海
806	04/09/2003	06/12/2002	PINOY
807	04/09/2003	11/03/1999	ELECTRONIC SYSTEM 電子系統技術 TECHNOLOGY & DESIGN 與設計
808	04/09/2003	27/12/2002	大中華
809	04/09/2003	03/07/2002	CHINA MEDICINE 中國葯監報 SUPERVISION NEWS
810	04/09/2003	19/12/2002	Strait Bridge Monthly 台商
811	04/09/2003	03/07/2002	CHINA MEDICINE SHOP 中國葯店
812	04/09/2003	26/06/2001	EVERYDAY NEWS 天天綜合報
813	04/09/2003	15/02/1995	LINKIN NEWS 連繫工業報
814	04/09/2003	13/12/2002	Chinese Clinical Medicine & 中華臨床醫藥 Nursing 與護理
815	15/09/2003	21/05/1997	MEDICAL PROGRESS CHINESE 醫學進展 EDITION
816	22/09/2003	17/07/2002	CHINA JOURNAL OF 中華優質教育 HIGH-QUALITY EDUCATION
817	22/09/2003	17/07/2002	SUCCESS EDUCATION 成功教育
818	22/09/2003	09/10/2001	LOWAN'S RACING TIPS 老溫賽馬貼士
819	22/09/2003	17/07/2002	China Lightning Protection 中國防雷
820	22/09/2003	19/07/2002	時尚風
821	09/10/2003	17/01/2003	中國非常男女

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822	09/10/2003	23/01/2003	Medicare Information 中華醫藥資訊
823	09/10/2003	23/01/1986	Art of China 中國文物世界
824	09/10/2003	17/01/2003	亞太時報
825	09/10/2003	17/01/2003	藝術大師
826	09/10/2003	17/01/2003	中國法制導刊
827	09/10/2003	17/01/2003	中國民營經濟
828	09/10/2003	24/01/2003	打工天地
829	09/10/2003	17/01/2003	大中華名牌
830	09/10/2003	24/01/2003	中華詩書畫報
831	09/10/2003	17/01/2003	大中華商界
832	09/10/2003	05/05/1998	LAN KWAI FONG 蘭桂坊
833	09/10/2003	17/01/2003	非常婚姻
834	09/10/2003	17/01/2003	大中華旅遊
835	09/10/2003	17/01/2003	大中華品牌
836	09/10/2003	17/01/1997	米奇迪士尼月刊
837	09/10/2003	17/01/2003	投資導刊
838	15/10/2003	04/09/2002	CHINA HEALTH FOOD 中華保健食品
839	15/10/2003	10/08/2002	DIGITAL OFFICE 數字辦公
840	16/10/2003	31/10/1995	HONG KONG SHIPPING NEWS INTERNATIONAL
841	06/11/2003	01/03/1999	CHINESE JOURNAL OF MEDICAL TREATMENT & HEALTH 中國醫療與健 康雜誌
842	06/11/2003	11/10/2001	New Options Weekly 改車週刊
843	06/11/2003	29/08/2000	EAST EAT 東方美食
844	08/11/2003	04/09/2002	SANTE EXPRESS 健康快訊
845	08/11/2003	04/09/2002	Chinese Medical & Pharmaceutical Journal 中華醫藥學雜 誌
846	08/11/2003	04/09/2002	Chinese Journal of Clinical Medicine 中國現代臨床 醫學
847	11/11/2003	20/08/1997	SPECIAL REGION WEEKLY 特週刊
848	12/11/2003	07/02/2003	CHINA REPORT 中國報道
849	12/11/2003	24/02/2003	香港福報
850	12/11/2003	07/02/2003	SUCCESS QUALITY RESEARCHES 成功素質研究
851	12/11/2003	07/02/2003	CHINESE CONTEMPORARY 中華當代醫學

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			MEDICINE PERIODICAL 雜誌
852	12/11/2003	07/02/2003	CHINA COMMERCE MAGAZINE 中國招商
853	12/11/2003	27/12/2001	CENTURY TIDE 世紀潮
854	12/11/2003	07/02/2003	RED FLAG 紅旗
855	12/11/2003	07/02/2003	ENVIRONMENT & NATURE 環境與自然
856	12/11/2003	24/02/2003	WORLD MAGAZINE FOR PHOTOGRAPHY AND LITERATURE 全球攝影文學 雜誌
857	29/11/2003	24/09/2001	OPTION 1.2 買車誌
858	29/11/2003	19/09/2002	GOLDEN FINGER ODDS WEEKLY MAGAZINE 金手指波盤週 刊
859	09/12/2003	31/08/2001	TIME MEDIA 時代傳媒
860	09/12/2003	21/03/2003	Success of Infinite 成功無限
861	09/12/2003	13/10/2000	Banking & Securities Technology News Asia
862	09/12/2003	07/03/2003	WTO & CHINA WTO 與中國
863	09/12/2003	21/03/2003	INSURANCE & MANAGE MONEY MATTERS 保險與理財
864	09/12/2003	04/03/2003	CHINESE MEDICINE MATE MONTHLY 中醫月刊
865	09/12/2003	06/03/2003	CHINESE WINE CULTURE 華夏酒文化
866	09/12/2003	21/03/2003	CHINESE AND FOREIGN INSURERS 中外保險人
867	09/12/2003	26/03/2003	TEA VISION 茶博覽
868	09/12/2003	29/07/2002	Financier 金融家
869	09/12/2003	16/05/2003	Horn Mag 康刊
870	09/12/2003	05/10/2001	WestEast Magazine 東西雜誌
871	09/12/2003	05/03/1997	PR WEEK
872	23/12/2003	07/10/2002	INTERNATIONAL PUBLIC RELATIONS 國際公關
873	23/12/2003	05/10/2002	Forum of Anesthesia and Monitoring 麻醉與監護論 壇
874	07/01/2004	20/05/2003	AUSAF
875	15/01/2004	02/04/2003	CHINESE MEDICINE OF 21ST CENTURY 21 世紀中國醫 藥

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876	15/01/2004	09/02/2001	THE CHINESE MERCHANTS 華商
877	15/01/2004	13/03/2003	go girlie objects
878	15/01/2004	14/04/2003	CUP I LOVE TAIPEI 我愛台北
879	15/01/2004	14/04/2003	CUP I LOVE TOKYO 我愛東京
880	15/01/2004	14/04/2003	CUP I LOVE BEIJING 我愛北京
881	15/01/2004	02/04/2003	CHINA ECONOMIC OBSERVATION NEWSPAPER 中國經濟觀察報
882	15/01/2004	03/11/1998	4 X 4 MAGAZINE
883	15/01/2004	02/04/2003	小康中國
884	15/01/2004	16/04/2003	MODERN CHINESE MEDICINE 國際中醫藥
885	15/01/2004	26/04/2003	CHINA NURSING MONTHLY 中華護理月刊
886	15/01/2004	23/04/2003	CHINA FEED ADDITIVE 中國飼料添加劑
887	15/01/2004	23/04/2003	CHINESE JOURNAL OF MEDICINE AND THERAPY 中華醫療雜誌
888	15/01/2004	14/04/2003	INTERNATIONAL BRANDS UNION 國際品牌聯盟
889	15/01/2004	24/01/1980	Hong Kong China News Agency 香港中國通訊社
890	15/01/2004	01/11/2001	VENUS
891	15/01/2004	04/11/2002	THE GREAT WEST OF CHINA 香港中國大西部雜誌
892	15/01/2004	12/11/2002	CHINESE OF JOURNAL MEDICINE NEWSLETTER 中華現代醫藥
893	15/01/2004	12/11/2002	Famous World 名牌世界
894	20/01/2004	15/05/2003	Best Car 御駕
895	20/01/2004	15/05/2003	Best Car Tuning 駕馭
896	20/01/2004	08/07/2003	南華分類報
897	05/02/2004	13/12/2002	Chinese Modern Comprehensive Medicine 中華現代綜合醫學
898	05/02/2004	16/05/2003	LEGAL SYSTEM REPORT 法制報道
899	05/02/2004	16/05/2003	CHINESE JOURNAL OF MEDICAL PRINCIPLE & PRACTICE 中華醫學理論與實踐雜誌
900	05/02/2004	16/05/2003	SOUND 聲音
901	05/02/2004	20/11/2002	CHINA EDUCATION 中國教育教學

<i>Item</i>	<i>Date of De-registration</i>	<i>Date of Registration</i>	<i>Title of Newspaper of Periodical</i>
			TEACHING RESEARCH 研究雜誌 MAGAZINE
902	05/02/2004	16/05/2003	GUIDE STYLE PHOTO-TAKING 迪派影像世界 WORLD
903	05/02/2004	20/01/2003	BAPE
904	05/02/2004	16/05/2003	DISCOVERY WEEKLY 發現周刊
905	05/02/2004	20/05/2003	CHINESE JOURNAL OF 中國教育教學 EDUCATION TEACHING 雜誌
906	05/02/2004	20/11/2002	EDUCATIONAL NEW 教育新發展 DEVELOPMENT
907	05/02/2004	25/07/2002	NUDE PHOTOGRAPHY 人體攝影
908	05/02/2004	25/06/2002	PEPPER
909	09/02/2004	27/11/2001	FISHING ENTERTAINMENT 魚樂雙周刊
910	09/02/2004	20/11/2002	CHINESE AND FOREIGN 中外醫院院長 DIRECTORS
911	09/02/2004	29/11/1979	Automobile 車主
912	09/02/2004	20/11/2002	HK TIMES GUIDE NEWSPAPER 香港時代導報
913	09/02/2004	20/11/2002	CHINESE JOURNAL OF 中華臨床薈萃 CLINICAL ASSEMBLE 雜誌
914	14/02/2004	13/12/2002	CHINESE JOURNAL OF 中華醫學衛生 MEDICINE HYGIENE 雜誌
915	21/02/2004	16/12/2002	SEX & PROCREATION 性與生育
916	21/02/2004	16/12/1999	JANG
917	21/02/2004	18/12/1998	THE FISHING SPORTS 魚訊網樂
918	27/02/2004	27/12/2001	當代教育雜誌
919	01/03/2004	27/02/2003	ASIAN GOLF MONTHLY (中文版)
920	09/03/2004	26/03/1997	HONG KONG TOURIST 香港旅遊報 JOURNAL
921	09/03/2004	12/06/2003	Hong Kong Weekly 香港一週
922	09/03/2004	16/11/1994	醉拳
923	09/03/2004	27/03/1997	Hong Kong SAR Monthly 香港特區月刊
924	09/03/2004	27/06/2003	ZTE TELECOMMUNICATIONS
925	09/03/2004	14/04/2003	CUP I LOVE SHANGHAI 我愛上海
926	09/03/2004	24/06/2003	飛躍財經雜誌
927	09/03/2004	09/06/2003	世界名城

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928	09/03/2004	13/06/2003	Chinese Magazine of Clinical Nursing Professional Research 中華護理研究雜誌
929	09/03/2004	15/07/2002	Watch Report 名錶傳奇
930	09/03/2004	13/06/2003	Chinese Magazine of Clinical Medical Professional Research 中華臨床醫學研究雜誌
931	09/03/2004	09/04/1997	波神馬聖
932	09/03/2004	27/06/2003	世界經理人報導
933	09/03/2004	19/02/2003	大贏家馬訊
934	09/03/2004	20/06/1985	Hong Kong Property Journal 香港地產
935	09/03/2004	26/03/2003	INVEST CHINA 投資中國
936	18/03/2004	10/01/2003	中華教育與研究
937	25/03/2004	11/02/2003	CHINA ENTERPRISE CULTURE 中國企業文化
938	25/03/2004	10/05/2002	SOUL QUALI MAGAZINE 從心雜誌
939	25/03/2004	17/01/2003	大中華名人
940	26/03/2004	01/04/2003	電擊 HOBBY MAGAZINE 香港中文版
941	13/04/2004	07/02/2003	ASIA PACIFIC (INT'L) FUNCIONAL WATER 亞太國際功能水
942	14/04/2004	28/03/2002	Investor's News 投資招商報
943	14/04/2004	14/04/2003	HONG KONG CHINESE ECONOMICS MAGAZINE 香港中華經濟雜誌
944	14/04/2004	02/04/2003	CUP DVD
945	15/04/2004	07/07/2003	財路周刊
946	15/04/2004	18/09/2002	BEAUTY EXPRESS 美容速遞
947	15/04/2004	21/07/2003	Global Supply Chain 環球供應鏈
948	15/04/2004	21/07/2003	69 AV MAGAZINE 成人錄像雜誌
949	15/04/2004	03/07/2003	NATION WINE CULTURE 國酒文化
950	15/04/2004	09/06/2000	CHINESE JOURNAL OF GENERAL MEDICINE 中國綜合醫學雜誌
951	15/04/2004	08/07/2003	Telecom Monthly 電訊月刊
952	15/04/2004	22/07/2003	CHINA TEACHER 中華教師論壇
953	15/04/2004	08/07/2003	eFootball.com.hk 盈波
954	26/04/2004	20/07/2002	Human Capital 人力資本
955	27/04/2004	25/02/2002	CHINESE RUN BY LOCAL PEOPLE EDUCATION 中國民辦教育
956	27/04/2004	19/02/2003	Buys Car 車寶庫

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957	05/05/2004	03/03/2003	CHINA EDUCATION FORUM 中華教育論壇
958	05/05/2004	03/03/2003	CHINESE CULTURE & ART 中華文化與藝術
959	05/05/2004	01/04/2003	Professional Soccer Journal 專業波經
960	08/05/2004	03/05/2002	Xingbenshan 性本善
961	08/05/2004	16/05/2003	PERSONAGE WEEKLY 人物周刊
962	10/05/2004	23/06/2003	特色醫生報
963	10/05/2004	23/06/2003	黑雜誌
964	10/05/2004	28/08/2003	TRAVELS ASIA WEEKLY 亞洲旅遊周刊
965	10/05/2004	11/08/2003	CHINA EDUCATION TEACHING PRACTICE AND RESEARCH MAGAZINE 中華教育教學實踐與研究雜誌
966	10/05/2004	15/08/2003	NAVIGATOR MAGAZINE
967	10/05/2004	11/08/2003	Twenty First Century Chinese Western Academic Work 21世紀中外教育與研究
968	10/05/2004	28/08/2003	CHINA TAIWAN 中國臺灣
969	10/05/2004	14/08/2003	壹零 10
970	10/05/2004	14/08/2003	CHINA AREA ECONOMY 中國區域經濟
971	10/05/2004	14/08/2003	贏周刊
972	10/05/2004	11/08/2003	CHINESE MONTHLY PUBLICATION OF CLINICAL INTERNAL MEDICINE 中華臨床內科月刊
973	10/05/2004	11/08/2003	Diet and Health in China 中國飲食衛生與健康
974	10/05/2004	08/08/2003	入球晚報
975	10/05/2004	11/08/2003	International Vogue 國際美容服飾
976	10/05/2004	04/08/2003	Milky
977	10/05/2004	24/06/1998	SUN時代創富
978	10/05/2004	01/08/2003	Hua Xia Person of Outstanding Ability 華夏英才
979	10/05/2004	11/08/2003	Medicine Research in China 中國醫藥研究
980	27/05/2004	21/03/2003	TOURIST VISION 旅游博覽
981	27/05/2004	21/03/2003	Chinese Quantum Medical Science and Health 中華量子醫學與健康
982	31/05/2004	27/03/2003	CHARACTER EDUCATION OF CHINA 中華素質教育



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983	31/05/2004	27/03/2003	CHINA JOURNAL OF CLINICAL MEDICINE HYGIENE 中華臨床醫藥衛生雜誌
984	31/05/2004	26/03/2002	SEX 性
985	31/05/2004	26/03/2003	CHINESE AMOROUS FEELING 華夏風情
986	31/05/2004	27/03/2003	DRY TECHNOLOGY & EQUIPMENT 乾燥技術與設備
987	31/05/2004	27/03/2003	INNOVATION EDUCATION OF CHINA 中華創新教育
988	09/06/2004	24/09/2003	MODERN EDUCATION OF CHINA 中國教育現代化
989	09/06/2004	18/09/2003	A La Carte Travel Tour Guide 港澳自助游行程指南
990	09/06/2004	19/09/2003	NEW EDUCATION 新教育
991	09/06/2004	18/09/2003	A La Carte Travel City Guide 港澳自助游觀光購物旅游指南
992	09/06/2004	04/11/1997	CHINA BUSINESS PRESS 中國商貿
993	09/06/2004	19/03/2002	CHINA BRAND 中國品牌
994	09/06/2004	24/09/2003	Educational Modernization 教育現代化
995	09/06/2004	07/01/2003	GLOBAL CHINESE ENTERPRISER 環球華人企業家
996	09/06/2004	25/01/2002	中國醫藥雜誌
997	09/06/2004	09/07/2003	AUTO RACING 賽車誌
998	09/06/2004	05/09/2003	MONEY JOURNAL 投資有道
999	09/06/2004	14/04/2003	Calligraphy & Paintings by Chinese Celebrities 中華名人書畫
1000	09/06/2004	16/09/2003	演講家
1001	09/06/2004	28/06/2002	Wealth Management
1002	14/06/2004	14/04/2003	CHINA EDUCATION & TEACHING JOURNAL 中華教育與教學雜誌
1003	14/06/2004	15/04/2003	STORE MAGAZINE 士多雜誌
1004	30/06/2004	31/03/1987	Computerworld Hong Kong
1005	03/07/2004	26/04/2003	CHINA MEDICAL NURSING MAGAZINE 中華醫學護理雜誌
1006	03/07/2004	29/04/1993	Moto-Player 機車同志
1007	03/07/2004	24/04/2003	NOISE MAGAZINE

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1008	12/07/2004	31/07/1986	The International 國際
1009	12/07/2004	02/06/2003	Jessica Lifestyle Handbook
1010	12/07/2004	02/05/2001	HK WORLD TRADING NEWS 香港世界貿易報
1011	12/07/2004	02/06/2003	China Panorama 見聞中國
1012	12/07/2004	09/06/2003	國際品牌
1013	12/07/2004	03/06/2003	EDUCATION MANAGEMENT & 教育管理與科 SCIENCE 研
1014	12/07/2004	10/06/2003	PC Power Pro
1015	12/07/2004	10/06/2003	Chinese Journal of the Practical 中華實用中西 Zhong Xi Medicine 醫學雜誌
1016	21/07/2004	16/01/2002	家周刊
1017	21/07/2004	30/06/2003	世界華聲報
1018	21/07/2004	30/06/2003	中華時報
1019	21/07/2004	16/12/2002	TOY KING 玩具王
1020	21/07/2004	19/11/2003	CHINA LEGAL NEWS 中華法制報導
1021	21/07/2004	30/10/2003	NEW HONG KONG TIMES 新香港時報
1022	21/07/2004	25/05/2001	CHINESE JOURNAL OF 中國醫藥與護 MEDICINE AND NURSING 理雜誌
1023	21/07/2004	25/11/2003	CHINA REPORT 中國紀實
1024	21/07/2004	19/11/2003	STRATEGY AND 中國戰略與管 MANAGEMENT IN CHINA 理
1025	21/07/2004	02/10/2003	SUCCESS 成功
1026	21/07/2004	24/09/2003	GAMEPLAYERS ONLINE 遊網誌 MAGAZINE
1027	21/07/2004	20/02/1990	ASIAMONEY
1028	21/07/2004	03/11/2003	CHINA INNOVATION REPORT 中國創新報道
1029	21/07/2004	04/11/2003	現代教學論叢
1030	21/07/2004	25/11/2003	INTERNATIONAL MANAGERS 國際經理人
1031	21/07/2004	10/04/2003	Cookies Campus 曲奇餅
1032	21/07/2004	28/11/2003	COMPUTER SCIENCE AND 計算機科學與 PRACTICE 實踐
1033	21/07/2004	30/10/2003	Milkie 奶昔
1034	21/07/2004	21/12/1998	NEPAL POST (OVERSEAS)
1035	21/07/2004	19/11/2003	GOLF AND LIVES 高爾夫生活
1036	21/07/2004	11/08/2003	Devising in China 中國策劃

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1037	21/07/2004	11/08/2003	Chinese County and District Economy 中國區縣域經濟
1038	21/07/2004	19/11/2003	WONDERFUL CHINA WORLD 中華大千世界
1039	21/07/2004	11/11/2003	WORLD CHARITY MAGAZINE 世界慈善家雜誌
1040	21/07/2004	17/01/2003	世界遺產旅遊報
1041	21/07/2004	05/11/2003	CHINA MODERN EDUCATIONAL NEWS 中國現代教育學報
1042	21/07/2004	29/10/2003	Scheme 策劃
1043	21/07/2004	28/10/2003	La Liga
1044	21/07/2004	09/10/2003	BUSINESS DAILY 商務日報
1045	21/07/2004	21/10/2002	THE EDGE
1046	21/07/2004	29/10/2003	JOURNAL OF CHINESE GRADUATE STUDENTS 中國研究生雜誌
1047	21/07/2004	19/11/2003	NEW DISCOVERY 新發現
1048	21/07/2004	13/10/2003	AFFLUENT CHINA 中國小康
1049	21/07/2004	08/10/2003	CHINA MONTHLY 今日中國
1050	21/07/2004	29/10/2003	CHINA HIGHER EDUCATION RESEARCH MAGAZINE 中國高教研究雜誌
1051	21/07/2004	09/06/2003	香港晚報
1052	21/07/2004	09/04/1999	CHINESE NEW MEDICINE 中華新醫藥
1053	21/07/2004	04/11/2003	THE CHINESE YOUTH REPORTER 中華小記者報
1054	21/07/2004	08/10/2003	EDUCATING THE TECHNOLOGY INVESTIGATES AND PRACTICE 教育科技探索與實踐
1055	24/07/2004	12/06/1991	LLOYD'S LIST MARITIME ASIA
1056	24/07/2004	16/05/2003	SOCIAL OBSERVATION 社會觀察
1057	24/07/2004	16/05/2003	TODAY'S WORLD 今日世界
1058	24/07/2004	24/07/2003	Money Times 投資理財
1059	24/07/2004	16/05/2003	CHINA ECONOMY FORUM 中國經濟論壇
1060	24/07/2004	17/06/1999	LLOYD'S FREIGHT TRANSPORT BUYER ASIA
1061	26/07/2004	24/06/1971	Asian Architect and Contractor
1062	02/08/2004	28/06/2000	EVEREST
1063	02/08/2004	31/05/1999	ZIP MAGAZINE
1064	03/08/2004	03/07/2002	CHINA CLINICAL MEDICINE & 中華臨床醫學

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			PREVENTION 與預防
1065	03/08/2004	07/07/2003	Zoomelite 創美遊人
1066	04/08/2004	18/09/2003	縱橫
1067	04/08/2004	11/12/2003	WORLDWIDE GOLDLEAF 環球金葉
1068	04/08/2004	12/12/2003	CHINESE CLINICAL INTERNAL 中華臨床內科 MEDICAL RESEARCH 研究雜誌 MAGAZINE
1069	04/08/2004	12/12/2003	大中華采風
1070	04/08/2004	07/02/2003	CHINESE JOURNAL OF 中華現代臨床 MODERN CLINICAL MEDICINE 醫藥雜誌
1071	04/08/2004	30/12/2002	OSSIMAP-PLUS
1072	04/08/2004	30/09/1998	SportScene 體薈
1073	04/08/2004	04/12/2003	CLINICAL MEDICINE OF 中華臨床醫藥 CHINA 薈萃
1074	04/08/2004	30/12/2002	Zoom
1075	04/08/2004	23/12/2003	REFINED ARTS 精品藝術
1076	04/08/2004	10/07/2003	夜遊人
1077	04/08/2004	08/12/2003	CCTV CHINA REPORT 央視中國報道
1078	04/08/2004	30/10/1978	TODAY'S CHINESE 華人月刊
1079	04/08/2004	06/11/2000	GREAT IMPRESSION FASHION 大印象時尚雜誌
1080	21/08/2004	17/07/2002	CHINESE MEDICAL RESEARCH 中國醫學研究 & CLINICAL 與臨床
1081	07/09/2004	05/01/2004	CHINA TIME BRAND 中國時代名牌
1082	07/09/2004	04/08/2003	CHINA DOMESTIC 中國家電報道 APPLIANCES REPORT
1083	07/09/2004	04/08/2003	CHINESE FOOD 中國餐飲
1084	07/09/2004	13/01/2004	PRACTICLA MEDICAL 中華實用醫學 THEORY & PRACTICE OF 理論與實踐 CHINA
1085	07/09/2004	12/01/2004	中華導讀
1086	07/09/2004	19/01/2004	全球華商
1087	07/09/2004	16/01/2004	中華台商
1088	07/09/2004	16/12/2002	Borders
1089	07/09/2004	19/01/2001	CJCM Chinese Journal of the Chinese with Modern Medicine

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1090	07/09/2004	19/01/2004	中國書畫裝裱家
1091	07/09/2004	05/01/2004	CHINESE-FOREIGN CITY 中外城市
1092	07/09/2004	29/10/2003	CHINA EDUCATION 中華教育發展 DEVELOPMENT
1093	07/09/2004	30/07/2003	CHINESE JOURNAL OF LEGAL 中國法制雜誌 SYSTEM
1094	07/09/2004	25/09/2001	Lifestyle Plus
1095	07/09/2004	29/08/2000	17 Plus
1096	07/09/2004	20/01/2004	GIRLS 頂樓
1097	07/09/2004	05/01/2004	CHINA MERCHANTS & 中國招商與投 INVESTMENT 資
1098	07/09/2004	05/01/2004	TEENAGER 青少年
1099	13/09/2004	08/09/2003	ASIAN-PACIFIC PLASTICS & 亞太塑料橡膠 RUBBER
1100	13/09/2004	08/09/1983	YAU TSIM MONG STAR 星報油尖旺版
1101	23/09/2004	23/08/2001	DIGITAL SECURITY 數字化安防
1102	28/09/2004	06/05/1998	石碇尾通訊
1103	28/09/2004	11/09/2000	Hong Kong Engineer 香港工程師
1104	09/10/2004	08/09/2003	HONG KONG PROMOTION 香港購物優指 AND SHOPPING GUIDE 南
1105	09/10/2004	12/10/1999	SOUTHERN DISTRICT STAR 星報南區版
1106	12/10/2004	20/10/1998	e-magazine
1107	12/10/2004	30/07/2003	China Medicine Research Magazine 中國醫學研究 雜誌
1108	12/10/2004	30/07/2003	China Clinical Nursing Magazine 中國臨床護理 雜誌
1109	12/10/2004	12/01/2004	Cultured Merchants 儒商
1110	12/10/2004	19/02/2004	CITY & MARKET 大城小市
1111	12/10/2004	10/02/2000	MOBILE COMMUNICATIONS 移動通信世界 WORLD
1112	12/10/2004	16/03/2001	Cool
1113	12/10/2004	06/02/2004	GRAND ONE CHINA 中華大地
1114	12/10/2004	10/02/2004	ASIA ECONOMIC WEEKLY 亞洲經濟周刊
1115	12/10/2004	04/12/2003	CHINESE CLINICAL MEDICINE 中華臨床醫學 GALAXY 薈萃
1116	12/10/2004	10/02/2004	CHINA EDUCATION SCIENCE 中華教育科學

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1117	12/10/2004	27/02/2004	新聞人物報
1118	12/10/2004	27/02/2004	東方明珠報
1119	12/10/2004	17/09/1987	Sun Tin Yat Pao 新天日報
1120	12/10/2004	10/02/2004	CHINA SCIENCE LEARNED 中國科學學報 JOURNAL
1121	15/10/2004	09/10/2003	SPIKE
1122	15/10/2004	14/09/1998	Asian Golf Monthly
1123	26/10/2004	18/09/2003	A La Carte Travel 港澳自助游月 刊
1124	01/11/2004	27/09/1999	MY CAT 貓雜誌
1125	02/11/2004	20/07/2001	天地馬經
1126	02/11/2004	02/03/2004	In & Out 出將入相
1127	02/11/2004	08/03/2004	China Educational Circles 中國教育界
1128	02/11/2004	05/01/2004	FOCUSING CHINA 聚焦中國
1129	02/11/2004	16/01/2004	World Executive 世界經理人
1130	02/11/2004	05/03/2004	China Business Time 經濟時刊
1131	02/11/2004	12/03/2004	CHINESE TEACHING & 中華教學與研 RESEARCH 究
1132	02/11/2004	08/03/2004	China Economic Observation 中國經濟觀察 Newspaper 報
1133	02/11/2004	16/03/2004	BUILDING SERVICES MANAGEMENT
1134	02/11/2004	09/12/1993	WORLD CLUB 機動世界
1135	02/11/2004	23/12/2003	RESEARCH ON HIGHER 高等職業技術 OCCUPATIONAL AND 教育研究 TECHNICAL EDUCATION
1136	03/11/2004	24/06/2004	中國商業攝影
1137	03/11/2004	28/11/1985	SAI KUNG STAR 星報西貢版
1138	03/11/2004	28/11/1985	KOWLOON CITY STAR 星報九龍城版
1139	03/11/2004	31/03/2004	CHINA TOURIST ECONOMY 中國旅遊經濟
1140	10/11/2004	03/12/2003	PC PHOTO MAGAZINE
1141	16/11/2004	15/10/1998	ALL Guy 雄風
1142	16/11/2004	16/10/2002	Him Style
1143	22/11/2004	19/10/1994	MUSIC COLONY BI-WEEKLY 音樂殖民地雙 週刊

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1144	29/11/2004	27/10/1997	NEW HONG KONG MAGAZINE 新香港
1145	29/11/2004	28/10/2003	FOUR FOUR TWO
1146	01/12/2004	29/10/2003	CHINA HOTSPOT INVESTMENT 中國熱點投資
1147	01/12/2004	30/10/2003	Yes ! Mini
1148	01/12/2004	29/10/2003	CHINA CENTURY EDUCATION 中華百年教育
1149	04/12/2004	16/12/2003	CHINA COMMUNITY 中國社區教育 EDUCATION
1150	04/12/2004	03/12/2003	ELECTRIC MEDICINE AND 電子醫療與健 HEALTH 康
1151	04/12/2004	21/11/2001	HEALTHY LIFE JOURNAL 健康生活報
1152	06/12/2004	16/05/2003	CHINA JOURNAL OF 中華實用醫藥 PRACTICAL MEDICINE 衛生雜誌 HYGIENE
1153	06/12/2004	01/03/1999	CHINA SUCCESS JOURNAL 中華成功者雜 志
1154	06/12/2004	06/04/2004	CHINESE JOURNAL OF 中華醫學理論 MEDICAL PRINCIPLE & 與實踐雜誌 PRACTICE
1155	06/12/2004	06/04/2004	CHINESE JOURNAL OF 中國圖書情報 LIBRARY & INFORMATICS 科學
1156	06/12/2004	06/04/2004	CHINA WESTERN WEEKLY 中國西部周刊
1157	06/12/2004	08/04/2004	CHINA QUALITY OBSERVER 中國質量觀察
1158	06/12/2004	16/04/2004	GLOBAL BELLE 環球美女
1159	06/12/2004	16/04/2004	World Patent-Tech Publication 世界專利技術 發佈
1160	15/12/2004	05/04/1984	Hong Kong 97 香港九七
1161	28/12/2004	13/01/2004	Appliance China 電器工業商情
			Total: 1 161

### **Health Care Personnel in Public Hospitals Falling Victim to Violence While on Duty**

15. **DR JOSEPH LEE** (in Chinese): *Madam President, regarding health care personnel in public hospitals falling victim to violence while on duty, will the Government inform this Council:*

- (a) *in each of the past five years:*
- (i) *of the number of such cases reported to the relevant authorities, with a breakdown by the types of violence used and the categories of places where the cases occurred;*
  - (ii) *of the reported number of health care personnel assaulted, with a breakdown by the hospitals and grades to which they belonged; and*
  - (iii) *of the respective numbers of attackers who were prosecuted and convicted of assaults, and the punishments imposed on them by the Courts;*
- (b) *whether the authorities have reviewed if the existing security measures in public hospitals and the support provided to their staff are adequate; if they have, of the review results; if not, of the reasons; and*
- (c) *of the measures to strengthen the communication between health care personnel and patients as well as their relatives and friends, so as to avoid the occurrence of violent incidents?*

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

- (a) (i) The number of health care staff in public hospitals who suffered injury while on duty as a result of workplace violence as reported for employees' compensation purposes in each of the past five years are shown in Annex A.

The types of physical violence suffered by these staff include kicking, biting, scratching, punching, slapping, and hitting by thrown objects; however, the Hospital Authority (HA) does not have a detailed breakdown of the cases by the types of violence.

The vast majority of incidents involving workplace violence occurred in the ward areas. A breakdown of cases by the types of location is given in Annex B.



- (ii) The HA does not have a detailed breakdown of all cases by the hospitals and staff grades involved, but has conducted a survey of the five hospitals with the largest number of workplace violence cases in the year over the past five years. The results of the survey are given in Annex C.
  - (iii) There were a total of 25 prosecution cases between 1997 to 2004, of which 16 resulted in a conviction. The punishment imposed by the court cases ranged, in ascending order of severity, from a fine of \$1,000 to \$2,000 to 12 months court supervision, two to six months confinement at a psychiatric hospital, and four months imprisonment.
- (b) The HA has reviewed its current workplace violence management practices and implemented the following measures to minimize the occurrence of workplace violence in public hospitals:
- (i) Establishment of a multi-disciplinary working group for the design and implementation of a HA-wide workplace violence prevention programme. The initial design phase, which covers hospital risk assessment, internal and external consultation, and policy/guideline development, will be completed in the next four months. Subsequent implementation plan will be developed, taking into account the relevant risk control requirements of individual cluster/hospital.
  - (ii) Provision of a three-level training programme (Level 1 on "Prevention and Management on Violence and Aggression"; Level 2 on "Breakaway Techniques"; and Level 3 on "Control and Restrain of Violent Patients") by qualified trainers for front-line hospital staff on an ongoing basis, covering doctors, nurses, supporting staff and allied health workers. The training is designed to provide hospital staff with the necessary skills and competence to defuse aggression and violence when handling psychiatric patients. To date, a total of over 4 000 HA staff have attended this training programme.

- (iii) Enhancement of existing measures at the hospital cluster level with a view to better controlling the risk of workplace violence. The areas of enhancement include:
- workplace design (for example, high-security observation wards, improved recreational facilities for psychiatric wards, access control, CCTV and alarm systems);
  - security services and police assistance;
  - post-incident support by management and critical incident support teams;
  - case risk-assessment for outreach team covering community nursing services and community psychiatric services; and
  - provision of patient restraining devices in high risk areas and personal protective equipment for example, personal panic alarm.
- (iv) Provision of professional clinical psychological services to front-line staff by the OASIS (Centre for Personal Growth and Crisis Intervention) in the HA Head Office and satellite OASIS centres at the hospital cluster level.
- (v) Adoption of a proactive approach to enhance the policy and guidelines on occupational safety and health, so as to prevent the occurrence of workplace violence and minimize the impact of workplace violence on staff who had been abused, threatened or assaulted while on duty.
- (c) To improve the communication between its front-line health care staff and patients, the HA organizes training courses, seminars and workshops on a regular basis. The training aims at enabling front-line staff to communicate effectively with patients and their family members in the clinical setting (for example, explain medical procedures in a clear and easily understood manner and inform them of the expected clinical result, possible complications and the inherent risks). This type of training is useful in enhancing the

mutual understanding between front-line staff and patients and reducing the possibility of conflict.

In addition, the HA will, as part of its preliminary review and prevention strategy on workplace violence as discussed at the HA Board meeting in December 2004, launch a series of patient education initiatives in the near future. These initiatives include a community poster design campaign entitled "caring for the carers", which is aimed at bolstering public support in eliminating inappropriate behaviour towards health care workers. Posters will be put up in hospital areas and educational pamphlets distributed to users of hospital services to remind them of the need to respect health care workers and of the HA's determination to take appropriate action against those who abuse hospital staff. The HA will also continue with its ongoing efforts to promote the Patients' Charter in collaboration with patient self-help groups and to create greater public awareness about patients' rights and responsibilities.

## Annex A

Number of health care staff in public hospitals who suffered an injury while on duty as a result of workplace violence

<i>Year</i>	<i>Number of Cases</i>
2000	323
2001	436
2002	661
2003	626
2004 (Up to June)	332

Note: The number provided in the table does not include incidents of verbal abuse.

## Annex B

Breakdown of workplace violence cases by location

<i>Location</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004 (Up to June)</i>	<i>Total</i>
Ward Areas	298	402	600	547	290	2 137
A&E Areas	3	7	15	34	15	74
Other Areas	22	27	46	45	27	167
Grand Total	323	436	661	626	332	2 378

## Annex C

Breakdown of workplace violence cases by staff grade at the five hospitals with the largest number of such cases in the year over the past five years

Year	Hospital	Staff Group					Total
		Admin	Allied Health	Medical	Nursing	Support	
2000	PYN	1			30	29	60
	CPH				31	21	52
	KCH	1		1	15	13	30
	UCH				9	10	19
	QMH				11	7	18
2001	CPH			1	88	49	138
	PYN				31	33	64
	TPH			1	7	20	28
	UCH		1		19	6	26
	TMH				14	9	23
2002	KCH			2	73	57	132
	CPH			1	65	55	121
	PYN	1	1	1	41	44	88
	TMH			5	19	18	42
	TPH			3	12	24	39
2003	KCH		1	1	65	43	110
	CPH				51	57	108
	PYN			1	33	33	67
	TPH				18	19	37
	QMH				12	16	28
2004 (up to June)	KCH		1		43	31	75
	CPH				27	21	48
	PYN	1	3		20	22	46
	TPH				10	12	22
	TMH	1			14	4	19

## Qualified Domestic Institutional Investors Scheme

16. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, it has been reported that, in view of the recent mounting pressure to appreciate the Renminbi (RMB), the State Administration of Foreign Exchange has taken a series of measures to relax the restrictions on outflow of funds in order to relieve the pressure to appreciate the RMB. Furthermore, the implementation of Qualified Domestic Institutional Investors (QDII) scheme as well as the permission for mainlanders to invest in Hong Kong will both facilitate inflow of funds from the Mainland to Hong Kong, and help the Hong Kong investment markets and the real estate sector to gradually recover, increasing job opportunities in Hong Kong and easing the pressure to appreciate the RMB. As the Government of the Hong Kong Special Administrative Region (SAR) said in June last year that the Central People's Government had approved the scheme in principle and were working out the relevant details, and that the SAR Government would liaise closely with the relevant mainland authorities on this matter, will the Government inform this Council of:*

- (a) the progress of such liaison; and*
- (b) the specific measures to attract QDII to invest in Hong Kong?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): Madam President,

- (a) QDII scheme refers to the scheme that allows mainland financial institutions with foreign exchange to invest in capital markets outside the Mainland such as Hong Kong under certain conditions. QDII is a policy matter to be determined by the mainland authorities. The role of the SAR Government is to provide the relevant mainland authorities with information on Hong Kong markets, our regulatory framework and legal system, and to reflect to them the keen desire by our financial services sector to participate actively and constructively in the QDII scheme to facilitate the authorities' consideration of this issue and other related matters.

As I said in July last year, I believe that the relevant mainland authorities will make announcement as appropriate if there is any

significant development. In the meantime, the Administration, together with the financial regulators, will continue to liaise closely with the relevant mainland authorities on issues of mutual concern, including QDII and other related issues.

Notwithstanding the above, we note that the mainland authorities are taking steps to allow overseas portfolio investment. For example, the State Council in February 2004 gave approval to the National Social Security Fund to invest their foreign currency funds in overseas markets, and the relevant detailed arrangements are being formulated. In August 2004, the Temporary Measures on Overseas Use of Foreign Exchange Insurance Funds were promulgated, allowing qualified mainland insurance companies to invest up to 80% of their remaining balance of foreign exchange insurance funds at the end of the previous year. Members may be aware of recent announcement that a mainland insurance company was given the approval for overseas portfolio investment with a limit of US\$1.75 billion. As more and more mainland funds look for overseas investment opportunities, Hong Kong's financial market will no doubt benefit. We look forward to early implementation of schemes allowing more mainland funds to make use of Hong Kong as the investment platform.

- (b) Hong Kong is one of the freest economies in the world and a reputable international financial centre, which possesses superb financial infrastructure, modern facilities, regulatory system of international standards, well-developed financial markets, abundant supply of experts in financial services with international exposure, and extensive experience in economic co-operation with the Mainland. We believe that these competitive edges would help attract mainland funds to invest in Hong Kong, and to utilize financial intermediary services provided here to facilitate their overseas investment. We will continue to enhance the efficiency of financial intermediation in Hong Kong and develop financial markets and financial infrastructure further to capture the opportunities arising from the new developments in the Mainland.

Separately, we have been in touch with the various mainland authorities to explain to them the strengths of our markets. We

also organized for the first time a Forum on Management of Insurance Funds in November 2004 to bring together industry practitioners from insurance companies in the Mainland and senior representatives from Hong Kong's asset management industry and insurance industry to enhance the mainland insurance practitioners' understanding of the Hong Kong financial markets and the investment opportunities in Hong Kong. We will continue our efforts in this regard.

### **Development Project of West Kowloon Cultural District**

17. **MR LEE WING-TAT** (in Chinese): *Madam President, regarding development of the West Kowloon Cultural District, will the Government inform this Council:*

- (a) *whether it has, in compliance with the General Conditions set out in the paper released for the Concept Plan Competition for the Development of an Integrated Arts, Cultural and Entertainment District at the West Kowloon Reclamation in Hong Kong (the Scheme Area), appointed a team through the normal consultants selection process to finalize a detailed masterplan for the Scheme Area on the basis of the winning conceptual proposals; if such a team has been appointed, of its composition and terms of reference; if not, the reasons for that;*
- (b) *as the General Conditions also stipulate that based on the detailed masterplan, the authorities will then decide on how the Scheme Area will be developed, and that packages within the Scheme Area suitable for private sector development will be decided by public tender, while subsequent architectural design competitions may be conducted for selected individual buildings/facilities, whether the authorities have acted in violation of the General Conditions in issuing the Invitation For Proposals instead of public tender documents for the development of the Scheme Area, and whether they will conduct architectural design competitions for selected individual buildings/facilities; if they will, of the details of the competitions; if they will not, the reasons for that; and*

- (c) *whether it will negotiate with the successful proponent on the development parameters in the proponent's proposal before entering into a provisional agreement; if so, whether the authorities will, in the course of negotiation, impose restrictions on the scope of alterations that may be made to the proposal; if so, of the details of the restrictions?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese): Madam President, in 2001, the Government held a Concept Plan Competition to invite conceptual proposals for the development of a prominent waterfront area in West Kowloon into an integrated arts, cultural and entertainment district. The General Conditions in the competition documents issued by the Government at that time reflected the Government's initial thinking on the development as a reference for interested parties. The Government had not made any decision on the mode and procedures for the development at that time. The competition was completed in 2002, with the international jury selecting the first prize winner, the second prize winner and three honourable mentions. We briefed the Legislative Council Panel on Planning, Lands and Works on the competition results in May 2002.

My reply to the three-part question is as follows:

- (a) The Government did not engage a team of consultants to finalize a detailed masterplan for the Scheme Area on the basis of the winning conceptual proposals because, after taking into account the planning concepts of the winning entries, the Steering Committee for the Development of the West Kowloon Cultural District (the Steering Committee) was of the view that the West Kowloon Cultural District (WKCD) should be developed in an integrated manner with the inclusion of commercial and residential elements. This development mode was adopted with a view to tapping the financial resources of the private sector for construction of the WKCD and to manage and operate the WKCD facilities on a self-financing basis. To achieve this objective, the Steering Committee considered that the private sector with its commercial knowledge and experience would be better placed to formulate the masterplan than a team of consultants appointed by the Government. In adopting this mode of development, the need to expedite the development of the WKCD



as far as possible had also been taken into account so as to meet the pressing public demand for arts and cultural facilities and to create employment opportunities. The Steering Committee therefore decided to invite the private sector to submit masterplans based on the design concept of the first prize winner and to submit proposals for the development, operation and financial arrangements of the whole WKCD. Accordingly, the Steering Committee considered the engagement of a consultant to work on a detailed masterplan for WKCD not necessary.

- (b) The Government did not adopt the tendering method. Instead, the Government issued the Invitation for Proposals to invite development proposals from the private sector because the Steering Committee, after taking the winning entries as reference, decided to adopt a community-driven approach whereby the private sector would be responsible for the development and operation of the WKCD. Having regard to the scale and the complexity of the project, it was believed that sufficient flexibility should be built into the process to allow the Government to negotiate with the proponents who were interested in the development and operation of the WKCD, in order that the Government could select a proposal that would best meet public aspirations and which was in the best public interest. Traditional tendering could not provide the desired flexibility. The Invitation for Proposals was endorsed by the Steering Committee in May 2003. Subsequently, we briefed the Executive Council on the plan to issue the Invitation for Proposals and, before issuing the Invitation for Proposals, submitted a progress report on the development of the WKCD to the Legislative Council Panel on Planning, Lands and Works in July 2003 setting out the Government's decision to invite interested developers to submit proposals. In general, we received positive response from Members at the meeting on the various arrangements set out in the progress report.

According to the Invitation for Proposals, proponents are required to submit proposals for the development of the whole WKCD, including overall and individual building designs. As a result the Government did not conduct architectural design competition for individual buildings or facilities.

- (c) The Government is assessing in detail the proposals which met the mandatory requirements set out in the Invitation for Proposals. At the same time the Government is consulting the public on these proposals and will take into account public views collected. In the next stage, the Government will shortlist proponent(s), and negotiate with the shortlisted proponent(s) with a view to improving the proposal(s) before selecting the preferred proposal. We will strive for a proposal which is in the best interest of the public before signing a provisional agreement with the selected proponent. We will take into account public views and the results of the assessment before finalizing the details of the negotiations.

### **Travel Agents Licence Fee**

18. **MR HOWARD YOUNG** (in Chinese): *Madam President, recently some owners of small-scale travel agents have reflected to me that the practice of charging travel agents annual licence fees is unfair and the rate is on the high side. In this connection, will the Government inform this Council:*

- (a) *of the unit cost incurred by the Travel Agents Registry (TAR) in issuing licences to travel agents, the respective percentages of various cost components and the cost-recovery ratio concerned;*
- (b) *how the rates of licence fee payable by travel agents compare to those of other service industries (such as the catering industry and estate agents), with the figures concerned given in detail; and*
- (c) *of other trades in which operators are also required to pay similar annual licence fees for their operation, and the rates of the licence fee concerned?*

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

- (a) The cost of issuing travel agent licences by the TAR is about \$6.33 million per annum, details of which are as follows:

<i>Components</i>	<i>Estimated Cost ( \$ million )</i>	<i>Percentage</i>
Staff Costs	5.48	86.65%
Departmental Expenses	0.12	1.96%
Accommodation Costs	0.49	7.66%
Administrative Overhead	0.24	3.73%
Total	6.33	100%

The revenue of the TAR varies according to the number of licences issued each year. In 2003-04, in order to help the travel agents tide over the negative impact of SARS, the Government exempted the licence fees of travel agents for one year from 1 June 2003. As a result, the revenue raised from issuing travel agent licences in 2003-04 was only \$749,000 and the cost-recovery rate was about 12%. In view of the strong tourism performance in 2004-05, the estimated revenue is about \$6.6 million and the cost recovery rate is expected to be 104%.

- (b) and (c)

Apart from company registration requirement under the Companies Ordinance, many service industries operating in Hong Kong are also required to apply for the relevant licence(s) and pay licence fees under the relevant ordinances. Tourism-related industries, such as travel agents, hotels, guesthouses, restaurants, tour coaches, private hire cars, and so on, are required to obtain their respective operating licences. Examples of other service industries include security companies and insurance companies.

Information on licence fees for travel agents and other industries are set out below:

<i>Business</i>	<i>Licence fee</i>
Travel agent	The annual licence fee of a travel agent licence is \$5,820.
Hotel and Guesthouse	Depending on the number of rooms and the licence validity period, the licence fee ranges from \$2,790 to \$117,220.
Restaurant	Depending on the type and area of restaurant, the annual licence fee ranges from \$1,810 to \$258,870.
Tour coach	Annual licence fee is determined in accordance with the number of seats for passengers: \$25 for the driver; and \$50 for each passenger seat. The Passenger Service Licence fee is \$396 per annum and the Passenger Service Licence Certificate fee is \$160 per vehicle per annum.
Private hire car	Depending on the cylinder capacity of the engine, the annual licence fee for private car ranges from \$3,815 to \$11,215. Moreover, hire car permits are required for hire cars, the fee is \$1,000 per annum.
Security company	Depending on the type of security work, annual licence fee ranges from \$15,610 to \$47,080.
Insurance	Depending on the type of insurance business, annual licence fee ranges from \$22,600 to \$454,600.

### **Hong Kong Construction Workers Finding Jobs in Macao**

19. **MR ABRAHAM SHEK:** *Madam President, whilst the latest unemployment rate of the construction sector in Hong Kong still remains persistently high at 15.1%, which is well above the overall unemployment rate of 6.8%, it is reported that Macao is facing a shortage of construction workers, and the Macao authorities are discussing with the Hong Kong authorities the importation of Hong Kong construction workers. In this connection, will the Government inform this Council:*

- (a) *of the progress of the above discussions;*
- (b) *whether it has taken any actions to assist the construction workers of Hong Kong in finding jobs in Macao; if so, of the details; if not, the reasons for that; and*

- (c) *of the actions it has taken to ensure that the Hong Kong construction workers' labour rights are adequately protected while working in Macao?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:**  
Madam President,

- (a) The Government of the Macao Special Administrative Region (SAR) has put in place a labour importation scheme since 1988 to allow employers to import non-resident workers, including construction workers, to take up jobs which cannot be filled by local Macao workers. An employer who intends to import non-resident workers has to seek approval from the Labour Affairs Bureau (LAB) of Macao and prove that resident workers are not available to fill the vacancies, and that importation of workers will not jeopardize the interests of resident workers. According to the Labour Department's recent enquiry with the LAB, the Macao SAR Government does not at this stage have any special scheme to import construction workers from Hong Kong. However, in view of Macao's rapid development in building and construction works in recent years, the demand for construction workers is expected to be substantial over the next few years. According to the LAB, so long as importation of workers would not adversely affect the interests of resident workers, the Macao SAR Government would welcome non-resident construction workers, including those from Hong Kong to work in construction projects in Macao.
- (b) Apart from helping job seekers to find jobs, the Labour Department can also help Hong Kong employers to recruit staff to work outside Hong Kong (for example, Macao). To facilitate data searching and application by job seekers, all relevant information about the vacancies registered with the Labour Department (including those which require employees to work abroad) are displayed at all 10 job centres of the Department and uploaded to its Interactive Employment Service (iES) website. To further assist Hong Kong job seekers interested in taking up employment in Macao, the

Labour Department will launch a dedicated webpage in its iES website to provide information on employment opportunities in Macao and labour rights and benefits for non-resident workers in Macao.

- (c) Labour legislation in Macao only applies to its resident workers. However, to protect non-resident workers, the Macao SAR Government requires employers to sign with non-resident workers written employment contracts. All employment contracts must be approved by the LAB. As a general principle, the rights and benefits accorded to non-resident workers under the employment contract should not be lower than the standards stipulated in the relevant labour laws. In case a non-resident worker is not granted any of the contractual rights and benefits, or if there is any employment-related dispute with his employer, the LAB will provide free conciliation service to help the two parties reach a settlement. If the matter cannot be resolved through conciliation, the LAB will refer the case to the Public Prosecutions Office. Under the Macao legislation on labour litigation, the Public Prosecutions Office may represent the worker to lodge a claim against his employer in court through civil proceedings.

**(Questions scheduled for this Council meeting)**

**Collecting Used Clothes in Public Places**

20. **MISS CHOY SO-YUK** (in Chinese): *Madam President, it has been reported that some people make profits by reselling the used clothes collected on the pretext of environmental protection from the metal cages they place in public places over a prolonged period. In this connection, will the Government inform this Council of:*

- (a) *the number of relevant complaints received by the authorities last year, details of these complaints and, among them, the number of cases which were confirmed to be activities conducted by business establishments;*

- (b) *the number of applications received by the Lands Department for placing metal cages in public places to collect used clothes, the respective numbers of applications approved and rejected, and the reasons for rejecting those applications; and*
- (c) *the conditions the Lands Department imposes when approving the relevant applications and whether they include a stipulation that the activities involved should be of a non-commercial nature; how the Lands Department ensures that the successful applicants will comply with the conditions and the penalties that may be imposed on those breaching such conditions; of the number of cases discovered by the Lands Department which involved breaches of the conditions last year and the punishments imposed on the people concerned?*

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

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

- (a) Last year (2004), the Lands Department received 30 cases of complaints concerning use of metal cages for collection of used clothing. The majority of the complaints concerned unauthorized occupation of land, obstruction and nuisance caused by clothing over-spilt from cages.
- (b) Last year, the Lands Department received 324 applications for placing of metal cages in public places for collection of used clothing. Among these applications, 288 cases were approved, 24 rejected and 12 under processing. Reasons for rejection included the following: concerned organizations unable to prove their non-profit-making status or the same areas have been booked for other activities for the scheduled period.
- (c) Organizations who wish to apply to collect used clothing using metal cages placed on streets in public should be non-profit-making body

or social service organizations. The Lands Department would require applicants to submit documents to prove that they are non-profit-making bodies or social service organizations. According to current policy and under the Lands Department's jurisdiction, if an applicant fails to comply with any requirement as stipulated in the approval letter, their articles are liable to forfeiture, with the clearance and removal costs to be recovered from the applicant. Last year, the Lands Department identified one case of a breach of condition as stipulated in the approval letter. The organization concerned has been warned and advised to make improvements.

### **Languages Used in Court Hearings**

21. **MR MA LIK** (in Chinese): *Madam President, regarding the languages used in court hearings, will the Government inform this Council whether:*

- (a) *it knows the number of cases heard in Chinese and its percentage in the total number of cases heard by various levels of Courts in each of the past five years, and the respective numbers of civil and criminal cases heard in Chinese and their percentages in the total numbers of similar cases heard by the District Courts and Courts of higher levels;*
- (b) *it knows if the language used in hearing an appeal case is the same as that used by the trial Court for the case concerned; if not, the arrangements and principles adopted by appellate Courts; and*
- (c) *the Basic Law provides protection of the right of Hong Kong residents who are the plaintiffs or the defendants in litigation cases to use the official language of their choice in court hearings; if it does, whether the authorities have assessed if the existing requirements on the use of official languages in judicial proceedings*



*stipulated in the Official Languages Ordinance contravene such protection under the Basic Law; if they have, of the assessment results and the justifications?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Chinese): Madam President, the first two parts of the question relate to the operations of the Court and case statistics. Having consulted the Judiciary, we now provide the following information.

- (a) The statistics relating to cases heard in Chinese are set out in the Annex.
- (b) An appeal in Court is usually conducted in the same official language as that used at the trial. However, if a party applies for the appeal to be conducted in the other official language as that used at the trial, the Court may grant the application if it is satisfied that this is just and expeditious for the disposal of the appeal. In such a case, a certified translation of such documents (including the transcript or part thereof) as are necessary for the appeal are required to be arranged for use by the Court and the parties to the proceedings.
- (c) Article 9 of the Basic Law provides that "in addition to the Chinese language, English may also be used as an official language" by the Judiciary. Therefore, a person has a constitutional right to use either official language in court proceedings. Section 5 of the Official Languages Ordinance (Cap. 5) provides that even though a Judge before whom the proceedings take place may determine to use one official language, his decision does not restrict the parties to the proceedings or their legal representatives from employing the other official language. Where necessary, the Judiciary will arrange for translation and interpretation services. The current legislative provisions are consistent with the Basic Law, as has been confirmed in a judicial decision.

Ratio of Number of Chinese Trials to Total Trials at Different Court Levels  
In 2000 to 2004

	2000	2001	2002	2003	2004
<i>Court of Final Appeal</i> <sup>(1)</sup>					
Chinese	0	0	0	0	0
<i>Court of Appeal</i>					
Criminal cases					
Chinese	20.9%	18.4%	33.1%	27.9%	33.6%
Civil cases					
Chinese	22.0%	13.7%	97.4% <sup>(2)</sup>	22.1%	21.6%
<i>Court of First Instance</i>					
Criminal cases					
Chinese	14.7%	17.9%	24.9%	19.3%	23.9%
Civil cases					
Chinese	9.4%	21.4%	16.6%	26.9%	20.0%
Appeal from lower Courts					
Chinese	40.5%	60.5%	68.7%	64.4%	57.6%
<i>District Court</i>					
Criminal cases					
Chinese	12.5%	20.3%	29.1%	30.1%	14.1%
Civil cases					
Chinese	8.9%	31.4%	38.4%	33.3%	43.8%
<i>Magistrates' Courts</i>					
Charge cases					
Chinese	55.0%	65.2%	68.1%	63.7%	62.2%
Summonses					
Chinese	93.7%	95.3%	93.8%	93.9%	92.2%

(1) Court of Final Appeal has no Chinese trial as non-Permanent Judges are monolingual.

(2) In 2001, 90% of the civil appeal cases filed were right of abode cases, and most of these cases were tried in 2002 and in Chinese.

## **Taking out Professional Indemnities Insurance Cover by Private Practitioners**

22. **MR JAMES TIEN** (in Chinese): *Madam President, it has been reported that, as only a minority of private practitioners of Western medicine and Chinese medicine have taken out professional indemnities insurance cover, there is no full protection of patients' rights. In this connection, will the Government inform this Council:*

- (a) whether it knows the respective numbers of private practitioners of Western medicine and Chinese medicine who have taken out professional indemnities insurance cover, as well as the percentages of such practitioners among all the practitioners in their respective sectors;*
- (b) whether it has assessed the causes of the above practitioners not taking out insurance cover and how patients' rights have been affected; and*
- (c) of the measures to promote taking out professional indemnities insurance cover by private practitioners?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Chinese): Madam President, Professional Indemnity Insurance (PII) is not mandatory for medical practitioners (MPs) and Chinese medicine practitioners (CMPs). Nonetheless, a majority of MPs are covered by PII either through arrangements with their employers or through individual arrangements. Compared with MPs, the PII take-up rate of CMPs is lower.

For MPs employed by the Government, their liability for damages arising from the actions in the performance of their duties is covered by the Government. For MPs working in the Hospital Authority (HA), a master policy is in place to cover liabilities arising from their medical practice in the course of their employment. For MPs in the private sector, nearly all of those who take out PII through individual arrangements participate in a PII scheme managed by the

Medical Protection Society (MPS)<sup>1</sup> through the Medical Association. Some MPs in the public sector may also participate in this PII scheme. There are also other commercially operated schemes arranged by the Hong Kong Public Doctors' Association and Hong Kong Doctors Union.

For CMPs, Malpractice Liability Insurance Proposals are provided by some insurance companies. As for CMPs working in the three Chinese medicine (CM) Clinics at HA hospitals, medical liability insurance is provided by the concerned non-government organizations, which are employers of these CMPs.

- (a) As at 1 July 2004, over 8 000 MPs have participated in the PII scheme managed by the MPS, which constitute about 80% of registered MPs in Hong Kong. It should however be noted that not all registered MPs are engaged in patient service or clinical care, some are in administrative and research work which does not involve interface with patients. According to the Medical Association, nearly all MPs who are in relatively high risk practices have already taken out PII.

At the moment, about 100 CMPs have taken out PII, representing about 2% of the total registered CMPs in Hong Kong. It should be noted that statutory regulation of CMPs has only been in operation for six years, and the profession is at the early stage of formal development. Moreover, CM is often perceived to be less intrusive in Hong Kong with patients managed on an out-patient basis for less serious or acute conditions.

- (b) The Administration fully appreciates the need to protect the interests of the public against medical malpractice and negligence. Regardless of whether a MP/CMP has insurance cover, they will have tortious liability if they are found to be negligent. We do not have statistics on medical practitioners who do not have insurance cover and fail to pay off compensation to patients as damages for medical incidents, and therefore have not made an assessment on the impact of such lack of insurance cover.

<sup>1</sup> MPS is not an insurance company but a mutual medical protection society operating in over 40 countries by subscriptions. In case of a negligence claim, members of the MPS will be provided with complete indemnity against legal costs and damages awarded on a discretionary basis according to the track record of the members.

- (c) The taking out of PII is a voluntary act to protect the practitioners. Every practitioner would assess the risks involved in providing his service before coming to a decision on whether or not to obtain cover. It would be difficult to assess the reasons why some practitioners decide not to obtain cover when they all have tortious liability if they are found negligent.

The Hong Kong Medical Council<sup>2</sup> (HKMC) has discussed and examined the need for all MPs to take out PII before, and supports that all MPs, particularly those who provide patient service, should do so. On the request of the Government, the HKMC revisited the issue in 2004 and issued a strong recommendation to all MPs, particularly those who are practising clinical medicine directly or indirectly, to take out PII.

In relation to CMPs, the Department of Health (DH) continues to play a facilitating role in encouraging them to take PIIs. The DH briefed the insurance industry in June 2004 on the latest development in the regulation of CM in Hong Kong and encouraged insurance brokers to provide assistance to CMP associations. The Chinese Medicine Council will also continue to encourage CMPs to take out PIIs, and provide appropriate assistance.

<sup>2</sup> The Hong Kong Medical Council is the regulatory body established under the Medical Registration Ordinance (Cap. 161) to assure and promote quality in the medical profession in order to protect patients, foster ethical conduct, and develop and maintain high professional standards.

## Implementation of CEPA

23. **MR JEFFREY LAM** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the substantial benefits brought to the overall economy of Hong Kong by the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA);*
- (b) *of the number of Hong Kong businessmen who have relocated part of their production process from the Mainland to Hong Kong due to the implementation of CEPA;*

- (c) *whether new measures, such as simplifying the vetting and approval procedures for setting up factories, have been drawn up to facilitate early commencement of production or provision of services by Hong Kong businessmen who have relocated their factories to Hong Kong due to the implementation of CEPA;*
- (d) *of the respective numbers of foreign companies which, due to the impact of CEPA, have entered the mainland market by establishing companies in Hong Kong or hiring local companies to serve as a gateway to the mainland market, and have entered the mainland market by acquiring Hong Kong enterprises; and*
- (e) *of the number of mainland enterprises which, due to the impact of CEPA, have been successful in applying for the establishment of companies to operate in Hong Kong, as their first step to enter the international market?*

**SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY** (in Chinese): Madam President, my reply to the various parts of the question is set out below:

- (a) Last year the Hong Kong economy saw a robust growth of 7.5%. In particular, exports of goods rose by 15% in real terms during the first 11 months; exports of services increased in real terms by nearly 17% in the first three quarters and visitor arrivals exceeded 21 million, a surge of nearly 40% compared to 2003. There was a 7.4% hike in private consumption expenditure during the first three quarters, the highest rise in the past decade. Investment in machinery and equipment picked up by 18% in real terms in the first three quarters. The unemployment rate has dropped steadily from a peak of 8.6% in 2003 to 6.5% at the end of 2004. Deflation, with which Hong Kong has been beset for several years, finally disappeared. While there were many factors leading to economic growth, the positive impact on our economy generated by the implementation of CEPA in the past year was obvious.

CEPA II came into full effect starting from 1 January 2005. As a result, Hong Kong products under a total of 1 108 Mainland 2005

tariff codes can be imported tariff free to the Mainland, and Hong Kong suppliers are now eligible for the Mainland's preferential treatment in a total of 26 service areas. We believe these new liberalization measures would further propel Hong Kong's economic growth.

The implementation of CEPA has been smooth. The number of applications for Certificates of Hong Kong Origin (CO) and Certificates of Hong Kong Service Supplier (HKSS) are growing steadily. As at end of 2004, Hong Kong made products of a total value of \$1.15 billion were imported into the Mainland tariff free under CEPA. Major products benefited include: textiles and clothing, pharmaceutical products, electrical and electronics products, coloring matters, and chemical products, and so on. Over 660 Hong Kong-registered enterprises have been issued with Certificates of HKSS. Under CEPA, these enterprises are able to enjoy preferential treatment to enter the mainland market. Some enterprises in sectors such as banking, distribution, transport and logistics have already set up operations in the Mainland; over 1 000 Hong Kong residents have registered with the Guangdong authorities to set up individually owned stores to provide retailing services. Over 5 million mainland visitors came to Hong Kong under the Individual Visit Scheme (IVS), which helped to boost the tourism-related industries, such as restaurants, retail and hotels. Since last August, the application procedures for state-owned and private enterprises in the Mainland to set up business in Hong Kong have been greatly streamlined. This has speeded up the pace of mainland enterprises investing in Hong Kong and fostered growth for both places.

The Administration is conducting an analysis of the economic impact of CEPA. The study would cover three aspects: trade in goods, trade in services, and IVS. It is expected that the study would be completed in the first quarter this year. We would report the results to the Legislative Council Panel on Commerce and Industry, and would publish them.

- (b) We do not have the relevant figures. Relocation of production lines and process entails a number of considerations, such as

demolition and rebuilding of existing facilities, backend support, and suspension of production. Even if production in Hong Kong is considered profitable, most businessmen may choose to expand their existing local production lines, or set up new ones, in order to enjoy the benefits from CEPA.

The industrial estates under the Hong Kong Science and Technology Parks received a lot of enquiries from local and overseas investors from high value-added industries on how to set up factories in Hong Kong. Recently, a famous Chinese herbal medicine enterprise set up operations in the industrial estate to make use of CEPA. Following the implementation of subsequent phases of CEPA, it is expected that more manufacturing activities with high value-added content would be attracted to Hong Kong.

- (c) Hong Kong has a sufficient supply of factory premises. Hong Kong businessmen who want to set up factories here may choose to buy or rent factory buildings. Manufacturers who want to apply for CO for CEPA should apply for Factory Registration (FR) with the Trade and Industry Department (TID). They are required to fulfil just some basic requirements such as the possession of valid Business Registrations; fixed and self-contained premises; as well as machinery and labour force for production, and so on. In general, the TID would complete the registration procedures and issue the FR within 14 working days. Manufacturers may apply for CO for CEPA immediately after registration.

The Government of the Hong Kong Special Administrative Region (SAR) is determined to improve the business environment in order to facilitate the development of commerce and industry. For example, we launched the Helping Business Programme in 1996, with a view to creating a facilitating environment through eliminating outdated and unnecessary regulations, and cutting red tape. A Subgroup on Business Facilitation has been set up under the Economic and Employment Council chaired by the Financial Secretary to study the regulatory measures in different industries, and recommend streamlining measures.



- (d) According to the results of the 2004 Annual Survey of Regional Offices Representing Overseas Companies in Hong Kong conducted by the Census and Statistics Department, as at 1 June 2004, there were 1 098 companies which had set up regional headquarters and 2 511 which had set up regional offices in Hong Kong, an increase of 13.7% and 12% respectively compared to 2003, and the largest increase since 2001. In addition, among the 205 foreign companies assisted by InvestHK in setting up or expanding operations in Hong Kong during 2004, 45 (22%) have indicated that CEPA is one of the factors considered when making the investment. Some 19 companies invested in Hong Kong because of CEPA, while others have accelerated their investment plan, and/or invested more capital or employed more staff as a result of CEPA.
- (e) According to the statistics provided by the Census and Statistics Department, as at mid-2004, the number of mainland enterprises with regional headquarters and regional offices in Hong Kong was 12.9% higher than in the previous year. Out of the 205 investment projects assisted by InvestHK in 2004, 35 were mainland enterprises, a sharp increase of 106% compared to 17 in 2003. We believe the implementation of CEPA is one of the factors attracting mainland enterprises to Hong Kong. In addition, the application procedures for state-owned and private enterprises in the Mainland to set up business here have been greatly streamlined since end August last year. This, together with InvestHK's facilitating measures, has speeded up the pace of mainland enterprises investing in Hong Kong. The SAR Government would continue to seek to attract more mainland enterprises, large and small, to come to Hong Kong.

### **Claiming Deductions for MPF Contributions from Assessable Income**

24. **MR ALBERT HO** (in Chinese): *Madam President, under the Inland Revenue Ordinance (IRO) (Cap. 112), an employee may claim a deduction from his assessable income in respect of his contributions to a Mandatory Provident Fund Scheme (MPFS) or Recognized Occupational Retirement Scheme (RORS), and the maximum amount deductible is equivalent to the mandatory contribution*

*cap. However, an employee who is unaware of the above provisions and hence has not claimed a deduction may have to pay more tax. According to the Annual Report of the Inland Revenue Department (IRD), there were about 1 205 000 taxpayers in the year of assessment 2001-02. Nevertheless, in reply to a Member's question at the Legislative Council meeting on 3 November last year, the Government advised that there were only about 822 000 claims for deductions in respect of such contributions in that year of assessment. In this connection, will the Government inform this Council:*

- (a) of the reasons for the number of taxpayers exceeding the number of people claiming deductions of such contributions by more than 380 000 in the above year of assessment; and*
- (b) whether it will consider requiring employers to report the amounts of employees' contributions to a MPFS or RORS on the Employer's Return of Remuneration and Pensions, so as to remind their employees that they can claim deductions in respect of such contributions and to facilitate verification of the amounts of such contributions by the IRD; if not, the reasons for that?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): Madam President,

- (a) Under the IRO (Cap. 112), a taxpayer may claim a deduction from his assessable income in respect of his contributions to a MPFS or RORS. However, not all salaries taxpayers (which include employed persons and pensioners, totalling 1 205 000) have incurred MPFS or RORS related expenses and are eligible for such a deduction. Some main categories of taxpayers who do not need to make any contribution to MPFS or RORS and thus are not eligible for deductions are as follows:
  - (i) Some 149 000 taxpayers are civil servants. A great majority of these persons are covered by the Civil Service Pension System and thus do not need to make any contributions to MPFS or RORS.

- (ii) Some 19 000 taxpayers are ex-civil servants receiving pensions<sup>1</sup>. These taxpayers do not need to contribute to any recognized retirement schemes.
- (iii) Some of the 480 000<sup>2</sup> employees who have joined an MPF-exempted RORS may be liable to pay salaries tax but may not need to make any contribution to the schemes because some of the schemes are only funded by employers' contributions. But we do not have the breakdown on how many actually pay salaries tax.
- (iv) Among the 45 000<sup>3</sup> expatriates who do not have the right of abode in Hong Kong and are covered by overseas retirement schemes or who work in Hong Kong for not more than 13 months and therefore do not need to make contributions to MPFS or RORS, some may be liable to tax. However, we do not have statistics on how many actually pay salaries tax.

The foregoing helps to explain the discrepancy between the number of taxpayers (1 205 000) and the number of claimants for deduction (822 000). We believe that the number of taxpayers eligible for deduction but who have not claimed this should not be significant. In cases where a taxpayer fails to make a deduction claim for some reason, he may provide evidence and make a supplementary application within six years of the year of assessment concerned, if his failure is due to an error or omission.

- (b) Under the IRO, it is the right and responsibility of taxpayers to claim for deductions. It is the Administration's policy to encourage taxpayers to understand their rights under the tax laws and make claims for deduction in their tax returns. The IRD makes use of various means to publicize such rights to taxpayers. Apart from providing a specific part (part 4.3) in the tax return to allow the taxpayer to make an application for the deduction of

<sup>1</sup> Retired persons receiving a pension are liable to salaries tax under section 8(1)(b) of the IRO.

<sup>2</sup> Estimation provided by the Mandatory Provident Fund Schemes Authority (MPFA) based on figures reported by Employers of MPF-exempted ORSO Registered Schemes.

<sup>3</sup> Estimation provided by the MPFA based on figures provided by the Immigration Department. Domestic employees are excluded.

retirement contributions, and elaborate explanations in the Guide to Tax Return sent with the tax returns, the IRD also provides taxpayers, through the pamphlets issued and the Internet, detailed explanations of matters relating to contributions to recognized retirement schemes.

In addition, employers are required under the MPF legislation to issue to their employees a monthly record of MPF contribution, specifying the amount of relevant income paid to the employees, the amount of mandatory and voluntary contribution made by the employers and the amount of mandatory and voluntary contribution deducted in respect of the employees. This monthly record provides the employee with clear information to assist him in calculating the amount of his contribution for the purpose of making a claim for tax deduction.

Under the IRO, application for a deduction has to be made by the taxpayer himself. The process of making a deduction claim by the taxpayer cannot be dispensed with even if it is required that the amount of the employee's contribution to MPF is reported by the employer in the Employers' Return.

In view of the above, we do not consider it necessary to require employers to report the amounts of employees' contributions to a MPFS or RORS on the Employer's Return on top of the present arrangements.

### **Transport Arrangement for Penny's Bay**

25. **MR LI KWOK-YING** (in Chinese): *Madam President, the Hong Kong Disneyland (HKD) at Penny's Bay on Lantau Island is planned to open on 12 September this year. Regarding the transport arrangement for Penny's Bay, will the Government inform this Council:*

- (a) *of the details about the routes of franchised and non-franchised buses (NFB) and green minibuses the operations of which have been confirmed and are being considered, including the dates at which they will come into service, the fares, daily service hours,*

*frequencies, journey time, whether they are newly introduced or redeployed from existing routes, and the operation restrictions concerned;*

- (b) of the respective maximum passenger capacities during and outside peak hours of the routes which have been confirmed, and the respective projected initial patronage of each of such routes during and outside peak hours and for the whole day;*
- (c) of the criteria adopted for determining the number of routes to be operated and for selecting the modes of public transport to operate such routes;*
- (d) whether it will prohibit red minibuses or NFB from operating routes to and from Penny's Bay; if it will, of the reasons for that; and*
- (e) of the efforts it has made, in making the transport arrangement for Penny's Bay, to balance the interests of various public transport modes and protect the public's right to choose their transport modes; whether it has consulted the transport sector and the public before making the decisions concerned; if it has, of the consultation results; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President, in addition to the Mass Transit Railway (MTR) Disneyland Resort Line (DRL), public transport services by other modes, such as franchised buses, taxis and NFB to the HKD are being planned. Details of these public transport services, such as the modes, routeings, capacity and schedule of services are being finalized. As for non-scheduled service such as taxis and certain types of NFB service like tour service and contract hire service, we expect their patronage to vary on a day-to-day basis as the demands for such services are ad hoc in nature.

In planning the modes and level of public transport services at Penny's Bay, we have taken into account the existing policy of having railways as the backbone of the transport system, the need for balanced competition within the transport market and for maintaining choice for passengers, the planned availability and carrying capacity of the DRL which connects to the MTR network, the existing

public transport network, the projected passenger demand to and from Penny's Bay, the recreational nature of the passenger demand, the road network capacity and the operating characteristics of different transport modes.

After considering the above factors, it is expected that there will be a variety of public transport modes from which the HKD visitors can choose. It is our usual practice in maintaining liaison with the trades concerned and the relevant District Councils where appropriate in planning public transport services. We will consider their views when finalizing the transport arrangements for the HKD.

### **Reducing Provision for Community Development Initiatives**

26. **MR FERNANDO CHEUNG** (in Chinese): *Madam President, it is learnt that a survey undertaken by the Hong Kong Council of Social Service has found a sharp decrease in the number of community development initiatives (CDIs) over the last five years, as shown in the following table:*

	<i>January 1999</i>	<i>December 2004</i>
<i>Neighbourhood Level Community Development Projects being implemented</i>	<i>52</i>	<i>21</i>
<i>Community Centres operated by non-government organizations</i>	<i>13</i>	<i>13</i>
<i>Group Work Units</i>	<i>13</i>	<i>0</i>

*Also, an official from the Social Welfare Department (SWD) stated last month that starting from 2005-06, the provision for CDIs will be reduced by 4%. In this connection, will the Government inform this Council of:*

- (a) the administrative expenses of the SWD on monitoring the implementation of CDIs over the last five years, and whether such expenses have been adjusted downwards in line with the decrease in CDIs;*
- (b) the reduction in the Government's allocation to CDIs over the last five years, and the respective portions of the reduction made for the purpose of cutting expenses and providing extra funds for other*

*services, and the details of the additional provision consequentially enjoyed by each of such other services; and*

- (c) *the dollar amount of the 4% reduction, and the basis for calculating the percentage reduction?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, my reply to the question is as follows:

- (a) Community development services fall under Programme (6) of the SWD. Such services are provided by both the SWD and non-governmental organizations. The Neighbourhood Level Community Development Projects (NLCDP) is one of the community development services under Programme (6). In line with the Government's policy that NLCDPs should be phased out following the reduction in service demand as a result of the clearance of temporary housing areas and squatter areas, the number of NLCDP teams had been reduced in the past five years.

The administrative expenses of the SWD on community development services in the past five years were as follows:

<i>Financial Year</i>	<i>(\$m)</i>	<i>Increase/(Decrease) over previous year (\$m)</i>
2000-01 (Actual)	14.5	-
2001-02 (Actual)	16.2	1.7
2002-03 (Actual)	19.5	3.3
2003-04 (Revised Estimate)	20.3	0.8
2004-05 (Approved Estimate)	3.9	(16.4)*

\* The reduction in 2004-05 is due to transfer of activities and provisions for Family Support and Resource Centres (FSRC) and Family Support Networking Teams (FSNT) (including administrative expenses) from Programme (6) to Programme (1): Family and Child Welfare.

According to the SWD, the changes in the administrative expenses on community development services during the past five years were the result of both re-engineering of other services under Programme (6) and the provision of additional funding for the creation of temporary jobs (mainly programme assistants, youth ambassadors and social work assistants) for community development services.

- (b) The financial provisions of community development over the past five years are as follows:

<i>Financial Year</i>	<i>(\$m)</i>	<i>Increase/(Decrease) over previous year (\$m)</i>
2000-01 (Actual)	269.5	-
2001-02 (Actual)	276.5	7.0
2002-03 (Actual)	285.3	8.8
2003-04 (Revised Estimate)	281.6	(3.7)
2004-05 (Approved Estimate)	133.6	(148.0)

There were reductions in the estimated financial provisions for community development services in 2003-04 and 2004-05. The reductions were mainly the results of the following adjustments:

	<i>2003-04 (\$m)</i>	<i>2004-05 (\$m)</i>
1 Transfer of activities and provisions for FSRC and FSNT (including administrative expenses) from this Programme (6) to Programme (1) Family and Child Welfare	-	(114)
2 Efficiency Savings	(5.2)	(10.3)
3 2004 and 2005 Civil Service Pay Cut	(4.6)	(4.1)

- (c) In 2005-06, the financial provision for Programme (6) has to be reduced by 4%, which amounts to \$5.718 million over the previous year. This percentage reduction, which also applies across the board to all other subvented services under the purview of the Home



Affairs Bureau, has been worked out on the basis of the overall efficiency savings targets which the Home Affairs Bureau is required to deliver for the period from 2003-04 to 2006-07, as part of the Administration's concerted efforts to tackle the budget deficit problem.

### **Private Car Parks**

27. **MR FREDERICK FUNG** (in Chinese): *Madam President, regarding car parks operated by private operators, will the Government inform this Council:*

- (a) *of the quarterly numbers of cases of theft from vehicles and vehicles stolen at such car parks in various police districts in the past three years;*
- (b) *of the existing legislation and measures to vet and approve applications for operating such car parks and to monitor their security situation; and*
- (c) *whether it will consider introducing a demerit points system for penalizing those private operators who fail to properly handle security problems at their car parks?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President,

- (a) The quarterly returns on the number of cases of theft from vehicles and missing vehicles which occurred at car parks in the past three years, with a breakdown by police regions, are provided at the Annex. While detailed breakdown by mode of operation of car parks is not available, the figures largely reflect cases that took place at car parks operated by non-government operators as the Government no longer operates public car parks.
- (b) The setting up and operation of car parks have to comply with relevant legislative and administrative requirements in different

areas. The respective procedures for major modes of car park operations in Hong Kong are as follows:

- (i) for car parks in multi-storey private buildings, the developer would need to satisfy the requirements of relevant departments in respect of areas such as planning control, land lease conditions, traffic management and road safety. The respective departments will consider the applications when they are submitted for approval in accordance with the applicable procedures;
- (ii) for car parks operating on government land under a short-term tenancy with the Lands Department as landlord and the operator as tenant, the operator would likewise need to satisfy relevant requirements on planning control, traffic circulation and road safety, and so on. In particular, a scheme of security has to be provided to the police for advice where appropriate. The relevant requirements are set out in the tenancy after consulting concerned departments; and
- (iii) multi-storey car parks owned by the Government are managed by its contractors.

While it is primarily the operators' responsibility to ensure the security of the car parks, the police regularly provide advice to these operators on crime prevention and basic anti-theft measures. The police also keep the crime situation of these car parks under close monitoring, and will step up their patrolling efforts nearby where necessary. Anti-theft messages are also conveyed to car owners from time to time, for example, by reminding them not to expose valuable properties within their vehicles.

For car parks operating on short-term tenancy mentioned in (ii) above, the tenant is required to comply with the relevant requirements under the tenancy, including the scheme of security.

For operators of government owned car parks, performance indicators will be introduced in the new management contracts (due to commence on 1 May 2005) to assess the contractor's performance in key areas more objectively on a monthly basis. These would include compliance with scheduled patrol/inspection duties, and incidents of vehicle theft.

- (c) We will continue to closely monitor the law and order situation in the carparks. At present the Government has no plan to introduce a demerit points system for penalizing private car park operators in general, on the basis of security or other relevant performance indicators.

Annex

### Number of cases of theft from vehicles and missing vehicles

	2002					2003					2004				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Theft from vehicles															
HK Island	27	20	46	22	115	46	61	54	40	201	20	23	31	26	100
Kln East	68	84	126	96	374	80	137	133	152	502	84	93	85	109	371
Kln West	39	41	54	36	170	46	54	68	73	241	37	64	62	46	209
NT North	77	93	114	115	399	161	161	122	136	580	122	79	109	88	398
NT South	65	66	67	58	256	114	115	134	140	503	61	82	65	69	277
Total	276	304	407	327	1 314	447	528	511	541	2 027	324	341	352	338	1 355
Missing vehicles															
HK Island	21	34	34	18	107	33	39	33	29	134	22	24	23	12	81
Kln East	31	31	37	32	131	32	48	43	41	164	24	21	27	17	89
Kln West	40	43	39	33	155	35	33	36	37	141	32	22	23	15	92
NT North	97	66	75	90	328	60	66	49	46	221	30	31	22	40	123
NT South	58	40	65	41	204	46	51	43	44	184	31	19	31	19	100
Total	247	214	250	214	925	206	237	204	197	844	139	117	126	103	485

**Disclosure of Information on Aircraft Occurrences**

28. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, it has been reported that a number of flights of a local airline experienced mechanical failure in recent months. Although the airline subsequently made reports to the Civil Aviation Department (CAD), the CAD did not make public the incidents and refused to disclose the details concerned to the media. In this regard, will the Government inform this Council:*

- (a) of the total number of aircraft occurrence reports received by the CAD from different airlines over the past three years, with a breakdown by the causes of the occurrences;*
- (b) why the CAD refused to make public the details of the incidents in question; and*
- (c) whether the CAD will regularly publish information on aircraft occurrences to address public concern; if it will not, of the reasons for that?*

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

- (a) and (b)

According to the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (the Regulations) (Cap. 448B), in the event of an accident or serious incident associated with an aircraft which results in the death or serious injury of any person; damage or structural failure of any aircraft which adversely affects its structural strength, performance or flight characteristics; or missing or complete inaccessibility of the aircraft, the commander of the aircraft has to make an immediate report to the Chief Inspector of Accident appointed under the Regulations. The Chief Inspector of Accident will then publish information about such accident or

serious incident. There were two cases between 2002 and 2004. Immediate public announcements were made on both occasions.

Separately, in accordance with the Air Navigation (Hong Kong) Order 1995 (the Order) (Cap. 448C), Hong Kong airlines must report occurrences which involve their aircraft, including occurrences related to the airframe systems, aircraft engine and avionics equipment, to the CAD within 96 hours of such occurrences. Occurrences reported between 2002 and 2004 are summarized below:

<i>Year</i>	<i>Occurrences Related to Airframe Systems</i>	<i>Occurrences Related to Aircraft Engine</i>	<i>Occurrences Related to Avionics Equipment</i>	<i>Total</i>
2002	81	42	31	154
2003	110	71	20	201
2004	174	68	15	257

The Order does not require public announcement of these occurrences. It is also not the usual international practice to make immediate public announcement of each of these occurrences.

- (c) The CAD has reviewed the public announcement mechanism in the light of recent public concerns over aircraft incidents. Apart from maintaining the present practice of making immediate announcements of accidents and serious incidents, the CAD will immediately publish information on any aircraft occurrence that may be of safety concern to the public.

### **Storage Sites for Abandoned Electronic Products**

29. **MS LI FUNG-YING** (in Chinese): *Madam President, it has been reported that some pieces of land in the New Territories are being used as storage sites for abandoned electronic products. In this connection, will the Government inform this Council:*

- (a) *of the number of pieces of land in Hong Kong which are being used for the above purpose at present, together with a list showing the district, size, original land use and the types and quantities of the abandoned electronic products stored in respect of each piece of land, and whether it is government-owned or private-owned;*
- (b) *whether it has received complaints concerning the above sites; if it has, of the nature and number of such complaints, and the authorities' follow-up actions; and*
- (c) *whether it has assessed the impacts of the sites concerned on the health of the nearby residents, the ecology and the environment; if it has, of the assessment results; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President,

- (a) Based on the inspections conducted by the Environmental Protection Department (EPD), there are 91 sites being used for storing abandoned electronic products. The relevant information of such sites is listed at Annex. The Annex shows that most of the sites are old scheduled agricultural lots which are privately owned. The abandoned electronic products include used computers, office equipment (for example, photocopiers, fax machines) and home appliances (for example, audio equipment, used television sets). Our record does not show the original land use of each site.
- (b) According to the Town Planning Ordinance, the use and development of any development permission area in the rural New Territories shall deem to be "unauthorized development" unless it was in existence before the publication of the relevant statutory plan in the Gazette or such use is always permitted under the statutory plan, or that planning permission has been granted by the Town Planning Board. The Planning Department (PlanD) can take control and prosecution actions against such cases of "unauthorized development" under the Ordinance.

Regarding the sites in the Annex, the PlanD has received five complaints, one of which has been confirmed to be a case of "unauthorized development" upon investigation. Subsequent to the issuance of a warning letter by the PlanD, the recycling operation in question has discontinued. The PlanD will continue to monitor the use of the site. For the other four complaints, no action can be taken due to insufficient evidence to establish a case of "unauthorized development".

In addition, the EPD has received a total of 25 complaints relating to the operation of electronic waste workshops. The complaints are mainly about noise generated when moving objects within the storage sites; dust caused by vehicles entering and leaving the sites; suspected storage of harmful waste on the sites; and wastewater discharged from the sites. Investigations by the EPD only found one workshop that failed to properly store broken glass containing heavy metals in accordance with the law. The workshop will be prosecuted for violating the Waste Disposal (Chemical Waste) (General) Regulation.

Besides, around the end of last year, the EPD has found two workshops in the North District that failed to properly store glass pieces from cathode ray tubes containing heavy metals in accordance with the law, thereby violating the Waste Disposal (Chemical Waste) (General) Regulation. The operators of the workshops either have been or will be prosecuted.

Apart from acting on complaints, the PlanD, the Lands Department and the EPD will conduct inspections and take action against non-compliance cases so identified.

- (c) Electronic waste includes various kinds of abandoned electronic products and components. According to assessment by the EPD, the storage of electronic waste will not pose any immediate risks to the environment or the health of nearby residents. This is because waste electronic products and components are solid waste and usually enclosed within metal or plastic cases and, therefore, the hazardous contents, such as heavy metals, are not easily discharged.

## List of sites used for storage of electronic waste

<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
1	North (Sha Tau Kok)	Private land - Old schedule agricultural lot	200	2 000
2	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	2 400	46 000
3	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	1 600	10 000
4	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	1 000	20 000
5	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	600	13 000
6	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	1 400	50 000
7	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	700	3 000
8	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	1 500	35 000
9	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	900	11 000
10	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	900	8 000
11	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	2 400	30 000
12	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	600	7 000
13	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	200	2 000
14	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	1 400	10 000
15	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	1 200	10 000



<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
16	North (Hung Lung Hang)	Private land - processing under Short Term Waiver - TFBM1732	3 600	170 000
17	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	7 000	120 000
18	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	2 500	2 000
19	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	3 000	20 000
20	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	4 200	120 000
21	North (Hung Lung Hang)	Private land - Old schedule agricultural land	400	5 000
22	North (Hung Lung Hang)	Private land - Old schedule agricultural lot	1 200	27 000
23	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	1 200	55 000
24	North (Hung Lung Hang)	Private land - Old schedule agricultural lots	2 400	60 000
25	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	600	10 000
26	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	7 200	50 000
27	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	1 200	12 000
28	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	1 200	3 000
29	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	1 200	12 000
30	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	600	3 000
31	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	600	10 000

<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
32	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	2 000	25 000
33	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	400	20 000
34	North (Ta Kwu Ling)	Private land - Old schedule agricultural lot	300	5 000
35	North (Ta Kwu Ling)	Private land - Old schedule agricultural lot	400	7 000
36	North (Ta Kwu Ling)	Private land - Old schedule agricultural lots	800	15 000
37	North (Ta Kwu Ling)	Private land - Old schedule agricultural lot	300	1 000
38	North (Ta Kwu Ling)	Private land - Old schedule agricultural lot	1 600	53 000
39	North (Ta Kwu Ling)	Private land - Old schedule agricultural lot	1 400	60 000
40	North (Ta Kwu Ling)	Private land - old schedule agricultural lots covered by Short Term Waiver 1080 for paper factory	2 000	30 000
41	North (Ta Kwu Ling)	Private land - Old schedule agricultural land	800	25 000
42	North (Ta Kwu Ling)	Private land - Old schedule agricultural land	300	13 000
43	North (Ta Kwu Ling)	Private land - Old schedule agricultural land	400	5 000
44	North (Ta Kwu Ling)	Private land - Old schedule agricultural land	1 400	15 000
45	North (Ta Kwu Ling)	Private land - Old schedule agricultural land	1 200	10 000
46	North (Yuen Long)	Government land	1 800	3 500

<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
47	North (Kwu Tung)	Private land - old schedule agricultural lot	1 800	Indeterminable as it varies from time to time
48	North (Kwu Tung) - clearance action in progress - grace period expired on 28 February 2005	Government land	10 000	Indeterminable as it varies from time to time
49	North (Kwu Tung)	Private land - Old schedule agricultural lots	2 500	Indeterminable as it varies from time to time
50	North (Kwu Tung)	Private land - old schedule agricultural lots and are covered by Short Term Waiver 972 for godown for storage of steel sheets or such metal goods	5 500	Indeterminable as it varies from time to time
51	North (Kwu Tung)	Private land - Old schedule agricultural lots	400	Indeterminable as it varies from time to time
52	North (Yuen Long)	Private land - Old schedule agricultural lot	1 200	Indeterminable as it varies from time to time
53	North (Yuen Long)	Private land - Old schedule agricultural lot	250	Indeterminable as it varies from time to time
54	North (Fan Ling)	Private land - Old schedule agricultural lot	2 700	850

<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
55	North (Fan Ling)	Private land - old schedule agricultural lots and are covered by Short Term Waiver 998 for a warehouse for storage of non-dangerous goods	2 000	60 000
56	North (Fan Ling)	Private land - Old schedule agricultural lots	2 000	7 000
57	North (Fan Ling)	Private land - Old schedule agricultural lots	4 000	150 000
58	North (Fan Ling)	Private land - Old schedule agricultural lots	2 000	60 000
59	North (Fan Ling)	Private land - Old schedule agricultural lots	1 000	90 000
60	North (Fan Ling)	Private land - Old schedule agricultural lots	1 000	600
61	North (Fan Ling)	Private land - Old schedule agricultural lots	1 000	1 100
62	North (Fan Ling)	Private land - Old schedule agricultural lot	5 000	Indeterminable as it varies from time to time
63	North (Sheung Shui)	Private land - Old schedule agricultural lot + Government Land	1 500	4 000
64	Yuen Long (East)	Private land - Old schedule agricultural lot	2 000	300
65	Yuen Long (East)	Private land - Old schedule agricultural lot	2 000	500
66	Yuen Long (East)	Private land - Old schedule agricultural lot	2 000	500
67	Yuen Long (East)	Private land - New Grant fish pond and agricultural lot	1 000	300

<i>No.</i>	<i>Location*</i>	<i>Land status</i>	<i>Estimated area of the site (sq m)<sup>#</sup></i>	<i>Estimated quantity of E-waste (Kg)</i>
68	Yuen Long (East)	Private land - Old schedule agricultural lot	600	200
69	Yuen Long (East)	Private land - Old schedule agricultural lot + Government Land	2 500	700
70	Yuen Long (West)	Private land - Old schedule agricultural lot	1 800	5 000
71	Yuen Long (West)	Private land - Old schedule agricultural lot	660	30 000
72	Yuen Long (West)	Private land - Old schedule agricultural lot	1 400	50 000
73	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	50 000
74	Yuen Long (West)	Private land - Old schedule agricultural lot	800	30 000
75	Yuen Long (West)	Private land - Old schedule agricultural lot	3 000	20 000
76	Yuen Long (West)	Private land - Old schedule agricultural lot	2 000	15 000
77	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	3 000
78	Yuen Long (West)	Private land - Old schedule agricultural lot	2 000	10 000
79	Yuen Long (West)	Private land - Old schedule agricultural lot	3 500	15 000
80	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	35 000
81	Yuen Long (West)	Private land - Old schedule agricultural lot	700	2 000
82	Yuen Long (West)	Private land - Old schedule agricultural lot	600	15 000
83	Yuen Long (West)	Private land - Old schedule agricultural lot	1 300	20 000

No.	Location*	Land status	Estimated area of the site (sq m) <sup>#</sup>	Estimated quantity of E-waste (Kg)
84	Yuen Long (West)	Private land - Old schedule agricultural lot	1 500	50 000
85	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	30 000
86	Yuen Long (West)	Private land - Old schedule agricultural lot	350	20 000
87	Yuen Long (West)	Private land - Old schedule agricultural lot	350	10 000
88	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	2 000
89	Yuen Long (West)	Private land - Old schedule agricultural lot	1 000	20 000
90	Yuen Long (West)	Private land - Old schedule agricultural lot	800	50 000
91	Yuen Long (West)	Private land - Old schedule agricultural lot	1 500	8 000

Note\* - As disclosure of the address of individual sites would prejudice the protection of the personal data under the Personal Data (Privacy) Ordinance (Cap. 486), such information cannot be provided.

Note<sup>#</sup> - The exact areas of the sites cannot be determined unless a proper survey is conducted.

### **Illegal Opening up of Government Land**

30. **MISS CHOY SO-YUK** (in Chinese): *Madam President, it has been reported that a piece of government land located on the side of Kwu Tung Road in San Tin, Yuen Long, was illegally opened up, involving the felling of a large number of trees. After receiving relevant reports from the local residents, the Government has already commenced an investigation into this case. In this connection, will the Government inform this Council:*

- (a) *of the total area of the land that has been opened up;*
- (b) *of the number, age and species of the trees felled, and whether they include trees of a particularly old age and exceptionally rare species;*
- (c) *of the progress of the investigation, and whether it will take prosecution actions;*
- (d) *whether it has any plan to recover the land concerned; if it has, of the estimated expenditure and other details of the plan, and whether it will claim compensation from the people involved; if it has not, the reasons for that; and*
- (e) *how it prevents the recurrence of similar incidents?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese):  
Madam President, my reply to the five-part question is as follows:

- (a) The excavated area involved is about 2 390 sq m.
- (b) According to aerial photos taken in October 2002, the estimated number of trees affected is about 40. However, the exact quantity, age and species of the trees affected cannot be ascertained as the trees have already been felled and removed before the excavation was discovered. Also, the Agriculture, Fisheries and Conservation Department holds no statistics and records of trees in that area.
- (c) Under section 10(2) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), it is an offence for any unauthorized person to make or maintain an excavation in unleased land. The Yuen Long District Lands Office is studying the evidence collected to determine whether there is sufficient ground to prosecute the parties concerned.
- (d) The Yuen Long District Lands Office has required the parties concerned to carry out waterproofing and slope stabilization works, including greening to the site, and will monitor the works to ensure

completion of the slope rehabilitation works as required. The concerned parties should bear the cost of the works. If the above is to no avail and, as a last resort, the Lands Department has to undertake the works on their behalf, the Lands Department would seek reimbursement from the concerned parties for the cost involved. The estimated amount could be about \$200,000.

- (e) Staff are deployed by the District Lands Offices to conduct regular inspections of government land. Advice against illegal cultivation on government land is frequently broadcast on TV and radio and appeals are made for reports on such activities. The Lands Department may also prosecute the illegal cultivators. Illegal cultivators shall be liable on conviction to a fine at \$50,000 and to imprisonment for six months. There were six convicted cases in 2004.

### **Appearance of a Crack on Airport Runway**

31. **MR LI KWOK-YING** (in Chinese): *Madam President, it has been reported that the northern runway of the Hong Kong International Airport (HKIA) was recently closed for two hours for repairs due to the appearance of a 1.5 m long and 4.4 cm wide crack, and all air traffic had to be diverted to the southern runway for take-offs and landings during the closure. In this connection, will the Government inform this Council if it knows:*

- (a) *whether the Airport Authority (AA) has thoroughly investigated the cause of the incident; if so, of the investigation results;*
- (b) *whether the AA has assessed the safety implications of such a crack on the take-offs and landings of aircraft; if so, of the assessment results; if not, the reasons for that;*
- (c) *of the practice and procedure adopted by the AA in the routine inspection and maintenance of runways; and whether such work is monitored by the Administration; if so, how it is monitored;*
- (d) *whether the AA has assessed if the crack was caused by differential settlement of the sand and soil used for the reclamation; if so, of the assessment results; and*



- (e) *given that a full-scale resurfacing of the northern runway has already started since December last year and is expected to be completed in May this year, and the southern runway has also shown signs of wear and tear, what specific measures have been taken by the AA during the period of the works for the detection of cracks in the runways and for ensuring the safety of aircraft in taking off and landing?*

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

- (a) The AA has completed an in-depth investigation into the incident occurred on 25 November 2004 when a crack of 1.5 m long, 4.4 cm wide was found on the north runway of the HKIA. The AA's investigation concludes that the crack was caused by a combination of normal wear and tear of the runway pavement and repeated aircraft braking operations.
- (b) After the crack was found on the north runway, the AA closed this runway immediately for emergency repair, and re-opened it within three hours. During the period, all flights were diverted to the south runway for take-offs and landings in an orderly manner and there was no impact on the safety of aircraft take-off and landing operations.
- (c) The AA follows the requirements of the Civil Aviation Department (CAD) and the relevant standards and guidelines promulgated by the International Civil Aviation Organization to monitor, repair and maintain the airport runways. The AA has also developed a comprehensive and effective repairs and maintenance programme to ensure the structural strength, friction and roughness of the runway are up to standard. Physical examination of the runway is conducted very frequently, including five runway inspections per day and a thorough runway checking every week. The AA also conducts a detailed assessment of the runway each year to ensure that the conditions of the runways are safe for aircraft take-offs and landings.

The CAD regulates and monitors the AA's runway repairs and maintenance work. The Department conducts regular audits of the AA's repairs and maintenance records, carries out runway inspections, and meets regularly with the AA to ensure that the repair and maintenance work is up to standard.

- (d) The investigation conducted by the AA has not found any evidence to suggest that the runway crack in question was caused by differential settlement of the airport's reclaimed land.
- (e) Wear and tear of the airport runway after repeated use is unavoidable. The AA has already put in place a regular programme for runway resurfacing. Resurfacing of the north runway is in progress and will be completed by April this year. Resurfacing of the south runway has been planned for 2005-06. Apart from runway resurfacing, as explained in part (c) above, the AA has a repair and maintenance programme to monitor runway regularly for repair and maintenance.

### **Tourist Guides Without Tourist Guide Permit**

32. **MR HOWARD YOUNG** (in Chinese): *Madam President, I have learnt that some travel agents employ tourist guides who have not yet obtained a tourist guide permit to receive inbound tours. Moreover, it is reported that the Travel Industry Council of Hong Kong (TIC) has found, at popular tourist spots, tourist guides employed by eight unlicensed travel agents receiving tours from the Mainland. In this connection, will the Government inform this Council whether it knows:*

- (a) *the number of inbound tourist guides who have not obtained the tourist guide permit, and the reasons for that;*
- (b) *if the authority concerned will provide more tourist guide training courses and examinations so that more tourist guides can obtain the permit expeditiously; and*
- (c) *if the authority concerned has any measures to curb the unlicensed operation of inbound tourist business and the travel agents'*

*employing tour guides without the permit, so as to safeguard the interests of licensed travel agents and tourist guides with the permit?*

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

- (a) The "Tourist Guides Accreditation System" of the TIC was announced in September 2002 and implemented on 1 July 2004. Under the System, anyone who wishes to be a tourist guide must pass an examination before applying for a Tourist Guide Pass. For those who were serving tourist guides before the implementation date, they could attend a special training course provided under the Government's Skills Upgrading Scheme and apply for the Tourist Guide Pass upon passing the examination. According to the TIC, since the commencement of the training programme, a total of 6 734 persons have completed the training course. Among them, about 5 000 have obtained the required qualification for the Tourist Guide Pass, of whom about 3 800 have already applied or have been granted the Tourist Guide Pass. As for those who have failed the examination, they may choose to sit for the examination again. Another 548 have enrolled or are attending the course. According to the TIC, all the tourist guides employed by licensed travel agents are holders of Tourist Guide Pass.
- (b) Since the announcement of the Tourist Guides Accreditation System in September 2002, the Government has appointed a total of 10 training institutes to conduct the training course on a regular basis. To ensure that the demand is fully met, the number of training places and the examination arrangements are provided according to the number of people who have registered for the course. For those who have failed the examination, they may choose to sit for the examination again. The above arrangements ensure that those who wish to be tourist guides will not be debarred from obtaining the required qualification for the Tourist Guide Pass due to insufficient number of places for training or examination.
- (c) In order to curb suspected unlicensed inbound travel agent businesses, the Travel Agents Registry maintains close liaison with

the police who will conduct investigation and take appropriate enforcement actions upon receipt of referrals or reports. In 2004, the Travel Agents Registry received from the TIC referral of eight cases of suspected unlicensed travel agents operating inbound tours. These cases were referred to the police for investigation. Among them, two cases have been closed due to insufficient evidence, one case has been successfully prosecuted and the rest are still under investigation.

The TIC also conducts site visits on a regular basis to ensure that travel agents do not employ tourist guides without the Tourist Guide Pass. According to the guideline issued by the TIC, if a travel agent is found to have employed a person without the Tourist Guide Pass to be a tourist guide to receive inbound visitors, the TIC will take disciplinary action against the travel agent concerned. This may include warning and a fine. For repeated offences, the TIC may suspend or revoke the membership of the travel agent concerned, which may then lead to the suspension or revocation of the travel agent licence by the Registrar of Travel Agents.

### **Residents' Bus Services**

33. **MR ALBERT CHAN** (in Chinese): *Madam President, in reply to my question at the Council meeting on 22 October 2003, the Government advised that residents' bus services were operated as a supplementary service primarily during peak hours to relieve the peak-hour demand on franchised buses and green minibuses (GMB), especially as feeder services to railway stations and major public transport interchanges. On this basis, the Transport Department (TD) would look at the circumstances of each case carefully in considering matters relating to the operation of residents' bus services. However, recently I have received complaints that owing to the serious shortage of public transport services to and from some housing estates in remote locations, such as Horizon Place in Kwai Chung, Rambler Crest in Tsing Yi and The Cliveden in Tsuen Wan, these housing estates need to apply for operating residents' bus services between the estates and the MTR stations. However, such applications have been repeatedly rejected by the Government, causing inconvenience to the residents of the estates concerned. In this connection, will the Government inform this Council of:*

- (a) *the reasons for rejecting the above three housing estates' applications for operating residents' bus services; and*
- (b) *the total number of applications received by the authorities in the past three years for operating residents' bus services and, among them, the respective numbers of such applications which were successful and otherwise, the names of housing estates whose applications were successful and the bus routes concerned, as well as the names of housing estates (other than those mentioned in (a) above) whose applications were unsuccessful, and the reasons for their being so?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President,

- (a) The TD did not approve the applications for operating residents' service (RS) at Horizon Place in Kwai Chung and The Cliveden in Tsuen Wan, after careful consideration, for the following reasons:

- (i) *Horizon Place in Kwai Chung*

The TD received an application for operating an RS between Horizon Place and Kwai Chung Plaza next to Kwai Fong MTR Station in January 2004. At that time, there was already a GMB route No. 89S plying between Kwai Shing North and Kwai Fong MTR Station which provided an en route stop outside Horizon Place. In addition, there were seven franchised bus routes and two GMB routes providing services for the residents at Horizon Place and in the vicinity. Given that Horizon Place was served by adequate public transport services, the TD informed the applicant in March 2004 that the application for the RS between Horizon Place and Kwai Fong MTR Station was not approved.

- (ii) *The Cliveden in Tsuen Wan*

The TD received an application for the operation of an RS between The Cliveden and Tsuen Wan Town Centre in June

2004. At that time, residents of The Cliveden could choose to take KMB Route No. 51 (Kam Tin - Tsuen Wan (Nina Tower)) or GMB Route No. 80 (Chuen Lung - Tsuen Wan (Chuen Lung Street/Shiu Wo Street)) to reach Tsuen Wan MTR Station and the area around Tsuen Wan Town Centre. In addition, the operator of GMB Route No. 80 has operated eight and five special trips during morning and evening peak respectively since mid-July last year to serve the residents of The Cliveden. Given that The Cliveden was served by adequate public transport services, the TD informed the applicant in end July 2004 that the application for the RS between The Cliveden and Tsuen Wan Town Centre was not approved.

As for Rambler Crest in Tsing Yi, the TD has not received any application for operating RS to serve this residential development.

- (b) Among the 141 applications for RS received during the past three years between 2002 and 2004, 31 were approved (including 12 originated from change of service operators), 97 were not approved, three were withdrawn by applicants and 10 are being processed. Details of the routes approved and rejected are at Annexes 1 and 2 respectively.

Given the limited road space and community concerns about environmental impact of road transport, the Government's transport policy is to accord priority to the mass carriers *viz* railways and franchised buses. With railways as the backbone of our public transport system, other modes will assume a supplementary role. Under this policy, non-franchised bus will play its role as a supplementary transport mode that relieves heavy demand on the franchised bus and GMB services during peak hours and fills gaps of passenger demand which cannot be met by regular public transport services.

Based on the above principles, new RS must meet the following criteria:

- (i) facilitate commuters to connect to the nearby rail station or public transport interchange;
- (ii) no significant adverse impact should be posed on regular public transport services in the area concerned;
- (iii) existing or planned public transport services in the area or during the period to be served by the proposed service are inadequate or limited;
- (iv) residential developments served by the proposed service are distant from rail station, public transport interchange or major franchised bus stop or GMB stop and use of alternative services will result in excessive number of interchanges; and
- (v) the proposed service will not operate in congested areas or via local busy roads.

In general, the reasons for not approving the applications for operation of new RS were failure to fully meet the above criteria.

## Annex 1

## Residents' Services Approved in 2002 to 2004

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>	<i>RS Route No.</i>
1	Within the development of the Beverly Hills, Tai Po	Within the development of the Beverly Hills, Tai Po	NR525
2*	Discovery Bay (Yi Pak)	Tung Chung	NR03
3	Pokfield Road (University Heights)	Sheung Wan MTR Station (Shun Tak Centre)	HR75
4	Constellation Cove	Tai Po KCR Station	NR527
5	Ma Wan (Tung Wan Bus Terminus)	Tsing Yi AR Station	NR330
6*	Discovery Bay (Yi Pak)	Tung Chung	NR03

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>	<i>RS Route No.</i>
7	Grand Pacific Views/Grand Pacific Heights	Tsuen Wan MTR Station (Circular)	NR758
8	JC Castle	Tai Po Market KCR Station	NR528
9*	Discovery Bay (Yi Pak)	Tung Chung	NR03
10	Mount Haven, Tsing Yi	Tsing Yi AR Station (Circular)	NR412
11	Lam Hau Tsuen, Yuen Long	Sai Ching Street, Yuen Long	NR957
12	Pak Yan Road, Ma Wan	Sai Lau Kok Road, Tsuen Wan	NR331
13*	Discovery Bay (Yi Pak)	Tung Chung	NR03
14	Ma Wan (Tung Wan Bus Terminus)	Kwai Fong MTR Station (Metroplaza)	NR332
15*	Discovery Bay (Yi Pak)	Tung Chung	NR03
16#	May Road (Clovelly Court)	Central (Queen's Pier) (Circular)	HR77
17*	Discovery Bay (Yi Pak)	Tung Chung	NR03
18	Beacon Heights	Wai Chi Street, Shek Kip Mei	KR42
19	Beacon Heights	Somerset Road, Kowloon Tong	KR41
20#	Fu Shan, King Tung Street	Canton Road, Tsim Sha Tsui	KR22
21	Villa Pinada	Siu Hong WR Station	NR759
22#	Choi Yuen Estate	Cheung Sha Wan	NR15
23#	The Paramount, Tai Po	Tai Po KCR Station	NR510
24#	Robinson Heights	Central	HR49
25#	Symphony Bay	New Town Plaza, Sha Tin	NR524
26#	Constellation Cove	Tai Po KCR Station	NR527
27#	Beacon Heights	Kowloon Tong	KR41
28#	Beacon Heights	Shek Kip Mei	KR42



	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>	<i>RS Route No.</i>
29 <sup>#</sup>	The Portofino, Clear Water Bay	Silverstand Mart (Circular)	NR211
30 <sup>#</sup>	Ma On Shan Tsuen	Yiu On Estate, Ma On Shan	NR84
31 <sup>#</sup>	The Paragon, Tai Po	Tai Po KCR Station	NR508

<sup>#</sup> These applications originated from change of service operators. According to our current arrangement, these applications are categorized as new applications.

\* Operator of this service applied for operation of the same service each time only after the approval period for the service ended. The applications are therefore categorized as new applications instead of application for extension of service.

## Annex 2

## Applications for Residents' Services Rejected in 2002 to 2004

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>
1	The Castello	Diamond Hill MTR Station
2	The Castello	City One, Sha Tin
3	Cayman Rise	Hong Kong Station (Man Cheung Street)
4	Regence Royale	Admiralty (Drake Street)
5	Ocean Pointe, Sham Tseng	Tsuen Wan MTR Station
6	The Beverly Hills, Tai Po	Tai Po Market KCR Station
7	Tin Fu Court, Tin Shui Wai	Kwun Tong
8	Tin Fu Court, Tin Shui Wai	Causeway Bay
9	Tin Fu Court, Tin Shui Wai	Tsim Sha Tsui (East)
10	The Waterfront	Yau Ma Tei
11	The Waterfront	Hankow Road
12	Island Harbourview	Tsim Sha Tsui
13	Island Harbourview	Mong Kok

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>
14	Park Avenue	Prince Edward Bute Street
15	Discovery Bay	Mong Kok
16	Sheung Shui Wai Po Sheung Tsuen Car Park	Sheung Shui KCR Station
17	Hong Kong Gold Coast	Central and Wan Chai
18	Sereno Verde, Yuen Long	Manhattan Plaza, Yuen Long
19	Regentville, Fan Ling	Tin Hau MTR Station
20	Parkland Villas, Tuen Mun	Tuen Hop Street
21	Sha Chau Lei Tsuen, Ping Ha Road, Yuen Long	Hung Hom KCR Station
22	Sha Chau Lei Tsuen, Ping Ha Road, Yuen Long	Kwun Tong Pier
23	Sha Chau Lei Tsuen, Ping Ha Road, Yuen Long	Au Pui Wan Street, Fo Tan
24	Sha Chau Lei Tsuen, Ping Ha Road, Yuen Long	Fan Ling On Lok Tsuen (On Chuen Street)
25	Royal Peninsula, Hung Hom	Tsim Sha Tsui (Circular)
26	Tsing Lung Tsuen, San Tin	Chatham Road South, Hung Hom
27	Dawning Views, Fan Ling	North Point MTR Station
28	Yung Shing Court, Fan Ling	Fan Ling KCR Station
29	Caribbean Coast	Tung Chung MTR Station
30	On Ning Garden, Tseung Kwan O	Olympic Centre
31	The Hillgrove	Tsuen Wan MTR Station
32	Sheung Shui Wai Po Sheung Tsuen Car Park	Sheung Shui KCR Station
33	Metro Harbour View Car Park	Nam Cheong West Rail Station
34	Parkland Villas	Tuen Mun Town Centre
35	Pacific View	Stanley (Circular)
36	Pacific View	Chai Wan MTR Station (Circular)

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>
37	The Beverly Hills	Tai Po Market KCR Station (Circular)
38	Tai Po Fu Heng Estate	North Point and Quarry Bay
39	Tin Heng Estate, Tin Shui Wai	Kwun Tong Pier
40	Tin Heng Estate, Tin Shui Wai	Hoi Kwong Street, Quarry Bay
41	Fu Tai Estate, Tuen Mun	Kwun Tong Pier
42	Fu Tai Estate, Tuen Mun	Hoi Kwong Street, Quarry Bay
43	Affluence Garden, Tuen Mun	Causeway Bay
44	Choi Ming Court, Tseung Kwan O	Fo Tan
45	Choi Ming Court, Tseung Kwan O	Tsuen Wan
46	Sky Tower	Lok Fu MTR Station
47	One Beacon Hill	Central
48	One Beacon Hill	Kowloon Tong MTR Station
49	Hampton Place	Tsim Sha Tsui
50	Hampton Place	Wan Chai
51	Bayshore Towers, Ma On Shan	Central
52	Vista Paradiso, Ma On Shan	Central
53	Cheung Hong (Chung Mei Road)	Kowloon KCR Station
54	Tin Fu Court, Tin Shui Wai	Tsing Yi AR Station
55	Nan Fung Plaza, Tseung Kwan O	Hoi Shing Road Cable TV Tower
56	Baycrest, Ma On Shan	Ma On Shan Plaza
57	Metro City, Phase 1, Tseung Kwan O	Valiant Industrial Centre, Fo Tan
58	Metro City, Phase 1, Tseung Kwan O	Sai Lau Kok Road, Tsuen Wan
59	Villa Carlton/Monte Carlton	Festival Walk (Circular)
60	Aegean Coast, Tuen Mun	Tsing Yi AR Station (Circular)
61	Sorrento	Middle Road, Tsim Sha Tsui

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>
62	May Road (Clovelly Court)	Admiralty (Drake Street) (Circular)
63	Banyan Garden	Lai Chi Kok Park
64	Banyan Garden	Wan Chai
65	Pacifica	Lai Chi Kok Park
66	Pacifica	Wan Chai
67	Cairnhill	Tsuen Wan MTR Station
68	Seasons Villas	West Rail Kam Sheung Road Station
69	Vianni Cove	West Rail Tin Shui Wai Station
70	Vianni Cove	Wan Chai
71	Kingswood Ginza	Tsim Sha Tsui
72	Kingswood Ginza	Quarry Bay
73	Belvedere Garden	Quarry Bay
74	Bowen Road	Admiralty Centre (Drake Street)
75	The Metropolis	Oi Man Estate Shopping Centre
76	La Costa	University KCR Station (Circular)
77	La Costa	Ma On Shan Plaza (Circular)
78	Shun Lee DSQ	Central
79	Regentville, Fan Ling	Tin Hau MTR Station
80	Recours La Serre, Tong Yan San Tsuen, Yuen Long	Yuen Long Plaza
81	Cheung Hang Estate, Tsing Yi	Wai Yip Street, Kwun Tong
82	Cheung Hang Estate, Tsing Yi	Sha Tin KCR Station
83	Cheung Hong (Chung Mei Road)	Kowloon KCR Station
84	Horizon Place, Kwai Chung	Kwai Chung Plaza, Kwai Fong
85	Hampton Place	Olympic Centre
86	The Parcville	West Rail Yuen Long Station (Circular)

	<i>Residential Development/ Routeing Origin</i>	<i>Routeing Destination</i>
87	The Parcville	Yuen Long Plaza (Circular)
88	Shun Lee DSQ	Central
89	The Cliveden	Tsuen Wan
90	The Mount Austin, 8 Mount Austin Road, The Peak	Central
91	Botania Villa	Tuen Mun Town Centre
92	Botania Villa	Yuen Long Plaza
93	One Beacon Hill	Kowloon Tong MTR Station
94	Bellagio, Sham Tseng	Tsuen Wan MTR Station
95	Bel-Air	Sheung Wan
96	Banyan Garden	Mei Foo MTR Station
97	Golf Parkview, Kwu Tung	Sheung Shui KCR Station

### **Building of Swimming Pools in Tai Po District**

34. **MS EMILY LAU** (in Chinese): *Madam President, in reply to a question raised in this Council on 3 November last year, the Secretary for Housing, Planning and Lands advised that a piece of land in Area 4, Tai Po designated for use as a swimming pool complex with ancillary facilities had been granted by way of private treaty for more than 12 months, and that the grantee had obtained funding from the Hong Kong Jockey Club (HKJC) Charities Trust for redeveloping the piece of land. In this connection, will the executive authorities inform this Council:*

- (a) *of the latest progress of the plan to build the swimming pool complex;*
- (b) *whether the above funding has met with obstacles; if so, of the details;*

- (c) *whether the numbers of swimming pool and leisure pool complexes currently in Tai Po have met the relevant standards stipulated in the Hong Kong Planning Standards and Guidelines; if not, of the plan to increase the numbers of such facilities in the district; and*
- (d) *whether the authorities will, on grounds that Tai Po is far away from bathing beaches, consider increasing the numbers of swimming pool or leisure pool complexes in the district?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, my replies to the four parts of the question are as follows:

- (a) The subject piece of land located in Area 4, Tai Po is designated for the development of a swimming pool complex with ancillary facilities. The Tai Po Sports Association (TPSA) is the grantee and a swimming pool was built in 1988. With the passage of time, the swimming pool became dilapidated and was finally closed in 1999. The TPSA has been granted funds by the HKJC Charities Trust for the redevelopment of the swimming pool complex. However, during the redevelopment of the swimming pool complex, the responsible architect/Authorized Person and the Registered Structural Engineer have not properly fulfilled their duties in carrying out the project. The redevelopment of the swimming pool complex is now put on hold. The TPSA is seeking to resolve the issues early through legal means. We are actively providing assistance in identifying a suitable agent to take up the project from the TPSA.
- (b) We understand that the TPSA submitted to the HKJC about a month ago a report on the measurement of works implemented on site so far with supporting invoices for reimbursement purpose. The HKJC is now processing the funding application.
- (c) According to the Planning Department's latest projections of population distribution, the Tai Po District has a population of around 300 000. In addition to the TPSA swimming pool, the district is provided with the Tai Po Swimming Pool run by the Leisure and Cultural Services Department with one main pool, two

teaching pools, one diving pool, one children pool and one leisure pool. With reference to the Hong Kong Planning Standards and Guidelines, one swimming pool complex could be provided in a district attaining a population of 287 000 and one leisure pool should be provided per district. The swimming pool facilities in the Tai Po District have generally met the relevant standard.

- (d) The Tai Po Swimming Pool in the Tai Po District has generally met the planning standard for swimming pool facilities. The Chief Executive has recently announced in his policy address that 25 municipal projects will be implemented with priority, and one of which is the development of an artificial beach at Lung Mei. The project would help to provide more water sports venues for local residents as well as other residents in Hong Kong. We will carry out the planning work of the project as early as possible.

### Combating Illegal Entry to Hong Kong

35. **MR LAU KONG-WAH** (in Chinese): *Madam President, with respect to combating illegal entry to Hong Kong, will the Government inform this Council:*

- (a) *of the number of illegal entrants (IEs) arrested each month in the past two years, together with a breakdown by nationality and means of entry (that is, by sea or by land), as well as the number of IEs sentenced to imprisonment each year; and*
- (b) *whether it has found any IEs coming to Hong Kong for the purpose of making money from prison work or seeking medical treatment in prison; if so, whether the number of such cases has been on the rise in recent years, the offences committed by these IEs for which they have been sentenced to imprisonment, as well as the measures in place to curb such a trend?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President,

- (a) The vast majority of illegal immigrants (IIs) arrested in the past two years were from the Mainland and Vietnam. The number of IIs

from the two places arrested in the past two years and their means of entry are set out in the Annex.

The number of IIs sentenced to imprisonment in 2003 and 2004 was 3 105 and 2 536 respectively.

- (b) In general, the number of IIs entering Hong Kong has been decreasing over the past 10 years. We do not speculate on IIs' purpose(s) of entry, but we have been monitoring isolated cases in which individual IIs claimed or were alleged to have come to Hong Kong for the purpose of seeking imprisonment. There is no indication that such cases are becoming a trend.

The police regularly liaise with the relevant authorities in the Mainland with a view to effectively curbing the entrance of IIs. Besides, we have also brought to the attention of the Vietnamese Government reports of individual Vietnamese IIs seeking imprisonment in Hong Kong so that appropriate actions can be taken at their end.

Annex

#### Number of IIs Arrested

<i>Year</i>		<i>2003</i>												<i>Total</i>
<i>Month</i>		<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	
The Mainland	By Sea	82	60	78	73	150	128	134	175	133	112	106	67	1 298
	By Land	193	137	154	140	295	258	328	141	165	209	255	236	2 511
	Sub-total	275	197	232	213	445	386	462	316	298	321	361	303	3 809
Vietnam	By Sea	0	4	1	2	26	8	5	5	4	8	3	3	69
	By Land	1	4	11	13	9	1	5	13	10	15	8	6	96
	Sub-total	1	8	12	15	35	9	10	18	14	23	11	9	165
Total		276	205	244	228	480	395	472	334	312	344	372	312	3 974



Year		2004												Total
Month		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
The Mainland	By Sea	91	107	131	102	123	113	98	142	130	82	119	80	1 318
	By Land	165	183	144	120	141	144	155	127	89	104	130	79	1 581
	Sub-total	256	290	275	222	264	257	253	269	219	186	249	159	2 899
Vietnam	By Sea	1	0	2	6	1	31	2	5	8	13	4	0	73
	By Land	6	3	14	5	13	13	7	6	5	4	11	4	91
	Sub-total	7	3	16	11	14	44	9	11	13	17	15	4	164
Total		263	293	291	233	278	301	262	280	232	203	264	163	3 063

### Internationalization of Higher Education Institutions

36. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that the University Grants Committee (UGC) intends to internationalize the eight UGC-funded higher education institutions by attracting more non-local students to study in these institutions or subsidizing local students to join student exchange programmes organized by universities outside Hong Kong. In this connection, will the Government inform this Council whether it knows:*

- (a) *the countries from which the UGC intends to attract non-local students and the percentage of such students in the total enrolment of the above institutions;*
- (b) *how the UGC will implement the above exchanges and allocate the funds for subsidizing exchanges to the local institutions; and*
- (c) *the measures taken by the UGC to attract non-local students to study in the local institutions?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Chinese): *Madam President, both the UGC and the eight UGC-funded institutions value internationalization in our education system for the benefits it brings. Our local students can broaden their horizon, foster their international outlook, and have a better understanding of the different cultures. Internationalization can also help*

strengthen ties between Hong Kong and other places, and facilitate cultural interaction.

The UGC and the UGC-funded institutions realize the vision of internationalization largely by attracting more non-local students to come to Hong Kong for study, as well as by facilitating local students to join student exchange programmes. While the UGC is very supportive of internationalization, the real push must come from the institutions themselves, and the UGC and the Government will play a facilitating role.

At present, the quota for admission of non-local students to publicly-funded full-time undergraduate and taught postgraduate programmes is 4% of the approved student number targets. That for full-time publicly-funded sub-degree programmes is 2% outside the approved student number target. We set no quota for admission of non-local students to full-time research postgraduate and self-financing programmes. The Education and Manpower Bureau is now actively discussing with the relevant authorities a detailed proposal to further relax immigration control, to allow more non-local students (in particular those from the Mainland) to come to Hong Kong for different types of study programmes at different institutions, with a view to implementing the new arrangements in the 2005-06 academic year. As regards the target countries, we understand that the UGC-funded institutions plan to attract more non-local students from Asian countries initially.

In recognition of the benefits of student exchange programmes, the Administration has set aside \$120 million to support an expansion of the student exchange programmes for the UGC-funded institutions over a three-year period starting from the 2002-03 academic year. Funds are disbursed pro rata to the first-year-first-degree places of the institutions. The UGC can, in the light of the actual demand for exchange places from the institutions and the speed of individual institutions to expand the student exchange programmes, adjust the allocation as necessary.

To further encourage internationalization of our education system, the UGC has recently agreed to allocate additional grants of up to a total of \$40 million to the UGC-funded institutions, on a matching basis to help institutions build up their institutional capacity to recruit more non-local students, to promote Hong Kong as the preferred place of study; and to engage more partners for student exchange programmes. To this end, the Heads of Universities

Committee and the UGC have been exploring various means to attract more students to study in Hong Kong, such as by organizing exhibitions overseas jointly; and by utilizing overseas offices of the Government and of the Trade Development Council for promotion and publicity purposes.

The UGC will continue to work closely with both the Administration and the institutions to foster internationalization in our education system, and to develop Hong Kong into the regional education hub.

### **Granting of Rent Concessions by Housing Authority**

37. **DR FERNANDO CHEUNG** (in Chinese): *Madam President, the Administration has established The Link Management Limited (The Link Management) to manage the real estate investment trust set up for the divestment of the Housing Authority (HA)'s retail and car-parking facilities. Regarding the granting of rent concessions by the HA and The Link Management in respect of the premises let to social welfare organizations, educational organizations, District Council members and Members of the Legislative Council, will the Government inform this Council:*

- (a) how the HA currently determines the amount of rent concessions to the organizations and individuals mentioned above;*
- (b) of the respective numbers of units in the commercial complexes, currently let to these organizations and individuals with rent concessions, that will be taken over by The Link Management;*
- (c) whether the HA and The Link Management will take measures to ensure that the rents currently payable by these organizations or individuals who are enjoying rent concessions will not rise sharply in the future; if they will, of the details of the measures; and*
- (d) whether The Link Management will adopt a policy of granting rent concessions to certain organizations or individuals; if so, of the details of the policy; if not, the reasons for that?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese):  
Madam President, my reply to the four-part question is as follows:

- (a) At present, eligible non-profit-making welfare agencies and kindergartens leasing the commercial facilities of the HA are given rent concessions. Tenants providing welfare or community building services lease the premises at concessionary rent, the prevailing rate of which is \$45 per sq m Internal Floor Area. In determining the rate of concessionary rent, the HA mainly takes into account the daily operational costs, including management expenses, maintenance costs and the general recurrent expenditure. The rate is subject to review every three years. Operators of kindergartens can lease the premises at half of the prevailing market rents. Upon the renewal of tenancy, they have to pay either half of the prevailing market rent or the concessionary rent applicable to non-profit-making welfare agencies, whichever is the higher. Similar to other commercial lettings, the offices of District Council members or Legislative Council Members are let at prevailing market rents.
- (b) Among the commercial facilities to be divested, there are 100 social welfare agencies and 43 kindergartens, accounting for about 9% of the total number of the non-profit-making organizations and kindergartens operating in the HA's commercial premises and enjoying rent concessions.
- (c) Regarding the future tenancy arrangements for the social welfare agencies and kindergartens currently enjoying rent concessions, the HA has reached agreement with The Link Management Limited (The Link Management) that, upon divestment, sitting social welfare agencies and kindergartens will continue to enjoy the rent concessions on par with their counterparts in premises under the HA's management.
- (d) As mentioned above, The Link Management and the HA have agreed that, upon divestment, rent concessions will continue to be given to sitting social welfare agencies and kindergartens. As for other organizations or commercial tenants, The Link Management, as an independent company, will make its own tenancy arrangements with them according to its business strategies.

## Migration of Internet Protocol Version

38. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, with the growing popularity of the Internet, the problem of shortage of Internet Protocol (IP) addresses is getting worse. To deal with the problem, the relevant international standards organization advocated in 1994 that the IP adopted for Internet infrastructure be migrated from version 4 (IPv4) to version 6 (IPv6). To this end, a number of countries and regions, including the Mainland, Japan, South Korea, Taiwan, Singapore and Malaysia have initiated active preparations, such as setting up dedicated teams or departments to formulate related policies and standards, implementing pilot schemes and conducting researches on related technologies, products and applications. In this regard, will the Government inform this Council whether:*

- (a) *it has assessed the benefits to our society which will be brought about by the migration from IPv4 to IPv6 for adoption in Internet infrastructure;*
- (b) *it has devised a work plan, such as setting up a co-ordination task force, establishing a research and development centre to support the development of products and services compatible with IPv6; if it has, of the details, timetable and public expenditure involved; and*
- (c) *it has exchanged views with the relevant organizations of other countries and regions on issues of policy, technological development and standards relating to IPv6; and whether it will establish partnership with the relevant organizations of other countries and regions, in particular the Mainland, on establishing a IPv6 trial network to facilitate researches?*

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

- (a) The IPv4 and IPv6 technologies are technically incompatible, and the industry expects that both technologies would have to co-exist for some time. Interest in the deployment of IPv6 technology has been increasing in recent years, particularly in Asian countries, including the Mainland, Japan and Korea where their IPv4 address

allocations have been depleting quickly as a result of growth in Internet penetration. One of the drivers for IPv6 comes from the demand of Internet-connected wireless and consumer electronic devices. The operation of these devices will increase the pressure to enable enterprise networks and applications to run on IPv6 (as well as IPv4) because most of the newer mobile/wireless devices will be capable of adopting or supporting IPv6.

We have been monitoring the demand for Internet services based on IPv6 in Hong Kong in the last few years. Our feedback is that the local market demand is still very small by comparison, and as a result, computer systems, for example, servers and routers, based on IPv6 are still uncommon. To some extent, this situation can be attributed to the fact that IPv6 is not yet mature technically, and there are, therefore, very few applications. Besides, adopting IPv6 to perform the same functions using IPv4 would not be well justified. Moreover, the transition to IPv6 is still technically a painstaking process, and for the many companies that had acquired their Internet systems recently, it would be a costly exercise. A key consideration is the availability of applications that can make the best use of the IPv6 features. From the industry's perspective, investors are still waiting for the so-called "killer application" that will attract customer use so that it will be more cost-effective to develop the technology further.

- (b) Although the industry is still watching over the development direction and market opportunity of IPv6, the Government has lent its support to the development and deployment of IPv6. In early 2003, the Internet2 Project was launched to provide academic and research services, including the development of IPv6, to universities in Hong Kong with links established to the Mainland, North America, and so on. Other IPv6 related initiatives were also rolled out in the past few years. In December 2003, the Hong Kong Wireless Development Centre was set up to provide end-to-end infrastructure support of mobile and wireless application development in Hong Kong, including the use of IPv6. In March 2004, the Hong Kong Internet Exchange (HKIX) started operation of its Hong Kong IPv6 Exchange (HK6IX) although IPv6 utilization was still very low. Furthermore, the Hong Kong Internet

Registration Corporation (HKIRC), which manages ".hk" domain names under an agreement with the Government, is planning to offer IPv6 domain name service in 2006.

- (c) The Internet Corporation for Assigned Names and Numbers (ICANN) oversees the worldwide distribution and registration policies of both IPv4 and IPv6 addressing. The Government has first-hand information on the development and adoption of IPv6 globally through its participation in the Governmental Advisory Committee under the ICANN which monitors the progress on this front regularly. In addition, the Government is setting up a liaison group to ensure timely and smooth communication, and to share knowledge and experience, among the different components of the Internet infrastructure, including the HKIX, the HKIRC as well as the Internet service providers through the Hong Kong Internet Service Providers Association (HKISPA). This liaison group will also act as a forum for monitoring progress on development and adoption of IPv6 in Hong Kong.

Separately, we have included IPv6 as a technical standard in our future review of the Government's Interoperability Framework.

### **Illegal Commercial Activities in Hoi Ha Wan Marine Park**

39. **MR FREDERICK FUNG** (in Chinese): *Madam President, it has been reported that in recent years many boats carried passengers illegally in Hoi Ha Wan Marine Park for activities of a commercial nature (such as coral appreciation tour groups). In this connection, will the Government inform this Council:*

- (a) *of the number of applications for permits to undertake commercial activities in this Marine Park in each of the past five years, and the number of successful applications;*
- (b) *of the respective numbers of prosecutions and successful prosecutions instituted by the authorities under the Shipping and Port Control Ordinance (the Ordinance) against the owners of the boats used to carry passengers for illegal commercial activities in the park, in each of the past five years;*

- (c) *whether there are measures to combat such illegal activities at present; if so, of the details and effectiveness of the measures; and*
- (d) *whether it has assessed the impact of such illegal activities on the ecology of the park; if so, of the details and results of the assessment?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President,

- (a) In the past five years, the Agriculture, Fisheries and Conservation Department (AFCD) has not received any application for conducting activities of a commercial nature (including coral viewing activities) in the Hoi Ha Wan Marine Park (the Marine Park).
- (b) The Marine Department (MD) is responsible for the enforcement of the Ordinance. According to the MD, five boat owners were successfully prosecuted in 2003 for carrying passengers in excess of their carrying capacities in the Marine Park. And the owner of a pleasure vessel for hire was successfully prosecuted in 2004 for failing to notify the Director of Marine within 72 hours of entering into a charter agreement.

The AFCD launched a joint operation with the MD and the Marine Police in September 2003. Subsequently, the MD successfully prosecuted three boat owners for engaging in illegal commercial activities under the Ordinance.

- (c) The Marine Park is patrolled by staff of the AFCD daily. The Department will initiate prosecution when there is sufficient evidence to suggest that someone is engaged in illegal commercial activities. However, to prove illegal commercial activities, evidence regarding money transactions is needed and such evidence is not always easy to collect.
- (d) The AFCD conducts underwater surveillance on coral colonies regularly. Some corals were damaged by a large ship in May 2004. But ever since large ships were banned from the coral areas of the



Marine Park, no similar incident has occurred. Surveillance results also indicate that the coral colonies have not been damaged by coral viewing activities on small boats.

## **BILLS**

**(Bill originally scheduled for First and Second Readings at the last Council meeting)**

### **First Reading of Bills**

**PRESIDENT** (in Cantonese): Bill: First Reading.

### **MERCHANT SHIPPING (LIMITATION OF SHIOWNERS LIABILITY) (AMENDMENT) BILL 2005**

**CLERK** (in Cantonese): Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Bill 2005.

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

### **Second Reading of Bills**

**PRESIDENT** (in Cantonese): Bill: Second Reading.

### **MERCHANT SHIPPING (LIMITATION OF SHIOWNERS LIABILITY) (AMENDMENT) BILL 2005**

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I move that the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Bill 2005 be read a Second time.

The Bill serves two purposes. The first is to implement the amendments to the International Convention on Limitation of Liability for Maritime Claims, adopted by the International Maritime Organization (IMO), which increase

shipowners' liability in respect of property claims or loss of life. The second purpose is to extend the liability regime applicable to international carriages, prescribed in the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, to regional carriages between Hong Kong and Macao as well as Hong Kong and mainland ports.

Whilst implementing the amendments to the International Convention on Limitation of Liability for Maritime Claims is voluntary, we propose to follow the IMO's amendments, so as to bring the liability limits as applied in Hong Kong in line with international standards.

The Bill seeks to extend the liability regime applicable to international carriages to regional carriages so as to enable regional carriers to limit their liabilities for certain maritime claims to a reasonable level. At the same time, passengers will be able to settle their claims in accordance with an internationally accepted liability regime.

Madam President, the Bill is supported by the local shipping industry and is essential to upholding Hong Kong's status as an international maritime centre. With these remarks, I recommend the Bill to the Legislative Council for early passage into law.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Bill 2005 be read the Second time.

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

## **MOTIONS**

**(Proposed resolution originally scheduled to be moved at the last Council meeting)**

**PRESIDENT** (in Cantonese): Motion. Proposed resolution under the Pharmacy and Poisons Ordinance to approve the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2004 and the Poisons List (Amendment) (No. 4) Regulation 2004.

**PROPOSED RESOLUTION UNDER THE PHARMACY AND POISONS ORDINANCE**

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I move that the Poisons List (Amendment) (No. 4) Regulation 2004 and the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2004 as printed on the Agenda, be passed.

Currently, we regulate the sale and supply of pharmaceutical products through a registration and inspection system set up in accordance with the Pharmacy and Poisons Ordinance. The Ordinance maintains a Poisons List under the Poisons List Regulations and several Schedules under the Pharmacy and Poisons Regulations. Pharmaceutical products put on different parts of the Poisons List and different Schedules are subject to different levels of control in regard to the conditions of sale and keeping of records.

For the protection of public health, some pharmaceutical products can only be sold in pharmacies under the supervision of registered pharmacists and in their presence. For certain pharmaceutical products, proper records of the particulars of the sale must be kept, including the date of sale, the name and address of the purchaser, the name and quantity of the medicine and the purpose for which it is required. The sale of some pharmaceutical products must be authorized by prescription from a registered medical practitioner, a registered dentist or a registered veterinary surgeon.

The Amendment Regulations now before Members seek to amend the Poisons List in the Poisons List Regulations and the Schedules to the Pharmacy and Poisons Regulations for the purpose of imposing control on three new pharmaceutical products, as well as to relax control on one pharmaceutical product.

The Pharmacy and Poisons Board proposes to add three new substances to Part I of the Poisons List, and the First and Third Schedules to the Pharmacy and Poisons Regulations so that pharmaceutical products containing such substances must be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

Besides, the Pharmacy and Poisons Board proposes to partially relax the control on "Tromantadine; its salts". Pharmaceutical products containing this substance and labelled "for the treatment of cold sores only" will be reclassified

from Part I, First and Third Schedules poisons into Part I poisons (that is, to be sold under the direct supervision of registered pharmacists without the requirement of a prescription). Other pharmaceutical products containing this substance are still Part I, First and Third Schedules poisons (that is, prescription medicines).

The two Amendment Regulations are made by the Pharmacy and Poisons Board, which is a statutory authority established under section 3 of the Ordinance to regulate the registration and control of pharmaceutical products. The Board comprises members engaged in the pharmacy, medical and academic professions. The Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicines concerned.

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

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

"RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 28 December 2004, be approved –

- (a) the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2004; and
- (b) the Poisons List (Amendment) (No. 4) Regulation 2004."

**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.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you 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 Members present. I declare the motion passed.

## **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions.

Motion of Thanks. Ms Miriam LAU will move the motion. I have accepted the recommendations of the House Committee. Ms Miriam LAU will have up to 15 minutes for moving her motion and in reply, and another five minutes to speak on the amendment. Each Member has an overall 25-minute speaking time limit and may speak in one or more of the five debate sessions. With the exception of Ms Miriam LAU, who may also speak on the amendment and in reply, all other Members may each speak once in each session.

In each session, I will call upon those Members who wish to speak to speak first. Council will then be suspended for 10 minutes for the Administration to co-ordinate its response. Only public officers may speak when Council resumes. The total speaking time limit for public officers in each session will depend on the number of speakers, but the minimum is 45 minutes.

## **MOTION OF THANKS**

**MS MIRIAM LAU** (in Cantonese): Madam President, in my capacity as Chairman of the House Committee, I move the motion "That this Council thanks the Chief Executive for his address."

Madam President, as I am moving this Motion of Thanks in my capacity as Chairman of the House Committee, I would not express my opinions on individual items at this juncture. Like last year, I would like to say a few words only on the debate arrangements and the relationship between the executive and the legislature.

This is the fourth year that the Legislative Council is debating the Chief Executive's policy address according to different policy areas. Based on past experience, Members in general consider that the debate can focus better and be more efficient if divided into policy areas. The Chief Secretary for Administration has also written to me, undertaking that the Government would make arrangements to participate in the debate.

In this year's policy address, unlike the last policy address, the Chief Executive has not mentioned that dialogue and co-operation between the Government and the Legislative Council would be strengthened. However, during the Chief Executive Question and Answer Session on 13 January this year, the Chief Executive, in his reply to a question by Dr David LI, stated that improving the relationship between the executive and the legislature was the general wish of the public and the whole Government. The Chief Executive also expressed that he very much hoped Members of the Legislative Council could work with him and his colleagues to better the relationship between the executive and the legislature.

The Chief Executive also pointed out that the Government had made active response to some demands of Members. I would like to mention again here that at the start of this Session, the House Committee had requested the Chief Executive to increase the number of the Chief Executive Question and Answer Session from four times each year to once a month, and that the time for each Question and Answer Session be extended from one hour to one and a half hours. Disappointingly, up to now, the Chief Executive has not accepted this request of Members. The Chief Secretary for Administration has explained to me and the Deputy Chairman of the House Committee that the Chief Executive Question and Answer Session is not the only occasion for the Chief Executive to meet with Members, and the Chief Executive will try his best to meet Members on other occasions. I would like to say that meetings on other occasions are no substitutes for the Chief Executive's attendance in Legislative Council meetings to receive questions from Members on issues of public concern.

As for officials under the Accountability System, Members consider that they should attend meetings of the panels of the Legislative Council as many as possible to explain government policies and measures in order to enhance communication between the Government and the Legislative Council, thereby enabling the Accountability System to fulfil its due functions. For important or

contentious legislative or financial proposals, the panels concerned should be consulted before they are tabled to the Legislative Council or the Finance Committee.

Regarding the tabling of bills, in the Legislative Programme tabled by the Chief Secretary for Administration to the Legislative Council at the meeting held on 13 October, 36 Bills were listed. As at today, the Administration has only tabled eight of them because most of the bills can be tabled only after the delivery of the policy address by the Chief Executive. I hereby request the Administration to make the appropriate arrangements for tabling the bills to the Legislative Council and to complete due consultation before tabling, including consulting the relevant Legislative Council panels. I would particularly like to remind the Administration not to table a large number of legislative proposals at the same time, especially those which are complicated and contentious, so that the Legislative Council can have ample time to scrutinize the relevant bills.

In respect of the relationship between the executive and the legislature, the last point I would like to make relates to the tabling of documents by the Administration to the Legislative Council. In response to the Chief Secretary for Administration's request, the Legislative Council Secretariat has earlier looked into the tabling of documents for discussion by the Administration to the panels in the past Session. It was discovered that the situation had not been very desirable — many documents were tabled to the panels after the deadlines or even on the day of the meetings. Members hope that the Administration can table the documents for discussion and information to the panels and the other committees in accordance with the established agreement and arrangement so as not to affect the work of the committees concerned and the effective discharge of duties by Members in monitoring the Government's operation. In this term of the Legislative Council, some Policy Bureaux have made improvements in the tabling of documents. Members hope that all Policy Bureaux will do the same so that meetings of the Legislative Council committees can be conducted more efficiently.

In the Question and Answer Session held on 13 January, the Chief Executive pointed out that a good relationship between the executive and the legislature is a prerequisite for the more readily handling of other problems. I believe Members agree with what the Chief Executive said. Although the executive is accountable to the legislature, the Legislative Council and the Administration are partners. They should respect each other, enhance their

communication and co-operation, build up a healthy relationship between the executive and the legislature, and work together for the benefits of the public.

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

**Ms Miriam LAU moved the following motion: (Translation)**

"That this Council thanks the Chief Executive for his address."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That this Council thanks the Chief Executive for his address.

**PRESIDENT** (in Cantonese): Mr LEE Wing-tat has given notice to move an amendment to this motion, as printed on the Agenda. At the conclusion of the five debate sessions, I will call upon him to move his amendment.

The motion and the amendment will now be debated together in a joint debate.

**PRESIDENT** (in Cantonese): We will now move on to the first debate session.

The policy areas for this session are "administration of justice and legal services, constitutional affairs, public service and security".

**MR LEE WING-TAT** (in Cantonese): Madam President, in my speech I am going to discuss the governance by the Government, and this, of course, includes the formulation of government policies, the administration by the Government, the administration by the Chief Executive and constitutional development.

In my opinion, in the past few days since the Chief Executive delivered the policy address, one of the most debated topics in the community is whether the Government can act in a fair, impartial, open and highly transparent manner. And the issue discussed most is whether there is suspicion of collusion between business and the Government, and whether there is transfer of benefits between them.



Within these two weeks, many discussions have focused on this area. During the Question and Answer Session of the Chief Executive, I also asked Mr TUNG Chee-hwa, the Chief Executive, this question. His answer was that the Government had not and never done so. The specific example that I mentioned was whether there was suspicion of transfer of benefits and collusion between business and the Government in regard to the Cyberport. Concerning the Cyberport, Members may recall that this is a project announced in the policy address in 1999, and before that, there was no public consultation. At that time, from the announcement of the 1999 policy address, the 1999 Budget, to the \$1.1 billion infrastructural development approved by the Finance Committee of the Legislative Council, the whole saga lasted for only two-odd months from the beginning to the end. Since my participation in the work of the Legislative Council, I cannot find another similar incident. If there is any, would the officials please remind me. This incident for which there is no parallel involves more than \$10 billions of investment and construction. Within two-odd months, the consultation was finished, and the procedure of the Government's so-called consultation and the Legislative Council's approval of the funding for the infrastructural project was also completed.

Insofar as this issue is concerned, the most unacceptable point is that it has not gone through any tendering process. The Government only hand picked a consortium which it thought fit to take up the project. Not only was this opposed by the Legislative Council, political parties and a lot of members of the public, but at least 10 developers personally reflected their views of discontent to a number of democratic parties. This non-tendering approach has at least given us an impression that the Government, has very strong policy inclination towards certain developers and real estate developers. Yesterday, Mr John TSANG, Secretary for Commerce, Industry and Technology, made a high-profile response to a letter and article on Cyberport. However, this response failed to answer a few questions.

First, he still fails to answer why there was no tender. One of the possibilities is that one or two high-ranking officials within the Government chose a consortium to take up this project.

Second, the Government said that consultation had been conducted. However, the period of consultation was very short, as short as only a few months. Although Secretary John TSANG said that he had already held 20-odd meetings in the Legislative Council, I have to clarify that these meetings include

more than 10 briefings held after the funding had been approved by the Finance Committee. Besides, these briefings were not consultation meetings. They can at most be regarded as briefing sessions, for a decision had already made actually. Therefore, I hope that Secretary John TSANG would not follow Chief Secretary for Administration Donald TSANG by always secretly changing the concepts, mixing up some data and dates and presenting an untrue picture.

Third, if the Government thinks that it is ideal and meritorious to develop the infrastructural and main items of the project without going through any tender, why does the Government not continue to do so? Since the Government did that in 1999, why did it not dare to employ the same approach in 2000 and 2001? Even when proceeding with the Science Park project in which there is no element of real estate development, if the Government, Mr TUNG Chee-hwa, Chief Secretary Donald TSANG had very strong grounds and thought that the Cyberport project was justifiable enough to defend this decision openly on a continued basis, why did they not repeat this approach of dealing with the Cyberport once, twice, thrice, 10 times or even 100 times? I cannot see any reasoning advanced by them. If they feel that what they have done is right, why do they appear to be so evasive on this sort of questions?

On this issue, there is one last point which I hope that the Government and Secretary John TSANG can answer. Mr John TSANG wrote in the article published today (and I quote), "At that time, apart from the PCCW which showed interest to construct the Cyberport, real estate developers also made another suggestion to the Government of splitting the development of the residential part and put the lots to public auction so as to provide the Government with income to cover the construction expenses of the Cyberport. After deliberations, the Legislative Council also disagreed to adopting this suggestion." (End of quote) The last sentence is a very serious allegation. With my very limited common sense, I would understand that the Legislative Council did not refer to the panel, the Legislative Council referred to the Council meeting. If my understanding is incorrect, I hope that someone can rectify me. What is written here did not refer to any panel of the Legislative Council or any one or two political parties of the Legislative Council. He said that after deliberations, the Legislative Council disagreed to adopting this suggestion. I hope that the Secretary can clarify this as soon as possible, otherwise I will pursue this to the very end. This statement is an insult to the Legislative Council. I have checked and found that the Legislative Council has never debated this suggestion in the Council meeting. When did Chief Secretary

Donald TSANG or the then Secretary KWONG Ki-chi put forward such a suggestion to the full Council for debate? When did this debate take place? Why did he say that we had not agreed to it?

There is a convention in Western parliamentary politics that if a Director of Bureau or politician has unintentionally provided some incorrect information to the extent that the credibility of the Legislative Council is called into question by the public, he should apologize. If he has provided some incorrect information intentionally so that the credibility of the Legislative Council is questioned, I think he should resign. I am now waiting for Secretary John TSANG's reply. As far as this case is concerned, I will not easily let go.

Madam President, the position of the Democratic Party supports free market indeed. All along, we think that investment should be encouraged in a commercial society like Hong Kong. We also think that those in the business sector should make a reasonable level of profits. What we oppose are not businesses or the policies of businessmen. What we oppose is any policy that favours the unreasonable commercial practices of one or two businessmen in the absence of fair competition or reasonable policy arrangement. A lot of people in the business sector think that many Members in the Legislative Council oppose businesses, and this is actually wrong. I believe that the Democratic Party and many people of the democratic camp do not harbour this concept. They oppose investments in a playing field that is not level to the effect that certain businessmen could reap special profits. In my opinion, not only should the public oppose transfer of benefits or collusion between business and the Government, but actually honest businessmen and those businessmen who reckon that their commercial operations are competitive in the free market should also oppose collusion between business and the Government. It is because if certain policies favour only one or two families or consortia, in the long term, the entire free market and even the business environment of Hong Kong will stand to lose.

Madam President, from the Cyberport, I now turn to the West Kowloon Cultural District (WKCD) development project. In fact, the biggest shade of worry that the WKCD has given me is that the single-tender approach renders the project similar to a replica of Cyberport. Why is it that even today, when the Legislative Council has passed a resolution (this is indeed a resolution passed by the Legislative Council) against single tendering, when the Real Estate Developers' Association of Hong Kong has voiced its disagreement to single

tender, and when the public have reflected in the survey that they do not agree to single tender, our Government is still not willing to cancel the single-tender arrangement? Are there any hidden reasons for Mr TUNG Chee-hwa and Chief Secretary Donald TSANG to insist on carrying out single tender? I cannot see any reasons for this. All this taken together has given many members of the public an impression that there is transfer of benefits and collusion between business and the Government. If the Government cannot thoroughly clear all these doubts in its policies, I believe that even when Mr TUNG raises his left hand and right hand, shouting that he is against collusion between business and the Government in a rally, the public will still not believe him.

Madam President, what I want to discuss next is improving governance. In fact, the most important point is whether the work style of the Chief Executive in the operation of this society can effectively improve governance. One of the conditions is whether the Chief Executive himself can speed up his response to public views, listen to public opinions and answer questions from the public. The great disappointment is that although the Chief Executive has already been administering for six years, he still insists on coming to the Legislative Council only four times each year. In his policy address this year, he made a loud vow that he would improve governance and practise people-based administration, however, within two weeks, he has already resumed his old self.

The request of the public is very simple indeed. They only want the Directors of Bureaux, the Secretaries of Departments and the Chief Executive to come to the districts to listen to public views, to have direct dialogues with the public. Nevertheless, during the past two to three years, it seemed that the Chief Executive had not been doing this anymore. In this world, I cannot find any other political leader who would be so timid and scared of having direct contact and dialogues with the public, or taking criticisms from the public direct. I really cannot find one. With our Chief Executive's style of work, I can see why he would be so hesitant in considering whether to attend more Legislative Council meetings and would refuse eventually. He will only attend some district meetings in which he will meet certain people, including District Council members and community leaders, who are chosen. He will not face the public direct, nor will he attend radio or television programmes to answer questions from the public. Such a style of work and governance can surely not improve the existing level of governance. I think that he must step forward in order to have any improvement. Certainly, as any person engaging in politics knows

only too well that when facing the public in the district level, he will not necessarily be greeted by any commendation or applause. Every politician knows that he may sometimes be reprimanded and criticized. However, it is exactly under such circumstances that a politician should listen to the public and understand why they would have such strong views.

The next area that I would like to talk about is the Accountability System for Principle Officials and improving the relationship between the executive and the legislature. The accountability system has been running for more than two years. I view that the existing accountability system is merely a system accountable only to Mr TUNG, instead of a democracy-based system whereby Mr TUNG, the Directors of Bureaux and the Secretaries of Departments are accountable to the public. Since the implementation of this accountability system, I have not noticed any improvement in public participation in the formulation of policies. If someone says that the accountability system has already sped up our accountable officials' response in formulating policies and in answering public aspirations, I can only see that the existing system is similar to the old one, and it is merely old wine in a new bottle. I fail to see that people with dissident views, political parties and Legislative Council Members can have a chance to take an earlier part in policy formulation, or have a better audience on these matters. I can only notice that some major incidents which happened in the community in recent years, including the issues on political system that we always talk about, incidents like legislation on Article 23 of the Basic Law, the WKCD, the Hunghom Peninsula, have all reflected that the officials in charge (although they have become accountable Directors of Bureaux and Secretaries of Departments) still do not have any new thinking or fail to map out any new approaches in their new positions.

Some issues are actually not very complicated. As policy makers, one of the most important rules that they have to comply with is to listen and accept different views. In recent years, we see the Government continuously appointing some persons whose views are similar to those of the Government and are holding a lot of positions in the Government's statutory organizations and advisory committees. When appointing members to these statutory organizations and advisory committees, it is more and more often that our Government only chooses from a group of a few dozens to a hundred-odd candidates, even though some of them are already members of five to six committees, and are already very busy. I fail to see how our Government is going to listen to more public opinions, explore more discussion channels, and

accept dissident and even strongly opposing views. If our Chief Executive, our Government and even many in the Executive Council share the same views, voice the same opinions, and even the Chief Executive listens to similar issues from various statutory organizations and advisory committees, I cannot see how this Government can take on board the most different views from the community and respond to them.

Madam President, in the last part, I am going to talk about constitutional development. In the course of my participation in the discussion, I am getting more and more disappointed. It is not only because the Central People's Government and the Government of the Special Administrative Region have ruled out the implementation of universal suffrage in 2007 and 2008, but also because there is no positive response to other issues. Some people suggested replacing corporate votes with more broad-based functional constituency votes. Some people suggested other more advanced proposals. However, taking the excuse that there is no consensus, our Director of Bureau did not even mention the principles of development. At present, the public are getting very impatient. They hope that there will be a clear system so that democratic universal suffrage can be implemented expeditiously. Here, I have to point out that the Government should not underestimate the perseverance of the public in this issue. In my opinion, in the middle of the year when the Government formally rules out the implementation of universal suffrage in 2007 and 2008, while putting forward a bogus mainstream proposal, that is what we would reckon, public grievances will certainly be triggered off. Certainly, more people will take to the streets to express their aspirations as their views are not accepted in the system. I hope that the Government, especially Chief Secretary Donald TSANG, can fully convey the strong aspirations of the Hong Kong people for the implementation of universal suffrage in 2007 and 2008, as well as the development of democratic system. We hope that the Central Government will positively respond to this issue.

Thank you, Madam President.

**MR MA LIK** (in Cantonese): Madam President, although the Chief Executive's policy address this year lack the lustre radiated in some policy addresses in the past, overall speaking, we feel that this is a rather pragmatic policy address. It has got something that merits a place in our memory, for has seriously concluded

the experience and lessons learned from the administration during the past seven and a half years, recognized quite a number of its shortcomings, and made a positive response to the criticisms and views from the community over the years. I find this a breakthrough in the Chief Executive's policy addresses.

Many members of the public have different views on the governance by the Government of the Special Administrative Region (SAR). We should acknowledge that over the past seven years, after the blow dealt by the financial turmoil and the globalization of worldwide markets, Hong Kong has entered a protracted period of economic restructuring. In such social environment, the SAR Government cannot do nothing to rectify its shortcomings in governance or administration. In the past, there was a long period of *laissez-faire* management. However, facing this change, the SAR Government cannot just let things happen, because the community will question the commitment and capability of the Government. Nevertheless, we can also see that after the reunification, there have been a lot of problems in terms of public finances, the civil service system, health care, education, housing and welfare in Hong Kong. We cannot blame all these entirely on the poor governance by the Government, as many of these problems were accumulated by the past administration, a view shared in the community. However, with the impact of the financial turmoil and economic restructuring, how could we promote the development of various industries in Hong Kong so that our economy can go through a successful restructuring and place Hong Kong in a better position in the long run? In my opinion, some of the approaches of the SAR Government seek to change the *laissez-faire* or positive non-intervention way of administration as practised in the colonial period. But in the new SAR era of "Hong Kong people ruling Hong Kong", such approaches of the SAR Government may not entirely be acceptable to the public.

To the SAR Government, the biggest challenge is a fundamental change in the mentality of governance. In order to prepare for this change in the mentality of governance, we opine that going too far is as bad as not going far enough. This has to be handled carefully. Not only should the Government have good political support, but it should also have good political judgment. It should know how to change its policies according to different circumstances, and how to advance or retreat in the right pace and timing. Only in this way will we feel that the Government can really lead us forward.

However, during the past seven years, judging from the challenges brought by this mentality of governance, we find that the Government has obviously underestimated the situation, or has been overly confident in retrospect. Facing the changes in social and economic policies, the Government has indeed suddenly changed from "doing nothing" to "doing everything". Quite a lot of policies were implemented in a rush. These policies include some substantial reforms which have far-reaching effects, and the interests of different social strata are affected as a result. Not only are public grievances not allayed due to these changes in policies, but they become accumulated, finally affecting social harmony and effective governance by the Government.

We, of course, opine that the Government cannot be over-cautious, and repeat its past approaches in governance, like avoiding mistakes by doing less or even by not doing anything at all. For those major issues concerning fundamental social interests, we feel that the Government should still be brave enough to commit and walk ahead of public opinions. However, on the other hand, the arrangements of these reform measures should also be prioritized and be appropriate according to social circumstances. They must have public views as their basis. The policies implemented can be effective only when a consensus is reached in the community and when there is clear impetus. In my view, these are the lessons and areas where the Government should pursue to identify inadequacies.

The Government should effect administration from a macro vision. But we hope that the Government can take a pragmatic, instead of an unrealistic, approach in proposing any policies or directions. The Government should avoid giving people the impression that it is boasting its proposals by really doing some solid work. Thus, on behalf of the Democratic Alliance for Betterment of Hong Kong, after the delivery of the policy address, I hope when we review the Government's policy address one year later, we can see that every undertaking has been realized, or every item is in progress or even accomplished.

If the policy address has given us an impression that it is vague and abstract, with only targets and slogans but without sufficient assessment of how policies can be implemented, whether the policies can be implemented and how the effectiveness can be evaluated, it is only a blank cheque in the eyes of the public. And in the end, the credibility of the Government in governance will be



tarnished. In the event that there are mistakes in governance or problems due to human factors, there should also be clear political judgement in dealing with them. In the past, some approaches adopted have given us an impression of sloppiness and confusion indeed. We view that the Government should not deal with the change of policies perfunctorily by saying that "certain policies no longer exist". Only if the Government can demonstrate to the public it is brave to admit the mistakes and problems that it can make a proper rectifications, and that it can have a chance to resolve the political difficulties and crises.

As regards the composition and co-operation of the governing team, the policy address stresses division of work, with different principal officials responsible for different portfolios, while they would discuss together on some major policies and implement the policies with co-ordination. Given this, some of the existing principal officials of the Government should not only focus on their respective policy areas. They should have a macro view on the policies and co-ordinate with one another. They should even demonstrate a consistency of government policies, especially when facing the public. From what we see at present, it seems that they are passing the political buck to one another. In our opinion, the role of non-official Members of the Executive Council should be expanded. It is because there are indeed criticisms that our Executive Council has now become a structure of official dominance. How can that embodies the stipulation of the Basic Law, that when the point of view of the Chief Executive is different from that of most Members of the Executive Council, it has to be put on record? Will that arrangement be only decorative? Therefore, we hope that the role of these non-official Members can be expanded to the effect that they can have more participation in the process of policy making. While these Members can serve better by giving more advice and ideas to the Government, they can also help strike a reasonable balance among different political parties and political groups, thus gaining more support from the community and the Legislative Council for government policies.

In regard to improving governance by the Government, there is one more aspect. That is, government policies and measures should balance the interests of different social strata and strive for cross-strata acceptability. In the policy address, it is stated that the Government is resolutely against collusion between business and the Government and will strictly enforce its monitoring system to eliminate any transfer of benefits. I find this a sound statement. However, a more accurate tone is that government policies should be fair and reasonable, and

they should avoid giving the public an impression that the Government is in favour of certain social strata or consortia with vested interests. Therefore, whether to the business sector, the middle class or to the grass-roots people, the Government should endeavour to establish and maintain a partnership of co-operation. Under the existing social circumstances, the Government should provide these conditions. It should put more efforts to encourage and promote participation in public services on the part of the middle class and grassroots, so that their voices can really be reflected and embodied in the decision-making process of the Government. We believe, to maintain harmony among different social strata, we need joint efforts from all parties. The business sector should realize that when they engage in business activities, the community would also expect them to bear social responsibility. And we also believe that the general public will not overlook the traditional values contributive to Hong Kong's success, which include personal efforts and the spirit of making unremitting efforts to improve oneself.

Madam President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): Madam President, when I discussed this year's policy address with the people, they mostly responded by saying — Madam President, my microphone is stuck. (*Laughter*) Thank you, Madam President. They said that Mr TUNG was a very good employee because as soon as the boss gets angry, this employee would make prompt, active responses. As everyone knows, it is the boss who gets angry, not the people getting angry. Mr TUNG should be the employee of all Hong Kong people, but he has given us the impression that he is only the employee of the State leader, HU Jintao, because after being admonished by the State leader, HU Jintao, Mr TUNG immediately summed up his experiences in this policy address and identified his inadequacies. Of course, the people also hope that this Government will conduct a review of its work, and they are surely happy to see that Mr TUNG is willing to admit his mistakes. Why is the Government identifying its inadequacies? The purpose is very simple indeed. It hopes that after the inadequacies are identified, the current problems with the governance of Hong Kong can really be resolved. But unfortunately, having read the whole policy address, I find that it has only identified the inadequacies superficially. It has evaded a very, very key issue and that is, the political system is the greatest inadequacy of Hong Kong now. If the Government evades this issue of political system, it simply cannot resolve the many conflicts in society now.

How is the present political system of Hong Kong? It can be said that it has become a piece of rusty machinery which relies heavily on the Central Authorities' high-handed intervention to provide it with energy and the concessionary policies as the lubricant for it to barely operate. But in society there are the phenomena of political disorder, disintegration of institutions, and loss of authority, with all participants being losers, including all Members of the Legislative Council here and all the people of Hong Kong. We all have become losers of political disorder and disintegration of institutions. Why can I see political disorder and disintegration of institutions in society? In retrospect, the last few years have seen a lot of disputes, but every time when disputes and quarrels are over, the conflicts remain. A dispute does not end because the differences have been reconciled. Rather, it is because it has been overtaken by another dispute. New and old conflicts keep on revolving, taking turns to come on stage. In fact, the Government can avoid stirring up troubles as far as possible, but there is a regular pattern of the development of social conflicts. When a certain amount of energy has been accumulated, the Government will be "burnt" anyway, let alone the fact that the Government will sometimes actively lit the flame instead of avoiding such an act. This has resulted in the continuation of disintegration.

The conflicts cannot be reconciled because nobody in Hong Kong will believe that the rules of the game are fair and honest. In fact, to solve the core problem now, there must be a credible government and a fair constitutional system. But unfortunately, the Central Authorities have ruled out dual elections by universal suffrage and the problem will only drag on continuously. Of course, the Chief Executive has blamed the democratic camp for causing worries and troubles to the Central Authorities. In fact, they should have no worries and troubles to start with, and there is no need for the Central Authorities to assume responsibilities and be involved in this matter. However, we do not know who has sweet talked the Central Authorities, making them finally assume responsibilities over the issue of constitutional system. If the Central Authorities can let Hong Kong people decide for themselves the future political system, there would be no worries and troubles. Therefore, the people who are actually causing worries and troubles to the Central Authorities are those very people who teach and abet the Central Authorities to interfere with Hong Kong's constitutional development. Besides, the Chief Executive has shifted the blame to the community, saying that it is not harmonious, prosperous and stable enough. This is utterly preposterous. The Chief Executive said in the 26th paragraph of

the policy address that as long as social harmony, prosperity and stability can be maintained in society, our constitutional system can develop at a faster pace. What is the logic? Why is there no harmony in society? Why is there no stability most of the time? It is because, as I said earlier, social order has collapsed. Why has it collapsed? Because the political system of the Government cannot develop. But what is the logic of saying that the constitutional system can develop at a faster pace when society becomes more harmonious? Is it that social harmony can be created? Can the conflicts be resolved simply by chanting a slogan of "Let us be more harmonious and a family that lives in harmony will prosper"? A harmonious society is built on fair rules of game and a fair political system. But much to our regret, the entire Government, including the Chief Executive, has all along evaded this issue. So, in my opinion, what I feel most pessimistic about Hong Kong's future is that if no one is willing to face this core problem, and if no one is dealing with it direct, the problem will only drag on persistently. What is more disappointing to me is that recently, we have begun to see sophistries in the constitutional review. I asked Secretary Stephen LAM earlier whether something had gone wrong. Was he saying that functional constituencies would be maintained permanently? Surely, Secretary Stephen LAM will definitely say that this is not his idea, but the fact that it has been included in the Fourth Report means that this is something to be followed up and this is a view held by the Government and something which the Government will follow up. How possibly will functional constituency elections be consistent with the principle of universal and equal suffrage? If the Government does not expeditiously put out this fire and allows functional constituencies to expand continuously, social conflicts in Hong Kong would not be resolved and in that case, we would ultimately return to a scenario of social disorder.

Moreover, regarding the policy address in general, we are, of course, very delighted that the Government has expressed strong opposition to collusion between business and the Government, and vowed to thoroughly stamp out transfer of benefits. Mr TUNG has adopted our slogans, and we feel very happy about this. But strange enough, how can it be the Government who said that it is resolutely against collusion between business and the Government? Is it like a thief calling on people to catch a thief? Even if the Government is genuinely against collusion between business and the Government, it should write: The Government will not be involved in, and does not allow, collusion between business and the Government. The Government should not express

opposition to it, just as members of the community have been doing. The Government is the official party in that allegation, and there is no need for the Government to oppose collusion between business and the Government. The Government only has to stay away from this, and it will be fine as long as the Government does not engage in collusion with businesses. So, it is pointless for the Government to express opposition, not to mention that the Government has not yet given any explanation for the Cyberport incident. From the advertisement concerned, we can see that the Government is passing the buck to the Legislative Council, saying that the Legislative Council did give this project its blessing. Putting it this way is fine, but in fact, we can add this: collusion among business, the Government and the political parties. Those political parties which support the Cyberport are colluding with the Government and business. But surely the democratic camp does not support it. If there was collusion among business, the Government and the political parties, then only those political parties are involved. Please do not shift the blame to the Legislative Council, saying that it has the support of the Legislative Council. In fact, it is obvious that the whole incident has been a transfer of benefits. Meanwhile, the entire system is one of collusion between business and the Government. If the Government is resolutely against collusion between business and the Government, it should add one more line to say that it is resolutely against small circle election, because the majority of those in the small circle are businessmen and such election mainly involves the interest of the business sector. If the Government says that it is resolutely against collusion between business and the Government, it should rather say that small circle election should be scrapped. What is the "link" in such collusion? In fact, the link is the political system, which gives the businessmen exceptionally more votes. If we do some counting, the votes of those companies account for an enormous number, and it is this link which makes collusion possible. If the Government is truly against collusion between business and the Government resolutely, it should sever this link. However, I believe the Government will again be "paying lip service" to this eventually, while it is now straining every nerve to say that it has not done so. Anyway, the pure-hearted will remain pure, and the eyes of the people are discerning.

Regarding the third major problem of the whole policy address, I will cite more examples later on to demonstrate that many beautiful promises have been made in the policy address, such as, measures to promote employment and help the poor. What is most worrying for the people is that these measures will fail to materialize ultimately. I will explain with more examples later.

From now to the expiry of his term, the Chief Executive has only two and a half years. I think he is a Chief Executive who feels lost. He should base his administration on the people but now, he is regarding them as tigers, reluctant even to attend the "phone-in" radio programmes. If he refuses to face the people, how can he base his administration on them? Has the Chief Executive felt lost to such an extent that he does not even want to meet the people? The Chief Executive should make some efforts to solve the problem, and it is the problem with the political system which the Chief Executive has to address seriously.

I can see that Secretary Joseph WONG and Secretary Dr York CHOW are present, so, I would also like to say something on the issue of civil servants. First, I would like to say that — in fact, Secretary Joseph WONG has heard me say this many times — I am firmly against the strong move of keeping the civil service establishment at a certain number — 160 000. If there is a need for manpower, recruitment must be conducted to prevent succession gaps. It is unreasonable for the Government to set a figure — 160 000. I do not know how this magical number came about. At present, many departments are experiencing succession gaps. I have pointed out to Chief Secretary Donald TSANG that the Water Supplies Department is dismissing without reasons those artisans and supervisors who were promoted from apprentices, rendering them unemployed. This will aggravate the youth unemployment problem, to be followed by the succession gaps which are to continue.

As to Secretary Dr York CHOW, I would like to say that the lump sum grant arrangement for subvented organizations has made the employees anxious. They are either worried that they might be dismissed or their salaries might be reduced. When the whole sector feels no sense of job security, how can they provide quality services? In respect of teachers, it is lucky that they do not yet have the lump sum grant arrangement. But if this really happens, would the Secretary and all of us please consider, what will Hong Kong's education quality become? However, it appears that the Government does not pay attention to the quality of social welfare. I remember Secretary Dr York CHOW once said transitional subsidies are toxic shots, but it is the lump sum grant arrangement which is the most toxic of all. It is because of this that organizations are now making layoffs, salary cuts and benefit reductions, and the overall social welfare establishment is disappearing. Therefore, I hope that the Secretary will take away this toxic shot. Thank you, Madam President.

**DR PHILIP WONG** (in Cantonese): Madam President, after the delivery of the policy address, the comments given by various sectors of the community have mostly been positive. The policy address is considered to be relatively pragmatic and responsive to the issues of concern to the community. It has lived up to the public's desire for harmony, stability and development. However, some people have criticized the policy address for making too little mention of constitutional development and not providing a timetable for the elections of the Chief Executive and the Legislative Council by universal suffrage. In this connection, I would like to make four points.

The first point that I would like to make is that we must have a correct understanding of the concept of democratic political system. If the concept is misrepresented or distorted deliberately, it would be very difficult for opinions to be exchanged and collected, because without a proper perspective, the arguments will not be tenable.

I think democracy is not equivalent to "one person, one vote". It does not mean that we must go by the wish of the majority, come what may. The true spirit of democracy is that while the wish of the majority has to be respected, the rights of the minority and individuals must also be protected. Like democracy, the concept of constitutional system has also aroused endless contentions. Given the differences in historical background and social conditions, the constitutional systems in other countries of the world have evolved in different ways with different shortcomings.

Take Britain and the United States as examples. Britain implemented the capitalistic electoral system in 1688 and introduced "one person, one vote" only in 1948. It was not until 1969 that British nationals began to have the right to election at the age of 18. The United States promulgated the Constitution in 1787, stipulating that Senators be elected by the parliamentary assemblies of the States. It was only in 1971 that citizens of the United States aged 18 began to have the right to election, and the presidential election in 2004 was still an indirect election. This shows that the electoral systems of Britain and the United States have undergone a process of evolution for nearly two to three centuries, and are still developing nowadays.

In some Western countries and neighbouring territories, universal suffrage is a very expensive political game. Its cost includes inconsistent policies, mismatch of resources, economic doldrums, a heavily indebted government and

even the emergence of such crises as social division, political instability, and so on. These shortcomings show that "one person, one vote" is not a panacea. Nor is it the synonym for "good governance". Some political figures have been crying out for "one person, one vote". They seek to politicize everything and engage in malpractices for their personal gains by making use of the legislature. They have obstructed the Government's efforts to boost revenue and cut expenditure on the one hand, and forced the Government to dish out more money on the other, in an attempt to please their voters and hence obtain votes. But in the end, it is still the overall interest of the voters that will suffer most badly.

History is a mirror, and from the teachings of history, we can draw lessons from experiences and hence avoid detours. Let us review the history of Britain. In her colonies, Britain would not introduce representative government or democratic elections. It was only when its withdrawal was imminent that such arrangements would be made. Let us also look at the history of Hong Kong. Hong Kong is a typical commercial city with a small but open economy. Any dramatic changes relating to the political system may very easily be subject to impact, both internally and externally. From the Sino-British negotiation on the future of Hong Kong to the "three-violation political reform package" proposed by the last Governor, we all bear witness to this complicated, tortuous chapter of history. The recent contentions over the political system have reminded me of the many little tricks played by the British, after the signing of the Sino-British Joint Declaration in hastily enacting some laws. The resultant negative implications have been far-reaching. Incidentally, I would like to point out that under the principle of "one country, two systems" and in the light of the actual situation in Hong Kong, the Government of the Hong Kong Special Administrative Region (SAR) should be determined to gradually resolve the deep-level structural problems left over from the colonial era.

Coming back to the question of democratic political system, some people may ask, "Compared with Western countries and the neighbouring territories, is there actually democracy in Hong Kong?" As we all know, during the British rule over Hong Kong for more than a century, we did not hear many voices for democracy. Even those people who cherished the memory of the British rule have said that there was no democracy but there was freedom in Hong Kong in the past. I think the political system before the reunification was not purely one of old colonialism, but a combination of neo-colonialism and modern capitalism. The reunification of Hong Kong with China put an end to the undemocratic colonial system and led to the development of a system that suits the actual



conditions in Hong Kong, enabling all Chinese people in Hong Kong, including citizens in all social strata, to participate in the affairs of Hong Kong in a balanced manner in accordance with the provisions of the Basic Law and on the principle of a high degree of autonomy, and this has paved the way for the forward progress of democratization. As for whether we should implement direct or indirect election, or whether we should go for geographical constituency election or functional constituency election, I think the progressive adjustment of the proportions of various forms of election is part of the democratic political system and a path that we must take in the course of constitutional development. We cannot make such sweeping comments as "indirect election is undemocratic" or "where there is functional constituency election, there is no democracy". These comments are too shallow and far from convincing.

The electoral system in Hong Kong dates back to about 20 years ago when the district board election was held, and it was only in 1991 that directly-elected seats were introduced to the Legislative Council. It is still in the stage of "training" and therefore, inadequacies or deficiencies are inevitable. Why are there inadequacies? One reason is that, as I have just mentioned, the British were reluctant to withdraw from Hong Kong and they simply would not sincerely nurture political talents who love the country and Hong Kong and who have the ability to govern Hong Kong and the courage to make commitments for the SAR. To develop a democratic political system, we must first address this problem squarely.

The second point that I wish to make is that this administrative region of Hong Kong is very "special" indeed, for Hong Kong people have the opportunity and the right to gradually develop a "Hong Kong-styled" democratic political system in the light of the actual situation.

Hong Kong has a relatively high level of economic development. But before the reunification, the people were living under colonial rule. The principal officials then were mostly British; policies were made by London through the Governor, and political talents were lacking. After the reunification, the SAR could neither reproduce the Westminster parliamentary system of Britain for implementation in Hong Kong nor completely preserve the colonial system, and it was also impossible to introduce the system of the National People's Congress (NPC) in the Mainland. The only option was to gradually develop its own model.

Why does it have to be developed gradually? It is because any political reform must be conducive to economic development, and any pursuit of a democratic system must ensure prosperity and stability in society. While the development of a democratic political system in Hong Kong may not necessarily have to take centuries, as in the cases of Britain and the United States, the pace of progress towards universal suffrage must suit the actual situation in Hong Kong. It cannot be too slow, and it cannot be too fast. I stated this view during the drafting of the Basic Law and I have been stating it for many times since I joined the Legislative Council in 1991.

To discuss the timetable of universal suffrage, I think we must study the Basic Law to obtain a comprehensive and correct understanding of it. In view of the history of Hong Kong and the actual situation, the Basic Law provides that the previous capitalistic system and way of life in Hong Kong shall remain unchanged for 50 years, in order to maintain prosperity and stability in Hong Kong. Article 2 of the Basic Law provides that Hong Kong is authorized by the NPC to exercise autonomy as well as executive and legislative powers. Article 12 provides that "The Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government". This has explicitly stated that Hong Kong is not an independent or semi-independent or *de facto* independent "political entity". At best, it is only an "executive entity" mainly with responsibilities to manage local administrative affairs. Unlike a sovereign state, it should not vigorously go for party politics and universal suffrage. This, I think, is very important. Chapter IV of the Basic Law provides for the status, nature, constitution, formation, term of office, and powers and functions of the Chief Executive, the executive, the legislature and the Judiciary, as well as the qualifications, appointment and dismissal of principal officials. Articles 45 and 68 of Chapter IV expressly provide that the methods for selecting the Chief Executive and forming the Legislative Council shall be "in the light of the actual situation in Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress". I wish to point out that regarding these two principles, "gradual and orderly progress" is just secondary, for "actual situation" is the prerequisite. Let us not set eyes only on "gradual and orderly progress" to the neglect of "actual situation". "Gradual and orderly progress" means moving forward gradually in a step by step manner. "Actual situation" means when the environment permits and when the conditions are ripe. The environment and conditions should include both the internal and external factors in Hong Kong, such as politics, the

economy, legislation, history, culture, acceptability in various sectors of the community, the situation in the neighbouring region, and interferences from external forces. We should have a sober understanding of the situation in these aspects and cannot just treat them lightly.

To the SAR Government, it is all the more necessary to emphasize the need to govern in accordance with the law and to fully and effectively enforce the Basic Law. Under the Basic Law, the NPC and its Standing Committee have the power and responsibility to examine the constitutional development of Hong Kong. They have the powers to interpret and amend the Basic law, and regarding these powers to oversee, interpret and amend the Basic Law, there is no room for bargaining. This is the "law". This is the political reality. It cannot be evaded and allows no flinching. Should the SAR deviate from the provisions of the Basic Law and the decision of the Standing Committee of the NPC (NPCSC) and insist on acting arbitrarily and doing whatever it likes, it would devastate the spirit of the rule of law which is the cornerstone of the success of Hong Kong, tarnish the image of Hong Kong and shatter the confidence of investors.

Insofar as some people are concerned, they should understand that the Basic Law was designed to maintain continuity in the political system and preserve the previous merits, including the source of authority, an executive-led system, the consultative structure, the buffer mechanism, and so on. The purpose is to properly handle the relationship between the Central Authorities and the local government, balance the interests of various sectors in the community and reconcile conflicts, with a view to gradually developing a democratic political system. While the design may be relatively prudent, the objective is to seek development amidst stability. Every responsible political figure is subject to the regulation of the Basic Law. They should faithfully perform the roles expected of them and discharge their statutory responsibilities and obligations, and this should not be lumped together with the freedom of speech of the individuals. If they go against their oaths, ignore the solemn constitutional system and blatantly challenge the Basic Law or even incite hostility among the people towards their own country, whether they do it in the name of democracy or on other pretexts, they are flouting the law deliberately.

The third point that I would like to make concerns an incident that has been reported recently and involves the question of a timetable. As Members may have noticed, in order to oppose and curb secession activities campaigning for

the independence of Taiwan, the NPCSC has kick-started the legislative process of the Anti-secession Law.

I have three views on this law. First, the reunification of the country is a major trend and a general aspiration of the people. With the concerted efforts of Chinese people across the Straits, and when all the conditions in terms of timing, geographical convenience and human relations are ripe, the objective will be achieved naturally and as a matter of course. Second, the enactment of this law is to put across a clear message to the world, that China will rule the country in accordance with the law, and that it will curb the independence forces by law. Large though its meshes may be, the net of justice lets no criminal through. Any plot to conduct referendum, draw up constitution and champion for the independence of Taiwan is doomed to fail. Third, the stronger the overall national strength of the country and the more economic and cultural exchanges across the Straits, the greater the possibility of peaceful reunification. The thinking of the Central Government of "seeking negotiation, preparing for a war and not fearing procrastination", and the series of matching measures adopted, are, in my view, very liberal, pragmatic, flexible and effective.

As a Chinese saying goes, "Major principles shall preside over minor principles". Although I have not read the text of this law, I reckon that the law to be enacted at the meeting of the NPCSC in March this year will not carry a timetable for reunification, because the question of a timetable is, indeed, extremely sensitive. Since 1949, there has not been a specific timetable for this, even though the complete reunification of the country is of paramount importance. The implementation of the Basic Law in Hong Kong is an unprecedented, complicated undertaking. Therefore, be it the complete reunification of the country or the constitutional development in Hong Kong, all must stand the test of practical implementation where the objective circumstances permit, and it is unnecessary to draw up a rigid timetable too early.

The fourth point that I would like to make is that, the question of universal suffrage, I would attach more importance to reaching a consensus in society.

I think when a consensus can be reached in society and correct guiding principles be established, it would then be time to consider drawing up a timetable. Correct guiding principles should include whether or not the SAR then can persistently implement the "one country, two systems" principle, whether or not it can persistently act in accordance with the Basic Law, and

whether or not it can persist in ruling Hong Kong primarily with patriotic Hong Kong people. At present, the views of some people are still very different from those held by many people in the industrial and business sector, professional sectors, the labour sector and the political sector, and this has already been reflected in the reports of the Constitutional Development Task Force. In this pluralistic society of Hong Kong, we must accommodate different views as far as possible. Putting labels on other people and using verbal violence arbitrarily does not accord with the spirit of democracy and is not in the least conducive to constitutional development.

Some people may think that since they have already expressed different opinions, it would be difficult to make an about-turn. In fact, political figures should have the courage and skills to change their advocacies in the light of changes in the circumstances. This has long been very common in Western countries and in Hong Kong. In all fairness, if they can attach importance to the provisions of the Basic Law and the decision of the NPCSC and then take a forward-looking vision and adjust their views, this will be a wise approach that should be welcomed. I very much like this motto: Sincerity is better than a hundred stratagems. Instead of indulging in the wishful thinking of achieving their objectives in one step or bringing about dynastic changes overnight, it is better for them to show sincerity and strive to make contact and establish dialogue with the Central Government. On their relationship with the SAR Government, they should regulate each other and co-ordinate with each other; they should at the same time put forward constructive opinions, thereby creating the conditions for constitutional development and removing the obstacles in their own development.

All in all, I think there is ample room for developing a democratic political system in Hong Kong. Within the parameters of the provisions of the Basic Law and the decision of the NPCSC, there are still many areas that can be studied, taken forward and manoeuvred. They include the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, the relationship between the executive and the legislature, the reform of regional organizations, advisory bodies and statutory bodies, and the system and role of the Civil Service. Besides, they also include how to enhance national education, how to nurture political talents, how to improve the level and ability of governance, and how to incorporate balanced participation from and democratic monitoring by all sectors of the community. These eight areas will warrant in-depth discussion by various sectors of the community.

Finally, in order to achieve the aim of universal suffrage early, I sincerely urge the democrats to respect the sovereignty of our country and uphold the national integrity of our country. I urge them to take practical actions to convince the people of Hong Kong that they will change their confrontational attitude towards the Central Government.

Madam President, I so submit.

**MR JAMES TIEN** (in Cantonese): Madam President, the Chief Executive has devoted substantial coverage of his policy address to pledge that he will identify inadequacies and improve his governance. The Liberal Party supports this.

The so-called inadequacies mentioned by the Chief Executive in his policy address include the following points: That the Government has displayed a lack of a sense of crisis and political sensitivity; that it is not sufficiently mindful of the controversial nature of the policies; that it has introduced too many reform measures too hastily. In addition, he also mentioned that the Government had not reacted in time to solve the structural conflicts of our economy, so as to enable Hong Kong to move forward in line with the Mainland's economic advances. In general, the people welcome Mr TUNG's move to identify inadequacies and opine that this is a pragmatic approach. The Liberal Party also strongly agrees to this point.

However, among so many points for identifying inadequacies, the most important point is surely the lack of political sensitivity. The Liberal Party notes that, among his efforts of identifying inadequacies in the policy address, the Chief Executive has not mentioned the relationship between the executive authorities and the legislature; and I think this is one of the areas which badly needs efforts of identifying inadequacies. During the many years since the reunification, Hong Kong has to achieve a high degree of autonomy and Hong Kong people ruling Hong Kong on the one hand, and it has to achieve the ultimate goal specified in the Basic Law on the other, namely, the eventual implementation of the dual elections by universal suffrage. Under such circumstances, it is indeed a unique case in the whole world for us to have a Chief Executive who assumes such a high office without any political party background or the support of political parties. Fine. After the present Chief

Executive was elected, he had to find the right persons to assume the posts of Bureau Secretaries in order to implement the policies. While having no anchor votes in the Legislative Council, the Chief Executive usually has to make the decisions in conjunction with individual Secretaries during the process of formulating policies, instead of drafting such policies and making revisions together with parties sharing the same ideologies as his in the Legislative Council. In this connection, the Liberal Party generally thinks that the greatest problem lies not in the controversial nature of the present policies, but in the process of handling the policies. About a couple of weeks ago, the Secretary for Education and Manpower submitted an application to the Finance Committee for an allocation of funds to finance a certain initiative in education. However, the relevant paper was subsequently withdrawn because some problems emerged in the course of discussion in the relevant panel meetings. Had it been handled properly, the application for funding would have been made only after the relevant panel had completed its discussion on the subject.

In fact, it is necessary to improve the relationship between the executive authorities and the legislature. In the long run, this is the area of governance which has the greatest need for improvement; and among the various efforts of identifying inadequacies, we think this is the area which has the greatest need for improvement. Of course, we also note that the Chief Executive has said that the Government will do its best to identify inadequacies now, that is, this year. However, does he mean to say that the Government will be able to identify all the inadequacies within several months? After the Government has identified the inadequacies, can it remedy all such inadequacies within the next couple years, that is, within the term of the second SAR Government? Or will the Government leave all these to the third Chief Executive who will eventually be elected? In fact, the third Chief Executive will have absolutely no relation with the incumbent Chief Executive TUNG Chee-hwa. What I mean is, they usually do not belong to the same party, and actually there is no party background to speak of. After the third Chief Executive has been elected, he will run the Government in his own way. After doing so for several years, will it become necessary for him to identify inadequacies as well? I think that, the critical relationship, namely, the relationship between the executive authorities and the legislature must be improved. The Liberal Party has also thought about these questions. In the long run, should Hong Kong be executive-led? Or should the executive authorities take up the leadership role in working together with the Legislative Council and taking on board the views expressed by the

public? I think a kind of balance can be achieved. The concept of executive-led administration may not necessarily be undermined by an incorporation of the viewpoints of the various parties and factions in the Legislative Council. During the past few years, even certain policies which had been discussed by the various parties could still become controversial upon implementation. The points of contention may involve such issues as the capability of the people to cope with such policies, whether such policies have been implemented too hastily; whether too many reform measures have been implemented, whether the burden of the people has been increased or reduced, and so on. In fact, all such controversies could have been handled in better ways.

Madam President, as such, the Liberal Party is of the opinion that it is really necessary for the Government to study how it should handle the relationship between the executive and the legislature. We feel that the future government should carefully consider this question: What should a real governing coalition look like? Should a governing coalition comprise political parties that share the same ideologies as the Government (though in the Executive Council, major government policy proposals may be subject to many revisions and they must not be implemented until a consensus has been reached)? I personally, and even the Liberal Party, hope that the Executive Council can include Members from various parties. Of course, I understand that this may pose difficulties in reality as certain parties may like to play the role of opposition. They may think that: If all the parties join in the governing coalition, how can voters make their voting decision in the elections? If all the parties work together with the Government in governing Hong Kong, voters may be at a loss as to which politicians they should vote for. I also agree that some difficulties may exist in this regard. Perhaps it may not be possible for us to achieve the target of including all the parties in the governing coalition. However, under the Accountability System for Principal Officials, we may consider the possibility of combining the strengths of various parties to assist the Government in governing Hong Kong, so that policies will be formulated only after their views have been expressed, all the people have been consulted and the issue has been extensively discussed in the Legislative Council.

However, at the moment, we have an urgent task before us, namely, the implementation of the elections in 2007 and 2008. The Liberal Party thinks that the first step that can be taken for the 2007 election is to expand the membership of the Election Committee from 800 to 1 600. We feel that the existing



proportions of the four sectors in the Election Committee must be maintained. As for where should the increase or the adjustment be made, I hope other parties in this Council — even those parties do not support the continued adoption of the Election Committee in 2007 — can assist us in accomplishing this most urgent task before us. We feel that if the membership of the Election Committee can be expanded to 1 600 persons, then we can use the present 800 members returned by 160 000 persons as the base, and the figures can then be multiplied by two, thereby bringing the total number of voters to 320 000 persons. This may be considered as a good starting point.

We do not think that after the size of the Election Committee has been expanded to 1 600 persons, it will subsequently lead to universal suffrage in disguise, that is, such members will be returned by over 6 million or 3 million eligible voters. This is because if this is adopted, the election will in essence become an election by universal suffrage. The Liberal Party also suggests that, among the 160 000 or 320 000 eligible voters, the proportion of middle-class people should be increased. This is because we note that the middle class or the middle-class people are actually the pillars of all societies. At present, the middle-class people in Hong Kong society are strongly discontented. Many of them feel that they have paid the largest amounts of tax, yet they enjoy the least welfare. Some of them even propose that the Commission on Poverty should not "rob the middle-class people in order to help the poor". In other words, the Administration should not frequently impose tax increases on the middle class. In this connection, we feel that if the advisory bodies can include more middle-class people (they are mostly better educated), and if the establishment of a middle class forum can be facilitated, and if there can be greater readiness to accept their opinions, this is definitely a better approach.

Madam President, in a capitalist society like Hong Kong, when we mention the subject of effective governance, it is inevitable for us to talk about the relationship between the Government and the business sector, that is, the co-operation between business and the Government.

**MR JAMES TIEN:** Madam President, during the delivery of this year's policy address, I was intrigued to hear Mr TUNG raised a matter that he called "collusion between business and the Government". One way to interpret Mr TUNG's comment is that he sought to nip any controversy surrounding the West Kowloon Cultural District in the bud. The Government has been drawing heat for its plans to award the whole project, including massive property development rights, to only one successful bidder.

But if so, Mr TUNG was mistaken in what he identified as "collusion". The issue was the West Kowloon project is not one of collusion. It is of finding the most effective way to provide Hong Kong with a badly needed critical mass of cultural infrastructure. For example, I believe awarding the project to just one developer means the Government stands to lose billions in revenue. By separating the land into several plots for auction, the Government could gain more revenue. Not doing so is a mistake, and mistake deserves criticism. But a mistake is not the same thing as collusion.

Regrettably, the issue, as Mr TUNG has chosen to cast it, begs the question. He seems to be admitting that the Government has acted favourably towards certain businesses in the past.

I for one do not believe the Government has favoured anyone. Yet, Mr TUNG's remarks have been interpreted by many in the public as exactly that. Moreover, his comment has added fuel to charges by critics that there exists an unhealthy nexus between the Government and selected business tycoons.

As a businessman as well as a politician, I can state with certainty that there is no systematic problem of government-business collusion in Hong Kong.

Hong Kong is considered one of the freest economies in the world. For 11 years now, Hong Kong has topped the economic freedom survey of the Heritage Foundation, a public-policy institution in the United States. How did we manage this? The Heritage Foundation cited our rule of law, our low tax regime, our transparency, free flow of capital and low level of government intervention in economy. In short, those things that makes it very hard indeed to collude for illegal gains, or for such collusions to go unnoticed and unpunished.

The Heritage Foundation is not alone in praising Hong Kong. Others have as well. For example, early this year, we topped the list once more in the Cato and Fraser Institutes' annual report, the "Economic Freedom of the World". The list goes on.

But of course, there is co-operation and partnership between the Government and the private sector. No one denies this. But note, there is an important distinction between collusion and co-operation.

Co-operation within the free market system is healthy. The private sector has interests, and wants to make money, to turn a profit. The Government, on the other hand, has other goals.

By co-operating, each side needs a goal. Business makes money, and the Government gains for the larger good of the community. For example, by co-operating with the private sector, it might manage to create more jobs for the city.

To help us appreciate the relationship between our Government and the business sector, it may be meaningful to consider just what actual direct benefits Hong Kong Government provides businesses. There is in fact very little. In this part of Asia, many cities have sought to attract foreign investors by providing land and tax holidays. The Suzhou Industrial Park, for example, offers foreign investors reduced corporate tax rates and exemption from local taxes, as well as other income tax incentives. Machinery brought into the Park can be exempted from import duty and import-related taxes. Manufacturers get VAT rebates for water, electricity, and gas for plants that produce export goods. The list of benefits goes on and on.

And yes, to be sure, all these fall under the understanding of co-operation, and is acceptable because they served as a factor booster to the overall economy. But note that even the Government seeks to co-operate with the private sector, it sets prudent limits for itself.

Several years ago, for example, a large foreign investor discussed with our Government a plan to build a semiconductor fabrication plant here in Hong Kong. But it sought several condition for this, including the provision of land and tax exemptions. The Government declined to provide such privileges, so the plant was instead built in Shanghai, which was more willing to co-operate with this investor.

In contrast, we attract foreign investors and encourage those already invested here to stay, through our regime of few, simple and low taxes. Then, our insistence on transparency in all things let them know that no one gets an unfair edge in this count. We may lose a few investors this way, but we gain many more who find Hong Kong attractive, precisely because we have done everything possible to level the playing field. Hong Kong prospers, and Hong

Kong strives, because of this. Our greatest asset, and one recognized by both local and foreign businesses, is the equality we accord investors. But with all these principles intact, Hong Kong must strive to be a business-friendly city, in order to stay competitive.

So, Mr TUNG was ill-advised to speak of collusion in his policy address. Any confusion about the virtues of this city is unhelpful. It would have been better if we have instead, the Chief Executive had concentrated on underlining Hong Kong's determination to maintain its strongest competitive advantage, which is, a free, fair and equal business environment.

This is the state of play, our duty is to preserve it. Thank you, Madam President.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, surprisingly there are two "TUNG Chee-hwa"s in Hong Kong.

There is one "TUNG Chee-hwa" in the policy address who chanted a most notable slogan: He is resolutely against "collusion between business and the Government" and will strictly eliminate any "transfer of benefits". However, out of the policy address, there is another "TUNG Chee-hwa" who denies the existence of collusion between business and the Government, and of course, no transfer of benefits has ever taken place.

Which one of them is actually the real TUNG Chee-hwa? The answer is: Both of them are.

The first TUNG Chee-hwa had awarded the Cyberport project without inviting any tenders; changed the contract in order to sell the Hunghom Peninsula development at pitiable prices; proposed to award the West Kowloon Cultural District (WKCD) project by way of a single development approach so as to convert precious land resources of Hong Kong into the benefits of a certain consortium; he is the one who should assume the greatest responsibility for collusion between business and the Government. This is the natural bad consequences of small-circle elections and this is the formula of the transfer of benefits: Repaying the favours owed in the elections by granting advantages to the persons involved.

The second TUNG Chee-hwa is the product of top-down political appointment. Having governed Hong Kong for seven years since the reunification, he had made everyone complain and suffer, triggering the open criticism of "identifying inadequacies" by President HU Jintao. As a result, TUNG Chee-hwa was frightened and at his wits' end. All he could do was to repeat the instructions from the highest authority and put HU Jintao's criticism into his policy address, making the policy address into his confession note: Your Majesty is so wise and witty, I am prepared to take any punishment handed down by you.

The two "TUNG Chee-hwa"s are already too much for Hong Kong. However, what is more, Hong Kong has to put up with the reality that TUNG Chee-hwa occupies the office of the Chief Executive for two terms.

Even if the small circle made a mistake in electing TUNG Chee-hwa as the first Chief Executive, it should have stopped him to take up this significant office for the second term in the election. But the outcome was: TUNG Chee-hwa won a landslide victory in gaining the nomination of over 700 members out of the 800 members in the Election Committee — he won the election uncontested, thereby enabling him to govern Hong Kong for another five years, leading Hong Kong into a shambles of seven years or even ten years in duration. Today, as we review the "Seven years' of chaos of the TUNG Era", will they admonish themselves for having supported the re-election of TUNG Chee-hwa in order to curry favour with him, the person in power? Will they feel sorry about that?

If there were a democratic system in Hong Kong, if Hong Kong people had the right to vote in an election by universal suffrage, TUNG Chee-hwa would have already stepped down a long time ago. Why should President HU Jintao go into a fit of rage before the camera? Why should Hong Kong people suffer the poor governance by TUNG Chee-hwa? Therefore, TUNG Chee-hwa is not the only one who should sum up the experience and identify inadequacies, but also the Central Government which should review its SAR policies. And we should also review the twisted political system which is a blend of top-down appointment and small-circle election. This system is tilted towards the business community and the large consortia. The system even enjoys the support of the Central Government, so it virtually makes TUNG Chee-hwa's executive-led administration together with his errors free from any checks and balances, thereby promoting collusion between business and the Government as well as the transfer of benefits.

Yesterday, in an over-zealous attempt to defend TUNG, Secretary for Commerce, Industry and Technology John TSANG claimed that no collusion had been involved in the Cyberport development, and it was a reasonable public policy decision. This is really the worst false claim! The crux of the problem with the Cyberport development did not lie so much in its cyber content, nor its property element. Instead, the crux did lie in the fact that TUNG Chee-hwa had awarded the right of development to LI family's PCCW without having conducted any open tender. As a result, LI family's PCCW can enjoy exclusively the enormous land development right there, where they actually concentrate on reaping profits from the property development under the pretence of cyber development. It is a naked transfer of benefits. Now, the take-up rate of the Cyberport is pitiable, but the Bel-Air project has made enormous profit. This is the most classic example of collusion between business and the Government. How can the truth be hidden by some quibbles?

Hong Kong people are not at all forgetful. When the controversies of the Hunghom Peninsula and the WKCD emerged, the memory of the Cyberport was brought back to our mind. As a result, a social movement against collusion between business and the Government had become imminent and caught the attention of the Central Government as well. So, the profiteering attempt at the Hunghom Peninsula project was stopped, and the momentum of the single-tender proposal of WKCD project has been undermined as well. It all led to the embarrassing and contradictory situation in which TUNG Chee-hwa had included the slogan of opposing collusion between business and the Government in his policy address on the one hand, yet he openly denied the existence of such collusion on the other. However, the Cyberport episode has already left a permanent demerit in the record of TUNG Chee-hwa. So, no matter how hard Donald TSANG and John TSANG try, the history and the solid fact of collusion between business and the Government can never be erased.

The time has changed. The corrupt collusion between business and the Government has gradually faded out, but a new style of collusion between business and the Government, marked with land rights award, is on the rise. In addition, we have this new episode. Soon after their retirement, certain senior officials immediately joined large consortia even before the lapse of their post-retirement leaves and their sanitization periods. They have totally ignored their status as ex-senior officials of the Government and they were indifferent to public criticisms in society. The public is indignant and people are all denouncing such malpractices. Joseph WONG, the accountable official with

responsibility in this area, has been giving ready approvals to retiring officials to join private corporations. Without doing his job properly as the gatekeeper, he has demonstrated a classic example of collusion and transfer of benefits among government officials. He should be held responsible for such blunders and tender apologies openly. Now, the latest and most substantial collusion between business and the Government may emerge in the fraction politics arising from the scramble for office of the third Chief Executive any transfer of benefits that may arise in future.

Major storms are looming. Why should TUNG Chee-hwa's Accountability System for Principal Officials end up in a mess? Why has TUNG Chee-hwa's governance brought about chaos? This is not solely attributable to the incompetence of TUNG Chee-hwa; instead, it is due to the forthcoming election of the new Chief Executive. Election is by no means a free meal offer. No wonder all kinds of plots and underhand dealings are under way. Therefore, people who bring extra troubles and confusions to the Central Government are not only those democrats who took to the streets in their fight for democracy, nor those people who participated in the march to oppose the enactment of laws to implement Article 23 of the Basic Law. What make the Central Government worry are the king-making campaigns in the scramble for office of the Chief Executive among the different fractions as well as the dark struggle for the top job within the Executive Council.

However, will Hong Kong enjoy peaceful days after a Chief Executive without public mandate is eventually elected? Can a Chief Executive elected through the collusion among different fractions in the small circle eliminate the transfer of benefits for returning favours owed? Can a Chief Executive appointed and groomed by the Central Government evade the destiny of TUNG Chee-hwa of acting as only a puppet, so as to really gain the trust and respect of Hong Kong people? Hong Kong people have endured the rule of man for seven years, how long do we have to wait before we can really see democracy? Hong Kong people did not have any votes in the colonial days, nor do we have any in the 10 years since the reunification, how long do we have to wait before we can have universal suffrage?

From the political point of view, one TUNG Chee-hwa is one too many. Hong Kong people have had enough. But when we think about this small-circle election which we have to face, we know that Hong Kong people still have to put

up with more forthcoming similar candidates who may be TSANG Chee-hwa, TANG Chee-hwa, LI Chee-hwa or LEUNG Chee-hwa. This is really the greatest and worst curse on Hong Kong.

Today, TUNG Chee-hwa's policy address is a policy address without democracy and universal suffrage. It fails to live up to the expectations of Hong Kong people, and it cannot do justice to history. I absolutely cannot support it.

Madam President, I so submit.

**MR CHIM PUI-CHUNG** (in Cantonese): Madam President, we have 25 minutes to speak, but as there are many issues to be discussed, I have to speak step by step during my speaking time.

First of all, I will still discuss the political system. I have heard the criticisms made by Mr CHEUNG Man-kwong of the SAR Government earlier. We must understand that "one country, two systems" is designed by Mr DENG Xiaoping, and we can also see that the implementation of "one country, two systems" in Hong Kong is indeed disappointing to the people and the Central Authorities. However, we should at the same time look at how Macao has achieved success in the implementation of "one country, two systems". So, its success or otherwise hinges not on the system, but the people. We must admit that insofar as the implementation of "one country, two systems" is concerned, Mr TUNG has not fulfilled the responsibilities given to him by the Central Authorities, and his team of officials also has to be held responsible to a certain extent.

Speaking of the political system, we have had many debates in the Legislative Council before, and I believe the public has already grown very tired of these debates. Earlier on, I heard Dr Philip WONG make his points eloquently. Although he does not represent the Central Government, the position stated by him on behalf of the Chinese General Chamber of Commerce and for himself is very clear. I hope that there is absolutely no confrontation whatsoever in Hong Kong. But on the question of the political system, the SAR Government should let the people know everything very clearly. Besides, it has to state its position. It must state that the SAR, under the Central Authorities, will absolutely work in accordance with all the instructions of the Standing



Committee of the National People's Congress (NPCSC), and that it cannot go beyond the parameters prescribed by the NPCSC, or else it would mislead the people.

I do agree with some Members of the democratic camp that in the fifth report or even the last report, the Government should very clearly tell the people that there is not going to be universal suffrage in 2007 and 2008. However, they can still make a choice as to whether the Chief Executive shall be selected by 800 people as per the previous practice or by 1 200 or 1 600 people in 2007. This will depend on public opinions, and Members of the Legislative Council will ultimately be held responsible and accountable to the Basic Law. In 2008, should the number of Members of the Legislative Council remain at 60 or should it increase to 70 to 80? This is also something in respect of which Members of the Legislative Council will be held accountable to society, to the people and to the Basic Law.

The second issue that I would like to talk about concerns the Secretary for Justice. I understand that in Hong Kong, many policies are implemented on the "user pays" principle. But how much does it cost for the services in the Magistracies, the High Court and District Courts in Hong Kong? Why has there not been a review so far? Some people have abused the legal proceedings, particularly in civil cases. It is because we all understand that so many facilities, manpower and material resources involved purely provide a platform and a venue for the parties to the proceeding. Some people may think that the party who loses in a case has to pay for the costs of the party who wins. But we must make the public know clearly that the costs refer only to the lawyer's fee incurred by the winning party, not all the costs involved in the legal proceedings. We can see that a case of private dispute over the right of inheritance of estate recently has already wasted a lot of taxpayers money in Hong Kong. Why does the Secretary for Justice not conduct studies in this regard?

Another issue is that in Hong Kong, many people were sentenced to imprisonment for committing crimes in the past. The Court will only decide the term of imprisonment of the convicted, and no judgement will be passed as to whether his criminal record will exist permanently. During the era of the Hong Kong-British Government, the penal code was abused in that a person's criminal record would be made permanent. But now, as we have transited past 1997, I hope that a responsible government will review the existing judicial system.

Third, I would like to talk about the civil servants. I understand that civil servants in Hong Kong are still saying complacently that they are honest and representative. In this regard, I personally think that this is true, and this is also admitted by the majority public. But at the same time, they must not forget that their remuneration is higher than employees in ordinary companies, and of course, I am referring to the ordinary civil servants other than a small number of senior civil servants with commercial value or representativeness. So, the situation now is that the pay of a majority of civil servants is indeed higher than that of the general public. They also enjoy a high status, complacently thinking that they are holding official positions in the Government.

In 1992 when Chris PATTEN came to Hong Kong, he introduced the system of performance pledge. I think that although we are reunited with the Motherland, we still have to keep the good measures introduced by others and continue to enforce them. I, therefore, hope that the Civil Service Bureau will study and enhance the performance pledges of the Civil Service. Why? It is because since it may not be possible to reduce the pay and number of civil servants, the Bureau should, therefore, lead the entire Civil Service to make even better performance pledges to the people, in order to convince the people of Hong Kong of their value. No doubt the pay of civil servants is higher, but after all, they are worth it, for they are willing to courageously contribute their efforts to the people, and we can see this particularly from the performance of some senior officials. I understand that before 1997, most senior officials were British who would, after completing their work here, return to Britain (although we used to say that some of these British officials would take up jobs like peeling potatoes or whatever when they returned to Britain), but they would not be involved in any other kinds of interest in Hong Kong. But as Mr CHEUNG Man-kwong said earlier, many senior officials have taken up jobs in other companies even before their retirement. The public is not jealous of them being able to make so much money. But being senior officials, they should reflect on their ethics accordingly. Hong Kong is a very small place. Although a senior official has left the Civil Service and is no longer in his previous post, all he needs to do is to ring up the department and his former colleagues would make things easy for him. All these will give the impression of a transfer of benefits. I trust most senior officials are honest and they do not have in mind anything that is dishonest. But the acts of some former senior officials do give people this impression. What good does it do anyway?

I would also like to talk about security. Undeniably, security does have a bearing on the future of Hong Kong. We have no resources, and without resources, what should be the direction of our future development? We must make all comparatively well-off Chinese people in the world think that Hong Kong is a place where they can live in peace — not a place to work in contentment because there is no job here. We must make them think that Hong Kong is a place where they can live in peace. To be a place where one can live in peace, there must naturally be the conditions to match the geographical environment, particularly conditions in terms of security, and there must also be good protection of the safety of the people. I strongly believe that if we can match the various policies of the country, it would not be difficult to achieve the objective.

As a related issue, I hope that in the context of the review as proposed in the policy address, the Security Bureau can address a very specific political issue arising from the riots in 1967. Concerning the detailed information at the time, I do not quite remember it, but I vaguely remember that about 2 000 people had participated in the anti-British struggle. It has now been over seven and a half years after the reunification. Of course, one person has been given special treatment and this has aroused negative comments in society. But here, I am calling on the Secretary for Security to look into this political issue early. With the exception of some people who formally took part in violent acts at the time, most other people were innocent and they were implicated in this political issue for no reason. It has been more than seven years after the reunification and yet, this political issue is still treated with such indifference. What sort of mentality is this? This has really caused doubts among the people as to whether Hong Kong is truly reunited with the Motherland. Thus, insofar as this issue is concerned, it is absolutely necessary for the Government to take steps to deal with it, in order to live up to the vow made in the policy address of making concerted efforts to build a harmonious society.

Here, I also have to call on the Security Bureau to conduct more in-depth studies on some of the issues relating to the right of abode in Hong Kong. It absolutely cannot evade this issue. Certainly, this is a very complicated issue, but for any complicated issue, studies still have to be conducted and efforts have to be made to work out solutions. I also call on Members of the Legislative Council, particularly the four Members who are Senior Counsels by profession, to give play to their wisdom and expertise and fight for the interest of the Hong Kong people concerned. This is better than going to extremes, and this will

prevent some people from engaging in irrational acts because of their different political views. This will be far more constructive and more consistent with the interest of all Hong Kong people.

Madam President, I still wish to talk about many issues, and I shall leave them to the next session.

**MR WONG KWOK-HING** (in Cantonese): Madam President, I urge the Government to identify inadequacies in respect of the civil service policy.

The Government, being the largest employer in Hong Kong, should take the lead in setting a good example, thereby encouraging large private companies to take up good corporate social responsibilities. Regrettably, the Government's policy on the Civil Service now is running in the opposite direction. It can neither raise the morale of civil servants nor stabilize the sentiments of civil servants, and the Government is unwilling to conduct a thorough review. Over the past few years, the reforms carried out by the Government on the civil service establishment are actually meant to suppress the pay and benefits of civil servants by various means at the expense of the promotion prospects of civil servants. The Civil Service Bureau has boasted that the number of civil servants has been reduced successfully, as the permanent establishment has been reduced from some 190 000 in 1999 to 168 000 at present. But the truth is that the Government now employs 16 000-odd contract staff and 11 750 temporary staff. As for workers employed for outsourced government services, I do not have the complete data for the time being, but there should be tens of thousands of such workers. Last year, the Housing Department alone awarded 206 contracts for outsourced services that employed 10 000 workers. This number does not include workers for outsourced services taken on by many other such departments as the Food and Environmental Hygiene Department and the Leisure and Cultural Services Department, which have contracted out an enormous amount of services. Even if we just add up these four numbers, there are actually as many as 201 750 people working for the Government. How can the Government deceive itself, thinking that it has managed to reduce the civil service establishment successfully?

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

Moreover, under this mixed establishment, there have been many conflicts. In respect of workers for outsourced government services, they have no job security and are very harshly exploited by the contractors. In respect of contract staff and temporary staff, while their workload is no less than that of the permanent civil servants, they have no promotion prospects or fringe benefits whatsoever. For the permanent civil servants, as the work nature of public bodies is directly related to the people's livelihood, a lot of classified information and work cannot be outsourced or handled by temporary or contract staff and therefore, their workload has been ever increasing. As a result, in the same department there are civil servants with different terms of employment. Under the circumstance, how can there be team spirit and how can they be of one mind and work in concert to serve the people? In order to continuously ensure the service quality of civil servants and hence maintain the standard of service in which the civil servants have long taken pride, the Government must formulate a long-term civil service policy and maintain a stable working environment with career prospects.

The conflicts in the Civil Service are not just horizontal. The conflicts mentioned by me just now are horizontal, but there are also vertical conflicts in the Civil Service. Given the phenomenon of "fattening the top at the expense of the bottom", there is a world of difference between the benefits now enjoyed by senior officials and those of the basic rank civil servants. A case which was disclosed earlier about a retired senior official taking up employment has shocked all sectors of the community. The so-called "sanitization period" is found to be running out even faster than a dragonfly skimming the surface of water. Retired senior officials can receive civil service pay on the one hand and take up employment in the private sector on the other. But if we look at the basic rank civil servants, even the very meagre hardship allowance which has been granted for 26 years may have to be cut and abolished. Is this approach and attitude any different from robbing the poor to pay the rich? The Government has been so lax in monitoring the post-service employment of retired senior officials, but it has been so mean and harsh to front-line workers. I would like to ask the Government: What is there for it to be caring? What is there for it to be just?

The other day, Secretary Joseph WONG blew his own trumpet, saying that the series of civil service reforms carried out by the Administration have achieved a saving of over \$10 billion. I would like Secretary Joseph WONG to answer four questions. First, of the \$10 billion saved in public coffers, how

much is the hard-earned money of the basic rank civil servants? Second, how much has the Government paid for the salary of workers for outsourced government services, temporary workers and contract workers over the past few years? Is this in line with the pledge of building a caring and just society? Third, even if savings have truly been achieved in public coffers, we have lost the good service quality of the Civil Service as a whole, and does Secretary Joseph WONG still think that this price is worth paying? Fourth, for those contractors with no value-addedness at all, how much profit have they pocketed, profit that has no substantive value-addedness but is merely generated from exploitation of workers? I hope that Secretary Joseph WONG will clearly respond to these four questions in his reply.

Madam Deputy, I so submit.

**MR LAU WONG-FAT** (in Cantonese): Madam Deputy, the feeling of the people about the policy address of the Chief Executive, TUNG Chee-hwa, this year is like the lyrics of the famous song, "Shanghai Tan": There is joy, there is sadness, there is sorrow. There is joy because Mr TUNG Chee-hwa has finally identified the many inadequacies in his administration, and there is sorrow because Mr TUNG has woken up to these inadequacies only seven and a half years after he took office, and not much time is left for his governance in his tenure.

Although Mr TUNG made criticisms on himself so candidly only after he had been lectured by the State leader, HU Jintao, the courage displayed by him and his admission of mistakes warrant our recognition and commendation. Of course, there are people who may not agree with this, as I have heard some people say that they are not worried about Mr TUNG not resigning after admitting his mistakes and what they fear most is Mr TUNG not rectifying his mistakes after knowing his mistakes. Indeed, judging from the track record, it is very difficult for the Government of the Hong Kong Special Administrative Region (SAR) to inspire sufficient confidence in the people overnight.

One of the most serious problems with the governance of the SAR is that mistakes are made repeatedly. Mistakes have been, big and small, again and again. What we have heard most frequently is that after officials who had made mistakes claimed that they had learned a lesson, they made mistakes again and after they again claimed that they had learned a lesson, more and more mistakes

were still made. This has happened in a never-ending cycle as if there is a jinx on it, and the officials are kept constantly on the run. Although they may not be making the same mistake, the incompetence of the Government in governance has been revealed consistently. The price is the dwindling prestige of the Government, its governance becoming more and more difficult, senior officials stepping down one after another, and the grievances of the people surging.

Madam Deputy, I remember that when Mr TUNG first took office, he said that he would govern Hong Kong on Confucian principles. The principle of "people-based" that the Chief Executive has often mentioned recently and repeatedly stressed in the policy address is the most important teaching of Confucianism. Confucius, the most representative figure of Confucianism, and his students have left us with plenty of wise and philosophical quotes in respect of governance, philosophy of life and self-cultivation.

Confucius said, "If you have faults, do not fear to correct them". He said, "A fault that is not corrected is a real fault". Zi Gong, who always discussed politics with Confucius, said, "The faults of the superior man are like the eclipses of the sun and moon. He has his faults and all men see them; he changes them, and all men respect him". It means that the faults of a ruler are like eclipses of the sun and the moon, and all men can see his faults. But if the ruler can rectify his faults, he will command the respect of the people. This shows that Confucianism attaches great importance to rectifying one's mistake after knowing the mistake. If a ruler is aware of his mistakes but fails to rectify them, he will not be admitted through the threshold of Confucianism, and the "people-based" principle will never be put into practice.

A ruler said that he would learn a lesson after making a mistake but shortly afterwards, he made other mistakes. In so doing, the ruler, who is aware of his mistake though, is absolutely not considered as having rectified his mistake. To rectify one's mistake after knowing it means that when the inadequacies are successfully identified, the level and ability of governance should be upgraded in all aspects. Since the Chief Executive has resolutely said that he has conducted much soul-searching and addressed public criticisms squarely and that the Government will strive for continuous improvement, I think we all sincerely hope that he will be like the leading actor in the movie "Kung Fu Hustle" now showing in the cinemas with the best ticketing sales, who had the major veins of his body connected, so that he will be able to save a desperate situation when

time is running out in his tenure. Apart from all the blessings and prayers, I would like to make several suggestions for the reference of the Chief Executive.

First, ongoing efforts should be made to identify and improve inadequacies. One of the major targets for identifying inadequacies is the accountability system which has neither served its desired purpose nor lived up to its name.

Second, he must not be over-optimistic, and he must carry through the undertaking of taking a respite with the people made by him in last year's policy address. In his policy address this year, the Chief Executive made no mention of taking a respite with the people. Is it that when this is not mentioned, it again means that this does not exist anymore? While the economy of Hong Kong is in the course of recovery, the general public and many industries have yet to extricate themselves from their predicament. If the Government is over-optimistic and complacent about the situation too early and slacken its efforts in the implementation of measures to relieve the plights of the people, does it not fear that it would commit the same mistake again for which it has just taken itself to task?

Third, it is necessary to expeditiously enhance the functions of the District Councils and provide ample resources to them, so that these organizations which represent the opinions of the grassroots can more efficiently and effectively help the Government keep tabs on public sentiments and hence improve the quality of administration. In fact, the Government should make a decision in this regard early. If the Government continues to hesitate and stall, this would only be a drag on development, making it difficult for the Government to move forward.

In the policy address the Chief Executive said that importance would be attached to how best to enable the 18 District Officers to better play their role and that he would help them resolve community problems and refer them if necessary to higher levels for expeditious resolution. However, to fully give play to the benefits of improving district administration, I think the Government must adopt synchronized support measures by upgrading the functions of the District Councils at the same time. Only in this way can the spirit of "people-based" governance be further realized.

Madam Deputy, the confidence of the people in their ruler is a prerequisite of good governance. This is a saying of Confucius that can best reflect the "people-based" ideology. The SAR Government must take practical actions to



win the trust of the general public. Otherwise, there will not be a foundation for effective governance. What will happen in the future depends on whether the Chief Executive and his team can achieve unity of knowledge and actions and whether they can rectify their mistakes after identifying them.

Madam Deputy, I so submit.

**DR YEUNG SUM** (in Cantonese): Madam Deputy, the focus of my speech is on effective governance. In my opinion, the seven years after the reunification have been characterized by a grave dysfunction of governance by the SAR Government. The situation is deteriorating all the time. No wonder the Chief Executive and all the Directors of Bureaux were given a dressing-down in public by President HU Jintao, and the SAR Government was told not to give the Central Authorities worries and trouble. The prestige enjoyed by Chief Executive TUNG Chee-hwa is way behind his Macao counterpart Edmund HO. As I see it, unless and until there is reform to the institutions in the Hong Kong SAR, the hopes expressed by President HU will fall flat. The reasons are as follows.

First, there is a mismatch between the executive and the legislature. This results in grave problems of synergy between the executive and the legislature and the Government is having a very hard time in administration. The fact that the Chief Executive is not returned by universal suffrage has deprived him of any vestige of recognition and representativeness in the first place. When coupled with his business background and the intricate relation he holds with the business sector, this will only arouse public suspicions that the Government under his leadership is only channelling interests to the business sector and to a certain selected few in particular. Such misapprehensions and a political system which is not democratic at all have put the Chief Executive in a quagmire, such that any explanation will be fruitless. The Chief Executive and Members of the Executive Council hold the powers to formulate policies, but apart from three Members, they have no votes. This denies the Government of support in the Legislative Council necessary to provide better articulation with governance. Members of the Legislative Council do have votes, but they do not have any powers to formulate policies. Under such circumstances of a mismatch of the executive and the legislature, no wonder it looks that some Directors of Bureaux are losing the zest for their work. For whenever the Government introduces a bill or applies for funding, they would have to toil and moil and lobby for each

vote of support. How can such a dysfunctional system improve governance? The Central Authorities admonish the SAR Government to identify its inadequacies. I think that the Central Authorities should identify their inadequacies too. The interpretation of the Basic Law by the National People's Congress (NPC) on 26 April last year was actually rewriting the Basic Law and it was a rash denial of dual elections by universal suffrage in 2007 and 2008 respectively in Hong Kong. This also denies a solution to the problem of a dysfunctional system of governance, that is, the fundamental mismatch of the executive and the legislature.

Second, the accountability system for senior officials exists only in name. The original intention of the accountability system is an attempt to maintain the political neutrality of civil servants, provide a buffer for the civil servants from direct political impact and make government policies responsible and accountable to the people. But all through these seven years after the reunification, we can see that top officials who are politically appointed are not required to bear any political responsibility. Those who committed blunders could stay in office. Some Directors of Bureaux might want to bear political responsibility but they were defended by the Chief Executive in all sorts of ways. As a matter of fact, it is not clear even to this date how this accountability system will work. In addition to that, the Permanent Secretaries and Deputy Secretaries of the Bureaux are subject to great political pressure and there is no way they can dodge. So the entire accountability system for senior officials exists but only in name.

Before this accountability system for senior officials was set up, I already raised my doubts that this Hong Kong-style accountability system is only window-dressing and it is as vulnerable as a house built on quicksand and there is no solid foundation at all. It is only when these politically appointed Directors of Bureaux and the Chief Executive are all returned by universal suffrage that this accountability system for senior officials can really work.

Recently, discussions on the third Chief Executive have become heated and some of the top officials are preparing to run their own race. They are not displaying any team spirit and one can only see intrigues as these scheming officials jockey for position. This so-called accountability system is born crippled and severely undernourished. It has never lived up to its name. It has also destroyed the administrative officer system. This is indeed most regrettable. Lastly, at no time like today is the collusion between business and

the Government so glaring. The former chief adviser of the Central Policy Unit Leo F. GOODSTADT published a book recently entitled *Uneasy Partners* in which he points out that this collusion between business and the Government has existed in Hong Kong since the colonial times. This is because a colonial government is run on the basis of its ties with the business elites. Apart from those trades which have close ties with the world, such as the export-oriented manufacturing industries or financial services industries, monopolization exists in those trades which rely purely on the domestic market, such as the banking and property sectors, together with power companies and piers, and so on. In some cases there is even a cartel where companies fix the prices together.

But the Government just sits back and does nothing about the situation by putting up the pretext of free economy. GOODSTADT in his book concludes that government policies show an obvious inclination towards the business sector and the interests of the public have become secondary.

Madam Deputy, I largely agree with this comment made by GOODSTADT. I have even come to a conclusion that seven years after the reunification, under the circumstances of businessmen ruling Hong Kong and in the absence of a democratic political system, the collusion between business and the Government has become only worse. We can see examples like the Cyberport, the Hunghom Peninsula, government insistence on single tendering in the West Kowloon Cultural District project and even in retired civil servants like Elaine CHUNG who sought greener turf in the private sector, leading to allegations of conflicts of interest. All these events show that not only are government policies incline to match with business interests but also the conduct of some officials has made the public suspect that they are channelling interests to the business sector and they are reaping lucrative rewards upon retirement.

Recently, the Democratic Party conducted a telephone survey and it was found that more than 60% of the interviewees thought that there was collusion between the business sector and the Government in Hong Kong. This is extremely worrying. More surprisingly, the Chief Executive stated in his policy address that the SAR Government is against this kind of business-government collusion. This bears a striking resemblance to what we in the Democratic Party say in our platform. But when we asked whether or not he would admit that such collusion existed, he flatly denied it. It seems that our Chief Executive was against something which did not exist. So what on earth does he oppose? This statement made by Mr TUNG is indeed baffling.

Madam Deputy, on this question of collusion, the Government has recently made a rebuttal. Mr John TSANG, the Secretary for Commerce, Industry and Technology wrote an article in the newspapers today trying to whitewash the collusion charge against the Government. He points out that the building of the Cyberport was approved by the Finance Committee of this Council and that this Council had been consulted more than 20 times on the Cyberport project. As we look up the records, of course we find that the then Financial Secretary Donald TSANG proposed this project in the Budget in March 1999. In May 1999 the Finance Committee approved of the appropriation for the building of the infrastructure of the Cyberport. Madam Deputy, I have a minutes of the meeting of the Information Technology and Broadcasting Panel on 8 March 1999 where the Government briefed this Council on the Cyberport proposal. At that time the approval from the Finance Committee had not been obtained. Paragraph 26 of the minutes goes like this: "Some members queried whether the Administration had handled the project equitably since the open and competitive tendering procedure had not taken place. The Chairman, Mr SIN Chung-kai, said that in his opinion, the Government should implement the project on funding derived from land sale of the residential portion. In response, the Secretary for Information Technology and Broadcasting acknowledged that the arrangement in question involving direct negotiation with one single company was not common." This is a quotation from paragraph 26 of the minutes of the meeting of the Panel on Information Technology and Broadcasting on 8 March 1999. Members can see that in the application for funding in the Finance Committee at that time and in the meeting of the Panel on Information Technology and Broadcasting, many Members including those from the Democratic Party voiced their strong opposition. As a matter of fact, in the application for funding in the Finance Committee, Members from the Democratic Party cast their votes against the proposal mainly for the reason that we were of the view that no open tendering had been carried out for the Cyberport project and that was totally in breach of the principle of fair competition. Madam Deputy, I can recall now that at that time many developers approached the Democratic Party to air their grievances. These developers thought that this practice violated the well-established principle of open competition founded on open tendering. This shows precisely the serious blunder committed by the Government.

As there has been no open tendering in the Cyberport project, the project has epitomized this collusion between business and the Government. It is unfortunate to see Secretary John TSANG who was not in office at that time

trying to defend the Government's innocence in this case. But attempts at cover-up and whitewash only lead to greater suspicions and stronger allegations. This article by Secretary John TSANG evades a fundamental question: Why did the Government not carry out any open tender for the Cyberport project and consult the Legislative Council? It is true that this Council had been consulted some 20 times, but as we have learnt from the records, these were mostly about the major facilities in the Cyberport and there was nothing about open tender, because the Government had made a decision already. So no discussions were conducted, nor any chance given for discussions and consultations. This public explanation offered by Secretary John TSANG serves to show once again that the Government lacks the courage to admit its blunders and it is not sincere enough in self-reflection. I am worried that the present Chief Secretary for Administration Donald TSANG has likewise made up his mind. The same Cyberport saga may repeat itself when he has set his mind on single tendering for the West Kowloon Cultural District development project.

Madam Deputy, if the Government is bent on having its way, the West Kowloon project may become a great landmark in the history of collusion between business and the Government in Hong Kong. This dysfunctional governance by the SAR Government will surely bring more worries and trouble to the Central Authorities.

Madam Deputy, to rectify this problem of dysfunctional governance, both the SAR Government and the Central Government must identify their inadequacies together. For the Central Government, it must adopt a pragmatic approach and make a fresh review of the decision made by the Standing Committee of the NPC on 26 April last year to reject the demand for dual elections in Hong Kong by universal suffrage in 2007 and 2008. Such a review will enable the SAR to conduct the elections by universal suffrage in 2007 and 2008 in accordance with the needs of the community. It can also establish a democratic system which will address the problem of a mismatch between the executive and the legislature, an accountability system for senior officials which is practicable and a government which is accountable to the people, while making it more difficult for the emergence of problems like collusion between business and the Government and the accountability system failing to live up to its name.

Madam Deputy, in sum, the above three major problems, that is, a mismatch of the executive and the legislature, an accountability system which

fails to live up to its name and worsening collusion between business and the Government, are the factors leading to a dysfunctional governance by the SAR Government. If there is no fundamental reform made to the political system, it will not make any difference for any person to assume the office of the third Chief Executive: his or her governance will likewise be dysfunctional.

With these remarks, I support the amendment.

**MR RONNY TONG** (in Cantonese): Madam Deputy, public officers and Members, many people have told me that the policy address by the Chief Executive this year may well be the one which won the most applause for him in recent years. Earlier on a reporter said to me outside that Mr TUNG had shaken hands with people from the Democratic Party on a public occasion and that reporter asked me if I would think that was a great improvement. For me all these would be an irony and a sad thing for Hong Kong.

Why is it that Mr TUNG, having used tens of pages in the policy address to chastise himself, could become more popular among the people of Hong Kong? The answer is simple. No one in Hong Kong holds any expectations for him and since no one has any expectations for him, the slightest move he makes may make people feel somewhat pleased. But will things really turn around? It had been due to tremendous political pressure that Mr TUNG spent 13 paragraphs or a total of 2 500 words to examine his inadequacies. Then he offered his apologies. But can the grievances and discontent of the people be dispelled in this way? Will good administration and harmonious society which Mr Alan LEONG talked about come into being because of that?

As seen from the policy address this time, I believe Hong Kong people will still be very disappointed. It is because in the some 2 000-word confession, there is not a sentence which proposes any solutions to the problems. With respect to constitutional reform, in particular, I have actually counted the number of words on that and there are only 233 words. What has been said is trite, that is, more efforts will be made to hear public views, and so on. Such is the idea held by the Chief Executive with respect to constitutional reform.

After the political turbulences in 2003 and when added with the Central Government's rejection of the demand for elections by universal suffrage in 2007 and 2008, it is clear that this Government is no more than a watchdog

government. The less it does, the fewer mistakes it will make. When nothing is done, then no mistakes will be made. In terms of the political system, will the Government have nothing to do for the remaining one or two years? First of all, I must make it clearly that I am not agreeing to the Government's refusal to hold elections in 2007 and 2008 by universal suffrage, nor do I agree to the interpretation of the Basic Law by the Central Government. However, I think that regardless of whether or not there will be elections by universal suffrage for the remaining two years, there is something which Mr TUNG can do and for which he can put up some efforts and that is, he can prepare the way for Hong Kong's advancement to a democratic political system so that the quality of governance in Hong Kong can be improved.

Now I wish to make a few points briefly. First, the Government should take active steps to foster party politics into maturity and this will open up more space for political participation by the parties. We cannot always say that political parties in Hong Kong are not mature enough and so there cannot be any election by universal suffrage. It is because political parties will never be mature if there is no universal suffrage. So in this way we can never get any closer to universal suffrage. For the couple of years ahead, the Government is obliged to launch a series of related measures to make party politics mature. These include affirming the position of the political parties, appointing on a fair basis more people with party affiliation to the advisory and statutory bodies and even in government operations, as well as providing information and resources to the political parties. At the same time, the Government should promote discussions on party politics in the community, offer matching facilities for the full realization of party politics in Hong Kong and undertake related policy studies. All these are things the Government can do.

Second, lifting the restriction that the Chief Executive cannot belong to any political party. These are fetters which Hong Kong has put on itself. Now the mainstream view is that there should be no restriction on the political background of the Chief Executive. A Chief Executive with the support of a political party will actually have a greater ability to govern. That is why I think that the SAR Government should consult the public with a view to amending the relevant laws during the remaining two years of the current term of the Chief Executive.

Third, the Government should strengthen the functions and role of the District Councils. In 1999 when the two Municipal Councils were scrapped, the Government pledged that the functions and role of the District Councils in

municipal affairs would be strengthened. But during the few years past, we could see that the Government had done nothing on that and the pledge was not honoured. I think the Government should start fostering a greater participation of district affairs by residents of the districts concerned on the one hand, and the District Councils a platform for discussion on political affairs on the other. This will enable those who are interested in carving a political career take part in promoting policies and implementing them at the district level. After they have gathered enough experience, they can play a more active role in political affairs and run for the Legislative Council elections.

Fourth, the Government should take actions to enhance the transparency of its operations expeditiously. This is because any government which is truly accountable to the public must have a high degree of transparency. Why do so many people suspect that the Government is engaging in collusion with the businesses and channelling interests to them? This is because the Government provides only a very small amount of information to the public when it launches its policies, such as those on the West Kowloon Cultural District (WKCD) development project. No one understands why the Government leases land to the Pacific Century Group to build the Cyberport and why single tender has to be conducted for the WKCD project and what financial interests behind all these projects are. We are left completely in the dark on these matters. We urge strongly that a law on the freedom of information should be enacted to give powers to the public to demand information from the Government so that the public, including the Legislative Council, can oversee government actions more effectively. We will discuss this topic next week and we hope more information can be made available to the Government by that time.

Madam Deputy, all the above are not monumental reforms in constitutional development and they do not touch on any areas related to the interpretation of the Basic Law by the Central Government. Moreover, they do not touch on elections by universal suffrage. However, if we pave the way for a democratic system step by step, then the road to universal suffrage will be less rugged and remote. Even as the remaining tenure of Mr TUNG is only two years, and even as he has ruled out the possibility of holding elections in 2007 and 2008 by universal suffrage, we still hope Mr TUNG can fulfil his duty and do what he can to promote the development of democracy in Hong Kong and sow the seeds of democracy. We hope after Mr TUNG has gone, these seeds sown by him may someday blossom and bear fruit.

Thank you, Madam Deputy.



**MRS SOPHIE LEUNG** (in Cantonese): Madam Deputy, "people-based" governance as stated in the policy address remains a vision to be realized. The Government in formulating policies fell short of "thinking what people think" and "addressing people's pressing needs". I appreciate the Government's broadness of mind in admitting its inadequacies, but no concrete details have been offered to improve governance. Today many Members have talked about the development of the political system, the Civil Service, the advisory structure, the District Councils, and so on. All these have a great impact on governance. I think that for any government policy to be effective, no class in society should be overlooked. As we are trying to assist the poor, we should also be concerned about the middle class.

The middle class is the key to effective governance. In the West, this is a truth acknowledged by those in power more than 2 000 years ago. As the sage philosopher ARISTOTLE said to this effect, the middle class is an important element to political stability. So he advocated the development of the middle class. In society of the modern times, there is a vast disparity between the rich and the poor. The middle class helps to fill up this widening gulf in society. It offers a ladder for upward social mobility, maintains a balance in the social structure and prevents polarization of society. Seen from the history of social development, the middle class has proved that it can assume an irreplaceable role in facilitating the reaching of a consensus, rational discussions and forming a mainstream opinion on things. It is unfortunate to see that the Government has neglected the middle class all along and done nothing to foster its development. No wonder the middle-class people nurse so many grievances.

Despite the proposals made in last year's policy address to listen to views from the middle class and to encourage members of the middle class to take part in public affairs, no progress on these can be seen during the year past. The policy address this year has made the same suggestions again. I really hope that the Government can do what it professes to do and incorporate the middle class into the establishment. In addition, there should be open and transparent procedures when public opinion is to be heard. The procedures of appointing members of advisory bodies should be regularized. The database from which eligible candidates can be appointed should be expanded so that those who are prepared to serve the community can be given an equal chance. The ways which public opinion is gauged should be acceptable to all and the public must never be given the impression that public opinion is formed behind closed doors as this will be detrimental to the credibility of governance.

Apart from listening to views from all quarters, I think that we should look farther ahead and create favourable conditions for the development of the middle class and we must never allow the size of the middle class to shrink as this will rock the foundation of social stability.

During the past few years when an economic downturn has been prevailing, many people from the middle class and the professionals have experienced wage cuts, layoffs and even the pain of losing their jobs. Their wealth is eaten away as they have negative equity assets. Many of them have to carry heavy debts and some of them have become bankrupt. These people have bidden farewell to the middle class status and for others who remain, they have to bear heavy tax burdens and they are qualified for no welfare benefits. It is doubtful how long they can hold out in such circumstances. It is doubtful whether their children can receive a good education and stay as members of the middle class. Moreover, the proportion of middle class in the entire population is falling as more professionals are heading to the Mainland for work, the middle-class people dislike the idea of raising many children and the quality of the population is declining all the time.

To what extent should the middle class grow in a society? The sage philosopher ARISTOTLE mentioned earlier said to the effect that in a good society, the number of people in the middle class should be more than the other classes. Although I do not favour the idea of segregating people by their social classes and I do not trust in figures, I know that the implication of this comment is that most people from the middle class are self-sufficient, they do not rely so much on the Government and hence they will help make society function well. We may draw some reference from other places. According to information available, the middle class in Singapore accounts for about 40% of the working population. Our Motherland, China, announced for the first time last week the definition of middle class and it is estimated that by the year 2020, the middle class will account for 45% of the total population in China. In Hong Kong, since there is no clear definition of the middle class and so there is not much information available. In the view of some scholars, the middle class in Hong Kong accounts for about 20% of the total population.

If the abovementioned estimates are not too far from the reality, then it is very doubtful that given its small size, the middle class in Hong Kong can give full play to the functions expected of it in society. I hope that with the extra \$20 million of funding on public policy research from the Government, there would be some in-depth studies into this topic of the middle class in Hong Kong.

However, if the growth of the middle class lags behind the pace of social development, a number of problems are bound to emerge. Madam Deputy, my heart really sinks when I speak about this. To be honest, some of these problems are closing in. These include: a shortage of knowledge-based talents in Hong Kong, the slow pace of economic restructuring, an increase in welfare spending, and so on. All these serve to add to the demands and aspirations from all sectors across the community and the middle class is left in an even more miserable position. Huge pressure is exerted on public finance and allocation of resources, and so on. Hence the Government finds the task of governing the territory more daunting than ever.

Madam Deputy, if we say that poverty will spread from one generation to the next, then the survival of the middle class is more so a struggle that will go on from one generation to the next. It is like a relay race and it similarly deserves public concern and support. I hope that the work to be done by the Government for the middle class will be more than just asking them for their opinions. For while it is important to respond to their political demands, efforts should be made to foster the growth of the middle class so that it be teeming with vitality, that channels should be made available to people from the lower social strata to become members of the middle class and that they can hold such aspirations. For those who have already become members of the middle class, they should be made capable of maintaining their present position. As a further step, children from middle-class families should be given assistance in their development. Hong Kong in a place where miracles are worked. But without the middle class, there is no way miracles can ever be done.

In view of this, I hope that the Government may take active steps to create favourable conditions, formulate measures to support the middle class, such as by raising the quality of education, assisting families in creating wealth, giving people a steady job, creating a good living environment, and so on. All of these will induce the growth of a vibrant middle class and there can be effective governance by the Government.

Madam Deputy, I so submit.

**MISS TAM HEUNG-MAN** (in Cantonese): Madam Deputy, the theme of this session of the debate is effective governance. The very existence of this theme

is a great mockery of the SAR Government. For the seven and a half years since the reunification, the SAR Government led by Chief Executive TUNG Chee-hwa has committed heaps of blunders and announced piles of empty, exaggerated and pretentiously grandiose policies, such as the annual housing production target of 85 000 units, a flower port, a Chinese medicine port, and so on. All these resulted in projects which did not live up to their names and some of them were blank cheques which could not be cashed in.

Some time ago when President HU Jintao received Chief Executive TUNG Chee-hwa and his team of top officials, he called upon the SAR Government to earnestly review the seven years since the reunification, to identify inadequacies and to strive to raise the standards of governance. These penetrating remarks from President HU have laid bare the truth of seven years of inept governance of the SAR Government.

It is sad to see our Government has always been slow and unresponsive. For seven and a half years, it has been listening and trusting people selectively. It has turned a deaf ear to public opinion in many issues of vital importance, resulting in boiling grievances in the people. It is only after the President's admonition that the SAR Government should identify its inadequacies that the Chief Executive admits in his eighth policy address that his Government has failed to establish the vision of "people-based" governance, that in formulating policies, they fell short of "thinking what people think" and "addressing people's pressing needs" and so they had to do much soul-searching and make a full-scale review of the successes and failures of their governance.

However, the Government often says one thing and does another. This failure to live up to its words can be seen especially in the issue of the elections by universal suffrage in 2007 and 2008. Hundreds of thousand people took part in the two mass rallies held on 1 July in 2003 and 2004. The voter turnout rates for the District Council Elections in 2003 and the Legislative Council Election in 2004 both hit all-time highs. Time and again the people of Hong Kong have shown by their actions their aspiration for universal suffrage in 2007 and 2008. But what the Hong Kong Government doing is not keeping close to the community, but it is trying instead to figure out what Beijing is thinking. In a bid to suit the interpretation of the Basic Law given by the Standing Committee of the National People's Congress, the Hong Kong Government has banged its doors on the public demand for universal suffrage.

Has the SAR Government really done much soul-searching and will it respond to the criticisms and aspirations from the people? What Hong Kong people want is not a confession made with insincerity and pretence. They want their Government to take actions right away and tell the Central Government that the people of Hong Kong is determined to hold the elections in 2007 and 2008 by universal suffrage.

That the SAR Government is ruling the territory in a way which goes against the will of the people is attributed to the fact that the Chief Executive is elected by a small circle of 800 people. He does not have any public mandate. What the Chief Executive and the top officials do is to hold themselves accountable to the Central Government, not to the people of Hong Kong. In the short-piling incident and the Harbour Fest, not only were those officials who had been negligent in their duties not punished, but some of them have even been honoured and promoted. So this accountability system for senior officials carries no accountability at all.

Moreover, since not all Members of the Legislative Council are returned by direct elections, they cannot play their part of checking and balancing the executive authorities. As a result, we have a non-caring Government which does not keep itself close to the community. If effective governance is to be established, the Government should hold the elections in 2007 and 2008 by universal suffrage. It is only after this baptism of fire that the Government can hopefully become one which is people-based and commands trust from the people.

The Chief Executive in his policy address says that work will continue to be done on enacting legislation to implement Article 23 of the Basic Law. I hope the Government will learn a lesson and refrain from using high-handed tactics to force through work on legislation to implement Article 23 of the Basic Law. This Article is especially significant as it is pivotal to the freedom of the press and the freedom of speech in Hong Kong. The Government must never do anything to curtail this freedom of expression and crack down on the dissidents in the name of Article 23 of the Basic Law. If this is the case, then it is destroying the "high degree of autonomy" and the right to enjoy the freedoms of the press and of expression given to the Hong Kong people under the Basic Law.

In addition, a quality civil service is also essential to effective governance. Due to the fiscal deficits, the Government has in recent years set its mind on

trimming the civil service establishment. Actually and regardless of the existence of fiscal deficits or otherwise, the Government should examine every item of expenditure carefully against the principle of financial prudence. Resorting to cutting the size of the Civil Service alone will not solve the problem. What the Government should do is to approach the problem from the entire civil service establishment, management and operation. It should avoid the unfair situation of an oversized management and a downsized rank and file. Also, when any attempt is made to carry out reform in the Civil Service, the views of the civil servants must be heard extensively.

Madam Deputy, in mid-2004, 294 people from all sectors across the community jointly signed a statement upholding the core values in Hong Kong. I was among the people who initiated that campaign. This is because we got very upset when we saw the numerous blunders made by the Government and the growing differences in the community. It is our hope and wish that the Government and the people of Hong Kong will join hands to uphold the core values which have made Hong Kong a success. These core values include freedom and democracy, human rights and the rule of law, equality and justice, peace and love, integrity and transparency, diversity and tolerance, a respect for individuals and adherence to professionalism.

But Madam Deputy, can we expect this Government to join hands with the people to uphold the core values of Hong Kong? Just look at the way it keeps a contemptuous distance from freedom and democracy, we will know that the people of Hong Kong can only place their hopes on themselves.

Despite repeated statements made by the Chief Executive that he will identify inadequacies, he has dodged the issue of his lack of a public mandate. He refuses to face up to the people. He refuses to propose that the elections in 2007 and 2008 should be held by universal suffrage, much to our regrets indeed. With these remarks, I support the amendment proposed by Mr LEE Wing-tat. Thank you, Madam Deputy.

**MR FREDERICK FUNG** (in Cantonese): Madam Deputy, in the policy address delivered by the Chief Executive this year, there are two paragraphs on the current situation and future development and they are on the implementation of universal suffrage in Hong Kong and the functions of the District Councils. Both the Hong Kong Association for Democracy and People's Livelihood

(ADPL) and I think that apart from the short length devoted to constitutional development, the contents are also very vague indeed. There are even fundamental errors in the concepts espoused, and they lead to doubts that the Government has very little wisdom and determination to turn democracy into a reality in Hong Kong.

First of all, the 26th paragraph of the policy address says that the Government "firmly believes that as long as we can maintain prosperity, stability and social harmony, our democratic constitutional system can develop at a faster pace. The ultimate aim of universal suffrage as set out in the Basic Law can be achieved at an early date." Both the ADPL and I think that these remarks by the authorities show that there does exist a great disparity between the basic understanding of political theories and democratic elections on the part of those in power and the mainstream views in the academia and global trends in politics. There are even grave misunderstandings and distortions as the causes and effects are simply turned the other way round.

On the question of how "universal suffrage" should be defined, the mainstream opinion of people in the political circles and the academia has long affirmed that it is an electoral system of "one person, one vote" of equal weight each. These are indispensable requirements to a democratic constitutional system as it can offer an objective system which is scientific, rational and orderly. It can allow different views and voices to be reflected and heard in a form of election which is fair, open and honest. Then public aspirations and opinion can be addressed by using the principle of the majority shall prevail.

In other words, a democratic system can facilitate the objective transformation of confusing and divergent demands in society into directions for governance and development which are comparatively consistent and harmonious. This will enable different social classes with respective interests to forge the greatest possible consensus among themselves, unlike the Chief Executive's idea that there must be harmony and stability in Hong Kong society before universal suffrage can be introduced. Both the ADPL and I think the authorities are conceptually wrong and they are putting the cart before the horse. This is another example showing the authorities' very strong preconceived notions about the democratic system. Both the ADPL and I have made it clearly in numerous debates that Hong Kong now has all the conditions for full-scale universal suffrage. Everything is ready but for a finishing touch by the SAR Government.

Besides the issue of universal suffrage, in the 21st paragraph of this policy address, the Chief Executive also mentioned that the functions and roles of the District Councils would be reviewed and that the Government would "attach importance to how the 18 District Officers may better play their role" and it "will help them resolve community problems in a practical manner, referring them if necessary to higher levels for expeditious resolution."

In view of this, both the ADPL and I welcome this review to be undertaken by the Government of the functions of the District Councils. On the other hand, we are very disappointed to note that after so many years the authorities have not honoured the pledge they made when the two Municipal Councils were scrapped in 2000, that more powers would be devolved to the District Councils. Both the ADPL and I think that if the Government really wants to achieve the aim of "people-based governance", besides having the District Officers play a better role, it must abolish the appointment system and enlarge the purview of the District Councils. Only by doing these that public opinion can be channelled to the top officials and make its influence felt. The people may then no longer feel that the District Councils are things of little value but would be a waste to throw away.

Madam Deputy, I so submit.

**MS LI FUNG-YING** (in Cantonese): Madam Deputy, regarding the eighth policy address delivered by the Chief Executive during his tenure, the community's general view is that it is more pragmatic and closer to public opinion and sentiment. Comparatively speaking, there are fewer voices of dissatisfaction too. In my opinion, the policy address delivered by the Chief Executive this year is different from those delivered in previous years in the following aspects: First, the Chief Executive dwelt at great lengths reviewing the blunders made by the SAR Government over the years; second, he spelt out 11 issues of concern to the public and responded to them. However, I can only say that his self-examination has dwelt more on the abstract than the concrete and failed to identify inadequacies, and it is far from committed. Consequently, he has merely responded to the Central Authorities' concern. The answers provided to the 11 issues are merely meant to buy time and alleviate disputes so as to enable the Chief Executive to complete his remaining tenure of two years or so more smoothly.



The policy address has reviewed the inadequacies and problems of the SAR Government, including "our failure to establish the vision of 'people-based' governance. In formulating policies, we fell short of 'thinking what people think' and 'addressing people's pressing needs'", "we were not sufficiently mindful of the impact of some policies on the community's capacity to bear and the potentially controversial nature of these policies. We introduced too many reform measures too hastily, putting heavy burdens on our people" and "we also lacked a sense of crisis, political sensitivity and we were indecisive when dealing with emergencies". The policy address has, in a rare move, pointed out some blunders with principles of governance over the past seven years. However, to many people, this is by no means a new discovery. Similar criticisms and comments were frequently heard in the community over the past couple of years. Let me quote part of the speech delivered by me during a policy address debate in October 2001: "..... much of the work seeks to invest in the distant future, rather than extricating the people from their predicament. The SAR Government's plan to embark on an education programme as its prime task also reflects that the Government has either failed to keep tabs on the pulse of society or lacked the minimum political wisdom to resolve the social grievances ..... Those living on a hot pan cannot share and look forward to the picture painted by the Chief Executive that everyone can 'enjoy a healthy and positive lifestyle in a rich cultural environment'."

It is now 2005. The Chief Executive has finally admitted his mistakes in the policy address. Should I feel pleased, or sorry? Is it a personal problem of the Chief Executive or an institutional problem? Today, I am here speaking on the policy address again. Am I talking to myself, or speaking for the sole purpose of leaving a record, or waiting for the sudden awakening of the Chief Executive in the future?

In July 2002, the Accountability System for Principal Officials (the Accountability System), advocated by the Chief Executive alone, was implemented in Hong Kong. This was what the Chief Executive said when he introduced the Accountability System to this Council: "In implementing the system, changes have to be made for each official under the Accountability System to be responsible for his policy portfolio. According to the design of the Accountability System, Directors of Bureaux are ultimately responsible to the Chief Executive." The governance blunders pointed out in the policy address involve the entire accountability team, so what should the officials do to be

ultimately responsible to the Chief Executive? What should the Chief Executive do to manifest the System? The policy address has, however, failed to account for all these issues, which I think cannot be evaded. Otherwise, there is nothing we can do about the first of the five major guiding principles — effective governance. An important principle for implementing effective governance is to mete out proper awards and penalties as well as carrying through plans thoroughly. However, when the ruling team is not required to assume responsibility for the failure of its policies to attach importance to the community's capacity to bear and its indecisiveness, how can we persuade the operational civil service team to "reinforce actions taken to manage staff who do not measure up, through enhancing the deterrence of our disciplinary system against misconduct", as stated in the policy agenda.

"Collusion between business and the Government" and "transfer of benefits" involve not only the civil service team, but also effective governance. The policy address insists on the principle of fairness in governance and even borrows the slogans frequently chanted in protests and marches such as opposing "collusion between business and the Government" and eliminating "transfer of benefits". However, there is a serious gap between the Chief Executive and the community in their understanding of these issues. The public expect the Government to adhere to not only the principle of fairness, but also one that is visible, in governance. Insofar as the public are concerned, these are examples of "collusion between business and the Government" and "transfer of benefits": senior officials are allowed to take up key posts in the private sector during their pre-retirement vacation; property consortia are awarded land for development to reap profits without going through an open and fair tender procedure; and the apparent inclination of policies formulated by the Government towards vested interests. Let us first put aside policies that have aroused extensive debate in the community and whether the SAR Government has insisted on the principle of fairness, at least a visible principle of fairness is absent. During a press conference on the policy address, the Chief Executive appealed to the public to, if "collusion between business and the Government" or "transfer of benefits" is found, immediately report to the Independent Commission Against Corruption (ICAC). Was the Chief Executive asking the public to report the Secretary of Departments or the Bureau Director responsible for this policy to the ICAC? The appeal to the public to report to the ICAC can simply not help dispel the community's accusations against "collusion between business and the Government" and "transfer of benefits".

The policy agenda has also proposed reviewing the policy on the post-retirement employment of civil servants to ensure that the policy will continue to contribute to public confidence in the integrity and impartiality of the Civil Service. What does it mean by ensuring the policy on the post-retirement employment of civil servants can maintain public confidence in the integrity and impartiality of the Civil Service? The answer is that director grade senior civil servants should be loyal to the Government and consider their career with the Civil Service their lifelong undertaking. Apart from being paid generously when they are in service, they will be given lavish pension after retirement. Basically, they are not under any pressure of living to make ends meet and continue to work after retirement. Should retired senior civil servants wish to give play to their remaining energy, they can take up voluntary work in charitable organizations to continue serving the community. As such, I do not agree with the Secretary for the Civil Service who thinks that attention has to be paid to the basic right of retired civil servants to take up employment when reviewing the relevant policy. First, the community's concern is not the post-retirement employment of ordinary civil servants, but the post-retirement employment of senior civil servants who have knowledge of the Government's internal confidential information or those having extensive connections with the senior hierarchy of the Government. The two matters can simply not be confused. Second, the community's suspicion of "collusion between business and the Government" and "transfer of benefits" is precisely attributed to the fact that the abovementioned senior civil servants have chosen to work in the commercial sector upon retirement. If the Secretary for the Civil Service is really determined to establish the public confidence in the integrity and impartiality of the Civil Service, he must review his "basic right" theory. My concern is whether, policy-wise, the requirement of barring senior civil servants from continuing their career in the commercial world is in breach of the relevant provisions of the Basic Law and what can be done to resolve the matter.

This year, a pay level survey for the civil service team will be launched. Having learnt a bitter lesson, the Government has adopted a principle of minimizing disturbances and thus proposed that, should there be a difference between the surveyed pay level and the serving civil servants' pay, a pay freeze rather than reduction should be introduced in order to narrow the gap. While I admit that this course of action can minimize the impact of the pay adjustment on the civil service team, I have to warn the Government here that it must not take the matter lightly. Some civil service unions have reflected to me their worry

about persistent inflation in the economy and yet there is no hope of lifting the freeze on their pay, despite the constantly rising pressure of living. Therefore, even if the Government has decided to freeze civil service pay, it must give the civil service team prospects of a pay adjustment. Another point I would like to raise concerns the impact of the pay level survey on the staff of subvented organizations. The Government must not shirk its responsibility by saying that the lump sum grant arrangement can already enable the subvented organizations to deal with the pay arrangements of their staff on their own.

Madam Deputy, Hong Kong community has experienced numerous twists and turns since the reunification. The incumbent Chief Executive still have two-odd years to serve. In the policy address press conference, the Chief Executive clearly explained the principles of governance for his remaining tenure. In the two and a half years to come, he will act in a pragmatic manner. While the Government will expeditiously perform tasks on which the community has reached a consensus, it will strive to fight for such consensus on tasks many people consider to be worthy. As for tasks for which a consensus is still remote, the Government will have to examine practically whether it has time to accomplish them. Although what the Chief Executive said may be consistent with the political reality, some policies, which are far from any consensus, are very often crucial issues Hong Kong society must face. So, it might not be possible for the Government to achieve its target of effective governance by sticking to the same principle.

I so submit.

**MR JEFFREY LAM** (in Cantonese): Madam Deputy, this year's policy address, entitled "Working Together for Economic Development and Social Harmony", raises the point of "properly balancing the interests of different social strata and sectors", which I greatly support. Under the principle of maintaining communication most of the time and co-operation, the Government and business have been working in collaboration to revive Hong Kong economy and create more job opportunities for the purpose of fostering a harmonious society to create wealth. This is because disunity and frequent accusations and verbal attacks among us can very easily lead to internal depletion in society and scare investors away. In the end, society as a whole will suffer.

I wonder whether it was because many people in the community often mentioned "collusion between business and the Government" and "transfer of benefits" earlier and we had heard and seen these two phrases too frequently that an impression has been formed that these acts, which are damaging the business environment, are really happening among us.

However, I hope Members will not forget that Hong Kong has always come first in numerous global ranking surveys relating to the cleanliness of society and free economy.

Early this month, Hong Kong was ranked, for the 11th consecutive year, by the Heritage Foundation and the *Wall Street Journal* as the world's freest economy. The fact that Hong Kong got the highest scores in terms of economic freedom among 155 countries and regions around the world has proved that it has a fair environment conducive to business. At the same time, the Government has always strived to uphold such freedom.

Furthermore, Hong Kong was ranked the second cleanest place in Asia by Transparency International, a global anti-corruption watchdog, in its recently published cleanliness index of 146 regions in the world. In addition, our civil service team has always been recognized as the cleanest in the world, and the Independent Commission Against Corruption has spared no efforts in combating corruption. All these are indisputable, I believe.

In the light of the economic recession in recent years, the Government and business have been exhausting all possible means to strengthen co-operation because unity is strength. Only when the Government and business join hands in reviving the economy can more job opportunities be created so that everyone can find a job to meet the most basic needs of their living. So, should the proactive efforts made by all those governments around the world to attract businesses to invest in their countries be branded as "collusion between business and the Government" just because these governments are co-operating with investors?

In Hong Kong, the Government and business have, in recent years, maintained close co-operation through CEPA, sanctioned by the Central Authorities, to jointly create prosperity. Since the launch of CEPA more than a year ago, some 660 registered enterprises in Hong Kong have obtained the certificates issued to Hong Kong service providers and entered the mainland

market by virtue of the concessions offered by CEPA. The New Year Day of this year also saw CEPA enter its second phase. The Government has already started consulting the industries on the implementation of the third phase of CEPA next year and will discuss with the relevant departments of the Central Authorities later. The Government and business are actually moving towards the same goal of providing the business sector with a more convenient business environment of more opportunities to propel economic development as well as identifying more and better places in which Hong Kong people can give play to their strengths. Should this model of co-operation between the Government and business be opposed and banned?

We should never allow an "anti-business" sentiment to develop just because of the connection between some incidents and the business sector by alleging that this is "collusion between business and the Government". Such a rash and indiscriminate accusation will not only give the outside community an impression that Hong Kong's cleanliness is caught in a serious problem, but also hurt social harmony. In the end, the extremely suspicious investors will move away their capital, and the public at large will suffer. Who would like to see this happen?

A harmonious relationship is the cornerstone of social progress. Now that the Lunar New Year is drawing near, harmony is what Chinese people most want, for harmony will create wealth to enable the economy to continue to perform well and take off. I hope Members can, with a heart yearning for harmony and unity, continue to strive to foster a harmonious and steadily progressing society.

Madam Deputy, I so submit.

**MS MARGARET NG:** Madam Deputy, it is only fair for me to warn my colleagues that this is likely to be a very long speech because there is a whole host of matters which I need to address within the policy areas covered in this session.

First, governance. Good governance is now a community-wide concern. This is acknowledged in the policy address. Mr TUNG has devoted many paragraphs to it. Unfortunately, it is all too plain that Mr TUNG has neither grasped the problem nor offered any proposal for its solution. Good

governance is not achieved by paying lip service to core values or heaping platitudes upon platitudes. It needs a coherent vision and a comprehensive work plan.

I take as starting point the common goal — stability and harmony which are fundamental to Hong Kong's success and prosperity. It is true that stability and harmony are seriously threatened. Mr TUNG's deep-seated belief is that this is primarily due to the work of trouble-makers who are hostile to the reunification. His proposal for stability and harmony boils down to blocking political change and stifling debate and criticism. This strategy actually has the opposite effect. It became itself a source of dissatisfaction. Mr TUNG also believes blindly in the recovery of the economy as a cure-all. He refuses to see that economic growth may deepen discontent because it will sharpen social injustice and will result in the lack of a fair mechanism for balancing conflicting interests.

The only hope for stability is for Hong Kong to develop a system of government which can sensitively respond to emergent needs and interests, and can function as a credible centre of debate and resolution. The system must allow the different concerns and interests of the different sectors of society to be freely expressed and fully debated, and the resolution must be seen to be reached by a fair and open process. Social harmony can only result from equal opportunity of being heard and represented, and a fair balance of rights and interests. This is in fact why democracy is vital, and every hour of putting it off increases the risk of social breakdown.

This is in fact why universal suffrage is central to the solution of the present problem. Far from ensuring balance and fairness, the present system entrenches unfairness and imbalance by giving certain business groupings such disproportionate political power and influence that the Government must bow to their wishes. These wishes have nothing to do with good governance, but only with profitable business for these groupings. As they dominate politics, they will also dominate the business sector as a whole and the protection of their interests, not fair competition, will dictate the shape of commercial enterprises and activities.

Under the present political system, the Chief Executive is elected by the Election Committee dominated by certain business groups. After his appointment, the Government under the Chief Executive continues to depend on

the support of these business groupings because they also control a majority of the functional constituency seats in this Council.

It so happens that Mr TUNG himself comes from the business sector, and as he has famously declared in public, has never left it. So he may identify with the interests of that business sector. But it will make no difference if the Chief Executive were someone different. His survival and his Government's ability to operate will still be controlled by the same interests. And so long as these interests dominate, nothing which redresses the social balance can be passed in this Council. We have ample examples in the official records of our motion debates.

The only way to break this deadlock is the implementation of universal suffrage for the election of the Chief Executive and all Legislative Council Members. Only then will the Chief Executive be able to rely on the support of the wide community and so be empowered with its mandate. Only then can he propose and push through a balanced social programme. And this Council, elected by the same community, will inevitably be working with him, not locked in bitter battle against him. There will still be a healthy difference of opinion on specific issues, but we will see a solid basis of common ground.

This being our vision and belief, the Article 45 Concern Group deeply regrets the decision of the Standing Committee to veto universal suffrage for 2007 and 2008 which is the overwhelming aspiration of the people of Hong Kong. We also believe that the approach taken by the Government's Task Force is fundamentally wrong and irresponsible. We would sooner accept a slight postponement of universal suffrage than any illusory change which in effect entrenches the undue influence of certain interests under the present system.

The blueprint under the Basic Law requires the legislature to both work with the executive and act as checks and balances against it. This is perfectly possible with universal suffrage because of the foundation of common ground in the wishes of the community. With universal suffrage for the election of the Chief Executive, the rapid development of political parties will become a reality, and they will play the vital role of balancing interests and setting priorities in a programme on which they can canvass the support of the community. The "opposition" parties will no doubt develop alternative programmes which will demonstrate to the public that the electorate always has a choice.



Under the present system, the relationship between the legislature and the executive will always be strained and uneasy. Where there is no equality of arms, the weaker side must always fight with grim determination. The strain can only be eased if Mr TUNG takes the initiative to make room for more co-operation. I have urged upon him a convention and practice whereby he will give Members an early draft of the Government's policy agenda in return for their draft policy proposals, and to hold candid discussions and negotiations on these agendas so as to reach the greatest common ground. What constitutes the common ground can then be implemented with general support. What still falls outside the common ground will continue to be the subject of negotiation and canvassing for public support.

Crucial to this process is information. Public policy must be based on valid evidence. To truly participate in policy formulation and debate, we must be given free access to information held by the Government. We have seen in this Council how strenuously the Government resisted the request for information which was vital to policy decisions, and for the evaluation of the implementation of policies. I suspect in many cases, it is because the Government does not itself have the information, in which case the public should know that the Government has acted without evidence and should be censured. Examples of withholding information or lacking basic information abound. I have referred to this in the motion debate on the West Kowloon Cultural Development. My queries were not answered by the Chief Secretary for Administration.

For this and other reasons, in the motion debate later in this meeting, I will urge the Government to introduce freedom of information legislation. Only with access to information can this Council, backed by the community, achieve more equality of arms with respect to the executive. Paradoxically, only then will our relationship be capable of improvement.

The Civil Service is the bedrock of stable government. The stability and consistent high quality of the Civil Service should be a matter of top priority. In a democratic government system with universal suffrage, the stabilizing force of a professional civil service is even more important. However, we have seen the morale of the Civil Service deteriorate. Attention has been concentrated on how much their salary should be cut, without overall consideration for a fair and efficient system under which dedicated and professional civil servants can concentrate on their work and look forward to a good career.

The Civil Service, like any big organization, needs regular update and self-renewal. Yet, two-and-a-half years have passed since the accountability system has been set up, and nearly three years since the first pay-cut bill was passed, and the Secretary for the Civil Service has not come up with any proposal, including the system of salary adjustment. Perhaps in his reply, the Secretary will tell this Council precisely what he has done towards a civil service reform, and will not just pay lip service to its importance.

Madam Deputy, I now move to the rule of law and administration of justice. It goes without saying that the rule of law is at the heart of our confidence and freedom from fear. I want to emphasize that the good administration of justice and high quality legal services are also vital to Hong Kong's competitiveness. Hong Kong is in competition with the Mainland as well as the rest of the world. To survive, we have to preserve and develop our unique strength: our deep roots in the common law, the high quality of our court system and our legal services, our strong sense of professional ethics, our international perspective and constant interchange with other jurisdictions. While CEPA and the expansion into the Mainland are major new directions, we must approach this with a strong sense of what we can offer China in its present needs and future legal and judicial developments, and not just what we can get out of the China market. This is not only what we owe the nation as its nationals, but also our duty to the rule of law.

There are great opportunities and challenges. I would like to discuss these under the headings of the legal profession, development of legal services, legal education, and the administration of justice.

First, the legal profession. The environment of legal practice has changed dramatically over the last seven years, both as a result of global trends and changes within Hong Kong. Solicitors' practice has become not just a professional practice but a business supplying legal services. Solicitor firms have to be much more conscious of costs and income in order to survive. They can no longer look to protected income from conveyancing work while offering community service. Conveyancing is now a poor source of income, but a major risk of claim against the collective professional indemnity. Solicitors who have been trained to practise law are now liable to give up their professional career because they cannot make ends meet. The gap between income and liability is ever widening. It cannot be allowed to continue while the conscientious practitioners watch helplessly. The organization of solicitors' practice has to be

modernized and the Government has the duty to facilitate this instead of obstructing the process. Let me name just a few issues.

First, Solicitors Corporation. The primary legislation enabling solicitors to practise in limited companies was passed in 1997. Yet today, it has not been implemented. Numerous drafts of the Rules have been submitted by The Law Society of Hong Kong, and was each time delayed because the Government demanded further changes.

Second, Solicitors Professional Indemnity Scheme. While the present scheme needs to be amended urgently so that solicitors do not have to be insurers for each other, the Government is taking the intransigent and unrealistic stance that it will not support the change chosen by members of The Law Society of Hong Kong unless it includes insurance against the insurance company becoming insolvent. No professional indemnity in the world carries such a condition.

Third, limited liability practice. This is now permitted in England, in the United States, in Australia and New Zealand among other places. But in Hong Kong, we have difficulty even pinning down which of the Policy Bureaux is responsible for considering it.

Second, development of legal services. There are developments undermining professional service. An increasing source of concern is claim assessors. While lawyers offer the better protection for the interests of members of the public, they are precluded by their code of conduct from soliciting business, or to offer contingency or conditional fees arrangements. By contrast, claim assessors are unregulated. They can canvass for business in the waiting rooms of physiotherapists or hospitals; they can offer to charge no fees but just take a percentage of the compensation they obtain from the potential defendants, usually insurance companies. The downside which is not always made known to the client is that he may not be advised of the true compensation he is entitled to. I urge the Government to look into the propriety and desirability of this from both the public's and the profession's point of view, and take steps to enhance public awareness.

I have spoken repeatedly on the use of lay prosecutors in Magistrates' Courts with the result that briefing out to lawyers in private practice is now a rarity. With the stable provision of an abundance of qualified lawyers, the Prosecution Authorities should upgrade prosecution work. Cost saving is no

answer because the level of fees offered would reflect the market level. The artificial withdrawing of Magistrates' Court prosecution has a serious effect on professional development. This is not just a blow to the survival, particularly of young barristers, but also affects the sustainability of legal services as a whole.

I am not asking that lay prosecutors be abolished, but simply that they be redeployed and gradually phased out. They can, with advantage, replace departmental prosecutors, for example, in the Environmental Protection Department and the Customs and Excise Department, thereby upgrading such prosecution and bringing to it greater objectivity and detachment. The officers in these departments can then return to their specialized fields.

Legal aid has always played a major role in the development and provision of legal services, but an update of the legal framework under which it operates is long overdue. Recent issues are the expansion of supplemental legal aid to fill part of the gap in the access to justice. They may also help in the difficult problem of legal aid in appeals from the Labour Tribunal for respondents who do not meet the means requirement. Criminal legal aid fees have been long criticized by the legal profession. Present fee structure does not reflect the trend for substantial amount of time to be put into the preparation of written submissions so as to shorten court hearings. In other situations, work is either not adequately compensated or not compensated at all. This is unfair to conscientious lawyers and blight healthy interests in legally aided criminal legal representation.

No profession can survive on no fee income. I have only touched on some of the most pressing issues. There are numerous others. A prosperous few are not enough or even relevant to the maintenance of a strong legal profession which should be all-rounded in order to serve all needs of the community for legal services.

I want to turn to the third law school. The decision to fund a Law Faculty in The Chinese University of Hong Kong was greeted with concern. No information has been given as to the impact on the supply of lawyers, or how the law programme offered will be different. I hope information will be provided soon. I also hope that the curriculum will place new emphasis on jurisprudence to give us the depth in legal thinking, so that students will have a more intellectual appreciation of what constitutes the rule of law, why the rule by law

is not the same thing, and the nature of law itself. This may halt the rot which is coming from within.

A special issue in the administration of justice concerns the labour tribunal. The Labour Tribunal was established some 30 years ago to provide a quick, inexpensive and informal means of authoritative dispute resolution for simple employment problems. This system is now bursting at the seams. A working party appointed by the Chief Justice completed a report last June with recommendations to improve the present operation of the Labour Tribunal, but its scope cannot be extended to a reform of the whole labour dispute resolution. It may be that more fundamental change is needed, for example, by providing two different channels: an informal one for simple disputes where no legal representation is normally permitted, and a fully more judicial procedure for complex cases where legal representation is expected and legal aid is available. The Administration of Justice and Legal Services Panel and the Manpower Panel which have been working together are prepared to set up a working group to follow this issue through, but the Government has to indicate to what extent it is prepared to consider change. I would like to conclude with a word of support for our independent Judiciary whose contribution is enormous.

Madam Deputy, the system of justice exists for the orderly and rational resolution of disputes. If the justice system discourages the public from using it, people would resort to self-help, including the use of force or sabotage. Thank you.

**MRS SELINA CHOW** (in Cantonese): Madam Deputy, the policy address this year focused on the "people-based" approach and the continuous efforts on improving governance and raising the level of administration, the Liberal Party agrees in this regard. Nevertheless, to carry through this undertaking, one of the major factors is whether the accountability system can be further enhanced and improvement is most needed in terms of better co-ordination and communication among different bureaux and departments.

As I have stressed repeatedly in this Council, as many major public policies involve the portfolios of a number of bureaux, the co-ordination among bureaux is therefore very important. It is necessary to have a reliable arrangement for interdepartmental co-ordination to effectively bring team spirit into play and to smoothly enforce policies. On heritage preservation, for example, we need new thinking as it may involve .....

**DEPUTY PRESIDENT** (in Cantonese): Mrs Selina CHOW, please be seated first. Mr LEUNG Kwok-hung, do you have a point of order?

**MR LEUNG KWOK-HUNG** (in Cantonese): Madam Deputy, it appears to me that a quorum is lacking now.

**DEPUTY PRESIDENT** (in Cantonese): Will the Clerk please do a head count.

(The Clerk counted the number of Members present)

**DEPUTY PRESIDENT** (in Cantonese): Since a quorum is lacking, will the Clerk please ring the bell to summon Members back to the Chamber.

(THE PRESIDENT resumed the Chair while the summoning bell was ringing)

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

**PRESIDENT** (in Cantonese): A quorum is now present. Mrs Selina CHOW, please continue with your speech.

**MRS SELINA CHOW** (in Cantonese): I wish I can be timed after I have started my speech, I cannot find the point where I stopped ..... (*Laughter*)

**PRESIDENT** (in Cantonese): Take your time. Secretary, please time after she has started speaking.

**MRS SELINA CHOW** (in Cantonese): On heritage preservation, we do need new thinking, as it may involve the Home Affairs Bureau, the Housing, Planning

and Lands Bureau and the Economic Development and Labour Bureau. The Liberal Party has all along been hoping that the Government can cut the red tape, on the matter of licensing, when it may involve a number of bureaux, it is also hoped that .....

(Mr Albert HO pointed out that there was something wrong with the timer)

**PRESIDENT** (in Cantonese): I am sorry, Mrs Selina CHOW. You have been timed since you started the speech. We have some technical problem, please continue.

**MRS SELINA CHOW** (in Cantonese): Up till now, we have not seen much improvement. While it has been mentioned in the policy address that the Government would like to make improvement in this respect, I believe the matter also hinges on the co-operation of various bureaux. In addition, on the issue of regulating volatile organic compound, while it may have a great impact on the industry, its impact is relatively minor in terms of environmental protection. Even so, we need to study the issue carefully, so as to achieve proper co-ordination and balance between the two policy areas of environment and trade and commerce. The heated topic of the West Kowloon development project is of course a major concern.

Apart from horizontal co-ordination among bureaux, the vertical co-ordination between the Policy Bureaux and departments responsible for enforcement is also crucial. Otherwise, a gap may emerge between bureaux and departments, leading to confusion in government orders. It was exactly what happened during the SARS outbreak.

Was it due to such a gap between bureaux and departments that the policies formulated by bureaux at the top could not be matched by desired enforcement, thus resulting in a communication block? Besides, as some bureaux are entrusted with too many responsibilities, there may arise a bottleneck. I believe that such bottleneck can be found in the Health, Welfare and Food Bureau and the Environment, Transport and Works Bureau. It is unfair in different degrees to the responsible Secretaries and controlling officers, especially those in the upper middle level.

The problems mentioned above have not been seriously addressed, or even evaded, by the policy address this year. The Liberal Party is of the view that the issue should be addressed squarely and improved, so as to change the public view of the accountability system.

Apart from the accountability system, there is one thing I must point out. The policy address laid stress on being resolutely against "collusion between business and the Government" and to eliminate any "transfer of benefits". Nevertheless, after the policy address was released, I stressed at the press conference that "collusion between business and the Government" should not be confused with "collaboration between business and the Government". The former is a unilateral transfer of benefits which cannot benefit the public, while the latter is an effective way of deploying social resources to achieve the best result of mutual benefit. The firework display every year, the redevelopment projects of the Urban Renewal Authority and the Partnership Fund for the Disadvantaged are good examples demonstrating that partnership between business and the Government can achieve better effects. The collaboration between the public and private health care sectors as advocated repeatedly by the Liberal Party, for instance, can effectively relieve the load on public hospitals.

We believe that as long as a stringent regulatory system is in place, collaboration between business and the Government can achieve a situation where the Government, business and the public are all winners. The SAR Government should not be so scared of being labelled, thus giving up, for fear of a possible risk, initiatives that are good for our community. Furthermore, to achieve genuinely "big market, small government", it should make good use of the flexibility enjoyed by the private sector by allowing professional talents in the private sector to prove their worth, so as to reduce the reliance on the public sector.

Madam President, as a matter of fact, our discussion on this aspect should not be restricted to the collaboration between business and the Government, but also the interaction of resources and talents between both sectors, so that the resources available to the community as a whole can be fully utilized.

When talking about collaboration between business and the Government, I wish to bring up a point, that is, the Government has gone a little overboard in this respect in recent years. The responsibilities which should otherwise be



shouldered by the Government are sometimes shifted to the private sector. For instance, the Government has asked private enterprises to take up the construction of the East Link of the Shenzhen Western Corridor and the Canton Road Station of the West Rail Southern Link as they, though needed urgently by the public, do not have high commercial value. Even for the proposed smoking ban to be enforced in restaurants, it is really ridiculous that the duty of front-line enforcement is also shifted to the managers of restaurants. We are of the view that the Government should not, on the pretext of resource constraint, ask private enterprises to do its own jobs, otherwise it is unfair to taxpayers.

Madam President, Members from the Liberal Party have already spoken on the dissatisfaction of the middle class. As regards the views on education and talents expressed by the middle class, I will talk about them in the relevant session.

Madam President, as revealed by many opinion surveys, the issues of economy and livelihood, rather than a democratic system, are the prime concern of the public. I am just stating a fact and not trying to belittle the importance of democratic development. I only want to ask the Government if it has heard the opinion expressed by the public on these important issues.

Madam President, I so submit.

**DR KWOK KA-KI** (in Cantonese): Madam President, this year, our policy address mentioned about raising economic performance and building a harmonious society together.

I do not know if it is because of my profession, I like very much to diagnose. I think Hong Kong people are sick. Why are they sick? This is because no person from any country or region will still be overjoyed at seeing their Chief Executive having announced a policy address of little substance, contents or few promises. Hong Kong people may have been subject to suppression for too long, or they may have been cheated for too long by the rubber cheques written by the many lofty, big and empty annual policy addresses. Therefore, this year, when we heard that our Chief Executive has no longer made unrealistic and meaningless promises as before, such as the development of the Cyberport, Chinese medicine port, flower port, we on the contrary feel delighted.

Why have Hong Kong people come to this situation? In the 17th paragraph of the Chief Executive's policy address this year, it was mentioned that seven years had passed since the reunification and Hong Kong people had become our own master. I do not see how Hong Kong people have become master of our place, nor do I see how Hong Kong people have come to make their own decisions. When we say that we hope to further develop our constitutional system and enhance good governance, we can realize that the response from society or the Chief Executive is on the other side.

It is possible that Chief Executive TUNG Chee-hwa is also a bit sick. On the day he came here to announce to us the policy address, he said forcefully that Hong Kong was facing a very serious problem, including collusion between business and the Government, and said he also hoped to comply with the instruction of the Central Authorities to identify inadequacies. However, on the following day at the same place, when he was asked if there was collusion between business and the Government in Hong Kong, he replied in the negative. Yesterday, one of our Directors of Bureaux, Secretary John TSANG, came forth to say that some past mistakes committed were correct. He turned the Cyberport, a living example of collusion between business and the Government recognized by every Hong Kong resident, into something which had the blessing of the then Legislative Council, to the extent that the Legislative Council may even be described as a willing party. Thus, the Chief Executive may also be ill, but it is definitely not Hong Kong people who have this disease. Nor is the Chief Executive ill alone because under this distorted system, our officials may also be forced into illness.

I have to cite one example on constitutional reform. Both Articles 45 and 68 of the Basic Law state clearly that Hong Kong has to head towards universal suffrage. Everybody knows that in this advanced and mature society of Hong Kong, a well-founded executive and legislature, including a Chief Executive elected by Hong Kong people and a popularly elected Legislative Council are the cornerstones. They are also the foundation of many Western countries or advanced societies. Nonetheless, we happen to be drifting farther and farther away from this foundation. As a continuation of the first three reports, not only has the fourth report failed to give us any undertaking, but it has also given us a more realistic response or a response which disappoints us more, that is, we should turn away from democratic development. When Secretary for Justice Elsie LEUNG of the Constitutional Development Task Force came here to address us, we could still hear some comments which made us feel extremely

outraged and astonished, including the comment that the effect of indirect or functional constituency elections was tantamount to that of direct elections. I do not know how far this society has to be distorted, or for how long the Hong Kong public has to be duped by these paradoxes before we can have a person who will come forth to speak with greater conscience and a more righteous frame of mind.

Moreover, I would like to take a look at the civil service system. The Secretary for the Civil Service has all along emphasized that he is heading towards a good civil service system, including the handling of retired civil servants. However, a live example in front of us is that senior officials joined the big commercial groups no soon than they had left the Government, and engaged in commercial activities which we do not want to see in an unrestrained manner, doing nothing to avoid suspicion. How can this be the behaviour of a responsible government? It appears on the surface that we have reduced the civil service establishment from 200 000 to 160 000, but everyone knows that this is only a game of figures as there are always more contract civil servants or contract civil servants doing the same job but receiving different remunerations under this system. In fact, the newly recruited civil servants are the ones who are paying the price.

I believe effective governance must be achieved with some highly transparent and credible approaches. When the Basic Law was initially formulated, the drafters might have foreseen that Hong Kong must head for universal suffrage to provide for a fair system in future, including the election of the Chief Executive and Members of the Legislative Council. If the Government continues to act like the patient whom I described earlier (actually, I would refer to this type of governance as schizophrenic, that is, giving thoughts to Hong Kong's future with the mindset of a schizophrenic), it would be difficult for Hong Kong to have effective governance.

Nonetheless, the policy address has brought with it too many problems and we have too little time to speak. Madam President, I so submit. I would like to leave some time to speak later. Thank you, Madam President.

**MR LI KWOK-YING** (in Cantonese): Madam President, following the announcement of the policy address, some opinion polls indicated that most respondents considered that the theme of this year's policy address had met the needs of the current circumstances of Hong Kong. The Democratic Alliance

for Betterment of Hong Kong (DAB) considers that the policy address has practically responded to the demands of the people and political parties, and is consistent with the idea of social harmony and economic development which the DAB has consistently advocated. However, quite a number of respondents harboured doubts as to whether the new measures could effectively improve administration. The DAB agrees that there are still inadequacies in the administration by the SAR Government, including no mention in the policy address of measures to assist in improving the living of the low-income earners, and the neglect of the development of the boundary areas between Hong Kong and Shenzhen. Also, there are no specific measures on improving the management of buildings in old districts, nor are there specific measures to resolve the problem of small houses.

Regarding this year's policy address, I would give my opinions from the standpoint of the legal profession.

In many places, the legal services industry is subject to many restrictions. It is not easy to enter the market of legal services in other places. However, the signing of the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) provides an opportunity for mainland and Hong Kong lawyers to co-operate and conduct exchanges so that lawyers in both places can supplement each other with their respective advantages to provide to investors and people in the Mainland and Hong Kong legal services which are more diversified, professional and competitive.

Madam President, this year's policy address has not focused on how to continue and step up leveraging on the advantages of CEPA to assist and expand Hong Kong's legal services industry. I am a bit sorry about this. The DAB considers that under the existing CEPA agreement, there still in fact exists much room for Hong Kong lawyers to expand their business on the Mainland. For example, the requirement that existing solicitors' firms in Hong Kong can only jointly operate in the Mainland as joint ventures instead of partnerships hampers the development of the industry on the Mainland. The DAB hopes that the Government can discuss with the mainland authorities on a relaxation of this requirement so that Hong Kong solicitors' firms can operate in the form of partnerships on the Mainland.

In addition, regarding the requirement that Hong Kong lawyers have to take an examination on the Mainland to qualify for practice before they can provide services there, this is not only difficult for Hong Kong lawyers but is

also unnecessary. The DAB considers that since their main business on the Mainland normally involves external legal services, it is therefore not really necessary to require Hong Kong lawyers to pass the relevant examination before they can be qualified for practice. Of course, external services also involve mainland affairs and Hong Kong lawyers cannot know nothing about mainland laws. Thus, we propose that if Hong Kong lawyers are involved mainly in providing external services, the requirement of passing the examination can be relaxed. For example, they can only be required to pass a "benchmark examination" on basic mainland legal knowledge, or they can be required to take certain relevant subjects of the mainland practice examination.

We also consider that the signing of CEPA only marks the beginning of the development of co-operation between the Hong Kong and mainland legal services industries, and there are still more areas under CEPA which merit continued enhancement and expansion. In order to develop Hong Kong's stable and sustainable legal services and realize the win-win situation of mutually benefitting Hong Kong and the Mainland and supplementing each other's strengths, the DAB hopes that the SAR Government can continue to discuss with the relevant Central Authorities and perfect the relevant provisions and mechanisms. Moreover, the Government also has to spare no efforts in assisting the industry in Hong Kong and on the Mainland to enhance co-operation and promote the exchange of talents.

Madam President, I would like to talk about the recent emergence of compensation recovery companies and the problems they have caused, hoping that the Chief Executive and the relevant officials can pay attention. The compensation recovery companies focus on cases seeking compensation for bodily injuries. They will represent the injured party in looking for a lawyer to claim compensation. There is nothing wrong with the emergence of this type of service industry in Hong Kong which plays the role of a middleman, however, the development of compensation recovery companies seriously affect the development of solicitors' firms. More importantly, the reason for the development of this kind of companies originates from the loopholes in some Hong Kong laws. It can be said that these companies pose improper competition to solicitors' firms.

The problems caused by compensation recovery companies concern mainly three aspects. First, the compensation recovery companies provide legal advice to the injured claimants, including recommendations on whether or

not to initiate proceedings and the claims amount. This should be the work of lawyers but is now provided by staff of those companies who have not received professional legal training. This is simply irresponsible. When providing legal advice, Hong Kong lawyers are subject to different supervision in law, but those companies do not have legal authorization, nor are they subject to supervision. They are providing legal advice without the supervision of any professional bodies, and are at the same time avoiding the legal requirements. Moreover, at present, lawyers are strictly prohibited by regulations to make the so-called "no win no gain" service undertaking, but such regulations do not apply to the compensation recovery companies. Consequently, these companies are given the opportunity to take advantage of loopholes in law. Finally, since some compensation recovery companies are linked to solicitors' firms, the claimants are referred to the solicitors' firms by those companies for follow-up action. However, the compensation recovery companies very often "manipulate" the cases and the contact with claimants and play a leading role from suggesting the claims amount to giving advice on the cases. As a result, lawyers cannot have direct contact with their clients. Under the circumstances that lawyers do not have the opportunity of making the most direct contact with the claimants, their legal advice may thus not be the most beneficial to the claimants, thereby affecting their interests ultimately.

In face of the problems caused by these compensation recovery companies, the public cannot see the police or the authorities concerned tackling them seriously. Up to now, no effective deterrent measure has been taken, including making prosecutions, considering legislative amendment, and so on.

Madam President, we hope that the SAR Government can pay close attention to the problems, make efforts to solve the social problems one by one, and fulfil the title of the policy address: Working Together for Economic Development and Social Harmony.

Madam President, I so submit.

**MR ALBERT HO** (in Cantonese): Madam President, in the very lengthy policy address delivered by the Chief Executive, his declaration of self-confession of identifying inadequacies and self-conviction was the focus of attention. Actually, the numerous inadequacies identified by the Chief Executive himself, from his failure to implement "people-based" governance and "address people's

pressing needs" to the heavy burdens imposed on and the pain suffered by the people because of his chaotic administration, the challenge to the Government's governance capability and credibility because of its lack of a sense of crisis, political sensitivity and the capability to cope with changes, are exactly the same as the criticisms made by the public opinions, academics as well as a number of Members of this Council over the past couple of years. It is only now that Mr TUNG has finally admitted his inadequacies. This has inevitably given us an impression that Mr TUNG merely cares about and accepts the instructions of the Central leader. This policy address has mainly sought to respond to the concern and request of the Central leader — of course I am referring to President HU Jintao.

Although the Chief Executive's confession is appropriate and timely, it seems to the people of Hong Kong that, from the angle of accountability, they are not his prime target of allegiance. We can thus see that the reality and prospects of Hong Kong's ability to enjoy "a high degree of autonomy" are indeed worrying.

Actually, how could a truly accountable government or political leader still have the face to continue running the Government after admitting having so many inadequacies? Of course, it is good for someone having made a mistake to correct it. However, it was only when we read the policy address carefully and listened to how the Chief Executive elaborated his visions in the Question and Answer Session held subsequently that I came to realize that Mr TUNG Chee-hwa was still TUNG Chee-hwa. He had not changed at all. I felt that he was not sincere in admitting his mistakes and had no intention at all to rectify them.

To start with, in identifying his inadequacies in the policy address, Mr TUNG did not mention — or was more likely to have deliberately evaded — the fundamental causes of his inadequacies. I am referring to the problem with the system of governance, as a matter of course. Without dealing with and analysing the structural problem in an in-depth, comprehensive and solemn manner, it is impossible for us to thoroughly rectify the political problems confronting the Government such as poor administration. This is because the Chief Executive's self-confessed inadequacies will frequently, and even unavoidably, appear under a closed, anti-democratic political system of accountability without proper checking. It is simply impossible for us to ameliorate the problem of governance at root should we fail to start with

institutional reform. All piecemeal initiatives can merely provide a temporary relief instead of permanent cure. In the days to come, these inadequacies and blunders will keep happening. At the same time, the SAR will continue to give the Central Authorities worries and trouble, and bring more burdens and pain to the people.

The shortcoming of the system of governance is fundamentally attributed to the fact that the Chief Executive and all Members of this Council were not returned by a genuine democratic system. As head of the executive, the Chief Executive lacks public acceptance and popular mandate. Neither does he have comprehensive visions for governing Hong Kong. What is more, there is an absence of a set of governance strategies on how the Chief Executive can co-ordinate and co-operate with various political parties. In addition, the Chief Executive is incapable of fostering a consensus in the community to enable him to formulate policies consistent with social aspirations.

Members should be aware that the Chief Executive was returned by a pro-business small circle. Structurally, he will naturally make friendly gestures to his supporters, or even consortia and businessmen who can restrain him as well as other influential people. In that case, how can he sincerely and truly establish a set of visions and values for "people-based" governance? Where can he find the incentives to follow public opinion closely and appreciate public sentiments? How can we expect him to have the impetus to enhance his own political sensitivity and ability of crisis management?

The policy address was delivered by the Chief Executive here in this Chamber. I was sitting here when he cried out at the top of his voice his opposition to collusion between business and the Government and his determination to eliminate transfer of benefits. I was much taken back by the look on his face. (*Laughter*) How dared he say something like that? Who told him to say so? What was he talking about? His facial expression gave me an impression that he was making those comments not without reason and that he seemed prepared to do something. However, when he responded to the questions posed by reporters afterwards, he decisively replied that there was no collusion between business and the Government in Hong Kong. Even if there were such a case, it should be investigated and dealt with by the Independent Commission Against Corruption (ICAC). His words made me feel that he was not sincere in opposing collusion between business and the Government. What is more, he possibly did not understand what he was talking about.



Members should be aware that collusion between business and the Government actually refers to the frequent tendency of the Government or government officials to, in formulating policies, take care of the interest of the business sector, or even individual consortia or businessmen. Benefits will often be transferred to beneficiaries by an unfair, illegitimate, closed-door and inequitable means but, very often, in a lawful manner. Such transfers of benefits are definitely meant to please individual consortia. Some people might ask this question: Are there any concrete agreements to induce the beneficiaries to return some benefits to the benefactors? Not necessarily, because, very often, such connections need not be expressed in words. In modern society, they are often considered to be a kind of subtle but legitimate corrupt connections. In other words, collusion between business and the Government is a social phenomenon that can be understood and observed, but not necessarily unlawful, corrupt conduct that can be proved.

For instance, if the Chief Executive or certain senior officials evidently formulated some policies to transfer benefits to a certain consortium, we might not be able to prove that the Chief Executive or the officials had received any benefits in return. However, we can see that the family of the Chief Executive or a certain government official has lots of other intricate financial connections with the benefited consortium. Other connections of returning favours can be found in numerous exchanges in an invisible, colourless and silent manner. So, how can we prove and eliminate all these?

Let me cite one more example to illustrate my point. While a government official exercised discretion to deliberately give a certain group preferential treatment, he might not have the intention to seek any returns. When he retired a couple of years later, however, he might pass the "sanitization" period quickly and immediately join the consortium and become a highly-paid executive director. In that case, how will the public look at the matter? Can the Government come forth and offer an unequivocal apology that the two incidents were totally unconnected and merely coincidental and that there was absolutely no collusion and advance planning? How can the public have faith in the Government?

Madam President, I listened very carefully to the speeches delivered by two colleagues from the Liberal Party just now. I very much agree with them that Hong Kong should not oppose collaboration between business and the Government and adopt an antagonistic attitude towards the business sector. The

Democratic Party totally agrees with these notions. Government officials should co-operate with businessmen as well as the public, right? However, collaboration between business and the Government is a far cry from collusion between business and the Government. The former can be built on an equitable and legitimate basis as well as a legitimate and lawful mechanism, which can in turn be governed by rules. At the same time, these rules must be announced beforehand to allow interested parties to participate and compete in a fair manner. In the process, there must be an impartial vetting and approval mechanism too. Should this really be the case, how could the Cyberport incident have happened? Should this really be the case, why did we have to cry out loudly for temporarily shelving the development of the West Kowloon Cultural District? What we demand is just a fair and reasonable mechanism. Not only should we eliminate real collusion between business and the Government as well as transfer of benefits, we should also remove any bad impressions the outside world might form as a result. We were actually doing it for the good of the Government in the hope that its credibility would not be undermined further.

Neither will we oppose the Government formulating policies to lure investors, provided that all preferential policies must have a definite goal and clearly defined requirements for the beneficiaries of preferential treatment, such as the scale of investment, the number of job opportunities to be created, the standard required to be met in terms of technology and innovation, and so on. Never will the Democratic Party oppose the offer of tax holiday or even rent concession. There is no problem. If legislation is required, why can subsidiary legislation not be considered? As such, I hope the Government can carefully consider this issue.

Today, many in the community have raised concerns about the phenomenon of collusion between business and the Government. It is indeed worthwhile for the Government to address this issue. The Government is undoubtedly burying its head in the sand in saying that this phenomenon does not exist and, even it does, the ICAC can deal with it. The Government has completely failed to respond to the demand of the community.

Madam President, it has actually been stated by a number of colleagues that a reform of the system is the most fundamental step should the Government opt for drastic reform. Not only have we repeatedly debated in this Council the need to reform the democratic system, we have also made our aspirations known again and again. Here I will not elaborate again our strong demand for

universal suffrage in 2007 and 2008. Yet, the Accountability System for Principal Officials has much room for review and improvement. Principal Officials should not be merely accountable to the Chief Executive, they should face society and this Council as well. Although many government policies have already been given a direction, I have not seen them being put into implementation. This explains why the Government has been criticized as being making decisions without implementation. Perhaps you, Madam President, still remember the promise made by the Government when it scrapped the two former Municipal Councils in 1998, that District Councils would receive a devolution of powers. Although this promise was made years ago — six years ago — the Government is still maintaining today that it has to make preparations for the next consultation. While the next consultation is yet to begin, the Government has to prepare for another one following the next. This is utterly ridiculous and laughable.

There are some issues, such as the development of the West Kowloon Cultural District, on which this Council has passed a resolution. I hope the Government can give this Council a little bit respect. On some issues, such as small-class teaching, the Government shares the same view as this Council. Such being the case, why can the matters not be resolved earlier? Why can the Government not maintain better co-operation with this Council? With respect to all these issues, I think that the accountable principal officials should make better use of their positions to respond to the demand of society and this Council, as well as taking the decision of this Council seriously. As Members are aware, it is really extremely difficult for a motion to be passed because of our separate voting system. However, if such a motion, even if passed, is not respected, what else will the Government heed?

My second request concerns my view that the Executive Council should have a more comprehensive system of declaration of interest and integrity requirements. When the Accountability System for Principal Officials was established, we requested that the officials should transfer their assets to a blind trust instead of a family trust. What is more, they should declare their personal assets clearly, and the declaration system should be made public. The interests declared by the Executive Council Members should also be made public in an appropriate manner in due course.

Third, the retirement system of civil servants has much room for improvement. Secretary Joseph WONG was recently criticized on all sides

because of an incident relating to Ms Elaine CHUNG. I am not going to repeat it here. However, I must point out that the Secretary is duty-bound to strictly enforce the relevant rules, unless there are good reasons to act otherwise. Up till now, I can still not see what good reasons the Secretary can offer to the public. Furthermore, it is necessary to tighten the entire system to prevent people from suspecting that principal officials being recruited by the private sector immediately upon retirement might probably pass sensitive government information to the consortia.

As I said earlier, all policies must be formulated in an open, fair and honest manner. I greatly support the proposal raised by several colleagues — that is, Ms Margaret NG and Mr Ronny TONG — that legislation on information freedom should be enacted expeditiously.

Another point I would like to raise concerns the advisory system. The Government has, for a long time, boasted of its excellent advisory system. After being questioned recently, it told us that more participation of the middle class would be sought. In the end, however, this so-called middle class forum was found to be just an online discussion platform — with much talking but not enough work being done. Moreover, it has actually been frequently found that statutory bodies are still favouring cronyism, discriminating outsiders, and treating political parties with hostility. Very often, even though the Democratic Party was consulted when appointments were made and had submitted a name list for this purpose, the Government would apologize to us and tell us that it was impossible to appoint this and that candidate, and the fourth or fifth one on the list would invariably be chosen instead. Why?

Madam President, the last point I would like to raise is related to the extremely serious blow to the rule of law in Hong Kong and our "high degree of autonomy" with regard to the interpretation of the Basic Law by the NPCSC. The Government was ultimately censured by many for taking the initiative to seek an interpretation of the Basic Law in 1999. In 2004, the NPCSC took the initiative to interpret the Basic Law in an attempt to fully step in and manipulate Hong Kong's future political reform. We were most dissatisfied with the Chief Executive because he had failed to argue strongly on just grounds, uphold Hong Kong people's "high degree of autonomy", and persuade the Central Authorities to respect the aspiration of Hong Kong people for democracy as well as a more reasonable interpretation of the Basic Law. In our opinion, not only has the Government failed to fulfil this responsibility, the Chief Executive has failed to

play his most important role of guarding the faithful implementation of the Basic Law and safeguarding Hong Kong's "high degree of autonomy" as well.

The experience gained over the past seven years since the reunification has given me a strong feeling that such an economically advanced, liberal and sophisticated society as Hong Kong must be governed by an advanced, liberal, democratic system. Without the people's mandate and a proper monitoring system of checks and balances, effective governance that can bring about long-term political stability is virtually impossible. What is more, nothing can be done in the future to avoid giving the Hong Kong and Central Governments, and the Hong Kong people alike, worries and trouble. Worse still, the Central Authorities will thus be given an opportunity to further step in and interfere with Hong Kong's internal affairs and consequently damage our "high degree of autonomy". This is definitely the last thing we would like to see.

I so submit.

**MR LEUNG KWOK-HUNG** (in Cantonese): Madam President, here I wish to advise Honourable colleagues not to express thanks for the policy address. Neither do they have to follow the outdated conventions and bad customs of the colonial period in expressing thanks on almost every occasion. We are already our own master. Actually, the first impression I got after reading this document was the last two sentences of an article entitled *Chu Shi Biao* written by ZHUGE Liang: "Weeping bitter tears, I do not know what to say with the submission to the Emperor before me". For fear of death, ZHUGE Liang stated that he had no idea what he was talking about in the conclusion of the article.

In Macao, Mr TUNG, our leader — I was refused entry into Macao because I was stopped by the officers at its border — was rebuked by Mr HU Jintao, who told him to go to bed earlier, for there was no need for him to go to Beijing this year. Subsequent to the insult, the entire policy address has to be rewritten by first admitting mistakes, conducting a review and identifying inadequacies. This explains why the entire policy address is so fragmented that it could be taken apart like loose-leaf papers. It would therefore be utterly ridiculous for us to thank for such a policy address.

First, Mr TUNG is misleading us. Despite his pledge to eliminate collusion between business and the Government and his advice for people to report any such cases, he has failed to keep his promise. On the following day,

in the same place — it was fortunate that I was not present on the two occasions to witness him making those comments — he ate his own words by arguing that he was referring to the future, not the past. Fortunately, he was speaking in Cantonese at that time. He could not have escaped had he spoken in English, for English has tenses. The benefit of speaking in Cantonese is that Cantonese has no tenses. The speaker can explain after he has spoken whether he was referring to the past or the future. It would have been impossible for him to escape had he spoken in English, because it is expressed by tenses. What misleading messages has Mr TUNG delivered? The answer is that he denied there was collusion between business and the Government. His subordinates were thus forced to explain, though they originally had no idea what their boss had said and why he had suddenly gone back on his word by denying it at all. Consequently, John TSANG was forced to step forward and tell us that the Cyberport had nothing to do with collusion between business and the Government or transfer of benefits.

Actually, neither do I understand the real meaning of "collusion between business and the Government" and "transfer of benefits". Am I supposed to accuse him of corruption? All corruption cases should be reported to Secretary Ambrose LEE or his subordinate, the ICAC. The standard is so terrible that even the real meaning of "collusion between business and the Government" and "transfer of benefits" is not known. Actually, I am referring to those people who are being generous at the expense of the people, acting just as they wish because of their authority, and deceiving others with a tilted policy in an open manner. Just as in the case of the Suharto government in Indonesia — its political system is similar to that of Hong Kong — there is a so-called professional ruling group relying on small-circle election to rule the country. This is an insult to people's wisdom. Am I supposed to say LI Ka-shing asked Mr TUNG to act according to his instruction and rewarded Mr TUNG with \$50,000? The level should not be so low! I now realize that Mr LI is holding more than 10% of the shares of Mr TUNG's family business. The truth has ultimately come to light. It is more on the high level! How can we expect him to act like those people who took \$5,000 in bribe on the street and were subsequently put to jail?

Actually, it is inaccurate to describe such acts as collusion between business and the Government. I have already clarified this point repeatedly. In my opinion, such acts should be described as enforcement of the orders of government officials by businessmen. In other words, there is no room at all for businessmen to argue about what they are instructed to do. There is no

collusion; neither is it necessary to discuss how to do it. Instead, after a person has been picked by a group of "bosses", he will be allowed to "operate his business without paying back". This is what happened. It is even worse than collusion between business and the Government. I guess I should count the acts of a family in case Members do not believe me. The family I am referring to bought a site earmarked for a hotel in Ma On Shan at such a low price that even some Beijing officials asked the reporters whether they had got it wrong or the price was calculated in US Dollar, which is seven or eight times the value of Hong Kong Dollar. This incident was followed by many others, such as the Cyberport, container terminal, 3G, and so on. They are simply too numerous to be listed. True, it is most appropriate to use idioms in this Council now, for Chinese idioms are the perfect choice for describing those evil acts in the most precise manner.

The enforcement of the orders of government officials by businessmen actually represents the most despicable and the least costly transfer of benefits. The rich people in Hong Kong no longer want to stay here. They simply lack the patience and willingness to invest here. Who would dare to spend \$500 million grooming a group of politicians to rule Hong Kong to their perfect satisfaction? Furthermore, many Secretaries of Departments and Directors of Bureaux in the Civil Service are eloquent and well qualified to be politicians. People placed in this position through small-circle election are bound to make lots of ridiculous mistakes. How do business and the government collude with each other in overseas countries? The first step is to groom a group of politicians from graduates from such universities as Harvard and Yale. They have all completed their studies before selling their souls. Only these people are considered noble; only their souls are considered valuable.

How could he have ended in this way had he not armed himself with an unloaded gun? There is nothing he can do now but keep the show going with civil servants, though only the three Secretaries of Departments and 11 Directors of Bureaux are able to do this. When the three Secretaries of Departments can no longer hold their own, the Directors of Bureaux would take their place. However, none of them is a politician. This is why Members have always pitied them. Actually, why should we? The corrupt system is only to blame.

I can tell Members that it would really be shameful should we express thanks for this policy address. Let me reiterate that we do not have to follow the etiquette left behind by the former colonial government. We should reject

this policy address. The person responsible for delivering this policy address can be likened to a rebellious student who was given a detention by his form master and the punishment of copying "I will not repeat the mistake", "I will not eat snacks" and "I will not talk to my neighbour" 500 times. He kept muttering words of abuse as he was doing the copying, because he was convinced that he had not done anything wrong. Finally, he handed in his work and denied that was what he meant. The story did not end here — When an ill-fated janitor (a civil servant) whom he met praised his hand-writing, he yelled at him and said, "It is none of your business." On the pretext of identifying inadequacies, he vented his spleen on the janitor. Immediately after delivering his policy address on Wednesday, he flew into a fit of rage the following day and said that he would answer no questions. Could this be allowed? The rebellious student was not at all sincere in making improvement while he was copying. As such, why should he be rewarded for being given the punishment of copying? Should we as Members, whether indirectly or directly elected, complement him by thanking him after listening to his policy address? The student who was punished said, "You should not have punished me; everything has to be changed." These are, however, his sincere words.

I wonder whether Members recall a person known in history, Galileo, who was punished by the Vatican. As he did not want to become another Giordano to be burned in a religious trial, he concurred with the Vatican by saying that what he saw with his telescope was entirely wrong when he was asked how the celestial bodies moved. Immediately after he left the Vatican, however, he contradicted the Vatican by saying that the Earth was still revolving.

We are actually the ones who really suffer. After he had received the punishment of copying, he launched an attack and summoned his attendant to defend him. What did he suffer?

As such, I feel that I should not waste time today. As each Member is given only 25 minutes to speak, I suggest Members, whether present or not present in this Chamber, never ever thank anybody for this so-called policy address and not to insult the word "thank you". Even when we are served a cup of tea by a waiter, we will say "thank you" because this is good manners. However, I am not going to do this today. Excuse me. I hope Members can be more courageous. Do not say "thank you" even when someone throws some rubbish at you. Thank you.



**MR HOWARD YOUNG** (in Cantonese): Madam President, last year, the Chief Executive announced that the Constitutional Development Task Force headed by the Chief Secretary for Administration would examine issues relating to constitutional development and consult views through various channels. So far, the Task Force has already issued four reports, and it is narrowing down the focus of discussion. The year ahead is decisive insofar as constitutional development is concerned, for the Task Force will issue the Fifth Report on views collected on the Fourth Report and will put forward a mainstream proposal for public discussion. With regard to this question, the Liberal Party hopes the Government will conduct due consultation on our political development and discuss with various social strata and different political parties of the reform, with a view to reaching the greatest consensus in respect of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008.

As to the election methods for 2007 and 2008, the Liberal Party recommends that the size of the electorate in the two elections may be expanded to enhance their credibility and representation, as a response to critics who called it "coterie election". At the same time, in order to train new blood and to provide them with more opportunities of participation in politics, we recommend that five more seats each be added in the election of functional constituencies and direct election of geographical constituencies.

The Liberal Party supports universal suffrage, but it should be carried out in a gradual and orderly manner. At present, society indeed lacks the complementary conditions which are necessary for universal suffrage, such as mature party politics and policy research capability, a comprehensive accountability system and a sound relationship between the executive and legislature. If we force ourselves to implement universal suffrage, it will only bring profound and detrimental impact. At present, we should seize the time and actively develop political conditions favourable to the launching of universal suffrage, promote party politics and create favourable conditions in the hope of implementing the universal suffrage for the election of the Chief Executive as early as by 2012.

In last year's policy address, the Chief Executive said that in order to put the policy of people-based governance into effect, the Government would streamline the structure of various statutory or bodies and bring in more middle-class people or members from political parties to enhance the

representativeness of such bodies, so that they can offer constructive opinions to help the SAR Government improve its governance. The Liberal Party supports this idea very much. Nevertheless, the overall situation has not changed. In this year's policy address, the Chief Executive reiterated once again that he would definitely pay heed to public opinions, we hope the Government can put that into practice. Besides the middle-class Public Affairs Forum, the Government should open up more channels to representatives from various professional sectors, so as to give them ample opportunities to give suitable advice to the Government, and thereby improve the acceptability of government policies.

The Liberal Party has all along supported the principle of "big market, small government", and we consider that the size of the Civil Service should not expand rashly, as it will not only increase the Government's financial burden, but will also slow down the efficiency of operation. For that reason, we have been calling on the Government to review and reform the administrative procedures of various government departments, and to streamline the structure and reduce surplus staff through natural wastage and voluntary retirement schemes. Actually, we hope the Government can reduce the total civil service establishment to 160 000 on or before 2007.

We are glad that the Government started the pay level survey earlier this year. We hope the Government will conduct such surveys periodically to compare civil service pay levels with those in the private sector, to formulate a comprehensive pay level survey mechanism for the Civil Service and to review the out-of-date allowances and fringe benefits, in order to avoid widening the gap between the remuneration of Civil Service and that of the private sector.

To place stress on effective governance, we definitely need a civil service which keeps on excelling. The Liberal Party supports the idea that the Civil Service should keep on learning and upgrading, so as to meet the needs of constant social changes. For that reason, it is most appropriate for the Civil Service Training and Development Institute to conduct workshops for the administrative grade in studying national affairs, and to organize exchange programmes with provincial governments in the Mainland to enhance civil servants' understanding of mainland affairs. Nevertheless, we should not neglect expanding the global vision of the Civil Service, a proven and effective way of training in the past. For that reason, the Government should keep on

sending civil servants to join overseas' study programmes, such as programmes organized by international renowned institutes like Oxford and Harvard, and it should keep on sending local police officers for training in police academy in the United Kingdom and intelligence agencies in the United States, so as to ensure the professionalism of the Civil Service.

Lastly, I wish to speak on the employment policy for retired civil servants, which has aroused a great controversy among the public. We will have a detailed debate on this issue next week. In order to enhance the confidence of the public in the Civil Service, the Liberal Party agrees that a review of the relevant policy be conducted. Nevertheless, the crux of the matter now, lies in the fact that a lot of civil servants, especially directorate grade officers, have accrued a large number of paid annual leave before they leave the Government, which could be as long as one whole year (this is something not allowed in the private sector), therefore it has caused the row on the control period after their retirement. In this connection, our recommendation to the Government is that besides tightening the approval process and enhancing transparency, it should also state in black and white when the post-retirement outside employment control period should duly start.

Madam President, I hope the Government will keep on making endeavours to build a highly efficient and quality Civil Service which is constantly keeping abreast of the times.

I so submit.

**MR JAMES TO** (in Cantonese): Madam President, "effective governance" in this part of the debate should also cover security matters. I have been listening to Members' remarks, but so far, I have not heard any Members discuss this aspect.

Actually, I should congratulate the Secretary because, generally speaking, Hong Kong is quite stable. The law enforcement agencies of Hong Kong are very efficient and their staff dedicated, so people need not worry about the occurrence of any major problems. The situation is thus both gratifying and fortunate. I, however, still wish to draw the attention of the Government to a few points.

The first point is on the reduction of resources. An academic has recently written an article, pointing out that resource reduction for the police may affect the effective governance of Hong Kong. I have read the article very carefully, but I do not quite agree to its viewpoints. It is mentioned in the article that by 2007, the police will face an internal wastage of roughly 1 000 officers (meaning that roughly this number of officers will proceed to normal retirement by that time), so there is a need for recruitment. It is also pointed out that like the Independent Commission Against Corruption (ICAC), the police may also face the simultaneous retirement of senior and experienced staff at a certain point of time in the future. But I must say that both the police and the ICAC have been doing quite a good job in staff training and grooming successors. As a result, I do not see any problems with the quality of their staff, especially the several hundred top-level officers. For the time being, I honestly do not have any great worries. Naturally, the wastage of veteran police officers of a long service history may result in the loss of certain kinds of experience, such as those of intelligence gathering and informant connections. That is why I hope that the police can enhance the relevant training and the passing of experience.

In regard to resource reduction, the Commissioner of Police has already started to caution in a number of public speeches on various subjects that the Force may well be unable to maintain some of the existing services, such as school liaison and the free advisory service on crime prevention. In a recent meeting of the Panel on Security, they no longer seemed quite so discontented. This might be due to the fact that the Secretary had remarked that the resources for certain types of work should not be reduced. In any case, I still hope that a more satisfactory solution can be worked out.

The Police Force is a very large organization, and its top echelons are very intelligent and effective in management. What is more, front-line officers have also rendered their full co-operation, advancing their own proposals on possible areas of reduction, such as doing away with unnecessary reports and a rationalization of the multi-levelled reporting hierarchy. I am confident that the Police Force will achieve the resource reduction. In case any difficulties emerge, I hope that the Secretary and the Commissioner can work together as one team and discuss the problems frankly. I do not think that the present level of resource reduction for the existing establishment of the Force will in any way affect effective governance.

Specifically, I hope that the Government can pay special attention to several problems. The first is the narcotics problem. This problem is constantly evolving, and even the Commissioner of Police has himself admitted that some "*passé*" drugs like heroin have now been replaced by synthetic drugs, or pills, the supply of which is not affected by weather. Recently, many people have noticed that despite the high prices, there is still a sudden increase in the abuse of some drugs such as cocaine (though its price has gone down significantly). This problem has come to light probably because many employees of the show business, or celebrities, have been found taking soft drugs. As a matter of fact, this is a long-standing hidden problem, and soft drug abuse has been passing to Hong Kong from overseas. I remember that several years ago, Dr CHOI Yuen-wan already pointed out in the Action Committee Against Narcotics that soft drug abuse was already passing to Hong Kong, and that the problem would probably worsen in the future. I shared his view at that time. We may thus need to change our overall strategy. Chris PATTEN, former Governor of Hong Kong, once convened a summit on combating drug addiction. I hope that the situation in Hong Kong now is not as serious as that in the past, is not so serious as to warrant a summit. But at least, the Secretary — not the Chief Executive, for the time being — should convene a summit to pool collective wisdom. In this way, the ensuing problems can be discussed at higher levels. I think this is something good, and I believe that is already good enough to handle the existing problems at the level of the Secretary.

As many more private enterprises of the Mainland move their operation to Hong Kong and the interface of the mainland and Hong Kong economies enlarges incessantly, I think that more manpower should be made available to both the ICAC and the Commercial Crime Bureau of the Police (CCB). I know that both of them do not have too much manpower, but still, in the course of investigation, they have to go through many documents. It will already take as long as several days for them to sort out all the information, to determine what is relevant and what is not, not to speak of trying to uncover some tiny evidence. They must be meticulous because in such court cases, precision is of the utmost importance; the other side will invariably be supported by a large team of lawyers, so any slip, however slight, may be spotted. For this reason, I think there is a need for upgrading the overall quality of the CCB and increasing its manpower. If not, the handling of many cases will have to be delayed for a long time, thus leading to criticisms.

Besides, I especially wish to discuss one type of cases, that is, street deception. Actually, I have been talking about street deception for several years, and some journalists have recently asked me about this again. There are just several hundred cases of street deception a year, but I think the greatest problem is that the average monetary loss of victims is very great. This is the greatest problem. For example, the loss suffered by a senior citizen — this is no age discrimination, because the several hundred victims are mostly elderly people — may be as much as several ten thousand or even a million dollars, and this may already be their "funeral expenses", so to speak.

I have talked with some senior police officers who are willing to talk frankly. They too admit that these cases can sometimes be very difficult to tackle, because the victims are both greedy and foolish and it is very hard to help foolish people. In spite of this, I still notice that there has been more publicity on street deception in recent years. But I hope that the police will not thus think that they can do nothing more if people are still deceived despite all the publicity, whether because of their own greed or others' intimidation. Several years ago, some people already talked about the alertness of front-line bank employees. It is very important that when a bank employee sees that an elderly person is withdrawing several ten thousand dollars, he can be on the alert. In particular, the staff of neighbourhood banks, who know their elderly customers well, must always be on the alert. They know that their elderly customers are usually tight-fisted, not even willing to spend just several hundred dollars, so they must be on the alert as to why an elderly customer suddenly wants to withdraw several ten thousand dollars. Consequently, I very much hope that the banks can offer some help and explore how best to enhance their staff training on this problem. By doing so, the banks can prevent their customers from being deceived and even acquire extra business. Some customers may even invest in products like linked deposits. The risks are high, but the losses will be very limited after all. I do always wonder why elderly customers having no investment experience will ever have the confidence to invest in linked deposits. But well, since business is tough, so it is only understandable that the banks must always introduce new services — I will discuss this in detail in the next session of the debate. Back to street deception, I hope that the police can set up a task force to conduct analyses, gather intelligence and take proactive actions against the problem. If not, the victims will continue to suffer huge losses.

Regarding the enactment of legislation on Article 23 of the Basic Law, many Members have expressed their views, so I am not going to dwell on this.

But since I notice that this topic is given special mention in the policy address, I hope that the Secretary may as well say a few words. He said that it is an issue of responsibility, so I do not intend to argue with him. But he said that he wished to see a consensus among the people. My opinion is that there is not yet any consensus. In that case, there should be no hurry indeed, and the matter can actually be left to the next Chief Executive, because there are already enough laws in Hong Kong to prevent crimes endangering national security. If we are to enact a law that can both win the acceptance of society and protect national security, we must make great efforts to strike a balance. This really seems extremely difficult. Therefore, I wish to say to the Government, "Just take your time." In other words, the Government should proceed slowly in trying to foster a consensus.

It is mentioned in the policy initiatives that the Independent Police Complaints Council (IPCC) will be turned into a statutory body. The legislation on turning the IPCC into a statutory body has been discussed for many years, and I hope that things can really be finalized this year. I also hope that Members can conduct early studies on whether the IPCC should be vested with statutory powers, so that it can enhance its monitoring role or even conduct its own investigations. The reason is that the IPCC is currently a part of the Complaints Against Police Office, not independent of the Police Force and thus lacking in credibility.

In regard to the Interception of Communications Ordinance, I would say that since many years have already passed since the enactment of the legislation, the Government really owes society an answer despite its undertaking of completing the review within this year. I am of the view that this Ordinance should be added to the policy initiatives, just to show that the Government is prepared to strike a proper balance between protecting the people's rights and checking the powers of law-enforcement agencies. If done, this may well be regarded as an achievement of the Government, something showing that it is not always so passive. The Government has been giving people an impression that it is always quick in snatching powers but extremely slow in implementing reforms and enacting legislation on protecting the people's rights and liberties. Things often drag on from the term of one incumbent Secretary to that of the next, and when an incumbent Secretary cannot finish the task, the Secretary of the next term may have to start afresh due to a change of the Chief Executive or government policies.

Members are recently very concerned about the problem of mainland public security personnel operating covertly in Hong Kong. We are going to hold a meeting on this problem very soon, so I do not intend to go into any details now. But I still wish to discuss a recent comment made by the Secretary. The Secretary quoted the relevant mainland authorities as explaining that some mainland public security personnel were found carrying handcuffs in Hong Kong only because they had forgotten to surrender the handcuffs when going off duty. Some Members have written to the Secretary, asking him whether he would believe such a story. I for one also wonder whether the Secretary will believe this story. Secretary, do you believe it? The Secretary may well ask in return, "When my opposite number in the Mainland says so? Can I possibly express any disbelief?" However, I am of the view that since we are talking about sister governments here, in case we have any genuine doubts, we should really ask them very frankly whether they have carried out any investigation and whether they know the whole story. I am very worried about the present attitude of the Secretary; he may well think that after offering such an explanation, people will believe him and the incident will come to an end. How can we convince the mainland public security authorities that Hong Kong is very determined to uphold "one country, two systems"? How can we possibly bring home to the Central Government the urgency of instructing the hundreds and thousands of public security authorities in the Mainland to guard against such practices? The Mainland is such a vast place, so there is really the problem of "the mountains are high and the emperor is far away". But after the exposure of such an obvious case, one which has been dealt with under the laws of Hong Kong, I simply do not think that any mainland authorities, especially the Central Government, will still say that the public security personnel of individual provinces or cities should be allowed to operate covertly in Hong Kong, whether they are off duty or here for any kinds of assistance. This should not be allowed. Or, they may at least think that though intervention may be alright, no single public security unit should be allowed to upset the overall situation. Consequently, we must take the matter to higher levels. Well, in a way, we have no other options. Two or three days after the occurrence of the incident, I came across the Chief Executive, and I talked to him about the whole thing for about five minutes. Afterwards, he instructed Mr LAM Woon-kwong (then Director of the Chief Executive's Office) to issue a statement. Mr TUNG said that he was very concerned about this incident, and everybody likewise seemed very concerned. But the explanation given in the end was so hard to believe, and yet everybody seemed satisfied. In that case, how can we possibly implement "one country, two systems" in Hong Kong?



In regard to the problem of mainland women coming to Hong Kong for child delivery, we have already held some discussions, and I am of the view that the Government must consider the idea of amending the Basic Law because this is the only way in which we can really draw up a population policy. Of course, if the mainland economy can keep on improving, it will be doubtful whether they will still find Hong Kong so attractive that they must come here for the right of abode. However, I think that as long as Hong Kong is still the financial centre of China, Asia and even the world, as long as there are more freedoms in Hong Kong than in China, we will still be faced with this great problem: all the children born in Hong Kong to our 1 billion or so mainland compatriots may become Hong Kong residents. We may of course formulate a policy of our own for the purpose of selection, but once the gate is opened, the situation will get out of control. Currently, we are relying solely on the ruling in the CHONG Fung-yuen case, but I personally do not think that that is good enough.

Has the problem become so urgent that it must be tackled immediately? Personally, I think that we must at least start thinking now, or else it will really become impossible for us to formulate a population policy. I once asked the Secretary, half-jokingly, whether the present approach was in a way some kind of population policy. What I mean is that when the birth rate in Hong Kong is declining (is indeed extremely low), we are replenishing our population with young permanent residents within controllable limits. This approach seems to be working just fine, so it may well be serving an intended purpose. However, the case may just be the opposite in reality; the answer may just be that we can simply do nothing at all. I think all problems such as the financial difficulties faced by our health care system have become not so important in comparison. I very much hope that the Government can hold active discussions with the Mainland on how best to handle the right of abode issue, so that those having problems with exercising their right of abode, especially adults, can come to Hong Kong for resettlement in an orderly manner.

The Government should have learnt a lesson from the recent tsunami. Many Members agree that a contingency mechanism should be established. I hope that the Government can do so within half a year.

In regard to eradicating "collusion between business and the Government", I have the following observations. First, up to this moment, despite the agreement of the Chief Executive, the Chief Executive election is still not brought under the ambit of our anti-bribery legislation. A very long time has

passed since 1997, so how can we still allow the Chief Executive and the Chief Executive election to continue to stay outside the regulation of our legal system? Second, there is a problem connected with retired civil servants. We may need to consider carefully whether we should "buy them up". What do I mean when I say "buy them up"? Well, we are of the view that retired civil servants simply should not be employed by any private-sector organization at all. For this reason, I really wonder whether we should consider this idea. But why do I have such an idea?

Several years ago, when a local newspaper started to explore this issue, I told it of a tale, a joke, or a rumour, any way you call it, that was being widely circulated in the Civil Service, especially in one of its departments — the Lands Department. The staff of the Department would often say, "If you are good to Mr so and so, he will remember you. I am talking about regrant premiums. If you do not believe me, just look at your retired predecessors, and you will see how well Mr so and so is treating them." Members must bear in mind that a regrant premium often amounts to something like \$100 million or at least \$10 million. And, they must also realize that civil servants and people of certain ranks or holding certain posts in the Government should be totally forbidden to work for private-sector organizations after their retirement. If such a prohibition involves any legal and compensation problems, we must try to work out some solutions. If this is really a kind of deprivation from the legal perspective (because the system was not like this when they joined the Civil Service, for example), then we would think that it is better for the Government to pay them some extra salaries or a bigger lump sum upon retirement. If I am to choose between the two, I will certainly prefer "buy them up" to placing the whole system in such a defenceless position. I therefore hope that the Government can consider this issue. We will have several debates on this topic, but I still hope that the Government can seriously consider all these issues.

**DR LUI MING-WAH** (in Cantonese): Madam President, in the eighth policy address of the Chief Executive, only 212 words are devoted to the broad principles and directions of constitutional development, and there have been very few discussions on this paragraph in society. There are two major reasons for this. First, the Constitutional Development Task Force of the Government has already released its Fourth Report. Consultation is now underway, meaning that people already have a channel to voice their views and recommendations. Second, constitutional development is a sustained undertaking, and Chief

Executive TUNG Chee-hwa cannot possibly work out a final and entirely satisfactory scheme before the end of his tenure in 2007.

Just look around the world, and we will see that the political developments of all countries and societies are marked by their unique historical background, which is why we simply cannot find any two countries that have exactly identical political structures. In the case of Hong Kong before the reunification, the colonial overlord exerted total control over all political and economic affairs. Under the executive-led system, the British Hong Kong Administration was able to enjoy absolute authority, which was why it could function very efficiently and people could live in harmony, enjoying phenomenal efficiency in administration. There were sustained economic growth, prosperity and social stability, and all in Hong Kong could live and work happily, enjoying a high degree of freedom at the same time. As for democracy, or whatever, no one ever bothered about its pursuit. In this way, a hundred years soon flashed past, with all Hong Kong people immersed in such a woolly-headed and yet contented state.

Following the reunification and within the framework of "one country, two systems", there is a need for Hong Kong to develop and establish a new system of governance, based on the broad principles set out clearly in the Basic Law. However, the democratization launched before the reunification has already surgically removed the backbone and limbs of the time-tested executive-led system upheld by the British Hong Kong Administration. As a result, although the Government of the Hong Kong Special Administrative Region (SAR) is made up of the *crème de la crème*, although its cerebrum remains sound and healthy, it has been unable to take even one single step forward, for it has been rendered totally powerless and subjected to all sorts of affronts and criticisms. In that case, is it fair to criticize the Chief Executive and government officials for incompetence in administration?

Doubtless, "one country, two systems" is an excellent design for Hong Kong. But from the endless disputes in society over the issue of constitutional development in recent years, we can nonetheless notice the difficulties involved. As a result, all of us who are treading this rugged path should observe two principles. First, all endeavours in constitutional development should be conducive to the long-term interests of Hong Kong. Second, there must be balanced participation of all sectors in Hong Kong. I am convinced that democratization will certainly continue to progress in Hong Kong. I hold the conviction that democratization will continue to progress in Hong Kong. But I

do not think that we should seek to achieve our goal overnight. The pace of democratization and the design of our political system should all take account of Hong Kong's economic development and the sustainability of society. In the final analysis, what the people of Hong Kong long for is nothing but a harmonious and stable environment where they can live and work happily. This should be the only goal that the Government and the Legislative Council must join hands to achieve. Thank you.

**MS AUDREY EU** (in Cantonese): Madam President, there are two novelties in the policy address this year. To begin with, Mr TUNG dwelt at great lengths on the "identification of inadequacies", admitting for the first time what has long since been known by the general public as a fact — the fact that over the past seven years, he has utterly failed to honour his oft-repeated undertaking of "thinking what people think" and "addressing people's pressing needs". But what solutions did the Chief Executive go on to offer in the policy address? He simply repeated that he would listen more closely to people's opinions, that he would engage more representatives of various groups to join advisory bodies, that he would review the role of District Councils and so on. All this is just old wine in a new bottle, heard many times before and hitherto mere empty talks.

Members should all have heard the fable "The Boy Who Cried 'Wolf'". The first time, the second time, a person tells a lie, others may believe him, but when he does so for the third time, no one will believe him anymore. When the Chief Executive implemented the Accountability System for Principal Officials in 2002, he did promise to respond speedily to people's opinions. Then, in 2003, when 500 000 people had taken to the streets, he again undertook to conduct extensive consultation. And, in the policy address of 2004, he stated that he would enhance the information framework and engage more middle-class people. But in the end, the middle class and the general masses are still discontented. In the case of the policy address of 2005, we could all see how Mr TUNG stress the importance of listening to people's opinions on the one hand but refuse to attend the phone-in programmes of radio and television stations on the other. And, even when the House Committee of the Legislative Council unanimously agreed to invite him to attend another Question and Answer Session, he also refused. He was willing to turn up only at those consultation sessions with pre-picked participants, during which he simply repeated that he would make no changes at all.

The second novelty of the policy address is an array of 11 policy topics, all of which are about the subjects and questions raised by Members during their meetings with Mr TUNG. Unfortunately, however, the listing of all these topics was not followed by the mentioning of any specific responses in the policy address. The theme of the policy address this year is "Working Together for Economic Development and Social Harmony". Prof LAU Siu-kai, Head of the Central Policy Unit, pointed out during a recent press interview that social tensions had eased considerably and the community had gradually come to a consensus on "reducing confrontation and working for harmony". But I am afraid that this may not be the case in reality. Quite the contrary, there are signs that class conflicts are intensifying at a speed not seen in many years. On the one hand, the wealth gap is widening, leading to anti-establishment and anti-business sentiments among the poor. The recent Link REIT incident is an apt manifestation of these sentiments. On the other hand, since the Government has just talked about aiding the poor without paying any attention to the middle class and the business sector, the latter groups of people are equally discontented, for they fear that the Government may get involved in welfarism, thus giving rise to a dependency culture.

The Government is obligated to explain clearly to the community at large that aiding the poor is not the same as handing out money. The objective is just to foster a fair environment and provide a platform that can eventually enable the poor to become self-reliant. For instance, the offer of financial assistance to poor students wishing to take part in extracurricular activities can widen the horizons of these students. In the long run, the problem of inter-generational poverty can be eased, thus preventing these students from becoming the burden of society. When it comes to fairness, I must also say a few words on "collusion between business and the Government", a topic discussed by many Members today. The Liberal Party has taken great pains to explain that there should be nothing wrong with collaboration between business and the Government. What actually is the difference between collusion and collaboration? The only answer is that in the case of the former, there is no transparency, no fairness and therefore no trust from the people. Why is there such a phenomenon? Mr TUNG has urged people to report cases of collusion, but this shows precisely that he simply fails to see where the problem lies. "Collusion between business and the Government" is much more than a criminal offence in its narrow sense; it is also connected with the whole system and the question of mind-set. Similar to governance crises and quality of administration, which cannot be ascribed solely to the incompetence of any individual, the problem of collusion just cannot be looked at in isolation from the whole political system.

The Saturday before last, the Legislative Council Panel on Constitutional Affairs invited members of the public to express their views on constitutional development. A certain Mr LAM from the Concern Group on Hong Kong's Future remarked that the functional constituency elections of the Legislative Council were nothing but a means of creating a privileged class, and such a class would only seek to look after and further the interests of the functional sectors as a matter of priority. He commented that this was precisely a form of "collusion between business and the Government" and "transfer of benefits". This is indeed a problem that warrants our serious consideration. What is so ironical is that the Government often says that the purpose of functional constituency elections is to ensure balanced participation. It seems to be saying that without these elections, members of the functional sectors will be unable to take part and there will also be no balanced participation for the many other sectors besides the 28 functional sectors. This is nothing but sophistry. Actually, when compared with the masses, the constituents of the 28 business and professional sectors are generally more well-off. In spite of this, they are still given special treatment. This is good proof of the unfairness of our existing system

In order to restore people's confidence, an open and fair political system must be established, and most importantly, such a system must be seen to be so by members of the public. In case a government is incompetent and the policies enforced by it are not consistent with the public interest, people should be allowed to replace it through the ballot box rather than being forced to stand by helplessly, as they currently are, watching how an unpopular candidate can still be elected Chief Executive with a high number of nominations. The election of the Chief Executive and the Legislative Council by universal suffrage is the only and best guarantee of public accountability and the eradication of all the entanglement of interests inherent in small circle elections.

Some time ago, Mr James TIEN criticized Chief Secretary for Administration Donald TSANG for trying to "eclipse all the sun with one single palm", suggesting that from the third term onward, the Chief Executive should have political party support. I must make it very clear that I do not wish to see the formation of a ruling coalition before universal suffrage is introduced, because I do not want to see the emergence of a "king maker" behind the scene. Without universal suffrage, a ruling coalition will just be another palm behind the first palm.

Hong Kong people are all very discerning. Even if people conclude that there will be no universal suffrage in 2007 and 2008, they must still tell us clearly at what time this will be introduced in Hong Kong. When will there be genuine participation of the people? A stalling tactic is a tragedy for Hong Kong, a great pity for all of us. Thank you, Madam President.

**MR TAM YIU-CHUNG** (in Cantonese): Madam President, the latest policy address of the Chief Executive focuses on working together for economic development and social harmony, and it also gives concrete responses to 11 topics which have attracted considerable social concern recently. Such a direction of work, which focuses on economic development, employment promotion and improvement of people's livelihood, is quite pragmatic. There is also an in-depth analysis by the Chief Executive on the problems of governance over the past few years. I believe that this will be helpful to the Government in further improving its overall governance.

If the Government wishes to improve its governance, it must make sure that besides asking its top officials to gauge the public mood more closely, it must also require all the middle-level officials responsible for policy enforcement to enhance their communication with the people and take full account of all social changes. This is the only way to ensure that government policies will not become out of line with the actual situation in society.

Recently, the headmasters of more than 10 primary schools in Kwai Chung and I have been liaising with the officials of the Education and Manpower Bureau to reflect our views. These primary schools oppose the construction of a new primary school with 36 classes in Kwai Chung when there is already a surplus of primary school places in the district. As a result of the declining birth rate, the problem of surplus primary school places in various districts has been worsening over the last couple of years. But the Government still adheres to the school building programme set down many years ago, ignoring the fact that our population figures have changed drastically since the formulation of the programme. On the basis of the Census statistics in 2001, the Education and Manpower Bureau projected that there would be a shortage of 23 primary classes in Kwai Chung. However, the reality is that in this academic year and the next, there will be a total of 42 vacant classrooms in the district. What is more, in

order to improve the environment of schools, the Government is at the same time spending huge resources on the School Improvement Programme. If the construction of new schools continues despite the steady decline in the number of school-age children, more classes will have to be cut and more schools will have to be closed down. All this will certainly lead to a huge wastage of public money.

There is no doubt that government policies must be forward-looking and must take account of possible problems. However, society has been changing so rapidly that a scheme formulated just several years ago may soon be overtaken by events and fail to meet the needs of society today. For this reason, whether the mechanism for implementing government policies can keep abreast of the times or can be adjusted in a timely manner has a bearing on the quality of administration. One of the problems now is that despite changes in circumstances, the officials responsible for policy enforcement are usually reluctant to alter the original plan, and they will just press on, thus turning an otherwise good initiative into undesirable. The insistence on constructing new schools despite surplus school places is a typical example. Is this due to the absence of any internal review mechanism for assessing the desirability of a project right before its actual implementation? Or, is this due to the "I know best" mentality of those responsible for policy enforcement? In many cases, government officials will just cite a huge array of statistics and technical reasons to reject the demands of the public. By doing so, they may well succeed in proving that their decisions are correct, but little do they realize that this will create more conflicts between the Government and the people.

As rightly pointed out in the policy address, there have been changes in the social and political milieu, the media environment, as well as demands on, and expectations of, the Government on the part of the public at large. That being the case, the Government must realize that it can no longer lay sole emphasis on efficiency and technical expertise. Rather, as far as our constitutional system permits, it should respond more positively to the people's pursuit of various social values, such as fairness, transparency, and so on. Over the past few years, the DAB has been urging Bureau Directors and Permanent Secretaries to conduct more district visits, so that they can listen to the people's opinions direct. In the future, the Government should implement various measures to ensure that all those officials responsible for policy enforcement can gauge the mood of the people more accurately and gain a better understanding of the practical problems



faced by the districts. It is only by doing so that the Government can change its style of governance and improve the quality of administration.

Likewise, in respect of constitutional development, we must not mark time either. It is stipulated in the Basic Law that the constitutional development of Hong Kong must follow the principle of "gradual and orderly progress". And, the interpretation of the Basic Law by the Standing Committee of the National People's Congress and its decisions on the methods of selecting the Chief Executive in 2007 and the Legislative Council in 2008 already laid down a clear scope for Hong Kong's constitutional development. Over the past one year, there have been many discussions in society on this topic, but so far, the various sectors have still failed to reach any consensus. Therefore, the Government must as a matter of urgency step up its work of further collecting the views of the community and assist the various sectors in narrowing their differences, seeking common grounds and tolerating divergent views. Following this, it should put forward an electoral proposal that can command the support of all in society. That way, we will be able to promote the cause of democratization in Hong Kong.

We have already entered a new year, meaning that the time to the elections in 2007 and 2008 has become yet shorter. For this reason, everybody should adopt a pragmatic attitude and actively put forward their views on expanding the Election Committee, relaxing its membership qualifications, increasing the number of seats in the Legislative Council and enlarging the electorates and scopes of functional sectors, so as to promote the steady progress of Hong Kong's political system. We are worried that because some people may deliberately boycott the scheme of constitutional reform to be put forward by the Government of the Hong Kong Special Administrative Region (SAR), the methods of selection may have to remain unchanged in the end. For this reason, the Government should step up its publicity and promotion on constitutional development and conduct more extensive lobbying, so as to win greater support from the various sectors of society.

The DAB has already made public its proposals on amending the methods for selecting the Chief Executive in 2007 and the Legislative Council in 2008. We will step up our contact with the various sectors of society and arrange meetings with relevant organizations, with a view to obtaining their support for the DAB's scheme. We sincerely hope that more people will support the DAB's scheme, and that it can be implemented by the Government.

The development and prosperity of the Hong Kong SAR hinges on a top-class and dedicated Civil Service, and the stability of the Civil Service is the very foundation of the SAR Government's effective governance. However, over the past few years, civil servants have sustained many unprecedented impacts owing to the civil service reform and the urgency of eradicating the fiscal deficit of the Government. The Government must reduce expenditure and the civil service establishment, and it must ensure the quality of public services at the same time. In order to avoid any instability within the Civil Service, it must enhance its communication with civil servants, especially in respect of the adjustments of their salaries and fringe benefits.

We are of the view that within this year, the Government must accomplish two tasks. The first is to protect the rights and interests of its contract staff and the employees of its outsourcing contractors. The second is to prevent government officials from being implicated in any conflicts of interests.

The Government has been downsizing its establishment, but the demand for public services has not thus decreased, which is why over the past few years, it has had to employ large numbers of contract staff and outsource its services. Therefore, the Government must formulate strict measures and step up its inspection efforts, so as to ensure that the wages and vacation leave of outsourcing contractors' employees will not be unreasonably deducted, and that contractors will offer all the necessary benefits to their employees in strict accordance with their contracts with the Government. That way, we can prevent outsourcing from giving rise to any unscrupulous employers that tarnish the image of the Government. Besides, the Government must also devote resources to the training of non-civil service contract staff, so as to ensure the continuous upgrading of government services.

The second task is to prevent government officials from being implicated in any conflicts of interests. In this connection, it must be noted that the people have attached increasing importance to the impartiality of the Government. For this reason, the people have expressed great concern about several incidents over the past few years in which retired civil servants were given permission to work in private-sector organizations. In order to avoid any conflicts of interests between the work of directorate officers before and after their retirement, the Government must immediately tighten its policy on allowing retired directorate officers to work in private-sector organizations. And, such a policy must be strictly enforced, so as to impose effective regulation on the employment of

resigned or retired government officials by private-sector organizations. It is believed that this is the only way to maintain the impartial image of the Government.

I so submit. Thank you, Madam President.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, I very much agree to what some Members pointed out just now. Although this policy address mentioned a number of directions and policies, most of its contents are mere cliché, at best old wine in a new bottle, because the so-called new directions and developments are just the products of minor adjustments in wording and content. I personally find this very regrettable. But, I must still admit that these are after all initiatives, something rarely mentioned before.

To begin with, in a rare fashion, Mr TUNG chanted a slogan for the first time in this policy address. We could never have imagined the Chief Executive doing so. The slogan is: "We are resolutely against 'collusion between business and the Government' and will strictly enforce our monitoring systems to eliminate any 'transfer of benefits'". The second feature, also something rare, is his admission of the wealth gap problem. And, he even put forward some specific measures to tackle the poverty problem. Third, in an even rarer fashion, he admitted that a number of policy blunders had caused the public pain and unease, and that he would like to extend his apology. This is also quite rare.

Perhaps because of his observation of these three points, he started the policy address by describing it as being based on "experience gained and lessons learnt". They have indeed gained experience and learnt their lessons, but the questions are: Have they gained enough experience? And, are the lessons learnt deep enough? These are really the questions we should ask.

On the first question, the question on "collusion between business and the Government", I can remember that in the Question and Answer Session following the policy address, Mr LEE Wing-tat asked Mr TUNG whether he would admit any "collusion between business and the Government" and "transfer of benefits" in course of formulating government policies. In reply, Mr TUNG simply told Members not to worry, assuring them that government policies were marked by transparency, and that they were all the time monitored by Members and the public at large. He therefore told Members not to worry.

But when Members pursued these questions, when Mr LEE Wing-tat, went on to ask him whether there was any transfer of benefits in the Cyberport project, and when other Members questioned him how he looked at incidents like the Hunghom Peninsula, Mr TUNG simply replied, to this effect, "I fail to see anything like this." He said that he could not see anything like this. But will all the voices against collusion between business and the Government in society disappear altogether, or can he thus ignore all these voices, once after he has said so? In addition to saying so, Mr TUNG even said "I will not answer such a question" when responding to Mr Albert CHAN's question. What did he mean when he said so? He once told us not to worry because government policies were monitored by Members. But how could he possibly say that he was under the supervision of the Legislative Council? He ended the whole thing simply by saying, "No. Just trust me." But is "trust" alone already enough? There were so many cases in the past — the Hunghom Peninsula, the short-piling incidents, and so on. In all these cases, we could see transfer of benefits and collusion between business and the Government. How can he make us believe him simply by telling us to trust him? This is impossible.

Actually are government policies really so transparent? I do not think so either. If there was any transparency at all, there would not have been so many problems. Consequently, his reference to "experience gained" is just perfunctory in nature. He simply treats the people as idiots, trying to dismiss the problems by making one or two casual remarks. But the problems are still there, so the objective of gaining experience has not been achieved. As for his remark on "lessons learnt", what lessons has he learnt? The community hopes that he can be frank, but then, he has still adhered to the same "couldn't care less" attitude, ignoring all opinions and bent on going his own way. We really do not think that the problems have been solved. How can he make us believe that collusion between business and the Government will never occur again? He simply cannot give us that kind of confidence today.

In a rare fashion, Mr TUNG also admitted that there were policy blunders, and that the Government really owed the community an apology. But has Mr TUNG ever considered why there were so many policy blunders that caused the public pain and unease? He did not say anything on this in the policy address, so how can he claim that he has gained any experience? How can he say that he has learnt his lessons? If he really wishes to know why his policy blunders have caused the public pain and unease, I can tell him that the most important reason is

that as a Chief Executive returned by a coterie election, he has always held himself accountable only to this inner circle of 800 people that elected him, not to the whole community. In respect of all policies, the only pressure he faces comes from the handful of people that elected him. As a result, he has never wanted to hold himself accountable to the people. This explains all the policy blunders and his inability to answer public opinions.

Mr TUNG has not gained any experience. He has not given any thoughts to why he can enjoy all the powers he has. He has never given any thoughts to this. Besides, there is a much more important point. It is indeed true that besides the endorsement of his Executive Council, his policies must also pass through the Legislative Council before they can be implemented. But he has not given any thoughts to this either. The point he must consider is that given the existing composition of the Legislative Council, it can never stop him even when his policies are erroneous, because whatever he says will be passed. Even when a policy is erroneous, it will still be passed all the same. There have been many such examples.

Therefore, how can he talk about gaining any experience and learning any lessons? The existing political system is the very cause of his policy blunders. He is not subject to the supervision of the Legislative Council, nor does he have to heed its advice. This is the only cause of his policy blunders.

Mr TUNG talked about "experience gained and lessons learnt", but what are the experience and lessons? We know only that he has said all this just to satisfy us in some ways. He simply thinks that since everybody is so unhappy, he may as well make a casual apology. But has he offered any solutions? Sorry, he has not. There will be business as usual. Madam President, why do I say so? The reason is simple. In the policy address, there is no mention of any constitutional reform, no mention of any ways to enable the Legislative Council to effectively monitor the policies and work of the Chief Executive, and no analysis of the existing method for selecting the Chief Executive. Nor are there any words on how the people can openly and effectively monitor his work. What then is the use of making any apology? What effects can be achieved? All this will only induce doubts on the part of the people.

As I pointed out just now, this is really a most perfunctory approach instead of any serious attempt to tackle the problems. What is most regrettable

is that on the surface, he is apologizing to the people, but in reality, he is not prepared to correct his mistakes. This is even more regrettable. All sounds very nice as he says he is aware of his mistakes. But then, in the end, he is not going to make amends. It is really all pointless. Therefore, I can say that there is in fact nothing special about this policy address. It is just a perfunctory report, meant largely to gloss over the main causes of past blunders and as a way of avoiding any discussions with the people.

The Government has, in a rare fashion, admitted the wealth gap problem and put forward some solutions. But, once again, has the Chief Executive told us why there is such a problem? What are its causes? Has there been any review? Any analysis? The whole policy address is just like a blank answer script, failing to give any answers. As we have pointed out, given the coterie election and within the framework of businessmen running Hong Kong, government policies have been biased towards consortia. That being the case, how can the common masses enjoy any protection at all? How can they improve their lot in the very first place? These are the crux of the problem, but the policy address simply failed to conduct any review and analysis of it. As a result, the issues mentioned by the Chief Executive are often not the core ones, so the measures he offered are all very superficial, far from being able to solve the problem.

Although the policy address mentioned the wealth gap problem and put forward some solutions, the problem cannot possibly be solved because they are just very superficial. The wealth gap problem will probably persist and remain unresolved in the future.

I am of the view that if we really wish to solve all these problems, we must immediately amend the methods for selecting the Chief Executive in 2007 and the Legislative Council in 2008. If not, the problems will just persist. The policies causing unease to the public will continue to do so in the future, with all the problems remaining. For this reason, I cannot accept the policy address as the basis of governance in the coming two years or so. Nor will I support the motion of thanks.

Madam President, I so submit.

**MR LAU KONG-WAH** (in Cantonese): Madam President, before the Chief Executive delivered his policy address, the DAB had expected that the contents of the policy address would have a theme which would encompass steady development, good administration and harmonious society. In his policy address the Chief Executive proposed a similar theme and that is, "Working together for Economic Development and Social Harmony". I think these two goals are the key aspirations of all sectors across the Hong Kong community. The Chief Executive has grasped the right direction and it is the hope of the DAB that he can effect administration with these two goals persistently in mind, and we trust the public will lend him its full support.

The cover of the policy address this year is in green, the favourite colour of the Democratic Party. The title reflects the aspirations of the DAB. This could be evidence showing that the Chief Executive wants to practise tolerance and his wish to promote harmony, for as the Chinese saying goes: "A family that lives in harmony will prosper". This shows everything has been done painstakingly with a definite purpose in mind.

It is unfortunate to note that despite these calls for harmony, an incident of breaching the regulations and abortion of a meeting took place in this Council last Wednesday. The only positive outcome this incident can ever bring is that it has prompted some soul-searching in the political parties and groups, as well as the community at large, on the functions of political parties, the Council and public expectations for Council Members. The incident highlighted an important point and that is: Where is Hong Kong heading? Should there be quarrels, division, suspicions, extremist actions or should there be respect, tolerance, mutual trust and stability? We may all stand to lose and we may all stand to win. Now we are at a crossroads. We have a weak government and an underachieving assembly. The public is at a loss and ill at ease. All these prompt us to rethink the question of governance for Hong Kong in the future.

People in the community including the Chief Executive himself have always called for better governance. But some people only lash their attacks at the Chief Executive and blame him for all the troubles. TUNG Chee-hwa becomes a sandbag and he gets all the punches and blows. Actually, it would be the easiest thing in the world to heap all the blames on one person. There are still lots of such comments in today's debate. But are these true? We must get straight about what governance is in the first place and what is the nature of

governance. I would think there are two essential elements to governance. First, authority; second, the people. These two should interact and the end result is governance. No one can govern without any authority. There will not be any need for governance if there are no people to be governed. If someone wields authority and neglects the people, then the people will regard that person as authoritarian. But if the people are hijacked to pitch against authority, it will only lead to anarchy. These two scenarios are causes of instability and unfortunately these scenarios had emerged in Hong Kong one after the other during the few years past and so much instability was caused. Is Hong Kong executive-led or legislature-led? Or is it led by the media, or the interest groups? The public is at times baffled as to who is taking the lead.

The great march on 1 July two years ago demonstrated public discontent with government performance. On New Year's Day this year, the people took to the streets to show their discontent with unscrupulous politicians. Seemingly these two events are unrelated but actually they have a causal relationship. The people are fair. They do not just favour a party. All they want are stability, harmony and constructive results.

In the wake of the march on 1 July, one notices a force which hijacks the people in its attempt to undermine authority. Repeated attempts have been made. These people know for sure that the Central Government has reached a decision on the issue of elections by universal suffrage in 2007 and 2008. But they still want to challenge the Central Government. They want to upset the order in Hong Kong. The only positive outcome of these attempts is that Hong Kong people who are pragmatic and rational have become soberer. We can see that since the commencement of the current term of the Legislative Council, this force has become more unrestrained. First came the incident of the raising of a middle finger and that had disgraced the Council. Then there was the suggestion to hold a referendum to challenge the Central Authorities. Then opposition was put up against the listing of The Link REIT and chaos ensued. On last Wednesday, there was an intentional violation of the regulations and hence of the rule of law. These are acts aiming to steal the limelight and done in blatant disregard of the means and the end. Such irresponsible acts will antagonize the people! All along this force has been attacking the Central Government, the Hong Kong Government, other political parties and groups and even you, Madam President. Everyone is said to be wrong while they are the only ones who are right! They consider themselves as the embodiment of justice, supreme and above all else, that they can do everything they like. Such



is the exact opposite to democracy! It shows that Hong Kong is actually at a very early stage of democracy. What is even more surprising is that they are applying double standards. They say there is collusion between business and the Government and they want the Government to treat everyone equal, abide by the rules and no one should be given any special favour. But they allow themselves to violate the regulations of this Council under circumstances which they describe as special. On the one hand they say that the spirit of the rule of law is a core value for Hong Kong. But on the other they invoke all sorts of grounds to justify their destruction of the rule of law. They attack the rule of law in the name of conscience, in much the same way as the United States violates human rights in the name of liberty. This reveals the grave dangers of unilateralist thinking, and we should reflect on that. We are law-makers and it would be a much serious matter if we make the laws to contravene them than people who know the laws and contravene them. It is due to this long-standing lack of tolerance and respect in their mind that has destroyed the last vestige of democracy in them. Now they do not even respect order. They are ready to throw the spirit of the rule of law down the gutter. The halo of self-professed morality on their heads has long died out. At a time when barristers are acting like "Long Hair" and when this Council becomes boisterous with brute force like the Taiwanese assembly, we cannot help but ask some questions. Is this force constructive or not? Where will it lead the people? Will it push democracy forward or will it pull democracy backward? Madam President, a few years ago, a pop band called Beyond made a famous comment about the local music scene at that time to show their disillusionment. They said that there was no music in Hong Kong, just show business. Putting this remark in the political context of Hong Kong, we can say that there is no politics here, just show business. Will we feel happy if we are just part of the show business and all we do is shouting slogans just to put up a show and turning a blind eye on people's needs? The people cannot tolerate democracy at the expense of efficiency, freedom at the expense of order and a constant insistence on rights at the expense of responsibilities.

Let us look at the performance of the SAR Government. Ever since the 1 July rally, the Government has taken stock of its inadequacies and given the public an impression that it is prepared to listen to the opinions of the people. While there is a need to do so, it is more important to guide public opinion. As a matter of fact, the sentiment of the people is changing. Now they long for order, harmony and progress. The way Hong Kong used to be governed resulted in the Government just listening to public opinion but not guiding it.

The Government was backing off and afraid of doing anything. The result is that some interest groups are becoming more defiant as they shout their abuses and mobilize the masses. For the officials, they can only do less in the hope of making fewer mistakes and doing nothing in order to make no mistakes. These civil servants are at a loss as to what they should do and there is no way which they can achieve anything. The situation is very worrying.

But in fact the people expect a strong leadership from the Government. The policy address is disappointing on this count. The policy address gives a list of 11 items related to the people's livelihood that must be addressed. This is a pragmatic approach, one which the people will approve of. But there is more to the problems in Hong Kong than people's living and the economy. There are political problems and political problems must be tackled in political ways and by improving governance. For this the policy address only proposes that the work of the District Officers be improved, more studies be undertaken, the advisory framework be improved, and so on. But these are related to the skills of governance. What the Chief Executive badly needs now is the will power to govern.

The 17th and 18th paragraphs of the policy address discuss at length the causes of the problems and the inadequacies on the part of the Government. This of course is needed, but the most important work in the remaining two years is how the SAR leadership will steer Hong Kong out of the predicament. This is the most important thing. With respect to the inadequacies that should be identified, the gravest inadequacy is the lack of self-confidence. There is perhaps too much self-flogging in the policy address but too little self-confidence. A leadership without self-confidence is not a leadership at all. In The Link REIT incident, things have grown to such an extent that the Government is trying to use public money to commence a lawsuit against itself. The station in Canton Road has changed from a three-win situation to a three-loss situation. The West Kowloon project is full of question marks and uncertainties. And even in the issue of building a sports ground in Tseung Kwan O, there are people who oppose to the idea. If this goes on, nothing will ever get done in Hong Kong.

At this time when the Government becomes lame, the Council becomes trivial, politicians become unruly, democracy gives way to populism, we must watch out for the emergence of a state of anarchy in Hong Kong. Some people advocate ruling by letting things take their natural course. But this should not

be taken to mean that nothing will be done or no guidance will be given. Solving problems is not the concern of one person, and I think it hinges on the mentality of the community as a whole. I would like to propose some directions for action and the Government should ponder over them. First, the leadership circle in the Government must go into the people and take direct actions to win their support. They should pay visits to the districts, attend phone-in programmes on the radio and give prompt replies to major issues of public concern, and so on. All these should continue to be done, and more frequently. As seen in public opinions expressed, the people do not want a weak government, they want a government which can provide strong leadership, one which is resolute and undaunted, fear no evil and has the will power to rule. Second, for the next two years the Chief Executive should try to form an effective and steady majority in the assembly and in such a process, the Directors of Bureaux and the political parties concerned must pull together and put an end to the present situation where everyone in the assembly is a member of the opposition. Third, a steady force in society must be shaped to relive the spirit of Hong Kong. As a matter of fact, there is a silent majority in society who would want to see a stabilizing force in Hong Kong to curb and even prevail over the extremist forces. Fourth, favourable conditions must be created to enable a consensus to be reached between the Central Government and the political parties and groups on the constitutional arrangements in future and an agreement over a timetable. The result will be the giving up of a mentality to oppose and confront, as well as replacing confrontation with dialogue, and antagonism with discussion. Then a gradual and practicable way can be adopted to initiate action on the road to democracy. Fifth, the policy address expresses the wish to dispel the forces of opposition and change the mind-set of those who resist or suspect the Central Authorities. I agree that assistance should be given to these people to go to the Mainland and gain first-hand experience of the developments there. If these people's knowledge of the Mainland is still frozen at that of 16 years ago, these people will only become prejudiced and extremist. There would not be any possibility of speaking a common language or creating a harmonious situation. Sixth, as there is no ruling party in Hong Kong, the ruling team does not think it has the responsibility or it is empowered to contemplate the question of continuity and succession. But do we want to see the leadership circle of the next Chief Executive one formed by people without shared convictions and continuity? This problem is rarely seen in other places in the world, and so I think the present leadership circle should give serious thoughts to the composition of the next term of government. Those in power today should try grooming those in politics today to hold the reins of power tomorrow.

In my opinion the abovementioned six courses of action should be taken by the Central Authorities, the SAR Government and various political parties and groups. They are like the passages of vital energy in the human body. In the movie *Kung Fu Hustle*, Stephen CHOW who plays the lead role spends most of the time beaten by others. But towards the end of the movie when the passages of vital energy in his body are made unobstructed, he can then give full play to the mighty kung fu of the "Buddha's palm" and he fights back with gusto to everyone's delight. We hope that the Chief Executive, in the remaining two years of his tenure, will not become a mummy, bound and wrapped all over but that the passages of vital energy in him will open up and emanate a force of stability with the backing of the Central Authorities and the people of Hong Kong, and that he can ultimately steer Hong Kong out of its present predicament. Thank you, Madam President.

**MR ALBERT CHAN** (in Cantonese): Madam President, when the Chief Executive delivered the policy address, he stressed the need for working together for economic development and social harmony. Initially, having listened to him for an hour or so, I was frankly taken by pleasant surprise. On the whole, one does find the organization and problem analysis of this policy address quite novel. And, I really thought that our Chief Executive and his governing team, having been instructed by President HU Jintao to identify their inadequacies, had really done so wholeheartedly to improve governance.

However, after listening to the subsequent comments of the Chief Executive and the responses of Bureau Directors over the past two days to the criticisms concerning collusion between business and the Government, we are all utterly disappointed. The seventh paragraph of the policy address, entitled "Experience of the Past Seven Years", is certainly right in pointing out that the long-awaited economic recovery has not come easily, and that we need to take careful stock of experience gained. Unfortunately, over the past few days, especially the past week or so, we have failed to notice any sincerity on the part of Government to make any improvements in respect of the causes of economic recovery and difficulties. Many Members have criticized many times in this Chamber that there has been an over-concentration of wealth in Hong Kong for many years, and that government policies have been biased towards some particular consortia. They have also pointed out that as a result, while these consortia enjoy increasing benefits, the wealth gap is ever widening. However, we have failed to see the implementation of any government policies to address these problems.

With respect to the treatment of constitutional review in the policy address, I simply do not have any expectations at all. At a time when political lackeys are on the increase in Hong Kong under the current political climate, the entire governing team and this Chamber are marked by political servitude. When there is such political servitude, how can we ever expect any progress in democratic development? When there is such political servitude, what we can see are just political lackeys who will always obey the orders of their master and ignore the interests and aspirations of the 6.8 million people in Hong Kong. While there is no hope of any political development, still we hope that after President HU has instructed it to identify its inadequacies, the Government can really take actions to improve the people's livelihood. The policy address indeed devoted many words to various ways of improving employment and alleviating poverty, but if the Government fails to grasp the crux of the problems, fails to deal with collusion between business and the Government, the uneven distribution of benefits and consortia's excessive control of the economy, then all will just be empty talks because all the major problems will just persist.

Last week, I questioned the Chief Executive on collusion between business and the Government. What shocked me so much was that he simply denied its existence. The 24th paragraph of the policy address reads: "The Government has been working hard to implement 'one country, two systems' and to promote social harmony and stability. In the face of rapid social change, we have continuously explored and experimented as follows: First, we insist on the principle of fairness in governance. While ensuring the efficiency of our free market and its capacity to create wealth, we also seek to properly balance the interests of different social strata and sectors. We are resolutely against collusion between business and the Government and will strictly enforce our monitoring systems to eliminate any 'transfer of benefits'." If there is no transfer of benefits, why does he say that he wants to eradicate it? If there is no collusion between business and the Government, why does he say right at the beginning that they are resolutely against it?

Mr TUNG has turned a blind eye to the examples cited by Members in this Chamber. He says that he cannot see such problems. This reminds of a famous quotation from KANT, one which my first-year philosophy professor cited in one of his lectures: "Concept without percept is empty, and percept without concept is blind." Even when we were freshmen, we were already taught this basic principle of philosophy. Our Chief Executive has committed

precisely this error. His behaviour is typical of what we usually refer to as "tunnel vision", meaning that he cannot see anything except those he wishes to see. He came to a sudden awakening only after President HU had given his instruction, but this lasted just a few days, and right afterwards, he fell into a trance again. We are really very worried about this type of governance.

By collusion between business and the Government, we actually mean that government policies are biased towards the interests of some particular consortia. The Cyberport project is a good example. Why was there no invitation of tender? Why was the project awarded to the consortium concerned? Why was this particular consortium selected? This is what is meant by collusion between business and the Government, uneven distribution of benefits and transfer of benefits. We have seen many such examples. I may need to make a declaration of interest here. I am involved in a pending lawsuit, and the Court has agreed to examine seven cases, so I am not supposed to discuss them now. Even the Judge has admitted that these are arguable cases, meaning that there is a point to conduct discussions.

Madam President, my strongest feeling after reading the policy address is about the deterioration of the level of governance. This is an issue that involves different Policy Bureaux, so Chief Secretary for Administration Donald TSANG should know better than any others. He has been the Chief Secretary for Administration for the past few years, and he was the Financial Secretary before the reunification. I do not know how he thinks about the two governing teams in terms of the level of governance. I personally strongly think that there is a middle-level succession gap in the existing government, and this gap is not limited to any particular department or Policy Bureau. I once told Mr TSANG that there was a succession gap in some departments because their Deputy Directors and Assistant Directors had all retired or left the Civil Service within a short period of time. I told him that this would lead to serious disputes on the policy areas of the departments concerned, adding that many problems would emerge, and so would conflicts and confrontations.

One of the most serious problems faced by Hong Kong now is the deterioration of the level of governance. This may be the result of the low morale of civil servants. But it may also be the result of the fact that there are just too many political lackeys who will listen only to the orders of their master, and who dare not speak the truth. In this way, the facts are distorted and

blurred, with the result that the actual problems cannot be grasped and the inadequacies cannot be identified. The people of Hong Kong are thus victimized. These political lackeys must be condemned. Therefore, to review and identify inadequacies, we must ascertain the crux of problems. What have gone wrong with our society anyway? Why is it that we have come to be affected by problems never found in the past? Why is the governance in such a complete mess? Minor problems have become major problems, and major problems have turned into catastrophes. If all these problems are not handled properly, if people continue to report only the good news but not the bad, if they continue to distort the truth and advanced twisted arguments, they will never succeed in identifying the inadequacies as instructed by President HU.

I have long since ceased to hold any expectations for TUNG Chee-hwa. My only hope is that with all their wisdom and abilities, our Bureau Directors can reduce the incidence of catastrophes and the people's plight. In the following part of the debate, I shall give my views on individual policy areas. If TUNG Chee-hwa still does not change, if he continues to be so muddle-headed, Hong Kong will certainly continue to suffer in the next two years. Some Members wish to save our Chief Executive from his predicament. But these are not problems for "Ah TUNG" alone; they are also problems for the whole society and Members. As the highest leader, he must be held responsible. Any attempt to save him from his predicament will only create more obstacles in our attempt to ameliorate the problems. In the end, those who suffer will still be the people of Hong Kong. If these political lackeys attempt to save the Chief Executive from his predicament, they will only bring yet greater disasters to Hong Kong.

**MR ABRAHAM SHEK:** Madam President, I speak as a 政治奴才 . *(Laughter)* To err is human, and to forgive is divine. In this spirit, Mr TUNG made a difficult but truthful self-confession of some of his failings in achieving good governance. And in this same spirit of forgiveness, the people of Hong Kong give their stamp of approval for Mr TUNG's 2005 policy speech. The theme of his speech is to achieve social harmony through economic development. Mr TUNG pleaded for Hong Kong's support. Mr TUNG pleaded for Hong Kong's understanding and co-operation. May I call upon my Honourable colleagues to put aside our differences for a while and work with Mr TUNG, not for his sake, but for the sake and welfare of the people we so represent. We owe our duty to the people of Hong Kong to give them the best, and to achieve

the best is to work with the Administration for a short while to achieve that objective.

Is our Administration so bad that we could not find a reason to support it? The answer is "No", for the fact is that we have one of the best and most efficient governments in Asia. Is our Government so inefficient that our economy is going to the dogs and going from bad to worse? The answer is "No", for the fact is that we have one of the fastest economic recoveries in Asia after the last Asian financial meltdown. Has our sick been left without medical attention? The answer is "No". Has our society's underprivileged not been cared for? The answer is also "No". Is the quality of our Civil Service so poor that a sight and a mere mention of the civil servants would turn us off? The answer is also categorically "No".

Before 1997, our Civil Service was the envy of many countries. They were renowned for their efficiency and integrity. Our present Civil Service is still run by the same men and women of yesteryears. Only the CEO is different. They still serve Hong Kong diligently and obediently. Yes, they deserve our support and encouragement.

Is our society so corrupt that we could not carry out our daily chores without soiling our hands? The answer is "No". Hong Kong is ranked the world's freest market where there is the rule of law, clean government and corruption-free environment. Should we not be proud of all these achievements? Are these not some of the good work done by this Government? We might not have full universal suffrage, but are we being deprived of democracy and freedom?

Hong Kong is still a city where freedom of speech, belief and the press are prevalent. I could go on and on and on as regard the merits of our city but choose not to, as I do not like to, nor do I have a need to, preach to the converted.

In view of the foregoing, please do not misunderstand me and think that I am saying that Hong Kong is perfect and there is no room for improvement. Surely, that is not the case. Hong Kong, over the last seven years, has seen some of the worst crises. The Administration failed in many aspects to take us out of the socio-economic doldrums. It failed in many ways to satisfy the needs and aspirations of our people. Hong Kong definitely needs reform in



governance, administration, education and in many areas so that the people could have a better government and share its prosperity. I believe it is in this spirit that Mr TUNG gave his eighth report.

Mr TUNG promised to take us back to the land of milk and honey. I urge my colleagues here and the people of Hong Kong to trust Mr TUNG one more time and to render him assistance and support which he now needs most. We do not like to see Hong Kong become a divided city, for a city which is divided cannot stand. It is only through unity among ourselves and the people of Hong Kong that we could have the strength to achieve social harmony and economic development. Thank you, Madam President.

**MR ALBERT CHENG** (in Cantonese): Madam President, I reckon about four Members, including myself, still wish to speak.

**PRESIDENT** (in Cantonese): Mr Albert CHENG, will you sit down first? If you rose to speak like that, it had to be about a point of order. Thank you very much for trying to help me, but I will deal with any point of order on my own.

**MR ALBERT CHENG** (in Cantonese): Can I know what time will the meeting be suspended?

**PRESIDENT** (in Cantonese): I will not give you a reply now. I will declare the meeting suspended at the appropriate time. In this situation, there is no need for me to tell you what time the meeting will be suspended. When a Member rises to speak, it is either about a point of order or a request to speak. The question you raised just now is not a point of order and therefore I will not give you a reply.

Now I would like to ask which of the Members still wish to speak. I hope you can all indicate your wish either by raising your hand or pressing the button, so that I know how many Members still wish to speak.

(Ms Emily LAU, Mr Martin LEE and Mr Albert CHENG raised their hands)

**PRESIDENT** (in Cantonese): Does any other Member wish to speak? I know that three Members wish to speak, please put down your hands. Does any other Member intend to speak in this session?

(No hands raised)

**PRESIDENT** (in Cantonese): Very well, three more Members wish to speak. Up till now, 30 Members have spoken in this session today and spent on average slightly more than 10 minutes each. If I allowed the three Members to continue to speak, it would take us almost to 11 pm, but the public officers would still not have spoken. Therefore, I think we can suspend the meeting today. The three Members will speak tomorrow and the public officers will be invited to speak after them.

#### **SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): I declare this meeting suspended until tomorrow.

*Suspended accordingly at twenty-five minutes past Ten o'clock.*