

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 28 April 2005

The Council met at Three 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 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.

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 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

MEMBERS ABSENT:

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

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE YEUNG SUM

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

PUBLIC OFFICERS ATTENDING:

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

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

SECRETARY FOR HOUSING, PLANNING AND LANDS

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

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

THE HONOURABLE JOHN TSANG CHUN-WAH, J.P.
SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY

PROF LAU SIU-KAI, J.P.
HEAD, CENTRAL POLICY UNIT

CLERK IN ATTENDANCE:

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

PURSUANT TO RULE 8 OF THE RULES OF PROCEDURE, THE ACTING CHIEF EXECUTIVE, THE HONOURABLE DONALD TSANG YAM-KUEN, ATTENDED TO ADDRESS THE COUNCIL AND TO RECEIVE QUESTIONS.

PRESIDENT (in Cantonese): Members will please remain standing for the Acting Chief Executive.

PRESIDENT (in Cantonese): The Acting Chief Executive will first address the Council.

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, Members, today is the first time I meet with Honourable Members in the Legislative Council in my capacity as the Acting Chief Executive. It is a new experience to me. I expect our meeting today to mark a new start of the relationship between the legislature and the Government. I have two wishes. First, I wish to enhance the communication and mutual trust between the executive and the legislature. Second, I understand that the public hope for improvement in the governance and the relationship between the executive and the legislature. Like the majority public, the SAR Government and I also hope that we can secure positive co-operation with the Legislative Council and work together for the well-being of the people.

Over the past few years, initial policy programmes conducive to the stability and development of Hong Kong were laid down after the SAR Government and all strata of society had pooled efforts to make relentless research, in which some had yielded results. At present, the economy is recovering, society is by and large peaceful and stable, political rows have subsided, and the public have become more optimistic about their personal prospects and the future of Hong Kong. The pleasing situation of Hong Kong is hard to come by, so we should cherish what we have accomplished.

Madam President, what challenges and opportunities lie ahead for Hong Kong? Firstly, the development of Hong Kong should be in the interest of the State. Secondly, if our economy has to undergo transformation and development; to respond to the challenge of globalization of world economy; to play a critical part in the economy of the Pearl River Delta (PRD) Region and the Pan-PRD Region; to enhance its position as an international financial hub and a

world city, our software and hardware and complementary measures should also be improved. There is no room for complacency and inaction. Moreover, the general aspiration of Hong Kong people is to lead a life of better quality; to have a more liberal, democratic, just and caring community in which each of the 6 million Hong Kong citizens would be respected. The people of Hong Kong hope for constant social progress and a better living. All of these are reasonable expectations. The Government will spur itself on and search itself for mistakes on a constant basis so as to effectively respond to the aspiration of the public and to make progress.

Madam President, my colleagues and I will earnestly enforce government policies which have been formulated with a view to promoting the development of Hong Kong. We will adopt a modest, cautious, rational, pragmatic, resolute and straightforward approach in administration. We will enhance the Government's capacity in terms of policy research, policy formulation, policy co-ordination, policy promotion, and so forth. We will join all social strata to tackle major challenges to Hong Kong in a spirit of tolerance and mutual assistance, and we will enable more members of the public participate in public affairs. We will strive for trust and support from all parties concerned with a liberal and humble attitude, and I believe Members will agree that the most urgent task now is to elect a new Chief Executive in accordance with law and in time on 10 July.

Madam President, many challenges lie before us, and many exceptional opportunities too. I believe, with the Central Government's support, the Legislative Council's co-operation and the concerted efforts of the community at large, Hong Kong will definitely become a sweet home for us to live in peace and work in contentment and to be proud of. Thank you, Madam President.

I am glad to answer different questions from Members.

PRESIDENT (in Cantonese): The Acting Chief Executive will now answer questions from Members. A Member whose question has been answered may, if necessary and for the purpose of elucidation only, ask a short follow-up.

DR PHILIP WONG (in Cantonese): *Madam President, Acting Chief Executive, Mr DENG Xiaoping used to say that "Hong Kong people ruling Hong Kong should mean the administration of Hong Kong affairs by Hong Kong people, with patriots forming the main body of administrators". I believe the majority of the Civil Service are patriotic to both China and Hong Kong. However, some people still hold a different view in this respect. May I ask how the Acting Chief Executive would guide these people and make them understand that the Civil Service are patriotic and dispel these people's concerns?*

ACTING CHIEF EXECUTIVE (in Cantonese): I remember Mr DENG Xiaoping adopted a rather broad concept to expound his definition of a patriot. I remember he cited three standards of a patriot: First, he supports the State; second, he supports the Chinese nation; and third, he supports the Basic Law and "one country, two systems". This is his definition of a patriot. According to this definition, I trust the majority of the civil servants are patriots. Civil servants have been adhering to the Basic Law in implementing government policies and serving the public. This is definitely favourable to the State and Hong Kong, and this is the most concrete way to show their patriotic feelings towards China and Hong Kong. I therefore truly believe that the civil servants are patriotic towards China and Hong Kong, and they will keep on demonstrating their contribution to Hong Kong and the Motherland with actions. As to the question that some people are still sceptical whether the civil servants are patriotic, I believe that it will need some time for us to work hard and to communicate with all parties concerned. Therefore, I hope my colleagues and I will continue to work in this direction.

MR CHIM PUI-CHUNG (in Cantonese): *Acting Chief Executive, my question is about a stipulation in Article 55 of the Basic Law, that is, "The term of office of members of the Executive Council shall not extend beyond the expiry of the term of office of the Chief Executive who appoints them". The Acting Chief Executive repeated twice in this Chamber that you had invited all Members of the Executive Council to stay in office since Mr TUNG's resignation had been confirmed in 12 March, but your acting arrangement is clearly specified in the Basic Law since you are the Chief Secretary for Administration. But the question is, I*

cannot see the necessity that you should appoint them since this is not put down in the Basic Law. I can say that up to now, they will still be Mr TUNG's team until the by-election is held on 10 July and a new cabinet is appointed. For that reason, my question is: Acting Chief Executive, do you consider that there are still imperfections in this Basic Law? Have you proposed to the State Council again that the SAR Government may seek an interpretation by the National People's Congress when the need arises, instead of saying that you have to undergo internal struggles before making such a request?

ACTING CHIEF EXECUTIVE (in Cantonese): I believe the provisions of Article 55 are very clear. First of all, Mr TUNG Chee-hwa's term commenced on 1 July 2002 and ceased on 12 March 2005 when the State Council accepted his resignation. For that reason, the term of Members of the Executive Council appointed by him during his term of office should expire on 12 March according to Article 55 of the Basic Law. Nevertheless, I have explained to Members several times that if we are to maintain the stability of Hong Kong, we should ensure no deviation will occur in our operations, thus when I exercised my power in my capacity as the Acting Chief Executive by virtue of the Basic Law, which is the same as that of the Chief Executive, I appointed all the Members of the Executive Council of that very same day, and all the necessary paperwork has been done. Of course it is not necessary for me to appoint all the Members of the Executive Council, but just as I explained earlier, in order to maintain the political stability and dispel the public concern that Mr TUNG's resignation may have an impact on the efficiency of our administration, I therefore reappointed all the Members of the Executive Council until my term as the Acting Chief Executive expires.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, I wish to follow up.*

Acting Chief Executive, may I ask which provision in the Basic Law stipulates that you have the obligation and responsibility to appoint every Member of the Executive Council in your capacity as the Acting Chief Executive? You may give me a reply later.

ACTING CHIEF EXECUTIVE (in Cantonese): It is not necessary; I can give you an explanation right away. He has no obligation nor responsibility, nor is it necessary for him to do so, but he has decided to do so.

MR LAU KONG-WAH (in Cantonese): *Madam President, just now Mr TSANG struck home a message, that is, he hoped that there would be less disputes and more co-operation in society and everybody would make an effort for the common good of the public. In fact, over the last few years, what the public demanded most was a reduction in travelling expenses. Unfortunately, in a few days, the public will have to face a substantial toll hike of the Eastern Harbour Crossing (EHC), and they feel very dissatisfied with that. The toll hike will not only increase the burden of the general public, it will also cause a wave of price hike. Nevertheless, it seems that the Government is at its wits' end. Moreover, on the day that the EHC increases its toll, it is highly probable that a major traffic congestion will occur. However, the Government seems to hold an attitude of leaving it to fate by urging the public to leave homes half an hour earlier. For that reason, may I ask Mr TSANG in which aspect in the entire process he considers that the Government has made a wrong decision? Is there any experience or lesson worthy of reference? What contingency plan does he have in case a major traffic jam that paralyses Hong Kong takes place?*

ACTING CHIEF EXECUTIVE (in Cantonese): First of all, the outcome of the arbitration on the toll increase of the EHC and the rate of increase is not anticipated by us. I also understand the reactions of the general public. However, the Government is also very disappointed at the outcome of the arbitration, that is, the EHC may increase the tolls. I think Secretary Dr Sarah LIAO has explained this matter several times. We are extremely concerned about the toll increase, but we have to respect the law and the outcome of arbitration, because Hong Kong attaches importance to the spirit of law which overrides a lot of other practical considerations.

We have been studying all possible options with a view to achieving a better distribution of cross-harbour traffic flow all along. I still remember that my colleague made 12 proposals in response to this issue last week. We will take heed of different views in society on the one hand, and conduct active discussions with the relevant franchisee on the other in order to find a long-term solution which takes public interest into account and respects market economy.

With regard to the possible situation on 1 May, if the traffic distribution is affected after the toll increase of EHC, the Government will activate the emergency transport co-ordination mechanism to deal with the traffic problems which are likely to emerge at the early stage of the toll increase of the EHC. I believe all parties concerned need some time to adapt to the impact caused by the toll increase. Nevertheless, Mr LAU and the general public have been discussing this matter for a rather long time; I also wish to thank Members of the Legislative Council for the various concerns voiced. Since 1 and 2 May are public holidays when the total traffic flow should not be very high, I hope that there would be adaptation measures and the negative impact would be minimized. All parties concerned would work hard on that though. With regard to the deployment arrangements, I believe the Transport Department and the police will take care of that and various Policy Secretaries will keep a personal interest in the matter.

MR LAU KONG-WAH (in Cantonese): *Madam President, since Mr TSANG mentioned the 12 proposals, may I ask him whether he will concentrate on one or two of the proposals and discuss them with the EHC operator for a deferment in toll increase? Will Mr TSANG do that?*

ACTING CHIEF EXECUTIVE (in Cantonese): The relevant company is also aware of our 12 proposals, but to the best of our knowledge, the relevant company will not change its original plan and it will act according to the outcome of the arbitration, which is the lawful right of the relevant company. We will keep on making an effort in this respect but I am not so optimistic that the company will change its mind.

MR ANDREW CHENG (in Cantonese): *Madam President, I wish to discuss with Mr TSANG the issue of long working hours of the people of Hong Kong. I believe Mr TSANG also knows that Hong Kong people are very hardworking. According to some information, over 2 million wage earners work more than 60 to 70 hours a week non-stop. This situation will have tremendous influence on their physical fitness, which will make them physically and mentally exhausted. A good example is Mr TUNG who works from seven to eleven; overwork has undermined his physical health. Mr TSANG, you have all along given us an impression that your efficiency is very high and you are rather relaxed. May I*

ask whether you will implement a benevolent measure in your term of office by regulating the maximum working hours, so that wage earners in Hong Kong can live a healthy and quality life just as you said earlier, or they can imitate you to whistle at their leisure, appreciate variegated carps and have the leisure time to enjoy the play "A Sentimental Journey"?

ACTING CHIEF EXECUTIVE (in Cantonese): I consider industry is a virtue of Hong Kong people, and I think it is not easy to change this tradition. Sometimes, employees work overtime not necessarily because their bosses have told them to do so. Besides, some people are themselves so dedicated to work that they are willing to work overtime for many hours. Moreover, if the working time is not that long, it would not necessarily affect their mental and physical health.

As to the call for legislation to regulate and mandate maximum working hours, I note that some legislators have strong views on the issue while employers also have their strong opinions. With regard to a controversial issue like this, we should seek consensus, and a consensus should be sought in three respects: The first is the demand of employees; the second is the examination and consent of employers and the third is legislation by the Government. The relevant authorities have established appropriate channels and media for discussion, whilst the relevant advisory committees and bodies should raise their proposal. Certainly this is the ideal way. If the labour sector and the employers can reach a consensus, the Government will of course go ahead according to the consensus. Nevertheless, we understand that laws are often made at a price, and the price is that the system will strip the labour market of its flexibility; society may consider that we should pay the price, but the most important thing is to reach a consensus.

MR ANDREW CHENG (in Cantonese): *Madam President, I wish to share with Mr TSANG that, if my memory serves me well, 148 countries in the world, including our Motherland, Southeast Asian countries and our competitors have legislation to limit overtime work. It is because everyone knows that excessively long working hours will affect the lives and the quality of the workers' health, which was also mentioned by the Acting Chief Executive earlier. Workers in Hong Kong should not be treated as second-class citizens. Currently, I am drafting a Members' bill for legislation on maximum working hours. For that*

reason, I wish to ask Mr TSANG this question once again. Will you give a written consent by virtue of Article 74 of the Basic Law, in so doing, at least it would allow me to table this Members' bill to the Legislative Council for a debate?

ACTING CHIEF EXECUTIVE (in Cantonese): With regard to a Members' bill, if it involves public policy, then the written consent of the Chief Executive shall be required. Nonetheless, I believe consensus in society should be reached whereas the Chief Executive gives his consent. I believe it is not a must for the Chief Executive to give his consent hastily just because the proposal is made by a certain Member; in particular this is a significant policy which will have impact on society. Personally, I may not necessarily oppose the things you do or proposals you make, besides, I understand that they carry the aspirations of many workers. But I consider that workers in Hong Kong are mostly rational people, and I also believe that they will discuss the solutions in proper forums, channels and meetings, whilst employees and employers will reach amicable consensus before legislation is initiated, I consider that the best way to deal with the matter.

MR WONG YUNG-KAN (in Cantonese): *Madam President, whenever China convenes sessions of the National People's Congress, problems with three Rs (rural economy, rural development and rural demography) are always the focus. Article 119 of the Basic Law also specifies that the SAR Government shall formulate appropriate policies to promote and co-ordinate the development of various trades, which include the agriculture and fisheries industry.*

Nevertheless, the agriculture and fisheries industry has to deal with a lot of problems now. May I ask the Acting Chief Executive whether he can help them to solve these problems? These problems include the recent price hike of diesel that fishermen have to face; the withdrawal of licences of chicken farms and stalls, which have put workers out of work. What should they do? What solutions does the Acting Chief Executive have for these problems?

ACTING CHIEF EXECUTIVE (in Cantonese): I think Hong Kong is a metropolis which is on the road to high value-added development, so for that reason, it may impose pressure on traditional industries, especially the agriculture and fisheries industry. Nevertheless, every trade needs to evolve

with the times and should keep on improving their operation, cultivation and fishing methods. In this respect, the Agriculture, Fisheries and Conservation Department is the responsible department. If Mr WONG finds that something should be done by the Government in this respect, or he has some ideas to preserve these traditional trades and help them develop with the times or even seek development in full swing, we would be happy to take such views into consideration.

However, I believe every trade, apart from fisheries, fishing or agriculture, has to progress with the times and race against the economic development through continuous upgrading and value-adding. I trust Mr WONG is an expert in this respect while we are not, thus if you have any opinion, we would be happy to consider it.

MR WONG YUNG-KAN (in Cantonese): *I wish to thank the Acting Chief Executive for his compliment, but as to the question of who the expert is, I believe there are many experts within the Government; but I am no expert at all. I wish the Acting Chief Executive can urge his subordinates to speed up the pace in this respect.*

PRESIDENT (in Cantonese): What question do you wish to ask the Acting Chief Executive?

MR WONG YUNG-KAN (in Cantonese): *I wish to ask whether he can expedite the pace.*

ACTING CHIEF EXECUTIVE (in Cantonese): We will take that into consideration seriously when we receive any view from Mr WONG relating to that issue. I will instruct my colleagues to expedite their study in this respect. Fine?

MR ALBERT HO (in Cantonese): *Madam President, a third interpretation of the Basic Law has been made by the Standing Committee of the National People's Congress (NPCSC) since the reunification. Today, I really wish to ask*

the Acting Chief Executive about his opinion on that. After the NPCSC made the interpretation yesterday, I met some friends. I have mixed feelings about their comments. They said that not only they felt we law learners were seemingly useless; they even felt that the literates were seemingly useless. Even to the literates, things otherwise looked clear and straightforward had turned out to be "something out of nothing" after the interpretation had been made, things which had not been written down became black and white now, exceptions and special circumstances and provisos were added to general principles. For that reason, some people even doubted that whether or not so many provisions laid down by the Basic Law were useful? It is because they found that so many additions and amendments could be made through the interpretation. This is the first point I wish to discuss.

Undoubtedly, my second point is that according to the interpretation this time around, it was only applicable to the election of the Chief Executive in 2007 only. For the post-2007 situation, we found that by way of amending the annex which specifies the selection of the Chief Executive, the previous general principle relating to the remainder of the term could be restored after interpretation, thus it had caused great confusion. The Acting Chief Executive is conversant in the making of subsidiary legislation, in which an annex is tantamount to a piece of subsidiary legislation, but we found that it could be restored to its original form after amendment.

The question I wish to ask now is that since so many problems have emerged, I hope the NPCSC can apply certain restraint in exercising its constitutional power, and we will use every possible occasion to express our views. Nevertheless, I only have one request, that is, whether or not the SAR Government can exercise restraint by not asking the NPCSC for interpretation, with a view to allowing our Courts and the existing mechanism to solve the problem of diverse interpretations of the Basic Law?

ACTING CHIEF EXECUTIVE (in Cantonese): I myself trust that the SAR Government and my colleagues understand very well the sensitive feelings of the public about the interpretation. I am quite cautious in respect of Article 158 of the Basic Law and will act in a prudent way. With regard to the use of Article 158 of the Basic Law, provided that it is not necessary and not widely accepted by the public, I dare say before it is widely, totally accepted by the public, I believe the SAR Government will definitely handle it with extreme

circumspection and will not act without hesitation. Since Members know very well the reason for seeking the interpretation of the NPCSC on Article 53, I therefore do not wish to repeat it here. Since we have to conduct the selection of the Chief Executive on 10 July, and being a responsible Government, I cannot say that we can ignore this matter or to assert that we would not seek the NCPSC's interpretation again in future. What I can only say is that I agree with Mr HO's point, that is, we will make prudent judgement in this regard and act as transparent as possible and will act only if it is necessary.

MR ALBERT HO (in Cantonese): *I wish to ask the Acting Chief Executive one more question. As he is also aware of the fact that many people question whether or not the SAR Government has such power to seek an interpretation by the NPCSC through the State Council. Of course, we also question what the Acting Chief Executive said earlier, that it would be potentially risky had the interpretation of the NPCSC not been sought, as the selection of the new Chief Executive in time on 10 July could not be assured. Nevertheless, what we have been asking is that if the Acting Chief Executive undertakes to exercise the power with sufficient restraint, on a rational basis and with good cause, including taking the urgency and necessity into account, will you make an undertaking that you will limit the use of the power by way of legislation?*

ACTING CHIEF EXECUTIVE (in Cantonese): In fact, with regard to the application of the constitution, our experience over the last seven or eight years was rather scarce. I trust the Government will act with sufficient restraint as far as the interpretation of the Basic Law is concerned. Moreover, with regard to the procedure, we will ensure the highest transparency and we are duty-bound to explain the reasons to the public, and that is something we will continue to do in future. Nevertheless, according to our experience, I believe it may be improper if we regulate its process with rigid requirements, and we also consider that inappropriate. I just hope nobody would wish to seek an interpretation from the NPCSC arbitrarily. Not only the people of Hong Kong or the SAR Government, even the Central Government and the NPC itself would not wish to do this unnecessarily. However, if it is necessary and if it can solve practical problems, we do not wish to set down certain rules before we can accumulate adequate experience in operation which would subsequently affect the solving of certain practical issues in society by society itself. I hope Mr HO will appreciate this point.

Nevertheless, I wish to make a significant and sincere pledge here, that is, with regard to seeking interpretation from the NPCSC, the Government will act in a manner as prudent, responsible and transparent as possible, and we will act only if it is necessary and only if such urgency arises.

MR HOWARD YOUNG (in Cantonese): *Madam President, may I ask the Acting Chief Executive about the West Kowloon Cultural District (WKCD) development project which is awaiting the final decision after the election of the new Chief Executive. The former Chief Executive, Mr TUNG Chee-hwa, used to pledge that the WKCD project would definitely be based on public opinion. With regard to responses in society, despite the public wish to see the implementation of the WKCD project on the one hand, which is also a mainstream opinion; it seems that they oppose the idea of awarding the entire project by way of single tender on the other, which is also a mainstream public opinion. May I ask whether the Government will follow public opinion by revoking the idea of awarding the entire project by way of single tender?*

ACTING CHIEF EXECUTIVE (in Cantonese): Mr YOUNG, Mr TUNG Chee-hwa's resignation will not cause any change to the WKCD project; the project will go ahead as scheduled. Everybody knows that our consultation period has been extended because many members of the public wish to take a look at the proposed models and concept plans in detail as they wish to express their views. The exhibition held in Hong Kong and Kowloon was over, now it is being held in the New Territories which receives over 1 000 visitors every day. After this consultation, we will summarize the views as we hope to make a development proposal and introduce it to the public anew. In the Administration led by Mr TUNG, I did pledge to Members that the WKCD project should reflect public views and should go ahead on the condition that the developer complies with the basic tender requirements. (*A hullabaloo was raised in the public gallery*)

PRESIDENT (in Cantonese): The gentleman in the public gallery, please keep quiet.

(The man was taken away by security staff)

ACTING CHIEF EXECUTIVE (in Cantonese): We will put forward a proposal after the consultation period is concluded, and we will definitely consider all public opinions. We have heard that the public disagree with the single-tender approach; we will definitely take such opinions into consideration prudently.

MR HOWARD YOUNG (in Cantonese): *Madam President, the project used to be led by the Chief Secretary for Administration. May I ask whether a hundred percent unanimity can be reached between the Acting Chief Executive and Chief Secretary for Administration in the process? Is it possible that the Acting Chief Executive will treat this matter from a macro, broader and longer-term perspective?*

PRESIDENT (in Cantonese): This is not part of your previous question, but it is up to the Acting Chief Executive to decide whether or not to answer.

ACTING CHIEF EXECUTIVE (in Cantonese): I believe the chances are rather slim. (*Laughter*)

MISS CHOY SO-YUK (in Cantonese): *Madam President, two days ago in Nanjing, Mr LIEN Chan said that in respect of finding a reciprocal, mutually beneficial, peaceful and win-win future for both sides, the Chinese Kuomintang was prepared to do its part in fostering cross-Straits peace and stability. He also said that both sides of the Straits should join efforts and strive to grow stronger so that the Chinese people can hold their heads high in the 21st century. Madam President, may I ask the Acting Chief Executive in what specific scope and work Hong Kong can do in order to enable the Chinese people to hold their heads high in the 21st century? What the SAR Government has done over the past few years to promote cross-Straits peaceful reunification?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, the SAR has been established not for a long time, so we can work hard in this respect, but I believe it is by no means easy to probe into the difficulty of Taiwan and the State's specific policy in this respect. Nevertheless, in this regard, Hong Kong

has been playing a good intermediary role. Hong Kong has been an important bridge in trade and culture that has allowed Taiwan to use Hong Kong as a platform for Taiwan's access to development in the Mainland. Moreover, Mr LIEN had to make a stopover in Hong Kong's airport before setting off for the Mainland to conduct his visit. Hong Kong has played an important role in this respect. Although small, it is a role of significance. Hong Kong has a lot of things to be proud of; hence the Chinese people can hold their heads high. Hong Kong is a first-class international financial centre. Within the Asian time zone, we can bring our role as the financial centre into full play, and that is something no other Asian country can parallel. In this regard, we have to keep on developing our function to assist China's overall development, which can also help the people of Hong Kong to upgrade their living quality.

MISS CHOY SO-YUK (in Cantonese): *Madam President, may I ask the Acting Chief Executive which among the various things that could make the Chinese people hold their heads high he considers should be highlighted for sustained development?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, what I have said has already been provided for in the Basic Law. Hong Kong should keep on playing its role as a financial and shipping centre, this is something we can do in future to make the Chinese people hold their heads high. We will keep on working hard in this respect and I believe we have the potential to achieve the goal. I also believe that the market is heading in this direction. As to the future development of China, Hong Kong will provide development opportunities in such areas as financing, financial, transportation and shipping services. It is pretty obvious that China has become an important economic force in the world. With regard to the economic development in this respect, Hong Kong has done its part in the past albeit small, and will continue to do so in the future.

MR JAMES TIEN (in Cantonese): *Madam President, the Acting Chief Executive mentioned in his opening remarks that his primary wish is to improve the relationship between the executive and the legislature. I believe this wish can hardly be realized. The Chief Executive, Mr TUNG, has been working on this for more than seven years but only in vain. Since the Acting Chief Executive assumed office on 12 March, I have not seen that he has done much to*

improve the relationship between the executive and the legislature so far. Earlier on, when the Acting Chief Executive answered Mr Howard YOUNG's question on the WKCD project, I heard him say repeatedly that he would listen to the views of the community and the public, but not a single word about paying heed to the views of the Legislative Council. I would like to ask the Acting Chief Executive, Mr TSANG, — please do not say that it is a hypothetical question, for a hypothetical question will not be answered. I believe, in next month or so, during your acting as the Chief Executive, the relationship between the executive and the legislature will not be improved. May I ask you of your views on how you can improve the relationship between the executive and the legislature from 10 July onwards, say two to three key factors in improving the relationship between the executive and the legislature?

PRESIDENT (in Cantonese): Mr James TIEN's question may be slightly modified to asking about ways for improving the relationship between the executive and the legislature, and the provision of two to three ways of doing so.

MR JAMES TIEN (in Cantonese): *I would like to thank the President for modifying my question.*

PRESIDENT (in Cantonese): Then the question is not hypothetical.

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, I would grasp every opportunity of communication with Members of the Legislative Council by all means. For instance, every time a meeting is held, I hope that I may attend in person and meet with Members; for the meeting of the Legislative Council every Wednesday, I would attend it as far as I can. Whenever an opportunity for explaining our policies arises, I definitely will take advantage of it. Moreover, I have privately met and talked with members of different political parties and different sectors, and communicated and liaised with them over the telephone. I will continue my work in these aspects. The improvement of the relationship between the executive and the legislature is a lengthy process. The design of the current constitutional system does have a bearing on this, and we cannot simply say that good progress can be made under the existing design of the constitutional system. Certainly, human factor does have a role to play in this. I dare say, during my continued service with the

Government of the Hong Kong Special Administrative Region (SAR), I will work on this every day and every month. To ensure effective governance in future, I think the improvement of the relationship between the executive and the legislature is crucial. However, this is two-way. I think my colleagues and I will do our level best, and we will think long and hard in the days to come for a method to achieve this target. On the other hand, I hope Members will provide us with specific views, stating the ways we can foster communication. When I mentioned I had heard citizens' views, of course I mean their views voiced through Members of the Legislative Council to us, for I believe Members have a far more extensive front than we do in terms of contact with them. I just said this in abbreviation, yet this is really what I think. (*Laughter*)

In the coming days, we will think about this and I hope Mr TIEN and members of other political parties will also think about it. We will certainly listen to the ways proposed by Members seriously. I think if we really want to revitalize our economy and political environment, and work for the benefit of the public, we should beware that conflicts will not lead to any desirable outcome. Only if we can foster mutual trust and mutual understanding and start from there will we be able to achieve any desirable outcome. I will absolutely work hard on this.

MR JAMES TIEN (in Cantonese): *Madam President, in respect of the process of improving relationship, many Members hope that the Chief Executive will meet with the Legislative Council more often and that each meeting will not be limited to one hour and 15 minutes while a request for a 15-minute extension has to be sought every time. Since so many Members hope that the Chief Executive can attend several more meetings, may I ask the Acting Chief Executive whether he will consider the idea of attending the meeting of the Legislative Council once a month with each lasting for one and a half hours?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, with your permission, and Members' tolerance, I am most willing to attend the meeting for one and a half hours. However, I am only the Acting Chief Executive now. So, if the Members concerned do want to have more meetings with the Chief Executive or must meet with the Chief Executive more often, even for four times or more each year or one hour or more for each meeting, I am more than happy to reflect Members' views to the Chief Executive to be elected on 1 July. (*Laughter*)

PRESIDENT (in Cantonese): According to the list I have at hand on the questions raised by Members, all the Members who have not raised questions during this Session have had their turn. So, we may now allow Members who have asked questions once to raise their questions in order.

MR RONNY TONG (in Cantonese): *Madam President, may I ask the Acting Chief Executive whether he recalls that on 12 March, the day on which the resignation of the former Chief Executive Mr TUNG was accepted, he immediately announced the acceptance of views of Beijing academics on the term of office of the new Chief Executive and stated a change of the established position of the Government to a two-year term? May I ask when such a swift decision was made? Who made the decision? If the decision was made by Mr TUNG, had Mr TSANG, being the Chief Secretary for Administration, for the sake of safeguarding the rule of law in Hong Kong and the spirit of "one country, two systems", requested Mr TUNG to seek the views of the Legislative Council, the legal sector of the SAR and the public before making such a decision?*

ACTING CHIEF EXECUTIVE (in Cantonese): On 12 March, I, together with Secretary for Justice Elsie LEUNG, met with Members and gave an explanation on the background of the incident. Regarding the issue of the office of the Chief Executive falling vacant and the term of the new Chief Executive, during the three weeks or so before 12 March, it had been the talk of the town and different views had been expressed by different sectors. For that reason, Secretary for Justice Elsie LEUNG was instructed by Mr TUNG Chee-hwa to look for a good decision. Hence, Secretary for Justice Elsie LEUNG made several trips to the Mainland to verify with various parties the legislative intent at the time the law was drafted and the relevant information. Having collected such information, she returned to Hong Kong and reviewed the issues together with colleagues of the Department of Justice according to the conventions of common law. A new opinion was formed which considered that the term of the new Chief Executive should be the remainder of that of the original Chief Executive. Regarding this opinion, we have had internal discussions since early March. A couple of days after the announcement of the resignation of Mr TUNG, intensive examination of the issue was conducted internally. We thought that a very important message must be conveyed to the people of Hong Kong. That is to say, on the day when Mr TUNG submits his resignation and subject to its acceptance by the Central Authorities, we have to let the people of

Hong Kong know when the new Chief Executive will be elected and the term of the newly elected Chief Executive. This should be made crystal clear without any confusion.

In this respect, my colleagues and I had studied the opinion of Secretary Elsie LEUNG and accepted it after consideration. On 12 March, the Central Authorities accepted the resignation of Mr TUNG, and I, in my capacity as the Acting Chief Executive, stated our opinion and made the announcement on that day. This is the case.

MR RONNY TONG (in Cantonese): *Madam President, I do not quite understand this reply. Is the Acting Chief Executive saying that the decision was made by Beijing? Or, was the decision made by the Acting Chief Executive? If the decision was made by him, why had he not requested or proposed the consultation of the Legislative Council, the legal sector of the territory and the public on the issue?*

ACTING CHIEF EXECUTIVE (in Cantonese): I made it very clear just now that I accepted the opinion at that time in my capacity as the Acting Chief Executive. What I meant to say earlier is that discussion on the issue in society at that time was not lacking but was indeed adequate. The media had already carried extensive coverage on opinions on whether it should be a two-year or five-year term. We read those opinions and took account of the prevailing need of society. Mr TONG, I repeat, the need of society was to know on that day whether a specific, detailed and satisfactory arrangement for the election of the new Chief Executive had been put in place to fill the vacancy of the office of the Chief Executive. I consider the term of office an important issue on which we can afford no further consultation or discussion that may make the instability continue. Therefore, such a decision was made at that time.

MR ALBERT CHENG (in Cantonese): *Madam President, in his response to a Member's question earlier, Mr TSANG said that he was glad to see that Hong Kong could serve as a bridge on cross-strait relations.*

When Mr LIEN Chan visited Hong Kong, the non-official representative of Taiwan in Hong Kong, Mr PAO Cheng-kang, who planned to welcome the

delegation of Mr LIEN Chan at the airport was barred from doing so by the Airport Authority. In response to questions raised by Members in the Legislative Council, Mr Stephen LAM, the Secretary for Constitutional Affairs said that Mr PAO had not been invited to the occasion. However, I later heard from the radio the official response made by Mr PAO, stating that he had applied for an entry permit to the airport to receive the delegation from Taiwan but was held back, and he considered the criticism made by Secretary Stephen LAM unfair and inaccurate.

My question is: Will such deed of the Government hurt the feelings of the people of Taiwan? Who is lying now? Had Mr PAO come uninvited? Or, was the SAR Government ruining the bridge itself? Is it because Hong Kong no longer needs to act as the bridge for cross-strait exchanges, so Mr PAO was prevented from receiving LIEN Chan? Was the decision made by the Acting Chief Executive, Stephen LAM or others?

ACTING CHIEF EXECUTIVE (in Cantonese): I have some predestined link with the BAOs, (*laughter*) for my wife also comes from the BAOs' family, but I do not know whether Mr PAO Cheng-kang is of Zhongshan origin.

The incident is not as simple as it appears. In respect of the status and scope of activity of the Chung Hwa Travel Service in Hong Kong, the SAR Government and the Central Authorities have maintained a very clear position, and the position has all along been very clear and consistent. The agency chief of the Chung Hwa Travel Service is fully aware of the relevant policy of the Government. The daily routine of the Chung Hwa Travel Authorities includes the provision of service on entry affairs for Hong Kong people visiting Taiwan, which is its main role.

In holding reception for overseas visitors at the airport or other border control points, the SAR Government has a stringent protocol in place. In general, only persons in the capacity of consul or officers of the Central Authorities or provincial governments are allowed to participate in those arrangements and activities. For instance, a reception activity held for a visiting President or Secretary of State of the United States will include officers of the United States Consulate in Hong Kong in addition to officers of the SAR Government. Likewise, when leaders of the Central Authorities visit Hong

Kong, representatives of organizations of the Central Authorities in Hong Kong will also participate in the reception. This is bound by stringent rules and systems.

However, since the Chung Hwa Travel Service has no official status. It is neither a State organization, nor consulate. Therefore, the agency chief of the organization would not be granted access to airport restricted area as a matter of course, not to mention entering the V.I.P. Suite and receiving political dignities and important guests. We had turned down the request of Mr PAO to avoid giving the impression that the Chung Hwa Travel Service has the same status as a representative of our country or a consulate, which is a point that allows no confusion.

The SAR Government has arranged a reception of high specifications for Mr LIEN Chan this time and will make transit arrangements for Mr SOONG Chu-yu at a later date, indicating that the SAR Government sincerely hopes that their visits will be successful, and hopes that they will pass on a message showing our effort in promoting cross-strait relations.

With regard to the Chung Hwa Travel Service, I hope Members will understand our policy. What Mr Stephen LAM said is entirely the truth. I hope that Mr PAO may have heard my words. I hope that he will understand and honour the promise he had made upon his arrival in Hong Kong to work.

MR ALBERT CHENG (in Cantonese): *Madam President, had Secretary Stephen LAM provided the reply given by the Acting Chief Executive just now in the Chamber the other day, I would not have raised this question. However, Secretary Stephen LAM stated on that day that Mr PAO Cheng-kang had obtained a visiting permit for entry to the airport. Insofar as I understand it, the V.I.P Suite is not included. Why did Secretary Stephen LAM not give a correct reply on that day but said instead that it was because Mr PAO had not obtained a permit? Is this a disgrace to the SAR Government? Moreover, I have to make a reminder, that LIEN Chan was not visiting in his capacity as an official representative of Taiwan.*

Will the Government give a public account to the Legislative Council or the public, stating whether Mr LAM has handled the incident improperly?

ACTING CHIEF EXECUTIVE (in Cantonese): The way in which Mr LAM handled this incident is appropriate. It may be because you were not the one raising the question on that day and the question was not put in the same way, so Mr LAM did not have the opportunity to give you this answer. (*Laughter*) However, I strongly believe that the case was just the same as what I have said, and the relevant rules are very clear.

Earlier on, when I referred to the high specifications of the relevant arrangement, I meant that LIEN Chan had been received in his capacity as the Chairman of the Kuomintang but not an official representative.

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, just now, I heard Mr TSANG mention many ways for promoting communication, and said that he would try to listen to the views of the Members of the Legislative Council. I recall that in a recent motion debate of the Legislative Council on the WKCD project, Mr TSANG, after listening to the views of many Members, responded to the request of Members for the withdrawal of the single-tender approach with a "refusal with regret", I am not sure whether this is his heartfelt remark. May I ask Mr TSANG how he can ensure the public that he will make an effort to listen — he said he would make an effort to listen — to facilitate communication and improve the relationship between the executive and the legislature?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, I am sincere in every word I said, for instance, we should improve our communication, hold more sincere conversations and listen more to the views of the community. Sometimes, the views of the Legislative Council may not be the same as the public, in particular on the WKCD project, the disparity is certain. On the single-tender approach, so far, the view of the Legislative Council is similar to that of the general public. However, the motion on that day requested for the immediate withdrawal of the project. If Members do remember, the content of the motion of that day is virtually requesting me to scrap the WKCD project and start it all over again. This request is markedly different with that of the general public in Hong Kong. Thus, I could not accept that opinion at that time. However, I know we have to opt for one side or the other on every issue, and I hope that Members will understand.

MR WONG KWOK-HING (in Cantonese): *Madam President, I would like to pose this question on behalf of the poor. In the 44th paragraph of the policy address which is about the Commission on Poverty, it is stated that "its task will be to study, from a macro perspective, how to help the poor in terms of financial, employment, education and training needs. It will also explore practical ways to assist those who suffer from poverty due to old age, disability or single-parent family, particularly those in low-income employment". It is referring to the job of the Commission on Poverty, but the Commission has only set the indicators of poverty for four social groups: the first group is children and youth; the second is working people and adults; the third is the elderly; and the fourth is the community at large. However, single-parent families and the disabled are left out. The two groups left out by the Commission are exactly the two groups of people mentioned in the policy address. May I ask the Acting Chief Executive whether he will remind the Commission to include these two groups of people as soon as possible?*

ACTING CHIEF EXECUTIVE (in Cantonese): I think this is because Mr TUNG gave a rather detailed description in the policy address, while the terms of reference, ideas and written proposals of the Commission are rather compact. In respect of single-parent families and the disabled, the SAR Government has a lot of policies in place, which are subject to constant review for examination of their adequacy and need for improvement. Certainly, I am more than willing to discuss with the Financial Secretary the proposal of Mr WONG Kwok-hing, and see whether the Commission can put more emphasis on the area of alleviation of poverty mentioned by Mr TUNG. Moreover, care of single parents and the disabled has all along been the prime concern of our social welfare policy, so we will not neglect them.

MR WONG KWOK-HING (in Cantonese): *Madam President, may I ask the Acting Chief Executive when these two groups of people will be included?*

ACTING CHIEF EXECUTIVE (in Cantonese): I will discuss this with the Financial Secretary later. As to when these two groups will be included, it is his decision. The Commission is comprised of different members, among which a representative of the Hong Kong Federation of Trade Unions is

included. I believe they have to address the issue in phases and set priorities. I have full confidence in the Financial Secretary in handling the issue.

DR KWOK KA-KI (in Cantonese): *Madam President, first of all, I have to congratulate the Acting Chief Executive on his request for interpretation of the Basic Law via the State Council a few days ago being passed unanimously by the Standing Committee of the National People's Congress (NPCSC).*

We all know that the Acting Chief Executive is holding another office, the officer in charge of the Constitutional Development Task Force. Last year, owing to the review of our constitutional system, Mr TSANG sought the second interpretation of the Basic Law from the NPCSC. I remember a couple of lines the Acting Chief Executive told the public at that time. He said that he was running the blood of Hong Kong people and he was drinking the water of Hong Kong, so he was certainly very eager to see the further implementation of constitutional development. My question is: How the Acting Chief Executive, in his incumbent office or the office of the Chief Executive he most likely will assume in future in the public's wishes when the office falls excuse me, I mean to say "vacant" (laughter), will implement Articles 45 and 68 of the Basic Law in his work to enable Hong Kong to realize the ultimate aim of universal suffrage, be it by gradual and orderly process or other means? What plan does he have in his mind? Given that the introduction of universal suffrage in 2007 and 2008 was rejected in the previous interpretation of the Basic Law, how will he take us forward in the review of the constitutional system?

ACTING CHIEF EXECUTIVE (in Cantonese): The power of interpretation of the Basic Law is stipulated unequivocally in Article 158 of the Basic Law. This is part of our constitution which I hope will not be regarded as a scourge. We must look at it with equanimity and in the light of the practical situation. As I said earlier, Hong Kong people are very sensitive in this respect. They are not familiar or accustomed to this owing to our common law tradition. However, we have to appreciate that the design of the Basic Law is part of our constitution. Like all of us, Members of the Legislative Council, should respect our constitution and should not regard it as a scourge. I would like to supplement, which is the fact, that the decision made by the NPCSC in last spring in respect

of the date of universal suffrage mentioned in Articles 45 and 68 of the Basic Law, stating that universal suffrage could not be implemented in 2007, was not made in response to the request of the SAR Government, nor was it a request for interpretation made by me. I am only giving a brief explanation to provide supplementary information to Members.

In respect of the timetable for full universal suffrage, it certainly has to proceed in accordance with the consensus of the general public in order to reflect the views of Hong Kong, but it should at the same time meet the requirement laid down in Annex I to the Basic Law which states that it should be done with the consensus of three parties. No matter the Task Force is headed by the Chief Executive or the Chief Secretary for Administration, it has to work within this framework. The ultimate aim of implementation of universal suffrage is a common wish which we wish to realize by the fastest means. It is hoped that upon the completion of other groundwork, this aim can be achieved.

A point to note regarding our wish for the implementation of universal suffrage is that universal suffrage, as I said just now, must be supported by the consensus of three parties. First, it is the support of the representatives of Hong Kong citizens in the Legislative Council; second, the support of the Central Government given via the NPCSC. To achieve such consensus, the foundation must be built on mutual trust, and in this we must have confidence. It is hoped that we will understand the situation in China, and that the State will understand the sentiments of Hong Kong people. I think if we can work harder on this front, we will see the realization of universal suffrage sooner.

DR KWOK KA-KI (in Cantonese): *Madam President, I heard the Acting Chief Executive set out a number of criteria and mention the fulfillment of which would lead Hong Kong towards universal suffrage. However, may I ask the Acting Chief Executive to give a further reply on the situation and specific work required in his view to achieve mutual trust and consensus among the three parties he mentioned earlier? When does he expect such consensus to be reached? In fact, as a member of Hong Kong, the situation which we wish to see does not seem to be realizable within the foreseeable future in my view. What specific method or timetable does the Acting Chief Executive have which I think is desirable?*

ACTING CHIEF EXECUTIVE (in Cantonese): This is the target of the fifth report of the Task Force. Now, we have listened to different views of Hong Kong people from various channels. It is hoped that in the fifth report, reform of the method for the selection of the Chief Executive in 2007 and the formation of the Legislative Council in 2008 will be outlined, heading towards a more democratic, open and representative arrangement. This is our goal. We have to work within the framework but aim to make the most out of it. However, this can only be achieved with the support of a two-thirds majority of all the Members of the Legislative Council; I thus hope that Members will engage positive and constructive participation and discussion by that time. I am not sure whether Members have expressed their views within this framework to the Task Force? How do Members think the Task Force may achieve this? How do Members think this can be achieved? I will attach great importance to individual views of Members in this respect. However, if Members continue to tell me that they will ignore this point but insist on the implementation of universal suffrage in 2007 and 2008 and give no consideration to other options, we will lack the foundation of further discussion for what Members insist will not be accepted by the Central Authorities. My advice is that we should come together to discuss the issue sincerely and placidly, expressing specific opinions and see how we can work out a proposal acceptable to the people of Hong Kong. This will be the best course of action.

MISS CHAN YUEN-HAN (in Cantonese): *I heard the Acting Chief Executive say that during discussions on maximum working hours, employers and employees had expressed vastly different views, so the Government must listen to both sides and they must first reach a consensus. May I ask the Government whether it should, as a government, play a role when several hundred thousand people are each earning an income lower than the CSSA rates, and when many employees can only know when to start working but never know when they can be off? When the Government introduced outsourcing last year, it set down a minimum wage and a reasonable number of working hours. Why does it refuse to take one more step? I do not think that it is ever possible to bring about any complete consensus between the employers and employees in any one country. At present, in some 80 countries, including the United States, Japan, Singapore, the United Kingdom and the Mainland, there are already requirements on a*

minimum wage or the maximum number of working hours. What is the role of the Government? Just now, the Acting Chief Executive said that he would very much like to see a harmonious relationship between the executive and the legislature, a relationship marked by negotiations. We have been discussing these issues for many years, and we have also borne with the problem for a long time. The poverty problem has already emerged, and the Government has agreed to set up the Commission on Poverty. That being the case, can we follow the example of the Commission? Can the Government play a role and take the lead in setting a minimum wage and a reasonable number of working hours, instead of waiting for the negotiation outcome of both sides?

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, Yuen-han, I am not saying that we should just wait for the negotiation outcome of the two sides. In fact, there must be tripartite co-operation and consideration in this issue. At present, official involvement is found in all advisory committees, with some of them being even led by government representatives. However, I do think that if we only pay heed to the views of one side and then forcibly enact a law in total disregard for the views of the other, we will run counter to the principle of fostering social harmony. In many cases, discussions may not necessarily bring about any consensus. There is nothing so surprising about this. I am convinced that Hong Kong people are very sensible when it comes to these issues, and I do not think that the demand of the labour sector is at all excessive. I agree with the Honourable Member that the working hours of many people are really too long, and ways must be worked out to help them. But I also think that we must conduct appropriate discussions before there can be a basic consensus. By this, I do not mean that there must be complete agreement. What I mean is that there should at least be no objection to a certain scheme, and it is only then that we can go ahead with implementation. The Government simply cannot press ahead in the absence of any consensus unless the circumstances are very special. If we really do so, Yuen-han, there will be no peace in society. I therefore very much hope that Yuen-han can offer us some assistance. She knows very well what the labour sector thinks, and she is so eloquent and persuasive. Besides, she also knows a lot about the demands of employers. So, we can always discuss with each other, and I am sure that we can definitely work out something mutually acceptable. I am sure that

Secretary Stephen IP will certainly step up his efforts in this respect, so that both sides can discuss the issues much more thoroughly.

MISS CHAN YUEN-HAN (in Cantonese): *Oh, good gracious, Madam President. (Laughter) I was at loggerheads with Donald every time we talked with each other in the past. This time around, he speaks differently, so I really do not know how I should react (laughter). But, well, the tougher the battle*

PRESIDENT (in Cantonese): Please state your question.

MISS CHAN YUEN-HAN (in Cantonese): *Actually, Donald, we have already written a very good script. So long as the script is followed, we will be prepared to take a step forward. But they have all the time stood very firm, so we have done likewise. For instance, even if I move a motion on setting a minimum wage for just a number of occupations and industries, they may still stand firm. What should I do then? Donald, you and I have just staged a very nice performance*

PRESIDENT (in Cantonese): It is better for you to address him as Acting Chief Executive.

MISS CHAN YUEN-HAN (IN Cantonese): *I am sorry.*

ACTING CHIEF EXECUTIVE (in Cantonese): Never mind, just a greeting anyway.

MISS CHAN YUEN-HAN (in Cantonese): *I am just too excited. (Laughter) I can rarely talk to the Acting Chief Executive in such a cordial manner. I am very excited, so I am a bit carried way. I am sorry.*

I really hope that the Acting Chief Executive can look at things from our angle. We also wish to see a cordial atmosphere of discussions. He may perhaps think that we are much too obstinate. But frankly, I also hope that our discussions in the future can be as cordial, and that we can each take a step forward. In particular, will his "executive-led government" be prepared to help the labour sector? If yes, he will help us deal with some of the "noise nuisance". Will he do so?

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, I think it is possible. I saw that Mr LEUNG and others did not look so angry, and they also smiled. I think they will handle this matter sensibly, and I believe Secretary Stephen IP will work yet harder in this respect. Let us all do our best.

PRESIDENT (in Cantonese): Acting Chief Executive, since you have agreed to stay here for one and a half hours, I shall allow more questions from Members.

MR LEE WING-TAT (in Cantonese): *Madam President, Mr TSANG, last week, a group of scholars and professionals in support of the core values of Hong Kong issued a statement to say that they did not wish to see that the election on 10 July would turn out to be a "four-nil" election, that is, an election with nil platform, nil contestant, nil opportunity to face the public and nil voting. It was because the re-election of Mr TUNG for a second term of office of the Chief Executive in 2002 was exactly a "four-nil" election. He had not come forward to face the public. In this connection, may I ask Mr TSANG, insofar as his personal viewpoints are concerned, in such an important election as the Chief Executive Election, if he thinks there should be competition, platforms, and opportunities to face the public and collect their views to providing the future Chief Executive with a foundation of governing Hong Kong?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, I believe a candidate who runs in the new Chief Executive Election will definitely hear opinions from various sectors. On the one hand, he will have to face the 800-member Election Committee, and on the other, he must also face the 6 million Hong Kong people. Therefore, he must do his homework properly by

explaining to Hong Kong people and those 800 people his own values and what he will do. I believe this is a rational and objective analysis. I do hold such a viewpoint. On the issue of whether there will be candidates coming forth to pose any competition, I think, as far as I know, we are not short of such persons because I know Mr LEE will run in this election. Therefore, there must be competition.

MR LEE WING-TAT (in Cantonese): *Madam President, I have read a report which said that the gentleman who stood the highest chance of winning the election was also considering accepting the nominations and submitting his application in the second week of June to contest for the office of the next Chief Executive. In other words, the people will only have a very short period of time to question this "likely-to-win" candidate on such issues as his platform and policies. May I ask Mr TSANG if this gentleman who is so confident of his victory in the election should announce his decision to run in this election earlier, so as to give the general public the opportunity, though they are not entitled to vote, to at least ask him questions by calling into radio phone-in programmes or writing to him to express their opinions? Or by announcing his decision earlier, this candidate may even enjoy more time to collect the views of the people from different districts? If it really turns out like the press reports, that is, this gentleman really intends to accept the nominations only at a very late stage, will this be unfair to Hong Kong people?*

ACTING CHIEF EXECUTIVE (in Cantonese): Maybe we should discuss the issue more frankly, (*laughter*) shouldn't we? First of all, no one can win for sure because our system provides that the Chief Executive has to be selected by election. I have heard Members say that many people hold different opinions or divergent views on this, but we must respect this electoral system. Yet, I would like to speak frankly that, I think the person to whom Mr LEE referred is me — Donald TSANG. I would like to share with Members my views.

First of all, all the events that have taken place during the past month were never anticipated by me. With the resignation of Mr TUNG, I have to take up the post of the Acting Chief Executive and to undertake a series of tasks. At the moment, my priority task is indeed to discharge my duties as the Acting Chief Executive and to formulate a good electoral arrangement to ensure that a new

Chief Executive can be successfully selected on 10 July. I have done a lot of work, some of which I have never expected in the past. With the inclusion of the present interpretation of the Basic Law, all such tasks are meant to ensure that the election can be smoothly held. This is a constitutional responsibility of Hong Kong, and it is also done in the way as requested by Hong Kong people.

Insofar as my personal opinion is concerned, my personal aspiration must play second fiddle to my work and be placed at a secondary position. In addition, under the present circumstances, I still have not completed the work involved. At a time when the method for selecting the Chief Executive is still in the stage of discussion in the Legislative Council, I, being the Acting Chief Executive whose main duty is to ensure the successful selection of the new Chief Executive, really cannot divert my attention, under such circumstances, to suddenly announce my decision to run in the election now. Therefore, in this regard, I am indeed very grateful for the trust and support of Hong Kong people, many colleagues and my colleagues in the Mainland. But, at the moment, I really do not have the leisure of considering such issues. I shall contemplate very fully what I should do next only after the relevant Bill has been passed. However, I strongly believe that, if I really decide to contest for the post of the Chief Executive in an election, I understand that I shall have to face not only those 800 persons, but also the general public of Hong Kong — to explain seriously to them what I shall stand for as well as my values. As for the election timetable, this is an issue not to be decided by me all on my own. Instead, there is a timetable stipulated by law, which provides for the timeframes for nomination, electioneering activities, application for candidacy in the election. Besides, the Judge had explicitly put forward his views on all the electoral provisions, and had also conducted consultation, in which he had spelt out the restrictions very clearly. At the present stage, I can only put myself as fully as possible into the job of the Acting Chief Executive, doing my best to ensure the smooth passage of the electoral arrangements which Honourable Members are discussing through the Legislative Council. Only after these have been done will I proceed to do the next step of work. This is the present situation.

PRESIDENT (in Cantonese): Mr KWONG Chi-kin has never raised any question.

MR KWONG CHI-KIN (in Cantonese): *Madam President, originally, I did not intend to ask any questions. However, since the Acting Chief Executive and "Yuen-han" have had a sincere dialogue just now, I found that I cannot help but ask a question, for I am worried that Members might get the wrong impression and wonder why the FTU is all of a sudden on such good terms with the Government. Even I myself was a little taken by surprise. Of course, I very much welcome a good relationship between the executive and the legislature. However, the relationship between the executive and the legislature cannot be improved by merely addressing someone as "Yuen-han" a few times or praising "Yuen-han" for her eloquence. As a Member representing the labour sector, I expect the Chief Executive or the executive departments to look after the needs of the public in their policies. I hope Members seated here will face up to this new challenge because it appears that the political prowess of the Acting Chief Executive is above that of all Members seated here.*

PRESIDENT (in Cantonese): Please ask your question.

MR KWONG CHI-KIN (in Cantonese): *"Yuen-han" could not parry the thrust and has lost in the first encounter. (Laughter) I will certainly ask my question, Madam President, but I wish to explain why I ask my question so late. As a Member of the Legislative Council, I believe that our fundamental duty is to monitor the Government, so I will ask a rather pointed question and hope the Acting Chief Executive will not take it too personal.*

This question is in fact an old one. Originally, I thought that it was such a stale issue that it was useless to raise it anymore. Concerning the constitution, since I am a barrister by occupation and I attach great importance to constitutional arrangements, so I wish to raise an old issue. When the Acting Chief Executive — he was not yet the Acting Chief Executive at that time, sorry, he was already the Acting Chief Executive, since that was already a long time ago and we have seen many changes — met Mr LIU Hui of the Hong Kong and Macao Affairs Office — it is not the meeting on that occasion that I take issue with, however, why is it that Mr TSANG's absence from Hong Kong for a long period of four days was not published in the Gazette? Why was the Financial Secretary not asked to assume acting appointment as the Acting Chief Executive? As far as I remember, when he was the Chief Executive, Mr TUNG followed the rules strictly. I would read the Gazette every Friday. Even when Mr TUNG

took an early plane out of town and returned in the evening, he would still make the Chief Secretary for Administration assume the acting appointment. I note that the explanation given by the Information Officer under the Acting Chief Executive was that the Pearl River Delta Region was close by and he could go there or return on the same day. However, as a constitutional arrangement, I think that this is a matter of paramount importance and he must by no means think that it is not necessary to arrange for an acting appointment just because he can come back very quickly. I hope the Acting Chief Executive can give an account of this matter publicly.

ACTING CHIEF EXECUTIVE (in Cantonese): Those few days fell on public holidays which were not normal working days. If the days fall on public holidays, it is not necessary to arrange for someone to assume the statutory powers of the Chief Executive at all. That is not necessary. And it was also the practice in the past. The several days on which I was away were the Easter Holidays, therefore, I did not consider it necessary to make any arrangement for an acting appointment. That day, I left Hong Kong for the Pearl River Delta for the purpose of taking part in a religious pilgrimage at Jiangmen. Everyone knew about this and I did not think it necessary to arrange for an acting appointment. Concerning gazettal, in fact, this depends on several factors. For one thing, is it necessary to exercise any statutory power? Since those days were public holidays and the place that I wanted to visit was very near, had there been an emergency, I would have been able to come back very quickly. What is more, I also maintained close contacts, so I did not consider it necessary to publicize this in the Gazette. I did discuss this matter with counsels and they also agreed with my practice. This practice is in fact the same as the practice adopted by Mr TUNG. If he left Hong Kong for Shenzhen just for a short period of time, it is not necessary to publicize this in the Gazette unless the day in question was a work day.

MR KWONG CHI-KIN (in Cantonese): *Madam President, I am very surprised that the Acting Chief Executive has given such a reply. The head of the Government does not enjoy any public holidays and he is on duty 24 hours a day. However, since Mr TSANG did not come from the legal sector, I will not blame him too much. I hope Mr TSANG will ponder this issue seriously again or seek the advice of the Secretary for Justice. I do not want Mr TSANG to reply any further because his reply was really shocking. I hope Mr TSANG can give us an*

account at an appropriate time or he can give a reply the next time he comes here. Besides, it is also fine to give a written reply. I found such a reply totally unacceptable because a constitutional arrangement is involved. It is not right to dispense with arranging for an acting appointment because of the close proximity or because the days fell on public holidays.

PRESIDENT (in Cantonese): Mr Timothy FOK.

(The Acting Chief Executive indicated his wish to reply to Mr KWONG Chi-kin's follow-up)

PRESIDENT (in Cantonese): Sorry. Yes, Acting Chief Executive.

ACTING CHIEF EXECUTIVE (in Cantonese): I wish to make one point: I will submit a written reply. However, the arrangement that I have mentioned did not come into being only now. This is a fact and I will provide a written reply in Chinese and English. (Appendix I) The reply is not just intended for Members. I believe members of the public also want to know about this. I will give everybody an explanation formally.

MR TIMOTHY FOK (in Cantonese): *Acting Chief Executive Donald TSANG, we all know that Hong Kong has been linked up with the Pearl River Delta (PRD) Region as a result of CEPA and DIY tours. May I ask the Government what measures it will adopt to further strengthen co-operation and co-ordination between the two places? In particular, as it is known to all of us, the Disney theme park will soon open. Will it substantially aggravate the pressure on transport between the two places? What preparations will the Government make? Has the Government considered constructing magnetic levitation trains to connect Hong Kong and Guangzhou?*

ACTING CHIEF EXECUTIVE (in Cantonese): Over the past couple of years, arrangements have been made at control points, particularly for the purpose of linking Hong Kong with the PRD in Guangdong Province. The result achieved

by the Government in this respect is evident to all. At present, more than 300 000 passenger trips cross the boundary through land control points daily, whereas there is a flow of 300 000 lorries on average per day. Both the waiting period for clearance and the cross-boundary arrangements have substantially improved compared with before. As Members are aware, the Shenzhen Western Corridor will be completed next year. As a result, the traffic flow will increase. Our control point arrangements will have to expand too. In connection with the commissioning of the Disneyland, we will consider providing special connection services. Land and sea connection services will be launched one after another.

Railway development is one of the frequently-discussed scopes under Hong Kong-Guangdong co-operation. We have made special mention of the setting up of a regional express line connecting Hong Kong, Shenzhen and Guangzhou, and further northward connecting various cities with an express train. This express line, having been discussed numerous times, is currently a major infrastructural project under Hong Kong-Guangdong co-operation. In addition to some progress, such issues as alignment, station siting, and so on, have already been discussed too.

For the time being, no specific plans have been made with respect to magnetic levitation trains. As far as I know it, it is still at an experimental stage, though magnetic levitation trains have been launched in Shanghai. In this respect, such factors as construction cost and technical feasibility in the light of Hong Kong's situation, particularly cost-effectiveness and returns, must be considered carefully. Furthermore, magnetic levitation trains cannot use the original rails and special rails must be laid. In the case of Shanghai, an elevated rail is adopted. As the trains cannot run on the road surface, a new design will be required. Will it pose problems of environmental protection in Hong Kong? In particular, will it create problems in land acquisition? All these must be considered. Although our regional express line, that is the one running from Hong Kong to Shenzhen, and Shenzhen to Guangzhou, adopts the ordinary wheel-rail system, its speed compares almost the same to that of the magnetic levitation system.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has never raised a question before.

MR TOMMY CHEUNG (in Cantonese): *Acting Chief Executive, I actually did not wish to ask any question, because Secretary Dr York CHOW is not in the Chamber now. I do not wish to act as if I am badmouthing him behind his back.* (Laughter)

I do not wish to ask you anything concerning the implementation of a total smoking ban in restaurants or regional slaughtering. Nor do I wish to put to you a question on the Protection of Wages on Insolvency Fund. Miss CHAN Yuen-han mentioned just now that the Hong Kong Federation of Trade Unions had earlier raised the question of whether a minimum wage and maximum working hours should be introduced in the catering industry. All these questions seem to be directed against me, but I do not wish to raise these issues to you for discussion today.

However, I know that you will be here until half past four, which means that I still got some time for a question.

PRESIDENT (in Cantonese): Please ask your question as soon as possible.

MR TOMMY CHEUNG (in Cantonese): *I wish to ask the Acting Chief Executive this: Assuming that our colleagues from the pro-democracy camp could promptly pass the Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill, so once the Bill is passed, would you consider telling them right away that you would run in the Chief Executive Election and put forward your election platform? Will you meet with the pro-democracy Members more frequently and give them some incentives to make them pass this Amendment Bill expeditiously?* (Laughter)

ACTING CHIEF EXECUTIVE (in Cantonese): Whether or not I will contest the election, I would try my best to seek Members' consent, so as to pass the Bill as soon as possible.

In this connection, Secretary Stephen LAM, as we all know, is "keeping Members company" almost every day to study the Bill. Since the Bill is not very long, for it only contains several provisions in about a page or so, I believe

not only the pro-democracy Members, but all Members, will deal with this issue expeditiously, and they will deal with it with great sincerity. I am very confident that Members will pass this Bill as soon as possible for the Chief Executive Election to be held on 10 July smoothly.

MR TOMMY CHEUNG (in Cantonese): *Madam President, I would like to ask the Acting Chief Executive a follow-up question. If colleagues can pass this Bill promptly, then a candidate can have his candidacy filed early, and this will be a very good incentive. If that would be the case for him, can he tell us so and then provide this incentive, so that we do not have to spend so much time continuously scrutinizing this Bill? We have yet started the word-by-word scrutiny of the Bill.*

PRESIDENT (in Cantonese): Mr Tommy CHEUNG, I think the Acting Chief Executive has answered your question. I do not see any need for you to ask further questions. I am sorry.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, I believe the Acting Chief Executive appreciates that the unemployment rate recently announced, which exceeds 6%, indicates that about 210 000 workers in Hong Kong are unemployed. However, we can see from the Budget of the Financial Secretary that not much can be done about this. Though he has repeatedly stated that the economy has revived and hoped that the problem would gradually be solved by the market, unfortunately, our unemployment rate has persistently remained at this level. Earlier on, a number of colleagues pointed out that many workers had to endure long hours of work currently, but the Acting Chief Executive said that industry was a virtue. However, we see that some workers had resorted to stealing bread and boxed meals because they could not find a job and had no income. May I ask the Acting Chief Executive whether he considers the situation an unhealthy social phenomenon? In a stricter sense, this is a social insult. In fact, can we follow the example of countries in Western Europe which solve their unemployment problem by setting maximum working hours; can we just stop promoting this industry virtue and requiring workers to work for long hours which would occupy jobs? Can jobs be shared to enable more people to be employed?*

ACTING CHIEF EXECUTIVE (in Cantonese): Mr LEUNG, truly, our unemployment rate remains high, at 6.1%. Though there has been overall improvement compared to the highest unemployment rate at the worst of times, 6.1% is still an unacceptable level. We will continue to work hard on this aspect. Recently, the recovery of the economy is not bad. So far, our employed population has reached 3.35 million, a historical high in Hong Kong, which is an encouraging sign. I believe the rise in employed population will continue.

In the social circumstance in Hong Kong, no one should go without food, children should not be denied opportunities of education, elderly should not be denied of care and health care services, and people should have a roof over their heads. All these are fundamentals. Abject poverty should not be found in Hong Kong. We offer Comprehensive Social Security Assistance, public housing and other subsidies to pre-empt its occurrence. We consider it unacceptable even if it is an individual case. Certainly, we have to provide assistance to the persons concerned as far as possible subject to the situation.

Regarding your suggestion of setting maximum working hours to increase employment, many countries have had this experience but they may not necessarily obtain the same outcome. When maximum working hours are set, the market will adjust; while employers, out of cost-effectiveness concern, may not necessarily be able to afford the creation of new vacancies. However, since many countries have accepted the setting of maximum working hours, I will examine the issue from an objective perspective and advance good justifications. As I said earlier, I consider the best option is for the employers, employees and Government to work out an option acceptable to all three parties. I do not have much to add in this respect. However, Mr LEUNG Yiu-chung, like you, I also hope that workers in Hong Kong can live and work happily, continue to work hard but not overworked which may cause fatigue and is unhealthy. I entirely agree with you.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, we surely hope that a consensus can be reached, but it appears that the Government has not taken any positive actions in seeking consensus in this respect. I remember that on 1 May last year, the Labour Day, Mr TUNG announced that all government*

organizations should set minimum wages and eight hours as the maximum for workers of outsourced work. Today, the reason why so many Members raised the issues of wages and working hours is the imminent Labour Day, and the spirit of it is to observe the "three eights" principle. What is the principle of "three eights"? That is eight-hour work, eight-hour rest and eight-hour learning and entertainment. How can we achieve this? Since the SAR Government has already designated 1 May as a holiday to commemorate or celebrate the Labour Day, what should we do? All along, the Government has been emphasizing parent-child education

PRESIDENT (in Cantonese): Please state your question direct, for you have already spent quite some time to state your opinion.

MR LEUNG YIU-CHUNG (in Cantonese): *I know, I will only say a few more words. All along, the Government has been promoting parent-child education and self-enhancement, but how can workers find the time to do so? May I ask the Acting Chief Executive who gives repeated mention to consensus why minimum wages and maximum working hours can only be set for outsourced work about which I know the opinions of contractors of outsourced work had not been sought? Why was this feasible at that time but nothing can be done now?*

ACTING CHIEF EXECUTIVE (in Cantonese): Madam President, since we are the employer of such outsourced work, we can do so by just reaching a consensus with employees. As the contractors of outsourced work are hired by us, we certainly can impose our condition. However, if the same terms and conditions are imposed on all manufacturing industries in Hong Kong, a broader consensus in society has to be reached. Labour Day is a holiday. I remember that it is a holiday. It is not possible that it is not a holiday. Moreover, I believe I agree with Mr LEUNG that it is most desirable that we work eight hours a day. However, I have to tell you that during my 30-odd years of work, I have never been able to work only eight hours a day. I believe most people in Hong Kong are like that, and this is also the case with many places in the Asia region. We all have surprising strength for work. However, do we need to be overworked? Surely, we do have to avoid this and definitely do not want this to happen. Thank you, Madam President.

PRESIDENT (in Cantonese): Acting Chief Executive, thank you for answering questions raised by 20 Members. I have to apologize to Members who did not have the opportunity to raise questions and those waiting in the queue, for the questions of individual Members were really too long. I hope that on the next occasion, the questions can be more concise so that the Acting Chief Executive can answer some more questions.

The Acting Chief Executive will now leave the Chamber. Will Members please stand.

ACTING CHIEF EXECUTIVE (in Cantonese): Thank you.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 4 May 2005.

Adjourned accordingly at twenty-eight minutes to Five o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Justice to Mr KWONG Chi-kin's question**

As regards why another acting Chief Executive (CE) was not appointed when the Acting CE (CE(Ag)) was out of town for four days during the Easter holidays, Article 53 para 1 of the Basic Law provides that "If the Chief Executive of the Hong Kong Special Administrative Region is not able to discharge his or her duties for a short period, such duties shall temporarily be assumed by the Administrative Secretary, Financial Secretary or Secretary of Justice in this order of precedence."

The Government's legal advice on this matter is that whether it is necessary to appoint an acting CE under Article 53 para 1 hinges on whether the CE(Ag) is able to discharge the duties of the CE. During his short period of absence over the Easter holidays, the CE(Ag) was able to continue to discharge his duties as the CE, and there were no duties to be performed which required his presence in Hong Kong. In the event of unforeseen duties which the CE(Ag) could not perform outside Hong Kong, he was within reach at the material time and could return to Hong Kong on short notice, and the material time fell within public holidays in Hong Kong, when the Central Government Offices were closed and government businesses requiring urgent decisions by the CE personally hardly occurred. There was therefore no need on that occasion to appoint another acting CE under Article 53 para 1.