

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 10 November 2004

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

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

THE HONOURABLE LEUNG YIU-CHUNG

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

THE HONOURABLE WONG YUNG-KAN, J.P.

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

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

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

THE HONOURABLE SIN CHUNG-KAI, J.P.

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

THE HONOURABLE MA LIK, J.P.

PUBLIC OFFICERS ATTENDING:

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

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

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

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

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

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

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

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

CLERKS IN ATTENDANCE:

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Buildings (Amendment) Ordinance 2004 (15 of 2004) (Commencement) Notice 2004	171/2004
United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (Commencement) Notice 2004	172/2004
United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004 (21 of 2004) (Commencement) Notice 2004.....	173/2004

ORAL ANSWERS TO QUESTIONS

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

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

Village Sewerage Works

1. **MR CHEUNG HOK-MING** (in Cantonese): *Madam President, in March 2002, the Drainage Services Department (DSD) advised Members of this Council*

that the Lam Tsuen Valley Sewerage Project was expected to be completed in 2008. However, the DSD indicated early this year that in order to make effective use of the limited resources, the Government needed to adhere to the principle of giving priority to more urgent projects, and hence it was necessary to defer the completion of the above project to 2011. Regarding village sewerage works, will the Government inform this Council:

- (a) of the number of such works deferred in the past five years and the reasons for their deferment;*
- (b) whether, before such works are completed, other measures are in place to address the problem of sewage discharge in rural areas, so as to prevent the deterioration of the mosquito problem; and*
- (c) whether it has assessed the harm caused by the deferment of such works to the development of rural land and the overall economy of Hong Kong; if it has, of the assessment results?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President,

- (a) The Government has spent \$20 billion on sewerage projects since 1991 and is planning to spend more than \$5 billion in the coming five years on top of the Harbour Area Treatment Scheme. As a result of these sewerage projects, around 95% of our population are now served by the public sewerage system and 70% of sewage collected receives chemical or above treatment. During the planning stages of these sewerage works, we would prioritize such works according to the actual needs, such as imminence of safety and environmental problems, population projections, future town planning and cost-effectiveness, and so forth. In fact, the total expenditure over the past five years on rural sewerage projects, including both completed and under-construction, amounted to \$1.2 billion. This did not include drainage and flood prevention projects or sewage treatment and disposal facilities for handling increased sewage flows as a result of the extension of the sewerage network.

In planning and implementing a new sewerage project, we need to constantly review the scope, technical feasibility and works schedule of the project having regard to latest circumstances, and to consult the District Council(s), Rural Committee(s) and local residents at the appropriate time. The project referred to by Mr CHEUNG Hok-ming has not been included in Category A under Public Works Programme and is still in the planning stage. Hence, there is no question of deferment. Since environmental projects cover a wide range of areas, including flood prevention, sewerage and waste management, the Government has to evaluate and assess priorities annually. Having regard to the prevailing financial position and each project's impact on Hong Kong's development and economy, such works projects and their implementation timetables have to be reviewed regularly and adjusted according to community need.

- (b) There are 955 villages in the rural New Territories. Sewerage connection works for 80 villages have completed whilst that for 30 villages are under construction. Of the remaining 845 villages, we have prepared initial sewerage plans for 535 villages. Domestic sewage from the unsewered villages in the New Territories should first be treated by private sewage treatment facilities such as septic tanks and soakaway systems before disposal. Under normal circumstances, properly operated and maintained private sewage treatment facilities can adequately protect the environment. The Environmental Protection Department (EPD) would deploy Environmental Protection Inspectors to conduct sewage inspections and take immediate action, including prosecution, when a complaint about pollution is received in order to address the problem. For example, the EPD has conducted 1 200 inspections, investigated 118 complaints and secured four successful prosecutions on water pollution related issues in the North District in 2003. During January to September 2004, the EPD has conducted 700 inspections in that district, investigated 134 complaints and secured five successful prosecutions on water pollution related issues.

To protect the public from diseases such as dengue fever and Japanese encephalitis, the SAR Government has set up an

inter-departmental working group headed by the Food and Environmental Hygiene Department to implement effective measures to eliminate mosquitoes. Large-scale anti-mosquito campaigns were also launched in the past few years. The Home Affairs Department has also through the district anti-mosquito task forces in all 18 districts to co-ordinate efforts of various government departments and units and to ask the relevant departments to conduct anti-mosquito and grass cutting operations in areas not managed by a designated department. In 2004, the DSD has authorized a total of 240 grass cutting projects of which 22 grass cutting projects are conducted in Tai Po District. Moreover, the DSD has also sprayed larvicidal oil in stagnant waters along the rivers and drainage areas to control mosquito breeding.

We have completed three rounds of Anti-mosquito Campaign in 2004. Since the first round of Anti-mosquito Campaign was launched, 5 637 mosquito breeding sites and 119 421 potential breeding sites were cleared; 23 written warnings were issued; prosecution action was taken in 19 cases; and 15 094 posters and pamphlets were distributed.

- (c) Domestic sewages of the unsewered villages in the New Territories are normally treated by septic tank and soakaway systems before discharge. Hence, in most areas, no land has been "frozen" in whatever form. However, the septic tanks and soakaway systems of some villages such as Lam Tsuen in Tai Po which are located within water gathering grounds are incapable of removing all pollutants from the sewage. To safeguard the potable water resource and to protect public health, the EPD and the Water Supplies Department have set more stringent water quality standards for the water gathering grounds. In addition, development projects in these areas are subject to tighter control in order to protect the potable water resource from any adverse effect from sewage. Formulating more stringent management measures for water gathering grounds is a common practice of international standard to ensure drinking water is safe and to safeguard public health. From both economic and health points of view, this is beneficial to the community as a whole.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, I was surprised by the Secretary's main reply and took it with regrets. The Secretary explained in part (b) of the main reply that of 959 villages in the rural New Territories, only 80 villages had completed sewerage connection works. May I ask the Secretary of the principle of prioritizing the relevant projects? At present, as most villages of the rural New Territories are unsewered, sewage problems in addition to the infestation of mosquitoes are probably the causes of the recent outbreaks of infectious diseases like Japanese encephalitis and dengue fever which had implications on the safety of the general public in Hong Kong. A certain amount of sewage will flow into reservoirs and affect the health of the public, so may I ask the Secretary whether she has considered speeding up the progress of the sewerage project because of these various reasons?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, sewage treatment is a complicated issue which taxes a lot of public resources, be it the infrastructural construction or operation costs, and it is also a nerve-racking problem. As a matter of custom, villages in Hong Kong or other countries are sparsely populated and their population density is different from urban areas, so for that reason, separate sewage treatment facilities are adopted in most cases. As I have just mentioned, properly operated and maintained septic tanks and soakaway systems can also be used. Of course, a properly operated and maintained septic tank requires sewage volume control and regular cleansing. As to the situation mentioned by Mr CHEUNG, many of the rural septic tanks have not been brought under control. Given no periodical inspections or desludging, their effectiveness is not at all satisfactory and they may even cause impact on or damage to the environment.

Should we accord priority in the light of the circumstances or should we prioritize these works? Certainly, some villages have caused tremendous impact on the overall environment, but we will give these villages priority if we are aware that the population of these villages is growing rapidly. Nevertheless, more than 800 villages are involved, we therefore have to prioritize carefully.

I also wish to explain to Members that cost-effectiveness is also an issue that we must consider. For example, the Shek Wu Hui Sewage Treatment

Works can handle the sewage generated by a population as many as 100 000 people. Calculating the average cost per capita, the Government will have to spend over \$1,000 per person. For example, in carrying out sewage treatment for a village which has a population of around 5 000 people recently, the Government had to spend \$400 million on the facilities. Under that circumstance, with regard to resource allocation, we certainly have to prioritize properly.

I have to emphasize that if we adopt sewers and sewage treatment plants to dispose of sewage in sparsely-populated areas, the cost would will very high. If private residences use septic tanks to treat sewage and provided that the relevant facilities can meet acceptable standards, it is in fact a more reasonable and cost-effective way.

PRESIDENT (in Cantonese): A total of nine Members are waiting for their turns to raise supplementaries. For that reason, Members who have the chance to raise supplementaries please make them as concise as possible.

MR LAU WONG-FAT (in Cantonese): *Madam President, at present, how much public monies are involved concerning sewerage projects on the construction list of village sewerage works?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, we have spent \$1.2 billion on the works that we have completed, and the total amount is \$1.7 billion. That is, we still have works worth \$500 million to be carried out by the DSD.

MR DANIEL LAM (in Cantonese): *Madam President, I believe the Secretary also knows that the flooding problem in the Northwest New Territories is more serious and one may have learnt that from various sources in the past. Recently, a large part of the rural New Territories are troubled by Japanese encephalitis, will the Secretary inform this Council whether she will consider prioritizing drainage works in the Northwest New Territories so as to improve the situation?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, with regard to flood relief works in the New Territories, the Government would prioritize such works according to safety needs. From 1991 to 2003-04, we have invested a total of \$7.3 billion in flood relief and drainage facilities, of which \$5.5 billion was put into the improvement works of flood relief facilities in the New Territories, which accounted for 75% of our total investment. With regard to the project progress in recent years, it is evident in the absence of serious floodings in most part of the New Territories during the rainy season this year as opposed to the past. Certainly, there were floodings in some parts of the New Territories, but they have not caused any injury or casualty. Of course, we will continue to keep an eye on the situation and more drainage and flood relief projects are coming on stream as follow-up, and I believe the Northwest New Territories are on the list.

MR PATRICK LAU (in Cantonese): *Madam President, the Secretary explained earlier that sewage treatment works and drainage works were very expensive, but the septic tanks used by ordinary residences could not achieve satisfactory results, so not much improvement works could be launched within the water gathering grounds. May I ask whether the EPD or the Government would study the feasibility of adopting small-scale and more economic means, such as mini sewage treatment works, to dispose of sewage, which would improve the hygiene condition of villages on the one hand and cost less on the other?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, I wish to emphasize that septic tanks are sewage facilities commonly used all over the world. Whether they are effective or they can achieve the desired purposes actually depends on whether or not they are properly maintained and cleansed regularly. However, present-day villages do not only involve technological issues. We can certainly construct mini sewage treatment works in villages, but the cost will also be higher. In fact, as far as the design of typical village houses are concerned, no passages are designed during construction and they are jam-packed inside, thus it is impossible to lay the sewers. Moreover, very often, we have to conduct land resumption before we can lay the sewers so this is very complicate and expensive. Besides, during the planning stage, villagers may object the construction of sewers from time to time, because they do not like the sewer to run past their

houses, so on and so forth. At present, the village sewerage works launched by the authorities could only serve 70% of households in the rural areas in the most satisfactory situation, while 30% of the remaining households will still have to rely on conventional septic tanks.

For that reason, at the early stage of rural development, I consider that we should make appropriate planning, since village houses are not included in the current planning. If we can carry out the planning work, representatives from the Heung Yee Kuk and Rural Committees and village representatives may co-ordinate with planning and lands authorities in the drafting of the rural development blueprint, which would enable us to carry out sewerage works, then we can lay the sewers during the planning stage, and that is the ideal way of solving the problem. If we are going to carry out remedial works for those existing village houses, it will be a very difficult task since there is no reserved space, besides, some of the septic tanks are located underneath the houses, so they are virtually out of our reach. With regard to newly built village houses, we hope that we can make the blueprint through this type of planning procedure, then we can reserve space for sewers, thus making the construction of sewage facilities more effective.

As to the question of how we should dispose of the sewage, the mini sewage treatment works proposed by Mr LAU are feasible, but the problem that remains is the laying of sewers.

MR WONG YUNG-KAN (in Cantonese): *Madam President, the Government urges the public to pay attention to hygiene and health on the one hand, but defers the rural sewage works on the other. In part (b) of his reply to Mr CHEUNG Hok-ming, the Secretary explained that the Government had prepared initial sewerage plans for 535 villages, but they are now deferred indefinitely. May I ask whether the Government has a timetable, or whether it will choose some key villages out of the 500-odd villages to speed up the laying of sewers?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, I have given a full account in the main reply that the Government had prepared initial sewerage plans for these 500-odd villages and to see how we could improve the sewage treatment. The problems I raised just now were problems we have encountered, and it is evident that

before works could be carried out, we have to solve a lot of problems at the planning stage. At present, we have given priority to Ting Kau and Sham Tseng as the relevant scheme can handle domestic sewage discharged by 57 000 residents. The reasons for our giving these two villages priority are that their population is high in the first place, and secondly, the feasibility of the scheme is also quite high. Moreover, we have to collect sewage discharged in the area and transfer them to the nearby sewage treatment works for treatment.

PRESIDENT (in Cantonese): Although a number of Members are still waiting for their turns to raise supplementaries, we have spent more than 21 minutes on this question, so we have to proceed to the second question.

Constitutional Development

2. **DR YEUNG SUM** (in Cantonese): *Madam President, regarding constitutional development, will the Government inform this Council:*

- (a) *of the ways to sum up the public submissions in response to The Third Report of the Constitutional Development Task Force;*
- (b) *given that the above Report has already specified those areas which may be considered for amendment in respect of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, how the Administration will deal with the constitutional reform proposals made by members of the public which are beyond the specified areas for amendment, for instance, proposals to elect the Chief Executive and the Legislative Council by universal suffrage; and*
- (c) *whether the Administration will consult the public before implementing specific constitutional reform proposals; if so, of the consultation timetable?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the Constitutional Development Task Force (the Task Force) published the Third Report on 11 May 2004, setting out the areas which may be

considered for amendments in respect of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. The consultation period for the Third Report lasted five months, ending on 15 October 2004.

With regard to part (a) of the question raised by Dr YEUNG Sum, during the consultation period, the Task Force has gathered views from the community through various channels, including mails, facsimiles, emails and the Constitutional Development Website. Over 480 submissions from individuals and organizations have been received.

In addition, between May and August 2004, the Task Force commissioned the Central Policy Unit and the Home Affairs Department to organize a total of 12 seminars and focus group discussions. During these sessions, the Task Force gathered many valuable opinions from different sectors of the community. The summaries of views of these seminars and focus group discussions have been uploaded onto the Constitutional Development Website for public information.

Regarding the views and proposals put forth by the community, the Task Force will handle them in a highly transparent manner.

With regard to part (b) of the question, in drafting the Fourth Report, we will make reference to the views received and their justifications. These views will form the basis of the Fourth Report. The Report will give an account of the public views and proposals received on the nine areas set out in the Third Report in respect of the selection of the Chief Executive and the formation of the Legislative Council. It will also summarize other views received which are related to constitutional development. In line with established practice, all written submissions, except those which requested confidentiality, will be published in their entirety when the Fourth Report is issued. These will include views which suggest that universal suffrage be implemented in 2007 and 2008. We will publish the Fourth Report before the end of this year to facilitate more in-depth and extensive discussion within the community with a view to arriving at an option which is feasible and acceptable.

With regard to part (c) of the question, the Task Force will continue to promote constitutional development in accordance with the Basic Law and the decision made by the Standing Committee of the National People's Congress

(NPCSC) on 26 April 2004. The Task Force considers that the decision of the NPCSC has clarified the scope for possible amendment in respect of the two election methods. Any proposed amendment must be in accordance with the Basic Law and the decision of the NPCSC. Otherwise, they cannot form the basis for further discussion.

After the publication of the Fourth Report, there will be sufficient time for further consultation with different sectors of the community. This will facilitate in-depth discussion on the areas which may be considered for amendment in respect of the two election methods. We will communicate actively with political parties and different sectors of the community in order to gradually narrow differences of opinion and to reach consensus. We hope that around mid-2005 a consensus will emerge within the community. We will then issue a fifth report setting out a mainstream proposal to facilitate further public discussion, and to solicit support from the Legislative Council and the public.

DR YEUNG SUM (in Cantonese): *Madam President, in the last paragraph of the main reply the Secretary said that the Government "hoped that around mid-2005 a consensus would emerge within the community", and that the Government would issue a fifth report setting out a mainstream proposal. May I ask the Secretary whether a separate opinion poll will be further conducted on this mainstream proposal, in order to ascertain its acceptability among Hong Kong people?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, according to our plan now, we will publish the Fourth Report by the end of this year. After the Fourth Report is published, there will be several months for public consultation and discussion. In fact, we very much hope to gradually narrow the differences of opinion in the community during this period of time, and we hope to gradually foster and shape a feasible proposal. During this consensus building process, we must conduct extensive discussions with various sectors of the community and representatives both within and without the Legislative Council, and also with political parties, political groups and organizations, and I believe there will be extensive debates in the community. After we have reached a basic consensus and come up with a mainstream proposal, we will further solicit support from the public and the Legislative Council.

Certainly, during this interim, we will continue to pay attention to all views in the community, including the results of opinion polls conducted in society. As regards how we will further work to consolidate this consensus by mid-2005, we will further explain this in due course.

DR YEUNG SUM (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. My supplementary question was very straightforward. After putting forth a mainstream proposal, will the Government conduct an opinion poll on this mainstream proposal to gauge its acceptability among the people? This supplementary question is actually very simple. The Secretary only has to say "Yes" or "No" in his reply, but he did not give us an answer.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): *Madam President, after the Fourth Report is published, we will make an effort to continuously discuss the relevant issues with the people concerned both inside and outside the Legislative Council, in order to foster a consensus. To properly handle the proposals on constitutional development, it is most important to facilitate extensive discussions in society, and if we can secure support from two thirds of Members of the Legislative Council, it means that the community and various sectors support the proposal and a consensus has been reached. As to how consultation can be further conducted in society at this stage, we will give a further account after the Fourth Report is published. But for the time being, we have no plan to conduct an opinion poll. Having said that, however, when we proceed to the next stage of work in the coming months, we can further discuss the best way to foster a consensus.*

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, in the Fifth Report to be published the Government will set out a mainstream proposal on constitutional development for public discussion. Can the Government inform this Council whether the mainstream proposal as referred to by the Government means a mainstream proposal based on public opinions or one of the TUNG Chee-hwa administration internally? Will the Government admit that the mainstream public opinion now is to conduct both elections in 2007 and 2008 by universal suffrage? Will the Government request the NPCSC to review its decision in accordance with this mainstream public opinion?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the NPCSC has already made a decision on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Any proposed amendment must comply with the Basic Law and the decision of the NPCSC. This is the practical and realistic way of handling this issue. It is on this basis that a consensus can be reached between the community of Hong Kong and Beijing and hence the constitutional development in Hong Kong can be taken forward. During the first half of the year, we had many opportunities for discussion on constitutional development. In drafting the First and Second Reports, the Task Force had fully reflected to the Central Authorities the aspiration for constitutional development and views in support of universal suffrage in the community. We will continue to reflect the views collected in future but most importantly, we must follow the stipulations of the Basic Law and foster a consensus in accordance with the three steps set out therein, that is, to obtain support from two thirds of Members of the Legislative Council, the consent of the Chief Executive and the endorsement of the Central Authorities.

MR LEUNG KWOK-HUNG (in Cantonese): *Secretary LAM, will you faithfully reflect to the Central Authorities the public opinions in Hong Kong, including the demand for a referendum to be held to make a decision on universal suffrage in 2007 and 2008?*

Besides, from what sources has Mr TUNG Chee-hwa listened to public opinions? Is there a list? On what occasions has he listened to public opinions? If he did listen to public opinions, can information be provided to this Council? On what occasions has Mr TUNG Chee-hwa listened to public opinions? Is there a list?

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you do not have to stand up. I only wish to remind you that under the Rules of Procedure, a supplementary question should be addressed to the President. All Members and government officials shall address their remarks to the Chair. Just now you have asked two supplementary questions but when you ask your supplementary question, you can only ask one question. Which supplementary question would you like to ask? One of them is about the views of the people on universal suffrage in 2007 and 2008.....

MR LEUNG KWOK-HUNG (in Cantonese): *My supplementary question is — perhaps I should revise my supplementary question — Can you inform this Council on what occasions Mr TUNG Chee-hwa has listened to public opinions? Is there a list? With regard to the opinions given to him, do they include the views on referendum? Where has he listened to public opinions? Will the opinions be included in the report? This is one supplementary question.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the Basic Law has provided for the procedure for amending the election methods of the two elections in 2007 and 2008. It involves a tripartite consensus, that is, the support from a two-thirds majority of Members of the Legislative Council, the consent of the Chief Executive and the endorsement of the Central Authorities through the NPCSC. A referendum is not part of this procedure. We consider that insofar as the procedure stipulated in the Basic Law is concerned, any supplementary procedure is unnecessary and inappropriate. But with regard to Mr LEUNG Kwok-hung's question, the Chief Executive listens to public opinions every day. Hong Kong is a very open and liberal society. The mass media report discussions in and views expressed by the community of Hong Kong every day. Like colleagues in the Government of the Hong Kong Special Administrative Region (SAR), the Chief Executive pays attention to the views of the Legislative Council, and he will also come to the Legislative Council to answer questions from Members. Outside the Legislative Council, the Chief Executive will discuss various issues with Members of the Legislative Council, in order to listen to their views. For instance, in early November, the pan-democratic Members were invited to meet with the Chief Executive and they expressed a wish for a visit to Beijing. As far as I understand it, the Chief Executive has just started to listen to the views of various political parties on the 2005 policy address. Besides, the Chief Executive also visits the 18 districts to listen to public views at the district level. This is happening every day.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, has your supplementary question not been answered?

MR LEUNG KWOK-HUNG (in Cantonese): *No. After an interpretation of the Basic Law was given by the Central Authorities, it was Mr TUNG who*

reflected public opinions to the Central Authorities. Such being the case, has he got a list? He must have told the authorities concerned how many people he had met during sessions of public discussions, including Members of this Council. Is there a list? If so, will it be made available to this Council? This is one point.

Second, in his reply he said that referendum is out of the scope and so, he will not reflect this opinion to the Central Authorities. I would like to ask Secretary Stephen LAM this: Does he think that this will preclude the full reflection of the views of Hong Kong? Two aspects are involved here, but they come under the same supplementary question.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, when he has not answered your supplementary question, then you will be asking a follow-up question. This is clearly stipulated in the House Rules. A follow-up question deals with the part of your supplementary question that has not been answered, and all you should do is to repeat that part of the question.

MR LEUNG KWOK-HUNG (in Cantonese): *(standing) But.....*

PRESIDENT (in Cantonese): Please do not speak for the time being, and please listen to me first. In this Council, we have to listen to the questions asked by others with patience. Regarding your question about the views on referendum and your request for further elucidation by the Secretary, this is not part of the supplementary question asked by you earlier. Therefore, I can only ask the Secretary if he has anything to add, because you think that he has not answered the first part of your supplementary question.....

MR LEUNG KWOK-HUNG (in Cantonese): *(seated) Is there a list?.....*

PRESIDENT (in Cantonese): That is, the list of Mr TUNG's meeting with.....

MR LEUNG KWOK-HUNG (in Cantonese): *(seated) Is there a list?.....*

PRESIDENT (in Cantonese): It is Mr TUNG's.....

MR LEUNG KWOK-HUNG (in Cantonese): *Has TUNG Chee-hwa given him a list? If he has, will the Secretary provide it to this Council?*

PRESIDENT (in Cantonese): Mr LEUNG, I really would like you to study the Rules of Procedure. You have taken part in meetings of the Legislative Council for many times, and I had repeatedly urged you to study the Rules of Procedure, and told you the rules, but every time you still do not know what you should do.

First, during a meeting of the Legislative Council, if you wish to speak, you have to stand up. Second, you cannot speak while Members or officials are speaking. This is very clear in the Rules of Procedure. If you are not well-versed in the Rules of Procedure, please look it up again. The manner of speaking is set out under Rule 36 of the Rules of Procedure. Now, you are using Members' time for asking questions. As you are not familiar with the Rules of Procedure, I, being the President, must explain them to you in detail. After this, I will give Members more time to ask questions, but this should not have happened. I hope that from today onwards, you will study the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): *Mrs FAN, I think your remarks are unfair. If, under the Rules of Procedure, my follow-up is inappropriate, you can stop me. What you have said is a waste of Members' time, not mine. I think your accusation is inappropriate.*

PRESIDENT (in Cantonese): Please sit down. You have to sit down when you have finished. This is the rule here. When you speak to the President, please address the Chair as the President. Besides, you consider my remarks inappropriate, but I am just acting in accordance with the Rules of Procedure endorsed by all Members. If you consider anything in the Rules of Procedure inappropriate, you may seek to amend the Rules of Procedure through proper

procedures. But you absolutely cannot comply with a rule just because you like it and refuse to comply with another because you do not like it. This is incorrect. I am the President, and it is my duty to enforce the Rules of Procedure. I can only enforce the Rules of Procedure in accordance with the wish of all Members. Now that you have kept on rising to say what you wish to say, rather than acting in accordance with our procedure. So, I think you have behaved in a disorderly manner. I now warn you that if you continue to behave in a disorderly manner, I can only ask you to leave this Chamber in accordance with the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): *(seated) May I ask if I can stand up and speak now? Can I stand up?*

PRESIDENT (in Cantonese): If you stand up, you can speak. Mr LEUNG Kwok-hung, you may speak.

MR LEUNG KWOK-HUNG (in Cantonese): *I think the problem lies not in the Rules of Procedure, but the inconsistent criteria adopted by you in enforcing the Rules of Procedure. This is very simple. If you think that my remarks are a waste of other Members' time, that is your prejudice. Besides, in last week's meeting, Secretary Michael SUEN's reply was irrelevant to the question and you, being the President, had the responsibility to point out that he had digressed from the theme of the question. You can say that I have digressed, but why did you not point out that the government official had digressed? You could do it, and it is another matter as to whether or not he accepts it. Your prejudice against me has led to your misunderstanding about me, and this has consequently given the public the impression that I do not abide by the rules. This is unacceptable to me. I now officially make a protest to you, for your remarks are biased and unfair to me. I hope that you can pay attention to this and will not do this again in future.*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, I have been most patient with you. I have tried to give you guidance and advice systematically and

patiently, but it appears that you are not going to take my advice. You have no regard to the Rules of Procedure and the established practice in this Chamber. Officials are representatives of the Government. As for how he answers a question, the President is not in a position to teach him how he should answer a question. But if a Member considers that his question has not been answered, he can ask a follow-up question to seek a further reply by the official. You are of the view that I had a prejudice against you. You absolutely can think this way. But the President is elected by Members, and it is the duty of the President to enforce the Rules of Procedure. You are a Member, and you think that showing disrespect to the President and doing whatever you like is fair in your view. Let me tell you, this is not fair. I now have to suspend the meeting, because I have to ask you to come to my office, so that I can explain the rules to you clearly and I hope you can understand them. But if you cannot understand them, I will give all Members a clear explanation when the meeting resumes and at the same time, I will enforce the Rules of Procedure stringently. I now suspend the meeting.

3.15 pm

Meeting suspended.

3.41 pm

Council then resumed.

PRESIDENT (in Cantonese): Members of this Council, just now, I asked Mr LEUNG Kwok-hung to come to my office so that I could talk to him. This was mainly to explain to him that I am just acting in accordance with the Rules of Procedure, and that I have neither any prejudice against him nor treated him unfairly. Thus, I am now asking Mr LEUNG Kwok-hung this question: Are you willing to withdraw your accusatory remarks against the President that the President had acted unfairly, had a prejudice and made biased statements?

MR LEUNG KWOK-HUNG (in Cantonese): *No, because what I said was true.*

PRESIDENT (in Cantonese): Have you finished? You can sit down.

I am already aware that Mr LEUNG Kwok-hung would be like this. Hence, under this circumstance, I have no choice or alternative but to act in accordance with the Rules of Procedure, which states that the President shall ask a Member whose conduct is grossly disorderly to withdraw from the Council Chamber. Mr LEUNG Kwok-hung, there is no need for you to return today.

MR LEUNG KWOK-HUNG (in Cantonese): *I want to mention 14 words and bring this to a close. The man himself is innocent, just that his talents have put guilt in him. Public opinion will pass judgement on the right and wrong of the matter. You understand the meaning of these expressions?*

(Mr LEUNG Kwok-hung left the Chamber)

PRESIDENT (in Cantonese): Members, we now resume the second question. Just now we were in the stage of asking supplementary questions. As my exchanges with Mr LEUNG Kwok-hung have taken up a long time, I will give an additional 10 minutes on top of the remaining time for Members to ask supplementary questions. Mr TAM Yiu-chung.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, the Secretary said that the Fourth Report would be published at the end of the year. But before the publication of the Fourth Report, if members of the public or organizations still wish to express their views, will the Secretary incorporate their views into the Report?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, regarding the several supplementary questions asked by Mr LEUNG Kwok-hung earlier before the suspension of the meeting, may I ask if I could explain to this Council the reply that I was prepared to give then?

PRESIDENT (in Cantonese): Secretary, you may do so, because the President cannot influence or affect you in what you wish to say. You are the representative of the Government.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, Mr LEUNG Kwok-hung asked earlier about the list of public opinions to which the Chief Executive had listened. Basically, when the Task Force drafted the First, Second and Third Reports in the first half of the year, we had consistently reflected all the public opinions received by us, and I had also given a full account of these views to the Chief Executive. With regard to the views on referendum, if the Task Force officially received such views in the future, we will certainly have them carried in the report to be issued in future.

On the supplementary question asked by Mr TAM Yiu-chung just now, the Task Force is prepared to listen to the views of the community anytime. Any view given to us by any person anytime will be made public in an orderly manner, but it still depends on when the Fourth Report will be published. Certainly, the public opinions incorporated into the Fourth Report are mainly the views received on or before 15 October. However, from 15 October to the publication of the Fourth Report, we may still receive some opinions, and we will give an account of these views to the public in an appropriate manner.

MS EMILY LAU (in Cantonese): *Madam President, the Secretary said in the main reply that a fifth report would be published in mid-2005 to present a mainstream proposal. Madam President, the mainstream view in Hong Kong is universal suffrage in 2007 and 2008, and we had told the Chief Executive this during our meetings with him. Whether from voters in the elections, results of opinion polls or the mass rally, this is shown to be the mainstream view. In this connection, I wish to ask the Secretary this: Does he not admit that most people support universal suffrage in 2007 and 2008? If this proposal is shut out, what else is there to be considered a mainstream proposal?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, concerning the aspiration of Hong Kong people for universal suffrage, we had reflected it in the Second Report published in the first half of the year.

However, when handling issues relating to constitutional development, it is the wish of the Government to achieve interaction with the community. We have been consulting the views of the community, summing up the views and identifying the focus of attention, and we hope that after the Fourth Report is published, there can be further discussion in society, so that we can revisit the topics relating to the elections in 2007 and 2008 and conduct discussion on the basis of the decision made by the NPCSC on 26 April, with a view to further opening up the proposals on the selection of the Chief Executive in 2007 and the formation of the Legislative Council in 2008. We very much hope to bring the methods of these two elections to a transit point, where the gap between these methods and the ultimate goal of universal suffrage can be narrowed.

MS EMILY LAU (in Cantonese): *Madam President, he has not answered my supplementary question. I asked him if he would admit that the mainstream view in Hong Kong is that a vast majority of Hong Kong people are demanding for universal suffrage in 2007 and 2008.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the aspirations and expectations of Hong Kong people in respect of constitutional development have already been reflected to the Central Authorities in the Second Report published in April. What we should do in future is to take the constitutional development in Hong Kong forward on the basis of the decision made by the NPCSC on 26 April.

DR KWOK KA-KI (in Cantonese): *Madam President, in the main reply and his replies to supplementary questions, the Secretary for Constitutional Affairs has consistently stated that the Government attaches great importance to the mainstream view of Hong Kong people and wishes to reach a consensus. The Secretary for Constitutional Affairs had collected views from 480 organizations or individuals only. While 12 seminars are reported to have been organized, information shows that there were less than 900 participants. I do not know how such information should be interpreted, or how it can be concluded that a consensus has been reached by a majority of people. We have asked many questions, including questions about the publication of the Fourth and Fifth Reports, and the Secretary has kept on saying that a consensus has to be reached.*

Will the Secretary tell us how a consensus can be reached by the majority of people and how their participation can be obtained with the publication of the Fourth and Fifth Reports?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the course of our discussion on constitutional development is a process of interaction. We must communicate with political parties and factions as well as various sectors represented by Members of this Council, with a view to gradually narrowing the gap between us in our expectations for constitutional development. In the public consultation exercise conducted by us in the past five months, we have in fact listened to public views extensively. Although Dr KWOK Ka-ki is of the view that only 800 people were consulted, these 800 people come from different sectors and strata in the community and so, their views are representative. The people whom we invited to the seminars come from a great variety of sectors. They included Members of the Legislative Council, various political parties, political groups, Chairmen and Vice Chairmen of District Councils, people from the districts and District Council members, and also representatives of many professions and trade unions, as well as young people and students. So, the consultation is very extensive and we hope that after the completion of the Fourth Report, the consultation exercise will be even more extensive, in order to gradually narrow the differences of opinion in society.

DR KWOK KA-KI (in Cantonese): *Madam President, the Secretary for Constitutional Affairs did not say in his reply how extensive public participation could be obtained. From what he has said, and if my interpretation is correct, does he mean that although less than 900 people have participated in the 12 seminars, their view is still considered the mainstream view in Hong Kong and that a majority consensus has been reached among these 900 people?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, that is not the case. So far, we have not yet identified a mainstream proposal or reached a consensus. I think every Member in this Chamber represents the view of his or her district or the view of various sectors, and the Basic Law is designed to attach importance to the views of Members. When a decision has to be made on the direction of constitutional development, Members

in this Chamber will have to make a judgement in accordance with their powers and responsibilities under the Basic Law. We very much hope that in the next six to nine months, extensive discussion can be conducted through the sectors and districts represented by Members and also people from other districts and representatives of various sectors, with a view to gradually fostering a consensus. That is why I said that the mainstream proposal would not be put forth by the Government unilaterally. Nor would it be put forth by a particular political party or organization unilaterally. Rather, it will be a process of interaction, and we hope to foster a consensus, narrow differences of opinion gradually and identify a focus. We hope that a consensus can be fostered on the mainstream proposal by mid-2005.

I also wish to take this opportunity to further respond to the question asked by Dr YEUNG Sum earlier about how we can gauge whether the mainstream proposal can truly represent the mainstream view in the community. I believe if it can secure support from two thirds of Members of the Legislative Council, the consent of the Chief Executive and the endorsement of the Central Authorities, then there is a basis for consensus to be reached under the Basic Law. However, as there is still a some time before the Fifth Report will be published and a mainstream proposal espoused, it is still early to decide today how public opinions should be gauged. I, therefore, cannot tell Members today how we plan to further conduct an extensive consultation then, including such details as whether opinion polls will be conducted.

PRESIDENT (in Cantonese): Third question.

Mainland Pregnant Women Giving Birth in Hong Kong

3. **MR JAMES TIEN** (in Cantonese): *Madam President, the number of pregnant women from the Mainland giving birth in public hospitals in Hong Kong has been on the rise, putting pressure on staffing in hospitals in New Territories East (NTE) and New Territories West (NTW), and may thus affect the provision of medical services for residents of the districts concerned. In this connection, will the Government inform this Council whether it knows:*

- (a) *the monthly usage rates of obstetrician and neonatal services provided in public hospitals in the above districts over the past year,*

and the percentage of mainland people among all the users of the services;

- (b) as many mainland pregnant women seek admission to public hospitals in the districts concerned after midnight, the number of such pregnant women over the past year, as well as the reasons for this phenomenon; and*
- (c) the estimated time for completing the night-time staffing improvement programme for labour wards, the staffing levels assessed to be adequate under the programme, as well as how the day-time staffing for such wards will be arranged?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, I am very grateful to Mr TIEN for asking this question.

- (a) The average utilization rates of the obstetrics and neonatology services in public hospitals in the NTE cluster over the past year were 72% and 86% respectively, and in the NTW cluster 67% and 80%. The monthly utilization figures are provided in the Annex. In NTE, 32% of the pregnant women who used the obstetrics services were from the Mainland. In NTW, the percentage is 30%. I would like to add that, pregnant women from the Mainland accounted for 24% to 25% of all the users of the obstetrics services of Hong Kong.
- (b) Of the pregnant women from the Mainland who presented themselves to a public hospital for admission to give birth over the past year, 29% of them have done so after midnight and before morning (that is, from 12.00 am to 6.00 am). This percentage is slightly higher than the proportion of local pregnant women who sought admission in the same time period of the day at 23%. A possible explanation for the slightly higher percentage by mainland women is the higher fees charged by the Hospital Authority (HA) for non-eligible persons, which is \$3,300 per day as compared with \$100 per day for eligible persons, that caused some mainland women to wait until after midnight before presenting themselves at a hospital in order to avoid one extra day's charge.

- (c) In order to ensure that there is sufficient manpower to handle the added workload in the obstetrics wards, both the NTE and NTW clusters have made appropriate and flexible deployment in the light of the demand situation in their respective districts. The improvement measures taken include more flexible deployment of staff within the clusters, strengthening of the training for nurses on midwifery, recruitment of additional part-time staff and better arrangement of the staff level in all shifts at obstetrics wards. The HA will closely monitor the demand in obstetrics services in the New Territories. It will also determine the appropriate staff level to ensure the quality of its obstetrics and neonatology services, taking into account the workload at individual hospitals, the environment at the wards, the organization of these departments, the relevant work procedures and the composition of the medical teams.

Madam President, as I understand that Mr TIEN has asked this oral question out of his concern about the impact of mainland pregnant women giving birth in Hong Kong on our community or on the standard of our medical services, I would like to add a few words here. As far as I know, 70% of the pregnant women from the Mainland have not carried out antenatal check-ups in Hong Kong, resulting in potential risks such as complications to the mothers and their new-born babies. We are particularly concerned about this aspect. Therefore, to resolve the problem of the increasing use of HA services by non-residents, we are considering a number of proposals, which include:

- Increasing the HA's medical fees for non-entitled persons, including imposing a minimum charge. The hospitalization fee of \$3,300 per day is only the average basic fee per day in the wards and it does not reflect the total cost of the obstetrics services. As far as I know, the cost of delivery for each pregnant woman is \$12,000 to \$14,000, calculated on the day of childbirth.
- Increasing the deposit to be paid by non-entitled persons upon admission into an HA hospital for emergency cases;

- For non-emergency cases, requiring the payment of a deposit at the time when a non-entitled person makes an appointment for consultation at a specialist out-patient clinic or an elective procedure at a hospital instead of at the time of consultation and hospital admission respectively, so as to avoid any failure to obtain payment afterwards; and
- Finally, a more straightforward measure is for the HA to refuse to provide further medical services to non-entitled persons who have yet to settle an outstanding fee.

The Administration will decide on the way to implement these policies only after an assessment of the above proposals has been completed. Then I will certainly submit the Administration's recommendations to the Panel on Health Services of the Legislative Council for discussion.

Annex

Utilization Rates of the Obstetrician and Neonatal Services in NTE Cluster

	<i>October</i> <i>03</i>	<i>November</i> <i>03</i>	<i>December</i> <i>03</i>	<i>January</i> <i>04</i>	<i>February</i> <i>04</i>	<i>March</i> <i>04</i>	<i>April</i> <i>04</i>	<i>May</i> <i>04</i>	<i>June</i> <i>04</i>	<i>July</i> <i>04</i>	<i>August</i> <i>04</i>	<i>September</i> <i>04</i>	<i>Average</i>
Obstetrics	66.6	57.7	60.1	60.2	71.7	73.1	73.4	77.5	73.2	75.1	81.1	90.9	71.7
Neonatal	94.2	80.9	71.7	76.5	79.7	82.5	84.7	88.1	87.7	88.8	100.6	95.9	85.9

Utilisation Rates of the Obstetrician and Neonatal Services in NTW Cluster

	<i>October</i> <i>03</i>	<i>November</i> <i>03</i>	<i>December</i> <i>03</i>	<i>January</i> <i>04</i>	<i>February</i> <i>04</i>	<i>March</i> <i>04</i>	<i>April</i> <i>04</i>	<i>May</i> <i>04</i>	<i>June</i> <i>04</i>	<i>July</i> <i>04</i>	<i>August</i> <i>04</i>	<i>September</i> <i>04</i>	<i>Average</i>
Obstetrics	77.8	66.5	60.1	58.2	59.4	53.6	61.2	61.3	69.7	71.4	76.1	90.0	67.1
Neonatal	76.6	78.4	69.2	76.7	68.4	74.3	91.6	85.3	72.1	89.2	86.9	94.4	80.2

MR JAMES TIEN (in Cantonese): *Madam President, I am very grateful to the Secretary for his reply. With a seriously ageing population in NTE and NTW, the demand for geriatrics services in the medical structure of Hong Kong is enormous. The Secretary has pointed out in part (a) of his main reply that the*

utilization rates of the obstetrics services by pregnant women, including those from the Mainland, in NTE and NTW are 72% and 67% respectively. In fact, with a fall in the birth rate, the number of pregnant Hong Kong women has dropped and therefore the utilization of obstetrics and neonatology services has also decreased. In this connection, will the Government consider scaling down the departments concerned so that resources can be used in areas of the HA where there is a greater demand? The medical charge of \$3,300 per day for mainland pregnant women to deliver in Hong Kong is nowhere near enough to recover the costs. Many overseas countries will accept tourists who seek medical services from them, but the hospitals will recover the costs from them. In this connection, will the Government consider charging those concerned \$13,000 to recover the costs instead of the current hospitalization fee of \$3,300?

PRESIDENT (in Cantonese): Mr TIEN, you have in fact asked two supplementary questions.

MR JAMES TIEN (in Cantonese): *Madam President, then I put the second supplementary, because that more important.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, since Hong Kong taxpayers' money should be used on the people of Hong Kong, we intend to set down clearly the minimum charge for services given to non-entitled persons. In this connection, we shall make adjustments after studies on various services have been completed.

MR LI KWOK-YING (in Cantonese): *Madam President, in his reply to my written question on the same issue on 27 October, the Secretary for Health, Welfare and Food also mentioned that a greater number of non-entitled pregnant women had presented themselves at the Prince of Wales Hospital and the Tuen Mun Hospital for hospitalization after midnight. The Secretary mentioned in his reply to the Member's question just now that the Administration would consider the three proposals and make a decision after assessment. Madam President, may I ask the Administration whether it will take any action in response to the circumstances of individual hospitals before carrying out the overall assessment?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, at the moment, there are sufficient manpower and facilities in the hospitals of Hong Kong to meet current needs. We certainly hope that all pregnant women have already had antenatal check-ups before presenting themselves for hospitalization, but even if they have not, we will still have to look after them. As far as we know, the average number of pregnant women giving birth in the NTE Cluster is not more than 28 per day, ranging from seven to 28 per day while the number ranges from seven to 30 per day in the NTW Cluster. The needs in this respect can be met in terms of the current number of hospital beds, manpower and maternity ward facilities.

MISS CHOY SO-YUK (in Cantonese): *Madam President, the Secretary mentioned increasing the deposit in his main reply. It was reported that \$8 million of last year's bad debts were resulted from non-payment of mainland pregnant women after delivery in Hong Kong. May I ask the Secretary, other than the measures listed in his main reply, if he would consider working with the Immigration Department, for example, in demanding the patients concerned to pay all hospitalization fees before giving them permission to depart? This is not a problem for the HA alone. I believe many of the Government's debts are in the same situation, for example, fines for "litterbugs". However, I am now asking the Secretary about bad debts in health care.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, our preliminary view is that it is by no means easy. However, we will consider implementing other measures to make them pay before leaving. If any non-local patients do not have enough money to pay their hospitalization fees, they can apply to pay in instalments.

MR ALBERT CHENG (in Cantonese): *Madam President, I would like to ask the Secretary whether he is aware of a rumour which has been widely spread in the Mainland. While I was on a recent tour in Northwestern China, someone working there came and ask me, "Mr CHENG, if my wife gives birth in Hong Kong, she can obtain the right of abode and I can stay in Hong Kong as well, do you know that?" This kind of notion has now been widely spread in the Mainland. I think the Government, and the Secretary in particular, should address this problem and publicize widely in the Mainland that, although the*

children of the pregnant women who came to deliver in Hong Kong may become permanent Hong Kong residents, their parents cannot migrate to Hong Kong on that ground.

PRESIDENT (in Cantonese): Will you consider doing any publicity work, Secretary?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, when I was in Beijing last week, I already related this issue to the Hong Kong and Macao Affairs Office in the hope that they would assist us in educating residents who intend to come to Hong Kong for delivery.

MRS SOPHIE LEUNG (in Cantonese): *Madam President, I would like to ask a similar question. Just now I heard the Secretary mention the principle that Hong Kong's resources should be used on the people of Hong Kong by all means. In fact, has the Secretary thought about the reasons why so many mainland pregnant women have come to deliver in Hong Kong? I heard that there is a secret passage in Sha Tau Kok through which pregnant women can secretly enter Hong Kong, press the door bell of the Fire Station and an ambulance will then take them to the hospitals in the New Territories to deliver their babies. Certainly, the situation is not as simple as what has been described in the rumour mentioned by Mr Albert CHENG. If a baby is born in Hong Kong, and if one of the parents is a permanent resident of Hong Kong, then it can immediately obtain the right of abode of Hong Kong because of the entitlement to a birth certificate. Will the Secretary get to the root of the problem and try to understand why so many pregnant women have come to deliver in Hong Kong so as to resolve this problem?*

PRESIDENT (in Cantonese): Secretary, although this is a very long supplementary, please reply briefly.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I hope Mrs Sophie LEUNG would not spread this around,

otherwise, we would have many pregnant women secretly entering Hong Kong through Sha Tau Kok tonight. *(Laughter)* Although I have neither made any enquiries nor carried out any studies, most of the mainland pregnant women have come to Hong Kong to deliver because of the hope for their children to obtain the right of abode. Sometimes, they will also come here even though they do not have enough money. There is also the rumour that some so-called agents have helped them to come to Hong Kong; we shall look into this matter closely. It seems that no offence has been committed here, but if we discover that such arrangements do exist, we will address them through various channels, or issue warnings against them.

MRS SELINA CHOW (in Cantonese): *Madam President, the Secretary mentioned in part (a) of his main reply that the percentage of pregnant women from the Mainland in NTE and NTW is 32% and 30% respectively. Will the Secretary inform this Council of the number of pregnant women who are wives of Hong Kong permanent residents out of the many? If they are wives of Hong Kong residents, do they still have to pay the hospitalization fee of \$3,300 per day? In those cases where the fathers of the newborn babies are Hong Kong permanent residents, on what basis will the services for the newborn babies be charged? Will they pay charges for Hong Kong permanent residents or those for overseas residents?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, there are a number of supplementary questions here, but I can answer them all. Madam President, we do not have an exact percentage of the number of mainland women who are wives of Hong Kong permanent residents. I would have to go back and ask the HA to clarify whether we have such statistics. (Appendix I)

The second question is about charges. If a pregnant woman is not a Hong Kong resident, she has to pay the hospital fee of \$3,300 per day, no matter whether she is a Two-way Exit Permit holder or a One-way Exit Permit holder who has stayed here for less than seven years. For the newborn babies concerned, since they are born permanent residents of Hong Kong, their charges will be the same as all other babies who are born in Hong Kong. We notice that sometimes the pregnant women who came to Hong Kong would seek immediate

discharge on the day after delivery, but not the babies who may not be ready for discharge. They would seek discharge of their babies only a few days later. That has indeed posed difficulties to our promotion of breastfeeding.

MS EMILY LAU (in Cantonese): *Madam President, I agreed with the Secretary when he said that the resources of Hong Kong should be used on Hong Kong people, and not on non-entitled persons. I would like to follow up the reply to Mr TIEN's question about last year's expenditure. How much resources have Hong Kong people used on non-entitled persons?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have the relevant figures here. I am sorry, Ms LAU, but I will provide a written reply later. (Appendix II) My worry is, rather, about their non-payment. If they pay after they have obtained our services, it is similar to tourists making payment after they have obtained other services from us. If they do not pay, I think it certainly amounts to a loss to the people of Hong Kong.

PRESIDENT (in Cantonese): We have already spent more than 16 minutes on this question. Last supplementary question.

DR KWOK KA-KI (in Cantonese): *Madam President, the question I would like to ask is about the issue mentioned by the Secretary just now. How many of the pregnant women mentioned by the Secretary have not paid? — Pardon me, Madam President, and in this connection — when will the Secretary recover the costs from the pregnant women concerned?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I will speak briefly, for I have the figures for this. In 2002-03, 336 persons did not pay and our revenue was reduced by \$2.6 million. In 2003-04, 721 persons did not pay and our loss amounted to \$5.61 million. I do not have the figures for 2004-05 yet, for it is our practice to settle the accounts only after we have sought payment for some time.

PRESIDENT (in Cantonese): Fourth question.

Air Quality Objectives

4. **MS AUDREY EU** (in Cantonese): *Madam President, the Government established the Air Quality Objectives (AQOs) in 1987 to regulate the acceptable concentration levels of seven types of air pollutants. Since then, AQOs have become the yardsticks for computing the air pollution index (API) in Hong Kong. However, as air pollution is worsening, the World Health Organization (WHO), European Union (EU) and our neighbour, Singapore, have reviewed their AQOs established in the 1980s, so as to avoid any underestimation of the actual pollution situation due to obsolete AQOs. In this connection, will the Government inform this Council:*

- (a) *whether it will review the AQOs established in 1987 so that the API can better reflect the actual situation and that public health will be safeguarded; if not, the reasons for that; and*
- (b) *as the Government of the Hong Kong Special Administrative Region (SAR) and the Guangdong Provincial Government have reached a consensus to reduce by 2010, on a best endeavour basis, the regional emission of pollutants such as suspended particulates, nitrogen oxides (NO_x) and sulphur dioxide (SO₂) to specific targets, and that the Secretary for the Environment, Transport and Works had stated, in her reply to a Member's question at a Council meeting of last Session on measures to restrict or reduce the amount of pollutants emitted from power plants, that the Government would start with increasing the supply of natural gas and reducing emission, whether the authorities have now worked out concrete details on the measures to reduce emission by power plants and set a timetable for implementing such measures?*

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

- (a) Ideally, the lower the concentration of air pollutants, the better. However, as pointed out in the Air Quality Guidelines for Europe

published by the WHO, considerations such as the prevailing exposure levels, technical feasibility, source control measures, abatement strategies, and social, economic and cultural conditions should be taken into account when setting air quality standards for a particular place. Most importantly, such standards should be realistic and achievable by the government concerned by means of pollution control measures. As such, different countries and areas in the world adopt different air quality standards and objectives. Moreover, there is no international standard as such for the calculation of APIs.

In fact, the WHO has not laid down any guidelines on how to calculate APIs. Nor has it set any guideline level for respirable suspended particulates (RSP). Therefore, there is no WHO "guidelines" to follow in computing a comprehensive API.

Similarly, the EU has not set a standard for computing APIs. In addition, the EU's AQOs allow for a larger number of exceedances. For example, the EU allows the hourly average SO₂ standard to be exceeded 24 times a year, whereas only three times a year are allowed in Hong Kong. For RSP, the EU allows the daily average RSP standard to be exceeded on 35 days in a year, whereas the relevant AQO of Hong Kong does not allow a single day of exceedance at all. It is therefore impracticable to make a direct comparison between the AQOs of the EU and those of Hong Kong or to adopt the EU standards in computing our daily APIs.

The AQOs adopted by Hong Kong have been developed mainly with reference to researches in the United States and the situation in Hong Kong. Therefore, they are generally similar to those of the United States. The Government has all along been closely monitoring the researches and reviews on air quality standards conducted by different places. We will make reference to the results of the United States and EU reviews, as well as the ongoing local studies by the Environmental Protection Department (EPD), when considering the need for revising Hong Kong's AQOs from a scientific perspective and the local applicability of the revised AQOs.

- (b) Power plants are major sources of pollution in the territory. According to the data collected by the EPD in 2002, power plants accounted for 89%, 45% and 37% of the total emissions of SO₂, NO_x and RSP respectively in Hong Kong. With reduced consumption of natural gas, emissions from power plants may further soar in 2003 and the next few years. Besides continuing to implement programmes to reduce vehicle emissions, therefore, we also need to put in place measures to reduce emissions from power plants.

The new financial plans submitted to the Economic Development and Labour Bureau by the two local power companies in mid-2004 under the Scheme of Control Agreements include proposals for the installation of desulphurization and denitrification facilities in the existing power plants to further reduce emissions. The Economic Development and Labour Bureau, our Bureau and other relevant departments are now studying the proposals and the Legislative Council will be informed of the Government's decision as soon as practicable. In the light of the outcome, we will work out concrete measures for power plants and the implementation timetable of such measures as required under the emission reduction targets for 2010 as agreed by Guangdong and Hong Kong. At the same time, we will also request the two power companies to start conducting trials on wind power generation, use renewable energy more effectively and introduce demand-side management.

I would like to point out that the emission reduction measures of power plants involve substantial investments. The Government will carefully look at the pros and cons, technical feasibility, economic benefits and impacts on Hong Kong's economic development of various options before making a decision. We also have to assess the affordability of the general public and decide in accordance with statutory requirements.

Everyone of us can chip in and help reduce air pollution and reduce direct power plant pollution, we can help by saving electricity. We can readily reduce power plant emissions by 5%, without compromising our daily needs. Air-conditioning accounts for one

third of our yearly electricity consumption. By raising the air-conditioned room temperature from 22.5 degree Celsius to 25.5 degree Celsius, the electricity consumed can be reduced by 10%. By using appliances with Energy Efficiency Labels Grade 1 or 2, electricity consumption can be reduced by 20% to 30%. If all homes and offices adopt these simple energy conservation measures, we can save 400 million units of electricity. These measures to save electricity can instantly reduce the amount of electricity required to be generated and, in turn, the power plant emissions. The Government will continue to actively publicize and promote the importance of saving electricity.

MS AUDREY EU (in Cantonese): *Madam President, the Secretary stated in part (b) of the main reply that power plants are major sources of pollution. However, in the information provided in the latter part of her main reply, she apparently has not mentioned whether specific measures and a timetable on emission reduction would be formulated.*

Moreover, Madam President, I have read the reply of the Secretary to Mr CHEUNG Hok-ming's written question, that is, the reply to Question 20. In the reply, it is pointed out that the Government will put in place a series of mandatory measures, but no reference has been made to measures targeted on power companies. It is only stated that discussions will be held with power companies. Therefore, Madam President, I would like to put this question to the Secretary. As the Secretary said that power plants were the major sources of pollution in the territory, and that an agreement had been reached with the Guangdong Provincial Government to reduce the emission of pollutants on a best endeavour basis, will the Secretary consider setting a specific indicator for each year to enable the public to know whether satisfactory progress has been achieved? As there will be six more years before 2010, if no specific measures and timetables are set except the allusion to best endeavour, Madam President, what guarantee can we get, or how the Secretary can let us rest assured that we are working towards the 2010 target mentioned by the Secretary?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *Madam President, Ms Audrey EU has pointed out the very important role played by power plants in the reduction of pollutant emission. In*

terms of environmental protection, we are given the power of control in the licensing of specified processes. However, emissions from power plants are now computed by a rate, the concentration of emission. We have not set any restriction on the volume of emission, but only provided for the concentration of pollutants in emission and the volume of emission per minute. Obviously, if power plants increase their total output, pollutants will also increase. But if we were to amend the terms and conditions of the licence, we must have justifications to do so. We have to consider the feasibility from different aspects in making our request, meaning that we have to identify the best practicable means. Besides, under the Scheme of Control Agreements, power companies are required to guarantee a certain level of electricity transmission. For example, power companies have to state clearly the amount of fuel required and the volume of pollutants emitted in achieving the first target in electricity transmission. Under the existing scheme, as long as the pollutant concentration of the emission from power plants meets our requirement, they are allowed to do so. Then, why a timetable has yet to be drawn up despite our discussions with power companies? It is mainly because we will soon, in 2008, draw up a Scheme of Control Agreement, or adopt a new approach in regulating the two power companies. This falls within the scope of contracts to be entered between the Economic Development and Labour Bureau and the power companies where planning is required.

As the Policy Bureau overseeing environmental protection issues, we have specified our requirements and standards. If the power companies do want to carry on with their operation beyond 2008, they have to meet those standards. And during this interim, we have not been idle and doing nothing at all; we have been holding discussions with the power companies. Many Members might have heard the hypothesis I made the other day, suggesting the use of natural gas as a complete substitute for other fuel in power generation. Though we can roughly compute the price of electricity under this scenario, can we be sure that it is practicable? When could natural gas be introduced? These factors are interrelated, each affecting the other. For example, could we build the depot for natural gas, and if natural gas is to be introduced from the Mainland, how much will the piping works cost? However, we are unable to confirm this information at the moment, so I cannot provide a timetable.

As for desulphurization and denitrification facilities, we have received the initial plan, the proposal from the power companies. We have to refer the

proposal to the Economic Development and Labour Bureau to assess the impact these facilities may have on the overall electricity tariffs of the territory, and to examine the handling of investment up to 2008. All these factors fall within the scope of contracts, so we cannot provide a timetable. Throughout the process, we have set a very clear target, that is, no matter how the two power companies operate in future — I can hardly imagine that the two power companies will cease transmitting electricity — they have to put forth feasible options for achieving the agreed emission reduction target by 2010 if they are to continue to supply electricity.

Certainly, despite the considerable amount of time available from now until 2010, the power companies cannot wait until then to introduce measures, so we have already started the discussions. This is the year 2004; we have already started discussing the contents of the proposal. However, owing to the 2008 time constraint, the year when the Scheme of Control Agreement will expire, we encounter obstacle in the discussion on contract-related issues and are thus unable to form a mutually agreed plan that can be announced to the public.

MS AUDREY EU (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. The thrust of my supplementary question is: As an ultimate target set has been agreed by Guangdong Province, which can be likened to setting universal suffrage as the ultimate target, Madam President, I would like to ask the Secretary whether a progressive target has been set for each year. Without any specific details or timetables, in what way can we be assured that the desired target mentioned by the Secretary will be achieved by 2010?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, is Ms Audrey EU referring to our project with Guangdong Province or the project with the power plants?

MS AUDREY EU (in Cantonese): *Madam President, I am interested in both projects, for the two projects will both have a bearing on the successful achievement of the 2010 target.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): In respect of the Guangdong Province project, a monitoring system has been put in place, and 16 monitoring stations have been set up. We will review the emission list every year in order to confirm whether the volume of emission has been reduced. Of course, as some facilities may require three to four years to be set up, reduction in emission may not be obvious during the first few years. On the other hand, air quality testing networks may also help in indicating the effectiveness of these emission reduction measures and may provide a reference index over a period of time. Furthermore, these figures will be uploaded onto the Internet. As we have discussed today, this website will be opened to public after a trial run. By then, everyone will know the effectiveness of the emission reduction measures implemented under the co-operation between Hong Kong and Guangdong Province, as well as the impact of the economic growth of Guangdong on pollutant emission. All these will be made public and a monitoring system is in place.

As for power plants, we have put in place a licensing system in respect of their operation, that is, the permit I have mentioned earlier. The emission of pollutants by power plants must be in compliance with their permits, and we may conduct a review every other year. We have started doing so this year. In fact, these permits can serve as a standard for monitoring emissions, for these permits can reveal the volume of emission. From now on until 2010, in setting the terms and conditions for such permits, we will require power plants to reduce their emissions gradually. However, we have to understand that despite the installation of certain facilities, emissions cannot be reduced shortly; say by two today, by three tomorrow and by four the day after tomorrow. We may have to wait for four years, until all facilities have been properly installed; by then, emissions may be reduced by 10 in one go. Therefore, it is not feasible to set a target for each year. Instead, a standard to be achieved over a period of time, such as six or seven years or more, should be set. Only when all the relevant facilities have been put in place and reached a certain standard can we compute accurately the volume of emissions in future.

PRESIDENT (in Cantonese): We have spent 17 minutes on the Ms Audrey EU's supplementary question and the Secretary's answer. To be fair to other Members, I will extend the time for this question, so that other Members may have a chance to raise their supplementary questions. However, the question is quite complicated in itself. Mr Bernard CHAN.

MR BERNARD CHAN (in Cantonese): *Madam President, in the last paragraph of the Secretary's main reply, it is stated that by raising the room temperature of an air-conditioned room to 25.5 degree Celsius, the electricity consumed can be reduced and many other resources can be saved. The Secretary also indicates the intention to promote energy saving among the public. May I ask the Secretary whether government offices are implementing such measures? Will the Government take the lead in doing so?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, we have recently issued guidelines to government offices in the territory, requesting them to raise the room temperature to 25.5 degree Celsius. This request is supported by administrative departments. Moreover, staff of the Electrical and Mechanical Services Department have been visiting different government offices to adjust the room temperature of air-conditioned rooms to implement this measure. Of course, individual colleagues may lower the temperature of their own accord. More efforts should be devoted to promotion and education in order to foster this culture. I think the Legislative Council has raised the room temperature now. We have to promote this culture to encourage the public to accept this lifestyle. I think we can hardly force people into compliance. We cannot resort to a demerit scheme by deducting merits every time a colleague reduces the room temperature, for this is not an effective approach. I think education and promotion are the most desirable means to achieve this.

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

MR BERNARD CHAN (in Cantonese): *I would like to clarify whether the Secretary meant that these measures are mandatory on government departments.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): We request the raising of room temperature through administrative means, and have physically visited different departments to lower the room temperature there.

MR FRED LI (in Cantonese): *Madam President, the Secretary has recently indicated openly that Hong Kong no longer enjoys a clear and cool autumn, and this kind of climate would persist for some time owing to air pollution, which is really regretful. Madam President, my supplementary question is on part (b) of the Secretary's main reply to Ms Audrey EU's question. In the reply, the Secretary points out that emission reduction measures involve substantial resources and thus discussions and decisions have to be made carefully. Besides, owing to the scramble for assets, these costs may eventually be passed onto consumers. My supplementary question is: Has the Government considered the issue from another angle, that is, the continued deterioration of air quality is actually exerting pressure on our medical system, increasing expenditure on maintaining the health of the respiratory systems of citizens and the commitment of society? Has the Government considered the issue from this perspective? If yes, what is the result of the assessment? If not, why it has not considered the issue from this angle, for this may result in the spending of much more resources?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, we have conducted studies from the health perspective. The EPD has conducted different studies with the University of Hong Kong and The Chinese University of Hong Kong respectively on the impact of air pollution on patients suffering from respiratory diseases. We can note from statistics and results of studies on causation ratio that air pollution may increase the incidence rate and the increase may be as high as \$1.7 billion. But, after all, it is only a possibility, that is, the correlation is only a "possible relationship", the causal relationship has not been established — sorry, Madam President, I do not know the Chinese translation of this term — we cannot identified its direct impact by excluding other factors. Certainly, the figure is a very good indication that costs have to be paid for air pollution, with part of the costs being reflected in the medical bill. I very much agree with Mr Fred LI that economic costs should be calculated on a whole. Certainly, we have informed colleagues of the Economic Development and Labour Bureau of this concept.

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

DR RAYMOND HO (in Cantonese): *Madam President, in part (b) of the main reply, the Secretary points out that the existing Scheme of Control Agreement will expire in 2008. She also says that the authorities encourage more trials on wind power generation, the use of renewable energy and the introduction of demand-side management. Certainly, these options may affect the income of the existing power supply companies, but the two power companies are in the best position to develop these types of energy. In what way will the Government encourage their participation in these projects?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, regarding the trials on wind power, the two power companies have started the one thousand

PRESIDENT (in Cantonese): Secretary, you may use English if you cannot think of a suitable Chinese term.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): the feasibility test on wind power with a capacity of 1 MW, but our knowledge of wind power generation is limited. We may find the wind power generators overseas fascinating, from a distance, like the windmills in Denmark. However, in the environment of Hong Kong, the low frequency noise generated by these generators may be annoying even at a far distance. Therefore, we have to try it out first in the environment of Hong Kong.

The crux of the problem is the use of renewable energy for power generation, be it wind power, solar power or biogas power. In developing any of these resources, we must enlist the co-operation of the two power companies. We all understand that electricity generated cannot be stored, for only a tiny amount of energy can be stored in batteries. The electricity generated must be transmitted through the grid in order to achieve economic efficiency. Therefore, we must collaborate with the two power companies; we hope that they can be persuaded. On the other hand, we will encourage the public to make use of natural energy or refuse-generated energy, so that despite our increasing demand for energy, we may not necessarily depend on coal or oil as fuel.

PRESIDENT (in Cantonese): Fifth question.

Public Rental Housing Rent

5. **MR ALBERT CHENG** (in Cantonese): *Madam President, two public rental housing (PRH) tenants applied in 2002 for judicial review in respect of the decisions of the Housing Authority (HA) to defer the rent reviews in 2001 and 2002. In July 2003, the Court of First Instance of the High Court ruled in favour of the applicants. The Court of First Instance found that the HA is under a duty to review rent regularly and when the HA conducts the review, the requirement stipulated in the law that the overall median rent-to-income ratio should not exceed 10% must be abided by. Subsequently the HA appealed against the judgement. While the appeal hearing was heard and concluded in April this year, the judgement of the Court of Appeal is still pending. On the other hand, a month prior to the commencement of the appeal hearing (that is, in March this year), the HA adopted a rent adjustment option of waiving the rent of the Comprehensive Social Security Assistance (CSSA) households plus a 10% rent reduction for other households. Regarding the issue of PRH rent, will the Government inform this Council:*

- (a) *given that it has already been more than half a year since the conclusion of the hearing of the above case but the judgement is still pending, whether the Administration knows if the HA, as one of the litigating parties, has enquired with the authorities concerned about the reasons for the judgement still pending and the timing of its delivery;*
- (b) *of the reasons for the HA's adopting the rent adjustment option a month prior to the commencement of the appeal hearing, and whether the Administration has consulted the public on the option; and*
- (c) *whether the Government will consider establishing a standing mechanism with credibility whereby, based on predetermined specific criteria, reviews of PRH rent will be conducted regularly under the requirements of the Housing Ordinance, and consulting the public on the outcome of the reviews?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese):
Madam President, my replies to the three parts of the question are as follows:

- (a) As one of the litigating parties, the HA would like to see an early judgement to clarify the ruling of the Court of First Instance and some important points of law, especially those concerning the HA's power and obligation to adjust rents under the Housing Ordinance. The HA did make regular enquiries about the timing of the judgement since the Court of Appeal's hearing in April this year. However, as a statutory body, the HA must have respect for the paramount importance of judicial independence. It therefore considers it both unnecessary and absolutely inappropriate to enquire about the reasons for not receiving the judgement. In any event, the HA has just been informed that the Court of Appeal would hand down its judgement on 22 November.
- (b) Although the HA has lodged appeals against the ruling of the Court of First Instance and has been granted a stay of execution of the Court Order, the latter was conditional upon the HA's undertaking to review the rents of the class of public rental housing units to which the judicial review applicants' units are part, pending the judgement of the appeals. The HA's rent review in March this year was hence conducted in strict compliance with the Court Order. During the review, the HA examined a number of rent adjustment options that could bring the median rent-to-income ratio down to 10% or below. Before deciding on the option to be adopted, the Housing Department briefed various concern groups, academics, media and commentators on the details of different rent adjustment options and solicited their views. We also consulted Members on the rent adjustment options at the meeting of the Legislative Council Panel on Housing held on 25 March.
- (c) We consider that in the long run, the HA needs to establish a clear, objective and flexible index-linked rent adjustment mechanism which could better reflect tenants' affordability and help ensure a sustainable development of the public housing programme. To this end, the HA set up an ad hoc committee in March 2001 to review its domestic rent policy and the mechanism of rent adjustment.

The ad hoc committee suspended its work in October 2002 due to the judicial review cases. It resumed the review on 1 September 2003 to discuss various issues, including the implications of the Court ruling for our overall rent policy and how the rent policy could be improved. The ad hoc committee will soon consult the public on its initial findings. It will submit a report together with its recommendations to the HA after thorough consideration and analysis of the views expressed by various sectors of the community.

MR ALBERT CHENG (in Cantonese): *Madam President, may I ask the Secretary whether the HA will lodge an appeal with the Court of Final Appeal if the result of the appeal coming out on 22nd of this month shows that the HA loses again? The second question is: As the HA is responsible for providing low-cost housing instead of being an organization granting CSSA payments, if it waives the rents of households on CSSA, it will give the tenants an impression that it "plays foul" by dragging down the rent level. Can the Secretary explain whether the HA has assumed part of the responsibility of granting CSSA payments?*

PRESIDENT (in Cantonese): Mr CHENG, you have raised two questions.

MR ALBERT CHENG (in Cantonese): *I have raised two questions.*

PRESIDENT (in Cantonese): You can only ask one supplementary question.

MR ALBERT CHENG (in Cantonese): *In that case, I would like to ask the second supplementary question.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, the first part of the supplementary question is in fact very simple, perhaps I can answer it as well.

PRESIDENT (in Cantonese): Secretary, if you are willing to answer it, I will not prevent you from doing so.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): As I have said in this Council, if we lose the case again, we will not appeal again unless some important points of law are involved.

Second, as to the proper percentage of rent reduction, Madam President, this should depend on the Court's ruling. This time we have lodged an appeal again mainly because we object to the points of law espoused in the ruling of the Court of First Instance. So, the ruling of the Court on the points we have raised will affect our interpretation and viewpoints on this issue. However, as I said in part (b) of the main reply, we have already conducted a rent review in compliance with the Court Order and the points of law of the Court's ruling. Although we are conducting the review, the proposals may not be implemented, pending the judgement of the appeal. If the judgement of the appeal does not cause any impact and the proposals arising from the review have to be implemented, I can tell Mr CHENG that, since we have to consider bringing the rent-to-income ratio down to 10% (as I have just said), there are a number of options for our consideration. One of the options which is permissible in law is not to reduce the rent of households on CSSA. Instead, the HA will waive their rents under the Housing Ordinance. So, it is different from rent reduction. Legally speaking, this is a technical issue. However, I think it is inappropriate to further elaborate on this viewpoint because whether or not this option will be implemented depends on the ruling to be issued on 22nd of this month.

MR CHAN KAM-LAM (in Cantonese): *Madam President, in the main reply, the Secretary said that it was necessary to establish a clear, objective and flexible index-linked rent adjustment mechanism which could better reflect tenants' affordability. However, this in fact has nothing to do with the litigation because this is another matter. As the rent adjustment mechanism has been discussed for a long time, may I ask the Secretary whether public consultation concerning the study undertaken by the ad hoc committee in September last year will be launched expeditiously, or whether the recommendations will be implemented as soon as possible after 22nd of this month? In the main reply, the Secretary said that the ad hoc committee would soon consult the public. What time does "soon" refer to? We also hope that it can be implemented expeditiously.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, as Mr CHAN Kam-lam has just said, in the main reply "soon" means that if there is no serious conflict between the content of the judgement and the arguments considered by us, it can be implemented as soon as possible. But I think we may need around one month's time. It is because no matter we win or lose, the other part or the loser can have 28 days to consider lodging an appeal or not. So, we can present our views only after that period has expired. If there is indeed no conflict between the content of the judgement and our previous viewpoints, public consultation can be conducted soon. However, if there is really conflict between the content of the judgement and our options, we have to consider the areas where conflict arises. We have to resolve the technical or even the legal issues first. As to how long it will take, we are not sure. So I can only say that it will take place as soon as possible.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, in the main reply, the Secretary said that the HA has set up an ad hoc committee to review and determine its new rent mechanism, particularly, the index-linked rent adjustment mechanism. In fact, we all know that this index-linked rent adjustment mechanism will have serious impact on the PRH tenants who therefore show great concern about it. In this connection, may I ask the Secretary whether he intends to amend the existing legislation relating to PRH rents after the ad hoc committee has completed the review and compiled its report? If legislative amendment is to be proposed, as Mr CHENG has just asked, how can the Secretary ensure that the ad hoc committee is considered to have credibility and its proposals are considered to be acceptable by the PRH tenants?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, to a certain extent, we have made some fundamental assumptions now as a basis. If it is really necessary to amend some previous legislation, this will certainly involve amendment which is a normal practice. Our proposals will be submitted to the Government after extensive consultation within the HA. The Government will then draft an amendment bill. During the relevant process, we will submit the bill to the relevant panel of the Legislative Council for discussion. After the panel's agreement has been sought, the legislation will be submitted to the Executive Council for endorsement. In the form of a bill, the legislation will then be submitted to the

Legislative Council for scrutiny by a bills committee. So, in varied measure, various sectors can have many opportunities to express their views at different times and the legislation must ultimately be endorsed by the Legislative Council.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, has your supplementary question not been answered?

MR LEUNG YIU-CHUNG (in Cantonese): *No, Madam President, in fact, I mainly want to ask the Secretary about the problem of credibility because extensive consultation will not necessarily lead to credibility. I hope the Secretary can clearly elaborate how genuine credibility can be achieved.*

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

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I have nothing to add. But I think an option which has gone through extensive consultation and implemented on the endorsement of all parties will naturally have credibility.

MR WONG KWOK-HING (in Cantonese): *Madam President, will the Government reduce the PRH rents across the board so that the level of PRH rents can comply with the legal requirement? If not, why not?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, different people will have different interpretations of the term "across the board". In my understanding, "across the board" means that the rents of all PRH units are reduced by the same percentage. We have not followed this practice all along. In the past, rent was increased or reduced at different times and at different percentages. So, if "across the board" is interpreted in this way, we have not followed such a practice all along. Will rent be reduced across the board this time? It is too early to say yes or no. I have heard that an across-the-board reduction option has been requested. But will this option be ultimately accepted? I think it is too early to say anyway.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, has your supplementary question not been answered?

MR WONG KWOK-HING (in Cantonese): *Madam President, the Secretary has not answered how compliance with the legal requirement will be achieved.*

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

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Yes, I do, Madam President. It also depends on the Court's ruling. If the Court rules against us, we will certainly have to comply with the existing legislation. However, does the existing legislation need amendment? This is also worth discussion. So, if we have reached a consensus that the existing legislation needs to be amended, we have to go through the process just mentioned. After this consensus has been endorsed by the Legislative Council, we will comply with the new requirements, if necessary. If we consider it unnecessary, we will certainly adhere to the previous requirements.

PRESIDENT (in Cantonese): Mr Frederick FUNG, a point of order?

MR FREDERICK FUNG (in Cantonese): *Yes, Madam President, what will be your ruling? I consider some of the information provided by the Secretary in the supplementary reply is erroneous. But the Secretary answered Mr WONG Kwok-hing's question with such information.*

PRESIDENT (in Cantonese): Mr Frederick FUNG, concerning the question in this aspect, I suggest that you raise it in the relevant panel because I am sure you would like to obtain the correct information if those provided by the Secretary is considered to be erroneous, but now.....

MR FREDERICK FUNG (in Cantonese): *In answering Mr WONG Kwok-hing's supplementary question, the Secretary provided such information, saying that there were different options for rent reduction.*

PRESIDENT (in Cantonese): Then I suggest

MR FREDERICK FUNG (in Cantonese): *In fact, the rents have never been reduced.*

PRESIDENT (in Cantonese): Mr Frederick FUNG, I suggest that you wait for your turn to ask a supplementary question.

MR FREDERICK FUNG (in Cantonese): *Fine.*

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, since Mr Frederick FUNG has asked the question, I am not going to ask it. However, I would like to remind the Government that, as the Secretary just said, we had discussed this issue and expressed our views on the five options studied by the HA at the meeting of the Panel on Housing of the Legislative Council on 25 March. But just now I heard the Secretary said that if the Court ruled against the HA, the HA would go back and study whether or not we would agree to amend the Ordinance. If rent is reduced in accordance with the law — from the legal point of view, rent should be immediately reduced in accordance with the original legislation if the Court ruled against the Government, instead of implementing rent reduction only when it is agreed that legislative amendment is unnecessary as the Secretary has just said. This makes me feel that he seems to be*

PRESIDENT (in Cantonese): Miss CHAN, what is your supplementary question?

MISS CHAN YUEN-HAN (in Cantonese): *My supplementary question is: The Legislative Council fully understood the HA's idea on the five options on 25 March. In other words, since the Court has made a ruling, the HA should adjust the rent in accordance with the percentage determined by the Court. But why did the Secretary's attitude seem to be so uncertain just now? Madam President, this is my supplementary question.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I think I have to clarify my reply to Mr WONG Kwok-hing's supplementary question. Just now, Mr WONG Kwok-hing enquired about the rate of reduction proposed by the ad hoc committee. I mainly focused on this question and did not say what would happen if we lost the case. If Miss CHAN Yuen-han's question is about what we would do if we lost the case, we would, needless to say, comply with the Court's ruling. So, what I have just said is in response to the assumption that we have to implement different rent reduction options. This means that we may not lose the case. If we lost, this is what would happen.

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

MR FREDERICK FUNG (in Cantonese): *Thank you, Madam President, for giving me this opportunity. Just now the Secretary, when answering Mr WONG Kwok-hing's question concerning whether rents would be reduced across the board, said that in the past rents had not been reduced across the board. In other words, some PRH units had the rents reduced according to some options while some had the rents reduced according to the others. Insofar as I understand it, PRH tenants had experienced rent freezes and rent increases only in history. Both rent freezes and rent increases were implemented in an "across-the-board" manner, meaning that the amount of rent increase or rent freeze for every household is the same, except the well-off tenants. Under the Housing Ordinance, well-off tenants are not included in the scope of rent reduction. In this connection, can the Secretary, on the basis of this information which I consider to be the fact, further explain why across-the-board reduction, under which every household will enjoy the same amount of rent reduction in accordance with the legislation, cannot be considered?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, it may be a slip of the tongue. Rents have never been reduced. We only have rent increases. But I have nothing to add in respect of rent increase.

PRESIDENT (in Cantonese): Last question.

Reform of Electricity Supply Market

6. **MR FRED LI** (in Cantonese): *Madam President, the Scheme of Control Agreements (SCAs) with the two power companies in Hong Kong will expire in 2008, which is only about four years from now. As it takes at least three years to build a new power plant, the Government has to deal with issues relating to the future reform of the electricity supply market expeditiously. In this connection, will the Government inform this Council:*

- (a) *whether it will open up the electricity supply market or continue with the schemes of control, and of the considerations in making its decision in this regard; if the schemes of control are to be continued, whether the future schemes will differ from the current ones; if so, of the details;*
- (b) *whether the future reform of the electricity supply market has to be presented in the form of a bill or subsidiary legislation, for passage by the Legislative Council, if not, whether the authorities will consult the Legislative Council on the relevant reform proposals; and*
- (c) *as the above SCAs will expire in 2008, whether the authorities have any plan to promote development of more renewable energy sources by the power companies concerned; if so, of the details of the plan; if not, the reasons for that?*

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

- (a) The SCAs between the Government and the two power companies will expire in 2008. The Government is in the process of studying options for the future development of the electricity market after 2008. The study encompasses a wide range of complex subjects, including technical, legal, business, environmental and regulatory issues. Our plan is to seek the views of the public on the post-2008 electricity market arrangements in two stages. We are preparing a consultation paper and plan to commence the first-stage public consultation early next year.
- (b) Before we proceed with Stage 1 of the public consultation, we will consult the Panels on Economic Services and Environmental Affairs of the Legislative Council on the future direction and framework for the development of the post-2008 electricity market. We will consider the views collected in Stage 1 and formulate proposals on the development and regulation of the future electricity market. We will consult the two Panels again on these proposals before the second-stage public consultation. We do not have any preconceived ideas on whether the development and regulation of the future electricity market will entail presenting a bill or subsidiary legislation to the Legislative Council. We will propose the way forward after completion of the public consultation exercise.
- (c) For the purpose of enhancing security and reliability of electricity supply and for environmental considerations, the Government supports fuel diversity in power generation, including the use of renewable energy (RE), provided that it will not impose an unacceptable financial burden on consumers.

In formulating the framework for the development and regulation of the post-2008 electricity market, we will consider the role of renewable energy in the future market. We will also take into account the views collected by the Council for Sustainable Development in its current public consultation exercise on the economic, social and environmental impact of the introduction of RE in Hong Kong.

MR FRED LI (in Cantonese): *Madam President, in fact, for many years, the SCAs entered into by the Government and the two power companies have been ridiculed by the public as "guaranteed profit schemes" and each year, the profits made by the two power companies are close to the highest rate of return possible. Recently, the Secretary has also commented publicly that the present guaranteed profit level of as high as 13.5% for the two power companies is too high. Since you have also made such comments, is it possible to share with us what in your opinion is the reasonable level of profit?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): *Madam President, I believe everyone has their own idea of what a reasonable level is. Members will of course remember that when conducting the interim review, we also tried to discuss this issue with the two power companies. Of course, we cannot make any revision if they do not agree to it. Therefore, we are now considering the emergence of a totally new situation when these two SCAs expire in 2008. If — and I must stress "if" — we want to retain the SCAs, one of the important considerations is the level of return. Should it be 13.5% or less? How much return is considered reasonable? We will spell out these issues in the document. We also have to consider how much the return generally is according to the rate of return adopted in Hong Kong or according to the method of calculation adopted by power companies worldwide. I believe there will be a lot of information for reference. At that time, we will also consult the public and listen to their views before making a decision. However, I must stress that we are not saying we will definitely extend the SCAs or will not consider extending them.*

MR LAU CHIN-SHEK (in Cantonese): *Madam President, we all know that the CLP Power Hong Kong Limited (CLP) and the Hongkong Electric Company Limited (HEC) are private companies. At present, there is no legislation regulating the tariffs of the two power companies and the determination of tariffs. The Government has only entered into SCAs with the two power companies. The Secretary has repeatedly mentioned consultations. In the event that after consultations have been conducted, the public are of the view that the SCAs should all be abolished and the two power companies should not be allowed to enjoy such high rates of return, but the two power companies do not accept this, what corresponding action will the Government take?*

PRESIDENT (in Cantonese): Mr LAU Chin-shek, it seems this is a bit hypothetical, is this not?

MR LAU CHIN-SHEK (in Cantonese): *No, this is a possibility. Since they will conduct consultations, this will surely be one of the possible outcomes of the public consultation. If you ask me, I will still reply in this way.*

PRESIDENT (in Cantonese): Secretary, please try to give a reply.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I believe it is still too early to comment on this. First, we have not yet conducted any consultation at all. Just now, in my reply to Mr Fred LI, I also said that one proposal that could be considered was to extend the SCAs. In that event, we certainly have to hold negotiations on the conditions. Another feasible proposal is to cancel the SCAs, about which many Members have also put forward many proposals, such as interconnection, separation of power stations and networks, the possibility of establishing other power stations, to import electricity from the Mainland, and so on. In the long run, these are of course the proposals that can be considered. However, for the time being, we do not have any definite proposal. Therefore, the situation mentioned by Mr LAU is of course hypothetical, since we have not yet conducted any consultation, nor have we received any views from the public or any reply from the two power companies. However, I can tell Mr LAU that when conducting the consultations, apart from consulting the general public, of course we also have to discuss with the two power companies. This is also the reason that we have to conduct the consultations in two stages. At the first stage, we will first set out a number of proposals and have discussions on them. After concluding the discussions and having considered the responses of various parties such as the power companies, the general public and Members, we will put forward a proposal and invite everyone to discuss it together.

MR LEE WING-TAT (in Cantonese): *Madam President, in many internal investments made by the Government, for example, on the MTR Corporation Limited and the Kowloon-Canton Railway Corporation, the internal rate of*

return is set at 8%. However, the CLP enjoys a rate of return of 13.5%. I wish to invite the Secretary to enlighten Legislative Council Members as to which power company in the world can enjoy such a high return of 13.5% on the net fixed assets? Can the Secretary tell us if there is any other place in the world that offers such a high rate of return?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, Mr LEE is much too humble. Usually, Members are smarter than the Secretaries. I think the rate of return we are talking about now is history and I think Mr LEE is also well aware of it. Therefore, concerning your supplementary, in fact I also want to know the answer. As I have said, of the various factors being considered by us, we will also make reference to other electricity markets, for example, on how the rate of return is calculated in these markets. As you have said, in fact there can be many methods. We will also make reference to these areas, mention these methods in the document and invite the public to express their views to us.

MR HOWARD YOUNG (in Cantonese): *Madam President, it seems that in raising this question, Mr Fred LI wants to highlight the urgency of reviewing the electricity market after 2008. I notice that in the second sentence of his main question, it is pointed out that it takes at least three years to build a new power plant. May I ask the Secretary if the time required to build a power plant is a factor of consideration? That is, is there any indication that there are doubts about the capability of Hong Kong to generate electricity? Apart from having to conduct a review after 2008, the issue of possibly having to raise the power generation capability in the short term has also been raised. Is there any figure that indicates such a need?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I believe Mr YOUNG needs not worry about this. We all know that the L9 unit on south Lamma Island will begin operation in 2006, and in addition, there will also be new units at Blackpoint. On the stability of power supply, I believe Mr YOUNG can rest assured. Stability in fact is a prime concern to us. Mr LI raised the issue of building new power plants in his question. Of course, there is such a possibility. If we open up the market in

future, for example, if power plants and the power networks are completely separated, other power plants will only have to sell the power generated to users through the networks. This is also feasible. However, we must bear in mind that these proposals may not necessarily be implemented immediately after 2008. We also have a lot of proposals that can be implemented in phases. Therefore, there are in fact many possibilities.

Furthermore, there is another possibility — but of course, this is not feasible now — there may be excess power that the Mainland can sell to Hong Kong in future. There may be such a possibility. On Mr YOUNG's question raised just now, at present, our power supply is adequate.

MR WONG KWOK-HING (in Cantonese): *Madam President, the original intention of the SCAs is none other than to enable consumers to have a stable electricity supply at a reasonable cost and this should also be the ultimate goal of the policy on power supply. In view of this, will the implementation of measures conducive to such an end be included in the consultation document to be submitted by the Government? Will the subjects of consultation include interconnection of the two power companies? Will the diversification of energy production be included? Will the opening up of the local market be involved and the monitoring of tariffs and the schemes on profit control be included?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I wish to thank Mr WONG for helping me with drafting the consultation document. What he has raised is in fact some very important considerations. As mentioned earlier, if we do not extend the SCAs, of course it will be necessary to consider the issues raised by you, such as whether interconnection and separation of power plant and power networks are necessary, what fuel should be used, what are the reasonable tariff level, how the reliability and stability will be, and so on. These issues are all very important. How will the mechanism be like? If there is a separation of power plants and power networks and it is possible to make use of renewable energy, how can reliability, stability and affordability be ensured? As Mr LEE Wing-tat has said, how would for example the rate of return be calculated? Of course, all these issues require our consideration. The public will then have to be informed and they will be invited to express their views to us.

DR KWOK KA-KI (in Cantonese): *Madam President, the Secretary said in his reply earlier on that there would be two rounds of consultation. I also notice that the reply mentions that any new power company wishing to enter the market in Hong Kong actually has to take a long time to make preparations and carry out some specific construction works.*

I do not know how the Secretary determines the timetable. Can the Secretary tell us if, before conducting a review or carrying out reforms in 2008, he can make sufficient preparations to enable a new power company to operate in Hong Kong in the event that this major review results in the introduction of a new operator?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I have to thank Dr KWOK for his question. In fact, I have already given a reply earlier. Of course, we have many considerations, for example, on whether any investor will build a new power plant in Hong Kong. Certainly, it will take a long time to conduct an environmental impact assessment and identify the land for this purpose, and so on. Another possibility is that there will be no such need at all and there may be new power plants in Guangdong Province which may have sufficient excess power that can be sold to Hong Kong. If we have to implement interconnection or separation of plants and power networks, of course there will be many considerations, but most importantly, we must have flexibility, that is, it is not necessary to implement such matters immediately on 1 January 2009. We can do so in stages and this is also one of the approaches that can be considered. At present, all are presumptions. None of us knows if anybody will invest heavily in building a new power plant, nor has anyone expressed an intent to do so. However, at least we must have all the structure and options. For example, if the SCAs are extended, it is of course necessary to consider the issue of tariffs mentioned just now; if the SCAs are not extended, what are the considerations involved in interconnection and is it necessary to implement it in stages? All these issues will be included in the consultation document.

PRESIDENT (in Cantonese): Dr KWOK, please stand up. Which part of your supplementary do you think the Secretary has not answered?

DR KWOK KA-KI (in Cantonese): *Madam President, what I wish to ask further is: It seems the reply given by the Secretary is saying that the Secretary has not anticipated the prospect of accommodating a new operator, since the reply just given by him is that it will not — if I have interpreted this correctly — it will not be possible for a new operator to have the opportunity or the condition to materialize the construction of a new power plant in Hong Kong. Am I correct?*

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you only have to point out which part of your supplementary has not been answered by the Secretary. However, I have learnt of your supplementary and let us see if the Secretary has anything to add. However, Secretary, it is not absolutely necessary for you to answer.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I have nothing to add.

PRESIDENT (in Cantonese): We have spent 16 minutes on this question. Last supplementary question.

MR FRED LI (in Cantonese): *As far as I understand it, the CLP is identifying a location for the construction of a natural gas depot. This is a huge plan involving the switch to using more natural gas and this is also what the reply given by Secretary Dr Sarah LIAO to Ms Audrey EU earlier on is about. However, to identify a site for the construction of a natural gas depot will definitely involve developments straddling 2008. What are the relationships that this project has with the opening up of the market and the revisions to the SCAs? Moreover, is supplying the land to the CLP for the construction of a natural gas depot tantamount to extending the SCA with the CLP?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Thank you, Mr LI. I believe Mr LI has also done a lot of homework. In fact, you are right in saying that building such a natural gas

depot is a major investment involving billions of dollars. You are right in saying that if the depot is constructed now and as the SCA is still in force, it will become part of the net fixed assets. In this case, is it necessary for members of the public to bear the costs? Is it presumed that after 2008, the SCA will continue to exist? On such issues, who has to assume responsibility? These are the issues that we have to consider very carefully.

Apart from this, if the use of natural gas is involved, consideration must also be given to the tariffs to be borne by users. Apart from the fixed capital incurred in the construction of a natural gas depot, there will also be other costs, for example, using natural gas as fuel will be more costly than using coal and it may also be necessary to pay charges for the use of other facilities, therefore, users will be significantly affected. I believe we also have to consult the public on these issues.

PRESIDENT (in Cantonese): Oral question time ends here.

WRITTEN ANSWERS TO QUESTIONS

Public Housing Estates Not Fitted with Lifts

7. **DR RAYMOND HO** (in Chinese): *Madam President, at present, there are still some public housing estates in the territory that are not fitted with lifts, causing access barriers to the disabled and the elderly. In this connection, will the Government inform this Council:*

- (a) *of the total number of public housing blocks in the territory that are not fitted with lifts;*
- (b) *whether priority will be given to processing applications by the disabled and the elderly for transfer to public housing estates fitted with lifts, and of the current average waiting time for such applications to be processed;*
- (c) *of the estimated average cost for each public housing block not fitted with lifts to be retrofitted with such devices?*

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

- (a) At present, a total of 32 public rental housing blocks are not provided with lifts. These blocks were completed in the 1960s and 1970s. Most of them are seven-storey blocks.
- (b) Upon receiving requests from disabled and elderly tenants living in blocks without lifts for transfer to other blocks or estates equipped with lifts, the Housing Department will make arrangements to assist the tenants immediately. The time required for the transfer depends on the availability of suitable vacant flats in the blocks or estates that meet the preference of the tenants concerned. Normally, it takes about a month to process a transfer.
- (c) Whether lifts can be retrofitted in the completed blocks depends largely on the loading capacity of the building and the availability of space for retrofitting new lifts. The costs for installing new lifts depend on the actual circumstances of individual building blocks and the technical complexities involved. We estimate that the construction cost for retrofitting one lift is roughly about \$4 million to \$6 million.

Disposal of Waste Paper

8. **MR LAU KONG-WAH** (in Chinese): *Madam President, with regard to the disposal of waste paper, will the Government inform this Council of:*

- (a) *the quantity of waste paper disposed of in each of the past three years, and the quantity and percentage of such waste paper which originated from government departments;*
- (b) *the respective quantities of waste paper disposed of by dumping at landfill sites as well as by other means in each of the past three years, and the respective percentages of such waste paper among all the waste paper disposed of; and*

- (c) *the measures in place to encourage the public to use less paper and to separate wastes to facilitate recovery of waste paper for recycling?*

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

- (a) According to the figures provided by Environmental Protection Department (EPD), the amount of waste paper disposed of in the past three years were:

<i>Year</i>	<i>Quantity of waste paper disposed</i>
2001	1 638 000 tonnes
2002	1 630 000 tonnes
2003	1 639 000 tonnes

Table 1: Total quantity of waste paper disposed

The Government does not collect data on the amount of waste paper being disposed by each department. However, nearly all government departments have adopted measures to recover waste paper for recycling which were collected by contractors recognized by the Government Logistics Department. According to figures provided by these contractors, the quantity of waste paper recovered from government departments for recycling by recyclers in the past three years are as follows:

<i>Year</i>	<i>Quantity of waste paper collected from Printing Department</i>	<i>Quantity of waste paper collected from other departments</i>	<i>Total quantity of waste paper recycled</i>	<i>As a percentage of the total quantity of waste paper disposed</i>
2001	1 307 tonnes	3 051 tonnes*	4 358 tonnes	0.27%
2002	1 193 tonnes	3 019 tonnes*	4 212 tonnes	0.26%
2003	1 092 tonnes	2 290 tonnes	3 382 tonnes	0.21%

Table 2: Quantity of waste paper recovered by government departments for recycling

* Since the collection of data was not systematized, the figures for 2001 and 2002 are estimated figures.

In the past few years, government departments have been actively adopting various measures to reduce paper consumption and to reuse paper, therefore the quantity of waste paper generated is on a declining trend.

- (b) There are only two ways to dispose waste paper, either disposing it at landfills or recovering it for recycling. The quantity of paper being disposed by means of these two ways for the past three years are:

<i>Year</i>	<i>Disposed at landfills</i>		<i>Recovered for recycling</i>	
	<i>Weight</i>	<i>As a percentage of total quantity of waste paper disposed</i>	<i>Weight</i>	<i>As a percentage of total quantity of waste paper disposed</i>
2001	838 000 tonnes	51%	800 000 tonnes	49%
2002	867 000 tonnes	53%	763 000 tonnes	47%
2003	857 000 tonnes	52%	782 000 tonnes	48%

Table 3: The percentage of waste paper disposed at landfills and recovered for recycling.

Most of the waste paper disposed at landfills are contaminated waste paper mixed with other domestic waste. Therefore, they are not suitable for recycling.

- (c) To encourage the public to reduce paper and other wastes, the Government has been promoting waste prevention and recovery through a series of publicity and public education programmes. Since the Environmental Campaign Committee was established in 1990, it organizes various activities every year to promote public awareness of environmental issues, including World Environment Day, Environmental Protection Festival, Green School Award, Hong Kong Eco-Business Award, and so on. It also organizes

waste recovery activities jointly with community groups to encourage the public to reduce waste and separate recyclables for recovery. Besides, the Government injected \$100 million to the Environment and Conservation Fund in 2002, mainly to provide funding support for community groups and green groups to initiate recycling projects in the communities.

Regarding promotion of recovery of waste paper and other recyclables, the Government has already placed over 27 000 waste separation bins throughout the territory to encourage public participation in waste separation and recovery. The waste separation bins are placed at public places and housing estates, with about 70% of the population participating. Apart from placing waste separation bins, the Government have been testing out various forms of waste separation and recovery with a view to identifying the modes that are more convenient to the public, cost-effective and best suit the local needs. This August, the EPD launched the "Pilot Programme on Source Separation of Waste" in 13 estates in the Eastern District, involving some 37 000 households with a population of about 120 000. The objectives of the pilot programme are to assist residents to separate waste at source by providing waste separation facilities on each floor of a building, and to broaden the types of recyclables recovered in order to further enhance the recovery rate and reduce waste. The Government is planning to expand the scope of the programme to encourage more residents to participate in separating waste at source for recycling.

Issuance of Closed Road Permits to Mainland Drivers

9. **MS LI FUNG-YING** (in Chinese): *Madam President, regarding the issuance of closed road permits (CRPs) by the Government of the Hong Kong Special Administrative Region (SAR) to mainland drivers engaging in transportation activities between Hong Kong and the Mainland, will the Government inform this Council:*

- (a) *of the respective numbers of successful and unsuccessful applications for issue and renewal of the above permits made to the*

SAR by mainland drivers each year since 2000, together with the reasons for the applications being unsuccessful;

- (b) of the respective numbers of mainland drivers and their employers arrested and successfully prosecuted for working and employing such persons to work illegally in Hong Kong without such permits, or for breach of permit conditions each year since 2000;*
- (c) of the restrictions imposed by these permits on mainland drivers and their local employers; whether they include restricting mainland drivers to driving vehicles which are registered in the Mainland while they are in Hong Kong; if so, how the authorities monitor the mainland drivers and their employers to guard against non-compliance with the restrictions; if not, the mechanism or measures the authorities have in place to ensure that the issuance of these permits to mainland drivers will not affect the employment opportunities of local drivers engaging in transportation activities between Hong Kong and the Mainland;*
- (d) whether it has set a limit on the number of these permits to be issued; if so, of the maximum number, and how the authorities determined the limit and whether they have reviewed it; if no limit has been set, the reasons for that; and*
- (e) whether it has conducted a comprehensive review on the practice of issuing these permits to mainland drivers, including its impact on the employment of local drivers engaging in transportation activities between Hong Kong and the Mainland; if so, of the outcome; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President, as at the end of October this year, we have issued CRPs to 18 037 Hong Kong drivers and 1 268 mainland drivers in order that they may drive cross-boundary goods vehicles. In general, the Transport Department will issue CRPs to applicants who have successfully obtained a Mainland Approval Notice (MAN) from the Guangdong Public Security Bureau,

and are able to produce the other necessary documents. We do not have statistics on the number of unsuccessful applications for MANs by Mainland drivers.

In regard to the issuing of MANs and CRPs, the Governments of Guangdong and Hong Kong have been following the principle that cross-boundary goods vehicles registered in Hong Kong should be driven by Hong Kong drivers while those registered in the Mainland should be driven by mainland drivers. At present, there are over 18 000 cross-boundary goods vehicles registered in Hong Kong. With the exception of a small number (about 300), for which approval has been given to employ mainland drivers due to special circumstances, all of them are driven by Hong Kong drivers.

According to the Immigration Ordinance, a mainland driver is only permitted to drive the vehicle specified in the MAN and perform cross-boundary transportation duties for the specified company. He is not allowed to perform driving duties other than that approved, nor can he take up other unauthorized work. Any person who contravenes these conditions commits an offence and shall be liable on conviction to a maximum fine of \$50,000 and imprisonment for two years.

Between 2000 and the end of October this year, the number of mainland drivers and employers arrested and the number of prosecutions for offences related to CRPs are as follows:

	<i>Mainland Drivers</i>		<i>Employers</i>	
	<i>Number of Arrests</i>	<i>Successful Prosecutions</i>	<i>Number of Arrests</i>	<i>Successful Prosecutions</i>
2000	0	0	0	0
2001	0	0	0	0
2002	10	8	4	0
2003	0	0	0	0
2004 (January to October)	4	4	2	0 ^{note}

^{note} One employer has been prosecuted and the trial is scheduled for the second half of December 2004. Investigation on another arrested employer is underway.

The Governments of Guangdong and Hong Kong have not set a ceiling on the number of MANs and CRPs for mainland drivers. However, the Guangdong Public Security Bureau will consult us before issuing new MANs to mainland drivers for driving goods vehicles registered in Hong Kong.

We will liaise closely with the mainland authorities concerned and will constantly review the arrangement for Hong Kong and mainland drivers to drive cross-boundary goods vehicles.

We are also very concerned about allegations of mainland drivers involving in activities that contravene the Immigration Ordinance. The Immigration Department, Hong Kong Police Force and Labour Department have been inspecting container depots in the New Territories to curb illegal employment of mainland drivers in Hong Kong. The enforcement agencies will continue to gather intelligence and make joint efforts to curb such illegal activities.

Express Rail Link Connecting Guangzhou, Shenzhen and Hong Kong

10. **MR LAU KONG-WAH** (in Chinese): *Madam President, in March 2002, a joint expert group formed by the Government of the Hong Kong Special Administrative Region (SAR) and the relevant mainland authority embarked on a feasibility study on the development of an express rail link connecting Guangzhou, Shenzhen and Hong Kong. It was reported that the expert group had explored the desirability of adopting a magnetically levitated (Maglev) system for the rail link, but ceased pursuing this option last year in view of the high costs involved. Recently, however, the expert group revisited the option of adopting the Maglev system. With regard to these issues, will the Government inform this Council:*

- (a) *of the latest progress of the study conducted by the expert group on the development of the express rail link; and*
- (b) *how the implementation timetable of the express rail link will be affected by the expert group's revisiting of the option of adopting the Maglev system, and how the Maglev system compares with the wheel-rail system in terms of cost-effectiveness?*

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

- (a) The Joint Expert Group on Guangzhou-Shenzhen-Hong Kong Express Rail Link (the Joint Expert Group) set up by the Environment, Transport and Works Bureau (the Bureau) of the SAR Government and the Ministry of Railways (MoR) of the mainland Government is conducting an investigative study on the feasibility of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (ERL). In the first stage of the study, issues such as the functions and strategic importance of the ERL, the regional transport demand, passenger forecast, and the possible alignments and crossing points of the rail link were studied. Upon the completion of the first stage of the study, the two sides have confirmed the strategic importance of the ERL and embarked on the second stage of the study, in which issues including the railway alignments, station locations, the interface between the Hong Kong and the mainland sections of the ERL, the major technical standards, passenger forecast and financial viability will be further examined. Taking into account the latest development of the town planning and traffic network planning on the two sides, the MoR and the Bureau are considering some new ideas for the mainland and Hong Kong sections of the ERL respectively. On the Mainland side, the MoR is studying the feasibility of using the mainland section of the ERL to also cater for the Guangzhou-Shenzhen axis of the Pearl River Delta Rapid Transit System. On the Hong Kong side, we are studying the feasibility of using the West Rail and the Northern Link to form the Hong Kong section of the ERL. The Kowloon-Canton Railway Corporation (KCRC) and the MTR Corporation Limited (MTRCL) have provided in their Joint Merger Report a preliminary analysis on the abovementioned ideas. We have also asked the KCRC to do further planning in the context of its study on the Northern Link.
- (b) Included in both the first and second stages of the joint investigative study is an assessment of and a comparison between the wheel-on-track technology and the Maglev technology. If the Maglev technology is adopted, a new and separate rail corridor will have to be built for use by Maglev trains, and it is anticipated that

the construction time will be longer than that under the wheel-on-track option.

When analysing the cost-effectiveness of the two railway technologies, we have to take into account a number of factors, such as the construction and operation costs, train operating speed, system reliability and compatibility. The extremely low noise level achieved by the Maglev technology, as demonstrated by the operation of Maglev trains in Shanghai, may command an advantage in areas with high population density and should also be taken into account.

The construction cost of railways includes the cost of building the railway tracks and the rolling stocks. Generally speaking, the Maglev technology will attract a higher construction cost than the wheel-on-track technology, but the actual cost will depend on the topography along the railway alignment and whether the railway system is constructed in the urban areas. Moreover, the operation and maintenance costs of a Maglev railway are higher than those of a wheel-on-track railway.

As for the speed of the railway, the design speed of Maglev trains is higher than that of wheel-on-track trains. Nevertheless, a reasonable distance between stations will be required in order to optimize the efficiency of the Maglev system in reducing the journey time.

Regarding the reliability of the railway system, both the wheel-on-track and the Maglev technologies can meet the required safety standards. The use of the wheel-on-track technology has a history of over a hundred years. Therefore, we have more experience over the reliability of rail services and systems offered by the wheel-on-track technology. On the other hand, the commercial operation of the Maglev system is not as widely tested. As regards system compatibility, given that the majority of existing railways in the Mainland and in Hong Kong are wheel-on-track railway systems, direct connection of the ERL with existing wheel-on-track railway networks will not be possible if the Maglev technology is adopted.

Kyoto Protocol

11. **MISS CHOY SO-YUK** (in Chinese): *Madam President, it has been reported that the Russian President announced on 30 September this year that the Russian Government had endorsed a bill to ratify the Kyoto Protocol (the Protocol) and the bill had been submitted to the Russian State Duma for approval. The Protocol will come into effect in Parties to the Protocol all over the world after the bill has been approved by the Russian State Duma, endorsed by the Upper House of Russian's Parliament and signed by the President. It will also be an important step taken by the international communities to counter threats posed by climate change to the world. In this connection, will the Government inform this Council*

- (a) *how Hong Kong will fulfil its obligations after the Protocol comes into effect; and*
- (b) *of the progress made by the Government of the Hong Kong Special Administrative Region (SAR) in co-ordinating with the Central People's Government regarding the submission of reports to the United Nations, including how it will prepare the relevant reports, of the timetable for drafting the reports, the government departments responsible for the drafting work and the procedures for ratifying the draft reports?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President,

- (a) and (b)

The Central People's Government notified the United Nations in May 2003 that the United Nations Framework Convention on Climate Change (the Convention) and the Protocol were applicable to the SAR. The Convention and the Protocol require the contracting parties to submit reports on greenhouse gas emissions to the United Nations from time to time. The Environment, Transport and Works Bureau will co-ordinate the submission of information on the situation in Hong Kong to the Central People's

Government in accordance with the framework and work schedule laid down by the Central People's Government.

Determining Emission Reduction Targets

12. **MISS CHOY SO-YUK** (in Chinese): *Madam President, the Central People's Government has decided to apply the United Nations Framework Convention on Climate Change (the Convention) and the Kyoto Protocol (the Protocol) under the Convention to the Hong Kong Special Administrative Region (SAR) with effect from May last year. As China is not a party listed in Annex I to the Convention, it is not obligated to abide by the emission reduction targets stipulated by the Protocol for developed economies. In this connection, will the Government inform this Council:*

- (a) *whether it is the responsibility of the SAR Government or the Central People's Government to draw up specific emission reduction targets;*
- (b) *if the above task is the responsibility of the SAR Government, of the basis adopted by the Administration in determining the emission reduction targets for the SAR, and the reasons for adopting such basis; given that the SAR ranks 30th among 183 economies and is one of the 54 high-income economies according to the "2003 Gross Domestic Product" ranking list in the World Development Indicators database which was published by the World Bank in September this year, whether the SAR Government will, having regard to the level of our economic development, adopt the emission reduction targets for developed economies; and*
- (c) *if the above task is the responsibility of the Central People's Government, whether the SAR Government knows the basis adopted by the Central People's Government in determining the emission reduction targets for the SAR and the reasons for adopting such basis?*

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

- (a) Under the "one country, two systems" arrangement, the SAR Government is responsible for controlling the greenhouse gas (GHG) emissions from the SAR and reporting to the Central People's Government information required by the Convention and the Protocol after the Central People's Government's promulgation of the extension of the Convention and the Protocol to the SAR.

(b) and (c)

We will do our best to control GHG emissions from Hong Kong and join hands with the international community in addressing global climate change. In fact, we successfully brought our GHG emissions down to the 1990 level in 2000.

Instead of setting emission reduction targets applicable to all, the Protocol requires its signatories to fulfil different obligations according to their specific circumstances. For example, European Union (EU) countries are required to reduce their emission levels by 8% on average while Australia may increase emissions by up to 8%.

At present, the per capita GHG emission level of Hong Kong is only 6 tonnes, which is far below that of other developed economies, such as the United States (24.9 tonnes), Australia (26.2 tonnes), Canada (23.6 tonnes) and EU countries (7.8 to 17.7 tonnes). Even if these developed economies manage to achieve their respective Kyoto targets, their per capita emission levels will still be much higher than that of Hong Kong.

That said, the SAR Government is actively taking cost-effective measures to control and further reduce local GHG emissions. Such measures include making better use of landfill gas, promoting energy efficiency and electricity saving.

Speeding and Red Light Jumping by Drivers

13. **MS EMILY LAU** (in Chinese): *Madam President, in view of the serious traffic incident which occurred on the 22nd of last month, allegedly as a result of*

speeding and red light jumping by public light bus (PLB) drivers, will the executive authorities inform this Council:

- (a) of the number of traffic accidents involving speeding PLBs and the resultant casualties in each of the past three years;*
- (b) of the number of prosecutions instituted against PLB drivers for speeding last year; and how the figure compares with those in the preceding two years;*
- (c) whether they will consider making it mandatory that speed display and record devices be installed in all PLBs, and adopting measures to prevent such devices from being tampered with;*
- (d) whether they will consider increasing the penalty of incurring three points in respect of red light jumping under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375); and*
- (e) whether they will consider installing cameras for detecting speeding and red light jumping at traffic accident black spots throughout the territory, so as to step up prosecution against drivers who speed and jump red lights?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Chinese): Madam President, the number of traffic accidents involving speeding PLBs and the resultant casualties in the past three years are as follows:

<i>Year</i>	<i>Number of traffic accidents</i>	<i>Casualties</i>			
		<i>Fatalities</i>	<i>Serious Injuries</i>	<i>Minor Injuries</i>	<i>Total</i>
2001	12	1	1	33	35
2002	19	3	6	28	37
2003	12	0	9	24	33
Total	43	4	16	85	105

In 2003, 1 730 fixed penalty tickets and summons were issued to PLB drivers for speeding, while in 2001 and 2002, 1 502 and 1 830 fixed penalty tickets and summons were issued respectively.

We are considering to make it mandatory for PLBs to install speed display devices and require PLB owners to adopt measures to prevent such devices from being tampered with.

To enhance road safety, we are considering to increase the driving offence points for red light jumping under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375), and install more speed enforcement cameras and red light cameras to provide a stronger deterrent effect.

Curbing Proliferation of Mikania Micrantha

14. **MR ALBERT CHAN** (in Chinese): *Madam President, in reply to my question on 26 November 2003, the Administration advised that it had adopted a number of measures to curb the proliferation of Mikania micrantha in rural areas. However, it is learned that Mikania micrantha is still spreading, blocking other plants from sunlight and strangling many plants which have withered as a result. In this regard, will the Government inform this Council:*

- (a) *of the locations and total area where Mikania micrantha has proliferated over the past 12 months;*
- (b) *of the new measures adopted to prevent Mikania micrantha from harming trees;*
- (c) *of the results of its joint study with the Guangdong Forestry Bureau to curb the spread of Mikania micrantha; and*
- (d) *whether more effective measures will be drawn up to curb the proliferation of Mikania micrantha; if so, of the details; if not, the reasons for that?*

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

- (a) in general, Mikania micrantha has not affected any planting in the urban landscaped areas managed by various government departments. The spreading of the weed in country parks and

ecologically sensitive areas is not serious either and has been kept under control. *Mikania micrantha* usually grows in abandoned fields, roadsides, hillside and fringe of woodland where there is ample sunlight. The weed could be found at Yuen Long, North District, Pokfulam and in country park areas at Pat Sin Leng, Tai Tam, Lantau and Sai Kung. This year, we have cleared a total of 35 hectares of land in country parks, Sites of Special Scientific Interest and other landscaped area in the rural areas that were affected by *Mikania micrantha*;

- (b) the best way to protect trees from damage by *Mikania micrantha* is to closely monitor the situation with regular maintenance to ensure that there is no infestation of this weed. In this respect, relevant departments have regularly inspected areas under their management. They have also instructed their front-line staff and the maintenance contractors to remove and control the proliferation of *Mikania micrantha*, as soon as practicable once the weed is found. The above measure is found to be effective and as a result, the growth of *Mikania micrantha* has been kept under control;
- (c) the joint study carried out by the Agriculture, Fisheries and Conservation Department and the Guangdong Forestry Bureau on control of *Mikania micrantha* has been completed. The study has identified a herbicide "Sulfometuron-methyl", which is effective in killing the weed but not other local plants. We have carried out large scale field trials on the application of this herbicide and so far the results are satisfactory. Upon further monitoring of its performance, we would consider making wider use of this herbicide to control spreading of the weed in country parks. Although, there is no existing measure that can permanently eliminate *Mikania micrantha*, the Administration would continue to explore other means to curb its growth; and
- (d) the Administration will step up efforts in clearing *Mikania micrantha* in country parks and sites of high ecological value with all practical measures. We have tried out the use of the new herbicide as mentioned above. We will closely monitor its performance over a longer period of time. If found satisfactory, we will consider adopting the new measure more widely.

"Learn and Work" Scheme

15. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that the City University of Hong Kong (CityU) will launch a "learn and work" scheme to subsidize approximately the first year's annual salaries of some 200 to 300 graduates of the CityU, with a view to helping them secure their first jobs. Under this scheme, the CityU will also increase the number of on-campus part-time jobs available to its students, so as to allow the various departments of the CityU to employ them to take up part-time jobs, in order that they can gain working experience, thereby facilitating them in finding employment after graduation. In this connection, will the Government inform this Council whether it:*

- (a) knows if the other universities in Hong Kong have implemented the above scheme; if so, of the details; if not, whether they will implement such a scheme;*
- (b) knows the total estimated number of graduates and students who will benefit from the scheme in the coming year; and*
- (c) has assessed the benefits to the participating students and universities if the scheme is implemented by all universities in Hong Kong (with the exception of The Open University of Hong Kong); if so, of the results?*

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

- (a) In general, all University Grants Committee (UGC)-funded institutions have, in one way or another, included job or service elements in their undergraduate programmes as an opportunity for learning and professional development. This often takes the form of internship or "sandwich" programmes so that students may gain work experience before graduation. The programmes may be with or without pay, and their duration varies, ranging from a few weeks, a summer, a term to a year. To enhance students' learning experience and prepare them for employment, institutions also organize visits to work places, as well as workshops and seminars

on career choice, job seeking skills and work place adjustments, and so on.

The question refers to a report that the CityU will launch a "learn and work" scheme. We understand that the CityU is currently exploring the idea of post-graduation work-based learning and evaluating different models of implementation. Nonetheless, this is only a preliminary idea and the CityU has not made any decision yet.

- (b) It is estimated that about 14 000 work opportunities under various work-based learning schemes organized by the UGC-funded institutions will be available to their undergraduate students and fresh graduates in the coming year.
- (c) All UGC-funded institutions agree that integrating work and learning experience can bring about benefits. Students will be able to put theory to practice and will become more motivated and proficient in the learning of their chosen fields of study. These working opportunities will also increase their exposure and provide students with valuable working and personal experiences. Institutions can also benefit by keeping abreast of new developments in the market place; and by obtaining feedback from employers regarding the performances of their students. These in turn could facilitate curriculum design to suit the needs of society. Therefore, students, institutions and employers can all benefit from the work-based learning schemes organized by the UGC-funded institutions.

Safety of and Insurance for Tour Groups

16. **MR HOWARD YOUNG** (in Chinese): *Madam President, a Hong Kong tour group had a serious traffic accident in Jiufen, Taiwan on the 18th of last month, causing deaths of four tour group members and more than 20 injuries. The travel agents and people in Hong Kong were gravely concerned about the safety of and insurance for tour groups. In this connection, will the Government inform this Council:*

- (a) *whether the authorities concerned have regularly exchanged views with the tourism authorities outside Hong Kong on measures to ensure tourist safety at those places; if so, whether they have conveyed such measures to the travel agents in Hong Kong; if not, whether they have such plans;*
- (b) *whether it will consider requiring travel agents to take out indemnity insurance, no matter whether it is to be taken out by travel agents individually or collectively by the Travel Industry Council of Hong Kong (TIC) on their behalf;*
- (c) *whether it knows the progress of the discussion over indemnity insurance between the TIC and the insurance industry; and*
- (d) *of the measures in place to ensure that tour group members be expeditiously compensated after accidents?*

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

- (a) Through participation in various international and regional fora, including the World Tourism Organization, the Asia Pacific Economic Co-operation, and the Pacific Asia Travel Association, the Government and the TIC maintain regular liaison with other tourism authorities to discuss issues of common interests, including travel safety measures. There is close co-operation between the Government, the TIC and the mainland tourism authorities. The TIC has recently signed a Memorandum of Understanding with the Guangdong Provincial Tourism Administration on group tour arrangements, including travel safety issues.
- (b) Travel agents, like all other commercial operations and based on their operational requirements, has the responsibility to adopt effective risk management measures for its operation, including whether to take out professional indemnity insurance to reduce the financial risk in the event of liability claims.

Whether travel agents should take out professional indemnity insurance is a risk management decision of the travel agents concerned. At present, the Government has no intention of requiring the travel agents to take out professional indemnity insurance on a mandatory basis. We will continue to remind the trade to take out insurance in accordance with their operational risks and needs, and help them to discuss the question of insurance coverage with the insurance sector. The TIC is consulting the insurance sector on the preparation of a best business practice for travel agents to help them manage and reduce their operational risks. It is also exploring the possibility of taking out collective professional indemnity insurance for travel agents.

- (c) We understand that the TIC is discussing the professional indemnity insurance issue with various insurance bodies, including the Hong Kong Confederation of Insurance Brokers, the Professional Insurance Brokers Association Limited and the Hong Kong Federation of Insurers. According to the TIC, most of the more well-established travel agents organizing outbound tours have already taken out professional indemnity insurance.
- (d) Professional indemnity insurance only provides financial protection to travel agents to meet the costs of litigation and any damages that may become payable by them. It cannot ensure expeditious compensation to the injured traveller in the event of accidents. When an accident occurs during the trip, Hong Kong residents joining package tours may seek financial assistance from the Package Tour Accident Contingency Fund Scheme (the Scheme) under the Travel Industry Compensation Fund. The travel agent concerned will immediately provide assistance to the injured, including reporting the accident to the TIC, the insurance company and the Travel Agents Registry; transferring the injured travellers to nearby medical facilities for treatment; and informing their family members. Expenses incurred for medical treatment, compassionate visits of family members, repatriating the remains of a deceased person to Hong Kong and funeral service at the place of accident will normally be borne by the travel agent first who will then seek *ex gratia* payment from the Scheme on behalf of the travellers.

Publication of Gazette Notice for Speed Limit

17. **MS MIRIAM LAU** (in Chinese): *Madam President, a man was prosecuted and convicted for driving a vehicle at a speed of 97 km per hour (km/hr) along a particular section of the Lantau Link in July this year, which exceeded the speed limit of 80 km/hr enforced on that road section. Aggrieved by the conviction, the man lodged an appeal to the High Court. On 16 September, a Judge of the High Court ruled in favour of the appellant on grounds that the speed limit of 80 km/hr on the road section was invalid because the authorities had not, as required by the law, published a notice of it in the Gazette, and the traffic sign stipulating the relevant speed limit was therefore misleading to the appellant. It has been reported that the Department of Justice has recently decided not to appeal in this case. In this connection, will the Government inform this Council whether:*

- (a) it will expeditiously publish in the Gazette the notice of the speed limit of 80 km/hr for the road section; if so, of the timing of the gazettal; if not, the reasons for that; and*
- (b) it will refund the fines to those vehicle drivers who have been convicted of speeding on the road section in the past and, if applicable, rectify their records of driving-offence points; if so, of the relevant details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President, the Lantau Link is part of the Tsing Ma Control Area, and is governed by the Tsing Ma Control Area Ordinance (Cap. 498). According to the Ordinance, it is not necessary to gazette the speed limit. The Commissioner for Transport is empowered to erect or display any prescribed traffic sign, including the speed limit sign, at any place within the Tsing Ma Control Area.

Regarding part (b) of the question, as the subject involves complex legal and other issues, we are examining the matter in detail in conjunction with the Department of Justice and other government departments.

Upper Age Limit for Applications for Continuing Education Fund

18. **MR MA LIK** (in Chinese): *Madam President, according to the requirements of the Continuing Education Fund (CEF) for reimbursing fees of recognized courses, applicants must be aged from 18 to 60 at the time of application and on seeking reimbursement of their fees. In this connection, will the Government inform this Council:*

- (a) *of the number of persons who have attended recognized courses and are over 60 years of age, and its percentage in the total intake since the establishment of the CEF;*
- (b) *whether it has assessed the possible financial impact on the CEF if the above upper age limit requirement is removed; if it has, of the assessment results; and*
- (c) *whether it plans to remove the upper age limit requirement so as to encourage people to pursue lifelong learning and study; if not, the reasons for that?*

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

- (a) As the eligibility for the Fund is restricted to persons aged 18 to 60, those who have attended recognized courses and made applications to the Fund are below 60 years of age. Therefore, we do not have the record of the number of persons who have attended recognized courses and are over 60 years of age, and its percentage in the total intake since the establishment of the CEF.
- (b) We have not assessed the possible financial impact on the CEF if the above upper age limit is removed.
- (c) The CEF is introduced to assist our workforce to be better prepared for the change in manpower requirements during our transition to a knowledge-based economy. To achieve this goal and to effectively enhance the overall competitiveness of Hong Kong with limited

resources, we have to set appropriate parameters on the eligibility criteria, including the age limit. The existing age limit for the CEF applicants was laid down upon consultation with various stakeholders (including academics, the business community and legislators). In view of the objective of the CEF, we have no plan to change the age limit.

We recognize the need for continuing education and training of all age groups. People aged over 60 who have the aspiration to pursue continuing education can also benefit from other programmes of continuing education and training provided with public resources. For instance, the adult education programmes offered by non-government organizations and funded under the Government's Adult Education Subvention Scheme include tailor-made courses for people aged 55 or above.

Senior Staff of Public Organizations Taking up Positions in Commercial Organizations

19. **MS EMILY LAU** (in Chinese): *Madam President, the incumbent Chief Executive Officer (CEO) of the MTR Corporation Limited (MTRCL) accepted a bank's appointment as its chairman in July this year. In this connection, will the executive authorities inform this Council whether:*

- (a) *they know if the person concerned had sought the prior approval of the MTRCL management; if he had, of the reasons and criteria for granting the approval; if he had not, the reasons for that;*
- (b) *they have studied if the person concerned has conflicts of interests, roles and time in concurrently taking up senior positions in a public organization and a commercial organization, as well as such impact on the operation of the MTRCL; if they have, of the outcome of study; if not, the reasons for that; and*
- (c) *they will prohibit senior staff of the MTRCL and other public organizations from concurrently taking up positions in commercial organizations, in order not to affect their commitment and performance in their respective public organizations?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President,

- (a) The appointment and conditions of appointment of the senior executives, including the CEO, of the MTRCL, which is a listed company, are matters for decision by the Corporation itself. According to the MTRCL, the Board Chairman had agreed to the incumbent CEO's taking up of the appointment in the Standard Chartered Bank Hong Kong (SCBHK) as its non-executive Chairman. The view of the MTRCL is that it is common practice for senior staff of commercial organizations to assume non-executive roles in other companies to gain external exposure and broaden their network and business contacts. This will enhance their ability to perform their duties in the organizations. Moreover, the role of non-executive Chairman in the SCBHK does not demand excessive time from the incumbent CEO.
- (b) There are provisions in the MTRCL's Articles of Association to guard against conflict of interests. The Articles of Association provide that a director of the MTRCL cannot vote on any contract, transaction, arrangement or any other kind of proposal in which he has material interests. In the case of the incumbent CEO, who is a director of the MTRCL, he will refrain from participating in decision-making by the MTRCL Board where the SCBHK is involved. He will also make a declaration should any conflict of interests arise in the course of carrying out his duties as the CEO of the MTRCL.

The MTRCL has also established procedures for ensuring that the selection of financial institutions and other organizations for the company's projects is done fairly and objectively. It has set up an internal panel for the purpose. The CEO is not a member of the panel. The panel assesses proposals submitted and passes its recommendations directly to the Board.

- (c) As mentioned in part (a) above, the MTRCL is a listed company and the appointment and conditions of appointment of its senior executives, including their appointments in other commercial organizations, are matters for decision by the Corporation itself.

As regards public organizations, we believe that, in considering whether their senior staff should be permitted to take up positions in commercial organizations, the governing body of the public organizations should consider all the relevant factors, including the benefits that they will gain from the enhanced exposure of the staff, the impact on the staff's performance in and dedication to their organizations, possible conflicts of interests and the arrangements in place to avoid conflicts of interests. Each case should be considered on its own merits.

Air Pollution

20. **MR CHEUNG HOK-MING** (in Chinese): *Madam President, it has been reported that a green group recently criticized that the air quality index currently adopted by the Environmental Protection Department (EPD) is outdated, failing to reflect the actual air pollution situation in Hong Kong, and that while Hong Kong is a first-rate city, it has ninth-rate air quality. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed the effectiveness of the improvement measures taken to address the air pollution problem in Hong Kong in the past three years; if an assessment has been made with the results indicating that the effectiveness of such measures is not satisfactory, whether it has proposed new improvement measures so that Hong Kong, as a first-rate city, will have first-rate air quality; and*
- (b) *of the public medical expenditure in the past three years on diseases caused by the serious air pollution problem in Hong Kong, particularly respiratory diseases?*

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

- (a) The air pollution problem faced by Hong Kong arises from roadside pollution caused by local vehicles and regional pollution caused by

industrial and commercial operations. We have formulated a comprehensive strategy to improve air quality.

To reduce emissions from local vehicles, the Government announced in the 1999 policy address a package of initiatives, which have proved to be effective. Compared with 1999, the number of smoky vehicles had dropped by over 70% in 2003. Respirable suspended particulates (RSP) and nitrogen oxides (NO_x) at roadside had dropped by 13% and 23% respectively during the same period. Although the roadside air quality in Hong Kong had improved, the concentrations of RSP recorded by general air quality monitoring stations had increased by 4%, whereas those of ozone had increased by as much as 18% during the same period. It is evident from these figures that the air quality of Hong Kong is increasingly affected by regional air pollution as the mainland economy continues to grow.

To address the regional air pollution problem, the EPD of Hong Kong and the Environmental Protection Bureau of Guangdong Province conducted a joint study on regional air quality during 1999-2002. The aim of the study is to analyse the relative significance of different industrial and commercial sources of pollution and their direct and indirect impacts on regional air quality so that air pollution control measures can be prioritized accordingly. After the study was completed, the Government of the Hong Kong Special Administrative Region (SAR) and the Guangdong Provincial Government reached a consensus in April 2002 to reduce by 2010, on a best endeavour basis, the regional emissions of sulphur dioxide (SO₂), NO_x, RSP and Volatile Organic Compounds (VOCs) by 40%, 20%, 55% and 55% respectively, using 1997 as the base year.

With a view to meeting these emission reduction targets, the two Governments set up the Pearl River Delta Air Quality Management and Monitoring Special Panel under the Hong Kong/Guangdong Joint Working Group on Sustainable Development and Environmental Protection to follow up the tasks involved. The two Governments also jointly drew up the Pearl River Delta Regional

Air Quality Management Plan (the Management Plan) in December 2003. Initiatives under the Management Plan include implementing a package of enhanced air pollution control measures; compiling an inventory of air pollutant emissions in the region; and setting up a regional air quality monitoring network.

The enhanced measures that we plan to implement in Hong Kong include the followings:

- (i) To tighten the motor petrol standard to Euro IV with effect from 1 January next year;
- (ii) To introduce new regulations in the first quarter next year which require the installation of vapour recovery systems at petrol filling stations;
- (iii) To apply the Euro IV emission standards to newly registered vehicles by 2006;
- (iv) To require importers or manufacturers of specified products to register the VOC contents of their products with the EPD and provide labelling on the container or packaging of the products in an effort to reduce VOC emissions; and
- (v) To negotiate with power companies on measures to further reduce power plant emissions and increase the share of natural gas in electricity generation. We will also explore the feasibility of introducing demand-side management and providing economic incentives to save energy.

The emission reduction policy of Guangdong Province mainly focuses on power plants, vehicles and the most polluting industrial processes. Measures taken include the followings:

- (i) To diversify clean energy production and supply systems, construct gas-fired power plants and provide for the transmission of electricity from western provinces;

- (ii) To restrict the use of high sulphur fuels, close down small power generation units and retrofit such units with flue gas desulphurization systems in order to reduce emissions from the power generation process;
- (iii) To phase out coal-fired boilers, industrial boilers and industrial technologies and equipment with inefficient energy consumption and causing serious pollution;
- (iv) To reduce VOC emissions from paints; and
- (v) To build metro expressway systems, develop green transport and reduce vehicle emissions in order to control pollution caused by the exhaust of motor vehicles.

Upon the achievement of the emission reduction targets by both sides, the air quality in Hong Kong, especially the smog problem, will be significantly improved.

- (b) In 2002, the EPD engaged the University of Hong Kong and The Chinese University of Hong Kong to carry out a study on the correlation between air pollution in Hong Kong and its impact on health. Using the air quality data for 2000, the study estimates that the direct medical expenditure (including consultation and hospitalization fees) on respiratory and cardiovascular diseases possibly related to air pollution may total \$1.3 billion each year. Based on this figure, it is estimated that at least \$3.9 billion in medical expenditure have been spent on diseases possibly related to air pollution in the past three years. A breakdown of this amount into public and private medical expenditures is not available.

STATEMENTS

PRESIDENT (in Cantonese): Statements. The Chief Secretary for Administration and the Secretary for Constitutional Affairs will make statements respectively on "West Kowloon Cultural District project" and "Electoral Affairs Commission Interim Report on the 2004 Legislative Council Election".

In accordance with the Rules of Procedure, no debate may arise on the statements but I may in my discretion allow short questions to be put to the public officers for the purpose of elucidating their contents.

First statement. Chief Secretary for Administration.

West Kowloon Cultural District Project

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, before making my Statement, I would like to express my deepest condolence to you, Madam President, for the loss of your spouse a few days ago. Mr Stephen FAN Sheung-tak was a man of integrity who had all along offered support and encouragement to you, Madam President, in the performance of your heavy public duties. My colleagues and I feel very sorry about the loss of Mr FAN. At this time of grief, Madam President, you have insisted to remain in your position and preside over today's meeting of the Legislative Council. Your resilience and strong sense of responsibility have earned the respect of the public service of the Government of the Hong Kong Special Administrative Region (SAR) and the general public of Hong Kong. It is my firm belief that you, with this spirit of yours, will certainly lead the Legislative Council and us to continue to serve the people of Hong Kong.

Now, I would like to thank Madam President for allowing me to address the Legislative Council on the West Kowloon Cultural District (WKCD) project.

Madam President and Honourable Members, the WKCD project has been a subject of concern to the Legislative Council and various sectors of the community. Today, I wish to brief Members on the results of stage one of the assessment process regarding this project and our next steps, including arrangements for public consultation.

2. The idea of developing a world-class cultural district first arose in 1996. In that year, the Hong Kong Tourist Association conducted an extensive survey of visitors coming to Hong Kong and a proposal was put to the Legislative Council in 1998 that a new cultural venue should be built. In his policy address for that year, the Chief Executive, Mr TUNG Chee-hwa, said Hong Kong would

be developed into Asia's arts and cultural capital. The construction of the WKCD was one of the key initiatives.

3. We began working on ideas for the WKCD project in 1998. It is now six years on. The Government has consulted the Legislative Council and the relevant sectors on various aspects of the project. On 26 November last year, I spoke at length on the project design, development method and consultation arrangements during the Legislative Council's motion debate on the subject, and eventually got the support of the Legislative Council. I shall not repeat them here.

4. Between December last year and March this year, the Government held widespread consultations with the arts and cultural sectors as well as professional bodies. We listened to views on the contents of our Invitation for Proposals (IFP), including the assessment criteria. We will certainly refer to these valuable views in assessing the proposals.

5. In building the WKCD, the Government seeks to enhance the quality of life of the public by providing world-class visual and performing arts programmes in facilities that are state of the art. The WKCD will boost Hong Kong's status as a world city. Financial centres like New York and London enjoy their standing as glamour destinations thanks to the great importance they attach to the development of art and culture, including architecture.

6. With its unique landmark design and the abundance of arts, cultural and entertainment events on offer, the WKCD will reap considerable economic benefits for Hong Kong, including attracting more tourists to visit and spend money in Hong Kong. The construction of the WKCD will also create a lot of employment opportunities, including 500 professional posts in the short term and at least over 5 000 vacancies for construction workers over six consecutive years. In the long run, this project will create for the local job market over 1 000 posts engaged in the operation and management of the arts and cultural facilities in the district.

7. The Government issued the IFP for the WKCD in September last year which attracted sizeable enterprises, including both sole proprietors and consortiums. At the time, we called on the developers to enter into partnerships with renowned and experienced local and overseas arts and cultural bodies. This shows that we not only consider the project as a unique architectural, arts

and cultural icon, but also attach great importance to its substance and management software. In fact, all the screened-in proponents have proposed partnerships with top local and overseas arts and cultural organizations, which is no doubt of benefit to the public, especially the arts and cultural sector.

8. We received five development proposals by the deadline of June 19 this year and briefed the Legislative Council Panel on Planning, Lands and Works on the progress in June this year. The assessment committee has since then been assessing these five proposals and has now finished stage one of the assessment process.

9. So I will now inform Members of the screening result in this stage and the arrangements for the ensuing assessment and public consultation.

10. The five proposals received were from World City Culture Park Limited, Sunny Development Limited, Swire Properties Limited, Dynamic Star International Limited and Mr Lam, Sze-tat.

11. The first stage of the assessment involved screening the proposals against the basic requirements laid down in the IFP. An assessment committee of senior and experienced civil servants, including those from professional departments, carried out the screening based on the assessment criteria in the IFP. All officers involved had to observe the guidelines that were drawn up with the assistance of the Independent Commission Against Corruption (ICAC). We specifically invited the ICAC to witness the entire screening process to ensure that the process was fair and just.

12. The assessment committee has already presented its report to the Steering Committee which I chair. Subsequently, the Steering Committee recommended the screening result to the Chief Executive in Council and the result has been approved.

13. According to the screening result, the proposal from Swire Properties Limited does not meet the basic requirements specified by the IFP in several aspects. First, Swire Properties Limited fails to provide core arts and cultural facilities, such as a museum cluster, art exhibition centre and theatre complex, in the WKCD in accordance with the IFP. The proponent proposes to use the WKCD site principally for residential and commercial developments. This is not the Government's intention and is not acceptable.

14. World-class arts facilities, such as London's South Bank and West End, succeed in creating a cost-effective and vibrant hub by bringing together arts, cultural, entertainment and leisure facilities. In building the WKCD, the Government hopes to create a world-class cultural district that fosters artistic talent and attracts visitors.

15. Moreover, the proposal from Swire Properties provides no canopy in accordance with the basic requirements laid down in the IFP. It just proposes planting trees on the roofs of some low-rise connected retail buildings in the WKCD to provide a "living roof". This is materially different from the special features and concept of the design of the canopy required by the IFP. It would not create a unique architectural landmark for the WKCD to attract visitors. It would not group together the facilities in the district. It would not allow the public to enjoy the facilities in an open setting. The merits expected of the canopy design are lost.

16. In addition, Swire Properties scatters the required arts and cultural facilities in Tsim Sha Tsui, Tamar and Fenwick Piers, which will not create the clustering effect envisaged by the original design and will occupy several valuable public sites at the harbour front. It would also involve the demolition of some of the existing arts and cultural facilities in Hong Kong, including the Space Museum and the Museum of Art in Tsim Sha Tsui. These facilities now operate well with very high utilization rates. Their demolition would, in addition to being a waste of public money, cause inconvenience to the public.

17. For the above reasons, we consider that the proposal submitted by Swire Properties Limited does not meet the basic requirements laid down in the IFP. In fact, Swire Properties has not declared that its proposal met all the basic requirements as stated in the IFP.

18. The proposal submitted by Mr Lam, Sze-tat does not meet the basic requirements since it does not show that the proponent possesses the required relevant direct experience for the project. It also fails to propose the core arts and cultural facilities.

19. The Government is grateful to Swire Properties Limited and Mr Lam, Sze-tat for the submission of their proposals. However, according to the rules set out in the IFP, the Government will not consider these proposals further.

20. I wish to point out that the Government has just completed the first stage of the assessment process. The three proposals that meet the basic requirements will be further assessed. This does not mean that the Government has formed any opinion on these proposals. We now need to proceed to the next stage of the assessment process, in which the assessment committee will continue to assess these proposals in accordance with the criteria set out in the IFP. The assessment covers three aspects, namely, technical, financial, and operation, maintenance and management. The ICAC will continue to witness the entire assessment process as an observer.

21. At the same time, the Government will consult the public on these screened-in proposals.

22. The Government announced in March this year that it planned to start public consultations early next year. Public can air their views on proposals that meet the basic requirements. These views will serve as reference in the selection and negotiation of proposals.

23. As the assessment process has been smooth, the Government will bring forward the public consultation exercise to mid-December to allow the community to become involved in this important and meaningful project earlier. We will invite the three screened-in proponents to take part in the public consultations. They will provide exhibits for public comment, including models made to scale and the contents of their proposals. This public exhibition will take place at the Hong Kong Science Museum and will last about six weeks. At the exhibition venue, the Government will distribute questionnaires to collect visitors' views on the screened-in proposals.

24. To let more people learn about the screened-in proposals, the Government will also display a summary of these proposals at places where people converge, including five venues under the Leisure and Cultural Services Department. All information displayed will also be uploaded onto the WKCD website. The public will then be able to browse the information on the Internet and fill out an online questionnaire to express their opinions on the proposals.

25. I call on the public to visit the exhibition and to complete the questionnaire. Public views are valuable and will help the Government select the proposal that is in the best interests of the public. Those unable to go to the exhibition hall or

unable to hand in the questionnaire at the exhibition venue are welcome to present their views to the Government through the post, email, and so on.

26. In addition to the exhibition, the Government will also hold a series of discussion forums in various districts to collect views from various sectors of the community. We will invite representatives of each proponent to attend these forums to explain the contents of their proposals. This will provide a good opportunity for the public, cultural sector and relevant professionals to get to know the proposals and to give their views.

27. To ensure the information to be exhibited by the screened-in proponents is in line with the proposals submitted to the Government, proponents participating in the exhibitions will be required to submit such information to the Government in advance. They will also be required to sign an undertaking, promising that all the information provided in the exhibition, displays and discussion forums held by the Government truly reflects their proposals submitted earlier. The rules to be followed by these proponents will be uploaded onto the WKCD website later. Following the public consultation, we will publicize all the public views received to ensure a high level of transparency throughout the process.

28. The Government will, of course, consult the Legislative Council on the proposals. We welcome Members to visit the exhibition and displays to see the contents of the screened-in proposals. We will be pleased to make arrangements for visits by Members. We also plan to arrange for the proponents to brief the relevant the Legislative Council panels on their proposals.

29. I would like to point out that the valuable views of the public and the Members are crucial to our further assessment of the proposals. All views collected will be taken into account before we decide on which proponents to negotiate with for improvements of their proposals. At the final stage of the assessment, we will consult the Legislative Council and the Town Planning Board before signing the provisional agreement with the successful proponent. Development parameters such as plot ratio, gross floor area and maximum building height set out in the provisional agreement will be submitted to the Town Planning Board for inclusion in the South West Kowloon Outline Zoning Plan and approval under regular statutory procedures. After the Town Planning Board has approved the zoning plan and the selected proponent has successfully

performed its obligations under the provisional agreements, which include the preparation of the detailed masterplan, the Government will conclude the project agreement with the successful proponent.

30. The core development concept of the WKCD is that it is "people-oriented". We hope to select from the screened-in proposals one that is in the best interests of the public to develop world-class arts and cultural facilities and provide arts and cultural programmes of high standard to the public. By integrating the cultural and leisure facilities, the WKCD will bring economic benefits to Hong Kong and enhance its status as a world city and tourist destination.

31. I sincerely hope that the community will actively participate in this public consultation exercise. Your views are important in shaping the WKCD. I also look forward to Members' continued support. Let us create a vibrant artistic and cultural environment for the people of Hong Kong and our future generations.

Thank you, Madam President.

PRESIDENT (in Cantonese): Ten Members have indicated that they would like to ask questions for the purpose of elucidation. When Members ask questions for elucidation, please also indicate the paragraph number in the Statement to which the question relates, so that we can understand clearly.

MR ALBERT HO (in Cantonese): *Madam President, in both the 11th and 20th paragraphs of the statement made by the Chief Secretary, it is mentioned that the assessment committee must be impartial, that is why the ICAC is involved. However, later on, in the 29th paragraph, when the Chief Secretary mentioned how public views could be made good use of, he no longer mentioned the assessment committee. Instead, he just said "we". He said "we" would consider the views and negotiate with the proponent for improvements of their proposal. In fact, such negotiations with the proponents are very crucial to whether an agreement can be concluded in future. May I ask whether the ICAC supervision is applicable to the "we" mentioned in the 29th paragraph? What does this "we" mean? Does it include the assessment committee and the Executive Council?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): The assessment committee will decide what to do at the assessment stage. The ICAC will definitely not be there to take part in the process.

MR ALBERT HO (in Cantonese): *Madam President, I am sorry, the Chief Secretary has not answered what "we" means. Does "we" include the Steering Committee, the Executive Council and the Chief Secretary himself? With the involvement of the ICAC, will they also monitor the Chief Secretary?*

PRESIDENT (in Cantonese): Chief Secretary, I think Mr HO meant to ask: Does the term "we", as mentioned in the 29th paragraph, include those parties?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): The assessment work is performed by the assessment committee. According to the procedure, the Steering Committee does not do any work. However, when the Steering Committee holds meetings, ICAC officers will be present. Finally, a report will be submitted to the Executive Committee, and after some formal procedures, we will consult Honourable Members. I wish to tell Members that the assessment committee is at the core of the assessment work.

MR ALBERT CHAN (in Cantonese): *Madam President, the Chief Secretary has repeatedly stressed in the 2nd, 3rd and many other paragraphs that this project is related to the arts and cultural domains. However, in fact there is a large number of residential and commercial development projects. Is it a deliberate omission on the part of the Chief Secretary, or is it because the proposals have made no mention of such residential and commercial development projects? Can the Chief Secretary clarify whether the current assessment is just on the arts and cultural parts or whether it covers the entire WKCD project including the residential and commercial development projects?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, this cultural district mainly provides arts and cultural facilities, and

this is also our principal goal. That explains why our discussion has centred around this objective. Of course, insofar as the project is concerned, any developer would expect to have returns, therefore there are bound to be commercial and residential facilities in the project and individual developers have different arrangements in this regard. I shall try my best to be frank with Members on such facts. When they make their presentations, Members will have a full picture of the project and come to know how much of it is to be used for commercial development and how much for cultural development. However, the most important point about it is that this is a cultural facility project, a cultural landmark. Therefore, the most important point is, each proponent must prove to Members as well as everyone in Hong Kong that this is really an arts and cultural project, instead of being a mainly commercial or residential development.

MR HOWARD YOUNG (in Cantonese): *Madam President, in this project, the subject that has aroused a lot of discussion as well as the discussion on its feasibility is the canopy. The Chief Secretary mentioned in the 20th paragraph just now that the Administration would continue with its assessment which covered three aspects, and operation, maintenance and management was one of them. May I ask whether the assessment will mainly be conducted in the Hong Kong context, or will it include some fact-finding visits to overseas countries? I raise this question because I was told by some people in the travel industry that it appeared that the canopy design had already been adopted by certain places in the United States. Therefore, would the assessment procedure include some fact-finding visits to places where similar canopies are found?*

PRESIDENT (in Cantonese): Mr Howard YOUNG, I am sorry. I am not so sure about your question. Actually, is it related to the 20th paragraph?

MR HOWARD YOUNG (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): That is: In the area of operation, maintenance and management, will it include fact-finding visits to other countries? Right?

MR HOWARD YOUNG (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): All right. Thank you. Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, we will certainly do it, if necessary. On the issue of the canopy, the Government has gathered some information in this aspect, and we have enlisted the assistance of some experts who will study the issue with us. At present, the design of a canopy has been adopted in many places, and such a facility also exists in Hong Kong. For example, our airport was built on the basis of this principle. I have seen one such canopy in Berlin. It is built in the Museum Island in Berlin. Now, in particular, the canopy built in the Milan Trade Fair is similar in terms of coverage to the one in our West Kowloon project. Therefore, we know there are many existing examples as well as some under construction. We may make reference to all such examples. If necessary, we can of course make some fact-finding visits. But we feel that we have already had an adequate understanding in this aspect.

DR YEUNG SUM (in Cantonese): *Madam President, the Chief Secretary said in the 30th paragraph that the core development concept of the project was that it was "people-oriented", and that the Government hoped to select a proposal that was in the best interests of the public. We are Members of the Legislative Council, but this policy does not require the endorsement of the Legislative Council, and there is no legislation to authorize the Council to endorse such a policy, nor is it necessary for the Government to apply to this Council for funding. May I ask how we, being representatives of the public, can exercise our function in ensuring that the relevant proposal is really in the best interests of the public? Maybe the Chief Secretary can explain this to us.*

PRESIDENT (in Cantonese): Dr YEUNG, this appears not to be a request for elucidation, but a question.

DR YEUNG SUM (in Cantonese): *I do not know how he can achieve that, so I would like to*

PRESIDENT (in Cantonese): If this is a question, as far as I know, a panel meeting will be held on 30 November to discuss the issue. Will Dr YEUNG please raise the question on that occasion?

MR LAU KONG-WAH (in Cantonese): *Madam President, the Chief Secretary mentioned in the 23rd and 25th paragraphs that he welcomed the people to visit the public exhibition and they would also be invited to complete a questionnaire. I would like to ask the Chief Secretary to clarify this: Will these questionnaires carry a voting effect? How can the Government prevent the fixing of the questionnaire results by certain parties by way of arranging a large number of people to fill out the questionnaires in their favour?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I believe there are certain things which can never be prevented. However, we attach greater importance to quality than quantity in this regard. I very much believe that Hong Kong people will make a wise judgement. If some so-called fixing tactics do occur, after members of the assessment committee have received the returned questionnaires, we should be able to detect such attempts from certain clues and hints. However, we must of course exercise great care in handling the issue. Besides, apart from their assessment, Honourable Members and a lot of other people will also take part in the assessment. I believe Honourable Members will not commit such acts as fixing the results of the questionnaires. I think we must trust Hong Kong people.

DR KWOK KA-KI (in Cantonese): *Madam President, the Chief Secretary stressed the importance of the cultural functions of the WKCD in the 5th, 6th and 7th paragraphs. But when he came to the 20th paragraph, as he mentioned the final stage of assessment, he said it would cover three aspects, namely, technical, financial, and operation, maintenance and management. I would like to ask the Chief Secretary to clarify this: Firstly, will the original cultural values become unimportant when the assessment reaches the final stage? Secondly, the 29th*

paragraph mentions that the Legislative Council and the Town Planning Board will be consulted when the assessment reaches the final stage. Does it mean that, if most of the Legislative Council Members and the Town Planning Board members oppose the final proposals at the final stage, the Government will adopt this view and relaunch the project or change the assessment criteria?

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, the second point you have raised is a question, instead of a request for elucidation. You may raise the question in the panel meeting to be held on 30 November. I would like to ask the Chief Secretary to try elucidating the first point raised by you.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): A good question. Regarding the three aspects, the first one is the technical aspect, the second one is about the maintenance aspect, and the third one is the financial aspect. All the three aspects are related to the cultural requirements, which shall bring them together to serve the common objective. In other words, how much of the financial resources will be devoted to the cultural facilities? In the maintenance aspect, how can we maintain the sustainability of such cultural facilities, thereby ensuring their high status and maintaining the high quality of the performances? Besides, the same applies to the technical aspect. Insofar as cultural facilities are concerned, what kinds of technology transfer will be facilitated, and what has been placed into it? Therefore, all the three aspects centre around culture which is the core subject.

MR LEE WING-TAT (in Cantonese): *Madam President, the Chief Secretary mentioned operation, maintenance and management in the 20th paragraph. May I ask the Chief Secretary, for future operation and maintenance of these arts and cultural facilities, if he will consider establishing a committee, such as the Airport Authority, comprising representatives from the cultural and arts sectors and the public?*

PRESIDENT (in Cantonese): I am sorry, Mr LEE Wing-tat, this seems to be a question. How can it be a request for elucidation? Maybe you can explain this.

MR LEE WING-TAT (in Cantonese): *Madam President, the last three lines of the 20th paragraph read, "The assessment covers three aspects, namely, technical, financial, and operation, maintenance and management." This points out that there can be many different possible modes of operating and maintaining the WKCD in future. For example, it can be managed by the Government, the developer or an independent authority. What I would like to seek elucidation on is: Has the Government considered entrusting the WKCD to management by a certain management authority with public participation? Madam President, is this not a request for elucidation? There should be no problem with it, right?*

PRESIDENT (in Cantonese): Yes. Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, we have yet to come to the stage of discussing the details of operation. We just feel that there are three proposals that can be screened in, but in the next stage, we still have to listen to the opinions of the people, and see what kind of final decision will be made by the assessment committee. For all of the different modes of operation, the most important point about them is that they must be sustainable and they do not require substantial public fund to maintain the smooth running of the project during the 30 years of the operation period. Besides, this project has been the aspiration of the local cultural sector, and it will be built according to the ideal standards for international arts activity centres and cultural facilities. As such, any mode of operation must have the participation of the cultural sector. Likewise, public opinions are of course significant. And we shall try our best to embrace the views of the public in its operation. But at the present stage, it is very difficult to say or outline accurately what the final proposal will look like. Yet, if we have finally chosen a certain proposal and considered a certain proponent suitable, then I will explain to the Legislative Council and the public on each aspect of its operation; whether the modes of operation mentioned earlier will have sustainability; and whether this project will have an excessive proportion of property development.

MS EMILY LAU (in Cantonese): *Madam President, the development of this project is highly controversial, and many people feel that the Administration has*

already made a decision. Madam President, the 29th paragraph mentions that when the project reaches the final stage, both the Legislative Council and the Town Planning Board (TPB) will be consulted. May I ask the Chief Secretary to clarify this: Is it true that the Legislative Council and the TPB will only be consulted, and they have absolutely no say in the issue?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): The public consultation we are now going to launch is designed with a view to implementing the project with full transparency. So, how could we have made a decision already? I fully understand that this is a very enormous project, a major development, and large quantities of land resources have been allocated. That is why it is a subject of concern to everyone in Hong Kong, and it is certainly controversial. The same had happened to the Opera House of Sydney. Great controversies emerged even before its construction. The controversies continued to live on during the construction period, and even after its completion and up till now, the project is still controversial. I believe this landmark of Hong Kong will meet the same fate. However, I am confident that as long as we can work with joint efforts and co-operation, the final product will be able to reflect the majority view of Hong Kong people. Furthermore, the site area to be utilized by the project, the development ratio, and so on, are subject to the approval of the TPB. If the TPB decides that this project is not feasible, then there is no way for us to carry it any further. As such, when we implement the proposal, the TPB will surely be conferred with the statutory power. On this point, I have already given my undertaking to Honourable Members. I would like to take this opportunity to remind Honourable Members that we have been discussing and debating this subject on numerous occasions since 1999, so how can I ignore the views of Members?

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, I would like to follow up the issue raised earlier by Dr YEUNG Sum for elucidation, and it is related to the 30th paragraph. The 30th paragraph reads, "We hope to select from the screened-in proposals one that is in the best interests of the public." Insofar as the procedure is concerned, the Government possesses the full authority to make all the decisions on its own, the full authority to select the proposal for the WKCD project on behalf of Hong Kong people without*

subjecting itself to checking by the Legislative Council. Can the Government clarify whether its power is excessive? Is the Government's procedure itself compatible with the interests of the public? Will the project become a repeat of the Cyberport saga?

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong, the first and the third questions raised by you can be described as requests for elucidation, but when you request the Government to clarify whether it holds excessive power, it does not appear to be an objective request for elucidation. May I ask the Chief Secretary to elucidate only the first and the third questions raised by you?

MR CHEUNG MAN-KWONG (in Cantonese): *Fine.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I am sorry. As he has raised too many questions for elucidation, may I ask him to repeat the first and third questions seeking elucidation? *(Laughter)*

PRESIDENT (in Cantonese): Chief Secretary, please sit down first. Let me ask Mr CHEUNG Man-kwong to repeat his questions.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, can the Government clarify this: Under the present procedure for deciding on the proposals, the Government possesses the power to make decisions on everything, and such power is not subject to checking by the Legislative Council. With such excessive power and such a procedure in place, is it in the best interests of the public to let the Government decide everything? Will this procedure make the Government act arbitrarily without considering other advices?*

PRESIDENT (in Cantonese): Chief Secretary for Administration, please elucidate.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the Government has been acting in accordance with the legal procedures in handling this project. The power we can exercise is conferred by the law. We have not acted over and above any law. Besides, we have adopted a special approach in handling this project. This is a public works project, and we have now conducted a public consultation on it. This is unprecedented. It rarely happens even in overseas countries. We do this because we want to account to Hong Kong people how we make the best use of this piece of valuable land and how it can be developed into an arts and cultural facility that is of international standards. As such, we have elevated the level of accountability: Not only do we explain to the Legislative Council why we have to do it this way, but we also explain to Hong Kong people why we do it this way. I hope Honourable Members can understand our sincere motive. All that we have done so far is intended to prevent ourselves from acting arbitrarily. We hope the final decision to be made by us can reflect the majority view of Hong Kong people.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, the Chief Secretary quoted some examples in the 14th paragraph to illustrate that world-class arts facilities had succeeded in creating a cost-effective and vibrant hub by bringing together arts, cultural, entertainment and leisure facilities. In this connection, I would like to ask the Chief Secretary to make an elucidation. Madam President, many people worry that the WKCD project might become primarily a property project, while the arts elements in it will only be secondary. Can the Chief Secretary clarify this: At the present stage, among the three screened-in proposals, is there a specified ratio between residential and arts facilities? Has the Government made any requirement in this regard?*

PRESIDENT (in Cantonese): Mr CHEUNG, this appears not to be a request for elucidation. You are seeking more information. You want to know the proportion of arts and culture in the project.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, if I am allowed to raise this question, I would like to find out the proportion.*

PRESIDENT (in Cantonese): You can only make a request for elucidation, but not raising any question. Perhaps you should also wait until 30 November to raise your question in the panel meeting.

MR PATRICK LAU (in Cantonese): *Madam President, the Chief Secretary mentioned in the 25th paragraph that there would be a public exhibition; and he also said that public views were valuable, and the people would be invited to complete a questionnaire. I would like to ask the Chief Secretary to clarify this: Is the questionnaire comparative in nature? In other words, are they required to prioritize the various options? Or what is the nature of this questionnaire?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the approach to be adopted by us will be a relatively objective one. As I have just said, we attach greater significance to the quality, instead of quantity, of these questionnaires. In this questionnaire, some questions are comparative in nature, some are not. Our questionnaire is open. I hope Mr Patrick LAU can pay a visit to the exhibition venue by then, so that we can brief Mr LAU on the content of the questionnaire. I believe this questionnaire is rather objective. Some of the questions are comparative in nature because people will undoubtedly make comparisons. The content of this questionnaire has already been reviewed by many experts, and they feel that the public will be interested in answering these questions. Staff involved in the project will work according to the findings of this questionnaire survey.

MR ABRAHAM SHEK (in Cantonese): *Madam President, the Chief Secretary mentioned the assessment of the financial aspect in the 20th paragraph. I would like to ask: How will the assessment committee assess the financial arrangements of the three different proposals?*

PRESIDENT (in Cantonese): Mr Abraham SHEK, you asked the Chief Secretary to elucidate the criteria of the financial arrangements. This is in fact halfway between a question and a request for elucidation because an elucidation could be rather short, but this question will entail a more detailed reply.

Anyway, I would invite the Chief Secretary to try making a brief elucidation. As for the question calling for a more detailed reply, you may raise it in the panel meeting to be held on 30 November.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Each proposal will state clearly how much area will be used for commercial purposes, and how much on the cultural purposes. Hong Kong people will see such information because there will be a high degree of transparency. With regard to the part used for commercial and residential purposes, we shall be able to assess the market prices and how much money will be invested. I believe we shall be able to work out the amounts cost and we can obtain such information. With regard to the standards we are going to adopt in assessing the financial arrangements now, I hope Mr Abraham SHEK can see that: We shall use a 100-mark scale in assessing the financial aspect, the same 100-mark scales will be used for assessing the operational aspect and the design and technical aspect. There is a high degree of transparency with all these standards and they have already been uploaded to our website from which you can see clearly how we shall conduct our assessment, thus knowing clearly our marking scheme.

PRESIDENT (in Cantonese): So far 12 Members have made requests for elucidation and we have spent more than 20 minutes, which is even longer than the time used by the Chief Secretary just now in delivering the Statement which took 16 minutes 40 seconds. I shall allow one more Member to seek elucidation. I believe many Members would also like to raise questions. You may do so in the panel meeting to be held on 30 November.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, we read from the newspapers that many large consortia are prepared to spend tens of billion dollars on this project. May I ask the Chief Secretary to clarify which of these three companies has a registered share capital in excess of tens of billion dollars?*

PRESIDENT (in Cantonese): Mr CHIM Pui-chung

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, I would like to ask the Chief Secretary to clarify how much registered share capital do these three companies have? Do they have as much as tens of billion dollars?*

PRESIDENT (in Cantonese): None of the paragraphs in the Statement has ever mentioned this issue. But,

MR CHIM PUI-CHUNG (in Cantonese): *Yes, there is. The 10th paragraph mentions that five companies have submitted proposals and three of them have been screened in. So, do the registered share capitals of these companies exceed tens of billion dollars?*

PRESIDENT (in Cantonese): Although this has fallen on a grey area, I do not wish to waste the time of Members. If the Chief Secretary can elucidate this, please do so. If not, the Chief Secretary may make some preparation to reply this question in future.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the registered share capital is important. However, the money expended by these companies is usually not proportional to their respective registered share capital. As far as I know, the projects undertaken by these companies would usually involve the use of capitals far more than their respective registered share capitals. I believe Mr CHIM must have a much better understanding of this than I do.

PRESIDENT (in Cantonese): Second statement.

Electoral Affairs Commission Interim Report on the 2004 Legislative Council Election

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the third term Legislative Council Election was held on 12 September.

Although there were some problems with the arrangements on the day, the election was basically conducted smoothly, and the principle of open, fair and honest election was not compromised.

The Electoral Affairs Commission (EAC) made public today the Interim Report on the 2004 Legislative Council Election. The Report gives an account of the progress of the Commission's investigation into the various problems regarding the arrangements for polling day and its findings so far. The EAC has just held a press conference to give a detailed briefing on the findings of the Interim Report.

In view of public concern on this matter, I would like to take the opportunity of the Legislative Council's meeting today to brief Members on the content of the EAC Interim Report and the follow-up measures which would be taken by the Government.

In overall terms, the EAC Interim Report affirms that the electoral process was conducted in an open, fair and honest manner. The problems which occurred on polling day had not affected the integrity of the election.

Nevertheless, there were clearly inadequacies relating to the arrangements made for this election. I would like to take this opportunity to apologize once again to the public, candidates and Members for the inconvenience caused by the problems relating to the practical arrangements.

Regarding the problems relating to the electoral arrangements which the public is particularly concerned about, I would now briefly explain the investigation findings as contained in the Interim Report.

As explained by the EAC Chairman earlier, the problem of insufficient supply of ballot boxes on polling day arose mainly because of a wrong estimate made by the Registration and Electoral Office (REO) on the capacity of the ballot boxes.

The investigation findings of the EAC indicate that a major problem leading to the over-estimation of the ballot box capacity was that, when the REO conducted the tests for the capacity of the ballot boxes, ordinary paper was used,

instead of the thicker paper eventually adopted for the ballot paper. Further, the REO had not envisaged that electors would in practice fold the ballot papers in many different ways. Thus, the ballot papers inserted into the ballot box did not invariably pile up neatly as originally expected.

On polling day, when the REO learnt from the Presiding Officers (PROs) that the capacity of the ballot box was smaller than expected and that the supply of ballot boxes was inadequate, the REO started to transport the ballot boxes kept in reserve in the four depots to the polling stations in need. Since many polling stations requested additional polling boxes, the REO decided to resort also to the old ballot boxes kept in one of the depots for replenishment. The Hong Kong Police Force also assisted in delivering the additional ballot boxes.

The REO had drawn up a replenishment plan beforehand, but the plan only catered for a scenario under which a few polling stations might encounter the problem of shortage of ballot boxes. The plan was inadequate to address a situation in which a majority of the polling stations encountered the shortage problem.

In the light of experience from this election, the EAC will thoroughly review the design of the ballot box and other electoral equipment. Any newly designed equipment will be thoroughly tested by various means, including real life trial use.

The EAC also considers it necessary to review the logistics and contingency measures in the supply of election materials and equipment. A special contingency plan to cater for unexpected scenarios should be drawn up. The EAC also recommends that consideration be given to deploying more senior staff to be in charge at the Central Command Centre so that emergencies could be handled more effectively.

As regards the instruction given by the EAC to PROs to open ballot boxes if necessary, the EAC notes that there have been concerns about the legality of this contingency measure. Views have been expressed that the measure is in breach of the relevant provisions of legislation which provide that ballot boxes should be kept locked. There have also been comments that under the law, a person engages in corrupt conduct at an election if the person, without lawful authority, opens a ballot box in use at the election.

Having examined the relevant legislative provisions, the EAC has explained in detail in its Interim Report the legal basis for the contingency measures adopted.

The EAC is of the view that, according to the Electoral Affairs Commission Ordinance, the EAC has the power and authority to give instructions for expedient measures to be taken insofar as such measures ensure that the electoral process is open, fair and honest. Thus, in the unexpected circumstances of the shortage of ballot boxes that prevailed on polling day, the EAC was entitled to give the directive to PROs for ballot boxes to be opened so that the ballot papers cast could be rearranged, in order to make room for more ballot papers to be cast. The EAC also made clear in its directive that the opening of ballot boxes should be done in the presence of candidates or their agents, or in their absence, police officers, to ensure that the process was transparent and honest.

The findings of the investigation reveal that in a total of 56 stations, a total of 210 ballot boxes were opened before the arrival of additional ballot boxes. All of the polling stations had followed the directive of the EAC. The ballot boxes were opened in the presence of candidates, their agents or police officers. Thus, the EAC considers that the principle of open, fair and honest election had not been compromised.

The EAC has received complaints against the use of cardboard boxes as ballot boxes. The findings of the EAC investigation revealed that there were two cases in which PROs used cardboard boxes as ballot boxes before additional ballot boxes arrived at the polling stations.

In one of the cases, cardboard boxes were used with the agreement of the polling agents of three different candidates' lists. In the other case, the entire process of the casting of ballot papers into the cardboard box was conducted in the presence of a polling agent and a police officer. As regards the transfer of ballot papers from the cardboard boxes into the ballot boxes, the process was witnessed by polling agents or police officers in both cases.

The EAC takes the view that the measure of using cardboard boxes taken by the PRO, as the person in charge of polling station, was effective in ensuring that the polling process was not disrupted in the absence of any other immediate and better solution. The EAC considers that the integrity of the election was

not affected, and that it was understandable for the PROs to have adopted the contingency measure.

There were complaints that the PRO of the polling station at Sheung Wan Post Office had suspended the operation of the polling station while awaiting the supply of additional ballot boxes. The result of EAC's investigation revealed that the PRO concerned did not close the polling station. He merely asked electors to leave and return an hour later to cast their votes. A few electors told the PRO that they would not be free to return, and they were allowed to cast their votes by pushing their ballot papers into the already full ballot boxes.

Under section 44(2) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, the PRO may regulate the number of electors to be admitted to or exclude an elector from the polling station in order to ensure that polling takes place smoothly and efficiently. Given the circumstances of this case, the EAC considers it acceptable for the PRO to ask the electors to leave and return later in order to ensure the polling takes place smoothly.

The EAC found two similar cases, one in Tseung Kwan O and one in Sha Tin, in the course of the investigation. In both cases, the PROs did not ask the electors to leave but simply asked them to wait for the arrival of the new boxes. A few electors refused to wait and, according to the PRO's recollection, at least some of them chose to return later in the evening to cast their votes.

The EAC has received complaints relating to the eviction or exclusion of candidates and their agents from polling stations when the stations were being converted into counting stations. As a result, the candidates and the agents could not witness the conversion process.

Electoral legislation and the Guidelines on Election-related Activities in respect of the Legislative Council elections (the Guidelines) published by the EAC set out who may stay in a polling/counting station at the different stages of the polling and counting processes. A polling agent is allowed to stay in the polling station from shortly before the start of the poll until after the sealing of the flaps on the ballot boxes at the close of poll. On the other hand, candidates, their election agents and counting agents may stay in the polling station while it is closed for the preparation for the counting of votes.

While investigation of some of the cases is still ongoing, findings so far reveal that the complaint cases could be classified broadly into four types:

- Firstly, cases in which no request had been made by agents to enter the polling station after the close of poll.
- Secondly, cases in which both polling and counting agents were admitted to observe the conversion process.
- Thirdly, cases in which PROs only allowed polling agents to stay in the polling stations but refused entry of counting agents. These cases were mainly caused by ambiguity in wording in the Operational Manual for PROs published by the REO. The EAC considers it necessary for the REO to improve on the Manual and to enhance the training programmes for the PROs and polling staff, in order to prevent similar problems in future.
- Only in cases which come under the fourth category were polling agents and counting agents not admitted for a period of time between close of poll and conversion. There are four cases under this category.

Detailed investigation findings of these four cases are set out in the Interim Report. The EAC disapproves what the PROs had done. Letters of caution have been issued to each of the PROs, pointing out the mistakes they had made.

Based on the detailed investigation findings, the EAC has come to the view that there should not be any reasonable ground to suspect that the integrity of the polling and counting processes had been adversely affected.

Some candidates from four functional constituencies (FCs), namely the Social Welfare FC, Labour FC, Accountancy FC and Health Services FC, complained that the number of ballot papers counted exceeded the number of voter turnout figures announced during the poll.

As explained by the EAC at a press conference on 15 September 2004, the hourly voter turnout figures announced during the poll were meant to be for reference by the media and the public only. As each polling station was

required to calculate manually the voter turnout figures every hour and then report these figures manually to the central through the Interactive Voice Response System (IVRS), the possibility of errors in the process cannot be ruled out.

The REO has checked the ballot paper accounts and returns prepared by polling staff after the end of poll, and found that the number of actual ballot papers counted was in fact slightly fewer than the number of ballot papers believed to be in the ballot boxes as recorded in the ballot paper accounts. The EAC Chairman had already announced the relevant figures at the press conference on 15 September 2004. The EAC takes the view that this phenomenon is not irregular, as occasionally an elector may obtain a ballot paper, but instead of casting it into the ballot box, take it away. The EAC considers that the small discrepancies in the numbers of ballot papers are acceptable and should not give rise to concern.

Upon subsequent enquiries from a candidate of an FC, the EAC has instructed the REO to recheck all relevant data of the four FCs. It was found that there were slight discrepancies between the verified numbers of ballot papers believed to be in ballot boxes, and the set of figures announced on 15 September 2004. However, in summary, similar to the findings announced on 15 September, the numbers of actual ballot papers counted were slightly fewer than the numbers of ballot papers believed to be in ballot boxes as recorded in the ballot paper accounts. The discrepancies ranged from one to three ballot papers. The EAC considers that these small discrepancies do not affect the accuracy of the ballot papers counted at the counting stage, and therefore do not affect the election results.

In the light of the experience of this election, the EAC and the REO will consider ways to improve on the accuracy of the hourly voter turnout figures and that of the ballot paper accounts.

To avoid misunderstanding and too much reliance being placed on the hourly voter turnout figures published during the poll, the EAC will consider adding an express reminder in future elections that the figures are for provisional reference only.

Madam President, I would like to make three points to conclude.

Firstly, the Interim Report affirms that, generally speaking, the integrity of the election has not been affected.

Secondly, the EAC has established in the Report the legality of the contingency measures adopted on polling day. According to the investigation findings, the contingency measures, including the opening of ballot boxes to repack the ballot papers and the use of cardboard boxes as ballot boxes, were all conducted in the presence of the agents of candidates or police officers. This ensures that the whole process was fair, open and honest.

Thirdly, the various problems identified in the Interim Report reveal that there is clearly room for improvement in the planning and conduct of election. In view of this, the Chief Executive has announced earlier this afternoon that an Independent Committee of Experts will be set up to review the management, planning and conduct of elections, and to make recommendations on improvement measures.

The work of the Independent Committee of Experts will be both reflective and forward looking. On the one hand, there will be an assessment of management responsibilities for the arrangements made for this election. On the other hand, the Committee will consider how the electoral arrangements can be improved in future.

The Committee will gather views and make recommendations on a number of areas, including a review of how the REO may better support the EAC in carrying out its statutory functions in the conduct and supervision of elections

The Committee will also consider how the communication system and other arrangements for the counting of votes and the compilation and announcement of polling and counting figures can be improved.

The Independent Committee of Experts will consist of three members with relevant experience in legal, management and logistics, and information technology matters.

The Government will establish the Committee as soon as possible and will announce the membership of the Committee later.

The Committee will start work after the EAC has submitted the final report. It will submit a report to the Chief Executive in about three months.

The EAC will complete its remaining investigation work as soon as possible, and will submit the final report to the Chief Executive in December. We will make public this report, so that the public will have a comprehensive understanding of the investigation findings and recommendations of the EAC.

There were clearly administrative and planning errors in this election. After the EAC has submitted the final report, the Chief Executive's Office will pass the report to the Civil Service Bureau, which will consider the findings carefully, and decide as necessary on further follow-up action to be taken.

The Interim and Final Reports by the EAC will provide an important basis for the Independent Committee of Experts to commence its work. At the same time, the Committee will listen to views from the public and parties concerned, including Legislative Council Members, with a view to offering advice and recommendations on the management, planning and conduct of elections.

We will learn from the experience of this election. We will consider the recommendations carefully and make improvements to the electoral arrangements in future. We are committed to ensuring that public elections in Hong Kong will continue to be held in an open, fair and honest manner.

PRESIDENT (in Cantonese): I shall now invite Members who are waiting to seek elucidation to raise their questions in order. Will Members please indicate clearly the pages of the Statement on which they would like to seek elucidation for easy reference.

MR RONNY TONG (in Cantonese): *Madam President, I wish to ask the Secretary one question. I have read the Statement read out by him, and it appears that there is a small discrepancy between the Statement and another document, a thinner one, the annex on the terms of reference of the Independent Committee of Experts. The annex refers to "any further information obtained by the committee regarding the arrangements for the 2004 Legislative Council Election". But the Secretary makes no reference to this in his Statement. Will the Secretary elucidate whether the committee will also conduct any public*

hearings to collect further information on errors on polling day? And, there is one more point. It is mentioned by the Secretary in the concluding remarks of his Statement that there will be an assessment of responsibilities for the arrangements made for this election. But in the terms of reference stated in the annex, there is no reference to how any conclusions, reviews or recommendations will be made regarding responsibilities. Paragraph (a) does not mention any responsibilities. Therefore, will the Secretary please elucidate whether these two points are included in the terms of reference of the Independent Committee of Experts?

PRESIDENT (in Cantonese): The questions raised by Mr Ronny TONG indeed seek elucidation. But according to the Rules of Procedure, we are supposed to focus on the content of the Statement only. The Government has recently distributed piles and piles of annexes to Members, and some Members can read very fast..... *(Laughter)*

MR RONNY TONG (in Cantonese): *Madam President, oh, you must be saying that I can read very fast. My question is actually related to the main points in the Statement read out by the Secretary. The question is just the same, because the Statement he read out is also related to the two points I have raised.*

PRESIDENT (in Cantonese): Will the Secretary for Constitutional Affairs please elucidate whether there is any discrepancy between the Statement you read out and the annex distributed to Members? If yes, will you please give a brief reply? I understand that the Panel on Constitutional Affairs will hold a meeting next Monday, and the Electoral Affairs Commission Interim Report on 2004 Legislative Council Election will be on the agenda. Therefore, will you please make an elucidation.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I can confirm to Mr Ronny TONG that there is no discrepancy between the Statement read out and the annex. The committee shall conduct an assessment of management responsibilities for the arrangements made for this election. Besides, it may also obtain further information or make reference to the information set out in the two reports of the EAC. We believe that the EAC

has investigated or is looking into most of the facts and complaints and various cases regarding the election in September. However, after the committee's commencement of work, if there is any further information, or if any individuals or organizations still wish to provide more information, the committee is prepared to collect, study and follow up such information.

MR LEE WING-TAT (in Cantonese): *Madam President, I wish to seek elucidation on the last paragraph of Page 7 of the Statement, where management responsibilities are mentioned. As Members are aware, when it comes to the organizations involved, there are the EAC, which comprises three members, and also the REO. Regarding the reference to management responsibilities in the Statement, can I take the Secretary to mean that it does not cover the management responsibilities of the EAC? And, does it mean the management responsibilities of the REO only? Is this a correct interpretation? Or, does it include both organizations?*

PRESIDENT (in Cantonese): Mr LEE Wing-tat, is your request for elucidation about Page 7 of the Statement?

MR LEE WING-TAT (in Cantonese): *It is about the second sentence in the last paragraph of Page 7, which reads: "On the one hand, there will be an assessment of management responsibilities for the arrangements made for this election." Two organizations are involved. One is the EAC, and the other is the REO. I seek elucidation on this: Do "management responsibilities" refer to the management responsibilities of both these two organizations?*

Madam President, it is Page 7 of the Chinese version, and I have quoted one of the sentences in the last paragraph of this page.

PRESIDENT (in Cantonese): Thank you, Mr LEE Wing-tat. Would Council staff please fetch me a copy of the Statement issued to Members?

MR LEE WING-TAT (in Cantonese): *I have one here.*

SECRETARY (in Cantonese): So, you can give me one? Thank you.

(Mr LEE Wing-tat wanted to leave his seat to give a copy of the Statement to the President)

PRESIDENT (in Cantonese): Would Council staff please take the Statement to me for Mr LEE Wing-tat? According to the Rules of Procedure, no Members shall cross the floor of the Council.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I am sorry for the confusion. The copy we have for you is printed in a large font size, and the ones for Members are in a small font size to save paper. *(Laughter)* But there is no difference in content.

Madam President, I wish to thank Mr LEE Wing-tat for making such a request for elucidation. Yes, the issue of management responsibilities for the arrangements made for this election should involve both these two organizations. Under the law, the EAC is the statutory body responsible for planning the conduct of this election, and the REO is to provide the EAC with practical support and take charge of the work of actual implementation. Therefore, this is an issue that involves the management responsibilities of both these two organizations.

MS MARGARET NG (in Cantonese): *Madam President, the investigation findings and conclusions of the EAC report on many complaints are hardly convincing. May I ask the Secretary to elucidate whether the committee shall have the power to review and assess the fairness and correctness of the conclusions reached by the EAC?*

PRESIDENT (in Cantonese): I am sorry, Ms Margaret NG. Which page are you referring to? They have only just handed the Statement to me.

MS MARGARET NG (in Cantonese): *Madam President, the concluding remarks of the Statement mention the powers of the committee, and the annex*

also sets out its terms of reference. May I therefore ask whether the committee's terms of reference, set out in so many different ways, include the power to review and assess the fairness and correctness of the conclusions reached by the EAC?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, under the relevant electoral legislation, the EAC shall be the statutory authority to handle any complaints regarding elections. Besides, anyone who has any queries about the outcome of an election may also file an election petition with the Court. These are the two statutory means through which any queries about electoral arrangements can be dealt with after an election. The Government attaches very great importance to the confidence of the public in our elections. And, we also approve of and accept the conclusion set out in the EAC's interim report, that is, the conclusion that although there were some problems with the arrangements, the principle of open, fair and honest elections was not compromised. However, we can also notice the public concern about the arrangements for this election, so we agree that the appointment of a group of independent experts to follow up the complaints and provide alternative advice will be of very positive significance and also very useful in enabling us to handle the problems with this election more properly. Therefore, while the committee will conduct its work on the basis of the two reports of the EAC, it will also listen to any further views expressed by various sides, including Legislative Council Election candidates, their supporters and electors. At present, most of the cases are already under investigation or being verified. And, the two reports of the EAC will provide the committee with a very broad basis on which it can follow up the relevant issues.

MS MARGARET NG (in Cantonese): *Madam President, the Secretary has not answered my question. To put it simply, will the committee be vested with the power to review and assess the conclusions made by the EAC?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we in the SAR Government have confidence in the interim report of the EAC. But if the committee receives any new information and thus thinks that different conclusions can be made, we will of course respect its conclusions and recommendations.

MR LAU KONG-WAH (in Cantonese): *Madam President, it is mentioned by the Secretary in the first paragraph of Page 6 that four Presiding Officers are deemed to have made mistakes and have been issued letters of caution. But at the same time, the Secretary also refers to "a wrong estimation made by the REO" in the first paragraph of Page 2. May I ask the Secretary to elucidate whether anyone has been held responsible for the wrong estimation, and whether no one has been cautioned for that? If no, whether he agrees that there is double standard?*

PRESIDENT (in Cantonese): Secretary, you need only make an elucidation.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Yes, Madam President. The issuing of letters of caution to four Presiding Officers is a decision made by the EAC as the statutory body responsible for supervising and monitoring electoral arrangements. It is the statutory function and duty of the EAC to supervise the operation of polling stations and manage the conduct of every election.

As to the question of whether or not we should follow up the performance of individual civil servants working for the EAC, this is actually governed by a set of established internal procedures of the Government. The current status is that the Chief Executive's Office has forwarded a copy of the interim report to the Civil Service Bureau for its reference. If we receive the final report of the EAC in December, we will also forward a copy of it to the Civil Service Bureau, requesting it to decide whether further actions are necessary.

DR YEUNG SUM (in Cantonese): *Madam President, in his concluding remarks in Page 7, the Secretary mentions the establishment of an Independent Committee of Experts. May I ask the Secretary to explain how the independence of this committee will be manifested?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the committee shall comprise three independent individuals. Our present intention is to draw on the expertise of these three independent

individuals with relevant experience in legal, management and logistics as well as information technology matters. Naturally, they are expected to possess long years of experience in their respective fields. We also intend to set up an independent secretariat to serve the Independent Committee of Experts in the next few months.

DR KWOK KA-KI (in Cantonese): *Madam President, the interim report of the EAC certainly cannot answer our queries, still less can it convince us that many of the problems were simply technical in nature. But I still wish to seek elucidation on several points from the Secretary via you, Madam President.*

First, it is stated by the Secretary in the fourth paragraph on Page 2 that "the REO had drawn up a replenishment plan beforehand, but the plan only catered for a scenario under which a few polling stations might encounter the problem of shortage of ballot boxes". May I ask the Secretary to specify the scenarios that could be catered for under the replenishment plan drawn up beforehand? How acute was the shortage? The second elucidation I wish to seek from the Secretary through you, Madam President, is related to the third paragraph of Page 8, where it is said, "The Independent Committee will consist of three members with relevant experience in legal, management and logistics, and information technology matters." I have gone through all the reports provided by the Secretary, but I simply cannot find any observations on these three fields. Does the appointment of three experts in these fields imply that the review has identified some serious problems related to them, with the result that the Chief Executive finds it necessary to set up a committee comprising three experts with the relevant experience?

PRESIDENT (in Cantonese): Dr Kwok Ka-ki, your first request for elucidation is very clear. As for the second one, you are in fact questioning the Secretary why such experts should be appointed. This is no request for elucidation by the Secretary at all. That being the case, I must ask you to save the question for the meeting of the relevant panel next Monday.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the contingency measures of the EAC have been drawn up with

reference to its experience of handling different scenarios over the past 10 years, as also explained in the interim report of the EAC. For instance, there were some 40 vehicles available for transporting replenishments to four different polling stations. And, in the morning of 12 September, since most of the vehicles had been deployed to carry ballot papers to various polling stations, only a very small number of vehicles could be spared for transporting ballot boxes when a relatively large number of polling stations asked for replenishment of ballot boxes. The reason was that they had not expected so many polling stations to ask for ballot box replenishment. Madam President, although we intend to answer Dr KWOK Ka-ki's request for elucidation next Monday, I still wish to explain

PRESIDENT (in Cantonese): Secretary, the President has never had any authority to tell government officials how they should answer Members' questions. Therefore, if you feel like it, you may give a reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): The first reason for our decision to appoint three such experts is that the election actually involved many legal issues, though this does not mean that there were any problems in our handling of the legality matters. The reason why we want to appoint people with experience in logistics and management as well as information technology is that we really want to administer the right remedy and address the problems with this Election.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, my question for the Secretary is about the seventh paragraph of Page 8, where it is said, "There were clearly administrative and planning errors in this Election. After the EAC has submitted the final report, the Chief Executive's Office will pass the report to the Civil Service Bureau, which will consider the findings carefully, and decide as necessary on further follow-up action to be taken." What does the expression "decide as necessary on further follow-up action to be taken" actually mean? Does it mean that the matter will be handed over to the Civil Service Bureau to examine whether there were any negligence and errors on the part of civil servants? If yes, can we therefore say that follow-up actions should be interpreted as disciplinary actions? Is that what it means?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, disciplinary matters relating to civil servants are dealt with under a set of established internal policies and procedures of the Government. Therefore, after it has received the final report from the EAC, the Government will study its contents in detail and take follow-up actions as necessary. As I mentioned earlier, the Chief Executive's Office has passed the interim report to the Civil Service Bureau for its reference.

MS EMILY LAU (in Cantonese): *Madam President, I wish to ask a question about the paragraph in Page 6 that deals with the four polling stations where polling agents and counting agents were not admitted after their conversion into counting stations. It is stated by the Secretary in this Statement — the second paragraph, Madam President, the second paragraph of Page 6 — that "the EAC has come to the view that there should not be any reasonable ground to suspect that the integrity of the polling and counting processes had been adversely affected". May I ask the Secretary to elucidate why there should not be any reasonable ground to suspect? How many investigations were conducted before such a conclusion was reached?*

PRESIDENT (in Cantonese): Ms Emily LAU, yours is not a request for elucidation. You wish to know how many investigations were conducted beforehand, don't you?

MS EMILY LAU (in Cantonese): *Elucidation is required to explain why there should not any reasonable ground to suspect. Since I do suspect, Madam President, I wish to ask him to elucidate why I should not.*

PRESIDENT (in Cantonese): Ms LAU, this can hardly be considered a request for elucidation. This is in fact a question. Since you do not agree to his conclusion, you have asked such a question. This can hardly be considered a request for elucidation.

MS EMILY LAU (in Cantonese): *If the Secretary can provide more information, he will be able to elucidate it.*

PRESIDENT (in Cantonese): Ms Emily LAU, to me, as the President, this is in fact the most difficult situation to deal with. A question should be a question, and a request for elucidation a request for elucidation. Sometimes, in cases like this, it is very hard for me to make a decision. But if the Secretary wants to answer, it is all up to him. Ms Emily LAU, it is all up to government officials to decide how they will answer questions or what they will say. If Members think that the President can tell government officials how to answer questions, they must amend the Rules of Procedure first. Anyway, a request for elucidation should seek the provision of further information. So, you may perhaps question why there should not be any reasonable ground to suspect and then go on to ask whether the Secretary can provide any further information to support his claim that there should not be any reasonable ground to suspect. Do you agree?

(Ms Emily LAU nodded)

In that case, Secretary, you may give a reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, thanks so much for clarifying this question. As for the provision of further information, Members may refer to Section 5 of the interim report. This section starts on Page 35. And, on Page 86, in Appendix VI, all the information obtained in the course of investigating the four cases is set out along with the analyses conducted and the justifications for the conclusions drawn.

PRESIDENT (in Cantonese): Last request for elucidation. Ms Audrey EU.

MS AUDREY EU (in Cantonese): *Madam President, on Page 8, it is mentioned that the Independent Committee of Experts shall be appointed by the Chief Executive. Under our law, the Chief Executive is vested with the statutory authority to set up commissions of inquiry. If I remember it correctly, it should be Cap. 86 of the Laws of Hong Kong. May I ask the Secretary to elucidate whether this committee to be appointed by the Chief Executive is going to be a commission of inquiry set up under the said ordinance? If not, can he explain the differences between the two? It is mentioned in the Statement that the views*

of the public and others will be listened to. Does this mean the conduct of public hearings? Madam President, I seek elucidation on the nature of the investigation committee to be set up.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I believe, following the submission of the two EAC reports, we should already be able to gain an adequate understanding of most of the cases and facts relating to the Legislative Council Election in September. The Independent Committee of Experts which the Chief Executive has decided to set up will not be a commission of inquiry vested with statutory powers under the law. The reason is that it will take a much longer time to establish a commission of inquiry vested with statutory power to summon witnesses. Besides, individuals appearing before such a commission of inquiry may be represented by a lawyer, thus complicating the whole process of inquiry and making it much more costly. The committee to be established, we believe, should be capable of handling the matters this time around.

In fact, the experience of the EAC in past investigations shows that those involved were usually prepared to render full co-operation. People such as candidates, their agents, representatives of political parties or groups and our colleagues in the Government were willing to provide information to the EAC and respond to its questions. We believe that those involved will similarly provide information to the Independent Committee of Experts and co-operate with it in this joint endeavour.

MS AUDREY EU (in Cantonese): *The Secretary has not answered part of my question — whether or not the collection of views from the public and others will mean the conduct of public hearings.*

PRESIDENT (in Cantonese): Will the Secretary please elucidate further.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I trust the work of the committee will be transparent, and I also believe it will be answerable to the public. But unlike a statutory commission of inquiry, it will not conduct any public hearings. Of course, decisions on actual

operation will have to be made by the committee and its secretariat after establishment.

BILLS

First reading of Bills

PRESIDENT (in Cantonese): Bill: First Reading.

TRADE DESCRIPTIONS (AMENDMENT) BILL 2004

CLERK (in Cantonese): Trade Descriptions (Amendment) Bill 2004.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bill: Second Reading.

TRADE DESCRIPTIONS (AMENDMENT) BILL 2004

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY:
Madam President, I move the Second Reading of the Trade Descriptions (Amendment) Bill 2004.

One of the purposes of the Trade Descriptions Ordinance (the Ordinance) is to prohibit false trade descriptions from being applied to goods. Origin marking is a type of trade description, and is, therefore, governed by the Ordinance. Under the Ordinance, origin marking is not mandatory, but where such marking is used, it must not be false or misleading.

Section 2(2)(a) of the Ordinance contains a general deeming provision for determining the country of origin of goods for the purposes of the Ordinance.

To cater for situations where the general deeming provision should not apply, section 2(2)(b) of the Ordinance empowers the Commissioner of Customs and Excise (the Commissioner) to make Orders to specify special requirements for determining the country of origin of goods in certain circumstances.

The reference to "country" or "countries" only in these sections is problematic because there may be circumstances in which the deeming provision needs to be applied to a "place" instead of a "country", and because the Commissioner may need to specify a "place" of manufacture, instead of a "country".

We anticipate that such circumstances may occur in the context of the implementation of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA). Under CEPA, a Hong Kong product has to comply with the CEPA-specific origin rule for that product before it becomes eligible for zero tariff when imported into the Mainland. Where the CEPA-specific origin rule of a product differs from the general deeming provision of the Ordinance, the Commissioner may need to make an Order to specify Hong Kong as the "place" of origin for this product.

Accordingly, to provide flexibility in the application of the relevant provisions in the Ordinance, we propose that the reference to "country" or "countries" in sections 2(2)(a) and 2(2)(b) should be replaced by "place" or "places".

We have also taken the opportunity to improve the wording of section 24A of the Ordinance, and to make consequential amendments.

All the amendments proposed are technical in nature and do not involve any policy change. We have consulted the major consultative bodies on trade and industry matters, as well as the Legislative Council Panel on Commerce and Industry, and have obtained their support for the proposed amendments.

Madam President, I commend the Trade Descriptions (Amendment) Bill 2004 to Honourable Members for their consideration.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Trade Descriptions (Amendment) Bill 2004 be read the Second time.

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: the movers of the motions will each have up to 15 minutes for their speeches including their replies, and another five minutes to speak on the amendments; the movers of amendments will each have up to 10 minutes to speak; the movers of amendments to amendments and other Members will each have up to seven minutes for their speeches. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Constitutional reform. Mr Ronny TONG.

CONSTITUTIONAL REFORM

MR RONNY TONG (in Cantonese): Madam President, Secretary, Honourable colleagues, I move that the motion, as printed on the Agenda, be passed. It seeks to urge the HKSAR Government to immediately arrange for all Members of the Legislative Council to meet relevant officials of the Central People's Government to enable Members to reflect the views of all the people of Hong Kong on the implementation of universal suffrage in 2007 and 2008.

There is such a comment on today's motion: While the motion is pitiable, the question is even more so. It is pitiable for two reasons. The motion was destined to be voted down from the very beginning when it was proposed. However convincing our justifications are and however tactful and persuasive our rhetoric may be, everyone in Hong Kong has predicted that the conservative forces will, through separate voting, vote against a motion mentioning the election of the Chief Executive and Members of this Council by universal suffrage, though it is supported by a majority of Hong Kong people. However,

I would like to raise this point: Today's failure does not mean that Hong Kong people have taken a wrong path or made a wrong decision, only that Hong Kong people have no choice under the existing political system.

The question is pitiable because universal suffrage has been discussed for more than two decades, and yet no result has come out of it so far. As clearly shown by countless opinion polls conducted since the reunification, such as those on the District Council elections held on 23 November last year and the Legislative Council Election held on 12 September this year, Hong Kong people have strong expectations for universal suffrage. It is, however, sad to see that the Government has never respected these public sentiments, let alone ultimately formulating a direction for constitutional development in line with public sentiments. That Hong Kong people have to face such a sorry state not because they have taken a wrong path or made a wrong decision. It is just because we have no choice, we have no right to choose our own government.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

This question is being asked by many Hong Kong people: Will it be useful to propose a debate in this Council on the introduction of universal suffrage in 2007 and 2008? Will it make any impact on changing the conservative political scene? Confronted by this question, I can only say Hong Kong people will never admit failure. As long as Hong Kong survives, we will continue to fight for our entitled rights and choose the political system we deserve. This is because we have not done anything wrong, only that we have no choice.

Madam Deputy, today's motion is a motion of Hong Kong people. It carries this message: The Legislative Council in Hong Kong is the only highest organ in the SAR's political system that can truly reflect public opinion. Article 73(8) of the Basic Law provides that the Legislative Council is obliged to "receive and handle complaints from Hong Kong residents". Today's motion is about how best the complaints of Hong Kong people about universal suffrage can be handled.

In this connection, Article 41 of the Constitution of the People's Republic of China also provides that "Citizens of the People's Republic of China have the right to criticize and make suggestions; In case of complaints, made by

citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints or retaliate against the citizens making them." As such, no laws or organs can deny the fact that our constitutional right to complain is affirmed by both the Basic Law of the SAR and our national constitution.

However, what we are going to express today is not confined merely to our constitutional rights, it is about a more fundamental issue, Hong Kong's future. There is no need for us to analyse the constitution, advance recondite academic theories, or quote fantastic speeches by politicians. We only wish to make it clear to leaders of the Central Authorities in clear and simple terms that Hong Kong is our home, that we have to fight for democracy for our next generation. That we have to strive for democracy is not our fault. That we have to do this just because we have no choice.

Many people are repeating every day that Hong Kong people should not antagonize the Central Authorities, as a direction was already set on 26 April by the Standing Committee of the National People's Congress (NPCSC) for Hong Kong people regarding constitutional development in 2007 and 2008. Some people even remark that striving for universal suffrage in 2007 and 2008 will harm the prosperity and stability of the SAR.

I really cannot understand the rationale of these people. We are merely expressing the aspirations of the people, not rising in rebellion. We have no intention to argue the legality of the NPCSC's decision. Yet, we have to understand that it is merely a legislature's decision, not an imperial edict. Today, we are way from the feudal era before the 1911 Revolution. Article 1 of the Constitution has already made it clear that the People's Republic of China is a socialist state under the people's democratic dictatorship. The NPCSC's decision represents merely a legislature's decision. It is not immutable. Even the NPCSC Standing Order has made it clear that a deputation or a joint submission by 30 or more members of the NPCSC may submit a bill to the NPCSC. While scrutinizing whether the bill should be submitted, the NPCSC may invite the proponents of the bill to attend the meeting to express their opinions.

It is inappropriate for the request to express opinions and hope for the Central Authorities to reassess the NPCSC's decision on 26 April to be

condemned as "treacherous" and unconstitutional. I cannot see how the rational expression of ideas can harm the prosperity and stability of the SAR.

Though it may sound a bit helpless, we have actually been forced to make this request today. Constitutionally, the Chief Executive is supposed to be the best person to reflect public sentiment to the Central Authorities and, indeed, he is constitutionally obligated to do so. However, at this time when there is such a major divergence between Hong Kong people and the Central Government, our Chief Executive, Mr TUNG, has apparently never fulfilled his fundamental obligation of conveying to the Central Government the demand of Hong Kong people for universal suffrage in 2007 and 2008. The only time Mr TUNG deeply impressed us was that, after meeting Members of the pro-democracy camp following the 1 July march this year, he stated that "he had no authority to request Beijing to revise its decision" and a peal of thunder followed immediately, and then he was nowhere to be found. The Secretary for Constitutional Affairs, Mr Stephen LAM, still insisted last week in this Chamber that the "mainstream opinion" called for an increase in the number of functional constituencies, not for universal suffrage. Neither the Central Government nor the SAR Government has ever acknowledged the aspiration of Hong Kong people for universal suffrage. What wrong have Hong Kong people done for asking the Government to directly express their aspiration for universal suffrage to the Central Authorities? What choices do we have?

The incompetence of the TUNG Chee-hwa Administration has ultimately led to the emergence of numerous bizarre phenomena in the communication between Hong Kong people and the Central Authorities — there is simply no communication between us. At the same time, we can find besides us some self-proclaimed "academics" claiming that they are "special envoys" who have direct access to the centre of power of the Central Authorities to convey our views. There is simply no way for us to find out how these people function, not to mention whether they have made any interference in the actual operation of the SAR Government. Nor can we find out whether they can truly convey the views of Hong Kong people.

Madam Deputy, respecting people's rights should be manifested by appreciating public sentiments and listening to the views of the people. Regarding the constitutional development in Hong Kong, many people agree that "God is watching us". We are watched not only by Hong Kong people, but people all over the world who care about Hong Kong. The only thing we can

do today is to ask all Members of this Council to reflect to the Central Authorities the people's aspiration for universal suffrage in 2007 and 2008. Today, we have to be accountable to our conscience; today, we have to be accountable to all people of Hong Kong. I hope this humble and simple request can receive a response it deserves. This is because we have made no mistake, only that we have no choice.

Madam Deputy, I so submit.

Mr Ronny TONG moved the following motion: (Translation)

"That this Council urges the HKSAR Government to immediately arrange, with regard to constitutional reform, for all Members of the Legislative Council to meet relevant officials of the Central People's Government, so that Members can directly reflect to the Central People's Government the views of all the people of Hong Kong on the implementation of universal suffrage in 2007 and 2008."

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

DEPUTY PRESIDENT (in Cantonese): Mr TAM Yiu-chung will move an amendment to this motion. Ms Margaret NG will move an amendment to Mr TAM Yiu-chung's amendment. The two amendments have been printed on the Agenda. The motion and the amendments will now be debated together in a joint debate.

I will first call upon Mr TAM Yiu-chung to speak and move his amendment to the motion. Then, I will call upon Ms Margaret NG to speak and move her amendment to Mr TAM Yiu-chung's amendment. Members may then debate the motion and the amendments. After Members have spoken, I will first put Ms Margaret NG's amendment to Mr TAM Yiu-chung's amendment to vote. Then, depending on the result of the vote, I will put Mr TAM Yiu-chung's amendment, either in its original form or in the amended form, to vote.

I now call upon Mr TAM Yiu-chung to speak and move his amendment.

MR TAM YIU-CHUNG (in Cantonese): Madam Deputy, I move that Mr Ronny TONG's motion be amended, as printed on the Agenda.

Given that Hong Kong is one of China's special administrative regions, it is generally agreed by the community that Hong Kong cannot, and should not, bypass the Central Government in seeking to unilaterally carry out constitutional development. In the past, some people with different political inclinations denied in every possible way the exercise of powers and functions by the Central Government in accordance with law by frequently condemning the Central Government or the NPCSC. Obviously, such behaviour is not approved of by the public in general. One of the points we are going to discuss today concerns strengthening our communication with the Central Government. I believe this is what the public is glad to see.

We cannot deny the fact that the Central Government can exercise, in accordance with law, its powers over Hong Kong as the latter is one of China's special administrative regions. Although some people may not like to accept or even strongly resist this fact, in the reality, we, especially people taking part in politics, must abide by the Basic Law. We must have a correct understanding of the fact that the "two systems" in "one country, two systems" is under the "one country", and the "high degree of autonomy" is authorized by the Central Government. Therefore, in order to promote constitutional development in Hong Kong, we must strengthen our communication with the Central Government and take into account the views and worries of the Central Government, instead of adopting a confrontational attitude in dealing with everything.

In the past year or so, there were a lot of discussions in the community about the future constitutional development. Since early this year, the Constitutional Development Task Force (the Task Force) of the Special Administrative Region (SAR) Government has conducted a number of extensive public opinion consultation exercises. We can see from the consultations that there are diverse views in the community on the pace of constitutional reform. On the one hand, a lot of people demanded the expeditious implementation of universal suffrage and, on the other, a lot of voices indicated worries about the full implementation of universal suffrage immediately. The resolution of these differences lies in strict adherence to the Basic Law.

In accordance with the powers conferred by the Constitution and the relevant provisions of the Basic Law, the NPCSC passed on 26 April this year the motion on "the interpretation of Article 7 of Annex I and Article III of Annex II to the Basic Law" and, in the light of a report submitted by the Chief Executive to the NPCSC, passed on the same day the motion on "the decision on issues relating to the methods for selecting the Chief Executive in the year 2007 and for forming the Legislative Council in the year 2008 in Hong Kong" with a view to defining a clear parameter for constitutional development in Hong Kong. Besides being constitutionally binding on Hong Kong, the relevant interpretation and decision have achieved the effect of dispelling disputes in the community. It is indisputable that the NPCSC may exercise its powers and functions in accordance with law. Therefore, the NPCSC's interpretation of the Basic Law and decision on Hong Kong's constitutional development must be respected.

Of course, some people may still find the NPCSC's interpretation incomprehensible or unacceptable. To understand and to accept this interpretation, they have to go through a process. Therefore, the Democratic Alliance for Betterment of Hong Kong (DAB) strongly supports the Central Government strengthening its communication with various sectors of the Hong Kong community. However, it would be unfair to both the SAR Government and the Central Government to blame the SAR Government for the failure to achieve full universal suffrage in 2007 and 2008 on the grounds that it has not directly reflected to the Central People's Government the views of all the people of Hong Kong. Both the SAR Government and the Central Government have, in accordance with law, consulted and listened to the views of all sides.

In April this year, the Chief Executive submitted to the NPCSC a report on whether there is a need to amend the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. This report, based on the outcome of the consultations by the Task Force, has objectively reflected the views of the community. Before the drafting of this report, the Task Force spent three months on undertaking work in a number of areas to extensively consult various sectors of the community and compile two reports on issues of principle and legislative process. The whole process was conducted in an open and highly transparent manner. On the other hand, before providing a legal interpretation of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 and passing the motion on the relevant decision, the NPCSC consulted members of the Basic Law Committee in Hong Kong in accordance with the relevant provisions of the Basic Law. The NPCSC

even specially sent its representatives to Hong Kong to hold public consultation forums to fully grasp the views of Hong Kong citizens.

The NPCSC's decision has pointed out a clear direction for Hong Kong's constitutional development in the future. Insofar as the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 are concerned, there is still a wide scope for discussion in Hong Kong. In a seminar jointly held by three non-government think-tanks last Saturday, a number of concrete proposals regarding constitutional arrangements in 2007 and 2008 were put forward by various organizations. Besides actively expressing its views in the seminar, the DAB also expressed its willingness to co-operate with various organizations in discussing a proposal acceptable to the majority of Hong Kong people, with a view to further promoting the development of democracy in Hong Kong in a healthy manner.

As regards the direction for constitutional development after 2008, the DAB advocates actively creating the required conditions to enable the ultimate goal of selecting the Chief Executive and forming the Legislative Council by universal suffrage, as provided for in the Basic Law, to be achieved early. In our opinion, these conditions include: to lay a solid foundation for constitutional development by facilitating successful economic transformation and enabling the public to live and work with contentment; to enable the principle of balanced participation to be manifested through universal suffrage by nurturing adequate political talents representing various strata of the community; to enhance Hong Kong people's knowledge of the concept of "one country", national awareness, Hong Kong's legal status as well as the Hong Kong people's awareness of the meaning of universal suffrage by strengthening national education; and to further consolidate the status of the Basic Law as Hong Kong's constitutional instrument by giving extensive publicity on the Basic Law. It is our hope that the Government and various sectors of the community can make concerted efforts in facilitating the early maturity of these conditions, fostering a consensus in the community over constitutional development and dispel the misgivings of the Central Government, with a view to striving for the realization of the goal of selecting the Chief Executive and forming the Legislative Council by universal suffrage in 2012.

The original motion puts forth two propositions. While the DAB supports the Central Government strengthening its communication with various sectors of the Hong Kong community, including Members of this Council, we

consider it not pragmatic to insist on implementing universal suffrage in 2007 and 2008 after the NPCSC has made a constitutionally-binding decision in accordance with the Basic Law. To further create confrontations between Hong Kong and the Central Government will be extremely harmful to the interest of Hong Kong as a whole. As regards the further amendment proposed by Ms Margaret NG to my amendment, despite Ms NG's explanation that her amendment is not intended to negate my amendment and restore the original motion, the DAB will not support her amendment, so that the promotion of our communication with the Central Authorities can be facilitated.

With these remarks, I hope Members will support my amendment. Thank you, Madam President.

Mr TAM Yiu-chung moved the following amendment: (Translation)

"To delete "immediately" after "the HKSAR Government to"; to add "as soon as possible" after "arrange"; to delete ", so that Members can directly reflect to the Central People's Government the views of all the people of Hong Kong on the implementation of universal suffrage in" after "the Central People's Government" and substitute with "to discuss the constitutional arrangements for"; and to add "and the ways to achieve universal suffrage thereafter" after "2007 and 2008"."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr TAM Yiu-chung to Mr Ronny TONG's motion, be passed.

DEPUTY PRESIDENT (in Cantonese): I now call upon Ms Margaret NG to speak and move her amendment to Mr TAM Yiu-chung's amendment.

MS MARGARET NG (in Cantonese): Madam Deputy, I move that Mr TAM Yiu-chung's amendment be amended, as printed on the Agenda.

I will focus on explaining why I have to propose an amendment and the significance of Mr TAM Yiu-chung's amendment as amended by my amendment.

Mr Ronny TONG's original motion mentions that this Council urges the HKSAR Government to arrange for all Members of this Council to meet relevant officials of the Central Authorities to directly present their views on the implementation of universal suffrage in 2007 and 2008. While the expression "their views on the implementation of full universal suffrage in 2007 and 2008" may express support, it may indicate disapproval too. Perhaps the question is not very clear, Mr TAM Yiu-chung doubted whether all Members of this Council were allowed to talk about only the aspiration for universal suffrage in 2007 and 2008, whereas other constitutional arrangements were prohibited.

However, Mr TAM clarified just now that he did not have such misunderstanding. Therefore, this amendment proposed by me may not help Mr TAM. However, I still hope that other Members will find it helpful. After analysing Mr TAM's amendment, I find that it can be summed up into three points: First, all Members of this Council are to meet with the Central officials for discussion; second, to discuss the constitutional arrangements for 2007 and 2008; and third, to discuss ways to achieve universal suffrage thereafter.

Obviously, owing to the word "thereafter", the discussion on the ways to achieve universal suffrage can take place only after 2007 and 2008. In other words, the proposal to implement universal suffrage in 2007 and 2008 has been ruled out.

The four of us, from the Article 45 Concern Group, would in principle like to accommodate the amendments introduced by other Members. However, should Mr TAM's amendment be passed, it would mean that this Council opposes the idea of all Members of this Council expressing to the Central officials their views on the implementation of universal suffrage in 2007 and 2008, and explaining the reasons for so doing. This is unreasonable, for both the Central officials and SAR Government have never imposed any such restrictions on Members. Even when several Members from the Article 45 Concern Group presented their views on universal suffrage in 2007 and 2008 during a recent meeting with the Central officials in Beijing, both parties did not try to evade the matter. So, why should all Members of this Council be prohibited from discussing this matter when they meet with the Central officials?

In a newspaper article published by a member of the public recently, the NPCSC's decision on 26 April was compared to a Court's ruling. Every administrative decision made in or outside the Court must adhere to the principle of fairness and impartiality, called *audi alteram partem* in Latin, which is the most fundamental principle of impartiality. Under this principle, the representation of the other party must be heard. In other words, the representations of both parties must be heard. To rule against one party after listening to only one of the parties is unfair. Unfair rulings or conclusions will not convince people who, ultimately, will seek reversal. Therefore, to allow the other party to make a full representation is the most important principle of impartiality.

I am aware that SAR officials frequently say that the SAR Government and the Central Authorities often read newspapers, listen to public opinions and the speeches delivered by Members of this Council, and know very well the aspiration of Hong Kong people for universal suffrage. In this connection, I would like to make two points in response:

First, the meaning of listening to the other party means that that party is seen to have been given ample opportunities to express its views, that its views have truly been considered, and that responses have been made in a fair manner. Reasons for disapproval must be given even if views are rejected.

Second, the question today is that all Members of this Council should have a direct dialogue with the Central officials and discuss constitutional issues. At this level, and on this occasion, the Central Authorities should not confine themselves to views opposing the implementation of universal suffrage in 2007 and 2008 without listening to views supporting the idea.

Even if the Central Authorities have already made up their mind and a decision has been made, views considering the decision wrong for it is inconsistent with the public opinions should be heard too. As the relevant decision would affect innumerable people throughout the territory, how can Members of this Council be so stubborn as to oppose any of their colleagues directly presenting to the Central officials their views on the implementation of universal suffrage in 2007 and 2008?

For these reasons, I have proposed a minor amendment to Mr TAM Yiu-chung's amendment by deleting the word "thereafter" only. My amendment, should it be passed, will carry the following message:

First, this Council supports all Members of this Council meeting with the Central officials to discuss constitutional issues;

Second, constitutional arrangements for 2007 and 2008, with or without universal suffrage, can be discussed; and

Third, ways to achieve universal suffrage, in or after 2007 and 2008, can be discussed to allow all Members to express their ideas freely.

This amendment can achieve the highest degree of tolerance and mutual respect. This is the reason why I implore Members to support it.

Madam Deputy, I hope tolerance and accommodation can prevail in this Council, so that everyone can express their ideas. We respect the rights of Honourable colleagues to hold diverse views. It would not be a democratic tradition if people with diverse views were not allowed to make noises. The Central Authorities have never made such a request. I hope this Council can refrain from imposing self-restriction and, what is more, imposing restriction on certain colleagues to prevent them from expressing on behalf of the public the view that is supported by most of the people of Hong Kong.

Ms Margaret NG moved the following amendment to Mr TAM Yiu-chung's amendment: (Translation)

"To delete "thereafter" after "to achieve universal suffrage"."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Margaret NG to Mr TAM Yiu-chung's amendment, be passed.

MR LAU CHIN-SHEK (in Cantonese): Madam Deputy, Mr Martin LEE once said he had two dreams: one was to return to his hometown, and the other one was democracy. Actually, the pro-democracy camp also has these two dreams. Until March this year, these two dreams were considered daydreams. However, on seeing a gradual reduction of the endless disputes and exchange of abuses over the years, I am convinced that, so long as Members keep working hard, these two dreams are not unattainable.

Our goal today is to enable these two dreams to be realized expeditiously. To achieve this, I believe work must be properly done in two aspects. On the one hand, Hong Kong people must be united in pursuing as well as practising democracy. Democracy, albeit a political system, can be found in every domain of our daily life, including workplaces, schools and families.

On the other hand, we have to maintain communication and dialogue with the Central Government, build up mutual trust, and dispel the worries of Beijing. I said on 9 June that "if the Central Authorities are our senior family head, I hope that they behave as open-minded and accommodating family heads. Although some family members may hold different views, these family members would not be abandoned or excluded". I would like to add another point today. Beijing as the Central Government is not only for the pro-China camp, it is the Central Government for the business group, the pro-democracy camp and the entire SAR as well. As such, the Central Government should act without favour or bias, unite all Hong Kong people and involve them in discussing Hong Kong affairs. Let me repeat that Beijing as the Central Government is not only for the pro-China camp, it is the Central Government for the business group, the pro-democracy camp and the entire SAR as well. As such, the Central Government should act without favour or bias, unite all Hong Kong people and involve them in discussing Hong Kong affairs.

Madam Deputy, it takes two hands to clap. To make a clear and loud impact, two hands must clap at the same time. Only through the concerted efforts of the Central Government and various strata of and various political parties in Hong Kong can the overall interests of Hong Kong be promoted.

Thank you, Madam Deputy.

MR CHIM PUI-CHUNG (in Cantonese): Madam Deputy, the fact that repeated discussions were held in this Council on the constitutional issues before 1997 and consequently led to the establishment of the Provisional Legislative Council suffices to prove that I am not trying to flatter the Central Government and that its position on Hong Kong's constitutional issues is very clear. I find the original motion before us today slightly flawed, or even seriously flawed. Why? This is because Mr TONG has not sought my consent (I am one of the 60

Members) to authorize him to put forth to the SAR Government the request of arranging for 60 Members to go to Beijing to discuss the matter. The original motion should therefore be considered flawed, as I have not been consulted.

Madam Deputy, it is imperative for the Constitutional Development Task Force (the Task Force) of the SAR Government to make three points very clearly in consulting or seeking the views of the public (it is a great pity that it has failed to do so): First, Hong Kong is not independent. The fact that Hong Kong is a Special Administrative Region of China has been stated very clearly in the Basic Law. Second, given that Hong Kong is a Special Administrative Region of China rather than an independent entity, the interpretation of the NPCSC has, to a certain extent, legal effect and status. Third, as Members are aware, the NPCSC made it very clearly on 26 April that there shall be no universal suffrage in 2007 and 2008. For this reason, Secretary Stephen LAM of the Task Force should take this opportunity to clarify this point to all members of the public later in the meeting.

As Members of this Council, we should bear in mind that every one of us stood here, right before me, and swore on 6 October, regardless of the way in which Members sworn, in one word, two or three. In other words, we must absolutely comply with the Basic Law. Given that all of us have sworn, I personally very much agree that we, as Members of this Council, are qualified to make known our personal views on certain matters. However, it must be borne in mind that we are representatives of the public after all. We as Members of this Council must have the conscience to present the true picture to the public, instead of misleading them. Given the express provisions in the Basic Law, Members disagreeing with them should rather opt not to swear, or even assume office. Although I do not wish to entangle in these issues with colleagues, I must point out that we must clearly reveal the truth to the people led or represented by us. Therefore, Members disagreeing with the Basic Law can only fight for their cause through other channels, or even hold a mindset of revolution. Alternatively, they might consider emigrating for the second time if their hatred towards or disapproval of Hong Kong is so strong.

Madam Deputy, I understand that some colleagues have visited Beijing recently. Though they are qualified to obtain a Home Visit Permit (HVP), they prefer visiting China with their foreign passports instead of getting a HVP. I

have no intention to criticize them, yet I strongly doubt their allegiance to the Chinese Government or the SAR Government. Of course, they do have their personal freedom. However, I think it is imperative for the SAR Government to review this. The Central Government and SAR Government are currently consulting the public on the selection of the Chief Executive in 2007. Though I am convinced that further discussions on universal suffrage are not necessary, is it necessary to make an adjustment to the 800 people responsible for nominating and selecting the Chief Executive? Should the number be increased to 1 200, 1 600 or 2 000? Where should the extra people come from? At the same time, the discussion on whether the Legislative Council Election in 2008 should be conducted by universal suffrage should be discontinued. Instead, the following issues should be discussed: Are 60 seats sufficient? How many seats should be added? Which functional constituencies should have more seats and which districts should have more directly-elected seats? Of course, the electorates and functional constituencies are composed of certain people. As such, I very much hope that the Task Force can clearly consult the public and refrain from misleading them. What is more, it must prevent itself from being taken advantage of by Members with divergent political views.

I absolutely respect the aspiration of Hong Kong people for democracy. Madam Deputy, I hope to clarify that "democracy" is not the franchise of certain people. I consider myself very democratic too. I personally advocate democracy for the interest of the industry, the Government, the Central Government, as well as the people of Hong Kong. I do not wish to see "democracy" being taken advantage of by certain people, or even the pan-democracy camp. It should be pointed out clearly that, from now on, democracy, like freedoms and human rights, belongs to everyone. We must not allow certain people to keep democracy in their pockets and then accuse others of being undemocratic. Such behaviour all the more warrants intense censure and criticism. Madam Deputy, I feel most sorry that this motion was moved by a Member who is such a representative figure in the legal field. The four Members, including Ms Margaret NG, are all barristers, or even Senior Counsels. They should have a profound understanding of the relationship, as well as legal relationship, between the Hong Kong SAR and the Central Authorities. Although they have the right to move a motion like this, what will the consequences be, considering that they are well-trusted by the public? I hope they will conduct a thorough review, as they owe it to Hong Kong people. Thank you.

MR LAU WONG-FAT (in Cantonese): Madam Deputy, the mover of the original motion, Mr Ronny TONG, is an outstanding professional. Given his wisdom and talent, he will definitely know that it is hardly possible for his motion, even if passed, to be implemented. Now that a decision has been made by the NPCSC on Hong Kong's constitutional development in 2007 and 2008, the Central Government officials will simply not, and cannot, bypass the NPCSC's decision and reverse matters for which a solemn conclusion has been drawn and conduct a fresh round of consultation or listen to views again.

I am convinced that Mr TONG and his like-minded colleagues will not argue for the sake of arguing. Yet, they definitely have their own plan, for they have decided to do something even though they know it is impossible to succeed. But what positive and practical effects can be achieved, apart from making public their political stance on constitutional reform in this Chamber after the Election by making it clear that their position remains the same and that they have not made a volte-face and, through this debate, forcing Members from other political parties to respond by stating their position, thus rekindling the constitutional disputes which have subsided for some time?

The crux of the question is that to propose at this moment a motion with such expressions and contents will inevitably impress others that he is defying the authority of the NPCSC and implicitly criticizing the officials of the Central Government for failing to understand the sentiments of Hong Kong people as regards constitutional reform. It is now imperative for Hong Kong and the Central Authorities to dispel suspicions and establish mutual trust. Are the people from the pro-democracy camp not equally desperate to communicate and improve their relationship with the Central Authorities? However, I cannot see how the original motion can help achieve this goal.

Madam Deputy, the Legislative Council is not a dream workshop. It is a place for disposal of practical business. Members must not detach from the reality if they are to deal with things pragmatically. Should they adhere strictly to their own *modus operandi* and entangle themselves endlessly with an irreversible decision, how can they make the next step? They had better put aside the problems that cannot be resolved for the time being and made renewed efforts in planning. With the addition of so many competent Members, the new term of the Legislative Council can be said to be full of elites. Will it not be more beneficial and constructive if collective wisdom can be pooled and

miraculous cures be prescribed to help raise the level of governance of the SAR Government for the benefit of the people of Hong Kong?

Madam Deputy, I so submit.

DR KWOK KA-KI (in Cantonese): Madam Deputy, when Mr Ronny TONG moved the original motion earlier, he described it as pitiable. I thus thought at the beginning that the motion was merely pitiable. However, I found it very laughable as well when I went on listening to his speech. In brief, Mr TONG's motion is nothing but a couple of trivial requests. He merely hoped that the Government could arrange for all Members of the Legislative Council to meet relevant officials of the Central People's Government to reflect the views of all the people of Hong Kong on the implementation of full universal suffrage in 2007 and 2008 — Mr TONG has merely mentioned "reflecting" the views of the people on the implementation of universal suffrage in 2007 and 2008. He has not suggested how the Central Government should deal with the matter. Of course, we are unable to do so; definitely not. We should know this very well in our hearts by merely looking around this Chamber and counting the number of votes. I do know it only too well.

A number of colleagues have pinning labels on Mr TONG, the mover of this motion. Mr TONG, this is not fair to you. Nevertheless, there is nothing we can do about it, for this is the reality. I simply do not understand why so many colleagues consider the moving of this motion the same as opposing the Basic Law. I wonder which provision in the Basic Law opposes, prohibits or disallows dialogue between legislators of the SAR Government and the Central People's Government. I very much hope that the Members concerned can correct me.

This motion, moved by Mr Ronny TONG, is most humble indeed. The first response of many people on seeing this motion was that it was immensely laughable. It is really surprising that not every legislator of the SAR Government has the chance to meet with the Central People's Government to talk about different topics. They are not topics of casual importance; they are the views expressed by the people of Hong Kong with their actions and words over the past two years through different channels, on different festive occasions, and at different times. These views are certainly not the views of the minority.

I wonder how the SAR Government looks at this matter. If I were an official of the SAR Government or Secretary Stephen LAM, I should certainly be overjoyed when I saw such a motion. Not only does the request made by the Member contain no preconditions at all, not a word has been mentioned about what should be done in 2007 and 2008 or thereafter. It is really surprising that even "reflecting views" is not allowed.

Mr TAM Yiu-chung remarked earlier that reflecting views was tantamount to disrespecting the resolution of the NPCSC. Certainly, we very much hope to respect the NPCSC's resolution. Actually, no Member has ever said that he defies the resolution promulgated by the NPCSC on 26 April. We just hope to enhance further understanding between both parties through dialogue and meetings. Furthermore, the NPCSC has in place a mechanism which allows the plenary session of the NPCSC to make further elucidation on and even amendment to important questions, including the question of implementing universal suffrage in Hong Kong in 2007 and 2008. This is entirely in line with the Constitution of China. Why would the motion be considered as disrespecting the Constitution, and even disrespecting the Basic Law?

I believe members of the public have high expectations on colleagues who are now present in this Chamber, regardless of the constituencies from which they have been returned. Yet, members of the public certainly do not expect us to have miraculous means or solutions to make the SAR Government or Central Government agree to implement universal suffrage in 2007 and 2008, or 2012. Nevertheless, how can we, as Members of this Council, lack the courage to express our own views? Just now, a colleague said that he had not been consulted whether he would go to meet the officials of the Central Government — he may choose not to go as he has not been consulted. However, if I were him, and had the Central Government expressed a willingness to meet with us, I would certainly seize the opportunity. In particular, it is essential for Members opposing universal suffrage to go. Something will happen if only Members of the pro-democracy camp are willing to go.

Madam Deputy, this motion is laughable indeed. I really have this feeling, and I do very much sympathize with Mr TONG. In present-day Hong Kong society, when we speak of civic awareness — perhaps let me quote the words of Mr TAM Yiu-chung — insofar as our knowledge of economic

development, laws and the Basic Law is concerned, I do not consider Hong Kong people totally ignorant. Nor do I consider Hong Kong people worse than the people elsewhere in Asia, and even the world. Under such circumstances, I find it very strange that elected Members have absolutely no chances to directly discuss with the Central Government. Maybe Mr TAM Yiu-chung and his colleagues have had the opportunity, or even a lot of opportunities, to discuss with the Central Government, and a couple of our colleagues have also been fortunate enough to be invited to meet with the Central Government, it is extremely worthwhile for many of those, including me and many other colleagues, who have not been able to meet with the Central Government to strive for such precious opportunities.

Madam Deputy, it is really not suitable for me to say too much here. However, I really feel that we cannot oppose this motion. Nor can we oppose the friendly message clearly conveyed by this motion, and that is, we hope the SAR Government can arrange for all Members of this Council to meet with officials of the Central People's Government for negotiation, discussion and mutual understanding without any preconditions — as indicated in the original motion.

With these remarks, I support Mr Ronny TONG's original motion and the further amendment proposed by Ms Margaret NG.

MR HOWARD YOUNG (in Cantonese): Madam Deputy, the Liberal Party has always supported strengthening the communication between people from all walks of life in Hong Kong and the Central Authorities. It was precisely for this reason that Mr James TIEN proposed in the last term of the Legislative Council a motion urging the SAR Government to play a bridging role in facilitating better communication between the Central Government and the pro-democracy camp. As the obligatory bridge between people from all walks of life in Hong Kong and the Central Authorities, the SAR Government is duty-bound to facilitate exchanges between them.

With the conclusion of the consultation period of the third report of the Constitutional Development Task Force (the Task Force), various sectors of the community have, one after another, put forward specific proposals to change the election methods for 2007 and 2008. The Liberal Party has already put forth its

views too. If all Members of this Council, being representatives of public opinion, are able to, as suggested in Mr TAM Yiu-chung's amendment, meet relevant officials of the Central Government to discuss constitutional arrangements for 2007 and 2008 and exchange views on ways to achieve full universal suffrage thereafter, the progress of Hong Kong's constitutional development will definitely be benefited enormously.

Actually, we consider the proposal raised in Mr TAM Yiu-chung's amendment more practical and desirable. This is because, even though dual elections by universal suffrage in 2007 and 2008 have been ruled out by the NPCSC, the constitutional arrangements for 2007 and 2008 still have much room for development, about which enthusiastic discussions can be held to actively seek a consensus. It is also a pressing task to explore ways to, on the foundation of conducting dual elections by universal suffrage in 2007 and 2008, further develop our political system and achieve the ultimate goal of the Basic Law of introducing full universal suffrage. However, if we refuse to face the reality and to discuss with an open mind, it is very likely that the progress of constitutional development will slow down. Worse still, developments in 2007 and 2008 will remain stagnant, achieving nothing eventually. Therefore, we support Mr TAM Yiu-chung's amendment.

However, the original motion's proposal of enabling Members to reflect the views of the public on the implementation of dual elections by universal suffrage in 2007 and 2008 will easily impress others that a precondition has been set and, as a result, only matters pertaining to dual elections by universal suffrage in 2007 and 2008 can be discussed. This we in the Liberal Party cannot agree. As the Liberal Party has always advocated, communication should be unconditional. Instead, ideas should be exchanged in an open-minded manner. When the pro-democracy camp appealed to the Central Authorities for communication in June this year, the former demanded that preconditions should not be imposed for communication. Now that the pro-democracy camp is prepared to open dialogue with the Central Authorities, why has the former changed its original attitude by imposing preconditions?

Although the original motion is apparently intended to reflect public opinions, it is very obvious that its true motive is to put forth another proposal of conducting dual elections by universal suffrage in 2007 and 2008. Given that the NPCSC has already ruled out dual elections by universal suffrage in 2007 and

2008, and various sectors of the territory are stepping up their efforts in formulating different constitutional proposals in accordance with the NPCSC's decision, is it somewhat unrealistic of Mr Ronny TONG to insist on harping the old tune even now?

And what is more, various parties and factions in this Council are still divided on the desirability of conducting dual elections by universal suffrage in 2007 and 2008. In addition, it has been shown by the survey conducted by the Liberal Party, as well as the views collected by the Task Force, that while many people support dual elections by universal suffrage in 2007 and 2008, quite a number of people disagree with or oppose this idea. I am afraid it is not appropriate for the original motion to attempt using the so-called public opinions as a convenient tool to promote dual elections by universal suffrage in 2007 and 2008.

Furthermore, we are of the opinion that the Central Authorities has clearly grasped the views of the public in this respect a long time ago, and it is simply unnecessary for anyone to reflect the public opinions anymore. When Mr QIAO Xiaoyang, Deputy Secretary-General of the NPCSC, came to Hong Kong to explain the NPCSC's decision as early as 26 April, he already indicated to us that the Central Authorities had heard the aspirations in the Hong Kong community for dual elections by universal suffrage in 2007 and 2008. However, the NPCSC also noted the fact that the opponents were certainly not in the minority. It was also pointed out that the final decision of the NPCSC was made after carefully weighing the views for and against the proposal.

Madam Deputy, we will not object if all Members of this Council merely meet the officials of the Central Government to discuss Hong Kong's future constitutional development and put forth constructive recommendations in line with the actual circumstances. However, if the original motion insists on "reflecting", so to speak, the public opinions according to their understanding, I am afraid this "good intention" of the pro-democracy camp is really redundant, for the Central Authorities already knew the public opinions of Hong Kong very well a long time ago. For these reasons, the Liberal Party opposes the original motion and finds it impossible to support Ms Margaret NG's amendment. We will support Mr TAM Yiu-chung's amendment only.

Madam Deputy, I so submit.

DR YEUNG SUM (in Cantonese): Madam Deputy, I would like to thank Mr Ronny TONG for proposing this motion to enable colleagues to make known their attitude with respect to their position on universal suffrage and opening dialogue with the Central Authorities. It is a well-known fact that the DAB opposes the implementation of universal suffrage in 2007 and 2008. However, I take exception to Mr TAM Yiu-chung's proposal of an amendment to such a low-key motion by Mr TONG. First of all, what wrong is it for Members of this Council to have an immediate meeting with Central officials? Why does the DAB dare not face the request of arranging for all Members of this Council to reflect to the Central Authorities the views of the public on the implementation of universal suffrage in 2007 and 2008? Is it true that after the NPCSC has ruled out dual elections by universal suffrage, Members of this Council would be considered improper to reflect the mainstream opinions of the community? Second, is it true that the DAB is not willing to face the aspiration of the community for universal suffrage in 2007 and 2008?

The pro-democracy camp has been criticized for doing something even though it knows its effort will not bear fruit — that it made the request of conveying the Hong Kong people's aspiration for universal suffrage to the officials of the Central Authorities merely for the sake of making known its political stance. However, Madam Deputy, we have to stress that communication is merely a means. Our goal is to pursue universal suffrage. Our paramount goal is to make the Central Authorities understand that, although the NPCSC has ruled out dual elections by universal suffrage, the people of Hong Kong have not given up. This can be seen clearly from the 1 July march this year and the fact that 62% of the electors have voted for pro-democracy candidates in the Legislative Council Election.

The NPCSC ruled out on 26 April the request by the Hong Kong people to conduct dual elections by universal suffrage in 2007 and 2008. The pro-democracy camp's request on the Central Authorities to reconsider this aspiration of Hong Kong people was absolutely not meant to be a challenge to the Central Authorities. First of all, under China's Constitution, the National People's Congress (NPC) may revise the NPCSC's decision. Second, that the public support universal suffrage in 2007 and 2008 is presently the mainstream opinion in Hong Kong. Even the Secretary cannot deny this, I believe. As representatives of public opinion, we are obligated to reflect the mainstream public opinion. This is our duty as well. Third, Central leaders have recently expressed their wish to improve the governance of the Central Government and

their hope that the SAR Government can improve its power of administration. We are convinced that the smoothness of administration by the Government will be greatly improved should the Chief Executive and Legislative Council be returned by universal suffrage. At the same time, the mismatch between the executive and the legislature can be avoided, and the Government's acceptance and public support will be increased. This is precisely the best and the only means to, through universal suffrage, respond to the Central Government's wish to improve the power of administration of the SAR Government.

Madam Deputy, I would like to respond here to Mr Allen LEE's criticisms of the democrats. According to Allen, it is far-fetched and unrealistic of us to persist in clinging to the hope of implementing universal suffrage in 2007 and 2008. Instead, we should make a joined effort to pursue dual elections by universal suffrage. In his opinion, given that both the DAB and the Liberal Party support election by universal suffrage in 2012, the pro-democracy camp should seize this opportunity by making a joined effort with others to push for the Government and the Central Authorities to conduct election by universal suffrage in 2012. In my opinion, Allen would be indulging in his wishful thinking should he criticize the pro-democracy camp for being unrealistic because, at least, the public have sharp eyes. Both the Liberal Party and the DAB are not firm about the introduction of universal suffrage in 2007 and 2008. After the Central Authorities had indicated a disapproving stance, they simply took advantage of the opportunity by changing their position. Given their previous record, how can the pro-democracy camp trust that they would co-operate on this front?

In a seminar on constitutional development held recently, Dr MA Ngok, an academic in politics, indicated that the ball was now on the side of the Central Authorities. Should the Central Authorities, after ruling out universal suffrage in 2007 and 2008, not indicate clearly to Hong Kong people when universal suffrage can be implemented? Mr MA also pointed out clearly that he believed the pro-democracy camp would not take any further action in 2007 and 2008, even if the Central Authorities chose not to formulate a timetable for universal suffrage. I very much agree with his analysis. Madam Deputy, let us look at the Government's attitude towards the people's aspirations for democracy. Secretary Stephen LAM has stated repeatedly that the Government is gradually promoting communication between the Central Authorities and various parties and factions in Hong Kong. Yes, the Chief Executive has met with 25

Members from the pan-democracy camp to gauge our views on and expectations for the Central Authorities. During the meeting, the Chief Executive indicated that he would definitely convey to the Central Authorities our request to visit Beijing. However, what progress has been made in arranging for us to meet with the Central Authorities? May the Secretary explain in his response to us the latest developments? Why no progress has been reported so far? In our last meeting with Mr TUNG, he merely repeated the NPCSC's interpretation and decision to rule out dual elections by universal suffrage. Is he making the arrangements for us to meet with Central officials?

Lastly, Madam Deputy, I wish to give the Secretary a piece of advice. The constitutional arrangements for 2007 and 2008 have indeed been expressly provided for in the Basic Law, in which two methods, one for selecting the Chief Executive and another for returning Members of this Council, as well as a revision mechanism, are stipulated. As one of the methods requires the endorsement of two thirds of all Members of this Council, that is, 40 votes, the Government is now unable to secure enough votes. As such, it is imperative for the Government to take expeditious action to further consult the public on the specific method for selecting the Chief Executive so as to formulate a proposal acceptable to the public and Members of this Council. The Secretary indicated to us today that the Government would put forward the mainstream proposal it has in its mind in the Fifth Report to be published in mid-2005. Will this mainstream proposal be supported by various strata of the community? Should the Government not further commission an independent survey organization to test the acceptance of this so-called mainstream proposal? Without such a test, how would the Government be accountable and explain to the public the conclusion unilaterally drawn by the Government from the so-called public opinions collected? What can the Government do to guarantee that the proposal is supported by people from various sides? For these reasons, I hope the Secretary can, in putting forth its mainstream proposal, test the response of public opinions and observe the degree of public support through an independent organization. Only in doing so can the aspirations of the various strata of the community be appeased and rationalized. With these remarks, Madam Deputy, I support Mr Ronny TONG's motion.

MR LI KWOK-YING (in Cantonese): Madam Deputy, with the changes in the general climate on the political and economic fronts in recent years, questions

concerning the people's livelihood are causing growing concern, and constitutional reform has also become another heated topic.

Undeniably, universal suffrage is an important way out that can make our SAR Government more accountable and more representative. The Basic Law has also clearly provided for the principle of ultimately introducing universal suffrage in our constitutional development. I believe no one will attempt, or is able, to prevent universal suffrage from ultimately emerging in Hong Kong. However, the implementation of constitutional reform, particularly universal suffrage, in the SAR requires suitable conditions. They should include an adequate number of political talents representing various strata of the community; a high degree of mutual trust between the Central Authorities and the SAR; and the community's high degree of acceptance and sense of belonging to the Motherland. Otherwise, universal suffrage can hardly be realized.

To start with, an adequate number of political talents must be nurtured. There is a close relationship between political talents and the development of political parties, and even the political system. Let me cite political parties as an example. A political party represents both the public interests as well as public opinions. All political parties must strive for constant improvement to upgrade their own quality, before public support can be secured.

However, it was found in a survey conducted recently on the support for political parties that there was a worsening trend among the public with respect to their acceptance of political parties. Half of the respondents indicated that "they do not approve of any political parties" or "no political parties can represent their interest". This represents not only a timely warning for various parties and factions in this Council, but also an alarm to the development of party politics in Hong Kong.

Although some people might make up excuses to question the credibility of the survey, various parties and factions must, by all possible means, improve their quality, upgrade their ability to discuss politics, as well as strengthening the training of their second echelon. We, Members of the DAB, have taken this as a reminder all the time. A political party blindly chanting empty political slogans without paying attention to its own internal problems will only end up being discarded by the people.

How can we prove to the outsiders that we are sufficiently capable of implementing universal suffrage if we as a political party fail to gain the support and trust of the public? Political talents are therefore playing a crucial role in the development of political parties. What we are discussing at this moment is the major blueprint for the political development of the SAR. As this is relevant to the future of the SAR Government, it has become even more urgent for an adequate number of political talents to be trained.

Political parties, as well as the Government, will only put off the people aspiring to participation in politics, particularly young people, if the training of political talents is not given due attention. This is not conducive to the development of democracy in Hong Kong.

Universal suffrage is but part of political reform. We must not unilaterally engage in empty talks about universal suffrage to the neglect of the major blueprint for general political development. As pointed out by me earlier, it is one of our major tasks to find out how to improve the quality of political parties, strengthen party politics and, in particular, assist the SAR Government in administration.

The Government has recently announced its plan to set up an online forum for the middle class to collect the views of middle-class people. This so-called reform advisory framework is definitely a matter of concern to us. Actually, as early as 2000 when the Chief Executive ran for re-election, he already made an undertaking to review advisory frameworks. Now, in the wake of marches held on 1 July for two consecutive years, the Government has finally made up its mind to set up an online forum early next year. Do Members consider the pace of reform a bit too slow? Has the Government seriously responded to the aspirations of the community?

As regards the reform of political institutions at the regional level, the Government has, since the abolition of the Municipal Councils, undertaken to review such issues as strengthening the functions of District Councils, enlarging the constituencies, and so on. I guess Members who are now present in this Chamber know only too well the progress made so far. Is it true that reforming District Councils is too much of a grass-roots issue which is unable to attract public and media attention and, as a result, Members have neglected this framework even though it represents the opinion of the general public?

Will Members insist on dealing with unrealistic issues, such as the implementation of universal suffrage in 2007 and 2008, when our constitutional system is found to be so problematic?

In the course of considering and pondering the entire issue of constitutional development, we as responsible Members can definitely not, and should not, take the simple gesture of chanting political slogans in striving for universal suffrage as a response to public concern about constitutional development.

When it comes to expressing to Central officials views on constitutional development, I believe the Central Authorities will definitely welcome sincere people to pay a visit to Beijing — I must repeat that I am referring to sincere people.

It is understandable that different people may hold diverse political positions and views. It is most important that both parties are willing to respect, understand and sympathize with each other. How can a discussion end up being fruitless if Members are willing to, on this basis, communicate their ideas with their goal to implement universal suffrage being the same?

Madam Deputy, political reform does not equate to universal suffrage only. We would rather upgrade our quality to enable universal suffrage to be introduced expeditiously than waste our time again arguing when universal suffrage can be introduced.

Madam Deputy, I so submit.

MS EMILY LAU (in Cantonese): Madam Deputy, I rise to speak in support of Mr Ronny TONG's motion. While I oppose Mr TAM Yiu-chung's amendment, I support Ms Margaret NG's further amendment to his amendment.

Madam Deputy, Mr Ronny TONG must have believed that we 60 Members are very broad-minded, and so we can jointly convey to the Central Authorities the message that the majority public in Hong Kong support universal suffrage in 2007 and 2008. Madam Deputy, this is what is written in the platform of the Liberal Party, to which you belong. In his speech just now, Mr LI Kwok-ying also told us that the platform of the political party to which he

belongs once carried a similar demand for universal suffrage in 2007 and 2008, though everything has now changed.

Madam Deputy, the question is that it is supposedly not bad for all Members of this Council to convey to the Central Government the wish of the majority public in Hong Kong. What we get in return is Mr TAM Yiu-chung's amendment in which it is proposed to substitute "immediately" with "as soon as possible". Mr LI Kwok-ying has even suggested that this "as soon as possible" actually means "as late as possible", saying that quality has to be upgraded, that the public do not approve of political parties because of their increasingly poor performance. This is not surprising at all. If I were a member of public, I would have found it extremely worrying if what was stated in political platforms could be changed lightly. What can we do if things written today can be changed or erased tomorrow? In the eyes of the public, a political party will be belittling itself should it act in this way. Therefore, I would like to advise various political parties (The Frontier is not a political party) not to easily change what has been put down in black and white. Such acts as amending the word "immediately" in a motion to "as soon as possible" and changing the proposal of visiting the Mainland to talk about the implementation of universal suffrage in 2007 and 2008 to discussing ways to achieve universal suffrage after 2007 and 2008 are tantamount to denying others of every opportunity.

Ms Margaret NG has put forward a wonderful idea, that Members may separately express their own ideas. Her amendment is as simple as that. In other words, while Members may not be allowed to go beyond certain boundaries or they might like to avoid certain areas, there is still something they can talk about. So, it is good for Members to support her amendment. However, that is still not allowed. Mr Howard YOUNG simply dismissed it. I really cannot understand the Liberal Party, which has always advocated the importance of freedom. Freedom should cover freedom of speech as well. Ms Margaret NG's amendment has been most tolerant — everything is accommodated. I wonder why it cannot enjoy the freedom of acceptance. Madam Deputy, I was really baffled when I heard Mr Howard YOUNG express opposition on behalf of the Liberal Party, to which you belong. Ms Margaret NG has made it very clear in her speech that Members should be allowed to separately express their own ideas. Some opposing political parties have even changed their political platforms because of their volte-face to disapprove of it, though such was approved of previously. Yet, they can still air their views. As for Members like us, we have never changed for decades. Furthermore, we

have run for election for so many times, and we have been talking in the same way every time. With the support of the public, we should be able to express our views in this way, why can we not do so?

Let me borrow the expression "to tell the truth", a pet phrase of Mrs Selina CHOW — "To tell the truth", some Members actually do not want to go. It does not matter to me. However, Members should make their intention known clearly. The present suggestion is that a joint discussion be held instead of making a trip to Beijing. Mr Ronny TONG said he had no wish to waste time proposing a trip to Beijing, for fear that some Members might again not be permitted to go. This is why he has proposed a meeting only. It can be held anywhere; even Macao is acceptable (though this has proved to be not possible).

How much mutual trust is there in this Council? How far can Members co-operate? Members are not forced to say what they are not willing to say after their volte-face. I really find it extremely intolerable. Actually, some colleagues agreed in their speeches earlier that this motion was extremely mild. Furthermore, Members from different political parties once spoke in unison on different occasions that all the Members should be allowed to go. This was the message we got from every Member. However, the situation has now unfolded in this way. Ms Margaret NG said, "Fine. To save complications, I will not force you to say anything about 2007 and 2008. You may simply express your own ideas, and we will express ours." However, this is still unacceptable.

What is it all about? What happened? Am I supposed to talk about the new stance of the Liberal Party only? No, this is impossible. Madam Deputy, am I supposed to talk about the new stance of the DAB? The answer is again "no". I really cannot understand why Ms NG's proposal of expressing our own ideas and jointly meeting the leaders was rejected. Are Members seriously lacking tolerance? Is it true that Members can merely discuss matters already decided by the National People's Congress? Frankly speaking, what is the big deal challenging the Central Authorities? Of course, we should not say anything like challenging the Central Authorities with firearms, but why can we not make verbal criticisms? There should be freedom of speech. We consider the Central Authorities' decision wrong. I blamed Mr James TIEN in the forum held by the University of Hong Kong the other day for failing to tell the Central Authorities that their decision was wrong, for the words "gradual" and "orderly" are clearly written in the Basic Law. The decision recently made by

the NPCSC is wrong, because it is a far cry from "gradual and orderly". I think Mr TIEN should have the courage to tell the Central Authorities, why shouldn't he?

Mr TAM Yiu-chung has moved an amendment to the motion. Frankly speaking, even if the Central Authorities would really do so, I would not care to meet with them to discuss the constitutional arrangements for 2007 and 2008 and the ways to achieve universal suffrage thereafter. As we will not be allowed to state our position, I prefer not to go even if I am allowed to. There is a saying that we are not allowed to meet Central leaders because we are going to say something like this. I do not understand why the DAB would have made such a remark. Neither do I understand why the Liberal Party could have disapproved of such a most accommodating amendment moved by Ms Margaret NG. According to her amendment, Members can say anything they want — even if Members tell her that they have changed their political platform, or even everything. She merely believes that every Member should be given an opportunity to go.

As the situation unfolds, Members should not say something like this anymore: "Actually, we very much agree that you should go. There is no problem with us. We even said on the Mainland that you should be allowed to go." Members should really stop saying anything like this. The truth will be completely revealed if such a mild amendment is not supported.

I so submit.

DR LUI MING-WAH (in Cantonese): Madam Deputy, the experience of Hong Kong over the past six years bears the best testimony to the fact that political and economic developments are interrelated. Persistent economic sluggishness and the high unemployment rate have led to the accumulation of grievances in society and discontent with the Government. Some in society hold the view that the election of the Chief Executive and all Legislative Council Members by universal suffrage is the only means that can enable the people of Hong Kong to replace the governing team, to select their own leader and to bring changes to the unsatisfactory state of affairs. This is the rationale and impetus behind some Hong Kong people's quest for democracy. Over the past two years, the pro-democracy camp has sought to capitalize on the worldwide trend of

democratization, going so far as to focus on the introduction of universal suffrage for the major elections in 2007 and 2008 as their main target. The pro-democracy camp has so cleverly transformed the discontent with the state of the economy into political demands. Hijacking the public opinions expressed in the marches of several hundred thousands people, they first won a landslide victory in the District Council Election and later seized 25 seats in the Legislative Council on 12 September. Although this number of seats cannot constitute a majority in the Legislative Council, it can already cause alarm among government officials, making them apprehensive in whatever they do.

The blind belief of the pan-democracy camp in democratization and their insistence on the introduction of universal suffrage in 2007 and 2008 have divided Hong Kong, causing worries in the SAR Government and alarming the Central Government. In order to ease the tension and dispel differences, the SAR Government has already stepped up its communication with the pro-democracy camp, and the Central Government has also opened the door of communication to pan-democracy Members. Some of these Members were invited to the National Day Reception in Beijing. The invitation has been well-received and described by the wider community as an "ice-breaking" attempt to build up channels of communication between the pan-democracy camp and the Central Authorities. It is indeed true that extensive communication between the Central Authorities and the various social strata in Hong Kong is very significant and should be welcomed.

As a matter of fact, since the interpretation of the Basic Law by the NPCSC, the issue of universal suffrage in 2007 and 2008 has already undergone a change in nature. The reason is that the National People's Congress is the highest state organ, so its decision is legally binding and must thus be followed by the SAR Government. As a result, the continued struggle for universal suffrage in 2007 and 2008 is bound to be fruitless, serving only to deplete and divide society with all the conflicts it creates. Such is the political reality that we must address. This is not to speak of the fact that the Legislative Council is still divided on the introduction of universal suffrage in 2007 and 2008, failing to come up with a mainstream view. Likewise, the wider community of Hong Kong is also unable to reach any consensus so far. For this reason, Members have no authority to make the relevant request with the Central Authorities on behalf of all Hong Kong people. Admittedly, it will definitely be very big news if all the 60 Legislative Council Members are invited to Beijing to meet with the

leaders of the Central Authorities. But should we include those Members who insist on challenging the Central Government, on "ending one-party dictatorship", and on "toppling the Communist Party"? Should we insist that none of the Members must be left out?

We are certainly very happy to see communication between pan-democracy Members and the Central Government. But we also maintain that there must not be any preconditions for such communication. Political reforms and the demand for universal suffrage in 2007 and 2008 should be two separate issues. While we can continue to discuss our political reforms, we must admit that it is no longer realistic to demand universal suffrage in 2007 and 2008. As pointed out very clearly by President HU Jintao to the Hong Kong delegation to the National Day Reception, the Central Authorities will communicate and co-operate with people holding different political views. This shows that the Central Government is prepared to open the door of communication, so pan-democracy Members should reciprocate by seeking to communicate with the Central Authorities sincerely, so that both sides can gradually build up mutual trust in the interest of building a better Hong Kong in the future. This is the only advisable approach. I so submit. Thank you, Madam Deputy.

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

MR LEUNG YIU-CHUNG (in Cantonese): Madam Deputy, the points contained in the motion today are actually very straightforward. First, we wish to express to the Central Government our views on constitutional reforms in our capacity as Legislative Council Members. Second, we hold that there should not be any pre-set bottomlines for discussions on constitutional reforms. In other words, the possibility of introducing universal suffrage for the elections in 2007 and 2008 must not be precluded. We maintain that these two demands are entirely in line with the rights conferred on all Hong Kong people by the Basic Law. And, we also think that as the main representative institution in Hong Kong, the Legislative Council should act on behalf of Hong Kong people and reflect their views on constitutional changes to the Central Authorities, and that its existence should be recognized and respected by both the Central Government and the SAR Government.

The significance of communication between China and Hong Kong has been emphasized very strongly all along. No one will probably raise any objection to this, and no one will probably think the otherwise either. However, in order to foster harmonious communication, the Central Authorities simply should not demean the representatives elected by all Hong Kong people to the Legislative Council, nor should it preclude any topics from discussions beforehand. According to Dr LUI Ming-wah, it is impossible for all 60 Legislative Council Members to go to Beijing to express their views. His main argument can be summed up by this question: Should those Members opposing one-party dictatorship and demanding the vindication of 4 June be also allowed to go to Beijing to express their views? My question in return is: Why not? Why should discussions on constitutional reforms be preceded by any political vetting? Why must the political positions and opinions of Members be screened before permitting them to go to Beijing to voice their views? Why?

If ours is really an open society, and if the Central Authorities really want to listen extensively to public opinions, they can just tell everybody that the topic of discussions is constitutional development and then just let them speak on the topic. If the Central Authorities think that anyone has deviated from the topic, they can always ask him not to do so. What problems can there be anyway? I honestly fail to see why some Members should think that only those who hold the "correct political ideology" should be permitted to go to Beijing to voice their views. There is no need for these people to express their views anyway, because their positions are already very clear.

This is really absurd. Any Members of our legislature who think that the expression of opinions must be preceded by political vetting is paying no respect to the upholding of the freedoms of speech, assembly and association emphasized so strongly by Hong Kong all through the years. In this particular case, there is also a violation of the Basic Law because it stipulates very clearly that there shall be freedoms of speech and discussion, and that everybody can express their views freely. Why have our Legislative Council Members become so regressive, so contemptuous of the Basic Law, and so intolerant of dissenting views? I find all this very regrettable.

When it comes to discussions on constitutional reforms in our society today, I have to say that even though the National People's Congress has made an interpretation of the Basic Law, we should not thus think that its interpretation is unalterable. It is possible to alter interpretations made in the past. In many

cases, the National People's Congress may deal with some urgent and special issues. How can anyone presume that it will definitely be impossible to introduce universal suffrage within a specified period of time, say, before the elections in 2007 and 2008? What is more, why is the introduction of universal suffrage regarded as something like a taboo, something that cannot even be discussed? Why should we chain up ourselves, confine ourselves and tie our own hands? People who handle things that way do not deserve to be treated as Legislative Council Members.

For all these reasons, I hope that the Members concerned can withdraw their previous comments and change their position. I also hope that they can take a good look at the existing Government. As indicated by many opinion polls, the approval rating of Mr TUNG, or even the entire Government, has remained very low all the time. Why? The main reason is not only the failure to meet people's expectations, but, more importantly, also the discontent with the existing political system, under which it is simply impossible to elect people of higher calibre to run the Government. This explains why people have attributed all problems to the governing team. Actually, upon close analysis, we will realize that problems are not only found with the governing team, but also with the entire political system. As we can observe, coterie elections are unable to reflect the views of the masses, unable to reflect public opinions. As a result, huge grievances have amassed and culminated in two 1 July marches.

To prevent the recurrence of all this, the Government must not continue to bury its head in the sand like an ostrich. If it continues to do so, it will be discarded by history, discarded by the people. And, not only this, it simply cannot shoulder the task of Hong Kong's overall development.

As we all know, economic development must go hand in hand with political development. It is wishful thinking, typical of an ostrich with its head buried in the sand, to assume that economic progress alone can solve all problems. The experience of countries all over the world shows that economic development can only be possible in an open society with a liberal political system. Therefore, if we really wish to do good to Hong Kong and bring prosperity to it, we must explore how our political system can best meet the needs under the prevailing circumstances. And, as we can all notice, coterie elections are no longer able to cater for the needs of the actual situation. We can also see that there are huge grievances in society, and people have been criticizing all those unrepresentative Members trying to speak on their behalf.

In conclusion, when demanding communication and expression of views, we must not accept any pre-set conditions, nor should we assume that it will be impossible to introduce universal suffrage for the elections in 2007 and 2008. I hope that those Members can really appreciate our intention of improving the people's livelihood through democratic reforms. It is only by doing so that we can bring prospects and happiness to Hong Kong.

Madam Deputy, I so submit.

MR BERNARD CHAN: Madam Deputy, I am sure that every Member of this Council would welcome the opportunity to meet officials of the Central People's Government and discuss how Hong Kong can move forward towards universal suffrage.

It would be very useful to overcome the communication problem which clearly exists between some Legislative Council Members and the Central Government, but let us be very clear about this. There is bound to be a communication problem so long as some people insist on calling for full universal suffrage in 2007 and 2008. Whether you like it or not, that has been ruled out. To keep on asking for it will only hold up the progress.

If people seriously want a more democratic system within a reasonable period of time, they should stop asking for something which is impossible. They should start asking more constructive questions. They should ask where the opposition to democracy is coming from. They will find that much of the opposition comes from the Hong Kong business community which genuinely fears high tax and high-spending politicians. They can ask how they can address those fears, and reassure the business community that more democracy will not be bad for the economy. There are ways to do that. They can ask how to address the concerns of the Central Government. They need to win the trust of the Central People's Government. That might require some flexibility, some imagination and some efforts, but that approach will almost certainly lead to more democracy, quicker than putting up confrontation or making impossible demands.

The majority of the people in Hong Kong want universal suffrage as soon as possible. People who ask for everything in 2007 and 2008 are letting them down.

Thank you.

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

DR FERNANDO CHEUNG (in Cantonese): Madam Deputy, earlier on, I moved a motion in the Panel on Constitutional Affairs, requesting the Government to conduct a referendum on the constitutional reform proposals for 2007 and 2008. Unexpectedly, however, other pro-democracy Members and I have come under severe criticisms as a result of the proposal. Officials of the Central Government and many mainland academics have lashed out at us for attempting to negate the decision made by the NPCSC on constitutional reform in Hong Kong. We have even been criticized for violating the rule of law, provoking the Central Authorities, showing disrespect for "one country", playing with fire and failing to uphold the Basic Law. By promoting a referendum, other pro-democracy Members and I only wish to give an opportunity to Hong Kong people to voice their views, to give expression to what they really think. A government that respects the opinions of the people should welcome our proposal. But why have we been described as arch-villains guilty of reason and heresy instead?

Mr Bernard CHAN commented a moment ago that Members who demanded the introduction of universal suffrage in 2007 and 2008 were unrealistic, and that such a demand would only hinder their communication with the Central Government. Let me respond briefly to his comment here. The decision made by the NPCSC after its interpretation of the Basic Law is not unalterable. The decision can still be altered through various channels. The National People's Congress (NPC) itself, for example, can make its own interpretation; the NPCSC is bound to follow its interpretation. In other words, the NPC can alter the interpretation of the NPCSC.

All social leaders, particularly the Chief Executive and principal government officials, who are responsible for governing Hong Kong, and also Legislative Council Members, should truthfully reflect the views of the people instead of just obeying the instruction of the "Northern Overlord". Our relationship with the Central Government is not one of servitude, meaning that we must not think that we should always obey its instructions. When we observe that the interpretation of the Basic Law by the Central Government or the NPCSC fails to reflect the aspiration of Hong Kong people, we should have the courage to stand forward. Even if such an aspiration is not favoured by the Central Authorities, we are still obligated to bring it to its attention.

However, as we can observe, over the past few years, our government officials and those Central Government officials stationed in Hong Kong have never had any moral courage to truthfully reflect the public opinions and actual situation in Hong Kong to the Central Government, so that the leaders in Beijing can see clearly what the aspirations of Hong Kong people are. Hong Kong today is faced with many governance problems, and this has led to a widening wealth gap and driven many people into hardship. Besides, we can also notice many blunders on the part of the Government. But since our political system is totally unable to impose any checks and balances, the people are barred from voicing their views and Legislative Council Members likewise lack sufficient powers to impose any checks and balances, the blunders of the Government cannot be corrected as early as desired. Actually, to prevent the occurrence of any blunders, the Government should look after the interests of all sectors, especially the grassroots. If we still refuse to address these governance problems squarely, still refuse to reform our political structure, and still refuse to introduce universal suffrage as soon as possible, these problems will continue to vex us, thus leading to many livelihood problems and the continued suffering of the people.

What we are doing today is just to urge the SAR Government to arrange for all Members of the Legislative Council to meet relevant officials of the Central Government, so that there can be an opportunity of direct communication and expression of views. How can anyone describe such a request as treason and heresy? How can anyone say that such a request will hinder communication? What we wish to have is simply an opportunity of direct dialogue, so that we can present Hong Kong people's aspiration to universal suffrage. If even such a request cannot be entertained, I am afraid there will be no hope for Hong Kong.

Madam Deputy, I wish to make it very clear that I will not support Mr TAM Yiu-chung's amendment because it precludes the possibility of discussions between us and Central Government officials on the introduction of universal suffrage in 2007 and 2008.

Madam Deputy, I so submit.

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

DR RAYMOND HO: Madam Deputy, when I visited Beijing in early September last year, and also on several other occasions, I had the opportunity to suggest to the state leaders that the Chief Executive TUNG Chee-hwa should lead a delegation consisting of all Legislative Council Members as one body to visit Beijing and meet with the state leaders. It is my belief that this kind of meeting will strengthen communication and enhance mutual understanding between the Central Government and Hong Kong, which is consistent with our national interests.

As a matter of fact, this Council is an integral part of the constitutional establishment of the Hong Kong Special Administrative Region (SAR). All 60 Members of this Council have been elected to the legislature according to the Basic Law. As representatives of different sectors of the SAR, Legislative Council Members should have regular meetings with the state leaders and officials to exchange views on issues pertinent to the well-being of Hong Kong, including the future constitutional arrangements.

As stated clearly in my 2004 Legislative Council election platform, I support the election of the Chief Executive by universal suffrage in 2012 upon nomination by a nominating committee. But we must observe Article 45 of the Basic Law which prescribes that the method for selecting the Chief Executive shall be specified in the light of the actual situation in the SAR. In line with the principle of gradual and orderly progress, I am of the view that stricter requirements on the composition of the first nominating committee, in terms of the number and eligibility of its members, are necessary. Some of these requirements could be relaxed in future nominating committees whenever practicalities of the actual situation allow.

With regard to the Legislative Council, a thorough review on the method for forming the Legislative Council should be conducted in 2012. In the meantime, the functional constituency seats should be retained as representatives of functional constituencies have an important role to play in this Council. Besides providing their expert advice on related subjects, representatives of functional constituencies tend to offer a more balanced view on a wide range of issues based on their professional opinions rather than some short-sighted political considerations. Their presence will also provide an important stabilizing force in this Council to ensure a smooth transition to the election of all its Members by direct election.

Let us go back to the subject of allowing all Legislative Council Members to meet relevant officials of the Central Government. I have raised my suggestion with Mr TUNG on a number of occasions in the past year. However, he has yet to give a positive response.

Madam Deputy, I cannot be sure if my suggestion has failed to win the support of either Mr TUNG or the Central Government or both, but I can be sure that it is time for them to revisit the idea. With these remarks, I so submit.

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

MR ALAN LEONG (in Cantonese): Madam Deputy, the NPCSC has made a decision which ruled out the election of the Chief Executive and Legislative Council by universal suffrage in 2007 and 2008. The three-member Constitutional Development Task Force (the Task Force) under the leadership of the Chief Secretary for Administration has planned to complete and produce a fifth report setting out a so-called mainstream proposal and then consult the public by mid-2005.

Against such a backdrop, why does the opinion of the majority of Hong Kong people still support dual elections by universal suffrage in 2007 and 2008 and why do people even strive for gathering public views by "referendum"? There are but six reasons. First, regarding the interpretation of the Basic Law and the decision of the NPCSC, Hong Kong people are not convinced. The speech of Mr QIAO Xiaoyang, the Deputy Secretary-General, on 26 April in

Hong Kong is nothing more than some abstract empty talk if it is not *clichés* that have been heard by Hong Kong people for the past 20 years. He has not mentioned a word about how to deal with the governance problem which has been vexing Hong Kong people.

Madam Deputy, I have a strong feeling when mentioning this in the debate. If Members should have the opportunity to read the newspapers from 20 years ago, they will find that the reasons against universal suffrage at that time are the same as of today. Even though the era has changed, the arguments have just remained the same without raising any stronger reasons, making those who are concerned about Hong Kong's future feel frustrated. Twenty years ago, we were told that universal suffrage was not yet ready. Twenty years later, we are told the same thing. In that case, will it be just the same after another 20 years?

Second, even though the Chief Executive has great plans, no achievement can be made because he cannot control those who have vested interest due to a lack of political mandate and the support of Hong Kong people. The fact that Legislative Council Members returned by direct election are hampstrung by Members returned by functional constituency has resulted in a distorted situation whereby the majority is subordinate to the minority and the mainstream public opinion is suppressed. In view of the insufficient political mandate and ineffective governance of the Hong Kong Special Administrative Region Government, we believe the pace of democratic development should be expedited and a democratic mechanism established in order to solve the prevailing problem of poor governance and social disharmony. The two marches on 1 July, the 23 November District Council elections and the 12 September Legislative Council Election have clearly shown Hong Kong people's determination in striving for democracy and their maturity in implementing universal suffrage. 2007 and 2008 are the earliest opportunity allowed by the Basic Law to solve the governance problem in Hong Kong. Hong Kong people will certainly hope that this urgent problem can be solved expeditiously. Most Hong Kong people consider universal suffrage the only correct means to solve governance problem and thus persistently pursue this goal out of goodwill.

Third, before the National People's Congress (NPC) took the swift action, Hong Kong people had not been consulted and their opinion had not been

respected. Those self-proclaimed speakers of the Central Authorities knew nothing except lecturing Hong Kong people, saying it was impractical and even illegal to continue to mention dual elections by universal suffrage in 2007 and 2008. However, neither a single sensible word was uttered, nor sincerity in absorbing and listening to Hong Kong people's views was showed. This is a persistent exercise of blatant power with an imposing attitude without due regard to the importance of convincing people by reasoning.

Fourth, Madam Deputy, the so-called consultation conducted by the Task Force cannot lend its ear to all different views. Objectively speaking, Hong Kong people do not subscribe to the so-called consultation conducted by the Task Force. The consultation was conducted through seminars which were mere formality with guests well chosen, guests who would only speak in a restricted manner. Such consultation cannot be considered a wide collection of public opinion, not to mention whether it has representation or not. Most of the 25 elected Members who support dual elections by universal suffrage in their election platforms have been unable to have dialogue with Central Authorities officials responsible for Hong Kong affairs. In addition, there are comments that any attempt to strive for universal suffrage is equivalent to striving for independence of Hong Kong. All this has made Hong Kong people feel that neither the Central Authorities nor the Hong Kong Government intends to really listen to the views of those Hong Kong people who can present sound arguments.

Fifth, the Central Authorities, in ruling out dual elections by universal suffrage, have not formulated any timetable or roadmap for the democratization of Hong Kong. As a result, Hong Kong people feel helpless and frustrated in their wait for democracy which now seems to be very remote.

Sixth, in terms of legal principle, the decisions of the NPCSC, which is merely a standing organ of the plenary session of the NPC, can be overruled and reconsidered by the plenary session itself. Moreover, the NPCSC, as the core of power at the top of the hierarchy of the National People's Congress, should have sufficient ability to make reflection and amend its previous political decisions in the light of the prevailing conditions and the volatile political situation. Basically I do not see why the discussion of dual elections by universal suffrage is a challenge to the rule of law. At the most, it can only be regarded as politically incorrect, a challenge to authority and outrageous.

Madam Deputy, the Central Authorities and the government officials of Hong Kong have recently criticized the proposal of collecting public opinion on dual elections by universal suffrage through a scientific and objective method, which is referendum. The criticism has only served to escalate and intensify the controversy. This will not help the Central Authorities to smoothen the public opinion or foster social cohesion again. I sincerely hope that the Central Authorities can encourage free expression of views and facilitate a thorough discussion on constitutional reform with Hong Kong people in the near future.

Madam Deputy, if the Central Authorities wish to show its sincerity to listen to Hong Kong people's views, nothing is clearer and easier than an arrangement for all Members of the Legislative Council to meet and have direct dialogue with the relevant Central Authorities officials responsible for Hong Kong affairs. By doing so, it will be more effective than thousands and thousands of words and achieve immediate cohesive effect in society which has become very divided.

I hope the Central Authorities can have great wisdom and do something pragmatic for the good of Hong Kong because its prosperity and stability depends on the constitutional reform. If only the Central Authorities can establish a communication channel with the 60 Members of the Legislative Council for discussion on the constitutional reform of Hong Kong.....(*the buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Mr LEONG, please stop.

MRS SELINA CHOW (in Cantonese): Madam Deputy, Mr Ronny TONG said in his speech that he had done nothing wrong. However, today, we are not debating what is right or wrong. In the final analysis, politics is the art of the possible. However, we find that in Hong Kong, the opposite seems to be the case as far as the interpretation of politics is concerned, and politics has become the art of the impossible. Why would such a situation emerge? Some people often display the behaviour of being bent on doing what cannot be achieved. I always think that nowadays, it appears there is a trend of some people thinking that they only need to know what they want and there is no need to care about what the other side thinks. As a result, such a way of thinking has made people aware only of themselves but not others. What has this led to? The gap

between Hong Kong and the Central Authorities has not narrowed but rather, grown wider and wider.

Maybe Mr Ronny TONG's views are different from mine — not maybe, but rather, definitely different from mine. This is only natural, since Mr TONG is a barrister and since he is extremely eloquent in litigation, he can state his position in a most moving and accurate way. However, we Members of the Liberal Party, with a stronger background in business, want to find a way forward through discussions and get results that will lead to progress. Does anyone mean to say that the thinking and approach of seeking progress for Hong Kong people through discussion are wrong? Therefore, the key lies not in whether it is wrong for Mr Ronny TONG to demand universal suffrage in 2007 and 2008, rather with his insistence, if he is trying to satisfy his subjective wish or really trying to lobby for progress in democratization for Hong Kong.

Earlier in the debate, Mr LAU Chin-shek said that it would not be possible to clap with just one hand. Of course, Mr Ronny TONG and Members of the pro-democracy camp may not aspire to finding a way to promote the development of democracy in Hong Kong, but rather, to vent their grievances and satisfy their need of political posturing. One cannot say that this is useless, however, not much purpose can be observed as far as promoting the progress of democratization is concerned. This is because in the final analysis, any chance of making progress in the democratization of Hong Kong hinges on a consensus reached between Hong Kong and China. If Members do not accept this point, they are in fact misleading Hong Kong people.

Ms Emily LAU said that she failed to understand why the Liberal Party could not support Ms Margaret NG's amendment. In that case, I have to explain clearly to her and other Members. We believe that if we are to lobby for a visit to Beijing by all 60 Members, we have to express our views on subjects on which a consensus has been reached. Concerning the subjects, it is certain that no consensus on universal suffrage in 2007 and 2008 has been reached by all 60 Members. Although many members of the public agree with the idea of introducing universal suffrage in 2007 and 2008, have the 60 Members of this Council reached a full consensus and do they support the idea of pro-democracy Members going to Beijing to lobby for universal suffrage in 2007 and 2008? If the answer is in the negative, does it not smack of imposition by incorporating this subject into the motion? Conversely, if all 60 Members

lobby for a visit to Beijing, do Members expect anyone to be able to cover the mouths of people like Ms Emily LAU, Mr Ronny TONG, Ms Margaret NG, Ms Audrey EU and Mr Alan LEONG and inhibit them from talking about universal suffrage in 2007 and 2008? In fact, they have already talked about this. Last time when they went to Beijing, they had already talked about this. If 60 Members go to Beijing together, they will still talk about this and no one can cover their mouths, nor does anyone want to do so.

Therefore, the reason that we do not support Ms Margaret NG's amendment is that we do not wish to make Hong Kong people hold on against all odds because we believe that the more we do so, the greater our gap with the Central Authorities will be. This is not a blessing to Hong Kong people.

Dr Fernando CHEUNG mentioned the opportunity to engage in direct dialogue, saying that we have to seek an opportunity to engage in direct dialogue. However, if we think about it the other way, if we set down prerequisites and if it is precisely these prerequisites that prevent both sides from opening any dialogue, then are we going to insist on these prerequisites, thus making it impossible to begin any dialogue, or are we going find a way to open the door for dialogue with an objective attitude and build mutual trust on the basis of a consensus, so that there will be an opportunity to give expression to the points of contention and find a window of opportunity for co-operation?

Thank you, Madam Deputy.

MR ALBERT CHENG (in Cantonese): Madam Deputy, knowing oneself but not others — I wonder what knowing oneself only but not others is? Of course, I understand what this is. The "knowing oneself only but not others'" mentioned by Mrs Selina CHOW precisely reflects the stance of Members of the rich party who represent business interests and are aware only of their own stance but could not see those of others. They are getting anxious over other people's business. We are not seeking to meet LI Ka-shing or TUNG Chee-hwa, and still less the Chairman of the Liberal Party, Mr James TIEN, or Mrs Selina CHOW. We only want to request the Hong Kong Government to arrange for 60 Members to go to Beijing — not necessarily to Beijing — to meet the leaders of the country or those responsible for constitutional reform and convey the views of the public. What is wrong with the motion moved by Mr

Ronny TONG? If Members do not know how to read, let me read it out once. The wording of the original motion moved by Mr Ronny TONG is in fact very simple, "That this Council urges the HKSAR Government to immediately arrange, with regard to constitutional reform, for all Members of the Legislative Council to meet relevant officials of the Central People's Government, so that Members can directly reflect to the Central People's Government the views of all the people of Hong Kong on the implementation of universal suffrage in 2007 and 2008." This is very simple and does not need any so-called barrister to elaborate on it. Even for those who do not know how to read, if I read it out to them, they will also understand. Even my constituents — the lay housewife in Ngau Tau Kok — will also understand it.

In view of this, why could Honourable Members of the Legislative Council not understand it? The trio responsible for constitutional reform in the Hong Kong Government, after holding a dozen public hearing sessions and collecting some 400 representations and the views of some 1 000 people, said that the views of all Hong Kong people have been represented. How ridiculous! Do the views of some 1 000 people represent those of several million people in Hong Kong? At present, even TUNG Chee-hwa dares not say that he can represent the views of all Hong Kong people, whereas the 25 Members in the pan-democratic camp represent 1 million votes. What is wrong with us demanding that the aspirations of these 1 million people for universal suffrage in 2007 and 2008 be conveyed?

We know the reason why this was considered wrong. In fact, I am the person who has the clearest idea. There is no need to speak at length. This is because they consider it a privilege to hold dialogue with the leaders of the Central Authorities, a franchise that is exclusive. Other people cannot go there, or else their lies will be exposed. Luckily, we have the Article 45 Concern Group, whose members have met leaders in Beijing. In fact, they may have already exposed some of the lies and some consequences may have arisen, so that somebody has had a dressing down and it was found out that their claim of representing the views of Hong Kong people is merely a scam. That is why they are so anxious. There are others who say that sincerity is called for if one wants to meet the leaders, without which one cannot meet them. In fact, we do have sincerity. These matters do not really matter that much, however, even though Mr Ronny TONG has moved a motion with such simple wording, Mr TAM Yiu-chung still distorted it. Why not just oppose the motion? In any

event, they are the majority in the legislature and they can simply raise their hands and oppose it. Why do they have to take the trouble to draft an amendment to distort the motion?

Bearing the overall situation in mind and in order to compromise for the sake of general interest, Ms Margaret NG also moved an amendment, suggesting that we should be allowed to go to the capital and everyone can state their own stance and speak for themselves. However, this was also opposed. What really do they want? However, this does not really matter because we can still speak here. I still have several minutes to speak. It is not possible for me not to go on speaking. Let me tell you why I have got to go on speaking.

Some people say that we cannot have direct elections because the quality of Members is much too low. Of course it is declining — today is Wednesday but a certain Legislative Council Member has gone so far as to watch horse races at the Hong Kong Jockey Club. This is really outrageous. We have to prolong the meeting because I also have to give a hand, since this is such a disgrace. If the division bell sounds, it will take 15 minutes to hurry back from the Jockey Club. So we can only ask Members to continue to speak so that these people can feel more relaxed when they call in to ask if any division will take place, since on racedays, there may be traffic congestion on the way back from the race-course. If Legislative Council Members want to hang out somewhere on Wednesday, they should go to a private club instead of the race-course. If they have to lead their winning horses, people will then find out that Legislative Council Members go to race meetings on Wednesdays. This is really a disgrace. Will the rich party please discipline its Members? Otherwise, people will accuse us of being low in quality and this will make members of the public distrust political parties.

As long as there is no universal suffrage, as long as there is small-circle election and proportional representation in our political system, the Members so elected will never be of high quality. If the SAR Government were to announce tomorrow that the Central Government had given the green light and there would be universal suffrage in 2007 and 2008, I can guarantee that many people of quality will emerge to take part in politics. This is because the business sector will want to find representatives and prime people with ability to take part in politics. At it is now, the interests of the business sector are protected and they are receiving some sort of Comprehensive Social Security Assistance (CSSA) for

the business sector. Talking about CSSA, this form of assistance, which amounts to several thousand dollars a month, was reduced by several hundred dollars this year. For the business sector, the regrant premium for a piece of land such as that for the Hunghom Peninsula is only \$800 million. After factoring in other costs and the demolition cost, the total is only \$3 billion. Today, if this piece of land were to be auctioned, the amount that can be fetched would be \$100 billion, sorry, \$10 billion, since that piece of land in Tin Kwong Road, which is only some 30 000 sq ft, sold for over \$9 billion, and the piece of land on which the Hunghom Peninsula is situated is one and a half times larger than that in Tin Kwong Road.....

DEPUTY PRESIDENT (in Cantonese): Mr CHENG, please speak to the question.

MR ALBERT CHENG (in Cantonese): I have been speaking to the question and have not strayed from it. You think that I have strayed from the question, but if you go on listening to my speech, you will know that I have not strayed from it. I am talking about the quality of Members, about the CSSA, about how the business sector is receiving some sort of political CSSA. Why was a piece of land worth some \$10 billion or \$20 billion sold for only hundreds of million of dollars? This is precisely because our Government is not democratically elected.

Madam Deputy, I told you I had not strayed from the question. I will now tell everyone that if we have universal suffrage, if the Government is accountable to members of the public, then instances of transfer of benefits will not occur. This is why I have not strayed from the question. Put simply, the request made by Ms Margaret NG is that we go together and state our own cases and it is fine for everyone to just speak for themselves. This is all very clear and there is no need to worry about anything. When the boss meets you, he will also listen to your views. Anyway, we are the group with a lesser voice. Even if we speak nosily, we have less people. Why are they afraid of us? Because we represent the opinions of 1 million members of the public. Therefore, with these remarks, I support the motion moved by Mr Ronny TONG. I believe he is not in the least bit wrong, and what is more, I support Ms Margaret NG's amendment.

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

MS AUDREY EU (in Cantonese): Madam Deputy, just now, Mrs Selina CHOW said in her speech that politics is the art of the possible, not politics is the art of the impossible. By this point of hers, I was a bit puzzled. She went on to say that since we 60 Members had not yet reached a full consensus on universal suffrage in 2007 and 2008, how could we impose ourselves on others? If Mrs Selina CHOW thinks that it is necessary for the 60 Members to reach a consensus on universal suffrage before communication with the Central Authorities can be possible, then I think she is actually talking about politics as the art of the impossible.

What is more, I wish to point out a fundamental fallacy in Mrs Selina CHOW's speech. She asked Mr Ronny TONG if he had considered the thinking of the other party. Who is the other party? If she is referring to the Central Authorities, is this not somehow politically incorrect? She said that all that Mr Ronny TONG was concerned about was to trumpet his stance to satisfy his need for political posturing, however, she also said in her speech that many members of the public agreed with the introduction of universal suffrage in 2007 and 2008. Therefore, I do not understand why Mrs Selina CHOW had to say that Mr Ronny TONG was trumpeting his stance on universal suffrage in 2007 and 2008 to satisfy his need for political posturing.

I believe there is a fundamental fallacy in her speech just now. As Members, we have the responsibility to convey the wishes of the public, whereas the Government (no matter if she meant the SAR Government or the Central Government) should serve the people and has to listen to their views. Why should she pitch the Central Government against the Hong Kong public? Why should she say that Mr Ronny TONG does not know the thinking of the other party and is only concerned about trumpeting his stance? These are the fundamental fallacies.

Apart from this, on Mr Ronny TONG's motion, I wish to make the following points:

Firstly, I wish to point out that it is incumbent upon Members of the Legislative Council of the SAR to communicate with and contact the Central

Government or officials of the Central Authorities because every Member seated here was returned by lawful elections in accordance with the stipulations of Article 104 of the Basic Law. When taking office, they swore their allegiance to the SAR and their support for the Basic Law. Their status in the constitution is indisputable. If the Central Authorities insist on ruling the country according to law and respect the "one country, two systems" principle, it is hard to imagine or understand why they would refuse to communicate with or meet Members who were elected under a different system within the same country?

In fact, the authorities in Beijing are getting in touch selectively with some of the Members according to their own liking. This is absolutely the rule by man, so any suspicion that the Central Authorities are using communication as a pretext to forge a united front is excusable. We must bear in mind that a number of Members in this group of "blacklisted" Members actually represent quite a substantial body of public opinion. However, the Central Authorities have steadfastly refused to get in touch with them and even organized a "trial by public opinion" in an attempt to marginalize them. This will only further alienate some Hong Kong people. It is said that the greater the pressure, the greater the resistance. The discontent accumulated among Hong Kong people will eventually be reflected in the ballots cast in elections or other actions such as rallies.

Secondly, many views hold that, since the NPCSC has rejected the implementation of dual universal suffrage in 2007 and 2008, the pan-democratic camp is deliberately challenging the Central Authorities in its insistence and in proposing a consultative referendum on constitutional reform. The Secretary for Constitutional Affairs, Mr Stephen LAM, even proposed in a seminar last week that we should sidestep the issue since there is no through road for universal suffrage.

I believe this opinion of sidestepping the issue is rather dangerous. When we take a certain course, we want to take the correct one and make progress, rather than travelling in vain. We demand constitutional reform in the interest of solving problems, not for the sake of change or simply to play number games. However, some of the proposals, that is, the proposals other than that of introducing universal suffrage, all propose that the number of members in the Election Committee be increased from 800 to 1 000, 1 200 or even 1 600 and to increase the numbers of seats to be returned by direct elections and functional

constituencies proportionately. Such tinkering is not substantial change and cannot reverse the low legitimacy of the Government, improve the relationship between the executive and the legislature, or solve the problem of ineffective administration and social disharmony.

Finally, I wish to point out that the requests of the pan-democratic camp to directly convey the demands for universal suffrage and to discuss issues of constitutional reform with the Central Authorities are the result of the failure of the Chief Executive, Mr TUNG Chee-hwa, to play his role as a bridge between China and Hong Kong. Many members of the public think that for more than seven years, Mr TUNG has only served as the mouthpiece of the Central Authorities and failed to truly lobby for the interests of Hong Kong people. In addition, many parties or people self-proclaiming as bridges have all failed to truly reflect the wishes of the majority public in Hong Kong. Some even turned against Hong Kong people and accuse them of being disobedient and of opposing Article 23, thus making it impossible for the Central Authorities to implement universal suffrage.

Madam Deputy, I very much hope that all Honourable colleagues who will cast their votes here today can understand that even if you cannot support the original motion moved by Mr Ronny TONG, whether because you feel that it runs counter to your position on universal suffrage in 2007 and 2008, or because it runs counter to your stance on constitutional reform in 2007 and 2008, I still hope that you can support Ms Margaret NG's amendment. Because it is a very accommodating amendment that allows all 60 Members to state their own cases. This is definitely not imposing on others, as Mrs Selina CHOW has called it. I absolutely welcome the prospect of saying what we want to say together with her and I believe no one can cover her mouth.

Thank you, Madam Deputy.

MR CHEUNG MAN-KWONG (in Cantonese): Madam Deputy, I wish to express my support for Mr Ronny TONG and Ms Margaret NG because of the remarks made by Mrs Selina CHOW just now.

In fact, the motion moved by Mr Ronny TONG cannot be simpler. There are only two very modest requests. Firstly, of course he insists on dual elections by universal suffrage in 2007 and 2008; and secondly, he hopes that

leaders of the Central Authorities can get in touch with all Members of the Legislative Council to listen to their views in this regard. The amendment moved by Ms Margaret NG is even more humble. The thrust of it is that all Members can hold different views and express their own opinions, and no matter what their stances on dual elections by universal suffrage in 2007 and 2008 are, the Central Government should listen. Therefore, the amendment moved by her is a "gentleman" amendment.

In fact, if we look at the original motion and the amendment with equanimity and refrain from holding any sense of superiority, we should support them. However, even these two motions were criticized as knowing oneself only but not others and serving only to satisfy a subjective desire to vent grievances and impose upon others. This smacks of treating other people too lightly, treating the voters behind them too lightly, and treating the innumerable members of the public who support democracy in Hong Kong too lightly.

"Bent on doing what cannot be achieved" is Mrs Selina CHOW's remark. In fact, in politics, people do what is considered impossible all the same because in the process of doing so, it is possible to set what is right apart from what is wrong. Even though we cannot do anything about things that are distinctly right or wrong, we still have to insist on doing it.

In masterminding the revolution, Dr SUN Yat-sen was ridiculed as one of the "four rascals" and regarded as the enemy. That is to say, people were convinced that the revolution would definitely fail. However, what was the outcome? In the end, he became the founding father of modern China and led the Chinese people in launching one of the greatest revolutions. When MAO Zedong took part in the first meeting of the Communist Party, he had to leave half-way through it. How many people attended the meeting at that time? Less than 20. However, he eventually became the leader of a great Chinese revolution in 1949 and succeeded in fighting for the independence of China. DENG Xiaoping rose and fell three times. In his most downcast days, he insisted on doing what others thought could not be achieved. Is there anything wrong with this? This is the courage and perseverance that a political figure should possess, not satisfying one's own subjective wishes.

Are you not unaware that Mr Ronny TONG is an elected Member? Do you not know that Ms Margaret NG is an elected Member? Do you not know

the expectations and aspiration for democracy of the voters behind him? What is wrong with him raising it in the legislature? What is wrong with him raising this when he met the Central Authorities in Beijing? If anyone thinks that it is wrong even to do such things, then this person is not fit to be a Member at all. This is of course not venting one's grievances but voicing public sentiments.

Mrs Selina CHOW asked, "Can this achieve any effect for the promotion of democratization?" I do not know if doing so will be effective or not, however, there are a lot of convictions in this world and in politics that people know cannot be put into practice but they persevere all the same. This is anyway better than not promoting democracy but to beat retreats again and again from the '80s through the '90s to the 21st century and to revise one's party platform time and again. If you keep revising your party platform and keep putting off the agenda of democratization, do you still have the guts to query the effectiveness of other people's efforts to promote democracy? Is this not all very laughable?

Mrs Selina CHOW said that to require 60 persons who have not reached any consensus to go to Beijing is imposition. Have you heard of the expression "agreeing to disagree"? Agreeing to disagree means not having any consensus. Is it the case that if people do not have any consensus, then they cannot come together? Is it the case that people cannot go to the capital without consensus? In fact, at the back of all these, there is a feeling of prestige in being able to go to Beijing, that is, whereas other people do not qualify to go there, one is. If you follow me to Beijing, then it is you who are imposing yourself on me.

I wonder if Members have ever read *The Story of Ah Q* by LU Xun? In *The Story of Ah Q*, a character called Ah Q wanted to foment a revolution. When he is feeling very strident, he finds that a person called Little D, whom he has always despised the utmost, is also fomenting a revolution, so Ah Q gives this person a dressing down, scolding him for also fomenting a revolution. In fact, the subtext is to query what the other party presumes himself to be as to dare to organize a revolution like he does. In the same vein, in this issue of visiting Beijing, some people have queried why other people should want to go to the capital and what is more, should be so presumptuous as to want to do so with oneself. I think this is not right. You can take the stance of a Member lightly, however, you have to respect the voters behind him. On this count, all are equal and Ah Q and Little D are equal. Under these circumstances, there is no

need for any Member to be so worked up. Moreover, I remember very clearly that Mr James TIEN moved a motion on 7 July on "Facilitating communication between the Central Government and the pro-democracy camp in Hong Kong". In view of this, is the Liberal Party not suffering from a split personality and giving itself a slap on the face? Why have matters taken such a turn? I thought for a while and realized, oh yes, 7 July was the run-up to the election. And what about now? The election has ended and they are now secure in their seats. LU Xun also wrote a poem that ridiculed QIAN Xuantong, saying that the latter changed his attitude as soon as he had got rich. Now, I will change the line to "changed one's attitude as soon as one got elected". However, to the Liberal Party, which could even change its party platform and its stance on the progress of democracy, this is no big deal.

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

MR JASPER TSANG (in Cantonese): Madam Deputy, Mr CHEUNG Man-kwong asked Mrs Selina CHOW not to get so worked up, but Mr CHEUNG Man-kwong needs not be so agitated either. I have also listened carefully to Mrs Selina CHOW's speech. She never said anything about opposing any contact or communication between the 60 Members of the Legislative Council and officials of the Central Authorities, nor could I hear her say that it was necessary to impose any restriction, or anything to the effect that if someone was Ah Q, then you were so and so — I just could not hear it.

Madam Deputy, before all else, I wish to express a wish. No matter what the outcome of the debate this evening is, or no matter which motion is passed or negated at the vote, I still wish to see all Members — or after taking into account the opinions of Mr CHIM Pui-chung — to see every Member who is willing to exchange views with the Central Authorities on the issue of constitutional development take part in such a dialogue as soon as possible. This is also what I have always advocated.

However, Madam Deputy, why do we have to conduct such a debate today? Why is it necessary to have a debate? Precisely because in reality, obstacles have emerged. If there is no problem and if everybody describes this as something that is only natural, then there is no need for discussion and one can

go whenever one pleases, and engage in dialogue whenever one pleases. Mr Alan LEONG, being a barrister, is of course very logical in his speech, however, I detected a contradiction in his speech. This is because he made a judgement and said in a clear-cut manner that the Central Government has no real intention of listening to the true voices of the Hong Kong public. He cited a great deal of evidence to support his judgement, however, at the very end, Mr LEONG said that he hoped the Central Government would lend an ear. Does he think actually that the Central Government will listen or not? If Mr LEONG really wants to open up this channel of communication and dialogue, yet he has the strong conviction that the Central Government will not listen, would it not be a waste of breathe to knock on the door?

I believe Mrs Selina CHOW does not actually harbour such thoughts, but in her speech, she might have gone over board with some remarks. The DAB, in proposing this amendment, does not intend to impose any restriction or conduct any screening. We hope that when dialogue becomes a reality some day, it can be a really beneficial exercise and become the beginning of long-term communication between Members in Hong Kong, Members of various parties in Hong Kong and people with different political views, and the Central Authorities, rather than just allowing everyone to vent his views on a one-off occasion.

Mr Ronny TONG said that we had no choice, but he was wrong. We do have choices. Apart from Mr CHIM Pui-chung, who can choose not to go, those of us who choose to take part in the dialogue do have choices. We can choose to take this opportunity to recount the six major reasons to prove that the Central Authorities do not listen to public opinions. We can take this opportunity to reiterate how many people are supporting us at our back. We can take this opportunity to tell them that their decisions were wrong, and then sit there to listen to the other side tell us why its decisions were right. To be fair, when the NPCSC made its decisions, it is not true that no reason was ever given, as one member of the Article 45 Concern Group said in public. The NPCSC did give its reasons, and many for that matter. Only that he does not agree with any of them, but he cannot say that the NPCSC has not given any reasons. You can sit there and hear all the reasons being recounted.

First of all, in our amendment proposed by Mr TAM Yiu-chung, "immediately" was changed to "as soon as possible". This is a scientific amendment. What does it mean by "immediately"? Is it the case that once the

motion has been passed, things can be achieved right away? On this point, I believe none of us will have any objection.

Concerning the latter part of the motion, Mr Ronny TONG originally proposed that the aim of asking for an opportunity for a meeting is to reflect the views of all people in Hong Kong concerning the implementation of universal suffrage in 2007 and 2008. If both sides can sit down, they should already be well aware of the position of the other side. Why not take this opportunity to engage in real dialogue, discussion and exchange of views? Why not narrow the differences? Since they have come from afar, why do they just convey the opinions and stop there? Mr TAM Yiu-chung's amendment does not stop at merely reflecting opinions.

I totally agree with Mrs Selina CHOW's remark that if a meeting can really be successfully arranged, is it possible to bar Members of the so-called pan-democratic camp from expressing their views on universal suffrage in 2007 and 2008? If such a condition is imposed, I believe they will not go and the meeting will not be successful. If there is such an opportunity for meeting and dialogue, all parties will definitely put forward their views on constitutional development. However, we hope that it will be a discussion and that through discussion, the scope of consensus can gradually be enlarged and the differences narrowed. I do not believe that "the other party" — Ms Audrey EU has gone out — necessarily harbours any animosity. The two sides that hold dialogue are referred to as the other party by one another. To us, when we hold dialogue with the Central Authorities, they are the other party. When we hold dialogue with the SAR Government, the SAR Government can also be called the other party. I do not believe that there is any animosity lurking at the back. However, since both parties have some differences in opinion and hope to engage in dialogue through this meeting and narrow the differences gradually, Members can of course raise the issue of constitutional arrangements for 2007 and 2008. Of course, a certain Member can say that he believes the only constitutional arrangement for 2007 and 2008 is universal suffrage. However, do we have to refuse to take other options into consideration because of this? This is also worth examining. It can thus be seen that they do have choices, not otherwise.

Mr LAU Chin-shek said that the Central Government is not just the Government for the pro-Beijing camp but also the Government for the

pro-democracy camp. I hope everyone will see this in such a light (*the buzzer sounded*) I am worried that some people have not yet acknowledged this.

MR ALBERT HO (in Cantonese): Madam Deputy, I wish to thank Mrs Selina CHOW for her speech, since she has brought some sparks in what would otherwise have been an uneventful debate, so that the debate is not too boring after all and some heated responses have been elicited from Members. However, one interesting point is that she often stresses that politics is the art of turning certain things into the possible, not the art of turning them into the impossible.

She seems to have forgotten one thing. I remember that before 1 July last year, when the discussion on the bill on national security was going on at full steam in the Legislative Council and when the bill was about to be passed, many people told us that this development was inexorable. Looking at Secretary Regina IP, some people asked why we had to throw straw against the wind. However, have Hong Kong people not made history? Has the Liberal Party not made history? Precisely because of its courage at that time — although in retrospection, it may be transient, which is most lamentable, it has really changed history — what had been impossible was turned into the possible. Therefore, the will power of man is important. In the great eras of history, many people were invariably criticized as obstinate and failing to appreciate the reality. Mrs Selina CHOW almost said this too, only she minced her words a little bit.

Madam Deputy, neither the brothers and sisters of the pro-democracy camp nor I will feel angry with such criticisms and we will perhaps even gladly accept them. Sometimes, indeed we have to be obstinate, to insist obstinately on what is good. There are too many people who are too appreciative of the realities, however, comparatively speaking, there are too few people who really have the backbone to stand up and fight for the values that we all cherish. Therefore, we have to give one another greater encouragement all the more.

Madam Deputy, no matter whether lobbying for universal suffrage in 2007 and 2008 is a stale issue or not — and of course we do not think so — we will still exert our utmost and lobby until the last minute. However, there is still a lot of meaning behind our perseverance. For one thing, we feel we still have the right

and dignity to express different views. We think that not only were our rights with regard to democracy in 2007 and 2008 denied, the Central Government also adopted tactics that ran counter to the rule of law in denying us of our rights and damaged the due process. This is also the reason why we want to keep raising the sternest possible objection and even protest against it. Otherwise, we will find that this kind of unfortunate and heart-rending events that destroy the principle of "one country, two systems" will recur easily.

Therefore, if we have the opportunity to go to Beijing, it is all the more necessary for us to express our keenest concern about the issues concerning 2007 and 2008. The significance of a lot of things lies not in the outcome in the short term or any visible and tangible goal. The greater significance may lie in the process. This process will make more Hong Kong people understand that we must unite and stick to our course in striving even more steadfastly for the democratic values, the rule of law and human rights that the international community embraces and affirms nowadays.

Madam Deputy, I very much agree with Mr Jasper TSANG's point, that it is a matter of course for the Central Authorities and the pro-democracy camp to engage in dialogue, however, there are indeed obstacles now. In fact, after the reunification, our hearts are laden and we feel sad to find that it looks as though the Central Authorities and many representatives of the public are separated by a wide chasm and any prospect of both sides engaging in dialogue are blocked by numerous hurdles. To throw open the door of communication is like pushing open the extremely heavy doors of a feudal society and what is more, the doors are held by many locks. However, we still want to make an effort. In fact, since the reunification, we can see that the Legislative Council, which was established in accordance with the Basic Law of the People's Republic of China, cannot even organize working groups that visit the Motherland or work meetings on the Mainland to conduct exchanges, even though each year, many of us would visit Europe, the United States and many other places in the world.

Nor would officials of the Central Authorities ever set foot on the Legislative Council during their visits to Hong Kong. They regard it as a no-go zone and one of the reasons is to avoid contact with the pro-democracy camp which holds different political views. In fact, such a strategy is intended to alienate, denigrate and marginalize the Legislative Council, so that the Legislative Council will be disregarded. Is this policy a seemly one? Is the

system still being respected? This is what is so lamentable about this country and a mistreatment of its people. Anyway, we will still fight bravely on the road to democracy for a long time to come. Let me conclude with a line from a poem by QU Yuan (*the buzzer sounded*) "The way was long, and wrapped in gloom did seem/As I urged on to seek my vanished dream.".¹

DEPUTY PRESIDENT (in Cantonese): Mr HO, please stop.

MR ALBERT HO (in Cantonese): Thank you.

MR ALBERT CHAN (in Cantonese): Madam Deputy, I absolutely agree with the views expressed by Mr Jasper TSANG, that is, if a meeting can be arranged successfully, then discussion should be held to narrow the differences as far as possible. However, I wish to point out that it is not the pro-democracy camp that does not have the liberality or the attitude. Some of the people who do not have such liberality or attitude are in this Chamber. More importantly, even our Central Government does not have such liberality and attitude.

When ruling out dual elections by universal suffrage in 2007 and 2008, the NPCSC made the decision in the fashion of a crushing blow and did not hold any discussion with the Hong Kong public, nor did it discuss with the Hong Kong public how the differences in aspirations for democracy and the agenda of democratization of all sides could be narrowed. If the Central Government is willing, I believe all Members in the pro-democracy camp will be very happy to discuss this issue. We are not really like a slab of iron, nor are we rigid and inflexible. We took part in Legislative Council elections, swore in in this Chamber and of course we recognize the Central Government as the Central Government for Hong Kong and the Central Government for us in the pro-democracy camp. However, has our Central Government ever considered the pro-democracy camp a member of the SAR? Has the Central Government ever considered Legislative Council Members in the pro-democracy camp as representatives of public opinion? Similarly, the one who lacks such will and liberality is the Central Government of our great Motherland.

¹ Translation by YANG Hsien-yi and Gladys YANG

It is perfectly normal for the Central Government to hold views that are different from the representatives of the public in the SAR Government and from those of the public. This is just like the case with 1.3 billion people, many regions and provinces, and even many members of the Communist Party holding views different from those of the Central Government. Even at the top echelon of the Communist Party, there are also different views. However, the attitude and approach adopted by the Central Government is that of segregation, division and alienation. Such an approach is definitely not beneficial to the "one country, two systems" principle and the development of Hong Kong.

It is only incumbent upon the officials of the Central Government to communicate with representatives of the public in Hong Kong, including Members of the pro-democracy camp, no matter if we look at it from the viewpoints of reasonableness, rational behaviour or legality and this should also be the natural course of development. However, seven years have passed in a blink and this normal occurrence and development has never materialized. The pro-democracy camp has expressed such a wish a number of times — and this is our duty as the representatives of the public. We have expressed such a wish but could not see any reasonable response.

Just now, Mrs Selina CHOW talked about imposing on others. I found such a remark jarring. What really imposes one's will on others is not the request made by Mr Ronny TONG. As Mr CHIM Pui-chung put it, no one can impose his will on other people if they are unwilling. However, when the NPCSC ruled out dual elections universal suffrage in 2007 and 2008, that group of people who supported the SAR, the SAR Government and the rejection of dual elections universal suffrage in 2007 and 2008 not only imposed their will on others but also abused public opinion. The party that made the decision to abuse public opinion was the NPCSC, but it was the Constitutional Development Task Force that enforced the decision. Our great "follow-up Secretary" is now dealing with this decision made by the NPCSC and it is the rich party and the royalist party that condones the decision to abuse public opinion. Have they ever had any discussion with the Hong Kong public? Have they ever tried to narrow the differences among the Hong Kong public? When they have power in their hands, when they want to deny the public their rights, when they want to strip them of their political rights, have they ever had any discussion with the public?

I hope that in dealing with constitutional issues, moderate stances and reasonable remarks will not be distorted and vilified. In the Chamber of the Legislative Council, my remarks have always been radical, whereas Members of the Article 45 Concern Group and some new Members are relatively moderate. However, even this group of moderates is now associated with us radicals. This is the same as what happened when we lobbied for direct elections in 1988. At that time, Mr Martin LEE and Mr Allen LEE were originally both members of a group of young talents and it was because direct elections in 1988 was ruled out that Mr Martin LEE was forced to become the father of democracy in Hong Kong. In the debate on direct elections in 1988, there was only one barrister, now there are four. If the pressure persists, there will be four more, four in the Democratic Party and four barristers. In a blink, nearly 20 years have passed. From one barrister, the number has drastically increased to four (and including Mr Martin LEE, there are five), with an increase of four barristers. If the pressure continues, there may be 16 after an unknown number of years.

Such a development precisely reflects that the royalists and those opponents of reasonable progress in democratization have employed the tactic of intensifying contradictions, thus making the sentiments and views of the Hong Kong public more intense, so that they have to express their dissatisfaction with their ballots. However, it seems that these people have failed to see such a situation. Many of them, including our "follow-up Secretary ", are like the three monkeys that cover their ears, mouths and eyes. Of course, he will not shut his mouth because he has to say things that the Central Authorities love to hear, but it seems he has totally ignored the wishes of Hong Kong people.

I wish to point out one thing, that is, these people are in fact playing with fire by intensifying these contradictions and sowing differences among people holding different views. If this fire is allowed to burn, even a spark can start a prairie fire. This is what MAO Zedong said. We will then see who will get burnt. Of course, many members of the rich party have money, so any social unrest and instability will not affect them at all. I only hope that in the genuine long-term interests of Hong Kong, communication can be enhanced and contradictions reduced. I believe this is the best way to seek the broadest consensus.

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

MR LEE WING-TAT (in Cantonese): Madam Deputy, I speak in support of Mr Ronny TONG's motion. I will not repeat my stance. I only wish to raise several viewpoints.

First, I am very pleased to hear that Mr Jasper TSANG very sincerely hopes that all 60 Honourable colleagues will have the opportunity to go to Beijing and communicate with the leaders. I do not wish to repeat some of the viewpoints either, but I think there is hardly any place in the world where local legislatures do not have any communication with their legislatures of the central government. Such a situation is rare. It is an all too normal occurrence for legislators of state legislatures in the United States to communicate with members of the Congress and councillors in the United Kingdom to communicate with Members of Parliament or the Government. Even though I agree that it is difficult to change the results of history within a short time, we have to consider what can be done to change this situation, or at least prevent it from deteriorating, then seek improvements and bring about further development.

Just now, Mr Jasper TSANG said that there were some obstacles. I often ponder if the pro-democracy camp in Hong Kong has posed these obstacles, so that it is impossible for both sides to communicate. Yes, we do have some very clear stances, for example, on the issue of universal suffrage in 2007 and 2008, and we will not change our stance. However, in fact, the Central Government or Honourable colleagues of the DAB also know that without an opportunity for us to sit down and discuss, none of the parties will change their established stance.

I also remember that when advocating direct elections in 1988 during the '80s, the pro-democracy camp proposed that at least half of the seats should be returned by direct election in 1997. At that time, Mr Vincent LO of the business sector, who now takes part less often in political affairs in Hong Kong, proposed that of the Members to be elected in 1997, 50% should be returned by functional constituencies, 25% by the Election Committee and the remaining 25% by direct elections. Later on, the pro-democracy camp communicated with the business sector and eventually, both sides agreed on the "4-4-2" proposal. This "4-4-2" proposal was of course not accepted by the Central Authorities, but at least there was this process of reaching a consensus through meetings and communication, even though the consensus could not be put into practice.

I agree that since both sides rarely meet or have not met at all, the Central Government may consider us the scourge, thinking that we want to seek independence; that in advocating a democratic political system, we want to paralyze the Government; that in advocating a democratic political system, we want to seize power; that in advocating a democratic political system, we want to influence developments on the Mainland. I think they may harbour such thoughts, however, I think that some people who maintain frequent contact with Beijing have also conveyed such a view. To use a more civil turn of phrase, they have misunderstood us, but to put it not so nicely, they are fanning the fire. These people who have the opportunity to come into with the Central Government should ask their own conscience: Is the pro-democracy camp as terrible as they have described? Will the pro-democracy camp paralyse the Government, overthrow it or seek independence if they have the power, as these people think?

The obstacles are the result of certain objective circumstances, however, I also wish to sort out the issue of responsibility. I believe the primary responsibility rests on the Central Government, since people who hold the power are in the best position to solve problems.

The Central Government has made some gestures of goodwill this year and often, a sense of harmony would easily emerge for a brief period of time, even though such an atmosphere has little substance. For example, some people in the pro-democracy camp were invited to the celebration commemorating the founding of the People's Liberation Army on 1 August and some people in the pro-democracy camp were invited to attend a ceremony in Beijing. It can thus be seen that the Central Government only has to make some small gestures for the atmosphere to become much more relaxed and this is what members of the community wish to see. In fact, the great majority and perhaps all members of the pro-democracy camp wish to have the opportunity to meet people in the Central Government and to hold rational discussions at such meetings. Mr Jasper TSANG also said that if you talked about universal suffrage in 2007 and 2008 again during the meeting, that would be asking for a snub. However, is it possible to at least let us state our position? If we are not even allowed to express our views in this regard, it would really be inexplicable.

On these issues, if the Central Government does not give some ground, it would be difficult indeed for the Hong Kong public and even the pro-democracy

camp to consider other issues. Not only is universal suffrage in 2007 and 2008 not allowed, there are also many other things on which the Central Government has not given any indication. For example, will universal suffrage be introduced in 2012? No one knows. Will it be implemented only in 2017? No one knows. Has a timetable been drawn up? No one knows either. If the Election Committee is expanded to 1 600 persons, will the voter base be broadened? No one knows either. We can cite many examples to show that we do not know what the Central Government is thinking about presently. There is not any signal to make the Hong Kong public, even moderate members of the public, feel that the Central Government is listening to our views. In fact, I never believe that the Central Government is unaware of the views of the Hong Kong public. They read a lot of Hong Kong newspapers and they have their way of thinking and their own system, however, I do not know what has happened and even proposals that I consider moderate are not implemented, nor has any hint been given.

The Hong Kong General Chamber of Commerce (this is an organization of the business sector in Hong Kong and Mr Jeffrey LAM of the Liberal Party represents this business organization) said three weeks ago that an introduction of universal suffrage in 2012 could be considered. It is important to set down a timetable. A lot of people in society are discussing this issue but we have not seen the Central Authorities make any response. Not only have the Central Authorities refused to accept the proposal to introduce universal suffrage in 2007 and 2008, they have not even given any indication on other more moderate proposals. It looks as though we should not put forward any proposal and should just do the biddings of the Central Authorities. It can thus be seen whence the obstacles that we are talking about came. Talking about consensus, if Members of the Legislative Council are invited to have discussions and if a consensus is reached, are the public prepared to accept it? Will the public accept such a consensus? Any consensus reached without the support of the public cannot be considered as such. I believe members of the public are very pragmatic, rational and tame. The Hong Kong Government and the Chinese Government should in fact be thankful for having such a group of excellent people, but unfortunately, both the SAR Government and the Central Government have not given the Hong Kong public any hint on the substantive constitutional reform. I am very much disappointed by this.

Thank you, Madam Deputy.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): Mr Ronny TONG, you may now speak on the two amendments. You have up to five minutes to speak.

MR RONNY TONG (in Cantonese): Madam Deputy, as a barrister, I have never believed that there is such a thing as sophistry, because when I represent someone in court, everyone has his own grounds. However, after today, I have begun to appreciate what sophistry is. Right at the beginning, I heard the fine rhetoric of Mr TAM Yiu-chung and Mr CHIM Pui-chung. They are adamant that any mention of universal suffrage is tantamount to negating the decision made on 26 April, and Mr CHIM Pui-chung even thinks that expressing any view is already a violation of the Basic Law and the oath. Maybe that particular Member did not hear my speech clearly, because at the beginning, I reminded Members that the Constitution of the country I have lost my speaking notes

DEPUTY PRESIDENT (in Cantonese): Mr Ronny TONG, now, you should speak on the amendments. If you want to respond to what other Members said

MR RONNY TONG (in Cantonese): I am responding to

DEPUTY PRESIDENT (in Cantonese): At the end of this motion debate, you will have time to respond to other Members.

MR RONNY TONG (in Cantonese): Is time still being kept?

DEPUTY PRESIDENT (in Cantonese): It is still being kept, but time-keeping has now been suspended.

MR RONNY TONG (in Cantonese): I am responding to Mr TAM Yiu-chung's

DEPUTY PRESIDENT (in Cantonese): To Mr TAM Yiu-chung's amendment.

MR RONNY TONG (in Cantonese): Yes.

DEPUTY PRESIDENT (in Cantonese): But you have mentioned another Member, that is, Mr CHIM Pui-chung.

MR RONNY TONG (in Cantonese): This is because he supports Mr TAM Yiu-chung's amendment, so I have to respond to him too.

DEPUTY PRESIDENT (in Cantonese): Please continue. I only wish to remind you that you should speak on the amendments.

MR RONNY TONG (in Cantonese): I have reminded Members that Article 41 of the Constitution of our country clearly stipulates that all Chinese citizens have the right to criticize state organs and that of course includes the NPC. When responding to such criticisms, no organ may suppress them, including criticisms on the NPC. Since even criticizing the NPC is allowed, why is expressing views different from those of the NPC not allowed? Can this not be considered unconstitutional?

When we visited Beijing on behalf of all Hong Kong people and all Members of the Legislative Council, we also lobbied for holding discussions on universal suffrage. Nobody ever said that we could not do so. Back here in Hong Kong, in this Chamber, some people went so far as to say that we could not say such things. At the beginning of this debate, I said that the question today was pitiable. The pity lies in the fact the greatest obstacle does not come from Beijing but from Hong Kong, and what is more, from this very Chamber. We oppose the amendment moved by Mr TAM Yiu-chung because his amendment really imposes on other people by barring people from talking about

universal suffrage in 2007 and 2008. Talking about anything but universal suffrage in 2007 and 2008 is permissible. Why? If there is really an opportunity to discuss constitutional reform with officials of the Central Authorities, why can we not express our individual views? What is the reason? I have sat here for the whole evening and listened to the debate for several hours, but I cannot hear any view that is worthy of our consideration.

Mr Howard YOUNG insisted that we have to keep an open attitude and he also supports Mr TAM Yiu-chung's amendment. He said that no hurdles should be imposed on communication, but Mr TAM Yiu-chung's amendment has precisely imposed hurdles by saying that discussing anything other than universal suffrage is permissible.

I have made a lot of notes on the speech given by Mrs Selina CHOW, but I do not think there is any need to talk about it anymore. I think the finest speech is the one given by Mr Jasper TSANG. As I listened, I felt very happy, thinking that with such fine rhetoric, he would definitely support Ms Margaret NG's amendment. However, it turned out that this is not the case. Towards the end of his speech, he said that no matter how open people were and how much they wished to communicate, still they could not raise the issue of universal suffrage. This is utterly a case of not matching words with deeds. Mr Jasper TSANG said: Mr Ronny TONG, you are wrong, you do have choices. Maybe when I spoke, he was not in the Chamber, so he did not really understand what I mean. I was asking why Hong Kong people requested the chance to express their views. This is because they have no choice. I am not saying that Members can make in this Chamber choices that betray their conscience.

At the start of the debate, I said that today's question gives all Members an opportunity to act according to their conscience and the expectations of Hong Kong. After listening for several hours, I truly understand how Members have acted according to their conscience on this matter. I hope you will support either Ms Margaret NG's amendment or my motion. They are the same.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam Deputy, all along the Government of the Hong Kong Special Administrative Region (SAR) has proactively encouraged communication between the Central Authorities and various political parties and groups in Hong Kong. It is because we believe that communication and dialogue are the best means to solve

problems and reconcile differences. Over the past few months, we can all see quite a number of encouraging developments with respect to promoting communication between the Central Authorities and various political parties and groups in Hong Kong, including the democratic camp.

In April Mr QIAO Xiaoyang, Deputy Secretary-General of the Standing Committee of the National People's Congress (NPCSC) and other officials of the Central Authorities, came to Hong Kong on two occasions to explain to members of the community the interpretation made by the NPCSC on the relevant Annexes to the Basic Law and the decisions made on the methods of the two elections to be held in 2007 and 2008. We invited Members of the Council from the democratic camp and their representatives to attend these two events.

I recall in June, Mr LAU Chin-shek suggested in this Chamber that members of the democratic camp and the Central Authorities should engage in communication of a rational nature and to bring about a reconciliation. At that time, the Chinese press described this attempt as a pebble thrown into the pond that sent off ripples after ripples. And for the few months afterwards, there were indeed continued developments.

In early August, many Legislative Council Members from the pan-democratic camp attended the military parade and ceremony on the Army Day.

In end September, the Chief Executive led a delegation consisted of more than 200 people from all sectors across the community and went to Beijing to attend the celebrations for the 55th anniversary of the founding of the People's Republic of China. Members of the delegation included scores of Legislative Council Members, and of course there were representatives from the democratic camp.

I also note that in October the Hong Kong Bar Association made a visit to Beijing and Members of the Article 45 Concern Group also took part.

At the beginning of November, the Chief Executive met Members from the pan-democratic camp to learn more about their wish to discuss with the Central Authorities matters related to the constitutional development of Hong Kong. The Chief Executive made an undertaking to convey the views of Members to the Central Authorities.

Therefore, the situation and the atmosphere have improved and taken a positive turn. This should be helpful to handling controversial issues in Hong Kong, including the question of constitutional development. We should make good use of this new development to address the issue.

In the long run, the SAR Government hopes that the Central Authorities will continue to enhance communication with the various political parties and groups in Hong Kong and we will continue to play a positive role in the process.

Madam Deputy, on the comments made by many Members today on the methods to be adopted in the two elections in 2007 and 2008, I wish to make three points in response.

First, Ms Margaret NG has emphatically stated that before an important decision is made, views from both sides should be heard. So the first important point I wish to make is that before the Central Authorities made the decision on the two elections in 2007 and 2008, views had been heard and considered, and views had also been conveyed by the SAR Government.

Report No. 2 of the Task Force points out that findings of opinion polls indicate that about 50% to 60% of the interviewees support universal suffrage for the two elections. Many Members have stated that Hong Kong is a place with a seamless flow of information and it is a highly open society, so views from various political parties and groups can reach Beijing through the media in no time. People will learn about these views readily.

A more important point is that before the NPCSC made its decision in April, as I have said, representatives of the NPCSC including Mr QIAO Xiaoyang, the Deputy Secretary-General of the NPCSC, had come to Hong Kong and met people from various political parties and groups, including those from the democratic camp and their views had been heard.

I am fully aware of the fact that some Members of the democratic camp are still unable to fully come to terms with the decision made by the NPCSC. However, if Members still think that the decision was made by the Central Authorities in the absence of a full understanding of the aspirations and demands of the Hong Kong people for the constitutional development, then they are wrong and their assumption is not founded on facts. Indeed, the Central Authorities have noted and heard.

The second important point is that there is a need for Hong Kong to co-operate with Beijing and the Central Authorities before the constitutional development can be taken forward. I am in fact responding to a few key points raised in particular by Mr CHIM Pui-chung. In this Chamber and on numerous other occasions, I have made it clear that Hong Kong is not an autonomous political entity and so with respect to constitutional development and other constitutional issues, there is a need for Hong Kong to work together with Beijing in order to give momentum to the development.

We respect Members from various political parties and factions, including those from the democratic camp, with all their aspirations and tenacity for democracy. But at the same time, those of us in public office, be it Principal Officials or Members of the Legislative Council, should all accept and respect this constitutional framework.

(THE PRESIDENT assumed the Chair)

So, Madam President, this brings me to the third point I wish to make and that is, both Members and officials have their respective rights and responsibilities. People who are in politics should discern the times and gauge the situation so that they can make well-planned moves. Members here all represent various districts and sectors and they all have the support of public opinion, hence they are representative. When voters cast their votes for Members, apart from entrusting their faith in them, they were also vesting Members with a very important responsibility, and that is, they hoped that Members could work with the Government in this Chamber under a system of checks and balance and that they could do practical things for Hong Kong, including matters related to the constitutional development.

So, Honourable Members have a very important task and mission before them, for within the third term of this Council we will determine how the two elections in 2007 and 2008 should proceed. The stands taken by Members will decide whether or not there can be any progress in the constitutional system of Hong Kong.

For this reason, our choice is clear. Since voters have placed their expectations on Members, so they should work hard to make the methods to be adopted in these two elections more open. More new political room should be

created so that friends from their respective political parties and those who wish to carve a career in politics can take part in the political and public affairs of Hong Kong.

No one is asking Members from the democratic camp to renounce their ideal and aspirations for universal suffrage. However, I reckon if Members remain tenacious in their insistence on universal suffrage in 2007 and 2008, and the longer this tenacity holds, the harder it will become to initiate discussions on a timetable for universal suffrage. Members should never renounce any thoughts that there can be improvement to the methods of holding the elections in 2007 and 2008 and that they can be made more open, even though they may not see and know for sure when this target of universal suffrage can be reached ultimately.

Madam President, before I conclude this speech, I would like to talk about my observations. These should not be regarded as side-tracking. Dr KWOK Ka-ki has reminded us not to pin labels on Members from the pan-democratic camp. I agree that labelling is never a good thing. I recall a line from the gospels in the *Bible* which reminds us not to see a speck in the eyes of other people but do not see the plank in our own eyes. Tonight when I listened to Members debate with eloquence in this Chamber, I noticed Members from the pan-democratic camp were labelling other Members, saying that they were from the "rich party" and that they wished to hold the prerogative of communicating with the Central Authorities. I think this kind of finger-pointing and labelling would not help in forging a consensus and maintaining a mindset of "agreeing to disagree". This will not help finding a solution as to how elections in 2007 and 2008 should be taken forward. So we should all remind ourselves not to pin labels.

Back to the conclusion, Madam President, it is hard to find a solution to many constitutional and political problems. But if a good solution can ever be found, it has to be done through communication which is the only means. So Madam President, the SAR Government very much supports more communication between the Central Authorities and various political parties and factions and we will continue to foster such efforts proactively.

However, despite our wish to foster communication in this respect, Members should not take any stand which will contravene the decision made by the NPCSC on 26 April. I implore Members to support the amendment moved

by Mr TAM Yiu-chung and oppose Mr Ronny TONG's original motion and Ms Margaret NG's amendment.

Madam President, I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Ms Margaret NG to Mr TAM Yiu-chung's amendment, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Margaret NG rose to claim a division.

PRESIDENT (in Cantonese): Ms Margaret NG has claimed a division. The division bell will ring for three minutes, after which division shall start.

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

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Ms Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU

Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted against the amendment.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG and Mr Albert CHENG voted for the amendment.

Mr James TIEN, Ms Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the amendment and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): Madam President, I move that in the event of further divisions being claimed in respect of the motion on "Constitutional reform" and any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Constitutional reform" and any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Ronny TONG, as amended by Mr TAM Yiu-chung, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr TAM Yiu-chung rose to claim a division.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted for the amendment.

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the amendment.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG and Mr Albert CHENG voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 20 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 10 were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Ronny TONG, you may now reply and you have five minutes 44 seconds.

MR RONNY TONG (in Cantonese): Madam President, I heard the speech delivered by the Secretary just now — I greatly admire the Secretary because he can often deliver his speech in a most appealing tone — but today, I still do not entirely understand what he was trying to say after listening to his speech.

The Secretary said he was convinced that the Central Authorities read newspapers because of the seamless flow of information nowadays. While I have no doubt at all about this, insofar as the motion moved by me today is concerned, reading newspapers is not tantamount to communication. It does not necessarily mean that both parties can exchange views in a rational manner and conduct rational discussions in the interest of Hong Kong's political future.

True communication should have no barriers. What we strive to illustrate is whether the people of Hong Kong should express their aspiration for universal suffrage in 2007 and 2008 through all Members of this Council. We have made it very clear in our speeches earlier that colleagues may reflect this aspiration if all Members of this Council are given an opportunity to express their views to the Central Authorities on constitutional reform. Members of the pan-democracy camp will definitely lend their support. True democracy embodies tolerance and pluralism. Whether inside or outside this Chamber, we have never said that other political parties should not express diverse views on the implementation of universal suffrage in 2007 and 2008.

For these reasons, this question cannot be watered down further. This is the most fundamental request. As I remarked earlier, this is the most humble question. I cannot see any other means to further reduce this question to the so-called minimum requirement. Unless we tell our voters by acting against our conscience: "Although all of you very much hope for universal suffrage, I am sorry that I cannot help it even though I want to, because I cannot air my opinions in this Chamber." Excuse me, I do not think I can say anything like this. In particular, striving for universal suffrage in 2007 and 2008 is a political platform for most of us who were elected. It was precisely because of our political platforms that electors had voted for us. It was remarked by a Member that we seemed to be misleading Hong Kong people. I beg to differ. Actually, we are being guided by the Hong Kong people. As their representatives, we are obligated to convey clearly to the Central Authorities their fundamental aspiration for democracy. This is our obligation, not our stubborn point of view, so to speak. We very much hope that this request will be accepted. We truly have no other channels. It is worthwhile for every Member to support this demand, or this motion moved by me, for the sake of Hong Kong's future, the next generation, and a constitutional reform acceptable to every member of the public in Hong Kong.

I hope Members can consider this carefully before pressing the button: What harm will this motion do? What harm will it do to Hong Kong? Is it what we at least have to achieve? Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Ronny TONG, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Margaret NG rose to claim a division.

PRESIDENT (in Cantonese): Ms Margaret NG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG and Mr Albert CHENG voted for the motion.

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the motion

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the motion and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): It is now 9.49 pm and normally at this moment I would decide whether or not the meeting will continue and determine if it can finish before midnight. Just now during the break, I consulted some Members and many of them told me that they would prefer to continue with the meeting, even if it may go beyond midnight or 1 am or even later. They hoped that the meeting could continue so that the Agenda today could be completed. So now we are in the second motion: Conserving the Central Police Station Compound and formulating a comprehensive policy on antiquities and monuments.

CONSERVING THE CENTRAL POLICE STATION COMPOUND AND FORMULATING A COMPREHENSIVE POLICY ON ANTIQUITIES AND MONUMENTS

MISS CHOY SO-YUK (in Cantonese): Madam President, I move that the motion, as set out on the Agenda, be passed.

Often times Hong Kong is derided as a city with no history and these days I have a feeling that I could not agree more. Historical monuments and cultural relics buried in this concrete jungle are often relegated into accessories to a culture dominated by entertainment and spending. They may have some distinctive character, but they are never considered as essential. Examples of such abound in Hong Kong. Last May, the former Marine Police Headquarters in Tsim Sha Tsui was decided, after a public tender exercise conducted behind a façade of conservation of monuments, to be converted into a deluxe hotel with a classical touch, with a massive felling of the trees nearby and a total obliteration of the original surroundings and the aura that used to attach to the building. After the conversion, the monument will assume another incarnation as a so-called monument but leading a living death, a flamboyant overcoat put on a business project finely executed by a consortium to perfection.

Members would agree that monuments are precious largely because of their inherent historic value and once inside these historical buildings, with the unique design, outlook and aura, our minds would embark on a journey through time, we would savour the times gone by and indulge ourselves in fond memories shared by all. Once these are taken away, a so-called monument would become no more than a hollow structure devoid of a soul. It would be no different from a shopping mall with all its showy splendour and glittering gaudiness.

Unfortunately, the Government has not learned from past experience and it fails to see that the conservation of any monuments should not merely aim at bringing more revenue to the public coffers and doing a roaring trade from business projects. The Government's plan to conserve the Central Police Station Compound, for example, is a glaring repetition of past blunders and that is why I have to move this motion in the Council today.

The oldest part of the Central Police Station Compound carries a history of over 140 years. The Compound with monuments like the Victoria Prison and the Central Magistracy is composed of more than 20 historical buildings. This cluster of buildings is unique in Hong Kong in terms of its cultural and historic values, as well as its scale. We cannot afford to lose these gems in our city. What we should pay special attention is that the conservation work of such monuments would involve many problems. The first are inherent inadequacies. We have great reservations about the conservation efforts made by the Government in the past. We can cite many examples of failure. Buildings like the old Repulse Bay Hotel, the Hongkong Bank building, the Yaumatei Cinema, the Lee Theatre, the Hong Kong Club, and so on, were all torn and pulled down. Some people may argue that all these are private properties and there is nothing the Government can do. But can the Government offer any explanation to examples like the Murray Building which had to be moved from Central to Stanley only to have its façade reconstructed but with its original character scrapped, or the former Marine Police Headquarters in Tsim Sha Tsui which is going to be a private club for the rich and famous to the exclusion of the general public?

Madam President, all the above are not fabrications. First of all, the department responsible for the conservation of the Central Police Station Compound is the Tourism Commission under the Economic Development and Labour Bureau, rather than the Home Affairs Bureau which has been responsible

for monument conservation policies. This shows clearly that the Government is after financial and tourism gains, not the effective conservation of monuments. This approach taken by the Government leaves people with a strong impression that conservation efforts do not stem from respect for the historical significance and rich contents which these monuments carry but the historical background of the monuments which is merely treated as a money spinner.

Second, the criteria listed in the tender document show that the land premium factor is given great emphasis. It can be anticipated that if tenders for commercial development are invited, the consortia in their bid to maximize profits will turn the Central Police Station Compound into the likes of the former Marine Police Headquarters. The Compound will be window-dressed into a five-star hotel, a posh mall studded with designer label outlets or a club for the tycoons. So this historical heritage which used to belong to the public is turned into an enclave where the public is excluded. A move made by the Government which has rightfully invited criticisms is that in a bid to push up the premium gains, the Government will grant the land and hand over the title of these invaluable monuments once and for all to the private consortium which bids successfully. In other words, should anything unscrupulous done unexpectedly by the consortium, there is nothing the Government can do to resume possession and prevent any irreparable damage done to the frail monuments. And should by sheer misfortune this becomes the reality, then we will certainly be condemned by posterity.

Actually there are still quite a number of solutions to the above impasse. But the key lies in whether or not the Government has the intention to conserve it. In February, in the midst of public outcry against demolition, the Government used \$53 million and bought the Kom Tong Hall from its private owner and decided to turn it into a museum in memory of Dr SUN Yat-sen. It won a round of applause. This shows that if only the Government can act resolutely, a private monument can also be turned public. Regrettably, the Government has departed from past practice in this conservation of the Central Police Station Compound. It is selling this cluster of monuments which is public property into the hands of a private consortium. More likely than not, this public place will be turned into a place for the exclusive enjoyment of a selected few.

Madam President, we know that maintenance costs for the Central Police Station Compound will be in the region of a few million dollars a year and we

agree that the Compound should be self-reliant, that is, its operating expenses should accord with the principle of sustainability and it cannot rely on public money for life. But having said all these, this does not mean that the Government should sell these monuments. A more reasonable approach to take is to hand over the right to manage these monuments to some institution on a specified tenure and require it to comply with certain specified terms and conditions such as ensuring public access and enjoyment. As for the right to ownership, this must be fast and secure in the hands of the Government, for only by so doing can any calamities to the Compound be averted.

Another point is that in order to prevent the authorities from marketing business projects in the name of conservation of monuments, we strongly demand that the Home Affairs Bureau be given charge of the matter. In the tender documents, the conservation of the Compound should be made an overriding factor in deciding whether a proposal to manage the monuments can meet the basic requirements.

In view of the unique history of the Compound, we hope that there will be extensive public participation in the project. Unfortunately our hopes have been dashed. Despite claims made by the Government that the developer must pay due respect to international standards like the Venice Charter, the Burra Charter and the Standards for the Conservation of Cultural Relics and Monuments of China, and so on, ironically and according to the procedures as currently laid down, consortia which submit tenders may devise their own conservation plans and no public participation and discussions are required. This is actually a violation of these international standards and it shows that the so-called public participation remains nothing but in name.

Madam President, a personal experience which I have shows all the more this resistance of public participation from the Government. The other day after I had made it clear that I would move today's motion, I got an invitation from the Tourism Commission, saying that it would like to brief me on some background information. I was glad to accept the offer but I proposed also that I would like to visit the Compound and, most preferably, with some reporters as this would enable the public to see what the inside of these monuments was like. At that time, the Commissioner of Tourism flatly refused and so I aimed for the next best thing, saying that I hoped Legislative Council Members could be invited to visit the monuments. The Commissioner said that she would have to think it over, but to date I still have not heard from her. This shows that the

so-called sincerity which the Government says it has about public participation and consultation does not exist at all. I wish to ask the Government this question: Is the information about these monuments so sensitive that it should not be disclosed to the public? If this is really the case, then how can the public enjoy these monuments and work for their conservation in the future?

After such massive and extensive coverage, the public has gained a certain degree of understanding of this valuable group of monuments. If Hong Kong is to develop into a civil society, the best testing ground would be the Central Police Station Compound. The Government should seize this opportunity well to let the people have a chance to visit the Compound before public tender is invited so that the people can be aware of the historic value of the monuments and think about how they should be put to the best use. In the process, the authorities should hear different views before any decision is made to conserve or modify the monuments. In this way a comprehensive programme of the conservation of the Compound can be formulated before tender information is drafted and the tender exercise launched.

Madam President, the incident of the Central Police Station Compound has led to another issue of a broader perspective. In all appearances, we have the Antiquities and Monuments Ordinance as a safeguard, coupled with laws like the Environmental Impact Assessment Ordinance and the Urban Renewal Authority Ordinance, these should help our efforts in the conservation of historical buildings. However, theories remain theories and it is a different matter in practice.

In fact, the Antiquities and Monuments Ordinance has been in force for well over 30 years. Its contents are similarly antiquated and it fails to answer public aspirations for the conservation of monuments. In addition, the absence of a comprehensive policy on the part of the Government when added with the institutional deficiencies only serves to aggravate the problem. The Antiquities and Monuments Office which is tasked with conservation matters is only an office under the Leisure and Cultural Services Department. The Office is entirely devoid of any decision-making power and its inferior status will only make its professional advice go unheeded in the Department and the Bureau. No wonder so many social events are caused in the conservation of monuments. Things get weird as matters about the conservation of monuments are decided by the Economic Development and Labour Bureau and other bureaux.

It was only after endless calls that the Home Affairs Bureau issued a conservation document on Review of Built Heritage Conservation Policy early this year. But apart from posing a number of questions, the document fails to put forward any concrete ideas, policy objectives and feasible plans for consideration by the public. In other words, whenever a dispute arises over a certain monument, there is bound to be a re-run of the age-old pattern of social struggle which is wasteful and costly and, worse still, one will never know whether or not the monument in question can be conserved eventually.

Lastly, I hope Members can speak enthusiastically on this motion and support it. Thank you, Madam President.

Miss CHOY So-yuk moved the following motion: (Translation)

"That, as the Central Police Station, Victoria Prison and the former Central Magistracy Compound is of great historic and cultural value, this Council urges the Government to adopt the following measures to review afresh the direction for its development:

- (a) to preserve the historic character and features of the Compound, since monuments form part of the collective memory of the people of Hong Kong;
- (b) to actively work out a sustainable mode of operation of the Compound, subject to the principle of allowing public access and enjoyment of the Compound;
- (c) to consult the public widely on the use of the Compound before conducting an open tender exercise for the heritage tourism project at the Compound, and to establish a monitoring body with public participation to monitor the tendering work and the development of the project; and
- (d) to put proper conservation of the Compound as an overriding factor for assessing the tender proposals for the project;

furthermore, the Government should also expeditiously formulate, in an open and highly transparent manner, a comprehensive policy on the preservation of antiquities and monuments to ensure that buildings which

have been declared as monuments are duly maintained and conserved, and the original environment and atmosphere of their surroundings are preserved; at the same time, the Government should, through publicity and education, actively enhance the public's knowledge and awareness of antiquities and monuments and their preservation, and should study the feasibility of developing heritage tourism with a view to promoting a local community economy that has cultural characteristics, and to creating job opportunities."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Miss CHOY So-yuk be passed.

PRESIDENT (in Cantonese): Dr YEUNG Sum, Mrs Selina CHOW and Mr Patrick LAU will move their amendments to the motion respectively, and Dr KWOK Ka-ki will move an amendment to Dr YEUNG Sum's amendment. Their amendments have been printed on the Agenda. The motion and the amendments will now be debated together in a joint debate.

I now call upon Dr YEUNG Sum to speak, to be followed by Mrs Selina CHOW, Mr Patrick LAU and Dr KWOK Ka-ki, but no amendments are to be moved at this stage.

DR YEUNG SUM (in Cantonese): Madam President, the Central Police Station was completed in 1864, and other buildings in the Compound were completed one after the other during the next seven or eight decades. Together these buildings form a compound which is full of the architectural characteristics of the Victorian and Edwardian colonial eras. In 1995, the Compound was declared a statutory monument.

Madam President, the Deputy Director of the Beijing Tourist Bureau once made such comments on our Hong Kong, to this effect, "There is no cultural tourist spot in Hong Kong. Tourists visit Hong Kong just for shopping." For many years, Hong Kong has always been packaged as the "Shoppers' Paradise". Hong Kong is an icon of consumerism and this concept is deeply implanted in the minds of people from both mainland China and overseas countries. It seems that, apart from this, our city has nothing else to offer. However, we may ask

ourselves: Are there any cultural spots that are worth visiting for tourists? I believe Honourable colleagues would surely know the answer to this question. I have also this big question: Will the operation of a supermarket, which is found in every housing estate, arouse the interests of tourists when it is placed inside the old Stanley Police Station? Is the implication behind our heritage conservation in turning the former Marine Police Headquarters into a five-star hotel to make it inaccessible to the ordinary people? If the claim that new vitality will be injected into such heritage spots is ultimately simply as bland as such, no wonder we have become the subject of ridicule and criticism by our friends from the Mainland.

Today, the future of the Central Police Station Compound has become the subject of Members' concern in this Chamber. The Democratic Party worries that the Government may turn antiquities and monuments into monstrous buildings. Therefore, on behalf of the Democratic Party, I would like to move an amendment to Miss CHOY So-yuk's original motion, so as to declare our stand.

Madam President, I believe all Honourable colleagues present today will agree that monuments form part of the collective memory of Hong Kong people. So, we must preserve the character and the features of the Compound. This Compound consists of 18 buildings. The Antiquities and Monuments Office (AMO) advised that the building at the entrance of the Victoria Prison could be demolished because it was just a post-war structure, the preservation value of which was not high. However, in April 2003, in its letter to the Central and Western District Council, the AMO conveyed the opinion that it was necessary to preserve all the 18 buildings. So, the AMO has given a professional advice to defeat another professional advice it gave in the past. Which advice should we take? Which advice is professional? If the AMO can offer some convincing justifications to support its viewpoints on the preservation of monuments, I think the people are willing to consider them. But the only justification offered by the AMO was just "post-war buildings do not have a very high preservation value". If this argument is valid, why should we preserve the Health Block in the Compound which was built after 1945. If the AMO's viewpoint is applied further, the City Hall, built in the '60s, can definitely be demolished several decades later. Let us bear in mind that, the building at the entrance of the Victoria Prison is similar to the Report Room of the Central Police Station in the Compound in that they had been freely accessible to members of the public in the past. Like the City Hall, this building forms part

of the collective memory of Hong Kong people, carrying value beyond any estimation. The Government said that the monument could be demolished simply on a casual remark that it had no historic value. I think it is indeed a great pity. We are no experts, and our knowledge of antiquities cannot match up with that of the experts. Yet, we feel that, for the sake of our collective memory and the integrity of the Compound, all the 18 buildings and the retaining walls should be preserved. If one of the buildings were demolished, it could never be restored. I believe this is the aspiration of most people. The Democratic Party has recently conducted a survey, and the finding shows that basically over 70% of the people hope to see the preservation of the entire Compound.

With regard to the question of whether it should be developed in a commercial or a non-profit-making manner, the Democratic Party thinks that, as long as the competition is conducted in a level playing field, as long as no priority is given to commercial development options, and as long as the project is awarded to a proposal that can best preserve the monuments, the Democratic Party shall have no objection, regardless of whether the development rights are awarded to any consortium or any non-profit-making organization. However, we believe that, if the non-profit-making organizations are given an equal opportunity, they would not be at a disadvantage in the conservation of the Compound when compared with consortia which regard profit-making as their primary objective. As such, we propose an amendment to the original motion, stressing that, among the possible modes of operation being considered, the conservation of the Compound on a non-profit-making basis must also be included.

Regarding the third point of the original motion, the Democratic Party absolutely agrees with the viewpoint of Miss CHOY So-yuk, that is, an extensive public consultation must be conducted before tenders are invited. We think that public participation is absolutely important. However, we can bring public participation one step further, that is, we may establish an independent committee comprising people from different sectors to foster a high degree of participation in the process. I stress that this independent committee should embody a high degree of participation in vetting tender proposals and in monitoring the implementation of the selected tender because no matter which party is the successful bidder, it will manage the Compound for a period of 50 years. Apart from experts on preservation of antiquities and monuments, this committee should also comprise members of the cultural sector, the public, the

political circles and even the business community. If tender proposals were vetted this way, it will adequately reflect the value judgement of the different sectors of the community of Hong Kong in preserving our heritage; and when the implementation of the successful tender is monitored, it will facilitate the actual participation by various sectors of the community in heritage conservation. I believe only in such manners can we better undertake the preservation of the Compound.

Insofar as tender proposals are concerned, the suggested weighting now is 40% for the premium and 60% for the qualitative aspects, which include heritage conservation, skills and know-how, environment, transport, social and tourist benefits. As far as we understand it, the Government has indicated that the present weighting can be reassessed. The Democratic Party suggests that the weighting on the qualitative aspects should be further raised. For example, among factors like heritage conservation, commercial and tourist benefits, the weighting of heritage conservation should be given priority consideration, which should warrant additional marks or should even be considered as an overriding factor. So, in assessing the various tender proposals, the committee should select one which scores the highest qualitative weighting in terms of heritage conservation.

Madam President, I would like to draw the attention of the Secretary to one point, that is, these heritage monuments are public assets which should not be "sold" to developers in a wholesale manner, thus granting them the rights to operate for 50 years. The most appropriate option is to operate it by way of a Public Private Partnership, in which the Compound is leased to the developer, but its ownership still belongs to the Government. And the Government (Secretary Dr HO in particular) shall continue to effect monitoring over the operation of the developer.

With regard to a comprehensive policy on the preservation of antiquities and monuments, we think that the authority of the AMO is much too limited. There is no compensation mechanism in place. As a result, even in the case of private buildings with high preservation value, all that the Government can do is to persuade their owners to preserve such buildings. So there can only be limited success as a result. Therefore, an independent organization such as an antiquities and monuments authority should be set up to undertake the full responsibility of conserving antiquities and monuments. In devising the functions and terms of reference of this organization, we may refer to those

adopted by other heritage conservation organizations like the National Trust in Britain.

Madam President, the Democratic Party thinks that the public has gained a heightened awareness of heritage conservation in recent years. As a matter of fact, the colonial government in the past had basically never attached any significance to the preservation of the heritage of Hong Kong because it was just an alien government after all. It was substantially dwarfed by the British Government which had always made dedicated efforts to preserve British heritage. However, the colonial history is past now. We Hong Kong people should do our best to preserve our heritage, and to live up to the expectations of the people as far as possible, so that Hong Kong, apart from being the Shoppers' Paradise, can eventually become a place full of human touch.

With these remarks, Madam President, I propose my amendment.

MRS SELINA CHOW (in Cantonese): Madam President, whenever mention is made of the Central Police Station or "Daai Gwoon" as it is fondly referred to, I believe Members will be no strangers to this grand building which has stood in the Central District for almost a century and a half. It is all the more familiar to me as I grew up in the neighbourhood. The police station together with the former Central Magistracy, being the first court of law in Hong Kong and the Victoria Prison, being the first prison in Hong Kong, as well as a number of other buildings, form a cluster of colonial buildings of the Victorian and Edwardian eras. The prospects of these graceful buildings of bygone years are the focus of the motion debate today.

The original motion proposes that this Compound of great historic value should be preserved and that a sustainable mode of operation should be worked out for it. The Liberal Party agrees to these propositions. This is in line with the proposal made by Mr CHAN Kwok-keung in a motion debate before the end of the last term of the Council. Mr CHAN proposed that apart from preserving the original flavour of built heritage, the Government should consider vesting some economic value in these buildings such as in tourism and entertainment, thereby driving the growth of the local community economy and creating employment opportunities. The motion was passed unanimously by the Council.

The Liberal Party agrees to such a consensus direction and, on behalf of the Liberal Party, I shall propose an amendment today.

Last April, the Government announced its decision to develop the Central Police Station Compound based on heritage tourism concepts in response to calls from the community to enhance private sector participation in the preservation and repairs of monuments. However, controversies have arisen recently on issues like the number of buildings that should be preserved and the mode of operation that should be adopted, and so on. This has led to a suspension of the tender exercise. The Home Affairs Panel of this Council passed a motion some time ago, urging that tender procedures for the development of monuments like the Central Police Station Compound into tourist projects be suspended. I do not think this is proper actually.

It is a common view in the community that we are in lack of tourist spots with sufficient attraction — Dr YEUNG Sum has referred to this earlier — and it is hoped that some new tourist spots can be identified. The idea of turning historical buildings into tourist spots would fit this idea perfectly. So we think that this matter should not be allowed to drag on, the disputes should come to a conclusion, and the tender exercise should continue. These will instill vitality and vigour into these old buildings. We do not want the Central Police Station Compound to meet the same fate of the cruise terminal where the issue is discussed without decisions and drags on forever. Another scenario we do not want to see is very lengthy public consultations and discussions being made while the monuments are laid to waste.

However, in principle we agree with the three points espoused by Miss CHOY So-yuk in her motion. These include first, to let the people of Hong Kong indulge in their collective memory; second, to work out a sustainable mode of operation of the Compound; and third, to conserve the Compound properly. However, we consider that these three points should be used as the principles for assessing the tender proposals so that the twin targets of preserving the monuments and developing tourism can be achieved.

On the whole, these three principles can actually be subsumed under the third one, that is, preserving the Compound. The Liberal Party is, of course, supportive of this important principle. This is especially true when we think of the popular saying that a chunk of meat cannot be cut without cutting the skin. So if the buildings cannot be preserved, then how can we develop any heritage

tourism? We of course oppose any move which aims at killing the hen to get the eggs, that is, tearing down these precious buildings one by one for development.

In fact, the Tourism Commission has revised the requirements in the tender document in response to social concern. It is reported that the weighting between land premium and quality will be reduced from the original 4:6 as planned to 2:8. Though this change is still being considered, the importance of the land premium factor will be greatly reduced while the quality factor will become more important. The authorities have also decided to preserve 17 buildings and that is actually a decision made on expert advice rather than a decision made by the Commissioner for Tourism. The Commissioner herself will of course act and decide on the strength of expert advice. I think some experts will speak on the subject later on. This shows the determination on the part of the Government to preserve the Compound properly. Therefore, we do not think there is a need to include words like "overriding", and so on because this idea is actually the first and foremost target and there is no need to bind ourselves to words like these.

Madam President, the original motion says that when tenders are invited, a monitoring body should be established with public participation to monitor the tendering work and the development of the project. The Liberal Party opines that this is a great departure from the current tendering system which is proven and once forces outside the Government are allowed to step in or intervene, it would easily lead to contentions of a business nature or a vying of interests. The result would be deviance in the assessment of tender proposals and so inequities or disputes may arise.

As for the ideas mentioned in the original motion that the original environment and atmosphere of the monuments' surroundings should be preserved, the Liberal Party is of the view that this can only be done as far as possible. It is because the definition of "surroundings" is indeed too wide and all-inclusive, or if it is allowed to expand indefinitely, it will only pose restrictions or inconvenience to the residents nearby.

Madam President, I now wish to talk about my views on the various amendments. In the amendment proposed by Dr KWOK Ka-ki to Dr YEUNG Sum's amendment, it is mentioned that efforts must be made to ensure that the

operations at the Compound are not incompatible with its historic value. However, I am not quite sure as to what this "historic value" means. However, if, according to him this means that the Compound can only be retained as a police, prison and judicial museum, that would be too restrictive on the development of the Compound.

Moreover, in foreign countries there are many examples of monuments being converted for non-museum or other non-historic purposes. In Britain, for example, many old buildings are partially reconstructed, or their interiors are converted into offices, hotels or even department stores. In Italy, many hotels and tourist facilities are converted from antiquities and monuments. For places nearby, we can see many of such examples in Singapore. That is why we think that Dr KWOK's requirements are too stringent and impractical, and some leeway should be given to institutions taking part in the tender exercise later on.

As for the idea suggested by Dr YEUNG Sum, that the Compound should be operated on a non-profit-making basis, the Liberal Party is worried that the maintenance and repairs of the Compound would entail huge costs. So if commercial operation is ruled out, it is afraid that sufficient funds for the maintenance and repairs of the Compound cannot be obtained and hence this would deny the Compound chances of sustainable development. Besides, if monuments are operated by non-profit-making institutions, this would likely mean that their creativity and marketing efforts would be no match for the commercial organizations. It is hard to expect the best effect from non-profit-making organizations. In marketing, for example, efforts made to attract more people to visit these scenic spots or arouse their attention may on the other hand not be beneficial to the conservation of monuments or the better enjoyment by more people.

On the question of setting up an independent antiquities and monuments authority that has credibility, as we have the Antiquities and Monuments Office (AMO) and the Antiquities Advisory Board (AAB) which are tasked with work of a similar nature, why should we have to duplicate and complicate things? Conversely, I think we can require that the existing mode of operation be changed, such as asking the AMO to consult the AAB more often and that the consultations conducted by the AAB can be made more in-depth and extensive so that more views from the public and the experts can be heard. In this way, conservation work would naturally become more effective.

As for mention made by Mr Patrick LAU in his amendment that he would support the point made in the original motion to put proper conservation of the Compound an overriding factor, we have reservations about that and we will not support it. With respect to the suggestion made by Miss CHOY So-yuk about the assessment of tender proposals, our view is that it is too restrictive and so we would like to express our concern for that.

Thank you, Madam President.

MR PATRICK LAU (in Cantonese): Madam President, first of all, I wish to declare that I am a member of the Antiquities Advisory Board (AAB). In principle, I very much support the motion moved by Miss CHOY So-yuk. However, as I do not agree that a monitoring body with public participation be established on top of the existing system to oversee matters related to tender exercises in particular, I have proposed an amendment to delete this part of the original motion.

Actually, the monitoring body proposed in the original motion is similar to the committee responsible for vetting and approving tenders in the project related to the Central Police Station Compound. Therefore, this is not practical and it would only impede the conservation work of the Compound. Moreover, if the powers of this monitoring body override those of the vetting and approval committee or the AAB, should these two bodies cease to exist then?

Currently the AAB is a statutory body with members being people from sectors across the community appointed by the Chief Executive. If the AAB is replaced by this monitoring body, we have to give serious thoughts to the implications on the conservation of monuments. Actually, and in a bid to increase the transparency of the AAB, the authorities have remained open with respect to the issue of enhancing public participation.

If only the Government can make the vetting and approval committee more representative, adding members from sectors across the community, including District Council members, representatives from community organizations or Members of this Council who speak on the amendments, such as Miss CHOY So-yuk, Dr YEUNG Sum, Dr KWOK, Mrs Selina CHOW, and so on, that would help bring public opinions into the committee through various channels. That is also one of the targets we strive to meet proactively.

On the other hand, I think that setting up a monitoring body and allowing members of the public to join this monitoring body may serve to arouse concern among developers on the confidentiality of their tender proposals. Moreover, when views from other organizations stand in the way of the dialogue between developers and the Government, that may prevent the project from making satisfactory progress.

Madam President, I think it is imperative that the community can assist the Government in the day-to-day management and maintenance of the monuments. When the project is complete, I think community organizations can be called in while management is still undertaken largely by the Government. This is because since the responsibility of monitoring rests with the Government, so it should be responsible for the management. This will also enhance accountability under the accountability system. The Government should set up a mechanism of regular consultation so that the public can assist the Government in its monitoring work and such work will not be given to other bodies as this would not be proper.

Both Dr YEUNG Sum and Dr KWOK Ka-ki propose that the 18 buildings in the Compound should all be preserved. I am sorry, I cannot agree to this idea because Hall F at the entrance of the Victoria Prison was not built at the same time as the Central Police Station and other buildings in the Compound, so it has a very low historic value. In terms of both structure and appearance, it is not consistent with the style of other buildings in the Compound. So it is only classified as a Grade III building and it can be preserved or otherwise. Madam President, please look at this picture. It is a photograph taken in 1910. We can see that all the buildings have a pointed top like pyramids, which is similar to the Legislative Council Building. If we look at this picture, seen from a height, we can find that the Hall F there has a flat top. Actually, it used to be a small building with a pointed top, but it was pulled down and rebuilt as a one with a flat top. So its historic value is questionable. Please look at these buildings which we want to preserve in their entirety. They all have some remarkable architectural style. Please look at Hall F again. Many modern structures like a metal staircase have been added to it and all these should not be preserved. If these structures are not demolished or rebuilt, how can these co-exist with other buildings in the Compound? So if a developer can rebuild Hall F to make it congruous with the style of the other buildings, extra credit should go to that developer. That will also serve to encourage the preservation of all the 18 buildings, and there is no need to classify Hall F as a Grade I or Grade II

historical building which cannot be demolished and treat it like other buildings in the Compound.

As the Central Police Station Compound has great cultural and historic value, that is why there are great controversies over the direction of its development and the preservation of all the 18 buildings in the Compound. I think that the authorities should organize an open day for the Compound so that the public can have a chance to get a feel of the Compound and sense the atmosphere of its surroundings. A public forum should then be held to consult the public on the different development proposals and increase public awareness of these proposals.

Madam President, I insist that proper conservation of the Compound be made an overriding factor because I do not think we should do anything to alter a cardinal principle like this. Therefore, I cannot support the amendment proposed by Mrs Selina CHOW. As a matter of fact, I agree with the Central Police Station Compound Concern Group on its proposal on the principle of "Monuments First" and to conduct a two-phase tender exercise.

The "Monuments First" principle is to require that the planning, design and operation of the project cannot be undertaken with only the enhancement of commercial gains in mind and to the detriment of the conservation of the monuments or chances of raising their value as monuments. The two-phase tender exercise requires that only proposals which meet the minimum conservation requirements can qualify for the second phase of assessment. Factors to be considered in the second phase are enhancement of the concept and value of the monuments, the quality, merits and technology of the design, social benefits, and so on. And social benefits must be given more weight than economic benefits.

Madam President, the proper conservation of monuments is much more than preserving a building which is out of touch with the times as it fails to meet public demands. So I would think now we should pursue a holistic level of conservation. This has to be started from zoning on a district level. A proper balance should be struck between how the surroundings of the monuments can be preserved and devising a transport network together with matching facilities which will bring convenience to the public. So town planning is therefore very important in the conservation of monuments.

Education of the public is also another aim in the conservation of monuments. So public participation is very important. If monuments are turned into venues of high spending and the public is denied access to the monuments, that would defeat the original purpose of education. When the development of monuments is contemplated, consideration should be made to ensure that the public will not be subject to any restrictions and they can freely access these monuments. That is why extensive public consultation should be conducted before the monuments are developed.

Madam President, the reason why I propose the amendment is I hope that active steps can be taken to work out a sustainable mode of operation of the Compound which is practicable, carrying an overriding concern for conserving the monuments and which upholds the principle of retaining these monuments for public enjoyment. I also hope that the Central Police Station Compound can be used as a convenient case at hand to formulate a comprehensive policy on the conservation of monuments. I hope Members can lend their support to my amendment.

Madam President, I so submit. Thank you.

DR KWOK KA-KI (in Cantonese): Madam President, the question under debate today is written on the Agenda. I wish to talk about the most important point I want to make, and that is, why I want to propose this amendment. We may not have such strong feelings if this is the first time we dispose of monuments in Hong Kong. But just imagine, over the past few years, what has our Government done to dispose of our monuments? Just now many Honourable colleagues have talked a lot on that. They talked about how a monument in Stanley is turned into a supermarket and how the Marine Police Headquarters will be converted into a deluxe hotel. What will the people think when they see these monuments?

The Central Police Station Compound has a history of 140 years. It is the largest cluster of monuments in Hong Kong and it is the most intact one. Honourable colleagues, the Legislative Council Building which we are now in was built in 1898. The first building of the Central Police Station Compound was built in 1841. In terms of historical significance, this Compound is the largest in existence in Hong Kong and it is the most valuable.

Just now we heard Mr Patrick LAU's affirmation of the work done by the AAB. Let me perhaps give some background information to Members. In 1995, the AAB declared through the AMO that the Central Police Station, including Hall F, a monument and the historical buildings there were to be preserved. However, recently, or a few days ago rather, the AAB quashed the decision it made in 1995 and formed the view that Hall F was not consistent with other buildings in the Compound in terms of architectural style. I can only express my profound regrets for this decision. I do not understand why despite the statements made in 1995 and 2003 by the AMO that Hall F is an antiquity which should be preserved, it has changed its mind now in 2004?

Now I would like to say why I support the proposals made by Miss CHOY So-yuk and Dr YEUNG Sum. They have said that they would like to have a monitoring body with public participation to monitor the development of this monument. Actually, I would think that the most important spirit and one which we can build a foundation, is public participation. I cannot assume that the AMO or the AAB can be likened to all members of the public. This I cannot accept.

Hall F was built in 1931. A while ago, an Honourable colleague said that the building underwent a major modification in 1956. I would like to tell Members some history as well. Apart from the prison which was built in 1841 and being the oldest building in the Compound, many other buildings there were built at the turn of the 20th century, including the Central Police Station which was built in 1919. The Central Magistracy was built in 1913. So a building which was constructed in 1931 should have a historical value no less than a building built in 1919 or any other year. So when Dr YEUNG Sum proposed that all the 18 buildings should be preserved, I am in support of the idea.

On the one hand the Government always says that monuments should be preserved, but on the other it permits modifications to be made to the monuments and it also permits developers to build some modern structures inside the monuments or structures whose style is incongruous with that of the monuments. This will only throw the public into great despair. Why have I talked so much about the principle of public participation? Let me quote from the findings of a survey done by the Home Affairs Bureau on 26 April 2004. The Bureau released the findings of a survey on the conservation of antiquities on 9 May.

The findings show that 92.9% of the people agree that antiquities should be preserved; 94.4% agree that the preservation of antiquities is important because it will promote the sustained development of traditional culture. Certainly, I also agree that we should promote cultural tourism and hence bring in greater gains for the industry. But there is one point I wish to tell Members, and that is, 81.3% of the people agree that apart from conserving antiquities, members of the community should shoulder the costs of conservation.

Actually and seen from another perspective, I do not really know why we should choose to argue at this moment with the Government over the question of finding private sector developers to operate this cluster of monuments. The Government repeatedly said at that time that financially it could not look after the Compound and so a suggestion was made to hand it over to the developers. I think that is a big mistake. From the above survey, we know that the people of Hong Kong are willing, and I emphasize, they are willing to take part. So 86% of the respondents say they are willing to take part and a fund should be set up and this non-profit-making fund can meet the operation costs of this cluster of historical buildings in the future. This is also a direction for the disposal of these buildings and we must give serious thought to it. Many people, including Mrs Selina CHOW, have said that these buildings should be used to make greater financial gains and attract tourists. Some Honourable colleagues also say that there may be a need to turn the place into a cluster with high-class restaurants and bars. But may I ask, are we short of high-class restaurants and bars? Do we not have enough bars? Just take a walk from Lan Kwai Fong to Soho, and one will find the area is literally flooded with all kinds of gourmet restaurants and bars.

The reason why I propose that part of this Compound be turned into some kind of a museum is my wish to ensure public participation no matter how the monuments will be used.

Lastly, I would like to reiterate that when tenders are invited for the development of this Compound, the Government should examine closely the suggestions made by Members today, including the amendment I make to conserve the Compound as a monument. The Government should also make public participation the most important factor of consideration, instead of tourist or economic value. Thank you, Madam President.

MR WONG KWOK-HING (in Cantonese): Madam President, any society which is culturally advanced will respect its past and preserve its cultural and historical heritage for its posterity so that its culture can be passed on and that its people can know the present by examining the past. When I learnt that the Government had acted in total disregard of the views expressed by the public on the disposal of the old Marine Police Headquarters by granting the right to operate the Central Police Station Compound to developers in a way which resembles a sale of land by auction, my heart simply sank. The Government does not respect and treasure the historical and cultural monuments of Hong Kong, nor does it attach any importance to strong demands made by the community on the conservation of antiquities and monuments.

From the tender documents, I can see three points and they convince me that this is more like a real estate project than one on the conservation of monuments. First, the timing of the invitation for tenders. Preparations for a tender exercise were made even before the use of the police station was suspended. Second, the authority responsible for the tender exercise is the Economic Development and Labour Bureau, not the Home Affairs Bureau. Third, the assessment criteria and composition of members of the selection committee show that the conservation of antiquities is not the most important consideration. The most compelling evidence is that representatives from the AAB can only serve as non-marking members in the selection committee. This will only make people think that the Government is just trying to make use of the current rebounds in property prices to sell this prime lot in Central in disguise.

Some people may ask, "Do we not support any project that may create employment?" And so we should not oppose such kind of tender exercise. It goes without saying that we have always been advocating the local community economy. If the Central Police Station Compound is leased out for commercial purposes by single tender, and as the land concerned is one of the most expensive in Hong Kong, I am very much worried that eventually it will only be turned into a posh place for spending. Nothing will be done to raise the cultural quality of the community and the giant consortia instead of the public at large will reap the benefits. So I am convinced that this is not a good way to develop heritage tourism.

The authorities point out in a concept document on heritage tourism that if tourists stay four more hours in Hong Kong because of the Central Police Station Compound, it could translate into extra consumption to the tune of \$100 million a year. I have great reservations about this simplistic assumption. It is because if this Compound is turned into purely a place for spending and entertainment, it will only be relegated into a lacklustre spot for shopping like a replica of the Murray Building in Stanley. Will tourists spend more when they visit a place which only has the outward appearance of a monument but devoid of any cultural substance inside?

That I have put up this argument does not mean that I oppose heritage and monument tourism. The National Heritage Foundation of the United States points out that, taking the average spending per trip, visitors on a heritage tour will spend 30% more than other visitors. Information of the Foundation also shows that the average spending per heritage tour is US\$623 while that for other tours is US\$457. More than 80% of the grown-ups in the United States take part in arts and cultural activities and tours, and these form the third largest vacation activities after shopping and outdoor activities. From this it can be seen that developing heritage tours is certainly beneficial to the community and our economy.

But how are we to develop heritage tours in Hong Kong? It appears that the SAR Government has not gathered rich experience in this, nor has any systematic policy study been made. In this regard, we are lagging far behind our next-door neighbour, the Macao SAR Government. We have proposed shaping a cluster of monuments in southeast Kowloon depicting the century-old treaty port days. The cluster will link up two monuments of vital importance, that is, the Kowloon Walled City and the Nga Tsin Wai walled village. It is expected that bygone Chinese culture will relive in the monuments. But proposals like these are still met with a cold shoulder from the Government. Other examples like the monuments in the walled villages of the New Territories, like the Sam Dong Uk village, the LIU Man Shek Ancestral Hall, and so on, have archaeological and architectural values which are in no way inferior to that of the Central Police Station. In these places, the authorities only preserve these monuments as museums and other tourist elements are excluded.

To develop heritage tourism, I think the Government must draw reference from the experience of other advanced cities like Macao, Singapore and even

Guangzhou. The special thing about heritage tourism in Macao is that every thing is fitted and matched nicely and well. Monuments in Macao are well-preserved and they have good potentials for growth. Take the example of the façade of the St. Paul's Cathedral in Macao. Not only does it have a small museum and a park, there are also many shops nearby selling curios and antique furniture, and local snacks, and outdoor concerts are often held there. Or like the CHAN family ancestral hall in Guangzhou, the entire building is preserved intact, elegantly furnished and enriched with prized antique collections. Art exhibitions are held there and fine works of handicraft are sold. From a pragmatic perspective, when monuments are combined with a local community economy project, it will create the right atmosphere for a heritage tour and this will definitely offer more opportunities for jobs and career development both to the general public and the craftsmen.

At a time when the Government has yet to look closely into heritage tours, review the current developments, consult the public extensively and invite public participation, a decision has been made to lease the Central Police Station Compound which is of great historical and conservation values. This move will only be counter-productive to the development of monument conservation and heritage tourism. I suggest the Government should at least make a review of the experience of developing the former Marine Police Headquarters. As to whether or not the development of the Central Police Station Compound in Central should be decided by way of a tender exercise, I think that there is no need to hurry and make a decision and the public should be consulted on this before all else.

With these remarks, I support Miss CHOY So-yuk's motion. Thank you, Madam President.

DR RAYMOND HO (in Cantonese): Madam President, the Central Police Station Compound has a long history and great historical and cultural values. In an advanced city like ours, these old buildings are unique and they stand out among the rest. So they should be preserved with the best of our efforts. When the Government screens the tender proposals later, it should exercise extra care to ensure that the Compound will be properly repaired and maintained.

As we all know, vast sums of money are needed to conserve the Central Police Station Compound. It is learned that the annual costs of maintaining the

buildings would come to an average of about \$5 million to \$6 million. It is precisely due to this reason that the Government plans to assess the tender proposals in two stages. In the first stage, the proposals submitted should fully comply with mandatory requirements on the conservation of antiquities. In the second stage, the successful tenderer should have the financial means to pay for the maintenance costs of the buildings over the long term. I very much agree to this requirement. Just imagine if in the long run the successful tenderer does not have the financial means to pay for the huge expenses in repairs and maintenance, what will happen then? Will it lead to a replica of the Western Market and cease to become a tourist spot that can stay attractive to both local and overseas visitors over time? The Central Police Station Compound is an asset of Hong Kong people. I understand that there are some non-profit-making organizations which are committed to conserving antiquities and monuments. I appreciate their efforts. But in the long run, do these organizations have the financial means to preserve the Central Police Station Compound? I must admit that I feel concerned.

The Central Police Station Compound comprises a total of 18 buildings and 17 of them have been classified by the AAB as Grades I and II buildings and hence should be preserved or selectively preserved. As for the building at the entrance of the Victoria Prison, it is classified as Grade III and that means developers may decide to demolish it or otherwise. It is learned that this building at the entrance of the Victoria Prison was built only in the 1950s as the original building on the site had been pulled down in 1913. So this building is not a historical building and its outward appearance is not congruous with the other buildings in the Compound. In view of that, it is doubtful if this building at the prison entrance should be preserved.

The Central Police Station Compound has a long history and the passage of time must have caused some changes to the structure of the buildings. Therefore, before launching the tender exercise, the Government should provide the relevant information like the known problems in the structure and foundation of these buildings so that tenderers can be aware of the challenges they may have to face. I believe structural engineers and geotechnical engineers will play an important role in this.

On overseeing the tender arrangements and how the successful bidder carries out the project after signing the contract, these would be the responsibility

of the Government. Members of the public who are interested in or concerned about the project may of course make suggestions or put forward their views.

As Hong Kong is a small place, there are very few tourist spots. The conservation of the Central Police Station Compound will not only have historical or cultural values but also economic value. I believe the Compound will offer a new attraction to tourists. Therefore, the Government should explore a sustainable mode of operation of the Compound so that this valuable asset of Hong Kong can be used to boost our economic development.

Antiquities and monuments are our heritage and I hope that the successful developer will not place private gains above public interest. I hope that sound efforts can be made to preserve the Central Police Station Compound so that it can add to the local colour of Hong Kong.

Madam President, I so submit. Thank you.

MR ALBERT CHAN (in Cantonese): Madam President, to many places and governments around the world, the preservation of historical relics means not only the preservation of ancient buildings, but also the preservation of their respective cultures, the collective memory of their races and even the life of their countries and races.

French Prime Minister Lionel JOSPIN once commented in 1988 that the loss of a racial culture will signify the end of its civilization. Under the policy of Russia, the conservation of cultural heritage is regarded as the protection of Mother Russia. All this shows that in developed places and countries, the conservation of cultural relics is regarded as the protection of their own cultures and even their very lives. Many countries have invested billions of dollars in conserving their monuments or monument ensembles, so as to preserve their heritage. The Italian Government, for example, spends 1 billion Euro a year just on repairing and conserving the ancient city of Pompeii. In 2003, despite its tight finances, the Russian Government still allocated a huge sum of 40 billion Roubles (approximately US\$1.3 billion) for refurbishing St. Petersburg, an ancient city of world renown. The refurbishment of Constantine Palace built in the 18th century was a mammoth project, and this alone already cost US\$280 million. In neighbouring Japan, a sum of as much as ¥4 billion has been spent

on preserving the monuments in Nara. Even in next-door Macao, in a bid to conserve the Tak Seng On Pawnshop, the government has financed its repairs and restoration, thus winning an Honourable Mention under the UNESCO Asia-Pacific Heritage Awards for Cultural Heritage Conservation in 2004.

All these examples show that heritage conservation requires huge resources, efforts and also sincerity. This involves not only the conservation of the appearance and structure of a building — not only appearance and structure, the Secretary must be very clear about it — but also the conservation of its original features, so that it can become part of the collective memory. That way, visitors can be reminded of the past and significance of cultural heritage and relics.

But what is the policy of the Hong Kong Government? The heritage conservation policy of the Hong Kong Government can aptly show that it is nothing but a philistine economic being. What has the Hong Kong Government done to so many of our monuments, or precious monument ensembles of great significance all along? Some Members have told us that the Government has felled most of the trees in the former Marine Police Headquarters in Tsim Sha Tsui. These trees were in fact an integral part of this monument ensemble and should thus be part of the collective memory. At Murray House in Stanley, there is now a supermarket. The history of the building has eluded us altogether, leaving behind no room for any sense of pride or cherished memories. The former Stanley Police Station infuriates us even more, for it shows us how much the Government has debased monument ensembles. The former Stanley Police Station is now used as a supermarket. Toilet paper rolls and various daily necessities for sale are stacked at its entrance. The sight of the building can longer remind us of its historical past.

If the Government continues to let economic considerations dominate the conservation plan of the Central Police Station Compound, it will only repeat its past mistakes. If it simply conducts a tender exercise and then allows the successful developer to redevelop the Central Police Station Compound freely without monitoring and participation by the public, the Compound may become another Murray House, another Stanley Police Station, or another Tsimshatsui Marine Police Headquarters — in brief, past mistakes will be repeated. Therefore, I hope that the Government can learn from its bitter experience and make amends for its past errors. Probably for political reasons, the former

British Hong Kong colonial administration wiped out many monument ensembles and historical relics. The reason is easy to understand, because a colonial administration will never want its subjects to remember the past and cling to the culture and history of their own race.

But all our Bureau Directors after 1997 are appointed by the new government, so they should not carry on the erroneous policy of the British Hong Kong colonial administration. I hope that they can wake up. Macao has changed, but our Bureau Directors are still dreaming about the colonial past or the policies at that time. Therefore, I hope that the Hong Kong Government, instead of continuing to allow economic and financial considerations to dominate everything, can learn from its bitter experience and formulate a comprehensive policy on conservation of antiquities and monuments and commit the necessary resources, so as to preserve the cultural vitality of our race, or else Hong Kong as a society will only be doomed as a result of its philistinism. Mother Hong Kong will die, and the life of Hong Kong people will become increasingly hollow. When this happens, though Hong Kong may still be prosperous, it will be nothing but a lifeless city with no past and collective memory.

MR CHAN KAM-LAM (in Cantonese): Madam President, admittedly, the Government is concerned about the conservation of antiquities and monuments. Over a short span of just several years, it has published three consultation documents on the topic, which is good evidence of its great concern. However, for all its good intentions, the Government has over the years failed to achieve any satisfactory results in its work of conservation. The absence of a proper policy on heritage conservation and also the shortage of the required experts are some of the reasons. But these are not the focus of my speech today. The purpose of my speech today is to express the hope that when the Government formulates a policy on conservation of antiquities and monuments, it can give consideration to tourism development and study the feasibility of developing heritage tourism with a view to promoting a local community economy that has cultural characteristics, and to creating job opportunities.

Madam President, the successful development of cultural tourism hinges, among other things, on the conservation of antiquities and monuments. Antiquities and monuments are the finest historical relics of a city, things that form its very character and features. The significance of heritage conservation lies with its ability to sublimate all the historical relics amassed by a city over

hundreds or even a thousand years and hence upgrade its artistic and cultural appeal. The appeal after sublimation, if properly utilized, will become a cultural tourism resource with immense potentials and economic vitality.

In the 2003 policy address of the Chief Executive, the development of the tourism industry, a pillar of our economy, is regarded as an important indicator of our status as a "world-class metropolis". We support this very strongly. But when it comes to tourism resources, Hong Kong is at best a mere "Shoppers' Paradise" or "Gourmets' Paradise". Since its implementation, the Individual Visit Scheme has no doubt injected fresh impetus into our economic recovery, but these tourism activities are devoid of any cultural depths, so Hong Kong is still characterized by hollowness. What is more, with the further liberalization of the mainland market and the successful entry of major brand names, Hong Kong's status as a shopping and cuisine paradise will inevitably fade, so the prospects of the Hong Kong tourism industry will be grim. Fancé, a Japanese cosmetic brand name, has recently succeeded in entering the Shanghai market, recording a turnover of \$1 million in the first month of business. I believe there will be many more similar examples in the future. In that case, will the Individual Visit Scheme still be able to provide any impetus? For this reason, with a view to formulating a long-term policy, the Government must work out a new positioning for the tourism industry.

Actually, cultural tourism is of vital importance to turning our tourism industry into a unique brand name, because culture is the only thing that is unique and capable of sustained development. Culture is much more than mere hardware resources like natural scenery and antiquities and monuments; it is also diffused into the humane and social aspects of men, depicting the ways of life and cultural depths of a certain place. This is precisely what appeals to visitors.

Unfortunately, the heritage conservation work of the SAR Government has all along been marked by a lack of vision. For example, the Stanley Police Station, a strategic stronghold of the defence garrison during the Japanese invasion, has even been converted into a supermarket. The Government's management of antiquities and monuments is really ridiculous. A modern convenience store is incongruous with the ancient and dainty appearance of the Stanley Police Station, thus depriving it of its natural simplicity; not only this, any nostalgia will be wiped out by the rows of display shelves. Is this what heritage conservation is all about? Antiquities and monuments may be preserved, but can this be of any meaning to our society? In contrast, in other

countries like Italy, cars are forbidden in the alleys of Venice, and for hundreds of years, boats and gondolas propelled by wooden oars have been the only means of transport among the canals there. In many European countries, heritage conservation zones are strictly separated from new urban zones with modern facilities. The aim is to preserve the unique character of historical relics. This is what heritage conservation truly means. I therefore think that in the preservation or refurbishment of old scenic spots, Hong Kong must pay attention to harmony with the surroundings and apply modern management concepts to the preservation of the original character of these spots. Only this can attract more foreign visitors to Hong Kong.

Madam President, to be exact, cultural tourism is the vesting of cultural elements in tourism. What is required should be a little bit of creativity and imagination. For example, for all its renown, Lei Yue Mun is just a place offering seafood in the minds of tourists. But if the Government can be a bit more imaginative and build some extra facilities in this old fishing village, it can become much more attractive in many more ways. Tourism in Lei Yue Mun will surely see many new developments because with the addition of fresh cultural vitality, it will no longer be a simple fishing village. And, in the adaptive reincarnation of the Central Police Station Compound, is it possible to consider the creation of a nostalgic scenic spot congruous with the surroundings, either through construction of additional facilities or refurbishment, so as to increase people's sense of belonging and pride? Or, is it possible to design a nostalgic restaurant or spot where tourists can know more about the history and heritage of Hong Kong?

Madam President, culture and tourism are in fact interdependent. Though land is precious in Hong Kong, the Government should still be able to do more in heritage conservation. We hope that the Government can really implement the concept of cultural tourism. Thank you, Madam President.

MR TIMOTHY FOK (in Cantonese): Madam President, civilization is a process of sustained development. Monuments do not only tell us what happened in history but also depict the traces of cultural development. Each monument is marked by its unique historical background and significance, something we must all respect. If the present generation can preserve our antiquities and monuments, the cultural heritage of Hong Kong can be passed on to the next generation. But the removal of any single one of them will leave

behind a void, a void that cannot possibly be filled again, in the history and culture of Hong Kong.

The recent spates of controversies over the conservation or otherwise of a number of monuments have turned the topic of monument conservation into a focus of public concern. I have contacted a number of cultural and district organizations on this matter and all of them have told me their concerns and worries, pointing out that the main problems are as follows:

First, a respect for culture and heritage conservation has not yet taken root in people's everyday life and there is also a lack of channels for public participation, so it is difficult to foster spontaneous participation in monument conservation.

Second, land prices are high, with the result that monument conservation is costly, thus dampening the desire of owners to pitch in.

Third, in many cases, the Government simply emphasizes the conservation of monuments without doing anything in their adaptive re-use. Under this approach, the value of monuments and the memories associated with them are lost, and not only this, they will also be reduced to mere historical exhibits locked inside the display window.

Fourth, there is the absence of an integrated policy on monument standards, investigation and archiving, thus making it impossible to draw up an effective plan on adaptive re-use and consolidation. Remedial conservation is not the best way and will easily lead to conflicts between the Government and the public.

The Government's recent handling of King Yin Lei in Stubbs Road, Ho Fuk Tong Centre in Tuen Mun and even the Central Police Station Compound can aptly show how passive and weak its present monument conservation policy is. To turn being active from passive, the Government must adjust the concepts underlying its policy. Specifically, it must realize that in a highly commercialized society like Hong Kong, the conservation of monuments and antiquities, besides being a crucial cultural policy, is also a commercial activity of immense economic value. If it cannot strike a proper balance between the two, its relevant policy and efforts will be rendered wavering and protracted, failing to please anybody.

Madam President, the Central Police Station Compound is a valuable built heritage of Hong Kong. But the site it occupies is at the same time a prime lot. In order to ensure that the monuments can be turned into valuable and common assets of society, the Government must realize that what are to be conserved are not just blocks of historic buildings. Nor should it consider the conservation project in isolation or from pure commercial perspectives. Instead, it must adhere to the principle of preserving the collective memory of society, taking into account the passing on of our cultural heritage and the sustained development of the local community.

The Chinatown in Singapore and the St. Paul's Ruins in Macao are examples of how heritage conservation, commercial development and the sustained development of community can be successfully merged to the benefit of all. Therefore, when designing the development plan of the Central Police Station Compound, reference must be made to these examples. Besides, emphasis must be placed on the adaptive re-use and integrated development of the monuments and the surrounding community. Naturally, in the course of design, while there must be negotiations between the developers and the Government, people from the cultural sector and the local community must also be invited to participate, with a view to formulating a plan that can satisfy and benefit all sides.

Certainly, in order to effectively conserve the antiquities and monuments of Hong Kong and to avoid the emergence of new controversies from every new conservation project, the Government must formulate a long-term policy on cultural development and monument conservation. Besides, the restrictions on owners should be relaxed and more channels should also be created for the participation of enterprises and local communities in integrated community development.

I must point out that monument conservation is a race against time. More delay will mean more regret. Once a monument is demolished for reconstruction, or once a monument is ruined by the elements, all efforts will be to no avail.

I so submit.

MR CHEUNG HOK-MING (in Cantonese): Madam President, the Central Police Station always reminds us of a funny catch-phrase: "A, B, C, D — a 'Tai Tau Luk Yee'² always blows the whistle when a thug flees". I believe all Members here will not find this catch-phrase unfamiliar because very much like the Central Police Station Compound for which preservation has been proposed today, this catch-phrase is also an indelible part of our collective memory. Many buildings that formed part of our collective memory, such as the old Headquarters of the Hongkong and Shanghai Banking Corporation (HSBC) opposite the Legislative Council Building and the Lee Theatre in Causeway Bay, have already been demolished in the course of our economic boom and replaced by blocks and blocks of modern commercial towers.

The old HSBC Headquarters and the Lee Theatre were both classical in architectural design, and they witnessed the rapid development of the local financial and entertainment industries in the 1960s and 1970s. But today, we can only find them in books and photographs. Why? The answer is that the Hong Kong Government has never formulated any proper policy on conserving built heritage. The existing policy on conservation of antiquities and monuments places sole emphasis on the conservation of a monument alone, totally ignoring the significance of its co-existence with the buildings "living" in its vicinity. As a result, all those separate buildings fortunate enough to survive are just like an odd man out amidst the modern skyscrapers around them. The old Supreme Court Building that was declared a monument some years ago, that is the Legislative Council Building in which we hold this meeting now, is a good example.

That the Legislative Council Building still leads a fabulous existence today is because it is now the political centre of Hong Kong, the very venue of the Hong Kong legislature and the forum of Members. In contrast, other monuments in the New Territories are not so lucky. For example, the Tai Fu Tai Mansion located in San Tin, Yuen Long and declared a monument in 1987, the Tang Chung Ling Ancestral Hall located in Lung Yeuk Tau, Fan Ling and declared a monument in 1997 and also the King Law Ka Shuk located in Tai Po Tau Tsuen and declared a monument in 1998, are all leading a deserted and lifeless existence. This shows that the Hong Kong Government's policy on conserving built heritage is punctuated by many inadequacies.

² "Tai Tau Luk Yee" was a colloquial Cantonese term used in the early colonial years of Hong Kong, meaning a police constable wearing a green-coat uniform (Luk Yee) and a large hat (Tai Tau).

I am therefore of the view that the Government must formulate a sound policy on conserving built heritage as quickly as possible. In the consultation document entitled "Review of Built Heritage Conservation Policy", which carried a consultation period that ended in May this year, the Home Affairs Bureau proposed that flexibility should be adopted for the conservation of built heritage. I agree very much. And, I especially agree to the point that ways should be worked out to ensure that built heritage that are declared monuments can continue to exist in a more meaningful way. One possibility that can be considered is that while opening a monument to the public, we may, taking into account the cultural features of the local community, combine the monument with other local cultural spots to form a heritage trail equipped with adequate facilities such as transport and road links, public toilets and clear indication signs. Besides, the authorities can also consider the adaptive re-use of historical buildings. One example is the Old Flagstaff House, which is now the Museum of Tea Ware and also the Kom Tong Hall, which has been converted into the Dr SUN Yat-sen Museum. The authorities should conduct more active studies on the adaptive re-use of various built heritage and introduce the merits of their adaptive re-use to the owners concerned, so as to induce them to conserve built heritage.

Madam President, an effective conservation of the built heritage of historical value around us is the same as conserving the collective memory of our life and formative years. Built heritage is an integral part of Hong Kong's culture and history, and not only this, heritage conservation is also the most effective way of passing on our cultural and historical heritage to our children. We have already suffered immensely due to our failure to properly conserve our cultural heritage. In order to prevent our children from repeating the same mistake, I urge the Government to draw up a comprehensive and sound policy on conserving built heritage as soon as possible.

Madam President, I so submit.

MR JEFFREY LAM (in Cantonese): Madam President, the Central Police Station Compound is the last sizeable monument in Hong Kong which is characterized by colonial architectural features. It is also part of our collective memory. I believe every Member here will agree to the principle that we should treasure and conserve such a monument. The only problem is how we should realize this principle.

However, I wish to point out that heritage conservation and commercial development are not mutually exclusive. Quite the contrary, if a proper balance can be struck, there will be mutual benefits, leading to successful monument conservation and sustainable commercial development. For example, a monument can be developed into a tourist spot accessible to the public. Members of the public visiting a monument will then be able to realize its historical significance and get to know the stories associated with it. And, the spending of tourists at the monument spot can also be used for the repairs and maintenance of the monument itself. Besides, we may also create more jobs by developing heritage tourism. In other words, we can actually kill several birds with just one stone.

Actually, this approach is very common both in China and other countries. Many buildings with ancient architectural features have been developed into tourist spots. At these spots, tourists can dine, browse around and do shopping in the restaurants, exhibition galleries and shops converted from monuments. What is more, if modern elements can be appropriately injected into a monument, there may even be some kind of subtle chemical effect. One example is Xintiandi in Shanghai, where Shikumen, the venue of the first meeting of the Communist Party of China, is preserved next to a building with modern facilities, giving rise to a nice blend of the old and the new. It has thus become a scenic spot which all tourists to Shanghai must visit. Similar development conditions are also found in the Central Police Station Compound. If it can be developed together with Soho and Lan Kwai Fong in the vicinity, it will surely become a major landmark in Central and Hong Kong as a whole.

As to how many buildings in the Central Police Station Compound should be declared as monuments, the Antiquities and Monuments Office and the Antiquities Advisory Board has already confirmed the previous conclusion following its meeting a couple of days ago. Since they have already drawn expert advice, I think we should not argue any more about the number of buildings to be preserved.

What is more, the Government has agreed to uphold the principle of heritage conservation, and the Commissioner for Tourism, Ms Eva CHENG, has also said that she would consider adjusting the weighting ratio of premium to qualitative aspects of tender proposals from 4:6 to 2:8. The weighting for returns will be reduced drastically and strong emphasis will be placed on creativity aspects — the rating of conservation proposals, tourism, social

benefits, and so on. I therefore think that the proposal of the authorities should have taken sufficient account of the need to conserve the ensemble properly. As a result, I will support Mrs Selina CHOW's amendment, which urges the authorities to invite tenders as soon as possible, so that the project can be completed at an earlier date and the spot can be developed into a place of greater appeal to tourists.

We all agree that the development of any local community should be preceded by adequate public consultation, but I do not think that this should mean any public participation in vetting tender proposals. The reason is that tenders will necessarily contain highly sensitive commercial information, the leakage of which may lead to serious commercial disputes. If anything goes wrong, the image of Hong Kong as a commercial centre will be damaged. What is most important is that, as pointed out in Mrs Selina CHOW's amendment, the vetting of tender proposals should take account of three factors: public interests, the sustainable development of monuments and the proper conservation of the monument ensemble.

With these remarks, Madam President, I support Mrs Selina CHOW's amendment.

MS AUDREY EU (in Cantonese): Madam President, first of all, I wish to thank Miss CHOY So-yuk for moving the original motion. I must also thank Dr KOWK Ka-ki, because owing to his special arrangements, some Members, including me, were able to get into the Compound for a visit today. The visit was especially meaningful to me because when I was still a law student at the University of Hong Kong in the 1970s and when I started my practice later, I had opportunities of appearing before the Courts and visiting some prison inmates in the Compound on a number of occasions. Since I was there for legal business, I worked mainly in a specified room in the prison. But today, I had the chance of visiting its interior.

Madam President, as a Justice of the Peace, I subsequently visited many other prisons all over the territory, but none of them could give me the same feeling I experienced during my visit to the Victoria Prison today. The prison is reminiscent of the film "Prison on Fire". Its Cell Block No. 4 was built around 1860, marked by low doors and huge walls with very small windows high on them. The heavy and gloomy atmosphere there indeed makes it very different

from newer prisons. And, we can thus imagine that the police station, the Court and the prison all carry many stories of history.

Many Members have already talked about the value of this historical ensemble, and they have also mentioned the inadequacies of the SAR Government and the former colonial administration in respect of conservation policy. Consequently, Madam President, I shall not repeat what has already been said. But I still wish to point out that the increasing controversies over the Central Police Station Compound and also the involvement of more and more people in these arguments can nevertheless demonstrate that the monument conservation policy of Hong Kong is most unsatisfactory indeed. Besides, I also wish to talk about a public hearing of the Panel on Home Affairs which I attended several days ago. I am not a member of the Panel, but I still turned up at the public hearing. I was delighted to see the participation of so many members of the public to present so many suggestions. Madam President, as you also know, I especially like this concern group on historical ensembles. The concern group consists of experts from different fields, and they all came to us to explain why Hall F should be conserved. And, they also offered lots of advice on how it should be conserved. I naturally cannot repeat all of their views here. But I must say that the emergence of such concern groups in the community is indeed good proof that the policy, measures and approaches of the Government are not at all satisfactory. Besides, their emergence also tells us that people are becoming much more mature, which is very encouraging.

Madam President, the existing Antiquities and Monuments Ordinance has been in operation for 30 years. In the 1999 policy address, Mr TUNG stated that the Government would review the existing policy and legislation on heritage conservation. But it was not until as late as February this year that a consultation document entitled "Review of Built Heritage Conservation Policy" was published. It has taken as long as four years to draft a consultation document on reviewing one single policy. That being the case, how can people be convinced that the Government is really sincere in and capable of conserving our heritage?

Madam President, having read this consultation document, I really must say it is kind of ridiculous. The document seeks to consult people on how to conserve built heritage. First, it is stated that "the following methods might be considered: to adopt different methods for conservation, such as *in situ*

preservation, rehabilitation, partial retention and preservation, or a combination of them." It goes on to say that "for the most meritorious historical buildings, the utmost stringent requirements should be observed," and that "in other cases, more flexible arrangements, such as allowing extensive internal alterations, or just retaining the façade, could be adopted."

Madam President, I think it is very difficult to answer all these questions. It is of course true to say that there must be flexibility in the conservation methods adopted and all must depend on the heritage in question. How can we possibly have only one single method of conservation?

Second, it is mentioned that "in certain cases where collective memory is linked not only to the physical appearance of individual buildings but also to some traditional ways of life long associated with a street or an area, we might conserve the whole street or area so as to retain its special character." This is of course true, and I do not know why consultation is still required.

Third, it is said that "more flexibility could be given to the rehabilitation of conserved heritage." This is also true, and there will be support from all. However, the question that follows this is very hard to answer. This question reads: "How much, and who should pay?" The document goes on to ask, "How much are we willing to pay to save and maintain our heritage? How much should we pay having regard to other competing claims? Should we as a community pay extra in the form of taxes or donations for this work? What is the most equitable way?" Madam President, I think this type of consultation is unacceptable. If the Bureau really wants to conduct a consultation exercise on the conservation policy, it should formally let us know what mechanism or fund it has in mind instead of asking us questions like "How much we are willing to pay?". Madam President, how can we possibly answer these questions? Madam President, I think the whole question today, as also pointed out in the consultation document, is: "Can we afford the loss of collective memory and pride?" As a matter of fact, all monuments are part of our collective memory and common assets. Therefore, I very much hope that there can be a public consultation exercise and public participation. This is also why I cannot support the respective amendments of Mr Patrick LAU and Mrs Selina CHOW. I also hope that the Government can prove its sincerity as soon as possible by publishing a genuine consultation paper that can enable us to draw up a long-term and sustainable conservation policy. Thank you, Madam President.

MR HOWARD YOUNG (in Cantonese): Madam President, historical buildings are not only witnesses of the past but also our collective memory. They are of historical significance and very important to the development of cultural tourism. Consequently, we should do our very best to conserve monuments and make the best use of them to promote our tourism industry and in turn our economy.

The century-old Central Police Station Compound is typical of the architectural style during the British colonial era, a fine example illustrating the unique blend of East and West in Hong Kong. The Central Police Station was declared a statutory monument in 1995, and the authorities announced last year that tenders would be invited for the development of the site into a tourist spot. This should be welcomed. However, the progress of the project has been held up recently by controversies over the number of buildings that should be included in this monument ensemble for preservation and also its mode of operation.

The tourism sector and I have always been strongly advocating the development of cultural tourism, urging the Government to open monuments to the public. But in the case of the former Government House, for example, it is opened to the public and tourists just several times a year. Can we actually do so on a much more regular basis, so as to turn it into a tourist attraction? Besides, under the principle of preserving the original outlook of a monument as much as possible, we may also consider the introduction of commercialization, and this is also one possibility of ensuring the sustainable development of our monuments and cultural heritage. This mode of operation is very common in other countries. In Sri Lanka, for example, all the Victorian décor found in the former Governor's residence some 200 years ago has been kept intact after its conversion into a hotel named Mt. Lavinia, and all the attendants there are dressed like the policemen during the colonial era. Apart from enabling tourists to get a taste of Sri Lanka's colonial past, this can also prevent the former Governor's residence from losing its original character and features. Economic benefits can be generated on the one hand, and tourism can be promoted on the other. Besides, this mode of operation can even generate income to meet the huge expenses required for the long-term conservation of a monument.

All efforts of monument conservation will be futile if there is no public awareness of the need for conserving and treasuring monuments. For this reason, we must ensure that the concepts of conserving and treasuring

monuments can be firmly rooted among the people. To this end, the Government should step up education and publicity and breathe a new mission into our monuments, so as to attract people and their children. Actual visits and the resultant understanding will increase people's knowledge of our monuments and history. This is a very good form of education.

In recent years, our neighbouring places have all been developing new tourist spots. In contrast, Hong Kong has never done anything positive and decisive in this respect. Very often, there are mere discussions with no decisions made. One example is the development of a fishermen's wharf at Aberdeen. But Macao has already started to plan for the construction of such a wharf. Another example is the construction of a cruise terminal. The authorities now say that it is necessary to formulate a long-term plan and invite open tenders. I am afraid that we may have to wait 10 more years before enough land can be amassed for the development required. All these projects have been delayed again and again. Since history and culture have already been adopted as the themes of the Hong Kong Tourism Board's active promotion of tourism, the Liberal Party would like to urge the Government to invite open tenders as soon as possible instead of repeating the same mistake and holding up the development of tourist spots with local characteristics.

With these remarks, Madam President, I support Mrs Selina CHOW's amendment.

MR ALBERT HO (in Cantonese): Madam President, in recent months, lots of controversies over the Central Police Station Compound have emerged, and all the sides involved have been arguing about the best way to conserve this monument ensemble. From the perspective of a pluralistic society, this may well be something good, for it can show that people's awareness of monument conservation has increased very substantially.

However, I am puzzled immensely by one thing. It seems that the Government wants very much to dislodge this monument ensemble as quickly as possible and hand it over to private enterprises for the creation of business opportunities. In the middle of this year, a certain big family in Hong Kong put forward a proposal on conserving the Central Police Station Compound on a non-profit-making basis. But surprisingly, the government officials concerned

simply rejected the proposal, claiming that all was too late. Within the government bureaucracy, many major issues that require thorough discussion, such as the appropriateness of the Government's conservation approach, the interactive development of the ensemble and the local community, the mode of operation, how we can foster history education through the conservation of monuments and how the co-operation of the cultural sector can be sought in promoting monument conservation, have all been brushed aside. All these should in fact require our in-depth discussions. Unfortunately, the Government always gives priority to hardware, and seeing that there are business potentials, it wants to invite tenders as quickly as possible in a bid to transfer benefits to the large consortia (it at least gives people such an impression). This is very much a repetition of how it handled the Marine Police Headquarters in Tsim Sha Tsui and the West Kowloon Cultural District project. In brief, without discussing adequately with the cultural sector and the public and getting their participation, it has rashly pressed ahead with the project. In the end, the ensemble will face the same fate as the Marine Police Headquarters and the Cultural District, being reduced to a handicraft of large consortia, or a high-class hotel, or a mere property development project — in brief, something completed hurriedly and launched onto the market for profits.

Earlier this year, the Home Affairs Bureau published a consultation document on heritage conservation. In this document, the significance of monument conservation and the relationship between monuments on the one hand and history, culture and society on the other as an intangible asset is emphasized. The consultation document was still discussed at the meeting of the Panel on Home Affairs yesterday. On the one hand, the Government is still collating people's opinions, but on the other, it seems that it has already reached a conclusion on the direction of conserving the ensemble. But whether or not its decision answers public aspirations has yet to be ascertained. I therefore urge the Government to let the public conduct more discussions before inviting tenders. And, for precisely the same reason, the Panel on Home Affairs of the Legislative Council passed a resolution yesterday, demanding the Government to shelve the project until a cultural policy and a policy on conservation of antiquities and monuments are formally established.

We are of the view that the proper conservation of monuments and antiquities requires a sound framework and sufficient funding. We would therefore like to put forward the following proposals.

First, we must set up a monument and antiquity board similar to the National Trust in the United Kingdom. The Government should first provide the board with a trading fund for purchasing and conserving monuments. The National Trust was established in 1985 as a body independent of the government. Its terms of reference cover the purchase and conservation of coastline areas, country parks and monuments. At present, in the United Kingdom, more than 248 000 acres of land along with 600 miles of coastline areas and 200 important and valuable buildings and parks are under conservation by the National Trust. Most of these are open to the public. The composition and mode of operation of the National Trust should provide useful reference to the SAR Government.

Second, we may consider implementing a public cultural policy with a public cultural fund to be established by imposing a 1% levy on the costs of each construction project in Hong Kong. Such a policy is also adopted in overseas countries. The fund can then be used for conserving monuments, purchasing local works of art and financing various cultural activities organized by non-government organizations. The Democratic Party believes that as long as sufficient resources are available, local cultural organizations will naturally be able to explore and try out different types of cultural activities. That way, there will be fresh development opportunities and impetus for the local arts industries.

Third, we may also auction the naming rights of public buildings on a fixed-term basis. This can be adopted for all government buildings, cultural and sports venues and stadiums. I believe that many social leaders and large consortia will be interested, either for reasons of commemorating their ancestors or their families or for purposes of commercial publicity. The financial returns thus reaped can be used on the development of public cultural activities in Hong Kong. The Democratic Party is convinced that once we break away from the unreasonable constraints imposed by bureaucracy, there will be more room for us to think of an approach to monument conservation and cultural development. Consequently, I hope Members can consider this topic very cautiously and work out a non-profit-making approach based on the public interest to the conservation of the Central Police Station Compound. Thank you.

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

MR ABRAHAM SHEK: Madam President, it is heartening to witness in tonight's debate the participation of so many instant experts in defence of the Central Police Station. This sudden re-awakening to the conservation and preservation of our Hong Kong heritage building is a sign of society's maturity and a search for a better quality of life for ourselves and for our children.

The controversies surrounding the Central Police Station Compound have highlighted an even deeper problem which the Government has for years neglected to tackle. We lack a comprehensive heritage conservation policy which we have been asking for many years. It is true that the Government has conducted a consultation exercise on developing such a policy in February this year, but the Government has been painfully slow in processing the collective public views. It has not been able to publish a report so far, and it is unclear when it will launch a second round of consultation which is expected to focus on implementation issues. Meanwhile, in the absence of a far-sighted well-developed policy framework and accompanying guidelines and laws, the Government continues to adopt a piecemeal, ad hoc approach in heritage conservation. This will only leave us trailing behind our neighbours, Singapore and Macao in particular, in heritage conservation.

Madam President, not every city has a century-old stone prison in the middle of its commercial centre. The Victoria Prison as well as other heritage treasures in the territory deserve an improved conservation mechanism and a proper conservation policy as quickly as possible. I therefore ask the Secretary to immediately draw up a heritage policy so that Hong Kong could develop into Asia's World City with a history.

In preserving a heritage building, financial viability is just as important a factor as proper conservation. It therefore takes both vision and a sound, sustainable financial strategy to achieve the task. The Central Police Station Compound is no exception.

That the Compound has drawn so much attention territory-wide from different social sectors is not difficult to understand. The built heritage is a jewel for its immense architectural value and colourful history, not to mention its sheer scale and prime location. So far, all the heated debates have come down to one basic question: How do we balance the need for proper conservation with a suitable mode of operation?

The solution offered by the Government is not a perfect one, but a practical one to adopt. I support its open tender approach in principle, for I consider it a fair and sustainable mode of operation. If the preservation and operation of a heritage site is placed in the hands of the right party through a fair and open bidding process, it will benefit not only the site and the community, but also the economy.

However, I must admit that it might not be wise to completely award the project directly to a single non-profit-making party. Taking into account that both public and private interests are involved, the whole project must be processed in a transparent and fair manner. This is why the proposed exercise is the most appropriate option. The project should be awarded to the tender which completely fulfils the criteria.

Currently, the tender assessment criteria are well balanced with a 40:60 weighing for quantity and quality assessment. To better reflect the significance of heritage conservation and financial commitment to the project, the Government must not bow to pressure and reduce the 40:60 weighing. I think this is very important for the future success of the project and its operation.

Madam President, I consider the suggestions put forth by Miss CHOY So-yuk generally reasonable and constructive, but a little bit too idealistic. However, I cannot support the original motion as I do not share her view of setting up a monitoring body with public participation to oversee the tendering work.

In my opinion, the tendering process should remain strictly confidential because the tenders contain sensitive business information. In addition, the present monitoring mechanism has already been designed to ensure that the heritage aspects of the proposals are adequately taken into account. Presently, representatives from the Antiquities Advisory Board are invited to join the assessment panel as non-voting members. Furthermore, before any building work on the site can commence, the successful bidder must submit a detailed conservation plan and heritage impact assessment to the Secretary for Home Affairs for approval.

As long as the public is invited to express its views thoroughly before the Government officially invites submission of tenders, the tendering exercise will remain an open and transparent process.

With these words, I so submit and support the amendment of Mr Patrick LAU.

MS MARGARET NG (in Cantonese): Madam President, tonight's discussion is actually a discussion on values. When we are looking at this Central Police Station Compound (the Compound), are we looking at a commercial development wrapped in a cultural coat intended for making money? Or are we actually hoping to make some income through certain business operations to subsidize the expenditure required in our initiatives of preserving monuments and heritage which is also our true intention? We know that it is impossible to have 100% financial subvention. Another viewpoint we may adopt is to put the emphasis on developing tourist attractions; that is, we develop and preserve monuments and heritage simply because they offer good financial value which we can make use of.

These viewpoints have already been mentioned by many people. I would like to thank Dr KWOK Ka-ki for arranging for a visit this afternoon to enable people like me (who have walked past it for countless times but have never entered it) to go inside this Compound to have a close look at its interior. I have visited Cell Block No. 4, taking a look at this building constructed in 1841. This is of course not a palace, but only a functional and essential building. The most important point about it is certainly its sturdy and solid construction, and no one will hope to see it converted into a luxury building. However, we all feel that, as this building has existed for such a long time, it simply cannot be replaced by anything. When we saw Hall F, which is really a controversial place now, we would ask: Should it be preserved after all? We saw that the entire Compound has existed there for such a long time — some for more than 100 years, others nearly 100 years — we perceived another viewpoint, that is, human beings of each generation have a responsibility towards history; there is an obligation for citizens of our generation to preserve the monuments of the earlier generation as well as those of the entire society.

We should not place our focus on whether such a place can bring us financial benefits. Instead, we should remind ourselves that this place carries our collective memory, such as the term "big-headed men in green uniform" (大頭綠衣). Why on earth those people were called the "big-headed men in green

uniform"? There was a historical anecdote about it. We are not just saying that "big-headed men in green uniform" can evoke our childhood memory (certainly with warmth and affection). But this is not all; its significance is not just limited to our financial benefits or our enjoyment. Instead, we have to make some effort for it. We must have a commitment towards history, our past, our society as well as the civilization of man developed in different parts of the world. It is very likely that such a commitment will cost us a price.

From this perspective of shouldering our responsibility towards history, the very first question we should ask is not what our needs are, but what kinds of buildings they were and what kinds of monuments they are. Circumstances permitting, our guiding principle is, if it is possible to preserve them or restore them, we should go ahead preserving and restoring them. If they cannot be preserved or they are not worthy to be restored, or we do not have the money to restore them, then we should have to accept the next best, that is, do as much as we can. The focus is not on serving our own purposes, but the implications of that heritage and monument on our society.

Therefore, it all depends on whether the object in question is unique. For example, today we saw a very large crack in Cell Block No. 4. The experts told us, it would be very expensive to mend this crack. It requires a large amount of money which is disproportionate to its commercial value. However, if this Cell Block No. 4 is really so unique that it merits conservation, then we must consider how we can raise the money to mend it. When we saw Cell Block No. 1, we had the same feeling. Is it necessary for us to preserve the entire Compound? If the answer is in the affirmative, then we should do our best to preserve it.

In the entire campaign of preserving the Compound, we can see that a movement has started to emerge. The most significant implication of this movement is: Hong Kong people now have an elevated level of awareness. They do not just show their concern, but they have progressed from merely showing their concern to devoting some thought and time to taking actions. Many of the suggestions made by them deserve our consideration, and such suggestions deserve us to give some time to make them better developed. One of the suggestions is that a trust, for example a heritage trust, should be established to enable us to preserve similar monuments and heritage in Hong Kong Island, Kowloon, the New Territories and other places.

The development of such concepts and movements does have great implications on Hong Kong. Of course, I understand that the Government would very much hope to act swiftly to carry out a tender exercise, so that the issue can be expeditiously signed and sealed well before this people's movement can grow to full maturity. As such, how we should cast our votes on today's motion and amendments, I think it all depends on our own values. To me, I know clearly which motions I shall vote for and which motions I shall vote against. I do not have any hesitation at all. Thank you, Madam President.

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

MR ALAN LEONG (in Cantonese): Madam President, Hong Kong's economy had started to boom in the beginning of the '70s. Old buildings were demolished with new ones erected to take their places — all these witnessed the development of the city of Hong Kong, recounting the sentimental transition story of Hong Kong from a backward fishing village to an international cosmopolitan city now.

Despite Hong Kong's rapid development, Hong Kong people have never forgotten the clusters of old buildings amidst the concrete jungle, nor have they forgotten the need to preserve them. The reason is simple: These buildings have recorded historic episodes of Hong Kong, major or otherwise, which form parts of the collective memory of Hong Kong people. There are not too many old buildings still in existence. Among the 79 statutory monuments which we can still find, only 60 are buildings. As an old saying goes, "The stock will diminish with the sale of each item." With the demolition of a historic building, we shall see one less of such forever. Although some historic buildings can escape the fate of demolition, like the doomed Kowloon Walled City, and be preserved, their original features and character have gone forever. For example, the old Stanley Police Station and the former Murray House have now been converted into a supermarket and restaurants respectively. Nowadays, it is very difficult to find one or two old buildings like the Kom Tong Hall and the Chun Sang House, with their original characteristics and features retained intact.

Madam President, under the existing mechanism, the only way we can preserve old buildings with historic value is to make them statutory monuments.

The subject of today's discussion, the Central Police Station Compound, is one of such monuments. Unfortunately, not every statutory monument can be preserved intact. Why should the cultural heritage face such a dismal reality? It is simply because we do not have a systematic policy on the preservation of antiquities and monuments.

Fortunately, the Central Police Station Compound so far can still fully retain the original character and features of the past. As such, we should become more determined than ever not to allow any damages being done to these 18 surviving buildings, which have blended Chinese features with Western ones, just for the sake of some transient financial gains. On the contrary, we should preserve them very carefully like we are taking care of a precious gemstone, so as to preserve its integrity.

As we take a retrospective look at several previous heritage tourism projects, such as the Former Marine Police Headquarters development project, the Government had never disclosed any information on the use, assessment procedure and weighting standards, nor had the people been given any opportunity of participation. Finally, the project was awarded to a property developer at a high premium for development into a cultural hotel. Although a certain private organization has been given the opportunity to operate the cluster of old buildings there in a commercial manner, with a substantial income going to the public coffers, the general public's opportunity and right of enjoying this historic heritage has been sacrificed. In order to make a profit and to recover the costs paid in the premium, the developer will definitely operate it according to commercial principles — so only hotel guests can enjoy the cultural heritage of the buildings. In other words, if a person wants to pay a visit to the buildings, he has to book a room of the hotel and be a customer. This is one of such examples.

The local cultural heritage belongs to all Hong Kong people, and is our common social property. In the absence of public participation, the Government should not hastily put local monuments into the hands of developers, allowing them to convert such monuments or even demolish them. At present, the weighting adopted by the Government in assessing tender proposals has attached great emphasis to the financial gains, whereas the significance of monument preservation has been overlooked. I very much hope that the Government can increase the weighting of the aspect of monument preservation in assessing the tenders for the Central Police Station Compound, so

that some non-profit-making organizations may also take part in the significant work of preserving antiquities and monuments. I understand that the Government's task is by no means easy: That it has to take care of the financial interests of Hong Kong on the one hand, and it also has to preserve antiquities and monuments on the other. However, is it not true that Hong Kong people also want to see the local economy have prosperous development while such collective memory still can be retained at the same time? We must ask ourselves two questions: What actually is development? Who is the development for? If the substance of such development stresses only immediate financial gains, then we are just too short-sighted.

Amid globalization, the local culture is also subject to the influence of alien cultures. The overwhelming influence of multinational enterprises is undermining the cultural heritage of Hong Kong. We certainly do not hope to see the Central Police Station Compound converted into a restaurant operated by multinational enterprises. Instead, at the Compound, we will long to see historic heritage on display, readily available for public access. We found it a heart-rending scene even when we watched the destruction of the cultural heritage of Bamiyan Buddhas by the Taliban regime on the television. Needless to say how much greater our pain would be if destruction was caused to our own monuments.

Madam President, it is difficult for me to support either Mr Patrick LAU's or Mrs Selina CHOW's amendment, because they have excluded monitoring bodies with public participation from the comprehensive policy on the preservation of antiquities and monuments. This is unacceptable to me.

Madam President, basing on the above, I support Miss CHOY So-yuk's motion which urges the Government to consider and amend its present policy of preserving antiquities and monuments; to adopt the principles of preserving the integrity of the Central Police Station Compound and allowing public access and enjoyment in the preservation of the Compound; in addition, the Government is also asked to allow the public to participate in deciding on the use and the development of the Compound as well as in the monitoring entailed.

Madam President, I so submit.

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

MR ALBERT CHENG (in Cantonese): Madam President, many Honourable colleagues have already spoken. On the surface, they are very concerned about the preservation of monuments, including the Central Police Station Compound. After listening to such speeches, one cannot help feeling encouraged. All of a sudden, it appears that many Legislative Council Members are also very concerned about heritage conservation.

However, everyone has different objectives. Some have their own commercial considerations. Just as Mr Albert HO said, there is suspicion about transfer of benefits because the Compound is situated at a prime site in the Central District, a large piece of land which can be developed into a tourist attraction. It simply involves unlimited business opportunities, so some people would like to reap huge profits from the preservation of this Compound through certain business activities.

Hong Kong is a commercial society. It is perfectly understandable that some people should think in such a manner. However, this is similar to the situation in which you have a valuable antique or a family jewel inherited from your ancestors. Right after it is found, the first idea that comes to your mind is how to sell it; how to make more money out of it. However, it has never occurred to you that you can keep it and pass it to the next generation of your family, so that they can have the chance to continue appreciating its beauty in its entirety.

The most important point is not when we can hold a tender for this monument or in what manner we should hold the tender. I think the most crucial fact is, the Government at present does not have a comprehensive policy on heritage conservation. I know that the Home Affairs Bureau conducted a consultation in February. But it is November now. May I ask Secretary Dr Patrick HO what he has done between February and November? Madam President, if he does not mind, please ask him to give us a reply on this. This is not a report on the Equal Opportunities Commission. What we are talking about is a consultation paper on heritage conservation. May I ask what the findings of the consultation are? Will the Government formulate a comprehensive policy? Before a comprehensive policy is formulated, is it not too hasty for it to invite tenders for this Compound which, apart from being capable of evoking our collective memory, also make everyone feel sad at the thought of losing it? Therefore, it is very difficult for us to support today's

motion or any one of the amendments. But I am inclined to support Dr YEUNG Sum's amendment.

I so submit. Thank you.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Miss CHOY So-yuk, you may speak on the amendments. You have up to five minutes to speak.

MISS CHOY SO-YUK (in Cantonese): Madam President, I am very grateful to the four Honourable colleagues who have proposed amendments to this motion. Basically, with the exception of Mrs Selina CHOW's amendment which is rather different, the other amendments are quite close in their main objectives, apart from some discrepancies in opinion on the monitoring mechanism.

Regarding the integrity issue raised by Dr YEUNG Sum, that is, the preservation of the character, features and integrity of the Compound and the preservation of all the 18 buildings and their retaining walls, the DAB is supportive. Even if some disputes may arise on whether all the 18 buildings must be preserved, or whether one or two such buildings can be demolished, I feel that a decision can be made after the detailed consultation. It is not necessary for us to decide now how many of these buildings should be demolished. As for the suggestion that the Compound should be conserved on a non-profit-making basis, we are also ready to give our support. On increasing the weighting in the assessment, there is no problem at all about this; we are totally in support of this.

However, regarding Dr YEUNG Sum's proposal that an independent committee be established to examine and approve tender proposals, the DAB has some reservations. Our reservation is attributable to the fact that the assessment of tender proposals is a highly professional task in itself. In addition, the assessment of tender proposals has all along been undertaken by the executive authorities. So we have reservations about whether we should establish a

precedent, for the sake of preserving antiquities and monuments, by setting up an independent committee to assess tender proposals. However, the suggestion of establishing an independent antiquities and monuments authority that has credibility has my staunch support.

Mrs Selina CHOW has deleted many major directions which, in the opinion of the DAB, are important, especially on making public monitoring and the preservation of monuments as the overriding assessment factors. These opinions are matters of principle. As such, we shall oppose the amendment by Mrs Selina CHOW.

The main point of Mr Patrick LAU's amendment lies in the deletion of the part of my motion regarding the monitoring mechanism. I think it is necessary for us to exercise some monitoring over the process. When he delivered his speech, he mentioned that some members of the public could be included into the Antiquities Advisory Board to undertake the monitoring work. I can accept this point. However, my suggestion is in fact somewhere halfway — the people are allowed to participate in monitoring the process, but not in the assessment process. We feel that public monitoring is very important. I hope this evening we would not see that all the five or six proposed options are negated. For this reason, and given that Mr Patrick LAU also agreed to have public monitoring, the DAB will support his amendment. I do not wish to see that all the proposed options, be they the motion or the amendments, are negated eventually. Therefore, I hope Members will render their support.

We fully agree to Dr KWOK Ka-ki's further amendment, even though the inflexibility in its wordings seems to have ruled out all other possible initiatives. However, if what is said can ultimately be achieved, we will also support it. Yet, in view of the fact that he has not deleted the clause "vetting the tender proposals" in Dr YEUNG Sum's amendment, and as "vetting" is a very important point to us, we have very great reservations about this amendment.

I would like to take this opportunity to say this: Although the Government may see an "all-ought" situation later on, I hope it will not feel complacent about this and says internally that since no consensus can be reached in the Legislative Council, it can do whatever it wants to do. I would like to call on all Honourable Members that, regardless of whether today's motion or any amendment can be passed, we should keep on maintaining a close watch

every day on how the antiquities and monuments are preserved and what policies the Government will adopt to preserve them. It is because basically we all share the major common objectives.

Thank you, Madam President.

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, today's motion debate gives me an opportunity to once again explain to Members the Government's plan on the conservation and development of the Central Police Station Compound (the Compound). I am grateful to Members for putting forward many valuable opinions on the motion. I will first give a response on the development proposal for the Compound, while the Secretary for Home Affairs will give a response in relation to the concept of and policy on antiquities and monuments later.

First, I must point out that the Government shares the same objective as that of Members of properly preserving the Compound. The primary objective of the Government's heritage tourism project at the Compound is to preserve, restore and develop this Compound of great historic value, so that members of the public and visitors can recall their memory of the past and also understand and appreciate our history and culture.

Members are concerned that this project may excessively put emphasis on tourism development to the neglect of the requirement of monument conservation. I wish to point out that although this project is co-ordinated by the Tourism Commission, the first and foremost objective is to conserve and restore monuments and heritage. Members may be concerned about how the Commissioner for Tourism and I, who are no experts on monuments and antiquities, will know what to do to conserve our heritage. But I think Members will feel more at ease seeing the richly cultured Secretary Dr Patrick HO sitting beside us. Madam President, while we take a leading role in this project, it does not mean that we will put everything entirely under our charge, for we will be working with various relevant departments and the Antiquities Advisory Board (AAB). A steering committee has been set up jointly by the Tourism Commission and the relevant Policy Bureaux and departments for the implementation of the project. The Home Affairs Bureau and the Antiquities and Monuments Office (AMO) have been actively participating in the project and

giving professional advice on the policy on antiquities and monuments and also the conservation and restoration of this historic Compound. The AMO and the AAB have conducted detailed studies of the overall heritage value of the Compound, its relationship with the surrounding environment, as well as the value and the present conditions of the various buildings and structures of the Compound, and also formulated a set of very stringent requirements and guidelines on heritage conservation.

The Home Affairs Bureau, the AMO and the AAB will also participate in the assessment of tender proposals in future, and after the award of the project, they will continue to monitor the implementation and operation of the project to ensure compliance with the heritage conservation requirements, thereby ensuring compliance by the successful bidder with the tendering requirements throughout the process from planning to the actual implementation of works.

On the direction of the development of this heritage tourism project, we already gave a briefing to the Panel on Economic Services and Panel on Security in April last year. Members were in general supportive of the general direction and the implementation framework of the development of the Compound into a heritage tourism facility.

Here is my response to the proposals made by Members earlier:

On the preservation of the character and features of the Compound, Miss CHOY So-yuk proposes that the character and features of the Compound be preserved. This, we absolutely agree, and this is, in fact, our prime objective in developing this project. I wish to point out that the Central Police Station, the former Central Magistracy and the Victoria Prison have already been declared as monuments under the Antiquities and Monuments Ordinance and are therefore under multiple statutory safeguards. Under this Ordinance, a permit must first be obtained from the Antiquities Authority (that is, the Secretary for Home Affairs), before carrying out any works within the declared monument site, in order to ensure that the monuments are absolutely protected from damages. Moreover, according to the stipulations on the drafting of outline plans under the Town Planning Ordinance, any proposal on new development within a historic compound is subject to the approval of the Town Planning Board. This is to ensure that the nature and scale of the development are compatible with the historic environment of the monument.

In preparing for this project, we have fully consulted the AAB, and with its assistance, the AMO has drawn up a set of very stringent preservation requirements and guidelines, with stringent restrictions on the preservation of historic buildings, building height of new buildings and maximum gross floor areas. All historic buildings and enclosing walls that have been confirmed by the AAB as in need of preservation will be conserved *in situ*. These preservation requirements will form part of the tender conditions to ensure that the historic setting and the integrity of the Compound are well preserved and to avoid any inappropriate or non-reversible alterations or additions which would undermine its historic value.

On the proposal of Dr YEUNG Sum and Dr KWOK Ka-ki in their amendments of retaining all the 18 buildings within the Compound, it mainly concerns the preservation or otherwise of the entrance building (Hall F) at the Victoria Prison. In response to the views expressed by some members of the public, and as explained in detail by Mr Patrick LAU earlier in the debate, the AAB has recently further reviewed the historic value, structure, and so on, of the entrance building at Hall F. After detailed consideration, the AAB has maintained its original opinion that the entrance building at Hall F does not necessarily have to be preserved. As I pointed out just now, I am no expert on monuments and antiquities, and we will absolutely respect the professional opinion of the AAB concerning which building should be preserved and which should not.

With regard to the assessment of tender proposals, I do not see much difference between our arrangements and the suggestions of Miss CHOY So-yuk and Dr YEUNG Sum. As heritage conservation is the major objective, the tender assessment mechanism will give more weight to the qualitative aspects of the proposals, in order to ensure proper preservation of the historic buildings within the Compound.

The tender assessment will be a two-stage process. Be it in the first or the second stage, heritage conservation will be the guiding principle in all our endeavours. To pass the first stage of assessment, tenders must meet the mandatory preservation requirements drawn up by the AAB and the AMO for the tenders. Failure to comply with the relevant requirements will render the tender to be completely ruled out for consideration even if the bidder is prepared to pay a high premium. So, the comment made by a Member earlier that the purpose of the Government is really to sell land for profit is wrong. In the second stage of assessment, apart from the criterion of heritage conservation,

other qualitative aspects of the proposal, including their performance in technical, environmental and traffic issues as well as community and tourism benefits, will also be assessed. Since heritage conservation is the prime objective of this project, tenders will not be further assessed unless they have met our requirements in respect of heritage conservation. Regarding the principle of allowing public access and enjoyment of the Compound over which Miss CHOY So-yuk and Mrs Selina CHOW have expressed concern, it is also an important factor to be considered by us in assessing the tenders.

I have noted the views of some people in the community on the weighting for premium *vis-a-vis* qualitative aspects of the proposal. They hold that the proposed weighting of 40% for premium is too high. Members have also suggested in their amendments that a higher weighting be attached to the qualitative aspects. We will consider these views with an open mind, and we hope to arrive at a weighting that is acceptable to most people.

Apart from heritage conservation, which is the most important factor, the sustainability of the proposal should also be given due weight.

The three existing users of the Compound, namely, the Hong Kong Police Force, the Immigration Department and the Correctional Services Department, used to spend about \$6 million annually on repairs and maintenance. The aging Compound has led to an increase in the repairs and maintenance cost year on year. The Architectural Services Department (ASD) has also conducted tests on the structure of part of the historic buildings and their retaining walls. Results show that structural works of a larger scale are necessary for the restoration of some of these buildings. The successful bidder, be it a commercial or non-profit-making organization, will be responsible for preserving, restoring and renovating all the places and buildings or structures within the Compound, as well as the future management, operation and maintenance. As I pointed out just now, the cost to be incurred on the restoration and maintenance of this sizable heritage compound is exorbitant and will be increasing. Therefore, irrespective of whether it is for cultural, academic, tourism or other commercial uses, the development must, to some extent, be able to generate stable revenue, so as to ensure that it is self-sufficient and would not require government subsidy.

It is precisely because we need to carefully ensure proper conservation and development of the Compound that we consider it the fairest to award the project through open competitive bidding. The reason is that an open competitive

process can provide a level playing field and hence ensure that the selected proposal will be the best proposal which can achieve proper conservation of monuments and heritage with social benefits and sustainability in its future development. The Government, therefore, will not specify the operation model for the project. All parties interested in this project, including commercial and non-profit-making organizations, are welcomed to participate in the tender exercise.

We appreciate the concern of Members and the public over this project. That is why we have consulted the Legislative Council Panel on Economic Services, the AAB and the Central and Western District Council over the past year or so in preparing for the tender process. In March this year, we also organized a public seminar to canvass public views on the project. We have also met with individuals and organizations that are concerned about this project in order to listen to their views.

On tender assessment, an Assessment Panel comprising representatives from the relevant bureaux and departments, including the Home Affairs Bureau, the AMO, the Tourism Commission, the ASD, the Planning Department and the Transport Department, will be set up. District Officer/Central and Western has also been invited to join the Assessment Panel, so that he can reflect the views of the local community during the assessment process. Representatives of the AAB and the Hong Kong Tourism Board will serve as non-scoring members to give advice to the Assessment Panel. This is a highly representative panel that can take into account various concerns. Such an arrangement has already struck a balance among the needs for public participation, ensuring the fairness of the tendering system and avoiding conflict of interest.

With regard to monitoring, the successful bidder will be subject to monitoring in accordance with the various terms and conditions in the tender proposal. Before the commencement of works, the successful bidder is required to complete all necessary statutory procedures in accordance with the Antiquities and Monuments Ordinance, Town Planning Ordinance, Environment Impact Assessment Ordinance and Buildings Ordinance. So, the successful bidder will be subject to sufficient monitoring in the implementation of this project. We also agree that a proper mechanism for communication should be established for views to be exchanged between the successful bidder and the local community, and for views to be expressed and heard. We believe that through

active participation by the community, the concerns of the public can be more effectively addressed by the successful bidder in the implementation of the project.

Mrs Selina CHOW proposes in her amendment to expeditiously put this project to tender. This, we agree. In fact, we originally planned to put the project to tender in the middle of the year to dovetail with the timetable for the reprovisioning of the relevant departments. But in view of public concern on this project, it is necessary for us to carefully consider the views from various sectors of the community and review issues of public concern. The lead work of the tender process is now in its final stage. We will put the project to tender after the completion of the review.

Earlier in the debate, Members suggested to open up the Compound for visits by the public. This is a very good proposal, for it will enable the public to understand the conditions inside the Compound. However, the relevant arrangements must have regard to such considerations as the maintenance of the monuments, public safety and security, and so on. We must map out plans with care and caution.

Madam President, I wish to once again thank Members for their valuable input on this project. I wish to reiterate that the Government, like Honourable Members, is determined to conserve the Compound, which is a very important heritage, and to develop it into a quality heritage tourism facility to enable the public and tourists to recall their memory of the past and to appreciate and understand the culture and history of Hong Kong.

Thank you, Madam President.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I am grateful to Miss CHOY So-yuk for proposing this motion for debate. From the amendments proposed by Mr Patrick LAU, Mrs Selina CHOW, Dr YEUNG Sum and Dr KWOK Ka-ki to the motion, Members' enthusiasm in speaking on the motion, and the zeal of many Members, representatives of professional bodies and members of the public in expressing their views on this issue at the meeting of the Panel on Home Affairs the other day, we can see that conservation of antiquities and monuments has aroused widespread concern in the community, and that some measure of consensus has already been reached

between Members of the public and this Council on the conservation of built heritage in Hong Kong and the preservation of the territory's cultural heritage. The first stage of the consultation on built heritage conservation policy has achieved initial results. All the colleagues who have devoted their efforts to this area of work and enthusiasts who take a keen interest in this issue are glad and delighted at such achievements.

Before I respond to Miss CHOY So-yuk's motion, please allow me to first speak on my understanding of the contents of the motion. Miss CHOY's motion can be broadly divided into two parts. The first part concerns the ways of adaptive re-use of the Central Police Station, the Victoria Prison and the former Central Magistracy. Miss CHOY suggested that the character and features of these buildings must be preserved in their future development, that the public be consulted widely on the use of the monuments before conducting an open tender exercise, that proper conservation of the monuments be put as an overriding factor for assessing the tender proposals, and finally, that the successful bidder must work out a sustainable mode of operation, subject to the principle of allowing public access and enjoyment of the historic site. The second part is about the formulation of a policy on antiquities and monuments to ensure a sustainable mode of operation. This is, in fact, the supporting policy for the adaptive re-use of built heritage. It involves the repairs and maintenance of monuments, preservation of cultural landscape, education and publicity, as well as cultural tourism focusing on local antiquities and monuments and other economic benefits.

What are monuments and heritage? Before I respond to Miss CHOY So-yuk's motion, please give me an opportunity to explain what monuments and heritage are and the meaning of their conservation. I have explained in detail the concept and spirit of heritage conservation in my speeches in several meetings of the Legislative Council before. But since this is a new term of the Legislative Council, it is necessary for me to briefly recapitulate the main points. Monuments and heritage are a trace of the lives of our ancestors and a testimony to history. With the enactment of legislation by the Government on their conservation and an opportunity for the public to visit built heritage, these monuments and heritage provide public spaces for modern-day civic activities, which is conducive to building up national identity and a sense of honour among the citizens. This will add variety to our cityscape and provide quality spaces for people's living, enabling the city to become rich in historical depth and injecting greater diversification into our lifestyle, and these are important

elements for the development of heritage tourism and for attracting foreign talents.

Monuments and heritage conservation is more than technical arrangements for the conservation of buildings. Rather, its meaning is multi-tiered. It even involves social values, lifestyles and urban development strategies, and warrants our deep thoughts and continued discussion. In the first tier of the meaning of heritage conservation lies the core value of the heritage policy, which is integral to the public cultural policy. That is, it builds up a public sphere commonly owned by the people through the conservation of built heritage for nurturing cultural identification and a sense of cultural honour, because heritage conservation is by social consensus a task for the Government to accomplish with the use of public funds and authority. The second tier of meaning of heritage conservation is that it boosts the ancillary benefits of built heritage, develops nostalgic cultural districts and provides more leisure spaces in the city, impressing local citizens and foreign visitors with the historical depth and cultural grace of the city, and strengthening our attractiveness and competitiveness as a metropolis. This will help promote cultural travels, attract foreign talents and bring economic benefits. The preserved historic buildings have to integrate with modern lifestyles, so that they can generate social benefits and bring some measure of financial benefits, thus achieving sustainable development.

The construction of the Central Police Station, Victoria Prison and the former Central Magistracy dated back to the middle of the 19th century and continued after the War until the 1950s. So, buildings in the classical Greek, Victorian and Edwardian styles with oriental architectural features can be found at the historic site. At present, there are a total of 27 buildings or temporary structures at the site. Except for the period of Japanese occupation, the historic buildings have been broadly used for purposes as they were originally built, that is, for law enforcement and judicial purposes. They bear testimony to the modern spirit of rule of law and law enforcement system in the early days of Hong Kong, carrying great historic value in Asia. Given the great historic significance of these buildings, the Antiquities Authority (that is, the Secretary for Home Affairs) declared the three historic buildings at the site as monuments on 8 September 1995 under the Antiquities and Monuments Ordinance (Cap. 53). In other words, the monuments are protected by law, and any person who wishes to carry out any building works within the site must obtain the prior approval of the Antiquities Authority.

As time changes, the monuments have gradually accomplished their historic mission. Given a stronger sense of belonging among the people towards the country and Hong Kong after the reunification, a historic vision has begun to develop among the people, and there has been substantial concern in the media and representative assemblies over built heritage. The conservation and adaptive re-use of this historic site has thus become a centre of public attention. From the angle of heritage conservation, the best approach to dispose of the ancient buildings at the site is "conservation". In the process of repairing and conserving such buildings, efforts should be made to retain their architectural styles and cultural connotations in history to ensure that their function of recalling the collective memory of the people can be preserved. For some other structures, a certain balance can be duly struck to render the buildings more compatible with modern-day public safety specifications and the needs for new functions, and, through adaptive re-use strategies, to facilitate their integration into modern life and even enable them to give play to the role of revitalizing and updating the community. In the meantime, we should pay more attention to whether the ancillary cultural features of the monuments can be preserved, in the hope that they can go hand in hand with the neighbouring environment as far as possible and hence achieve the objectives of promoting tourism and local community economy while creating employment opportunities, so that the "old things" of yesterday will become the "living things" today, because the "living things" today will become tomorrow's "old things". Extending the life of antiquities and endowing them with a meaning of the times, which means regenerating or updating them day after day, thus turning them into "living heritage" is the most important objective of heritage conservation.

Recently, the adaptive re-use of these monuments and heritage conservation have aroused wide public concern. It is reported that the ancient buildings at the site may be wholly or partially demolished in future. A concerned group has even organized an assembly, demanding that not one single structure at the site be demolished, with a view to preserving the integrity of the monuments as well as the public's collective memory associated with them. There are also demands that the monuments be used for non-profit-making purposes and by the public, or that the tender exercise for the project be shelved until the completion of the review of built heritage conservation policy. I do appreciate the public's enthusiasm and keen interest in this. Let me take this opportunity to explain the concept of heritage conservation in relation to these monuments, in order to allay public concern.

Insofar as built heritage conservation is concerned, whether in the international or local community, a set of well-established strategies and standards have already been put in place, and Hong Kong has accumulated considerable experience in their implementation. In drawing up the Conservation Guideline for the monuments, the Government has studied in detail the overall cultural value of the monuments and their relationship with the surrounding environment as well as the value and present conditions of the various buildings or structures at the historic site. Reference has also been made to the principles in international documents on heritage conservation, in order to avoid any inappropriate or non-reversible alterations or additions in the future re-use of the monuments, which would undermine the cultural and historic value of the site.

In simpler terms, any future alteration to the monuments must respect the principle in the international documents on heritage conservation, and the person in charge of the building works in future will be required to obtain a permit from the Antiquities Authority under the Antiquities and Monuments Ordinance, just as users of other statutory monuments are required to do, and to submit a detailed conservation plan for the monuments to the Antiquities Authority for approval before commencement of conservation works on the monuments.

Some people consider that as the results of the Review of Built Heritage Conservation Policy conducted by the Home Affairs Bureau (the Bureau) have not yet been published and since the new policy has yet to be formulated, they urge the Government to invite public participation in determining the approach of adaptive re-use for the historic site after the completion of the policy review and then put the project to tender afterwards. In fact, in the Review of Built Heritage Conservation Policy conducted by the Home Affairs Bureau early this year, emphasis has been put on broad policy objectives, principles and strategies for built heritage conservation, and no individual cases are involved in the Review. Since the monuments concerned are already protected under the Antiquities and Monuments Ordinance and the proposal to develop this historic site as a heritage tourism project is basically a project on adaptive re-use of the site, there is no direct relationship with the Review of Built Heritage Conservation Policy. I, therefore, consider that they should be handled separately.

The proposal of opening up the monuments to the public in future is consistent with the Government's prime objective in launching this project and that is, to conserve and restore the historic site and to develop it into a heritage

tourism facility for enjoyment by local residents and visitors. It also accords with our concept and core values of built heritage conservation, that is, to conserve built heritage, and to protect and modernize their structure through legislation, with a view to converting the enclosed spaces as far as possible into public spaces, thereby enriching the culture and lifestyles of the city and promoting its cultural image and competitiveness as well. We consider that this historic site should be open to the general public in future for their enjoyment, in order to create a public sphere which is commonly owned by the people and to nurture cultural identification and a sense of cultural honour, hence turning the monuments into truly living heritage.

To enhance participation from the community, the representatives of the AAB and the Hong Kong Tourism Board will serve as non-scoring members in the assessment of tender proposals. They will give advice to the Assessment Panel on the heritage aspects and tourism benefits of the proposals received. Moreover, the Government is exploring the most suitable way to enhance communication in the community and facilitate the expression of opinions by the public, in order to ensure the most suitable protection of the monuments in their future re-use.

The second part of Miss CHOY So-yuk's motion concerns the formulation of a policy on the conservation of antiquities and monuments. In this part of the motion, there are broadly four areas of concern:

- (1) The Government should expeditiously formulate, in an open and highly transparent manner, a comprehensive policy on the preservation of antiquities and monuments;
- (2) The policy must ensure that buildings which have been declared as monuments are duly maintained and conserved, and maintain a reasonable area of monument to avoid doing any damage to its original environment and atmosphere of its surroundings;
- (3) The Government must, through publicity and education, actively enhance the public's knowledge and awareness of antiquities and monuments and their preservation; and
- (4) Studies should be conducted on the feasibility of developing heritage tourism, with a view to promoting a local community economy that has cultural characteristics and to creating job opportunities.

In the next part of my speech, I will spend some time on responding to Miss CHOY's concerns:

First, Miss CHOY suggested that the Government should review and formulate a comprehensive policy on the preservation of antiquities and monuments in an open and highly transparent manner. This, I cannot agree with her more. We are now facing many challenges in our work to conserve built heritage. One of these challenges is the lack of consensus in the community on such important issues as what built heritage should be conserved and how the screening should be conducted to identify built heritage for conservation. For example, should we conserve a built heritage because it has a long history or a beautiful façade? Should we conserve a building on the ground that the building or the place is part of our collective memory? In what way should it be conserved? How much does it cost? Who will shoulder the cost? As there has been little discussion on these important issues, even though the Government has carried out plenty of work on heritage conservation and injected huge public coffers for this cause, it is still difficult to ascertain whether these efforts are widely recognized and supported in the community.

The Home Affairs Bureau conducted public consultation on the Review of Built Heritage Conservation Policy between February and May this year, and the consultation exercise was precisely conducted in an open and highly transparent manner. Apart from extensively distributing the consultation document and informing the public of the consultation exercise and enabling them to express their views through various means of publicity, we have also consulted over 40 relevant organizations, including the Legislative Council, the 18 Districts Councils, and the relevant statutory advisory bodies, such as the AAB and the Town Planning Board.

As built heritage conservation is related to work in the public cultural aspect and is the common responsibility of the Government and the people to the benefit of the general public, I absolutely agree with Miss CHOY that it is necessary to consult the public in an open and highly transparent manner and formulate a comprehensive policy on the preservation of antiquities and monuments. We will adhere to this principle in our policy review in future.

I very much agree with Miss CHOY's proposal on maintaining a reasonable area of monument to avoid doing damage to its original environment

and the atmosphere of its surroundings. The existing legislation stresses the preservation of single-block buildings, and the scope of heritage conservation has yet been extended to the preservation of the culture of a whole district. Hence, cultural heritage conservation cannot be incorporated into urban redevelopment and community regeneration, which would otherwise enable the preserved buildings, after appropriate modernization, to resettle in the original social and cultural milieu. In other words, the scope of conservation work, which stresses "point" under the existing legislation, cannot be extended to "line" and "surface". Thus, the conservation of single-block buildings cannot be extended to a street, a lane and even a district. Certainly, to extend built heritage conservation from "point" to "line" and "surface", the requirements in respect of the structure of buildings, materials and even uses in the existing legislation will have to be relaxed accordingly to facilitate adaptive re-use of built heritage, so that the dormant heritage of yesterday can be turned into active heritage today. During the public consultation on the policy review between February and May this year, the public responded positively to the concepts of "point", "line" and "surface". In the next stage of our work on the policy review, we will continue to conduct studies in this direction, hoping to draw up specific measures to better conserve our precious built heritage. If Mr Albert CHENG should care to read the minutes of the meeting of the Panel on Home Affairs yesterday, he would find details of our report on the results of consultation as well as our next stage of work.

Effective publicity and education can enhance public understanding of antiquities and monuments as well as public awareness of their conservation. They can also facilitate public participation in the conservation of antiquities and monuments, enhance the public's identification with their own culture and foster their sense of belonging and social cohesion.

Now, many government departments and community organizations have participated in publicity and education initiatives on heritage conservation. These government departments include the Leisure and Cultural Services Department (LCSD), Education and Manpower Bureau and Tourism Commission. The AMO under the LCSD has also launched various education and promotion and publicity initiatives.

On the district level, the 18 District Councils also actively support the promotion of the conservation of antiquities and monuments, such as developing

heritage trails, or printing promotional publications to introduce the heritage in the district for the convenience of visitors.

I share Miss CHOY's view on the importance of enhancing publicity and education. In our policy review, we will continue to give more thoughts to this aspect and study what measures can be taken to more effectively achieve this objective.

The last area of concern raised by Miss CHOY is the development of heritage tourism, with a view to promoting a local community economy with local cultural characteristics and creating job opportunities. In fact, another tier of meaning of heritage conservation is to boost the ancillary benefits of built heritage, develop nostalgic cultural districts and augment leisure spaces in the city, thereby enhancing the historical depth and cultural grace of the city and making this metropolis of ours more attractive and competitive. We will continue to pay attention to this area of concern raised by Miss CHOY in the second stage of our policy review.

Honourable Members, Hong Kong is a small place with a dense population. The growth in population and rapid urbanization have made heritage conservation a tall task. In spite of this, the Government has still channelled substantial resources to the conservation of monuments with social consensus and sometimes, we even have to pay a high cost in giving up the development of premier sites, forgoing redevelopment opportunity over precious sites. The Central Police Station, the former Central Magistracy and the Victoria Prison under discussion today are one such outstanding example. These monuments are public spaces preserved by the Government through public funds and authority given to it by consensus in a civil society. These public spaces are not just eyewitnesses to our unique history and culture. They also show that a modern social awareness has already been forged in the community, and more importantly, they have created the conditions conducive to nurturing the city's historical depth and to providing leisure spaces and enhancing competitiveness. Even though these historic buildings are preserved, adaptive re-use will still have to be applied to them to facilitate their integration into modern life and enable them to perform the function of revitalizing and regenerating the community. More still, this will consequently achieve heritage conservation, promote tourism and create job opportunities. Since the monuments are preserved with the use of public resources, the Government is prepared to listen to the views and suggestions from all sectors in the community,

in order to reach a decision on their future usage. Protecting Hong Kong and protecting our heritage are a long-term task. I hope that the next stage of the policy review can be launched next year, so that public views will be consulted on heritage conservation measures, thereby formulating a set of effective policies on built heritage conservation which can meet the needs of the time and is accepted and supported by the community.

As I said in this Chamber on 24 March this year, I believe that only when the public can understand, draw close to, develop a liking for and respect monuments will they care for and cherish monuments on their own initiative, and understand the importance and the sense of honour in preserving them. Only in this way can conservation efforts effectively gather perpetual momentum, thereby revitalizing and enlivening historical monuments. Only through public participation and recognition can we avail ourselves to a sense of honour and the enjoyment of a society enriched by history, culture and heritage. This has remained as our conviction, our wish.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Dr YEUNG Sum to move his amendment.

DR YEUNG SUM (in Cantonese): Madam President, I move that Miss CHOY So-yuk's motion be amended, as set out on the Agenda.

Dr YEUNG Sum moved the following amendment: (Translation)

"To add "as well as the integrity" after "the historic character and features"; to add "and must retain all the 18 buildings and their enclosing walls," before "since monuments"; to add "including the conservation of the Compound on a non-profit making basis," after "operation of the Compound,"; to delete "a monitoring body with public participation to monitor the tendering work and the development of the project" after "and to establish" and substitute with "an independent committee for vetting the tender proposals and monitoring their implementation"; to add "to attach a higher weighting to the qualitative aspects and" after "(d)"; and to add "and set up as soon as possible an independent antiquities and

monuments authority that has credibility," after "the preservation of antiquities and monuments". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Dr YEUNG Sum to Miss CHOY So-yuk's motion be passed.

PRESIDENT (in Cantonese): I now call upon Dr KWOK Ka-ki to move his amendment to Dr YEUNG Sum's amendment.

DR KWOK KA-KI (in Cantonese): Madam President, I move that Dr YEUNG Sum's amendment be amended, as set out on the Agenda.

Dr KWOK Ka-ki moved the following amendment to Dr YEUNG Sum's amendment: (Translation)

"To add "and ensuring that the operations at the Compound are not incompatible with its historic value, and that parts of the Compound are retained for the provision of a police, prison and judicial museum," after "non-profit making basis,"; and to add ", refrain from taking land premium or economic interests as a primary consideration" after "the qualitative aspects". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr KWOK Ka-ki to Dr YEUNG Sum's amendment, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Dr KWOK Ka-ki rose to claim a division.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki has claimed a division. The division bell will ring for three minutes. Then we shall proceed to a division.

PRESIDENT (in Cantonese): Will Members please proceed to vote. Mr KWONG Chi-kin, you are prepared not to vote, are you not?

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr Patrick LAU voted against the amendment.

Mr WONG Yung-kan, Mr WONG Kwok-hing, Mr WONG Ting-kwong and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG and Mr Albert CHENG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW voted against the amendment.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment, 16 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 12 were in favour of the amendment, two against it and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

MS MIRIAM LAU (in Cantonese): Madam President, I move that in the event of further divisions being claimed in respect of the motion on "Conserving the Central Police Station Compound and formulating a comprehensive policy on antiquities and monuments" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Conserving the Central Police Station Compound and formulating a comprehensive policy on antiquities and monuments" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now put the question to you and that is: That Dr YEUNG Sum's amendment to Miss CHOY So-yuk's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Dr YEUNG Sum rose to claim a division.

PRESIDENT (in Cantonese): Dr YEUNG Sum has claimed a division. This Council will proceed to the division immediately after the division bell has been rung for one minute.

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

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr Patrick LAU voted against the amendment.

Mr WONG Yung-kan, Mr WONG Kwok-hing, Mr WONG Ting-kwong and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG and Mr Albert CHENG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW voted against the amendment.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment, 16 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 12 were in favour of the amendment, two against it and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mrs Selina CHOW, you may move your amendment.

MRS SELINA CHOW (in Cantonese): Madam President, I move that Miss CHOY So-yuk's motion be amended, as set out on the Agenda.

Mrs Selina CHOW moved the following amendment: (Translation)

"To delete "(b) to actively work out a sustainable mode of operation of the Compound, subject to the principle of allowing public access and enjoyment of the Compound;" ; to delete "(c)" and substitute with "(b)" ; to delete "consult the public widely on the use of the Compound before conducting" before "an open tender exercise" and substitute with "expeditiously conduct"; to delete ", and to establish a monitoring body with public participation to monitor the tendering work and the development of the project" after "at the Compound"; to delete "(d)" and substitute with "(c)"; to delete "put proper conservation of the Compound as an overriding factor for" before "assessing" and substitute with "consider the following principles when"; to add ": allowing public access and enjoyment of the Compound, working out a mode of operation that allows for sustainable development of the Compound, and proper conservation of the Compound" after "assessing the tender proposals for the project"; to add "as far as possible" after "their surroundings are preserved"; to delete "knowledge and" after "the public's"; to add "the preservation of" after "awareness of"; to delete "and their preservation, and should study the feasibility of developing heritage tourism" before "with a view to"; to delete "a local community economy that has cultural characteristics," after "promoting" and substitute with "heritage tourism"; and to delete "to" before "creating job opportunities"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mrs Selina CHOW to Miss CHOY So-yuk's motion be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mrs Selina CHOW rose to claim a division.

PRESIDENT (in Cantonese): Mrs Selina CHOW has claimed a division. This Council will proceed to the division after the division bell has been rung for one minute.

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

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

Functional Constituencies:

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr WONG Yung-kan, Mr Abraham SHEK,

Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr Patrick LAU, Mr KWONG Chi-kin and Miss TAM Heung-man voted against the amendment.

Mr Timothy FOK abstained.

Geographical Constituencies:

Mr James TIEN and Mrs Selina CHOW voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr CHEUNG Hok-ming and Mr Albert CHENG voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, nine were in favour of the amendment, 15 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, two were in favour of the amendment and 19 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Patrick LAU, you may move your amendment.

MR PATRICK LAU (in Cantonese): Madam President, I move that Miss CHOY So-yuk's motion be amended, as set out on the Agenda.

Mr Patrick LAU moved the following amendment: (Translation)

"To delete ", and to establish a monitoring body with public participation to monitor the tendering work and the development of the project" after "the heritage tourism project at the Compound". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Patrick LAU to Miss CHOY So-yuk's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr James TIEN rose to claim a division.

PRESIDENT (in Cantonese): Mr James TIEN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr WONG Kwok-hing, Dr

Joseph LEE, Mr WONG Ting-kwong, Mr Patrick LAU and Mr KWONG Chi-kin voted for the amendment.

Ms Margaret NG, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the amendment.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr James TIEN, Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mrs Selina CHOW, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG and Mr Albert CHENG voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 11 were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections, 22 were present, seven were in favour of the amendment and 14 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, you may now reply and you have one minute 10 seconds.

MISS CHOY SO-YUK (in Cantonese): I have to thank Members for staying beyond midnight, and to thank the 17 Members for speaking on the motion. I just heard the views expressed by Members, which are basically consistent, and so I hope Members will support my motion, in order not to cause the motion and the four other amendments to fall through. I particularly implore the several Members from The Alliance to change their stance to support us so as to give a very clear message to the Government. However, even if none of the amendments or the motion is passed today, I have to reiterate that I hope Members will sharpen their eyes in future, keeping a close watch on the Government's performance in the preservation of the Compound and preventing the Government from giving away our common assets. Regarding the response made by Secretary Stephen IP earlier, I can hardly tell the difference between it and the remarks he made at the meeting of the Panel. If the Government is not seeking proceeds from the sale of land, why can it not just award the management right as in the case of Kom Tong Hall?

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss CHOY So-yuk, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr James TIEN rose to claim a division.

PRESIDENT (in Cantonese): Mr James TIEN has claimed a division. This Council will proceed to the division after the division bell has been rung for one minute.

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

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

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr WONG Yung-kan, Mr Timothy FOK, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr Patrick LAU voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr CHEUNG Hok-ming and Mr Albert CHENG voted for the motion.

Mr James TIEN and Mrs Selina CHOW voted against the motion.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 11 were in favour of the motion and 14 against it; while among the Members returned by geographical constituencies through direct elections, 22 were present, 19 were in favour of the motion and two

against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 17 November 2004.

Adjourned accordingly at One o'clock in the morning.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mrs Selina CHOW's supplementary question to Question 3**

As regards whether the Hospital Authority (HA) knows the proportion of mainland women giving birth in the New Territories East and the New Territories West Hospital Clusters who are the wife of a permanent resident of Hong Kong, the HA indicated that they do not have accurate information on the proportion of such women by cluster. However, on the whole, around 70% of the mainland women giving birth in public hospitals are the wife of a permanent resident of Hong Kong.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Ms Emily LAU's supplementary question to Question 3**

As regards information on the amount of resources devoted by the Hospital Authority (HA) on Non-Eligible Person (NEP) women giving birth in public hospital, the HA indicated that the amount of resources used on NEP women giving birth in public hospital amounted to \$130 million in 2003-04. The relevant amount for 2004-05 is projected to be \$142 million.