

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 21 December 2005

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

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

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, J.P.

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

THE HONOURABLE WONG YUNG-KAN, J.P.

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

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

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

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

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

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

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

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

THE HONOURABLE MA LIK, G.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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE RAFAEL HUI SI-YAN, G.B.S., J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

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

THE FINANCIAL SECRETARY

THE HONOURABLE WONG YAN-LUNG, S.C., 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 FREDERICK MA SI-HANG, J.P.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

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

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

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

MRS JUSTINA LAM CHENG BO-LING, 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>
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Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2005	224/2005
Legal Aid (Charge on Property) (Rate of Interest) Regulation.....	225/2005
Census and Statistics (2006 Population Census) Order...	226/2005
Adoption (Amendment) Ordinance 2004 (Commencement) Notice	227/2005
Convention Adoption (Exclusion) Order	228/2005
Intercountry Adoption (Contracting States) Order	229/2005
Adoption (Amendment) Rules 2005	230/2005
Convention Adoption Rules.....	231/2005
Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2005.....	232/2005
Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2005	233/2005

Other Papers

No. 42 — Occupational Safety and Health Council
Annual Report 2004-2005

No. 43 — The Accounts of the Lotteries Fund 2004-05

- No. 44 — Report of the Chinese Temples Committee on the administration of the General Chinese Charities Fund for the year ended 31 March 2005
- No. 45 — Grantham Scholarships Fund
Annual Report for the year ended 31 August 2005
- No. 46 — Report of the Chinese Temples Committee on the administration of the Chinese Temples Fund for the year ended 31 March 2005
- No. 47 — The Sir Murray MacLehose Trust Fund
Trustee's Report for the period from 1 April 2004 to 31 March 2005
- No. 48 — Report of the Brewin Trust Fund Committee on the administration of the Fund for the year ended 30 June 2005
- No. 49 — Secretary for Home Affairs Incorporated
Audited Statement of Accounts and Auditor's Report for the year ended 31 March 2005
- No. 50 — Report of the Board of Trustees for Sir Edward Youde Memorial Fund for the period from 1 April 2004 to 31 March 2005
- No. 51 — Hong Kong Housing Authority
Annual Report 2004/2005
- No. 52 — Hong Kong Housing Authority
Financial Statements for the year ended 31 March 2005
- No. 53 — Police Welfare Fund
Annual Report 2004/2005
- No. 54 — Annual Report on the Police Children's Education Trust and the Police Education and Welfare Trust for the year 2004/2005

Report of the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

ADDRESSES

PRESIDENT (in Cantonese): Address. Mr TAM Yiu-chung will address the Council on the Report of the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008, under Rule 21(3) of the Rules of Procedure.

Report of the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008

MR TAM YIU-CHUNG (in Cantonese): President, I now submit the Report in my capacity as Chairman of the Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008 (the Subcommittee).

The Subcommittee has held nine meetings to discuss the Administration's proposals for amending the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 (the "two methods"), two draft motions to be submitted to the Legislative Council concerning the amendments to the "two methods", and other related issues. It has also met with and received views from more than 30 organizations and individuals. The deliberations of the Subcommittee have been explained in detail in the written report. Today, I will highlight several items only.

Generally speaking, the Subcommittee is divided over the proposed package. Some members of the Subcommittee consider that the package is not progressive and does not get Hong Kong any nearer the ultimate aim of universal suffrage for the elections of the Chief Executive and the Legislative Council. Some other members, however, hold the view that not only does the package expand the democratic elements in the electoral system, it also takes forward Hong Kong's constitutional development towards the ultimate aim of universal suffrage in a gradual and orderly manner.

The Subcommittee has discussed in detail certain issues of principle. Some members consider that, as the Decision made by the Standing Committee of the National People's Congress (NPCSC) has only decided against

implementation of universal suffrage for the two elections in 2007 and 2008, it is the responsibility of the Hong Kong Special Administrative Region (SAR) Government and the Chief Executive to pursue a timetable for universal suffrage with the Central Authorities. They have also made it clear that they will not support the proposed package if a timetable is unavailable. Some other members are of the view that a timetable for universal suffrage is not a prerequisite for the Legislative Council to endorse the "two methods" for 2007 and 2008, and the two issues should be dealt with separately.

The Administration has explained that, according to the Interpretation and Decision made by the NPCSC on 6 and 26 April 2004 respectively, the proposed package will only focus on the electoral arrangements for 2007 and 2008, and will not include a timetable for universal suffrage. Moreover, setting a timetable for universal suffrage requires a consensus among the three parties and could not be decided by the SAR Government unilaterally. It is also impossible to come up with a timetable on universal suffrage within a short period of time.

Under the Administration's proposal, all District Council (DC) members will be included in the Election Committee and the five newly added functional constituency (FC) seats be returned through election by DC members from among themselves. Some members of the Subcommittee opine that the Administration should expand the electorate base of the Election Committee and expand the electorate base of FCs by replacing corporate votes with individual votes. However, some members hold the view that consideration could be given to including senior management staff, but not all employees, in the electorate of some FCs.

Some members do not support the inclusion of appointed DC members in the proposed package as this represents a major retrogressive step in achieving democratic progress. Moreover, this will give rise to concerns about "vote planting" and conflict of interest as the 102 DC members appointed by the Chief Executive have the right to nominate and vote at a Chief Executive election.

The Administration has explained that the DC package provides the highest possible degree of democratic elements within the framework laid down by the Interpretation and Decision made by the NPCSC in April 2004. As all the 400 DC members will be directly elected by more than 3 million registered voters, the democratic representation of the two elections will be increased by the participation of DC members in the Election Committee and in the

Legislative Council. In the view of the Administration, all DC members are conferred the same functions and powers under the District Council Ordinance. Hence, both elected and appointed DC members should enjoy the same rights, and there is no reason to exclude appointed members' participation from the Election Committee and FCs. As to whether corporate votes for FCs should be replaced, the Administration is of the view that, if all the employees of FCs are included in the electorate, most of the FCs would become, in practice, "employee constituencies". This would not be consistent with the original intention of setting up FCs.

President, according to the Interpretation of the NPCSC, the bills on the amendments to the "two methods" and any proposed amendments to the bills shall be introduced by the SAR Government in the Legislative Council. The Subcommittee has discussed the justifications for submitting the (Draft) Amendments for the Council's endorsement by way of motions, instead of bills. The Administration has explained that amendments to the "two methods" are, by their nature, amendments to the provisions of Annex I and Annex II to the Basic Law. Under the procedures for amending the "two methods", the amendments are given legislative effect only after approval or acceptance for the record has been given or made by NPCSC, and they are not local ordinances. It is therefore appropriate for them to be introduced to, and to be endorsed by, the Legislative Council by way of motions. The Administration has exchanged views with the relevant departments of the Central Authorities on the wording of the (Draft) Amendments. The Administration is confident that the arrangements comply with the relevant procedures prescribed in the NPCSC Interpretation.

The Subcommittee has also discussed in detail the draft motions to be submitted by the SAR Government to the Legislative Council concerning the amendments to the "two methods". The Government has proposed to amend Annex I to the Basic Law regarding the draft motion on the method for selecting the Chief Executive, including the term of office of the new Chief Executive elected by the Election Committee in the circumstances stipulated under Article 53(2) of the Basic Law and the number of subsequent terms the Chief Executive can serve.

As the Amendment to Annex I deals with the composition of the Election Committee to elect the third term Chief Executive in 2007, some members have questioned why the provision regarding the term of office of the Chief Executive is included in Article 46 of the Basic Law. They are of the view that the

proposed amendment is outside the scope of Annex I to the Basic Law. The proper procedure is to amend the relevant articles of the Basic Law using the mechanism provided in Article 159 of the Basic Law. After careful consideration of the view of the Subcommittee, the Administration has decided that the relevant issues be dealt with by way of local legislation. Such being the case, the proposal has been deleted from the relevant motion to be moved by the Government today.

President, I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Genetically Modified Foods

1. **DR LUI MING-WAH** (in Cantonese): *President, it has been reported that while the Chinese Government has not yet approved the planting and selling of genetically modified (GM) rice on a commercial scale, a green group has tested 16 rice samples from the wholesale and retail markets in Hubei Province and finds that 10 of these samples have been genetically modified, and some of the rice has even been exported to other provinces and cities including Guangdong Province. Since the Mainland is one of the sources of rice imported into Hong Kong, GM rice which comes from unknown sources and has not undergone safety tests may possibly be imported into Hong Kong, hence posing a threat to public health. Regarding the monitoring of GM foods, will the Government inform this Council:*

- (a) *whether it will, in the light of the above sample test results, ascertain if GM rice has been imported from the Mainland into Hong Kong, and whether measures have been taken to curb the import into Hong Kong of GM rice which does not have the mainland authorities' approval for its planting and selling;*
- (b) *whether the authorities have taken samples of all imported rice and conducted DNA-tests on the rice samples, or have required rice importers to produce certification of the relevant tests; if not, whether they will, in the light of the above sample test results,*

conduct the tests or require the relevant certification, so as to ensure that all the imported rice is safe for consumption; and

- (c) *as it has been reported that the European Union, the Mainland, Taiwan, South Korea and Japan, and so on, have vigorously formulated and implemented legislation or mandatory labelling systems on monitoring GM foods, whether the Hong Kong authorities will formulate and implement similar legislation or systems?*

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

- (a) The Food and Environmental Hygiene Department (FEHD) has asked the Ministry of Agriculture about the allegation of Greenpeace regarding sale of unapproved GM rice in the mainland market. The reply noted that all GM crops had to pass safety assessment tests before being put into commercial production on the Mainland.

The Ministry of Agriculture has received applications concerning GM rice but related food safety and environmental impact assessments are still in process. To date, the Mainland has not approved any GM rice for commercial production.

The FEHD has also contacted the mainland authorities but found no evidence indicating the GM rice has entered into Hong Kong market. The Hong Kong Government would continue to follow up the matter with the relevant mainland authorities and asked the departments concerned to adopt effective measures to prevent GM rice that had not passed the safety assessment tests from entering Hong Kong.

- (b) We have not taken samples from imported rice for genetic tests in the past or required the importers to provide relevant testing certificates. According to the World Health Organization (WHO), GM foods on sale in the international market have passed risk assessment and, therefore, are unlikely to pose adverse effect on human health. At present, there is no evidence indicating that GM rice would pose food safety problems.

At present, Hong Kong does not have any specific legislation regulating GM food. But the Public Health and Municipal Services Ordinance (Cap. 132) provides that all food (whether they be genetically modified or not) sold in Hong Kong must be fit for human consumption.

- (c) To address public concern about the safety of GM food, the Government proposes to implement a mandatory pre-market safety assessment mechanism. The Government would adopt the safety assessment principles and guidelines approved by the Codex Alimentarius Commission (the Codex) for GM food in determining whether the manufacturer has conducted a comprehensive assessment of the safety of their GM food. The Government is currently preparing a public consultation document on the pre-market safety assessment for GM food that will detail specific safety assessment methods to be adopted. The trade will also be consulted in due course before formulating plans for implementing the safety assessment mechanism.

Given that there is no consensus in the international community regarding mandatory labelling, the Government would keep a close watch on the discussion of the Codex regarding the issue for follow-up action. To address the public demand for product information, the Government would encourage the trade to label GM food on a voluntary basis. At present, the Government is considering a guideline for voluntary labelling to help the trade make true claims regarding the GM content in their food.

DR LUI MING-WAH (in Cantonese): *President, in the main reply, the Government pointed out that the assessment by the Ministry of Agriculture is still in process. In other words, no test has been conducted yet. However, the WHO is of the view that GM food may not pose adverse effect on human health. May I ask the Government how it interprets the difference in their positions? What is the inclination of the Government?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, according to my knowledge, the WHO is concerned mainly

about the effect of food on human safety. At the moment, there is no scientific evidence indicating that GM foods will pose risk to human health in a direct way. However, the international food and agriculture organization and the Ministry of Agriculture do not consider food safety only. They will also consider the impact on the environment and other agricultural produces if a food is genetically modified, particularly an agricultural produce. They are concerned whether there is any conspicuous impact on the production of other agricultural produces and the environment. Apart from the considerations in relation to economic issues and agricultural trade, I believe there are additional factors for the Mainland and other countries, particularly the agricultural countries, to consider. Regarding Hong Kong, since our agricultural sector is not large, we mainly decide, on the basis of food safety, what food should be subject to enhanced regulation and which areas require the implementation of a labelling system.

MR FRED LI (in Cantonese): *President, according to the Government's main reply, we can see that, firstly, we have not taken samples from imported rice for genetic tests in order to ensure that the rice has gone through safety assessment; secondly, I believe the mainland authorities are unable to fully grasp whether there is any illegal planting of GM rice. Based on these two points, can the Government inform this Council why it is pointed out in the main reply that the FEHD has also contacted the mainland authorities but found no evidence indicating that GM rice has entered Hong Kong market? On the basis of the two points mentioned above, on what grounds has the Secretary come to the conclusion that no GM rice has entered Hong Kong market?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, if we know the source of rice imported into Hong Kong, we will clearly know whether the rice is genetically modified. At present, we do not have any information in this aspect. We know that rice imported into Hong Kong through legitimate channels does not have such a problem. Of course, any food or products are subject to the risk of smuggling or entering Hong Kong through illicit channels. However, in view of the current situation, rice is not subject to high risk. In the international community, authorities enforcing control will pay attention to the source, that is, to impose regulation on the manufacturing of foods instead of regulation at the retail or sale level.

MISS CHOY SO-YUK (in Cantonese): *President, in mentioning the labelling of GM food in part (c) of the main reply, the Secretary pointed out that the Government would formulate a guideline on voluntary labelling but would not implement a mandatory system. I understand that it is really very difficult to know whether the food, if it is processed food, is genetically modified or not. But for non-processed food, will the Government consider introducing a mandatory labelling system? It may be easier to impose regulation in this aspect because the growers will certainly know whether the food is genetically modified or not.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we can, of course, introduce a labelling system for foods which are relatively easy to be subject to such a scheme. But there is no proven scientific evidence indicating that GM food will impact on food safety and the purpose of labelling is mainly for providing information to consumers who can then decide whether they are willing to consume GM foods or foods with GM contents. So, I think we should listen to public views first. If the majority view considers it necessary to introduce a labelling system for GM foods, work in this aspect will be accorded priority first. Having said that, as far as food safety is concerned, there are many labelling systems which have yet to be introduced, particularly those related to the more crucial aspects in food safety such as information on nutrition and ingredients. So I hope priority can be accorded to this.

MR HOWARD YOUNG (in Cantonese): *President, in part (a) of the main reply, the Secretary said that the Ministry of Agriculture, in reply, pointed out that all GM foods had to pass safety assessment tests. In the English version of the reply, the wordings are "safety assessment test". But in part (b), the Secretary said that the WHO would conduct risk assessment test. Here the wordings in English are "risk assessment test". May I ask whether these two kinds of tests are basically the same but different in name only? Which kind of test is more stringent?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, let me try to explain it from a less professional point of view.

The risk assessment test by the WHO mainly assesses the impact of foods on human safety. So, when conducting such an assessment on foods, particularly GM foods, the WHO will mainly look at three areas: first, toxins, whether GM foods will produce toxins which may adversely affect human health; second, whether the consumption of GM food will lead to changes in health such as our resistance to antibiotics and bacteria; and third, whether the nutrition contents of the food will be changed. I believe these are the factors considered by the WHO in conducting risk assessment. Regarding the safety assessment by the Ministry of Agriculture, apart from looking at the impact of GM foods on humans, it will also examine if GM foods will affect other plants, for instance, if GM rice is grown in some place, whether the vegetables grown in the vicinity will be adversely affected and whether the natural ecology (such as insects) will be adversely affected, thus affecting other crops in an indirect manner. So there is some difference in these two kinds of assessments.

DR KWOK KA-KI (in Cantonese): *President, the Secretary mentioned times and again that assessment was geared towards food safety. I believe this problem has highlighted one point, that is, many consumers are also concerned about the ecology in future and the impact on bio-diversity. The Secretary said that this could be achieved by a guideline on voluntary labelling. Can the Secretary tell us, according to his estimation or the tests currently conducted, the effectiveness of voluntary labelling in his opinion? If it is effective, why is it necessary to implement mandatory labelling?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I just said, our major consideration in dealing with GM foods is to allow more choices for consumers rather than food safety. So, we wish to formulate a guideline on voluntary labelling in order to encourage food producers and manufacturers to make some efforts in this aspect. If people's demands are high, we will strengthen the regulation in this aspect and give more incentive. However, as I just said, in respect of regulation on food safety, we will assess what is important and should be given priority. As for secondary issues, they will be dealt with at a later stage. At present, in our opinion, there are a number of issues relating to food safety which should be given priority over regulation of GM foods. We think we should implement voluntary labelling first and check the result before deciding whether efforts should be continued.

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, has the Administration formulated any specific criteria to determine whether GM foods are safe for consumption? If yes, what are the criteria?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I just said, there is no scientific evidence showing that GM foods will directly pose adverse effect on human health. But we will keep paying attention to the findings of scientific research, such as the views and suggestions of the WHO and the Codex, in order to obtain the relevant information. Besides, we will also impose regulation locally where necessary.

PRESIDENT (in Cantonese): Last supplementary question.

MR HOWARD YOUNG (in Cantonese): *President, when the Secretary answered Mr Fred LI's supplementary question, I noticed Mr Fred LI's mention of illegal planting of GM foods. In Hong Kong, there is no rice production. But may I ask the Secretary whether there is illegal or legal planting of GM foods in other countries?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, sorry, I have not studied this. But I believe there are loopholes in the laws of every society or country, particularly in countries with a large area where planting of foods might not be totally subject to regulation by law. Our prime concern is whether there is illegal planting of such foods in places which are our food suppliers or what regulations have been imposed on the planting and export of foods by the governments concerned. We can set our mind at ease for we have maintained close communication and understanding with the Central Government and the relevant departments regarding foods imported from the Mainland. Should problems arise, we will know what have happened to the sources expeditiously.

PRESIDENT (in Cantonese): Second question.

Conducting Body Search on Sentenced Persons or Detainees

2. **MR LAU WONG-FAT** (in Cantonese): *President, as the Correctional Services Department (CSD) conducts a thorough body search on each sentenced person or detainee upon admission to correctional institutions, including searching the rectum with fingers, will the Government inform this Council:*

- (a) *whether it is provided in the existing legislation that sentenced persons or detainees may not refuse rectal searches with fingers by CSD staff; if so, of the specific provisions; if not, how the CSD handles such refusal cases;*
- (b) *whether the CSD will accede to requests for replacing rectal searches with fingers by other means, such as applying laxatives or enema, made by sentenced persons or detainees on grounds of fear, illness such as haemorrhoid, religion or privacy, etc; and*
- (c) *of the reasons for the CSD not following overseas practices, such as those of Ireland, of using X-ray devices for rectal searches?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

(a) and (b)

The existing Prison Rules allow CSD officers to conduct rectal searches on prisoners. However, there is no provision in the Prison Rules allowing prisoners to refuse such searches on any grounds or to choose the means of searches.

In the cases where individual prisoners are diagnosed or assessed by doctors or clinical psychologists to be physically or psychologically unfit to undergo rectal searches, the CSD will make appropriate arrangements (for example, isolating the prisoners concerned for observation) based on professional advice and individual circumstances. Refusal to undergo searching without any reasonable grounds may constitute an offence against penal discipline and the offender may be subject to disciplinary action.

- (c) The CSD has enquired with the penal authority of Ireland and learnt that they only use X-ray devices for checking prisoners' personal belongings, baggage, postal packets, and so on, for items such as weapons and metal articles like razor blades but not for conducting rectal searches. The CSD has studied the feasibility of using X-ray devices for rectal searches, but found that such devices could not detect small quantities of drugs concealed in the body. Therefore, at this stage the Department does not have any plan to substitute the existing means of rectal searches with such devices. The Department will continue their study in this area.

MR LAU WONG-FAT (in Cantonese): *President, it is reported that in Macao, rectal searches with fingers are not conducted on sentenced persons or detainees. In view of this, have the authorities in Hong Kong ever looked into the work in this area in Macao and will they consider following the example there?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the practices in various parts of the world are different. For example, no rectal searches are conducted in the penal institutions in Australia and New Zealand, but in countries such as Singapore and South Korea, rectal searches are conducted on prisoners, just as we do. I do not wish to comment on the practices of other countries or jurisdictions because prisons at various places may have different degrees of concern about the drug problem. However, an attitude of zero tolerance towards drugs is adopted in Hong Kong prisons. In some countries, the proportion of prisoners found to be taking drugs in prisons in random checks is as high as 7% to 17%, however, the figure in this regard in Hong Kong prisons is way below 1%. In other words, we exercise fairly stringent control over the smuggling of drugs by prisoners into prisons and we also believe that since there is no better alternative, it is desirable to retain the existing practice for the time being.

MR JAMES TO (in Cantonese): *President, in fact, the Secretary has not replied to part (b) of Mr LAU Wong-fat's question, that is, whether laxatives or enema can be applied instead. In the Government's opinion, what is the problem with*

doing so and why are such methods not considered? In addition, has the Government really exhausted all possibilities and found that there is really no other non-intrusive device that can replace the existing method?

SECRETARY FOR SECURITY (in Cantonese): Madam President, prisoners cannot choose the means by which the authorities conduct searches on them. We will deal with a prisoner individually only when doctors give us the advice that due to psychological or physical reasons, the prisoner concerned is unfit to undergo a rectal search with fingers. Otherwise, if we have to confine each prisoner individually and make them take laxatives, then imprison each prisoner separately for several days in every instance and examine their stool, it will not be possible for us to cope in terms of manpower and other aspects. As regards whether new or high-tech means can be adopted in place of the present method of conducting searches manually, I can tell Mr James TO that we very much wish to adopt some sort of high technology or some kind of device to replace manual searches, however, to date, there is not any X-ray machine or any device that can replace manual rectal searches.

MR CHIM PUI-CHUNG (in Cantonese): *President, the Secretary stressed the merits of conducting rectal searches manually in his main reply. May I ask the Secretary if the authorities have any record showing the number of cases in which there was success in finding drugs concealed in prisoners' bodies? If the Secretary does not have the relevant figures now, I hope he can give a reply in writing after the meeting. If he has them now, can the Secretary tell us how advantageous such a method is?*

SECRETARY FOR SECURITY (in Cantonese): In fact, we do not really wish to conduct rectal searches manually. I have already told Mr James TO that if we can find a better method, we will surely adopt it.

In the past several years, instances of prisoners concealing drugs in their bodies to smuggle them into prisons or penal institutions have occurred every year. There were 62 such cases in 2003, 40 cases in 2004 and 49 in 2005. These figures include cases of detecting drugs concealed in prisoners' bodies on

conducting various types of searches. As regards concealing drugs in the rectum, there was one such case in 2003 and one in 2004. As regards concealing drugs in the vagina, there was one case in 2003. The figures for concealing drugs in the nostrils are four cases in 2003, one in 2004 and two in 2005. The figures for concealing drugs in excrements are 56 cases in 2003, 38 in 2004 and 46 cases in 2005 — by 2005, I mean from January to October. It can be seen that some criminals still use various ways to try to smuggle drugs into prisons. For this reason, if the authorities do not take deterrent measures and make it clear that we will definitely conduct bodily searches, including rectal searches, I am afraid the deterrent effect will be lost and the number of such cases may multiply in future.

MR DANIEL LAM (in Cantonese): *Madam President, can the Government tell this Council through what complaints mechanism can sentenced persons or detainees lodge complaints if they are not satisfied with this practice?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the CSD has its own complaints mechanism. If prisoners are dissatisfied, they can lodge complaints with the Department. In addition, we also have a complaints mechanism in the form of Justices of the Peace. If any prisoner is dissatisfied because of the rectal search that he has to undergo or has any other complaint, he can make a complaint to any Justice of the Peace who is inspecting penal institutions.

MR LAU KONG-WAH (in Cantonese): *President, I believe that such a method of conducting searches is, in the final analysis, rather outdated and uncivilized. Of course, the Secretary has cited the example of Ireland and pointed out that X-ray devices cannot detect small quantities of drugs concealed in the body. However, Mr MA Lik told me just now that since the colon is very long but fingers are short, it is perhaps also not possible to really detect small quantities of drugs that are concealed in the body. In view of this, is it not necessary for the Government to seriously consider adopting methods that are more civilized? This is because the people conducting the searches and the people subjected to such searches will both feel very disgusted.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we will adopt a positive and open attitude towards the suggestion made by Mr LAU Kong-wah and continue to explore the issue. In fact, the CSD has dispatched its officers to the penal institutions at many places to learn from them. Recently, we made a visit to Korea because we had learned that a device that can detect drugs concealed in the body had been procured there. This device was invented in the Netherlands, however, on application, it was found that it still could not detect small quantities of drugs. The penal institutions in the Netherlands do not use this device and the Government of the United States has even banned the importation of this device due to the possible side-effects of the radiation from this device. We are still liaising actively with other penal institutions on what method can be adopted to replace rectal searches with fingers and we have all along kept in touch with the company concerned, in the hope that it can invent an X-ray machine or any other device that can replace carrying out this task manually.

MS EMILY LAU (in Cantonese): *President, the Secretary said in the main reply that prisoners must subject themselves to rectal searches with fingers unless they have been assessed by doctors or psychologists as being unfit to undergo such searches. May I ask the Secretary if every prisoner is aware of such an arrangement? The Secretary says in the first paragraph of the main reply that prisoners cannot refuse such manual rectal searches, however, the second paragraph of the main reply points out that if prisoners have been diagnosed or assessed by doctors or psychologists as being unfit to undergo rectal searches, the authorities will make other arrangements. May I ask the Secretary if prisoners are aware of this right of theirs? How many instances like this have occurred last year? If prisoners are not aware of this right of theirs, will anyone inform them of it? Otherwise, prisoners virtually do not have such a right.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, if any prisoner is unwilling to undergo a rectal search, we will definitely enquire of the reason. If he cites health reasons or other reasons, we will definitely tell him that we will seek professional advice from doctors. As regards how many cases of prisoners refusing to undergo rectal searches and requesting to see a doctor have occurred in the past, I do not have such figures on hand, so allow me to go back and ask the Department if they have such figures before giving a reply in writing. (Appendix I)

MR ALBERT HO (in Cantonese): *President, the first and second paragraphs of the main reply say that the Prison Rules allow CSD officers to conduct rectal searches on prisoners, however, the Prison Rules do not specify that every prisoner must undergo such searches. May I ask the Secretary if all prisoners will receive the same treatment without differentiation, that is, if prisoners in prisons and detainees in reception centres (such as the Lai Chi Kok Reception Centre) are all included? If they are not required to undergo searches without exception, based on what criteria does the Bureau decide which prisoners have to undergo such searches?*

SECRETARY FOR SECURITY (in Cantonese): I can tell Mr Albert HO that no prisoner will receive exceptional treatment. Apart from the physical or psychological grounds as pointed out just now, which require medical proof from doctors, all prisoners committed to penal institutions have to undergo such searches. In fact, they do not like being treated in this way, however, if we do not conduct searches, it may lead to the prevalence of drugs in prisons in future. Should such a situation occur, this will lead to even more serious problems such as gangster activities in prisons, thus making the corruption in penal institutions more serious. Therefore, we believe that it is necessary to prevent drugs from being smuggled into prisons and rectal search is an effective preventive tool. With this tool, a deterrent effect can be achieved and people who originally intend to smuggle drugs into prison will be deterred from trying to break the law.

MR ALBERT HO (in Cantonese): *President, the supplementary I put just now seeks to ask if the detainees in temporary reception centres such as the Lai Chi Kok Reception Centre are included. This type of detainees will be detained for only 24 hours or 48 hours, so do they also have to undergo such searches?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I think all offenders committed to the penal institutions covered by the Prison Rules have to undergo searches, however, detainees in police stations are of course not included.

MR LEUNG KWOK-HUNG (in Cantonese): *President, I think it is not humane to conduct rectal searches with fingers and such searches are also outdated.*

Just now, I heard the Secretary say when replying to a supplementary that since the tolerance of drugs in Macao and that in Hong Kong were different, no rectal searches were conducted in Macao whereas they were conducted in Hong Kong. May I ask the Secretary if he knows how many cases of drugs being smuggled into prisons were detected by the authorities in Macao and whether he has made any comparison? Do the figures in this regard indicate that there are fewer instances of prisoners smuggling drugs into prisons in Macao than there are in Hong Kong?

PRESIDENT (in Cantonese): Have you finished asking your question? Please sit down. Will the Secretary please reply.

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not have the information concerning Macao, nor do I want to interfere with other people's practices. I have already said that the penal institutions at different places have different practices because the social circumstances of these places are different. Insofar as Hong Kong is concerned, we adopt an attitude of zero tolerance towards smuggling drugs into prisons or penal institutions. Moreover, according to past experience, the measures taken by us can effectively stem the smuggling of drugs into prisons.

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

MR LEUNG KWOK-HUNG (in Cantonese): *No. The Secretary said in his reply that the tolerance of the authorities in Macao was higher than that in Hong Kong, so this measure was not adopted. However, if the Secretary does not have the figures in this regard to make a comparison, I think his comment is most unfair. Can the Secretary.....*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, we are not having a debate here. You only have to repeat the part of your supplementary that has not been answered.

MR LEUNG KWOK-HUNG (in Cantonese): *What I asked him to do is to provide some figures. Why are there no figures in this regard? If he said that other people's policies are different from ours, how can there be no figures? This is because they constitute an objective yardstick.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we are not in a position to comment on the practices of other countries. Why do they adopt certain practices whereas we adopt an attitude of zero tolerance? Why do others not adopt an attitude of zero tolerance? The Hong Kong Government is not in a position to comment on such matters.

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

DR KWOK KA-KI (in Cantonese): *President, to prisoners and officers working in prisons, rectal searches are in fact very obnoxious in nature. Actually, a lot of prison officers are worried that if the gloves they use in carrying out this task are torn, they run the risk of being infected by fatal diseases. Since the Secretary said that it is not possible to put an end to such searches, can the Secretary provide some figures to illustrate what differences there are between using X-ray detection devices, which he mentioned in his reply, and conventional rectal searches? What I mean are scientific differences. In addition, since the Secretary said that X-ray detection devices cannot detect small quantities of drugs, what is the weight of the drugs that he described as small quantities? Having assessed the risks, does the Secretary still consider rectal searches worthwhile?*

SECRETARY FOR SECURITY (in Cantonese): I will first reply to the latter part of the supplementary put by Dr KWOK Ka-ki. I do not have the figures in this regard on hand. That involves the experiments conducted by scientists. If Dr KWOK Ka-ki wants me to provide the report on the relevant experiments, allow me to go back and check how many centimetres, grammes or the like we are talking about. As regards the first part of the supplementary put by Dr KWOK Ka-ki, I did not hear it very clearly. What is it that he wanted to ask?

DR KWOK KA-KI (in Cantonese): *President, what I asked the Secretary just now was: According to scientific assessments, what are the differences between the two methods? What are the risks involved? Can some scientific data be provided to us? The Secretary may reply in writing after the meeting.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, allow me to go back and ask the Department if they have the information in this regard and then give a written reply. (Appendix II)

PRESIDENT (in Cantonese): Third question.

Mainlanders Coming to Hong Kong to Commit Crimes

3. **MR WONG TING-KWONG** (in Cantonese): *President, the mainland Public Security Bureau has admitted to the existence of situations where people seizing the opportunity brought by the Individual Visit Scheme (IVS) to come to Hong Kong to commit crimes, and has indicated that the authorities concerned would step up co-operation with the Hong Kong police to crack down on such criminals. Will the Administration inform this Council:*

- (a) *of the types and number of crimes committed by the IVS visitors since the implementation of the IVS policy; and*
- (b) *how the Hong Kong police would strengthen its co-operation with the mainland Public Security Bureau to formulate measures to crack down on IVS visitors for committing crimes?*

PRESIDENT (in Cantonese): Mr WONG Ting-kwong, I found that you have added two sentences to the original version of the question when you put part (b) of the main question just now. (*Laughter*) As you are only allowed to put question according to the original version of the main question, I will thus only request the Secretary for Security to reply according to the original text of your question.

MR WONG TING-KWONG (in Cantonese): *Sorry, President. Part (b) is: how the police would strengthen its co-operation with the Public Security Bureau of the Mainland to curb such crimes?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) Since the implementation of the IVS on 28 July 2003, about 1 100 mainlanders with endorsements for individual visits, commonly known as IVS visitors, have been arrested by the police for committing different crimes. About 600 were arrested between January and November this year. Among these arrested persons, about 35% were suspected of having committed miscellaneous and shop thefts; 16% were suspected of having committed forgery and coinage offences and 14% were involved in serious immigration offences (for example, using or possessing a forged travel document or using an identity card relating to others). When compared with the total number of IVS visitors to Hong Kong, the number of arrested persons has remained at a very low level. On average, the number of persons arrested per 100 000 IVS visitors is less than 12. The number of IVS visitors arrested by the police for committing crimes in Hong Kong, as broken down by categories of crime, is provided at the Annex.
- (b) In order to tackle the problem of commission of crimes by mainland visitors (including IVS visitors), an Inter-departmental Working Group has been set up to formulate an operational strategy with three components, including (i) securing the co-operation of the mainland authorities in adopting a more effective and stringent process in scrutinizing applications for exit endorsements for Hong Kong; (ii) adopting more effective screening at various immigration control points; and (iii) enhancing local law enforcement.

Following this operational strategy, we have implemented various measures to enhance co-operation with the mainland authorities. An important measure involves the setting up of a notification mechanism, under which the Immigration Department (ImmD) may pass information on mainland visitors convicted of criminal offences in Hong Kong to relevant mainland authorities so that the mainland authorities may scrutinize their future applications for exit endorsement for Hong Kong more closely.

Besides, the Hong Kong police and other law-enforcement agencies in Hong Kong have been maintaining close liaison and engaging in exchange of intelligence with the mainland authorities to prevent mainland visitors from committing crimes in Hong Kong.

Annex

**Mainland Visitors with Endorsements under the IVS
Arrested for Crime by the Police**

	<i>2003*</i>		<i>2004</i>		<i>2005 (January to November)</i>	
Miscellaneous theft	9	(20.5%)	91	(19.2%)	137	(22.5%)
Forgery and coinage offence	2	(4.5%)	52	(11.0%)	97	(15.9%)
Serious immigration offence	-	(-)	28	(5.9%)	83	(13.6%)
Shop theft	15	(34.1%)	90	(19.0%)	74	(12.2%)
Going equipped for stealing	1	(2.3%)	15	(3.2%)	35	(5.7%)
Deception	-	(-)	22	(4.6%)	26	(4.3%)
Wounding and serious assault	-	(-)	6	(1.3%)	18	(3.0%)
Robbery	1	(2.3%)	12	(2.5%)	14	(2.3%)
Theft from construction site	4	(9.1%)	26	(5.5%)	14	(2.3%)
Pickpocketing	4	(9.1%)	22	(4.6%)	11	(1.8%)
Handing stolen goods	-	(-)	6	(1.3%)	11	(1.8%)
Possession of unlawful instrument	-	(-)	2	(0.4%)	11	(1.8%)
Snatching	1	(2.3%)	2	(0.4%)	9	(1.5%)
Possession of offensive weapon	1	(2.3%)	11	(2.3%)	8	(1.3%)
Burglary	-	(-)	17	(3.6%)	7	(1.1%)
Blackmail	1	(2.3%)	4	(0.8%)	7	(1.1%)
Keeping vice establishment	-	(-)	5	(1.1%)	7	(1.1%)
Disorder/fighting in public place	1	(2.3%)	4	(0.8%)	7	(1.1%)
Loitering	1	(2.3%)	6	(1.3%)	7	(1.1%)
Possession of Arms and Ammunition	-	(-)	1	(0.2%)	6	(1.0%)
Others	3	(6.8%)	52	(11.0%)	20	(3.3%)
Total	44	(100.0%)	474	(100.0%)	609	(100.0%)

* Implemented since 28 July 2003.

MR WONG TING-KWONG (in Cantonese): *President, I wish to follow up whether there is evidence indicating that cross-boundary crimes committed by IVS visitors are becoming more organized, in particular, whether there are collusion with local triad societies to form organized criminal syndicates?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, with respect to IVS visitors in general, we do not have evidence indicating that they are controlled by syndicates. We did discover triad elements or syndicates making arrangements for women to come to Hong Kong for the purpose of prostitution. Other than that, other crimes such as miscellaneous theft were largely committed on an individual basis.

MR MA LIK (in Cantonese): *President, may I ask the Secretary whether there are statistics indicating that these IVS visitors who have committed crimes or breached the law in Hong Kong have come from a certain municipality or province?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we do have research statistics in this respect, but I do not think it is appropriate to disclose such information on this public occasion. Firstly, we have already forwarded the information to the mainland authorities. They need to conduct investigations on, for example, the need of a crackdown or whether exit endorsements for Hong Kong have been issued indiscriminately. If we disclose these statistics in Hong Kong, it will prejudice their investigation in the Mainland. Secondly, if we announce the names of these municipalities and provinces, it will create a labelling effect which is unfair to most of the visitors.

MR CHAN KAM-LAM (in Cantonese): *President, may I ask the Secretary how many IVS visitors have been sentenced to imprisonment on conviction of offences? Will the Government consider joining force with the mainland authorities to enforce court judgements, so as to enhance the deterrent effect?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I only have at hand the statistics on the arrested persons, but I am not sure whether they contain a breakdown on the number of IVS visitors sentenced to imprisonment.

At present, there are 3 000-odd mainlanders imprisoned in our penal institutions, but I do not know how many of them are holding endorsements for individual visit, how many of them are holding endorsements for business visit and how many are holding endorsements for visiting relatives. I do not have these statistics at the moment.

MR CHAN KAM-LAM (in Cantonese): *President, the Secretary has not answered the question whether the Government will consider joining force with mainland authorities to effect mutual assistance in administration of justice and to enforce court judgements.*

PRESIDENT (in Cantonese): Secretary for Security, have you heard clearly the follow-up question? If not, I can ask Mr CHAN to repeat it.

SECRETARY FOR SECURITY (in Cantonese): Does Mr CHAN Kam-lam mean the repatriation of prisoners to the Mainland for imprisonment? I see. If we wish to repatriate the prisoners to the Mainland for imprisonment, firstly we need to reach an agreement with the Mainland; and secondly, we need to amend the laws of Hong Kong. We cannot repatriate them before these two tasks are done. What we need to do now is to discuss with the relevant mainland authorities for an agreement on the repatriation of prisoners, which is what we are doing now.

MR LAU KONG-WAH (in Cantonese): *President, we can note in the Annex that forgery and coinage offences have been on a yearly increase both in terms of number and proportion — can the Secretary hear me? Sorry, I am already speaking very loudly — President, let me say it again. According to the Annex, forgery and coinage offences have been on a yearly increase both in terms of number and proportion. Does it indicate that the problem has worsened, or that Hong Kong people are getting smarter?*

SECRETARY FOR SECURITY (in Cantonese): Judging from the number, it seems that the problem has worsened. For forgery, they mostly were convicted for using forged Hong Kong Identity Cards. The rise in number is also related

to the law-enforcement level of our law-enforcement officers. Their forged identity cards very often could not escape the scrutiny of our officers. If there is an increasing trend of crimes in these respects, I believe the police and the ImmD will have corresponding strategies to tackle the problem.

MISS TAM HEUNG-MAN (in Cantonese): *President, in the past three years, other than holding endorsements for individual visit, how many mainlanders, who were prosecuted for breaching the laws of Hong Kong, were holders of other entry documents?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, mainland visitors can come to Hong Kong with different endorsements and travel documents. Chinese passport holders can come to Hong Kong, so can permit holders with endorsement for family visit, individual visit, tour, business and Taiwan visit. As regards their distribution, meaning the percentage of those who have committed crimes in Hong Kong in each type of travel document holders, I need to check if I have such breakdown on hand. We should have, but in case we do not have it on hand, I will provide a written reply to Miss TAM Heung-man later. (Appendix III)

MR HOWARD YOUNG (in Cantonese): *President, the Secretary has listed a series of figures in the Annex to the main reply, but I noticed just now that there is not one on begging. In my impression, there are notices on the footbridges in Central stating — if I am correct — that begging is an offence. Has begging been grouped under another category of crime, or is it true that no one has been arrested for begging?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, with regard to the number of people arrested for begging, we do not have a breakdown on it.

MR HOWARD YOUNG (in Cantonese): *My supplementary question just now asked whether begging had been included in another category of crime and the Secretary did not answer that.*

SECRETARY FOR SECURITY (in Cantonese): Begging is not included.

MR LAU KONG-WAH (in Cantonese): *President, according to the agreement between Hong Kong and the Mainland, when mainlanders have committed crimes in Hong Kong, we will give the name list to the Mainland. If these mainlanders wish to come to Hong Kong again within a certain period of time, their applications will not be approved. However, we have learnt from the Court in the past that there were cases which had not followed such arrangement. Has the Secretary made a reassessment on whether the agreement has been effectively enforced? Are there specific cases or statistics indicating that despite the name list having been given to the Mainland, these mainlanders were still allowed to come to Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, there are people who had been repatriated came to Hong Kong again by re-applying for two-way permits using other persons' identities or changing their names. Every year, there are such examples, but the number is not big. To tackle this problem, the ImmD has installed a lineament recognition system which has archives of people who have committed crimes in Hong Kong. If we have suspicions about a visitor's identity, we will use the system to verify the page of his passport containing his personal information and photograph. By so doing, we will know whether he has used another identity to enter Hong Kong. From the introduction of the system to 2 December 2005, the ImmD has intercepted 37 people who attempted to enter Hong Kong by changing their identities or applying for entry endorsements; and 117 people were discovered attempting to enter Hong Kong on forged identities.

MS LI FUNG-YING (in Cantonese): *President, may I ask the Secretary if there is a further breakdown of the information provided in the Annex? How many suspected persons were intercepted at the border control points? And how many were discovered only after they had committed crimes in Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in relation to the information provided in the Annex, the overwhelming majority of them

were arrested by the police after they had entered Hong Kong and not when they entered Hong Kong.

MRS SELINA CHOW (in Cantonese): *President, since 35% of the arrested persons involved shop theft, many shops now employ security guards to guard the place. Have the police liaised with these security companies or professionals, or even provided training to them, so that they can do a better job in preventing this crime?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the answer is yes. The police constantly offer advice to these security companies and associations and I happened to attend a related activity last night. The industry itself also provides much such training, to which the police have provided professional input.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, it seems that in the Annex there is not a breakdown on visitors who worked as illegal workers on construction sites or in fitting-out flats. Does this show that the Administration has not arrested illegal workers, or that it has not paid attention to this respect?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the Annex only listed out the number of visitors who had been arrested by the police for committing criminal offences and it did not reflect the number of illegal workers. Generally speaking, the crackdown on illegal workers is grouped under the item of breach of conditions of stay. However, other than illegal workers, overstaying also belongs to breach of conditions of stay. For the figures in this respect, 9 818 mainland visitors breached the conditions of stay in 2004, of which there was no further breakdown into visitors coming under the IVS or visitors coming with other endorsements and passport. This is a gross figure of 9 818. From January to October this year (2005), there were 6 487 such visitors. We can see from these figures that the problem of illegal workers has not deteriorated. The number, on the contrary, has decreased.

PRESIDENT (in Cantonese): Fourth question.

Establishment of Bicameral System in Hong Kong

4. **MR MARTIN LEE** (in Cantonese): *President, the Constitutional Development Task Force of the Government has pointed out in its Fifth Report that during the consultation on its Fourth Report, the views received on the future of functional constituencies included the suggestions for setting up a "bicameral system" in the legislature of the Hong Kong Special Administrative Region (SAR). In this connection, will the Government inform this Council whether it has assessed if the establishment of a "bicameral system" in the legislature of the SAR will contravene the Basic Law; if it will, of the rationale for that; if it will not, the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, our reply in response to the question raised by Mr Martin Lee is set out below.

The suggestion of setting up a bicameral system in the legislature referred to in the Fifth Report of the Constitutional Development Task Force reflects opinions which we received during the consultation period of the Fourth Report. These views consider that the future of functional constituencies should be examined in detail, including the possibility of implementing a "bicameral system" for our legislature.

The Governance and Political Development Committee set up under the Commission on Strategic Development has already commenced its study on the issue of electing the Chief Executive and forming the Legislative Council by universal suffrage. Issues to be examined include the ultimate model for returning the Legislative Council by universal suffrage.

In deliberating on the issue of electing the Legislative Council by universal suffrage, we need to examine the electoral model for attaining universal suffrage eventually. We should also study how the Legislative Council should be formed then. Any amendments to the method for forming the Legislative Council, including the proposals related to returning the Legislative Council by universal suffrage in future, will be processed in accordance with the procedures as stipulated in Annex II to the Basic Law and the Interpretation of the Standing Committee of the National People's Congress in April last year. We will also ensure that the development of the methods for forming the Legislative Council

will comply with Article 68 of the Basic Law, including the ultimate aim of electing all Members by universal suffrage.

PRESIDENT (in Cantonese): Mr Martin LEE, do you need to ask any supplementary?

MR MARTIN LEE (in Cantonese): *President, I thought there was still another page to the Secretary's speech because he did not answer my question in any way, so I was waiting for his reply.*

President, my question is: Whether the Government has assessed if the establishment of a "bicameral system" will contravene the Basic Law. The Secretary can reply that an assessment has been made and then answer if such a system will contravene the Basic Law, or he can reply that no assessment will be made, and the Secretary can also say that he does not know how to answer. However, how could he possibly give such a reply? President, during the many years that I have been in this Council, I have never heard the Government give such an awful reply. Can this question be cancelled, so that I can ask it again next time? The Secretary has not answered my question at all.

PRESIDENT (in Cantonese): What question do you wish to ask? Do you wish to ask it again?

MR MARTIN LEE (in Cantonese): *That is right, President. The Secretary did not answer it. If I read out the question again and he reads out the reply again, that would be pointless.*

PRESIDENT (in Cantonese): Please sit down first and see if the Secretary has anything to add.

MR MARTIN LEE (in Cantonese): *This is not about adding anything, rather, I hope that he will give a reply afresh.*

PRESIDENT (in Cantonese): You want to put the question that you have put just now again, right? Secretary for Constitutional Affairs, please reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, in fact, we are now only having preliminary discussions. On the issue of a "bicameral system" or whether the unicameral system in the Legislative Council will be preserved, we have not reached any conclusion whatsoever. Therefore, it is difficult for us to give a detailed reply out of nothing, as Mr Martin LEE has demanded. The Commission on Strategic Development is only conducting preliminary examinations into the future direction of evolution of the Legislative Council and the possible models that it can adopt. It is necessary for us to draw up a set of proposals first and consider it in the light of the existing provisions of the Basic Law before deciding in which areas changes and amendments are necessary.

MR MARTIN LEE (in Cantonese): *President, the Secretary has still not answered my question because what I am asking is not what conclusion has been reached, since it is of course not yet the time to give the green light to anything. My question is: If such a proposal floated by some people already contravenes the Basic Law, is it not a waste of time if people continue to discuss it? Therefore, after such a view had been put forward, did the Secretary ever assess if it contravenes the Basic Law? President, the Secretary has still not given a reply.*

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

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I believe there is an assumption in Mr Martin LEE's heart or mind that it is likely the model of a "bicameral system" contravenes the Basic Law, so he wants me to say yes or no clearly. However, since we have not yet completed the study on this issue, it is not possible to examine the "bicameral system" in the context of the existing provisions of the Basic Law and find out in which areas they may not be entirely compatible. It is necessary for us to make a detailed plan before making a decision. However, one very important

principle is that no matter how the legislature may evolve in future, compliance with Article 68 of the Basic Law is a must and all Members must ultimately be elected by universal suffrage.

PRESIDENT (in Cantonese): Members, a total of 13 Members are waiting for their turn to ask supplementaries. Will Members be as concise as possible, refrain from making comments and ask their supplementaries direct, so as to enable more Members to ask supplementaries.

MR SIN CHUNG-KAI (in Cantonese): *President, the Secretary replied just now that the assessment had not yet been completed. May I ask the Government how long it will take to complete the assessment? When will the entire assessment be completed?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we now plan to divide the work of the Commission on Strategic Development into two stages. In the next six months or so, the Committee on Governance and Political Development under the Commission on Strategic Development will examine issues such as the principles and concepts concerning universal suffrage. After summer, in the second half of the year, we will discuss the possible models for implementing elections by universal suffrage, that is, the models for electing the Chief Executive and forming the Legislative Council by universal suffrage. The Chief Executive has also said in public that we plan to draw some conclusions on such discussions in early 2007.

MR CHEUNG MAN-KWONG (in Cantonese): *President, since the Government has mentioned the "bicameral system" in its report, does it mean that after putting in place the arrangement of separate voting in the Legislative Council, the Government will next work on an arrangement of division under a bicameral system, then use an upper house consisting of functional constituencies to check a lower house elected by universal suffrage, so that there will be constant attrition in the Legislative Council and the Government can always exploit such a situation?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, this supplementary is also about some very distant issues because we have just begun to explore the models for forming the Legislative Council by universal suffrage. Of course, the arrangement of separate voting is specified in Annex II to the Basic Law, however, nothing whatsoever is definite regarding the model for forming the Legislative Council by universal suffrage in future. Therefore, if the election of the Legislative Council by universal suffrage is to be implemented in future, it will also be necessary to consider such issues as whether it is necessary to make amendments to the method of voting then.

MS AUDREY EU (in Cantonese): *President, the supplementary that I am going to ask is not about some very distant issues, so the Government should be able to reply.*

In the Fifth Report, the Government points out that it has received a lot of views and that on a "bicameral system" is just one of the views. Can the Government tell us why, among the many views, only that on a "bicameral system" is specifically mentioned but not others? Why is the bicameral system proposed in particular? Why is it believed that a "bicameral system" is particularly suitable for Hong Kong? Why do we not discuss how to attain the goal of electing all Members of the Legislative Council by universal suffrage but have to discuss the "bicameral system" instead? What are the reasons for this?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, in the document prepared by the Commission on Strategic Development and published recently, the "bicameral system" as well as a unicameral system for the legislature have both been mentioned, so an open discussion is being conducted now. In the Commission on Strategic Development, any model will be considered. As regards why we are floating the "bicameral system", this is because in the past year and a half, when we were conducting a public consultation on constitutional development, some academics and other people suggested that the adoption of a bicameral model in Hong Kong could be considered.

MR ANDREW CHENG (in Cantonese): *Madam President, a timetable on universal suffrage is closely related to Article 68 of the Basic Law, however, a timetable on universal suffrage has been criticized as contravening the Basic Law. The words "bicameral system" do not appear in the Basic Law, however, when the Secretary replied to this question, he dared not even say that it contravenes the Basic Law. May I ask the Secretary if this is the double standard adopted by the Government as always?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, there are two requirements that we must comply with. Firstly, the Legislative Council must be formed through elections; secondly, the ultimate goal is the formation of the Legislative Council by universal suffrage. Any study on the future evolution of the legislature must meet these two requirements.

MR ANDREW CHENG (in Cantonese): *President, the Secretary has not answered my supplementary. My question is: Since even a timetable on universal suffrage can be criticized as contravening the Basic Law and given that a "bicameral system" is never mentioned in the Basic Law, this question seeks to ask the Government if such a move contravenes the Basic Law and what the grounds are. The Government must answer this. If the Secretary dares not reply, then the Government is adopting a double standard. Is it not being selective when listening to views?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, in fact, I have already answered Mr Andrew CHENG's question directly because he too has also assumed that the future model will definitely contravene the Basic Law. Since the future model has not yet been worked out, how can he give a pre-judgement before hearing the case?

MR TAM YIU-CHUNG (in Cantonese): *Since the electoral proposals for 2007 and 2008 will be put to vote today, may I ask the Secretary if the model of a "bicameral system" has anything to do with whether the proposals will be passed? In other words, if the electoral proposals for 2007 and 2008 were not passed, would that have anything to do with the proposal on a "bicameral*

system"? Will a "bicameral system" make attaining our goal easier, or will it pull us farther from it? Has the Government ever given any thought to this?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I know that people will ask this kind of questions from time to time, however, actually, the Fifth Report has to do with the way in which the Legislative Council of the fourth term will be formed in 2008. Our overall goal is to enlarge the electorate base, increase the scope for political participation and enhance the representativeness of the Legislative Council. By taking this step, we can further open up the electoral system in Hong Kong and raise the degree of democratization in Hong Kong. However, this step has no relationship with the discussion on what direction the development for the Legislative Council should take in future and whether the "bicameral system" will be adopted.

MR LEE WING-TAT (in Cantonese): *President, the former Secretary for Justice, Ms Elsie LEUNG, once made some remarks which aroused our serious concern, that is, even the elections of functional constituencies could be conducted by way of universal suffrage. My supplementary seeks to ask the Secretary to clarify the meaning of the last two words of the main reply — "universal suffrage". According to the Secretary, does "universal suffrage" mean "one person, one vote, of equal value"? Please bear in mind the three words "of equal value". If the values of the votes are not the same, "one person, one vote" does not necessarily mean universal suffrage. This is called equal value in English. Can the Secretary reply as to whether by universal suffrage, he means "one person, one vote, of equal value"?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, throughout the world, universal suffrage takes different forms. In Hong Kong, direct elections in geographical constituencies are a type of universal suffrage. In the United Kingdom, the Parliament is formed through direct elections at the local level, then the Parliament, that is, the ruling party elects the Prime Minister from among its members. This is also one model in forming the Government and the Parliament by universal suffrage. In the United States, the election of the President by electors is also a form of universal suffrage. In fact, the question posed by Ms Elsie LEUNG in the past was: When dealing with the further development of the functional constituencies, is it

possible to consider a certain model of universal suffrage? She was not voicing her own opinion but citing the views gathered in the course of public consultation. For example, some people mentioned that Mr Eric LI had once suggested that the right of nomination should be given to some functional constituencies and after candidates had been nominated by the functional constituencies, Members could then be elected from among them by universal suffrage. However, she was only citing other people's views and the SAR Government has not reached any conclusion on this issue.

MR LEE WING-TAT (in Cantonese): *President, the Secretary has not answered my supplementary. My supplementary is very simple and the systems in the United States or the United Kingdom mentioned by the Secretary generally involve "one person, one vote, of equal value", so my supplementary is very simple. To the Secretary, does universal suffrage mean universal suffrage based on "one person, one vote, of equal value"?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, when studying the implementation of universal suffrage, it is also necessary to examine such issues. However, Members can see that since the reunification, the seats returned through direct elections and by universal suffrage have increased in each term. Therefore, I very much hope that the Legislative Council can pass the electoral proposals for 2007 and 2008 today.

DR YEUNG SUM (in Cantonese): *President, may I ask the Secretary whether the intention of the Government is to formally entrench the functional constituencies by the devious means of proposing a "bicameral system"?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, no. We have only raised some of the views gathered in the course of public consultation for reference and discussion.

MR LEE CHEUK-YAN (in Cantonese): *President, I am utterly disappointed by the Secretary's reply. I do not know if the Secretary will admit this, but the*

reason behind floating a "bicameral system" is to enable functional constituencies to make nominations, after which elections by universal suffrage can be held. In this way, such an arrangement can be described as a "bicameral system" as well as elections by universal suffrage. Will the Secretary not admit that he actually wants to give functional constituencies a new lease of life? Furthermore, the Secretary has all along evaded the question of whether the Basic Law has been violated. Will the Secretary not admit that the Basic Law actually provides only for a unicameral system? For example, there is only one President of the Legislative Council, so will there be two Presidents of the Legislative Council in that event? The Basic Law prescribes very clearly that there is only one President, so if a "bicameral system" is put into practice, is it not necessary for Ms FAN to split into two? Cloning is now very common, so does the Secretary want to do this too? President, my supplementary mainly seeks to ask the Secretary whether he will admit that the design of the entire Basic Law is based on a unicameral system and that it is not possible to implement a "bicameral system"?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I believe no matter how much effort other people make, they cannot replicate the contributions made by the President to the legislature in the course of many years. *(Laughter)*

Concerning Article 71 of the Basic Law, which has been mentioned by Mr LEE Cheuk-yan, according to the provisions of the Basic Law, the model is indeed a unicameral system and of course, there is only one President of the Legislative Council. However, what I have pointed out to Members a number of times is that we are now only exploring an issue and we have not come to any conclusion on whether a "two-house system" or "bicameral system" should be adopted. Even if someone proposes that we should adopt a "bicameral system", the study on various issues, such as the way in which Members should be returned, the distribution of power between the two houses and the voting arrangements, has not yet been conducted, nor is there any package of proposals. I believe it is now premature to comment whether the relevant arrangements comply with certain provisions of the Basic Law. However, one very important principle that we have to uphold and follow is that Article 68 of the Basic Law stipulates that all Members of the Legislative Council will ultimately be elected by universal suffrage.

MR CHIM PUI-CHUNG (in Cantonese): *President, we know that the seats in the functional constituencies in Hong Kong are also returned through elections. The Government has been talking about a "bicameral system". Insofar as the model in the United Kingdom is concerned, members of the Upper House are also appointed. In putting forward this kind of proposal or conducting this kind of study, will the Government make us feel confused, and is this not useful at all?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, of course, I know that the upper houses in the United Kingdom or Canada are formed by appointment or inheritance, however, one fundamental requirement in the Basic Law is that the legislature shall be constituted by election. Therefore, no matter what direction we will take or what model will be adopted, this fundamental principle will remain unchanged and we will continue to adhere to it.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Last supplementary question.

MR MA LIK (in Cantonese): *President, the arrangement of separate voting is stipulated in the Basic Law. This arrangement has integrated a "bicameral system" into the present mode. If a "bicameral system" is really to be implemented, will it be necessary to separate the two existing groups and will this represent a step backwards?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, in the drafting phase of the Basic Law, that is, in the second half of the 1980s, many friends indeed pointed out that the composition of the Legislative Council and the voting arrangements could follow the mode of "one Council, two houses". Various people and groups suggested in the proposals and documents we received that if a "bicameral system" was implemented in Hong Kong, consideration could be given to dividing the two existing types of Members into two groups, one group being the house of functional constituencies and the other, the house of geographical constituencies. However, it was only one of the possibilities. I also have to reiterate that at the present stage, we have

not come to any conclusion whatsoever and we are now only in a study phase in which all people can contribute their ideas.

We know that the model for implementing elections by universal suffrage in the Legislative Council will be more complicated and the Basic Law does not provide for this in detail. In comparison, the stipulations in Article 45 of the Basic Law are more detailed and we know clearly that in implementing the election of the Chief Executive by universal suffrage, it is necessary to first of all establish a nomination committee before the public can elect the Chief Executive. Therefore, it is necessary for the Commission on Strategic Development to spend more energy and time on examining what model should be adopted in forming the Legislative Council by universal suffrage.

PRESIDENT (in Cantonese): Fifth question.

Televised Statement of Chief Executive

5. **MS AUDREY EU** (in Cantonese): *President, at the end of last month, the Government made use of the evening prime-time slots of three commercial television stations to broadcast the statement of the Chief Executive. In this connection, will the Government inform this Council:*

- (a) *whether the television segment was produced by the Information Services Department (ISD); if not, the reasons for the authorities' engaging outside production companies to produce it; the amount of expenses involved and the government department which bears the expenses;*
- (b) *of the reasons for the Chief Executive deciding to use the evening prime-time slots of those television stations to broadcast the statement; whether such time slots had originally been allocated to the Government free of charge, and the amount of advertising costs for the use of these time slots when converting them into advertising time; and*
- (c) *whether currently there is any policy regulating the use of electronic media by the Chief Executive and principal officials for political*

publicity; if so, of the details; and whether the authorities will, in their future production of political publicity programmes which involve criticisms on other persons, consider providing a similar amount of time in the programmes, for those who have been criticized to have a fair chance to respond?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President,

- (a) Since the ISD does not have the manpower and equipment necessary for the production of short videos for broadcast, the video in question was produced by an outside production company at a cost of \$93,000. The bill was paid by the ISD.
- (b) As the democratic development in Hong Kong has entered a crucial stage in December whereby the Legislative Council would need to make a decision that would determine whether there would be a big step forward on constitutional development or the *status quo* be maintained, the Chief Executive felt that at this critical juncture, he had the responsibility to explain personally the Government's policy to members of the public in a clear and direct manner, and to let them know how important the matter is to the democratic development in Hong Kong. The ISD had discussed with the three commercial television stations and had obtained their consent to broadcast the Chief Executive's statement at mutually agreed time slots, which were outside the prevailing time slots assigned for the broadcast of government programmes. The television stations did not charge any fee for the broadcast of the short video.
- (c) Constitutional development is currently an issue that is receiving the greatest attention of the Hong Kong community. The Chief Executive's televised statement on this issue is entirely different from political publicity, and the two should not be mixed together. The televised statement was made by the Chief Executive to discharge his duty as the head of the Government in explaining government policies to members of the public and canvassing their support. It also reflected the "people-based" policy objective of the Government. Depending on the profile of the audience, the

nature of the issues involved and other relevant factors, we will make use of the most effective channel to convey the messages of the Government. This is what a responsible government should do as part of its normal activities.

We notice that after the broadcast of the Chief Executive's statement, the television stations also invited people holding different political views to express their opinions in the same programme.

MS AUDREY EU (in Cantonese): *President, part of my main question has not been answered. Will the Secretary first answer that part of the question before I put my follow-up question?*

PRESIDENT (in Cantonese): We do not have such a practice. I am sorry.

MS AUDREY EU (in Cantonese): *President, in part (b) of my main question, I ask about the advertising costs for the use of those slots when converting them into advertising time. However, the Secretary has not answered this part of the main question, and I thus hope the Secretary will tell me later.*

President, I would also like to ask the Secretary about part (c) of the main reply. I had asked the Secretary whether there was any policy regulating political publicity of this kind, the Secretary stated in his main reply that, "constitutional development is currently an issue that is receiving the greatest attention of the Hong Kong community. The Chief Executive's televised statement on this issue is entirely different from political publicity.....". Does the Secretary mean that if statements made by the Chief Executive are on issues of the greatest attention to the Hong Kong community, they are not political publicity? If so, given the numerous issues about which the Hong Kong community is now concerned, does it imply that we will frequently see the Chief Executive making statements of this kind on television in future? What is the yardstick for this? When will the Chief Executive decide to make a statement to us at the prime-time slots on television, and when will he consider the delivery of such statements unnecessary?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, in fact, in part (b) of the main reply, I have already answered Ms Audrey EU's question on the amount incurred if those slots were converted into advertising time. Just now, in that very part, I have already stated that the short video in question is not an advertisement. The broadcast of the short video was made after the discussion between the ISD and the three television stations, and was broadcast free of charge in the form of a public and current affairs programme. It cannot be regarded as an advertisement and the cost incurred should not be counted as advertising cost.

As for part (c) of the main question which is related to political publicity, I made it clear in part (c) of the main reply that the Chief Executive had the responsibility to explain government policies to members of the public. Since the short video explains the policies of the Government, it cannot be regarded as political publicity.

MS AUDREY EU (in Cantonese): *President, the Secretary has not answered my question about the relevant yardstick. As I said earlier that there were lots of issues of concern to the public, may I ask when the Chief Executive will decide to let us see him on prime-time television programmes as the host or the guest, and when he will consider such unnecessary? The Secretary has not answered this part of the question.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, when the Chief Executive, being the top decision-maker of the Government, considers that a deeper understanding of government policies and the rationale behind such policies by the public is needed at crucial moments, and that the policies concerned may affect the community and the general public, he will make such decisions. These decisions are made through discussions with various television stations and the arrangement so made. Therefore, the broadcast of this is subject to: first, the opinion of the Chief Executive, and second, the permission and agreement of the television stations concerned, which will then be considered by television stations which act as information dissemination organizations on a case by case basis.

MS MARGARET NG (in Cantonese): *President, the Secretary said that whether the short video broadcast on television was political publicity was decided by the Chief Executive, and if the Chief Executive considered that the issue concerned was important and of the greatest concern to the public, it would not be regarded as political publicity. On that day, we heard from the programme notice that the Chief Executive would make an important statement. According to general understanding, a statement is an announcement of facts. May I ask the Secretary whether the short video broadcast on that day was political publicity or an important statement? Were the relevant definitions discussed with the television stations concerned in advance? Was the video seen by personnel of television stations beforehand to enable them to decide whether it was a statement or publicity? What was the actual situation at the time? Was it decided by the Chief Executive?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, just as I said earlier, we are now at the crossroads in constitutional development and we have entered a very crucial stage, the Chief Executive, therefore, has the responsibility to explain clearly to the general public the constitutional reform package, the rationale behind it and the extensive influence it may have on society. The Chief Executive considered it his responsibility to conduct unequivocal and direct dialogue with the public and explain the rationale behind the package of proposals. The Chief Executive was discharging part of his duties but not conducting political publicity.

MS MARGARET NG (in Cantonese): *President, part of my supplementary question has not been answered by the Secretary. I asked the Secretary whether that short video broadcast on television was an important statement. A statement is the announcement of facts, which is different from political publicity.*

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

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I will repeat the line. The statement made by the Chief Executive was a process to explain our policies to the public direct. It was not political publicity.

MR RONNY TONG (in Cantonese): *President, I would also like to raise a supplementary question on political publicity. Will the Secretary explain what is considered by the Government as political publicity? Does the definition of political publicity cover actions like the Chief Executive taking the stage with political parties to gather signatures from the public?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, actually, political publicity and explanation of policies involve completely different concepts; they are two separate issues. Certainly, whether certain case is of a political publicity nature has to be decided according to the content, background, manner of dissemination and audience of the case. The recent statements made by the Government and the Chief Executive via the electronic media to disseminate information on constitutional reform are not political publicity.

MR RONNY TONG (in Cantonese): *President, the Secretary has not answered my supplementary question. I am not asking the Secretary whether he consider certain radio programmes are political publicity. I mean to ask the Secretary what he considers is the definition of political publicity. If the Chief Executive takes to the streets with political parties to gather signatures from the general public, should this be regarded as political publicity? Does it fall under the definition given by the Government?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I have nothing to add.

MR MARTIN LEE (in Cantonese): *Madam President, we have seen both the former Chief Executive TUNG Chee-hwa and the incumbent Chief Executive giving explanation on various important policies in the past, however, the approach adopted this time around was the first of its kind. Did the Chief Executive really need to do so? Or, did he think that this package would not be supported by the pro-democracy camp, and he thus had to make use of this opportunity and approaches like collecting signatures from the public on the streets to exert pressure on the pro-democracy camp, forcing them to become the so-called brave heroes of democracy, or indeed cowards in democracy as Mr Albert CHAN had said?*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I have already said earlier that the stand of the Government is very clear. It hopes that the Legislative Council will pass the constitutional reform package for 2007 and 2008 as a step heading towards universal suffrage. As for the statement made to the public direct, it was not intended for political publicity, it aimed only to explain directly to the public via certain media the rationale behind the package.

MR MARTIN LEE (in Cantonese): *President, the Secretary has not answered my supplementary question. I did not ask the Secretary whether it was political publicity, but the Secretary again read out the paragraph on political publicity. (Laughter)*

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

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, is it political publicity? The statement made by the Chief Executive at that time addressed the public in general, where no specific group was targeted in particular.

MS EMILY LAU (in Cantonese): *President, no matter what the Secretary said, many members of the public still regard that short video broadcast as political advertisement. Though the incident has already taken place, this is not allowed under the law. President, we also need to give explanation to many policies and explaining policies is not an exclusive right of the Government. Now, comes my question. If I can negotiate with television stations, no matter the cost of production involved is \$90,000 or \$190,000, could I also produce some short videos for broadcast on television? We have already argued about this issue when the last election was held. At that time, certain rich people wanted to broadcast some short videos on television, however, it was not allowed. Now, the Government dared to breach the law in open. Has legal advice ever been sought in this respect? Are we also allowed to make such broadcast in future? Have television stations also said that these can be broadcast? Have*

ordinances prohibiting the broadcast of political publicity and advertisements on televisions been repealed already?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, just as I have said earlier, the direct statement made by the Chief Executive is not political publicity. Of course, if it is political publicity, it will be subject to the regulation of law. If Members do wish to express their opinions via the electronic media, they can liaise with the media concerned. As to whether their requests will be accepted, it is purely the decision of the media concerned. The Government cannot and should not interfere with the decision made by the media which enjoy editorial autonomy.

MS EMILY LAU (in Cantonese): *President, that is to say the Secretary has also accepted that Members have the responsibility to explain their views on policies. That means the Administration also considers that all the rules of the game have now been changed, and we can also do that, am I right?*

PRESIDENT (in Cantonese): You need only state the part of your supplementary question that has not been answered.

MS EMILY LAU (in Cantonese): *President, I am exactly asking the Secretary whether he has already accepted that all the rules of the game have completely been changed. Is he saying that if we can persuade television stations to do so, we can also broadcast short videos for publicity of our own, isn't he?*

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

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I would like to add one point only, that is, we notice that after the broadcast of the Chief Executive's statement made to the public, the television stations also invited people holding different political views to express their opinions in the same programme.

MR LEE WING-TAT (in Cantonese): *President, I would like to follow up Mr Ronny TONG's supplementary question. The Chief Executive went on stage and collected signatures on the streets as we did for the constitutional reform, and even singers were invited to promote the constitutional reform package during the Announcement of Public Interest (API). Should these be regarded as acts of political publicity or broadcast?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *President, I believe we all agree that constitutional development in Hong Kong has entered a crucial stage. The government dissemination of this message via the electronic media aims only to explain to the general public at this critical moment why the Government considers this excellent package of proposals should be submitted to the Legislative Council for consideration. In fact, the API in question is an announcement of information of public interest, one we have just mentioned, which aims to enhance the public's understanding of government policies through explanation given by celebrities in society.*

MR LEE WING-TAT (in Cantonese): *President, I do not like the Secretary reading again from his prepared speech. My question is very straightforward; I just asked whether singers' promotion of government policies during API was political publicity. It is as simple as that. Will the Secretary please stop reading from his prepared speech and answer whether those acts are political publicity? (Laughter)*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *President, these should not be regarded as political publicity.*

DR YEUNG SUM (in Cantonese): *Madam President, under the existing Broadcasting Ordinance, the broadcast of political advertisements on television is prohibited. However, the Chief Executive now managed to have his statement broadcast by television stations free of charge, one thing that neither the Members of the Legislative Council nor other people's organizations can do. Madam President, if so, is this not a phenomenon of "officials being permitted to burn down houses and the common people being forbidden to light lamps"?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, as I said earlier, Members may also negotiate with television stations. If the television stations concerned agree, they may broadcast those streamers, for television stations have editorial autonomy to do so. However, if the broadcast is political publicity, it is regulated by law.

MR CHAN KAM-LAM (in Cantonese): *President, the freedom of speech is revered in Hong Kong. At present, we hear a lot of comments criticizing and rebuking the Government on the electronic media every day, and we may even hear some sort of political publicity. May I ask the Secretary whether the Government has stipulated that only the community is allowed to criticize the Government, but the Chief Executive or officials are not allowed to talk about policies on radio or televisions?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, actually, the freedom of speech and the press is provided for in the Basic Law, and we will respect the freedom of speech and editorial autonomy of television and radio stations.

MR LEE CHEUK-YAN (in Cantonese): *President, the short video of the Chief Executive on television this time definitely does not fall within the general coverage of freedom of speech. If he wants to hold a press conference, he can do it anytime. But we can see obviously that it was not a press conference but a five-minute statement made by the Chief Executive without any dialogue or questions. May I ask Secretary Dr Patrick HO how he defines political advertisement? In fact, I hope that the Secretary for Justice can answer this question, for this is a matter of law, but the Secretary for Justice is not in the Chamber now. I think a reply in writing should be provided to let us know whether such act is illegal. May I ask Secretary Dr Patrick HO again how he defines political advertisement? As for politics, according to Dr SUN Yat-sen's definition, it is a business about people, and a statement without direct dialogue is thus an advertisement. Therefore, President, if that was not a political advertisement, what was it?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, in respect of legal advice, I will reply to Mr LEE Cheuk-yan in writing after the meeting. As to whether it was political publicity, I reiterate that that was not an advertisement for political publicity. (Appendix IV)

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

MR MA LIK (in Cantonese): *President, in fact, has the Government reviewed the effect of explaining its policies by means of the television broadcast made this time? If it has, will this approach be adopted more frequently in future to explain the policies of the Government?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the Government has been observing the trend of public opinion before and after the broadcast of that short video. After the broadcast of that short video, we also conducted an opinion poll, learning that in respect of the vetoing of the constitutional reform package because of the lack of a timetable for universal suffrage, over 50% of the respondents said that they did not support the veto or strongly disagreed with that. Therefore, in this respect, we consider that short video has to a certain extent achieved its purpose.

PRESIDENT (in Cantonese): Last oral question.

Integration of Shenzhen and Hong Kong

6. **MR CHAN KAM-LAM** (in Cantonese): *President, in the "Shenzhen 2030 Development Strategy" (Shenzhen 2030) published early this month, the Shenzhen Planning Bureau stated its wish for Shenzhen and Hong Kong to co-operate and develop jointly into an international metropolis. Regarding the integration of Shenzhen and Hong Kong, will the Government inform this Council:*

- (a) *whether it will establish a regular mechanism with the Shenzhen authorities to consider how the Shenzhen 2030 and the Hong Kong 2030: Planning Vision and Strategy (Hong Kong 2030) prepared by the Hong Kong Planning Department may tie in with each other;*
- (b) *whether, in addition to the Hong Kong-Shenzhen Western Corridor under construction and the Eastern Corridor under consideration, the authorities have studied other cross-boundary links; if not, of the reasons for that; and*
- (c) *of the timing for the existing boundary control points to implement co-location of immigration and customs facilities, in order to enhance efficiency and promote the integration of Shenzhen and Hong Kong?*

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

- (a) With the ever-closer ties between Guangdong and Hong Kong in the realms of social and economic development, urban development in the two places is set to give rise to the Greater Pearl River Delta Township. Tied up with the above development, the Planning Department (PD) and various cities in the Pearl River Delta (PRD) Region have long ago mutually exchanged findings of strategic planning studies and the relevant planning information. Planning information is also exchanged through the existing liaison mechanisms, such as the Expert Group on Hong Kong/Guangdong Town Planning and Development (the Expert Group) under the Hong Kong Guangdong Cooperation Joint Conference.

In the study of the Hong Kong 2030, the Planning Department confirms that strengthening ties with the Mainland is a basic planning direction for the future development of Hong Kong. In each of the first three stages of the Study, the PD paid visits to the planning authorities in Shenzhen and other PRD cities to brief them on the proposals put forward in the Hong Kong 2030 and listen to their views, which are subsequently set out in the Stage 3 Public

Consultation Report. In the meantime, the Shenzhen planning authorities, during the preparation of the Shenzhen 2030, kept the PD abreast of their studies through the information exchange mechanism under the Expert Group. To ensure that the development in the two places may tie in with each other, we will continue to exchange planning information with the Shenzhen 2030 team through the Expert Group and use this forum for the exchange of planning ideas and deliberation of issues of mutual concern. Given that the Expert Group has served effectively as a channel for research and consultation, there is no need to set up any additional mechanisms.

- (b) On the issue of cross-boundary facilities, in order to keep the forecasts on cross-boundary flow of people and goods up-to-date, Hong Kong and Guangdong authorities will exchange information on passenger and freight traffic between the two places on a frequent basis. We will keep an eye on the situation and consider if additional cross-boundary infrastructural facilities or crossings should be provided having regard to the long-term needs.

As regards specific cross-boundary projects, the Joint Expert Group set up by the Environment, Transport and Works Bureau and the State Ministry of Railways is pressing ahead with the advance work for the Guangzhou-Shenzhen-Hong Kong Express Rail Link (ERL). A consensus has been reached with respect to the alignment of and the locations of the stations for the mainland section of the ERL. A dedicated express line linking Hong Kong, Shenzhen and Guangzhou, the ERL will cut the journey time between Hong Kong and Guangzhou from about 100 minutes as at present to within one hour. The mainland section will start from Shibi Station in Guangzhou, pass through Humen in Dongguan and Longhua Station in Shenzhen, and then cross the boundary through Huanggang into Hong Kong. The mainland authorities have just embarked on the construction of the Shibi-Longhua section (the section connecting Guangzhou and Shenzhen) and arrangements will be made to synchronise the construction of the remaining section from Longhua in Shenzhen to the boundary with the project programme of the Hong Kong section. The Hong Kong Special Administrative

Region Government and the Shenzhen Municipal Government are now exchanging views on the planning and design for the Longhua Station and the connection of the two sections of the ERL. It is the common wish of both sides to design a station that will meet the needs of cross-boundary passengers and serve well as a transportation hub. As regards the Hong Kong section, we are now considering the feasibility study report submitted by the Kowloon-Canton Railway Corporation in July 2005.

- (c) According to the information from the Security Bureau, at present, our consensus with the Mainland is to implement co-location of immigration and customs facilities at the new control point for the Hong Kong-Shenzhen Western Corridor and to expedite construction works for such facilities to tie in with the commissioning of the Hong Kong-Shenzhen Western Corridor. There is at present no plan to implement co-location at other boundary control points.

MR CHAN KAM-LAM (in Cantonese): *President, it is said that while the proposed integration of Shenzhen and Hong Kong in 2030 would be implemented very soon, various measures would also be implemented in the interim. However, there is so far no plan to implement the co-location of immigration and customs facilities at other control points. Is it because the proposed integration involves forward-looking planning issues which are likely to encounter difficulties, thus deterring the authorities from putting it in place, or is there any other reasons accounting for this?*

PRESIDENT (in Cantonese): Which Secretary will answer this supplementary question?

SECRETARY FOR SECURITY (in Cantonese): Madam President, with regard to the co-location of immigration and customs facilities, the newly-built Shenzhen Bay Point will be the first to adopt such an arrangement. As for other control points, a number of considerations have to be made. First, it is the availability of sites, and second, the co-ordination of manpower between the two places. As far as the existing control points are concerned, for example,

Huanggang or Lok Ma Chau, no sites are available, nor does Lowu. Therefore, the only feasible option is the Shenzhen Bay Port. The major design of this new control point is precisely for the implementation of the co-location of immigration and customs facilities. In case there is a new control point in the future and both governments agree to adopt the co-location of immigration and customs facilities, we do not rule out the possibility of designing new control points to dovetail with co-location.

PRESIDENT (in Cantonese): Mr James TIEN.

MR JAMES TIEN (in Cantonese): *Sorry, President, I did not press the button to request for raising supplementary questions.*

PRESIDENT (in Cantonese): Your name has all along been shown on the screen today.

MS MIRIAM LAU (in Cantonese): *President, I also wish to ask a question on the co-location of immigration and customs facilities. In fact, there is at present no plan to implement co-location. Despite that Shenzhen and Hong Kong had also proposed a study on the implementation of such an arrangement at the Lok Ma Chau Control Point sometime ago, the proposal fell through eventually. May I ask the Secretary what problem the authorities encountered when the proposal to implement the co-location of immigration and customs facilities at the Lok Ma Chau/Huangang Boundary Control Point was examined, which rendered the proposal not accepted?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, just as I have said, it is mainly attributed to co-ordination in various aspects, such as sites and traffic. Furthermore, it also requires the support of law. For instance, if we have to implement the co-location of immigration and customs facilities at the Shenzhen Bay Port, a necessary step to take is to obtain the authorization of the Central Government because it involves the enforcement of law by Hong Kong officers in the Mainland. As there are necessary steps to take, coupled with the issue of site availability, we eventually came to such a policy decision at that

time. The idea to implement co-location at the Lok Ma Chau/Huangang Boundary Control Point would not be considered. Rather, the new Shenzhen Bay Port for the co-location of immigration and customs facilities will be built. Numerous problems would arise if we implement the co-location arrangement at the Lok Ma Chau/Huangang Boundary Control Point, as the required site alone takes a very long time to build. Coupled with certain legal issues, the arrangement therefore could not be put in place then, it would be better to make an attempt at the Shenzhen Bay Port. This is the background against which we made such a policy decision.

MR PATRICK LAU (in Cantonese): *President, the year 2030 is still 25 years away, which is a very long period of time. May I ask the Government whether or not the planning vision and strategic study of the Hong Kong 2030 and the Shenzhen 2030 will proceed in stages? For example, whether it will conduct short-term study in 2010 or preliminary study in 2020, and publicize the findings?*

PRESIDENT (in Cantonese): Which Secretary will answer this supplementary question?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, I believe Mr Patrick LAU should be aware that our development strategy is divided into three stages, namely short, medium and long term. The nearest development stage is to the year 2010, the medium term is to 2020, and the long term is, just as the Honourable Member has said, the longer term in 2030. Since the duration is rather long, projections have to be made in respect of planning. And it is precisely because of such a long duration that the accuracy of the assumptions is reduced as a lot of incidents may have taken place in the interim caused changes in the facts or other objective circumstances.

Therefore, the development mode adopted is directional, and we will not retrogress simply because the direction set is not good enough. Rather, rectifications will be made stage by stage in the predetermined direction. As regards Mr LAU's supplementary question, we will proceed with the plan in three stages. The merit of this approach is to enable us to rectify the problems continually in that direction in response to the prevailing environment and circumstances.

MR MA LIK (in Cantonese): *President, the goal of integration between the two places was laid down in response to the two development strategies for 2030. Actually, Shenzhen does not only wish to achieve co-ordination in urban planning, it has also laid down a goal of co-operation in respect of hi-tech industries, modern logistics services and other services. At present, the planning vision is formulated by the PD. Will the Government set up an inter-departmental unit in view of future needs to work together to enhance the international competitiveness of the two sides?*

PRESIDENT (in Cantonese): Which Secretary will answer this supplementary question?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, just as I have mentioned in the main reply, either side, be it Hong Kong or Shenzhen, would be briefed by its counterpart on the 2030 development strategy and have information exchanged, and each have a good understanding of the needs of its counterpart. At present, the Task Force set up under the Hong Kong Guangdong Cooperation Joint Conference serves as a liaison mechanism and acts as a platform which has indeed come into operation. Last week, I signed a co-operation agreement with our counterpart in Zhuhai, and invited a group from the Beijing University to make suggestions on questions raised by Honourable Members earlier, including how the proposal is to be implemented and more satisfactory co-ordination can be achieved. Mr MA Lik mentioned earlier that Shenzhen has also prepared another consultation document, which highlights in detail the plan of Shenzhen 2030, which includes the details mentioned by Mr MA Lik earlier. At present, there is a mechanism in place to examine how the ties, in relation to plans involving Hong Kong, can be strengthened, whereby the two sides can dovetail with each other in the formulation of policy in future.

MR HOWARD YOUNG (in Cantonese): *President, part (c) of the main reply mentioned that the co-location of immigration and customs facilities had originally been planned to be implemented in Huangang of Lok Ma Chau, but the authorities later advised that it would first be implemented at the new control*

point for the Western Corridor instead. However, I am very disappointed with the arrangement having fallen through. The Secretaries failed to provide satisfactory responses as to how these problems could be tackled, so as to achieve smooth traffic between Hong Kong and Shenzhen. I hope that one of the Secretaries present will at least do one thing, and that is, despite that the co-location of immigration and customs facilities cannot be implemented in Huangang, the future traffic flow between Hong Kong and Shenzhen has to be subject to certain restrictions, for instance, vehicles are restricted to undergo customs clearance at only a certain control point, but not others. Upon the commissioning of the new control point for the Hong Kong-Shenzhen Western Corridor, will all vehicles (including those with documentation issued by Guangdong Province) be allowed to use the new control point for the Western Corridor and other control points as well, so as to relieve the traffic flow between Hong Kong and Shenzhen?

PRESIDENT (in Cantonese): Which Secretary would like to take this supplementary question?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, Mr Howard YOUNG has already made this suggestion a couple of times. In the run-up to the completion and commissioning of the Hong Kong-Shenzhen Western Corridor, the Guangdong authorities and several departments have discussed the relaxation of or increase in the traffic quota. The question as to whether the licences issued by both places are applicable in different control points is still under discussion. The Hong Kong Government has made proposals on these issues and consent of the Guangdong side has to be sought before implementation.

MR LAU KONG-WAH (in Cantonese): *President, as regards the ERL mentioned by the Secretary, the works of the Guangzhou to Shenzhen section have basically commenced, but the proposed Hong Kong section was submitted to the Legislative Council for discussion only very recently. Does the Secretary consider our action too slow and behind events? For instance, Shenzhen has proposed the plan to set up the Liantang control point for many years, but there is no mention here at all. Does the proposal not merit consideration?*

PRESIDENT (in Cantonese): Which Secretary would like to answer?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, it takes a long time to build, design and complete a railway. Furthermore, the required investment, alignment and the tasks to be completed in respect of the railway also warrant careful consideration at the planning stage. The deliberations on the ERL started in 2001, and during the course of consideration, the preliminary idea of the two places was to build new dedicated rail links. Subsequently, both sides came up with new ideas for the design of the rail link, taking into consideration the latest developments in town planning and railway development in the Mainland and Hong Kong.

The Mainland has discarded the idea of dedicated rail links and proposed to combine the Guangzhou-Shenzhen section of the PRD Rapid Transit System with the ERL. Therefore, as regards the PRD Rapid Transit System, the works of this section could be expeditiously commenced. At that time, there were disputes on this among us. Was convenience or the cost more important? If the purpose of the railway was for convenience, it should be used for dual purposes, that is, serving as an express link on the one hand, and a local line on the other. After it was decided that the railway should be used for dual purposes, Hong Kong put forward another option for consideration, that is, using the West Rail, the Northern Link under planning and the Kowloon Southern Link under construction to form the Hong Kong section, connecting Hong Kong's urban area to Northwest New Territories, and then construct a tunnel under Shenzhen River to Huanggang. The feasibility study concerned will be submitted to the relevant Legislative Council panel for discussion shortly.

However, in view of the considerations of the two sides, the need to examine the intermediate stations and the travelling time involved, the maximum speed that can be achieved, coupled with the emergence of new technologies, a lot of time has been spent on, for instance, studying the use of high-speed wheel-rail or the magnetic levitation rail. Therefore, there has been progress during the whole process, and both sides have made certain changes after many considerations. We will work in that direction and to undertake a further feasibility study in Hong Kong.

PRESIDENT (in Cantonese): Mr LAU Kong-wah, has your supplementary question not been answered?

MR LAU KONG-WAH (in Cantonese): *President, the Secretary has not answered my supplementary. In fact, both sides encounter new factors and share the same starting point. Then why are we still discussing the matter when others have already launched the works, so are we not dragging our feet behind events? The Secretary only needs to answer this point.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, I have already explained how the situation has developed to this state. I have nothing to add.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Last supplementary question.

MR CHAN KAM-LAM (in Cantonese): *President, the Secretary mentioned in the main reply that the PD in Hong Kong has, in fact, often discussed the planning issue with the Mainland through the Expert Group. When do we expect to have the result? It is also hoped that the planning work can commence as early as possible. Just as Mr LAU Kong-wah has said earlier, while our counterpart has already launched the project, we are still in deliberation. Is this not a little bit too late?*

PRESIDENT (in Cantonese): Which Secretary will answer?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, at the moment, planning is the subject of discussion, and then comes the implementation stage. Planning involves a lot of conceptual designs and plans. Actually, the Hong Kong 2030 has reached the fourth stage, which I believe we all know and I will not repeat it here. The Shenzhen 2030 covers the city's development strategy, in which certain parts dovetail with Hong Kong.

For instance, Shenzhen wishes to strengthen the co-operation with Hong Kong's manufacturing industry and to build large-scale cross-boundary infrastructures connecting to Hong Kong. Co-operation of the two sides in respect of planning is required, and they have to tie in with each other in the timing of implementation and commencement. This is the scope of work that we have discussed.

As far as the co-location of immigration and customs facilities, for example, is concerned, I have mentioned earlier that the implementation plan covers actual programmes, where timetables have been drawn up. With regard to strategy, completion dates have been set for both Hong Kong 2030 and Shenzhen 2030, mainly in respect of planning. As for the other work to be implemented, just as I have said earlier, the programmes will be implemented where necessary.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Community Investment and Inclusion Fund

7. **MS EMILY LAU** (in Chinese): *President, the Community Investment and Inclusion Fund (CIIF) set up by the authorities with the provision of \$300 million in February 2002 aims to develop social capital. As at August this year, the CIIF has allocated a total of \$65,151,283 for 82 organizations. In this connection, will the executive authorities inform this Council:*

- (a) *in respect of the CIIF Committee, its Assessment Sub-Committee and the CIIF Secretariat:*
 - (i) *of the respective numbers of meetings convened for assessing funding applications, the lists of present and absent members at such meetings, as well as the number of applications assessed at each meeting; and*
 - (ii) *of the respective numbers of site visits conducted and the lists of members attending such visits;*

- (b) *of the percentage of the projects' administrative costs in the total amount of funds allocated to the projects; and*
- (c) *whether an appeal mechanism is in place for the organizations whose funding applications have been rejected; if so, of the numbers of organizations which have lodged appeals and those whose appeals have been allowed; if not, the reasons for that?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, the CIIF was set up in 2002 to promote the new concepts and strategies of encouraging the development of "social capital". This is done through strengthening cross-sectoral and inter-generational interaction and co-operation; establishing support networks; empowering former recipients of assistance for self-help and mutual help; mobilizing community resources for the development of a tripartite partnership involving the community, business sector and the Government. This would enable us to respond proactively to community needs to create conditions for fostering social harmony and vibrancy. In the past three years, the CIIF Committee has examined a total of seven batches of applications and approved 90 projects involving \$71 million.

As the CIIF is tasked to promote new concepts and methods, the CIIF Committee has taken a proactive approach to publicize and permeate the concepts. Briefing sessions are held. Applicants are met individually as necessary to explore ways of revising their proposed strategies to increase effectiveness, and so on. Site visits are also conducted when the projects are being implemented for reviewing their strategies and effectiveness.

For each batch of applications, the CIIF Assessment Sub-Committee normally convenes one to two meetings to process some 50 applications before submitting its recommendations to the CIIF Committee for endorsement. The average attendance rate for the meetings was about 70%.

The CIIF makes one site visit to each project every year and may, depending on progress and need for guidance, arrange for more meetings with selected projects. Members responsible for the projects are normally invited to join the visits and they would consider joining subject to their availability and other arrangements. We have so far conducted some 150 site visits, with more than half joined by members.

The CIIF mobilizes community resources and encourages cross-sectoral collaboration for implementing the projects, focusing more on volunteers and mutual help. The funded organizations are also encouraged to make use of their existing premises and other administrative support as far as possible. Hence, the administrative cost of CIIF projects constitute a low percentage of the total approved funding, generally less than 5%.

We have not put in place any appeal system for organizations whose funding applications have been rejected because we would discuss with the applicants on the reasons for not approving their applications and assist them on possible areas for improvement. Hence, so long as the applicant organizations are prepared to discuss with the CIIF to align their concepts and strategies with the Fund, we stand ready to help them to perfect their proposals. In fact, amongst the 90 approved projects, quite a lot of them have gone through this consultative process before approval.

Mini-soccer Pitches Under Leisure and Cultural Services Department

8. **MR TIMOTHY FOK** (in Chinese): *President, regarding the mini-soccer pitches under the Leisure and Cultural Services Department (LCSD), will the Government inform this Council of:*

- (a) *the respective numbers and locations of those mini-soccer pitches in respect of which artificial turfing works were completed in the past three years, are being carried out or will be carried out, as well as the completion date of the entire project; and*
- (b) *the average usage rate of mini-soccer pitches where such works have been completed?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) There are currently a total of 10 artificial turf 7-a-side mini-soccer pitches under the management of the LCSD. In the past three years, artificial turfing works were completed at three pitches, namely, those located in Kowloon Bay Park, Man Tung Road Park

in Tung Chung and Cherry Street Park. The three pitches were respectively opened for public use in April, June and December of this year. At present, the LCSD does not have other planned projects for constructing artificial turf mini-soccer pitches.

- (b) Among the three completed artificial turf mini-soccer pitches, the two located at Kowloon Bay Park and Man Tung Road Park in Tung Chung have maintained an average usage rate of 63% since their opening for public use. As for the mini-soccer pitch at Cherry Street Park, it has just been opened in December of this year, and no information on the usage rate is available at this stage.

Hiring of Community Halls for Organizing Community Activities

9. **MR LI KWOK-YING** (in Chinese): *President, regarding the hiring of venues in the community halls (CHs) and community centres (CCs) under the Home Affairs Department by local organizations to organize community activities, will the Government inform this Council of:*

- (a) *the number of complaints received by the Administration in each of the past three years that some people applied for hiring these venues in the names of different organizations so as to boost their chance of success; how the Administration followed up these complaints;*
- (b) *the measures to curb such practice to ensure that all local organizations have equal chances to hire these venues; and*
- (c) *the measures to prevent hirers from using these venues for profit-making activities?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) In the past three years, District Offices (DOs) received a total of three verbal complaints (two in 2004 and one in 2005) alleging that certain organizations submitted their hiring applications under different names in order to boost their chance of success. In

investigating the complaints, DOs will first approach the complainant and the respondent to obtain details for analysis. Further action will then be taken, such as explaining to both parties with a view to achieving a solution acceptable to them. Furthermore, DOs also review the rules in the light of the situation. Where necessary, the complaint cases will be discussed at the relevant CH/CC Management Committee meetings and followed up appropriately.

- (b) The rules for hiring CHs/CCs are drawn up jointly by the CH/CC Management Committees and DOs having regard to local circumstances. The members of most CH/CC Management Committees are drawn from a wide spectrum of the local community, including District Council members, local personalities, Chairmen of Mutual Aid Committees, representatives of local schools, as well as representatives of government departments such as the Social Welfare Department, Hong Kong Police Force, Leisure and Cultural Services Department, and so on. Such rules can, therefore, cater for the needs of the whole district and ensure that the booking procedure is open and transparent.
- (c) Organizations wishing to organize activities in the CHs/CCs should submit their applications in accordance with the established rules. If exemption of venue charge is requested, the applicant has to provide an estimate of income and expenditure for the activity together with the relevant supporting documents (such as registration documents) when submitting the application. DO staff will examine the documents to make sure that no hirer will organize profit-making activities while venue charge is exempted. The staff will also carry out random checks on the activities by conducting site visits and document inspections. If the activities do not tally with the information submitted, the case will be dealt with in accordance with the established procedure, including asking the organization concerned for an explanation and penalizing it upon failure to give a reasonable explanation or repeated violations. For example, the organization will be banned from submitting its applications for a certain period of time or be required to pay back the venue charge.

Redevelopment of Pok Oi Hospital

10. **MR ALBERT HO** (in Chinese): *President, will the Government inform this Council:*

- (a) *when the redeveloped Pok Oi Hospital (POH) will officially resume full operation;*
- (b) *whether accident and emergency (A&E) service will be provided by POH immediately upon resumption of its full operation; if so, of the measures taken by the Hospital Authority (HA) to ensure the smooth provision of A&E service by the hospital; if not, the reasons for that; and*
- (c) *of the arrangements to be made by the HA for the staff of POH deployed to other hospitals during its redevelopment, and whether there is a need to recruit additional medical and nursing staff for the hospital; if so, of the number of additional staff involved; if not, how the HA will ensure that there will be adequate staff to cater for the additional services to be provided by POH following resumption of its full operation?*

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

- (a) The redevelopment of POH has been progressing smoothly. According to the current progress, the HA expects that the new POH building will come into partial operation after mid-2006 to accommodate the patients in need of extended care who will be relocated from the old hospital building so as to clear the way for the demolition works. It is expected that upon redevelopment, the POH will resume full operation in phases starting from the third quarter of 2007.
- (b) The HA will conduct acceptance inspection first on the A&E facilities to ensure that A&E service can be put into operation in the third quarter of 2007 as scheduled.

- (c) During the redevelopment period, staff members of POH either continue to work in the old hospital building or are redeployed to other hospitals under the New Territories West Cluster of the HA. The HA is now making necessary arrangements, including staff deployment, to prepare for POH's resumption of full operation upon completion of the redevelopment works. According to the existing plan, POH will have an establishment of about 600 staff after its resumption of operation in 2007, representing a slight increase over that before the redevelopment. The HA will, in the light of service demand, consider deploying additional staff to the hospital.

Use of Walkie-talkies

11. **MR SIN CHUNG-KAI** (in Chinese): *President, since February 2003, members of the public have been free to use, for personal communications, walkie-talkies operating within the frequency band of 409.74 MHz to 410 MHz and of effective radiated power not exceeding 0.5 Watt, without the need to obtain licences. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received since February 2003 about interferences caused to other telecommunications apparatus by the use of walkie-talkies not conforming to the prescribed specifications; the procedure adopted for handling such complaints, the number of prosecutions against the relevant persons, as well as the measures to curb such interferences;*
- (b) *of the public education plan to alert people that, in purchasing walkie-talkies, they should pay heed to whether the products have been certified by the Office of the Telecommunications Authority (OFTA) as conforming to the technical specifications prescribed by the OFTA;*
- (c) *whether it will issue guidelines on the use of walkie-talkies for reference by the public; if it will, of the details of the guidelines; if it will not, the reasons for that; and*
- (d) *as it will open up the frequency band of 26.96 MHz to 27.41 MHz for public use and designate Channel 9 of the band solely for*

emergency communications, whether it will also designate Channel 9 of the frequency band of 409.74 MHz to 410 MHz solely for emergency communications and deploy staff to constantly monitor the contents of the communications in that channel; if it will, of the details; if it will not, the reasons for that?

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

- (a) For the period from the opening up of the frequency band of 409.74 MHz to 410 MHz (generally referred to as "409 MHz") in February 2003 to 1 December 2005, the OFTA had received 14 complaints about the use of walkie-talkies not conforming to the prescribed specifications in the relevant frequency band. These complaints were not related to interference caused by the walkie-talkies to other telecommunications apparatus.

After receiving such complaints, the OFTA conducted monitoring and launched investigations based on the information provided by the complainants to ascertain whether the complaints were substantiated in order to decide whether to make any prosecutions. As regards the above 14 cases, the OFTA confirmed after investigations that none of them involved the use of 409 MHz walkie-talkies not conforming to the prescribed specifications. As such, no prosecutions against any persons have been made.

- (b) In order to help the public understand how to choose appropriate 409 MHz walkie-talkies that meet the prescribed specifications, the OFTA has produced and distributed posters and leaflets to the management offices of some 8 000 buildings, District Offices, the Consumer Council and telecommunications equipment retail outlets. Besides, the OFTA has organized exhibitions at places such as Mass Transit Railway stations and commercial buildings, and arranged the broadcast of promotional messages through Metro Radio and Radio Television Hong Kong to educate the public on how to choose appropriate 409 MHz walkie-talkies. (Relevant information and publications can be downloaded from the OFTA's website at < http://www.ofta.gov.hk/en/consumer_interest/learn.html > .)

- (c) The OFTA plans to issue guidelines on the use of walkie-talkies, and will print some pamphlets for reference by the public. The guidelines will set out the protocol that should be followed when using walkie-talkies, including:
- no obscene or indecent language should be used during the conversations;
 - to ensure that other users will not be affected, users should check before transmission whether the intended channel is being used by others; and
 - messages should be as short as possible to minimize any impact on other users, and to enable those seeking assistance to send out their emergency messages easier.
- (d) Drawing reference to the practices of other countries in the use and monitoring arrangement of Channel 9 of the frequency band of 26.96 MHz to 27.41 MHz, the OFTA has also suggested users of 409 MHz walkie-talkies to use Channel 9 exclusively for emergency communications, and encouraged relevant users to listen to Channel 9 from time to time so as to help each other in case of need, and to notify relevant rescue agencies whenever necessary. Details of the OFTA's suggestion have been posted on its website (< http://www.ofa.gov.hk/en/ca_bd/stay-in-touch.html >) for reference by the public.

According to our understanding, emergency communications are similarly monitored by non-governmental bodies on a voluntary basis in other countries. Besides, in Hong Kong, Channel 9 of the 409 MHz frequency band is only used to serve as an additional channel for users of 409 MHz walkie-talkies to seek assistance during emergency situations. As such, we have no plans to monitor the contents of the communications in that channel.

Provision of Low-floor Bus Service

12. **MR HOWARD YOUNG** (in Chinese): *President, regarding the deployment by franchised bus companies of low-floor buses to provide service, will the Government inform this Council:*

- (a) *of the current number of low-floor buses in the fleet of each franchised bus company, the routes and districts to which these buses are mainly deployed, their frequencies expressed as a percentage of the total frequencies of the relevant routes, and the number of low-floor buses planned to be purchased in the coming five years by each company;*
- (b) *whether the franchised bus companies have looked into the passenger demand on different routes for low-floor bus services; if not, of the respective criteria adopted by the companies for deciding on the deployment of low-floor buses to individual routes; and*
- (c) *of the channels through which passengers in need, such as wheelchair users and mobility-handicapped persons, learn whether there are low-floor buses serving a particular bus route and about their schedules?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President,

- (a) As at 31 October 2005, the numbers of wheelchair accessible low-floor buses, the number of routes deployed with these buses operated by the six franchised bus companies and the estimated percentage of trips operated with low floor buses as a proportion to the total number of trips of these routes are as follows:

	<i>Number of low-floor buses¹</i>	<i>Number of routes operated with low floor buses²</i>	<i>Estimated percentage of trips operated with low-floor buses as a proportion to the total number of trips of the relevant routes³</i>
Kowloon Motor Bus Company (1933) Limited (KMB)	1 698	200	60%
Citybus Limited (Franchise 1) ⁴ (Citybus (Franchise 1))	52	16	33%
Citybus Limited (Franchise 2) (Citybus (Franchise 2))	70	10	68%
New World First Bus Services Limited (NWFB)	530	80	86%
New Lantau Bus Company Limited (NLB)	17	3	100%
Long Win Bus Company Limited (LW)	136	15	97%

- 1 As at 31 October 2005, the six franchised bus companies have 2 503 low floor buses, which amount to about 42% of the bus fleet.
- 2 Routes jointly operated by two bus companies are included.
- 3 Percentage of trips operated with low-floor buses as a proportion of the total number of trips of the routes concerned is calculated based on the number of low floor buses and non-low floor buses deployed on the routes.
- 4 Most of the buses of Citybus (Franchise 1) were purchased before 1997, when low floor buses were not yet available in the market.

Franchised bus companies deploy wheelchair accessible low-floor buses on routes across various parts of Hong Kong, Kowloon and the New Territories to serve passengers in need. In 2001, all franchised bus companies except NLB agreed to choose wheelchair accessible models when making future purchase for new buses. The number of new buses required by different bus companies varies depending on the age of their existing fleet and changes in service demand. According to the current Route Development Programmes of the bus operators, a total of 885 wheelchair accessible buses will be purchased in the coming five years. Their distribution is as follows:

<i>Bus Operators</i>	<i>KMB</i>	<i>Citybus (Franchise 1)</i>	<i>Citybus (Franchise 2)</i>	<i>NWFB</i>	<i>LW</i>
Number of new buses to be purchased in the coming five years	730	72	11	20	22

Due to topographical constraints, wheelchair accessible low-floor buses are not suitable for most of the routes operated by NLB. Nevertheless, the company has planned to purchase such buses to operate on suitable routes where terrain permits.

- (b) When determining the deployment of low-floor buses on different routes, bus operators will take into account the views gathered through various channels. For example, they participate in the Working Group on Access to Public Transport by the Disabled organized by the Transport Department (TD) and discuss with organizations representing people with disabilities during regular meetings on the arrangements and priorities concerning the deployment of low-floor buses for individual routes. In addition, bus operators gauge opinions through the local community, passenger liaison groups, customer service hotlines and their websites so as to understand the demand of the community and people with disabilities for wheelchair accessible low floor buses.
- (c) The TD and franchised bus companies provide information to organizations representing people with disabilities, setting out the list of routes operated with low-floor buses and the number of these buses in order to facilitate them to plan their journeys. Passengers who require low-floor bus service may browse the bus companies' websites or call their hotlines for the latest information.

Use of Prefabricated Building Components in Public Housing Construction Projects

13. **MR WONG KWOK-HING** (in Chinese): *President, regarding the use of prefabricated building components in public housing construction projects, will the Government inform this Council of the following since January 2000:*

- (a) *the value and quantity of prefabricated building components used each year by public housing contractors and, among them, the respective percentages of components which were prefabricated locally and imported, together with a breakdown of imported components by place of manufacture; and*
- (b) *the annual number of workers, broken down by job types, who would otherwise be involved in in-situ construction processes at construction sites had such construction processes not been replaced by such imported components?*

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

- (a) The Housing Authority has been using prefabricated building components since mid-1980s to improve building quality, promote construction efficiency and minimize the adverse environmental impacts of construction works on the neighbourhood. Apart from a limited amount of precast components manufactured within construction sites upon the Housing Authority's request for reasons of quality control and structural safety, there is practically no local manufacturers producing prefabricated building components in recent years. The vast majority of prefabricated components, including external walls, staircases and prefabricated floor slabs, are manufactured in the Mainland. The annual total value of the prefabricated components used by the Housing Authority since 2000 is estimated as follows:

<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
\$850M	\$400M	\$300M	\$280M	\$200M

- (b) With the use of prefabricated building components for public housing blocks, the demand for some construction trades including carpenters (formwork), steel fixers, concretors, aluminium window installers and external wall decorators, has somewhat lessened. On the other hand, trades such as logistics management personnel, truck

drivers, quality controllers, plant operators and installers are in increasing demand. We have not made any detailed comparison of the demands for various jobs under different building modes, and hence the requisite statistical data is not available.

Nursing Manpower of Hospital Authority

14. **DR JOSEPH LEE** (in Chinese): *President, regarding the manpower of nursing staff of the Hospital Authority (HA), will the Government inform this Council:*

- (a) *of the reasons for the decrease in the number of HA's nursing staff vis-a-vis the preceding year, and the rank distribution of the nursing staff who departed in each of the past five years;*
- (b) *as the number of HA's nursing staff decreased from 19 727 in 2000-01 to 19 162 in 2004-05, of the reasons for the HA not having filled the vacant posts; whether such reasons include the shortage of nurses who have received training at Bachelor's degree level at universities, and the existing nursing staff not having been promoted to the rank of senior nursing officer or nurse specialist due to their inadequate training and experience;*
- (c) *if the reasons mentioned in part (b) include the shortage of nurses who have received training at the Bachelor's degree level, whether the Administration has followed up with the University Grants Committee (UGC) on the outcome of the proposed increase in the student number targets for nursing education offered by the UGC-funded institutions in the coming three years; if so, of the details; and*
- (d) *if the reasons mentioned in part (b) include the existing nursing staff not having been promoted, whether the HA will allocate additional resources to provide training for the staff concerned?*

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

- (a) The decrease in the number of nursing staff in public hospitals over the past five years (that is, from 2000-01 to 2004-05) could be attributed mainly to the upgrade of nursing education to degree level in recent years, which lowered the number of student nurses in public hospitals from 1 497 in 2000-01 to 271 in 2004-05. Another major reason was the introduction of the Voluntary Retirement Scheme by the Administration and the Voluntary Early Retirement Programme by the HA in 2003-04, which had led to more nurses departing over the past two years. The upturn of private medical services in recent years has also attracted some nurses in public hospitals to switch for jobs in private hospitals or residential care homes for the elderly. A breakdown by rank of the nurses who departed the HA over the past five years is given in the table below.

<i>Rank</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Nursing Officer or above	79	80	63	236	219
Registered Nurse	137	159	120	407	276
Enrolled Nurse	59	69	50	198	126
Others	3	8	17	21	4
Student Nurse	213	130	119	Not Applicable	Not Applicable
Total	491	446	369	862	625

While there has been a decrease in the total number of nursing staff in public hospitals over the past five years, it is worth noting that the number of qualified nurses has actually gone up within the same time period from 18 230 in 2000-01 to 18 891 in 2004-05.

- (b) The HA has all along been filling nursing vacancies in public hospitals through open recruitment over the past five years. During that period, the total number of nurses recruited was 3 451. As regards the posts at Nursing Officer rank or above (including nurse specialist posts), the HA has been filling the relevant vacancies with suitable candidates chosen from serving staff through internal promotion. The number of nursing staff promoted within the past five years was 446.

In addition, the HA has continued to recruit additional health care service assistants in recent years to perform simple patient care duties, which do not require professional nursing knowledge, in hospital wards, so as to alleviate the workload of front-line nursing staff. This also serves to provide relief for the strain on nursing manpower at public hospitals. Over the past five years, the number of health care service assistants in public hospitals has increased from 5901 in 2000-01 to 6 888 in 2004-05.

- (c) The Administration's aim in upgrading basic nursing education to degree level is to enhance the quality of nursing services in Hong Kong. To achieve this aim, the Administration has already requested the UGC to progressively increase the number of places in degree level nursing programmes, in order to ensure that there will be sufficient nursing graduates to meet the demand on the nursing profession. In the 2004-05 academic year, 450 first-year-first-degree (FYFD) places in nursing (in full-time equivalent terms) are provided in the UGC-funded institutions. The number of such places will further increase to 518 in the 2005-06 to 2007-08 triennium. In addition, to provide articulation opportunities for nursing sub-degree holders, the UGC also funds an additional 30 senior year places (in full-time equivalent) beginning in the 2005-06 academic year. The Administration will continue to assess the long-term demand for nurses on a regular basis. If there is such a need, we will recommend the UGC to increase the number of places in degree level nursing programmes yet further in or after the 2008-09 academic year.

Apart from the degree nursing programmes funded by the UGC, in recent years some tertiary institutions are planning to run their own degree-level nursing programmes. For example, The Open University of Hong Kong has already introduced two four-year degree programmes with a total of 80 places this September.

- (d) The HA has put in place a comprehensive framework for continuing nursing education and provide on-the-job training to nursing and other staff through the Hospital Authority Institute of Health Care and the Institute of Advanced Nursing Studies. Courses offered include a specialist nursing programme and a professional

competence enhancement programme. In order to ensure the quality of service and supervision, the HA has made particular efforts in providing the more senior nursing staff with leadership and management training. In recent recruitment exercises conducted by the HA for posts at the Nursing Officer rank or above, there have been sufficient numbers of qualified nurses applying for the relevant vacancies, with no signs of inadequate supply.

Monitoring of Petrochemical Plant in Daya Bay

15. **MR CHEUNG HOK-MING** (in Chinese): *President, it has been reported that a petrochemical plant in Daya Bay (Daya Bay plant) is scheduled to officially commence operation in December this year. Nevertheless, the explosion of a petrochemical plant in Jinlin and the resultant pollution of the Songhua River and temporary suspension of water supply in Harbin, and so on, have aroused concerns of the public and green groups in Hong Kong about issues such as the safety and environmental impacts of the Daya Bay plant. In this connection, will the Government inform this Council:*

- (a) whether the Hong Kong authorities have measures to monitor the operational safety of the Daya Bay plant; if so, of the details; if not, the reasons for that;*
- (b) whether the Hong Kong authorities will be immediately notified of any leakage of chemicals from the Daya Bay plant; if so, of the notification mechanism involved, and the contingency and preventive measures, which the Hong Kong authorities have in place, to prevent such contaminants from entering Hong Kong and causing health hazards to the public and damage to the environment of Hong Kong; and*
- (c) whether it has measures to monitor whether local agricultural products have been contaminated as a result of the operation of the Daya Bay plant?*

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

- (a) The Daya Bay plant is located in Huizhou Municipality of Guangdong Province. Its operation has to comply with the safety and environmental requirements of the relevant mainland authorities. Since the project is outside the Hong Kong Special Administrative Region, we have no statutory power to monitor the operation of the Daya Bay plant. Based on what the Environmental Protection Department (EPD) has learnt from the company concerned, the company has drawn up a detailed environmental monitoring programme, based on the recommendations in the environmental impact assessment report on the project, in order to monitor the environmental impact of the project on nearby areas during the construction and future operation, as well as the compliance status of the relevant parameters. Since the start of the construction works of the project in March 2003, quarterly monitoring reports have been published at the website of the company < www.cnoocshell.com > . Moreover, as the petrochemical plant is in Daya Bay and about 80 km from the urban areas of Hong Kong, the daily operation of the plant will not have any adverse impact on the environment of Hong Kong.
- (b) Under the framework of the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection, the Environment, Transport and Works Bureau and the Guangdong Environmental Protection Bureau have a direct communication channel for major cross-boundary environmental pollution incidents. The Special Panel on Dongjiang Water Quality Protection set up under the Joint Working Group has put in place a notification mechanism for the water quality monitoring and emergency incidents. Moreover, in the event of oil spills or emergency incidents at sea, the mainland port authority will, as required, notify the authorities in Hong Kong so that the relevant departments, including the EPD, will activate the corresponding contingency plan and take preventive measures. If the incidents pose a threat to Hong Kong, the departments will, in accordance with the agreed plan, first conduct a detailed assessment to monitor the extent of impact on Hong Kong, and promptly contain, recover and properly dispose of contaminants drifting into Hong Kong waters. As for the impact on marine and land traffic, the relevant departments will make deployment accordingly and assist those affected, including temporary evacuation from the polluted areas as necessary.

- (c) As said above, the petrochemical plant in question is about 80 km from the urban areas of Hong Kong and the daily operation of the plant will not have any adverse impact on the environment of Hong Kong. However, if there is any information showing that the plant may have an adverse impact on our environment, the Agriculture, Fisheries and Conservation Department will take appropriate measures to ensure the safety of livestock in local farms.

Planning of Private Hospital Services by Government

16. **DR KWOK KA-KI** (in Chinese): *President, regarding the planning of private hospital services by the Government, will the Government inform this Council:*

- (a) *of the overall utilization ratio of private hospitals in Hong Kong in each of the past 10 years, and the reasons for changes in such ratios;*
- (b) *of the authorities' estimated number of additional beds to be provided under the expansion project of various private hospitals in the coming five years; if the authorities cannot provide such information, the reasons for that;*
- (c) *whether it has assessed if the existing provision of beds in private hospitals can meet the demand for private medical services after their repositioning, and whether the authorities have policies on encouraging non-governmental or private organizations to establish new private hospitals; and*
- (d) *whether any non-governmental or private organizations have discussed with the authorities the construction of new private hospitals in Hong Kong since the commissioning of the newest private hospital in 1995, and whether the relevant hospital sites include the private hospital site in Wong Chuk Hang?*

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

- (a) The occupancy rates of the 12 private hospitals in the past 10 years are as follows:

<i>Year</i>	<i>Range of Occupancy Rate (%)¹</i>	<i>Overall Occupancy Rate (%)²</i>
1995	20.2 - 72.2	51.1
1996	23.9 - 70.1	51.9
1997	24.8 - 76.3	55.5
1998	23.8 - 73.5	56.3
1999	17.3 - 66.5	51.0
2000	18.7 - 70.6	54.4
2001	19.5 - 78.6	53.1
2002	17.4 - 86.9	51.8
2003	16.1 - 90.8	49.7
2004	17.7 - 73.7	56.5

¹ The range shows occupancy rates of the two hospitals having the lowest and highest overall occupancy rate during the year. Occupancy rate was calculated on the basis of midnight occupancy.

² Occupancy rate was calculated on the basis of midnight occupancy.

The occupancy rates have stabilized at around 50% to 60% in the past 10 years. According to the private hospitals, the occupancy rates are mainly affected by the economic situation, among others. The sharp increase in 2004 is partly attributed to an increase in the number of mainland mothers giving birth in Hong Kong.

- (b) In the next five years, five hospitals will have their beds expanded by a total of about 700. Another hospital will complete its expansion by 2012 adding another 150 beds. The remaining six hospitals have no plans to alter their bed number.
- (c) As at end 2004, there were 2 794 beds in all the private hospitals and the overall occupancy rate was 56%. With the further increase of some 700 beds in the next five years, no deficiency in supply is expected. The setting up of private hospitals is a matter for the market.
- (d) Since 1995, the Administration has handled an application for the setting up of a private hospital in Wong Chuk Hang. Apart from this, no other request has been received.

Language Education Programmes not Funded by Language Fund

17. **MISS TAM HEUNG-MAN** (in Chinese): *President, will the Government inform this Council:*

- (a) *whether the authorities introduced, in the past three years, language education programmes which were not funded by the Language Fund; if so, of the details of the programmes (including their contents and assessment methods) and the resources involved;*
- (b) *whether it has reviewed the effectiveness of the above programmes; if so, of the review results; if not, the reasons for that; and*
- (c) *whether it plans to put forward new language education programmes which are not funded by the Language Fund or revise the existing ones; if so, of the details of the plan; if not, the reasons for that?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): President, with regard to part (a) of the question, major initiatives aiming to raise the language proficiencies of students introduced in the past three years, in addition to the ones supported by the \$1.4 billion strong Language Fund, are set out below:

(I) Primary and Secondary Levels

Building of a Professional Language Teaching Force

Since the 2000-01 school year, resources have been allocated each year as training subsidies for about 8 600 English and 4 800 Putonghua teachers to meet the Language Proficiency Requirement (LPR). The allocation for 2005-06 for this purpose is about \$60 million. Starting from the 2004-05 school year, new teachers of these subjects are required to meet the LPR before they take up their teaching duties. All serving teachers of these subjects should have met the LPR by 31 August 2006.

In addition, new Chinese and English teachers joining the profession in or after the 2004-05 school year should possess, on appointment or in three to five

years thereafter, qualifications on subject knowledge and pedagogical knowledge in the subject that they teach in.

Moreover, professional upgrading courses (PUCs) organized by The Hong Kong Institute of Education are ongoing for curriculum leaders of the English, Chinese, and Putonghua subjects in primary and secondary schools. The provision for 2005-06 for this purpose is about \$26 million.

Creating Room for Language Teachers

To enable teachers to focus on teaching the subject they specialize in, starting from the 2005-06 school year (initially for three years), a provision of \$141 million for 2005-06 is made available for over 400 public sector primary schools with 12 or more classes to implement specialized teaching starting with English, to be followed by Mathematics and/or Chinese.

For the 300 schools using Chinese as the medium of instruction (CMI schools), additional recurrent resources in various forms including additional English Language teachers (ranging from one to four depending on the size of the school) and a grant for developing materials or activities related to English learning. The provision for this purpose for 2005-06 is about \$430 million.

The number of Native English-speaking Teachers (NETs) in primary and secondary schools has increased from 640 in the 2002-03 school year to 805 in the 2005-06 school year. At the same time, 47 Advisory Teachers are also supporting the scheme. We plan to increase the number of NETs by about 200 in the coming school years. About \$656 million is required for implementing the NET scheme to more than 1 000 primary and secondary schools.

Curriculum Reform

As part of the education reform, major efforts were made in the past few years in the curriculum reform of the language subjects. The revised Curriculum Guides (CGs) for Chinese and English Languages in Secondary and Primary Schools were released in the previous few years, increasing emphasis on the promotion of reading and language arts activities, such as drama, poetry and role plays in primary schools, learner-centred and task-based learning, and

assessment for learning, and so on. About \$20 million was allocated for 2004-05 for developing professional development programmes and resource packages for teachers in this regard.

Specifying a clear and realistic set of expected competencies

The Territory-wide System Assessment (TSA) was conducted for Primary Three students in 2004 and for Primary Three and Six in 2005. TSA results are important feedbacks to teachers and schools on the strengths and weaknesses of their students and as signals for improvement strategies. The pro-rata annual cost for the assessment on the two languages is around \$27 million.

(II) Post-secondary Level

In the 2005-06 academic year, the University Grants Committee (UGC) has allocated a sum of \$76.6 million for providing Language Enhancement Grants (LEGs) to all the eight UGC-funded institutions. The grants support efforts to enhance students' proficiencies in Chinese and English through programmes in various forms, including compulsory ones for all students, those designed for specific disciplines, courses on specific skills in writing or speaking, as well as workshops and summer courses on language abilities.

In addition, the UGC introduced the Common English Proficiency Assessment Scheme in 2002 as a voluntary assessment scheme with the International English Language Testing System as the testing instrument. In 2004-05, about 8 600 students participated in the Scheme with an average score of 6.64 on a nine-point scale, which is higher than that in 2003-04 (6.51). In 2005-06, 9 500 students enrolled in the Scheme, recording an increase of 10% as compared with the number in 2004-05.

This summarizes the major initiatives on language education implemented by the Administration and not funded by the Language Fund in the past three years.

With regard to part (b) of the question, evaluation on the effectiveness for some of the initiatives above is ongoing. For example, evaluation for the NET scheme is in progress, and the effectiveness of specialized teaching will be reviewed in three years. For others, while there is no specific evaluation mechanism for individual measures, analysis of students' performance (for

example, annual TSA or Hong Kong Certificate of Education Examination (HKCEE) results) would help reflect the outcome of various measures on language education.

Indeed, gradual improvements have been observed. For example, the average Hong Kong Attainment Test scores for English at Pre-S1 level have consistently risen from 2001 to 2004. At HKCEE (English Language, Syllabus B), the percentage of students achieving a "C" or above has risen from 8.6% in 1997 to 12.2% in 2005; and that for an "E" or above from 59.2% to 74.8%. Moreover, an employer survey conducted by the Hong Kong Policy Research Institute in September 2005 also suggests that about 90% of employers surveyed are in general satisfied with the English language proficiency of their entry-level graduate employees.

With regard to part (c) of the question, the Administration will continue to implement initiatives set out above, as well as new and ongoing programmes supported by the Language Fund (including the \$525-million strong Professional Development Incentive Grant Scheme for Language Teachers, the \$276-million strong Task Force on Language Support, and an injection of \$1.1 billion pending Finance Committee's approval for the purposes of strengthening the teaching and learning of English in CMI schools, enhancing the quality of English-medium teaching in schools using English as the medium of instruction and supporting the wider use of Putonghua to teach the Chinese Language subject in primary and secondary schools).

Substantive investment will be made in meeting the challenge of implementing the new academic structure for senior secondary education, and we are now working closely with stakeholders in the drafting and refining of the curriculum and assessment frameworks of New Senior Secondary (NSS) subjects, including Chinese and English. Professional development programmes to build professional capacity of teachers have also started. At the same time, the Hong Kong Examinations and Assessment Authority is in the process of developing a standards-referenced system for the HKCEE in the two language subjects for implementation by 2007. These standards-referenced assessments will make it clear that a candidate's performance in the examination can peg against a set of standards-related descriptors in the relevant subject.

As regards strengthening support on language education in primary and pre-primary levels, other than earmarking \$200-million in the Language Fund

for launching various programmes (including overseas immersion programmes for primary and kindergarten teachers and pilot programmes to support English education in kindergartens), we will examine the needs of kindergarten teachers in English teaching, including professional development needs and support in class.

Crackdown on Touting Activities Through Fare Discounts

18. **MR LEE WING-TAT** (in Chinese): *President, regarding the crackdown on touting activities of taxi operators/drivers through the offer of fare discounts, will the Government inform this Council:*

- (a) *of the respective numbers of prosecutions instituted by the police against those engaged in touting activities, and by the Office of the Telecommunications Authority (OFTA) against those who used illegal telecommunication devices for touting and, among such cases, the numbers of convictions in each year since January 2004;*
- (b) *whether it has assessed the effectiveness of such enforcement actions; if it has, of the outcome of the assessment; if not, the reasons for that; and*
- (c) *whether it has discussed with various taxi associations the possibility of adjusting downward the scale of taxi fares prescribed by the law, in order to eliminate such touting activities; if it has, of the details of the discussions; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Chinese): President, details of the enforcement actions taken by the police against illegal soliciting of taxi passengers between January 2004 and November 2005 are as follows:

	<i>Number of Persons Prosecuted</i>	<i>Number of Persons Convicted</i>	<i>Number of Cases being Processed*</i>
January to December 2004	126	118	0
January to November 2005	132	115	1

Joint operations conducted over the same period by the OFTA and the police against the use of illegal telecommunication equipment are as follows:

	<i>Number of Operations Conducted</i>	<i>Number of Taxis Inspected</i>	<i>Number of Illegal Telecommunication Equipment Seized</i>	<i>Number of Persons Prosecuted</i>	<i>Number of Persons Convicted</i>	<i>Number of Cases being Processed*</i>
January to December 2004	88	1 484	252	170	168	0
January to November 2005	67	973	162	24	24	86

* Include cases under investigation or pending prosecution.

The Transport Department (TD) published the enforcement figures to the taxi trade through the quarterly *Taxi Newsletter* to keep the trade informed of the latest actions taken by the Government against taxi soliciting activities. The trade supports the continued enforcement actions and recognizes the deterrent effects the sustained enforcement actions have on taxi soliciting activities. The TD will continue to work closely with the police, the OFTA and the taxi trade to monitor and curb illegal soliciting activities.

The TD has all along maintained dialogue with the trade on issues related to taxi operation. So far the trade has neither submitted any proposal to reduce taxi fares nor reached any consensus on this matter.

Motorcycles Burnt in Arson Attacks

19. **MR ANDREW CHENG** (in Chinese): *President, I have recently received complaints that quite a number of motorcycles have been burnt in arson attacks in recent years. In this connection, will the Government inform this Council:*

- (a) *of the number of cases in which motorcycles were allegedly burnt in arson attacks, the total number of motorcycles involved, and the percentage of detected cases in the total number of such cases in each of the past three years, as well as the general motives behind the arson attacks as reflected by the detected cases;*

- (b) *whether the percentage of motorcycles burnt in arson attacks in the total number of motorcycles was higher than that of private cars in each of the past three years; if so, whether the authorities have reviewed the reasons for that; and*
- (c) *how it can prevent the recurrence of similar crimes?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) In 2003, 2004 and 2005 (up to 30 November), the number of arson cases involving motorcycles is 15, 13 and 21 respectively and the number of motorcycles involved is 25, 22 and 47 respectively. In 2003 and 2005 (up to 30 November), no such cases were detected. For 2004, one case was detected. The police believe that the motives for committing the crime are usually malicious damage and the destruction of evidence after committing crimes.
- (b) The figures indicate that the total number of private cars burnt in arson attacks is around 60 each year, and that of motorcycles is also below 50 each year. The number of vehicles damaged as a percentage of the total number of vehicle licensed is very small. In the past three years, the percentage of motorcycles and private cars burnt in arson attacks against the total number of motorcycles licensed and that of private cars licensed in each year are as follows:

	<i>2003</i>	<i>2004</i>	<i>2005</i> <i>(January to November)</i>
Motorcycles	0.08%	0.07%	0.13%
Private cars	0.02%	0.02%	0.02%

Generally speaking, motorcycles are usually parked in groups in parallel to each other. Their engine structures are also exposed. Thus if one of the motorcycles is on fire, the fire may spread to other motorcycles nearby. Therefore, the percentage of motorcycles burnt in arson attacks against the total number of motorcycles is higher than that of private cars. Taking 2005 (up to 30 November) as an example, among the 21 cases, seven of them involved a number of motorcycles, and these seven cases already accounts for 80% of the motorcycles burnt.

- (c) The police will step up patrols of the black spots of this kind of crimes. Besides, increased vigilance on the part of the public is also impatient to the prevention of such crimes. Members of the public should avoid parking motorcycles in places that are not well-lit or are under-managed, such as illegal parking areas (for example, in rear lanes and under flyovers). If members of the public witness any crimes, they should report them immediately so that the police may take swift action to bring the criminals to justice.

MOTIONS

Government Motions

PRESIDENT (in Cantonese): Motions. Motion on the Amendment to the Method for the Selection of the Chief Executive.

MOTION ON THE AMENDMENT TO THE METHOD FOR THE SELECTION OF THE CHIEF EXECUTIVE

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I hereby move that the first motion standing under my name in the Agenda, that is, the Motion on the Amendment to the Method for the Selection of the Chief Executive, be passed. Later on, I will move another motion on the Amendment to the Method for the Formation of the Legislative Council.

In its Fifth Report published on 19 October this year, the Constitutional Development Task Force put forth a package of proposals on the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. The package of proposals is the result of 18 months of extensive public consultation. It is consistent with the provisions of the Basic Law of the Special Administrative Region of the People's Republic of China (the Basic Law) as well as the Interpretation and Decision made by the Standing Committee of the National People's Congress (the NPCSC) in April last year, and is a substantive and democratic package, leading Hong Kong's political structure towards the ultimate aim of universal suffrage.

Madam President, please allow me to briefly introduce the content of the motion. In accordance with the provisions of Article 7 of Annex I to the Basic Law, the Interpretation by the NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law on 6 April 2004, and the Decision of the NPCSC 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 on 26 April 2004, the Administration moves that the Motion on the Amendment to the Method for the Selection of the Chief Executive be passed. If the motion is passed by the Legislative Council by a two-thirds majority of all Members, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" (the Annex I (Draft) Amendment), which is annexed to the motion, will be submitted to the Chief Executive for consent and thence for reporting by the Chief Executive to the NPCSC for approval.

According to the Annex I (Draft) Amendment, the Election Committee (EC) to select the third term Chief Executive in 2007 shall be composed of 1 600 members, and the number of sectors shall remain at four. The term of office of the EC shall be five years.

The number of members allocated to the First, Second and Third Sectors of the EC will be increased, respectively, from 200 at present to 300. As to the allocation of seats among the subsectors under these three sectors, the Administration considers that, in principle, there could be a proportional increase in the seats in accordance with the existing allocation of seats to the subsectors. However, detailed arrangements could be dealt with in the context of the Chief Executive Election (Amendment) Bill (the Bill).

The number of seats in the Fourth Sector of the EC will be increased from 200 at present to 700. According to the Administration's proposal, all District Council (DC) members will be included in the Fourth Sector. As all Members of the Legislative Council are included in the Fourth Sector, if the Motion on the Amendment to the Method for the Formation of the Legislative Council is passed, the number of EC seats allocated to the Legislative Council will only be increased from 60 at present to 70 in 2008, which is after the formation of the EC in early 2007. We will deal with the relevant transitional arrangements in the Bill.

As regards the mechanism for nominating candidates for the Chief Executive election, according to the Annex I (Draft) Amendment, the number of subscribers required will be maintained at the ratio of one eighth of total membership, that is, candidates for the office of the Chief Executive may be nominated by not less than 200 members of the EC. This arrangement will ensure that candidates have a certain level of support.

On the method for selecting the Chief Executive in 2007, the Administration also proposes that consideration be given to amending the Chief Executive Election Ordinance to establish an appropriate mechanism whereby, if only one candidate is validly nominated, election proceedings shall continue. If the motion is passed, the relevant detailed arrangements will be dealt with in the Bill.

Madam President, after the publication of the Fifth Report of the Constitutional Development Task Force by the Administration, the House Committee set up a subcommittee to study the relevant proposals of the Administration at its meeting on 21 October, with Mr TAM Yiu-chung and Mr Howard YOUNG serving as Chairman and Vice-chairman of the Subcommittee respectively. On behalf of the Administration, I would like to extend our heartfelt gratitude to Mr TAM and Mr YOUNG. May I also take this opportunity to thank the Legislative Council Secretariat for their work, and the views of Members who participated in the Subcommittee.

The Subcommittee held a total of nine meetings, including a meeting with public deputations on 12 November. At the meetings of the Subcommittee, government officials explained to Members in detail the Administration's proposals and position, and responded to questions raised by Members. We also listened carefully to Members' views, many of which are very useful to our preparatory work on drafting the Bill.

Madam President, the wording of the Administration's current Motion on the Amendment to the Method for the Selection of the Chief Executive is basically the same as the draft motion studied by the Subcommittee. The only change that we have made is the deletion of the following sentences from the Annex I (Draft) Amendment concerning the amendment to the method for the selection of the Chief Executive at Annex B to the Fifth Report: "In the event that the office of the Chief Executive becomes vacant during the term, the term of office of the new Chief Executive elected by the Election Committee shall be the

remainder of the term of the preceding Chief Executive. The new Chief Executive may serve for one more term after expiry of the term."

The deletion was made after careful consideration of comments made by some members of the Subcommittee. We are of the view that this issue could be dealt with in the context of local legislation. When we submit the Bill to the Legislative Council in due course, we will specify that the new Chief Executive elected in a by-election may only serve for one more term after expiry of the term.

Madam President, the Hong Kong Special Administrative Region (SAR) Government must emphasize that the proposed package put forth in the Fifth Report is extremely important for democratic development in Hong Kong. The Basic Law has set out clearly how the political system in Hong Kong should develop in the first 10 years after the reunification. On this basis, we are now taking one step forward towards the ultimate aim of universal suffrage. This package, both in terms of substance and historical significance, is a crucial and positive step forward. The main thrust of the proposed package is to increase the democratic representation in the method for selecting the Chief Executive by enhancing the level of participation of DC members in the Election Committee. I hope Members would understand that the package has not come easily. The SAR Government has conducted rounds of extensive public consultation for more than a year, and has made the greatest effort in finding the right balance amidst the various views and proposals of different sectors of the community. It has responded to the aspirations of the community for constitutional development, and has taken into account the interests of all strata and sectors of the community.

Madam President, some Members regard the proposed package as a "rollback in democracy". I absolutely do not agree with this view. As a matter of fact, the proposed package will take forward democracy.

First, for the EC to be formed in 2007, over one quarter of the membership, including more than 400 members returned by the Legislative Council direct elections and DC elections, will be returned by more than 3 million registered voters in Hong Kong. In other words, over one quarter of the members of the EC will have an electorate base of universal suffrage.

Second, the 529 DC members will take up almost one third of the seats in the EC. It is envisaged that candidates for the office of Chief Executive will pay more attention to district affairs and the aspirations of the public.

Third, the proposed package will help to enhance the status and role of the DC members. If passed, the proposed package will encourage more willing and able individuals to participate in DC elections. This will facilitate further development of district administration, and thus help to nurture political talents and create favourable conditions for universal suffrage.

Madam President, since the proposed package was released in October this year, opinion polls conducted by various institutions have clearly indicated that it has the support of the community. At the same time, these opinion polls also indicate that while there are aspirations in the community for a timetable for universal suffrage, most people do not want to see the Administration's proposals voted down because a specific timetable cannot be set at this stage. In other words, members of the community hope that the 2007 and 2008 proposed package can be passed, so that the two electoral methods can move forward. At the same time, they also hope that a timetable for universal suffrage can be set as soon as possible. The SAR Government considers that both views are genuine and deserve respect. Most members of the public have their ideals and yet are pragmatic. They consider that we should endorse the package on electoral arrangements in 2007 and 2008 first, so as to move forward towards the ultimate aim of universal suffrage. At the same time, we should commence active discussion on the roadmap and timetable for universal suffrage.

Further, after the package of proposals was released, the Chief Secretary for Administration immediately proceeded to meeting all 18 DCs to listen to their views on the proposed package. A total of 364 DC members had given their views. Regardless of whether appointed members are counted or not, the number of DC members supporting the package is greater than that opposing. This is a reflection that the package has support at the district level.

Madam President, the Administration addresses the aspirations of the community for a roadmap and timetable for universal suffrage in a positive manner. The Committee on Governance and Political Development under the Commission on Strategic Development, chaired by the Chief Executive, held its first meeting on 29 November, formally commencing the discussions within the

Hong Kong community on a roadmap for universal suffrage. As the Chief Executive has stated in public, the Government plans to take forward the relevant work in two stages. We will conduct discussions on principles and concepts relating to universal suffrage in the first stage. A preliminary conclusion on these discussions will be drawn around summer next year. Then we will begin the second stage to study the design of the electoral systems for the Chief Executive and the Legislative Council when attaining universal suffrage. Conclusion on these discussions will be drawn in early 2007. On the basis of the conclusions, discussions on a timetable for universal suffrage will commence.

Madam President, the ultimate aim of universal suffrage is clearly enshrined in the Basic Law. The stance of the Central Authorities towards universal suffrage is unequivocal. In his meeting with the Chief Executive on 18 November, President HU Jintao said that it had all along been the established position of the Central Government to support the Hong Kong SAR in the development of democratic system in accordance with the laws, and in the light of the actual situation in Hong Kong and in a gradual and orderly manner. At his meeting with Legislative Council Members, DC chairmen and different sectors of the community on 2 December at Shenzhen, Deputy Secretary-General QIAO Xiaoyang of the NPCSC said he was aware that there were aspirations in the Hong Kong community both for the 2007 and 2008 proposed package and for a timetable for universal suffrage; and that both aspirations should be respected and given recognition. Deputy Secretary-General QIAO was also of the view that wide and thorough discussions on a roadmap and timetable for universal suffrage could be held, and a consensus forged on that basis.

If the proposed package is passed, the method for selecting the Chief Executive in 2007 will become more open and democratic. This will facilitate the early attainment of the ultimate aim of universal suffrage. In contrast, if the proposed package is voted down, our task to take forward constitutional development in future will inevitably be adversely affected; and this will not be conducive to the early attainment of universal suffrage.

Madam President, the SAR Government understands that some Members are concerned about the involvement of appointed DC members in the electoral arrangements for the elections for the Chief Executive and for the Legislative Council. In this regard, the Chief Secretary for Administration has announced

a couple of days ago the proposed adjustment to the number of appointed DC seats and our relevant considerations and the Chief Secretary for Administration has also elaborated on this detailed adjustment. If the motions for the 2007 and 2008 proposed package are passed by the Legislative Council, we will reduce the maximum number of appointed DC seats by one third, that is, from the existing 102 to 68, when the new term of DCs commences on 1 January 2008. Thereafter, we will, in the light of the prevailing situation, which would mainly be the reaction of the community and the operation of the DCs following the reduction in the appointed seats, decide before the end of 2011 whether to abolish all the remaining 68 appointed DC seats in 2012, or whether to reduce them by half to 34 seats in 2012, and then abolish all appointed DC seats in 2016.

This adjustment arrangement aims to address, in a positive manner, the concerns on appointed DC seats. We hope that this will enhance Members' support of the motion. This adjustment forms part of the overall package, but does not involve nor require any amendment to the motion that the Government moves today at the Legislative Council. If the motion is passed by the Legislative Council, the Government will later implement the changes to the DC appointed seats through amendments to local legislation. In the event that the motion is rejected by the Legislative Council, we will not proceed with the changes to the DC appointed seats. This is a subject which different sectors of the community can continue to discuss, for example, in the context of the review of the DCs next year.

Madam President, this is the first time we propose to amend the method for selecting the Chief Executive in accordance with the provisions in Annex I to the Basic Law. We hope that our package will have the support of a two-thirds majority of all Legislative Council Members, the consent of the Chief Executive and the approval of the NPCSC, so that we can take forward Hong Kong's democratic system. This will be a major milestone in Hong Kong's democratic development. During the past two year, the Government has spared no effort and has worked with the greatest sincerity in trying to build the broadest consensus in the community. If the package can come to fruition, we will not only take a substantive step forward in the democratic development of Hong Kong in 2007 and 2008, but more importantly, the mutual trust between the SAR and the Central Government on constitutional development will also be strengthened, thus creating more favourable conditions for achieving universal suffrage as soon as possible.

Whether Hong Kong is able to seize the opportunity before us will depend on Members' wisdom and courage. All Members here are elected representatives of our community. The aspirations in the community are crystal clear: They hope to have a timetable for universal suffrage as soon as possible and also hope that the Government's package for 2007 and 2008 will be passed. They do not want *status quo*. I hope that when Members cast their votes, they will follow the community's aspirations, so that Hong Kong's constitutional development will embark on a wider road which will lead towards the early attainment of the ultimate aim of universal suffrage.

Madam President, I urge Members to support the motion.

The Secretary for Constitutional Affairs moved the following motion:

"Pursuant to Article 7 of Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (that is, amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval), the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the Standing Committee of the National People's Congress on Issues relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" annexed to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members, for submission to the Chief Executive for consent, and thence for reporting by the Chief Executive to the Standing Committee of the National People's Congress for approval.

Annex

(Draft) Amendment to Annex I to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Regarding the
Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region

1. The Election Committee to elect the third term Chief Executive in 2007 shall be composed of 1 600 members from the following sectors:

Industrial, commercial and financial sectors	300
The professions	300
Labour, social services, religious and other sectors	300
Members of the Legislative Council, members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	700

The term of office of the Election Committee shall be five years.

2. Candidates for the office of Chief Executive may be nominated jointly by not less than 200 members of the Election Committee. Each member may nominate only one candidate."

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

MR MA LIK (in Cantonese): President, the motion we are handling today is part of the entire constitutional reform package. Its aim is to make preparations for the Chief Executive Election in 2007 by amending the electoral method set out in Annex I to the Basic Law.

Actually, this Council has held several debates on the constitutional reform package and a Subcommittee under the House Committee has also conducted thorough studies on the topic. It is therefore inevitable that many of the points to be raised in the debate today may have been heard before. However, at this critical moment in the constitutional development of Hong Kong, we still think that it is necessary for us to expound the views of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) once again.

The DAB is of the view that the recommendations of the constitutional reform package on expanding the Election Committee (EC) and increasing the number of Legislative Council seats are basically identical to the proposals we have been advocating. Overall, the package can increase the democratic representation in the political system of the Hong Kong Special Administrative Region (SAR), thus enabling it to achieve gradual and orderly progress in line with the expectation of the general public. This is the main reason for our supporting the constitutional reform package.

In regard to the issues raised in the constitutional reform package, such as the appointment of District Council (DC) members, we hold the view that at an appropriate time, we may start to gradually reduce the number of appointed DC members. This Monday, the Government put forward a perfected package to address the people's concerns. We also support this perfected package of the Government and agree that the Government has made tremendous and sincere efforts to promote constitutional development.

We support the gradual but not immediate abolition of appointed DC membership because appointed DC members are knowledgeable and can thus make concrete contributions to the work of DCs and the well-being of local residents. By gradually reducing the number of appointed DC members in stages, we can effectively encourage these elites of society to continue to work for DCs or even start a political career. That way, a greater pool of political talents for future constitutional development can be amassed.

As for the composition of the EC in 2007, we maintain that it is only legal, reasonable and sensible to treat both elected and appointed DC members equally. Appointed DC members are a lawful component of existing DCs. The aim of constitutional reform should be the seeking of progress on the basis of the existing system instead of toppling it and introducing a new one. Since all DC members are doing the same job and discharging the same responsibilities, we do not wish to create any antagonism and discrimination among them as this will endanger the present functioning of DCs.

Regarding the direction of constitutional development after 2008, we maintain that we must adhere strictly to the Basic Law and seek gradual and orderly progress in the light of the actual situation in Hong Kong. All social sectors must join hands to create the conditions necessary for attaining the ultimate aim of implementing universal suffrage as early as possible.

On 26 April last year, QIAO Xiaoyang, Deputy Secretary-General of the Standing Committee of the National People's Congress (NPCSC) appealed to us on the necessity of adopting a pragmatic attitude to seek the truth and find out the correct path for the constitutional development of Hong Kong. He made it a point to say that in developing its political system, the SAR must consider a number of practical issues. We think that the issues he raised should merit our consideration:

1. Many Hong Kong people still do not have an adequate understanding of "one country, two systems" and the Basic Law. Their concept of "one country", nationalistic awareness, recognition of Hong Kong's legal status and also understanding of universal suffrage are not yet clear enough.
2. The legal status of the Basic Law as a constitutional document of Hong Kong has not yet been truly or firmly established.
3. The operation of the political system has not yet satisfied the requirements of an executive-led system as provided for in the Basic Law. The executive and the legislature are still in the process of gearing in.
4. The maintenance of the original capitalistic system in Hong Kong must be founded on balanced participation, with due regard for the interests of all social strata, sectors and sides.

I think all these are the worries of the Central Authorities about the timing of implementing universal suffrage, and the Central Authorities have given this sincere advice on the constitutional development of the SAR simply out of their concern and love for Hong Kong. We should respect these views, responding and giving thoughts to them in a serious and solemn manner, instead of turning a blind eye to them. This explains why we have been advocating that active efforts must be made to create the conditions necessary for enabling the political system to proceed gradually and orderly towards universal suffrage. It is

precisely because of such worries of the Central Authorities that the DAB has advocated the forging of the necessary conditions. I hope that individual Members of this Council will not forget all about the words of the Central Authorities and focus solely on the four conditions mentioned by the DAB. It is pointless to level desperate criticisms at others. Let me now repeat the four conditions advocated by the DAB. We advocate that:

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

1. every effort must be made to develop the economy, with a view to laying a solid economic foundation for constitutional development;
2. active efforts must be made to nurture political talents who can represent the various social sectors, so as to ensure the realization of balanced participation under universal suffrage;
3. Hong Kong people's concept of "one country", nationalistic awareness, recognition of Hong Kong's legal status and also understanding of universal suffrage must be enhanced by stepping up nationalistic education; and
4. the status of the Basic Law as the constitutional document of Hong Kong must be further consolidated by conducting extensive publicity on the Basic Law and encouraging more studies on it.

I hope that Members, in quoting the views of the DAB in future, can do so more fully.

We maintain that the various social sectors can all explore the issue of drawing up a roadmap and timetable for our future constitutional development, and the Commission on Strategic Development aptly serves as a platform. However, no matter how Members may look at the long-term constitutional development of Hong Kong, they must realize that this is actually a matter that should only be dealt with after the passage of the reform package for 2007 and 2008. Regarding the arrangements for 2007 and 2008, solutions must somehow be worked out now. And, in order to solve this problem, we must, most importantly, rationally and pragmatically follow the principles laid down by the NPCSC in its Decision and Interpretation of the Basic Law last year.

We do not think that it is feasible to "bundle up" the reform package for 2007 and 2008 and a timetable for the implementation of universal suffrage. The reason is that since different people have different views on a timetable, to "bundle up" things will only make it even more difficult to forge a consensus. Besides, there is actually a legality problem with "bundling". The reason is that the NPCSC must discharge its duties in accordance with the law, so it cannot possibly throw a timetable into the package all of a sudden, approve it and then put it on the record. In the words of Mr QIAO Xiaoyang, this is simply a "mission impossible".

Like many others, we do not think that the package for 2007 and 2008 is perfect. But we must admit that no package can possibly satisfy all in reality. When handling such an important and complex issue, we should adopt the attitude of tolerating and considering the views of different people. We should recognize that while most people support democracy, democracy is by no means the monopoly of anyone and there are truly many different views on the pace of implementing universal suffrage in society. We should thus work for a social consensus, go forward in areas where agreement is possible and continue to conduct rational exploration on those issues with no agreement for the time being. It is only in this way that we can effectively foster the advancement of our political system.

We maintain that giving support to the reform package for 2007 and 2008 is not equal to negating the aspirations to universal suffrage. We also do not think that anyone who supports universal suffrage must necessarily oppose the constitutional reform package. The two are not mutually exclusive. We have always hoped that the various sectors of society can attach importance to the overall situation and allow the political system to take a concrete step forward along the path of democratization. Genuine democrats should be prepared to support any package that can bring forth substantive democratic progress. Some argue that if their demand cannot be met, they would rather not take this step. Our view is that no one can ever have the authority of refusing to take this step on behalf of Hong Kong people.

In the past one week or so, during the people's signature campaign in support of the constitutional reform package, as many as 775 000 people signed up. This is something that anyone who respects public opinions must not ignore. However, some have still tried to find fault with or jeer at this signature campaign. They are simply reluctant to admit the genuine opinion of the

people. On the other hand, when it comes to a certain figure that has already been disproved by other precise statistics, some have still continued to exaggerate the turnout of the march while asking others not to dwell any more on it. Some initially claimed in this legislature that there were several ten thousands participants, but later on, they claimed that there were 250 000 or even several hundred thousands. I think these claims are all insults to the people's intelligence. All efforts to distort the truth will be of no avail. All along, the findings of opinion polls have been indicating clearly that most people support the constitutional reform package and hope to see its passage. People do not agree that the constitutional reform package should be negated simply because there is no timetable.

Deputy President, why are there so many people supporting the constitutional reform package? The reason is very simple. The people are all sensible. It is indeed true that even if this reform package is passed today, the number of people who have the right to directly elect the Chief Executive will just increase from 800 to 1 600. But one must realize that in the 800-strong EC, the number of elected or appointed DC members is just 42 and that of directly elected Legislative Council Members is only 30, meaning that the combined total will just be 9% of the EC membership. Following the passage of the motion, however, 400 out of the 1 600 EC members will be DC members. This, together with the 30 directly elected Legislative Council Members, will mean that 27% of the members of the EC will be direct representatives of public opinions.

This is all simple arithmetic and I believe any sensible member of the public will be able to make a judgement. If they can compare the compositions of the old and new ECs, if they can compare 9% and 27%, they will be able to reach a conclusion. I think anyone who opposes this reform package do owe the public an explanation. Why do some think that 9% is larger than 27%? Why should 27% be considered a regression? I fail to see the logic.

Some think that once this reform package is voted down, the method for selecting the Chief Executive will not have to mark time and it can still be reformed through the enactment of local legislation. This way of thinking is indeed self-deceiving. The enactment of local legislation is something for the future, but the very motion before us today can already bring forth concrete progress for the political system of Hong Kong. If this motion is negated, the number of people who can directly elect the Chief Executive will still be 800.

What changes will there be? I simply do not know what kind of undertaking the opponents can offer to members of the public. In any case, I still fail to understand why they should think that they can get what they want only by destroying the fruit before them today. If the fruit available today is destroyed, I just wonder there can be any improvements to the basis of mutual trust and negotiations in the exploration of constitutional development in the future. I am afraid that things will worsen instead of showing any improvement at all.

For quite some time, in the discussions on constitutional reform, we have been hearing all sorts of meaningless expressions such as "hunting the witch" and "bundling". But Legislative Council Members are no "witches", nor are they any hairy crabs. Political parties or even independent Members may have been guided by all sorts of strategies, negotiation tactics or situation assessments, but I believe what they need to decide now is just whether they should vote for or against this very simple motion. Our only guidance should be the position of the public on the motion.

Deputy President, this is indeed the turning point in the constitutional development of Hong Kong. Does this package represent progress or regression? Are the people for or against it? This is a question about the cardinal principle of right and wrong. All personal considerations are of secondary importance when compared with this issue. I hope that those Members who have not made up their minds can disregard all interferences and vote sensibly and resolutely for the motion. Thank you.

MISS TAM HEUNG-MAN (in Cantonese): Deputy President, 21 December 2005 will be the most significant and memorable day in the constitutional development of Hong Kong because 25 Legislative Council Members are going to vote resolutely against this motion. On behalf of those Hong Kong people who support them, they are all going to use their votes to tell the Government of the Hong Kong Special Administrative Region (SAR) the fact that a sizeable proportion of Hong Kong people have to say "no" to this package, which is devoid of any clear direction, impractical and even misleading.

Before I give any specific views on the method for selecting the Chief Executive outlined in the motion, I first want to say a few words on the public relations tactic employed by the SAR Government to rally public opinions to its side. All these tactics, ranging from Chief Executive Mr TSANG's action of rounding up his subordinates for signing up and microphone appeal in the streets

to the avalanche of APIs on television, can be described as "pulling out all the stops". But the SAR Government must realize the fact that no publicity slogans, however appealing as they may be, can possibly turn seconds into superior goods. Seconds are seconds. How can they be accepted?

By producing APIs featuring artistes and social celebrities, the Government probably hopes to capitalize on their renown and influence as a means of rallying public support for its package. But the Government has all along failed to tell the people of Hong Kong clearly how the constitutional reform package put before us today can increase the democratic representation in our political system and how it can lead us to universal suffrage. Hong Kong people are no imbeciles. Who will believe that these APIs can really convince the people of Hong Kong?

What is more, the authorities have been repeatedly stating that if we vote down the package today, we will only be thrown farther away from universal suffrage. This is merely bluffing not supported by any justifications. Does such argument imply that the constitutional development package for 2012 will have to depend entirely on our decision today? If yes, two questions must be asked. First, why is it that even up to this very day, when we must make a decision, the authorities have still failed to tell us clearly how the voting result today will affect the political system in and after 2012? Second, is the Government going to tell us that if the motion today is really negated, the authorities will do nothing in the remaining four years? Apart from amending Annex I and Annex II to the Basic Law, we may still revise the political system of Hong Kong by enacting local legislation.

The authorities and officials of the Central Authorities have kept saying that the 25 pan-democratic Members just should not bundle the motion today with a timetable for implementing universal suffrage. But can we not see that our Chief Secretary for Administration Rafael HUI has similarly bundled up the motion today and appointed District Council (DC) membership? He has said that if the motion today cannot be passed, the authorities will not phase out the appointed seats of DCs. This shows fully that what the Government says and what it actually does are entirely different.

Deputy President, I am now going to discuss my views on this motion, which outlines the method for selecting the Chief Executive. Whether inside or outside of this Chamber, I have criticized more than once that allowing the

presence of appointed DC members in the EC will be tantamount to vote planting. When the incumbent Chief Executive can appoint a group of people who will have the right to elect the next Chief Executive, what else can it be if it is not vote planting? How can this possibly fulfil the principles of fair and honest elections?

Actually, regardless of the voting outcome on this motion, we may still increase the democratic elements of the Chief Executive Election in 2007 by enacting local legislation. Can we conduct a review of the EC subsector elections? Can we introduce some more new subsectors? Can we substantially expand the electorate base of subsector elections? If yes, why doesn't the Government put forward relevant proposals as early as possible? If the authorities do not think that these proposals are feasible, can they explain the reasons clearly to us? Do the authorities really think that "all that can be done have been done", as remarked by the Chief Executive, Mr TSANG? Is the Government at all sincere in taking forward the democratic development of Hong Kong?

We understand very well that it is almost totally impossible to get a timetable for the implementation of universal suffrage from the Government today. That being the case, why should we accept such a totally undemocratic and insincere package? Honestly, the democratic camp certainly has a much stronger aspiration to democratic progress than the Government. And, it also wishes to see the early implementation of universal suffrage. We also do not wish to see any marking time, but we must not thus accept a package which is even worse than marking time. Making no move is certainly better than moving ahead in the wrong direction.

I wish to stress that while the absence of a timetable is the main reason for our firm opposition to these two motions on constitutional development, it is not the only reason. The Government's unwillingness to abolish appointed DC membership and its refusal to expand the electorate base of EC subsector elections are also reasons forcing us to oppose these two motions. We have not tried to bundle up a timetable and the constitutional reform package. All we wish to see is just a clearer direction, a direction that can assure Hong Kong people that universal suffrage will eventually arrive in Hong Kong one day.

Several weeks ago in this Chamber, I made it known to all that I would never change my position. However, over the past few weeks, many people from the mass media and even the political arena have still thought that TAM

Heung-man will make a "volte-face". Therefore, let me just repeat what I have already said, "You can turn, but the lady is not for turning." With these remarks, I oppose the motion. Thank you, Deputy President.

DR PHILIP WONG (in Cantonese): Deputy President, I wish to raise three points on the motion today. First, I would like to reiterate that since the time when I participated in the consultation work on the Basic Law, I have always supported the forward development of the democratic political system in Hong Kong. Besides, I have repeatedly pointed out that the concept of democracy actually involves much more than universal suffrage. The aim of democracy is the establishment of a society comparative fairness and equality, where people can work and settle down happily, living a better life. Universal suffrage is but one of the many means through which this very aim of democracy can be achieved. Universal suffrage can be both direct and indirect in form. Direct universal suffrage based on "one person, one vote" cannot necessarily guarantee the election of a good government that respects democracy and strives to build up a harmonious society. Nowadays in the world, many different political systems are practised by various countries and places in accordance with their unique conditions, and we can draw many lessons from their experience

As a Special Administrative Region of China, Hong Kong practises a time-tested political system with its own characteristics. This is the political system set down in Chapter IV of the Basic Law. If we are to develop our political system and achieve the ultimate aim of electing the Chief Executive and all Legislative Council Members by universal suffrage, we must adhere to the provisions of Article 45 and Article 68 of the Basic Law and Annex I and Annex II thereto. This means that we must take account of Hong Kong's history and actual situation, the need for gradual and orderly progress, the principle of balanced participation and the relevant Interpretation and Decision of the NPCSC. What is more, we must also consider whether we have already possessed the various objective conditions and heeded the aspirations of various sides and social strata. Constitutional development is a national issue of enormous import, so we must obtain the support of the Central Government and proceed orderly, seeking to form a social consensus step by step through rational exploration. Then, when conditions are ripe, results will naturally emerge. In the meantime, lots of preparations must be made. The aim cannot be achieved overnight, nor can we achieve all in just one go. Any rash attempts to set down

a so-called timetable for the implementation of universal suffrage before there is a social consensus and in the absence of any supporting facilities will not only lead to legality problems but will also violate the laws of development, thus creating antagonism and division among the people and adversely affecting social stability and economic prosperity.

Besides, I am of the view that amendments to the methods for selecting the Chief Executive and forming the Legislative Council should be separated from the discussions on a timetable for universal suffrage. The package proposed by the Government has been formulated in accordance with Basic Law provisions and the Decision of the NPCSC. People from different sectors have also been widely consulted, so there is in fact a very solid base of legality and public opinions. It can be said that the proposals contained in the package are already the optimum of democratization at this stage. Since the announcement of the package, the various social sectors have hoped to "have one bird in hand" first. In other words, they want to "take the package first and then continue to fight for universal suffrage". Many people agree that this Council should first endorse the revised package for the elections in 2007 and 2008 and then continue to discuss matters relating to the introduction of universal suffrage after these two years. This mainstream public opinion is both wise and pragmatic, so no one should ignore it. Indeed, it is unnecessary to bundle up the constitutional reform package and a timetable. Once the package is negated, the basis of agreement and mutual trust will be destroyed. The pace of achieving universal suffrage will only be slowed down instead of being quickened.

I hold that we should always set the priorities right and distinguish between what is urgent and what is not. The pressing task now is to pass the revised package for the elections in 2007 and 2008. As for a timetable for universal suffrage, further discussions may be held. There are already many mechanisms for communication and consultation, including the Commission on Strategic Development and other channels. Any disregard for public opinions, chanting of empty slogans and opposition for the sake of opposition will only injure the overall and long-term interests of the people. The public have repeatedly called upon colleagues in this Council to keep in mind the overall situation and join hands to promote the development of our democratic system. I also hope that the colleagues concerned can put aside any demands that are too lofty for the time being and sacrifice their "individual interests" for the "common good".

Once again, I would like to express my support for all the efforts made by the Government to secure the passage of the constitutional reform package. And, I also think that the package proposed by the Government is reasonable, sensible and acceptable to all. Regarding the method for selecting the Chief Executive, the "universal suffrage" mentioned in Article 45 of the Basic Law actually refers to the process whereby qualified electors are to elect members of the nominating committee, who shall in turn elect the Chief Executive in accordance with democratic procedures. The rationale behind the Government's proposal on expanding the nominating committee is to introduce more democratic representation and increase the representativeness of the nominating committee. If, in the future, all qualified electors in Hong Kong are allowed to elect nominating committee members over time, there will be a form of indirect universal suffrage for electing the Chief Executive. As for the "District Councils package" proposed by the Government, including the undertaking on reducing the number of appointed seats, it is also intended to increase democratic representation, enlarge people's participation in the Chief Executive and Legislative Council Elections and nurture more political talents. As the popular saying goes, politics is the art of compromise. The package has already sought to balance all different views. All that should be done has already been done. If even this pro-democracy and pro-universal suffrage reform package is also rejected, who can still put forward a more constructive proposal that can be better able to command the acceptance of all sides?

Today, a critical choice must be made in regard to the constitutional development of Hong Kong. I hope that Members can respect public opinions and vote for the proposed constitutional reform package.

Deputy President, I so submit.

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

MR LI KWOK-YING (in Cantonese): Deputy President, universal suffrage is the aspiration of most people and for quite some time, people have been expressing their support for democracy and aspiration to universal suffrage in various forms and ways, including protests, marches and even signature campaigns. Although people have employed different means to show their determination of supporting democracy, their position is both common and

unambiguous when it comes to the ultimate aim of introducing universal suffrage to the political system of Hong Kong.

However, it must also be borne in mind that the course of our future political development should be shaped in the light of the actual situation in the Special Administrative Region (SAR), and as far as circumstances permit, we should fight for as much democracy as possible, seeking to achieve the ultimate aim of universal suffrage under the principle of gradual and orderly progress. Some supporters of universal suffrage maintain that there must be a timetable on the implementation of universal suffrage. They are of the view that if the constitutional reform package does not contain a definite timetable, it would be better to leave the political system as it is and allow this reform package to die in the womb despite all its democratic elements. Put simply, these advocates of universal suffrage are actually bundling up the aspiration to universal suffrage and a timetable, treating them as one single issue. To give the matter its fair deal, it must be said that there should not be any conflicts between the advocacy of universal suffrage and support for a timetable. Both views should be respected.

The constitutional reform package can introduce many more substantive democratic elements to the existing political system, the most notable example being the expansion of the electorate base of the Election Committee (EC). As a result, even District Council (DC) members will be able to take part in the selection of the Chief Executive. Should we not consider whether we should support and pass this reform package, which can progressively make the political system of Hong Kong more democratic?

The motion topic today has also been given extensive discussions in society, especially among academics concerned about political affairs. These academics have published commentaries and organized forums on this issue, one example being the forum entitled "The Dilemma and Prospects of Constitutional Reform" organized by the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong on 15 December. During this forum, Ivan CHOY, Senior Lecturer of the Department of Government and Political Administration of The Chinese University of Hong Kong expressed some constructive views. He criticized the democratic camp for all the time standing on moral high ground, concerned only about proclaiming its principles and lashing out at the constitutional reform of the Government, instead of putting forward any concrete policies that could help Hong Kong people identify

prospects for constitutional development. He criticized directly that leaders of the opposition camp should not lay sole emphasis on expounding their position, adding that they must rather take the further step of designing a roadmap of their own, so that even when the constitutional reform package was voted down, Hong Kong could still quicken its pace of introducing universal suffrage. It is a pity that they have focused solely on challenging the package proposed by the SAR Government. But this is not conducive to democratic development and the struggle to achieve the ultimate aim of implementing universal suffrage.

According to Ivan CHOY, the passage of the constitutional reform package will signify progress in three respects. First, there will be consensus between the Central Government and the opposition camp for the first time since 1984. This consensus can serve as a basis of communication between the two sides, and on this very basis, a relationship of further co-operation can be established. Second, the package will bring an end to the traditional functional constituencies, thus in a way providing a roadmap of some kind. It is believed that the number of functional constituency seats will gradually diminish starting from the next term. The logic involved should be very clear. Third, with the expansion of the EC for the Chief Executive election, there will be a higher safety coefficient and the incidence of candidate manipulation will be greatly reduced. This will help the opposition camp increase their influence. This analysis shows clearly that there will be greater participation of the pan-democratic camp.

Another academic, MA Ngok, Assistant Professor, Division of Social Science, The Hong Kong University of Science and Technology, also made a similar criticism, saying that political leaders should put forward feasible packages rather than perpetuating the struggle by clinging to impossible demands like a timetable for universal suffrage and complaining that no one wants to negotiate with them. The views of academics are often more impartial and can be accepted more easily. But I must still talk about another viewpoint that is even more persuasive — the dissatisfaction with Democratic Party Chairman LEE Wing-tat openly expressed by one of its DC member, CHONG Chi-tat. He pointed out that the Democratic Party's only tactic had always been taking to the streets. He went on to say that if the Democratic Party did not continue to explore more possibilities, people would refuse to follow it and it would have to struggle on all by itself. He also criticized LEE Wing-tat point-blank, saying that the only thing that the Democratic Party had been doing was just to criticize the constitutional reform package and liaise with other political parties in the

Legislative Council in a bid to force the Government to change its mind. But, he went on to say, the Democratic Party had simply failed to put forward any course of future development. It is indeed very surprising that such an accusation should have come from a member of the Democratic Party. I believe they must reconsider whether their opposition to the constitutional reform package is really based on any concern about the interest of the general public.

And, let us not forget that in order to ensure the early passage of the constitutional reform package and to allay people's anxieties about appointed DC membership, the SAR Government has already made appropriate adjustments, announcing its intention of reducing the number of appointed DC members by one third in 2008. Thereafter, if conditions are suitable, the number of appointed members may still be reduced by half in 2012 and in 2016, the system of appointed membership may even be totally abolished.

Perhaps, some are still not satisfied with the current package of the Government, so they have been criticizing the Government for being too slow in abolishing appointed DC membership. But I have to advise these people that they must guard against any rash actions and apply patience in the course of political development. They must not seek to achieve everything in one go lest they may achieve the opposite results. And, they must also be reminded that the Chief Secretary for Administration has already emphasized that the present amendment is already the most that can be done under all practical circumstances, and that if the package cannot be passed, the reform proposals concerning DCs will not be implemented.

On the other hand, we must realize that we must not ignore the contribution made by appointed DC members. They are the elites of society and they have all been making unconditional contribution to society. They have been serving DCs with their professional expertise, spending time and even money, all for the purpose of serving the community. And, their contribution to the work of DC is evident to all and recognized by all.

By choosing to reduce the number of appointed DC members in a gradual and orderly manner, we can show our recognition of their contribution. At the same time, we also hope to positively encourage them to continue with their participation, run in elections and start a political career. In the long run, the total abolition of appointed DC membership will involve a whole series of problems relating to the reform of the entire DC system, including the role and

positioning of DC members, whether the Government is to give DCs more powers and the need or otherwise for re-delineating the boundaries of DC constituencies. Concrete work and specific discussions on the reform and development of DCs can only start after the passage of the constitutional reform package.

(THE PRESIDENT resumed the Chair)

At this juncture, to express my views on the future political development of the SAR, I wish to quote the two pieces of advice given to us by Vice President of China ZENG Qinghong during his recent visit to Hong Kong. First, we must grasp all the opportunities and speed up our development. Second, we must work together in the spirit of tolerance, with a view to fostering harmony. If a timetable for universal suffrage is considered important as a symbol of clear democratic progress, as a milestone signifying the start of the SAR Government's democratization, then when we are offered this reform package, which proposes to expand the EC and will thus enable the political system of the SAR to take a giant step towards the early implementation of universal suffrage, should we not cast aside our insistence on a timetable and prejudice against the Central Authorities and the SAR Government and seize the present opportunity of reform, so as to further democratize the political system of the SAR?

At the same time, we must recognize the aspiration of the various social sectors to universal suffrage. But we must also note the different views in society on the struggle for universal suffrage. As the leader of constitutional reform, the SAR Government, while listening to the wide spectrum of views, is also prepared to make changes and adjustments to its constitutional reform package. What is more, there is also the Commission on Strategic Development, which can serve as a platform for different social sectors to discuss a timetable for universal suffrage. For the long-term political development of the SAR and also to assist the various social sectors in forging an early consensus on constitutional reform, we should accept the constitutional reform package, so that the work concerned can start as early as possible. A timetable for universal suffrage is just one of the steps along the path of constitutional reform. Instead of wasting time on unnecessary disputes and struggles, we should really accept the present reform package, so that we can enjoy the fruit of democratization early. Madam President, I so submit.

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

DR LUI MING-WAH (in Cantonese): President, the controversies over the methods for selecting the Chief Executive in 2007 and forming the Legislative Council in 2008 have dragged on for quite some time, and the most crucial moment has finally arrived. Today, the Legislative Council shall exercise its constitutional power of formally activating the mechanism for amending the methods for selecting the Chief Executive and forming the Legislative Council. What will be the course of Hong Kong's constitutional development in future? Is it going to mark time and remain stagnant? Or, is it going to achieve steady advancement under the principle of gradual and orderly progress laid down in the Basic Law? All of our votes today will count a great deal. Every vote will have far-reaching implications on the democratic development of Hong Kong in future.

President, democracy is a universal value, the goal of all mankind. Apart from providing for the full implementation of "one country, two systems" and "Hong Kong people ruling Hong Kong" after the reunification, the Basic Law also provides that the Chief Executive and the Legislative Council shall ultimately be returned by universal suffrage. Democratization shall thus be achieved in Hong Kong society step by step. It is stipulated clearly in the Basic Law that the first Chief Executive and the second Chief Executive shall be selected respectively by 400 and 800 representatives from the labour, social services and religious sectors, the professions, the industrial and commercial sectors and the political sector. Half of the seats of the first Legislative Council (elected in 1998) shall be returned by functional constituencies (30 seats), 10 by the Election Committee (EC) and the remaining 20 returned by geographical constituencies through direct elections. For the second and third Legislative Councils (elected in 2000 and 2004), the number of directly elected seats shall be increased progressively to 24 and 30 respectively. The number of Members returned by the EC shall be reduced to six in the second term. And, in the third term, all the seats returned by the EC shall be abolished. All this can show clearly that Hong Kong has been achieving steady progress in democratization since the reunification.

In a bid to prepare for the election of the third Chief Executive in 2007 and the fourth Legislative Council in 2008, the Government of the Hong Kong Special Administrative Region (SAR) has completed an 18-month extensive consultation exercise. The Constitutional Development Task Force has recently

published its Fifth Report, in which proposals are made on the methods for selecting the Chief Executive in 2007 and forming the Legislative Council in 2008. In the original constitutional reform package, the EC members for electing the Chief Executive in 2007 shall be increased substantially from 800 at present to 1 600. Of these, some 500 shall be District Council (DC) members, and 400 of these DC members shall be elected members. For the Legislative Council to be elected in 2008, there shall be five more directly elected Members and five more functional constituency Members to be elected from among DC members. There shall be a total of 70 Legislative Council Members. A simple analysis will show that even if the number of directly elected seats is used as a measurement of democratic representation, we can still see that under the constitutional reform package of the Government, there shall be an increase of 15 seats in the number of directly elected seats in the Legislative Council in just a short span of 10 years after the reunification. If we also consider the six indirectly elected Members to be elected from among DC members, we will see that of the 70 Members in 2008, 41 shall be elected by the people of Hong Kong either directly or indirectly. There shall also be a 400% expansion of the size of the EC for electing the Chief Executive, and directly elected DC members with an electorate of 3 million are also included. Members can all see that with this package, democratization in Hong Kong shall take a great step forward.

In the initial period following the announcement of the reform package, some in the pan-democratic camp also viewed that taking into account the decision of the Standing Committee of the National People's Congress, the package was progressive and acceptable. However, the political situation is always volatile. Shortly afterwards, there came an avalanche of criticisms, with people accusing the package of stagnancy, of being a rollback in democracy, of being even less democratic than the present system and of being "high-handed". This is indeed puzzling and incomprehensible. These criticisms show that the critics have never studied substantive contents of the package. Can they not see that progress shall be achieved when directly elected members can take part in electing the Chief Executive? Can they not see that there shall be progress when the new functional constituency Members are to be elected from among DC members? Disregard for facts and light accusations are not in line with the principle of rational discussions on such an important topic.

Actually, this chorus of opposition is underlined by the four conditions put forward to the Government by the pan-democratic camp: a roadmap and timetable for universal suffrage, the abolition of appointed DC membership and the abolition of corporate votes in functional constituency elections. If the

Government does not make any commitment, the pan-democratic camp will block the passage of the package today. Some commentators have remarked that the tactic of the pan-democratic camp is tantamount to political blackmail. Others, however, maintain that this tactic is actually a very powerful lethal weapon of the pan-democratic camp. But little does the democratic camp realize that a lethal weapon can serve as a threat only when its use can really terrify and kill people. Although the Government may lose face if the package cannot be passed, there will not be any substantial effects on the governance of Hong Kong. The various social sectors will not suffer any heavy losses either. The only victim will be the democratization of Hong Kong, for it will then fail to achieve any progress. By bundling up the package for 2007 and 2008 and the four conditions, the pan-democratic camp is in fact making the agenda of democratization very complicated. If the package for 2007 and 2008 cannot be passed, if democratization in Hong Kong thus ceases to progress, the pan-democratic camp cannot deny its responsibility. This is a point it must consider seriously.

President HU Jintao once advised the people of Hong Kong, to this effect, "I hope that Hong Kong can pay heed to its long-term prosperity and stability, forge a consensus through rational discussions and foster the advancement of its political structure in a steady, solid and orderly manner, with a view to creating the conditions necessary for achieving the ultimate aim of implementing universal suffrage for the election of the Chief Executive and the Legislative Council as provided for in the Basic Law." The constitutional development of Hong Kong is now at a crossroads. The passage of the constitutional reform package will mean a great step forward in democratization. And, the voting down of the package will result in stagnancy. As for when progress can resume, there can be no telling indeed.

Some say that politics is the art of compromise. The pan-democratic camp must realize that although the constitutional reform package for 2007 and 2008 is not perfect and cannot satisfy all in Hong Kong, it is nonetheless a great advancement. For this reason, it should be passed in accordance with the wish of the masses. To make such a highly significant decision, politicians must not only have lofty political ideals, the wisdom of solving difficult problems and great tolerance but must also have the courage to compromise at the crucial moment, so as to maintain the onward progress of democratization.

I so submit. Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): President, I hear that government officials are looking everywhere for Members belonging to the pan-democratic camp, making a last-minute attempt to lobby them. I think the whole thing is simply ridiculous. Small wonder that even Jesus Christ also got angry. They have turned this place into a marketplace. Years ago, when Jesus Christ went to the Temple of God, he saw that there were chickens and dogs all around and people were buying and selling in it as if it were a marketplace. Does this Legislative Council still have any dignity at all? It is just like a "chicken cage with no lid", with government officials clinging to people all around. How can this happen at all? The honourable Secretary is sitting right here in such a dignified manner, but his subordinates are behaving just like maids, begging certain Members to support the Government. Should the Secretary treat his subordinates like this? Would the Secretary please ask his subordinates to leave us alone? I have been told that some Members have been stupefied by their pestering. But even if he can win the whole world, he will lose his dignity. What is the point?

I do not know whether Secretary WONG Yan-lung and his predecessor, Elsie LEUNG, have assigned anyone to lobby Members. But I am sure that Secretary Stephen LAM has sent some people here. He is sitting here in such a dignified manner, but does he feel ashamed of himself? Does he not think that it is shameful to subject others to temptation? And, there is also that fellow called Donald TSANG, who once said, "Hey, you people just go ahead to become heroes of democracy." He is a believer in God. It was precisely due to his fear of persecution that Judas asked Jesus Christ to change his position. He said to Jesus, "My Lord (Teacher), you shall soon be arrested. You have no chance at all." He betrayed his teacher and himself; then, he hanged himself. What a sad story.

I do not wish to tell any *Bible* story because I am a non-believer. But then, I must still add that in the story I have told, Judas actually disowned Jesus Christ three times before the rooster crowed. The DAB has been behaving like this and so has the Liberal Party. They frequently claim that they support the implementation of universal suffrage in 2007 and 2008. Their claim is no different from Judas' act of disowning Jesus Christ three times before the rooster crowed. Actually, the morals of many *Bible* stories are very good. All these are also their stories. Jesus Christ is just everybody.

Why are they doing this? Why have they turned this Chamber into a city of lies today? I believe most people know that universal suffrage is desirable. Since everybody knows this, and as I have pointed out many times, the Government is actually trying to fool us by asking us to discuss with it this so-called reform package today. Perhaps out of ignorance, or because they cannot resist the Government's lobbying, some academics have expressed views in favour of the Government. Some academics have questioned the democratic camp why it has not put forward any alternative package. The fact is that a very long time ago, we did already put forward a package, one which involves 2007 and 2008. We tell the Government that we have no bread to eat, and that the bread should actually belong to us. All our flour, salt and sugar have been taken away, but the Government has simply put some bread before us without allowing us to eat it. The Government says that it is alright because if we want to go to the toilet for defecation, it can give us a whole container of toilet tissue. But the point is that we are asking the Government a question on the year of implementation. We want to ask the Government when the idea can be implemented. But then, the Government simply says that appointed DC membership was already restored without Members' noticing it. And, it even asks, "How about abolishing the system of appointed membership now?" What else can this be if not sophistry? What kinds of academics are all these people? When everybody is discussing pay cuts, are these academics going to talk about something else? Are they going to say, "It is alright to cut my pay. But just let me talk about something else." They will not say something like this.

Therefore, regarding this issue, people like Mr LI Kwok-ying has asked, "Even a member of the Democratic Party has criticized the Democratic Party, so don't they think about their own deeds and repent?" Someone has indeed repented. He is CHAK Luen-fai because he was involved in the riots against British colonial oppression. However, he was appointed a delegate to the Political Consultative Conference twice. Since even he has repented, why should others not do so? Who else among them were also thrown into prison? Why do they not repent? Even people in their own camp cannot do this. He said that CHAK Luen-fai was already very old, so he might have been incited to defect. But how about ZHAO Ziyang? How about HU Yaobang? Why did they not repent? Did they not say that there should be democracy? They were forced to step down precisely because of their desire for democracy. And, the older ones among all these people might have shaken hands with ZHAO Ziyang or HU Yaobang. Will they speak up for them and then repent? When DENG

Xiaoping was persecuted, they said, "He should be persecuted. Just go on." How many times are these people going to change their positions? Probably much more frequently than what is described in the *Bible* story. They will probably change their positions seven times before daybreak.

Honourable Members, as the saying goes, it takes a long journey to know MA Lik¹ — Mr MA Lik is not in this Chamber now. Is he present now? It takes a long journey to know MA Lik — years ago, MA Lik wrote articles to the press under the pen-name of "Sun Sze Wai" (new mindset), bragging that he was a democrat. What has happened to him now? Does he dare to say anything different from the line of "Grandpa"? I notice that every word he has spoken today betrays his conscience because I do not believe that there is anything wrong with his brain, nor do I believe that he has no conscience at all. This is precisely the terrible thing about coterie elections — one must always keep in line with "Grandpa", or else "Grandpa" will make sure that anyone who fails to do so will have no room for survival. All is so simple.

The system of appointed membership is condemned by the whole world. But he is still trying to bundle up everything, going so far as to tell the people of Hong Kong that if they do not support him, if they do not condemn the pan-democratic camp, if the pan-democratic camp does not change its position, they must never expect the Government to revise the system of appointed membership. What is the rationale behind all this? What is he talking about anyway? Is he trying to force people to vote for him? Or, is he really making any efforts to eradicate the demonic system of appointed membership? Can he give us an answer? If he cannot, he had better not to speak later on. It is better to proceed quickly to voting. What is the point of speaking any further?

What is more, MAO Zedong once made a remark during the war of resistance against Japan. In Volume I of the *Selected Works of MAO Zedong*, there is an article entitled "Win the masses in their millions For the Anti-Japanese National United Front". He said that Hong Kong is facing the turning point today, has come to a crossroads and may well submerge. It was the time of the war of resistance and Japan was invading our country. What did the Communist Party say? MAO Zedong made it clear that a Anti-Japanese

¹ "Ma" is the transliteration of "馬", meaning "horse" and "lik" is the transliteration of "力", meaning "power".
"It takes a long journey to know the power of a horse" is a popular saying in Chinese.

National United Front must be formed. At that time, he said that CHIANG Kai-shek was a traitor. What did he say? Although I no longer believe what MAO Zedong said, I nonetheless cannot deny that he did give some very good advice. I am going to repeat his advice for the benefit of everybody here. Members have all studied the *Selected Works of MAO Zedong* before. Have they thrown all the copies away? He wrote, "We hope there may be — and indeed there will be — many direct and indirect struggles against Japan in the new stage, and these will give an impetus to the war of resistance and greatly assist the movement for democracy. But the core and essence of the revolutionary task history has set us is the winning of democracy. Is it, then, wrong to keep stressing democracy? I do not think so." Such was the opinion of the founding father of our nation. Therefore, Members must not make any criticisms lightly, must not assail me. I am just drawing lessons from the opinions of MAO Zedong. It is not so good if they accuse the wrong person.

He then went on to ask, "Why do we place so much emphasis on a national assembly?" A national assembly was returned by universal suffrage based on "one person, one vote", as Member can notice when the Political Consultative Conference is convened. President, I am now quoting the words of Chairman MAO, so please do not stop me no matter what the contents are because this was precisely what he said, "Why do we place so much emphasis on a national assembly?"

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, when it is your turn to speak, you will enjoy total freedom. I will stop you only when you violate the Rules of Procedure. Please continue.

MR LEUNG KWOK-HUNG (in Cantonese): I see. President, I shall continue with my quote: "'Why do we place so much emphasis on a national assembly?' Because it is something which can affect every aspect of life, because it is the bridge from reactionary dictatorship to democracy, because it is connected with national defence, and because it is a legal institution. To recover eastern Hopei and northern Chahar, to combat smuggling, to oppose 'economic collaboration' etc., as many comrades have proposed, is quite correct, but this complements rather than in any way conflicts with the fight for democracy and a national assembly; the essential thing is still the national assembly and freedom for the people. It is correct and indisputable that the day-to-day struggle against Japan

and the people's struggle for a better life must be linked up with the movement for democracy. Nevertheless, the central and essential thing in the present stage is democracy and freedom." (End of quote) What could have been more important than the Japanese invasion? Chairman MAO said that without democracy, there would be nothing and he even talked about a national assembly. What he talked about was even more radical than what they now advocate.

"Ah Gol" and "Ah Je" — there is no "Ah Je" in this Chamber no, I am wrong. There is one here. Anyway, history is always so ironical. Several decades ago, the war of resistance against Japan was going on. CHIANG Kai-shek could have arrested him and accused him of treason. How could he still talk about democracy, national assembly and all the rest? CHIANG Kai-shek enforced the military stage and the political tutelage stage, so in 1927, he slaughtered all Communists and began the military stage and the political tutelage stage. This was exactly the same as his argument today that "democracy will result in the submergence of Hong Kong".

If Members find any portraits of Chairman MAO under their beds when they return home today, they should take them out and pay tribute to him. If he is really in the underworld now, he must be greatly angered by his disobedient disciple.

I must tell Members that democracy is not my invention. It should be the outcome of struggles through many generations and many hundred years. Chairman MAO advocated his new democracy; I am not going to dwell on it because he already talked enough about it. All his ideas can be found in Volume III of the Selected Works of MAO Zedong. Members may read it when they return home. Several decades ago, at the advent of CHIANG Kai-shek's eight million-strong forces, he did say something like this. His subsequent departure from his words is quite another matter. Why are they not ashamed of themselves today? Does Donald TSANG really think that by talking wryly about "the crucial moment", "a crossroads" and "just a step away", he can settle the matter?

Honourable Members,

PRESIDENT (in Cantonese): Please address the Chair. This is a requirement of the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): I am sorry. I am just too passionate. Honourable Members, I can no longer stand it. In this Chamber, so and so have even said, "First take the poison and then kill the tiger." Why should we accede to such a request? Why should we accept this so-called concession, which is just mere sophistry and downright deception?

If Members order a medium-well steak in a restaurant but are served a dish of stinky bean curd, they will certainly ask, "Where is the beef?" The waiter cannot possibly blame them.

Honourable Members, what is the crux of the problem today? The crux of the problem is that the Communist Party, the privileged classes and business tycoons all do not have the courage to say specifically what kind of universal suffrage will be implemented in Hong Kong. In other words, they cannot be specific about a roadmap. What form of universal suffrage is to be adopted? Sometimes, they talk about a bicameral system, about an upper house. And, at other times, they talk about something else. He does not dare to be specific, so there is no timetable. The trick is that the absence of a timetable is used to justify the lack of a roadmap and the lack of a roadmap is in turn used to justify the absence of a timetable.

Honourable Members, I am Chinese. What I am saying here today is not just meant for Hong Kong, not just meant for its narrow interests in democracy. I have my eyes set on the whole country. How many years have passed since the founding of the People's Republic of China in 1949? We are fortunate and we can talk about democracy, about struggling for democracy here today. But should he not also do something for the 1.3 billion Chinese people? Does he want the Shanwei incident to occur again? Does he want the incidence of coal mine accidents in China to continue to top the whole world? Why? All is because under one-party dictatorship, there will be no monitoring and numerous problems will emerge. Of course, even after the implementation of universal suffrage, many problems must still be solved. But it is downright deception to say that even without universal suffrage, the problem of collusion between government and business can still be solved. Let me now quote the *Selected Works of MAO Zedong* again. It is page 166 in Volume III. There, the second sub-heading reads: "Abolish the Kuomintang One-Party Dictatorship, Establish a Democratic Coalition Government". It was the time of the war against Japanese aggression, the time of a national crisis. But the same advocacy was made, and the advocacy was made very clearly.

Honourable Members, I hope that our compatriots in the Mainland can also see the footage of our debate today and judge for themselves who are working for the good of the country and who are actually betraying their own country. I am not accusing anyone and I only wish to point out that only property owners can sell their properties — the many lawyers in this Chamber should know this only too well — tenants do not have the right to do so. We are sub-tenants, sub-sub-tenants or even tenants of bedspaces. How can we sell the properties? It is he who has taken away and sold all the rights.

Honourable Members, this is a birdcage. I have displayed this birdcage here many times. Today, this birdcage should be smashed. This birdcage should be smashed. This birdcage should be smashed. Here is the smashed birdcage. *(The buzzer sounded)* Today, this package will not be passed

(Applause in the Public Gallery)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, time is up. Please sit down. Those in the public gallery please note that you are supposed to listen to our debate instead of making any noises. Thank you for your co-operation.

MR JAMES TIEN (in Cantonese): Madam President, the Liberal Party opines that the constitutional development of Hong Kong must fulfil three principles: balanced participation, gradual and orderly progress and compatibility with the actual situation in Hong Kong. All these principles are laid down by both the National People's Congress and the Basic Law for the constitutional development of Hong Kong.

We think that the constitutional reform package put forward in the Fifth Report of the Government precisely strikes a reasonable balance among all these three principles.

It is proposed in the Fifth Report that all District Council (DC) members shall automatically become members of the Election Committee (EC) and the number of EC members shall be increased to 1 600. All DC members shall be able to participate in electing the Chief Executive, meaning that the latter shall be

indirectly elected by the 3 million or so electors returning the directly elected DC members. There will thus be an increase in representativeness and legitimacy, in line with the principle of gradual and orderly progress.

The current membership of the EC is equally shared among the four sectors. As a result of the addition of all DC members, the number of political figures in the EC will increase drastically to 700, which is far larger than the number of members from the other three sectors. However, since roughly one quarter of all DC members are from the industrial and commercial sectors and those from the professions also occupy one fifth of the membership, it can be said that the package can already strike a proper balance between "balanced participation" and "gradual and orderly progress". For this reason, we will support the package.

By "in the light of the actual situation", it is meant that we should determine the pace of democratization on the basis of the prevailing conditions in society. For example, are there sufficient political talents in society? Are political parties well-prepared? Have the various social sectors, including the industrial and commercial sectors, reached any consensus on the implementation of universal suffrage?

The Liberal Party is of the view that the various social sectors should reach a consensus on the above questions as early as possible and make active efforts to create the necessary conditions, so as to achieve early the ultimate aim of universal suffrage as set down in the Basic Law. At the same time, active actions should be taken to nurture political talents, so that people from a wider range of social strata can participate in politics.

Madam President, the Liberal Party hopes that the whole process, a roadmap and a timetable can be formulated as early as possible, and that attempts can be made as much as possible to create the necessary social conditions and environment for the election of the Chief Executive by universal suffrage in 2012.

From the perspective of democratic development, the present package is certainly able to take forward our constitutional development. And, support for the Fifth Report and the struggle for a roadmap and a timetable should not be considered mutually exclusive.

If people insist on bundling up the passage of the reform package and a timetable, and if they thus vote down the package, the constitutional development of Hong Kong will only be forced to mark time. We do not think that the people of Hong Kong will wish to see such a situation.

Has society as a whole really reached a consensus on a roadmap and a timetable? According to the survey findings released by The Chinese University of Hong Kong (CUHK) in early November, 34% of the respondents wanted universal suffrage in 2007 and 2008; 35% of them were for the year 2012; and, 18% of them viewed that universal suffrage should be implemented after 2012. The findings show that people still have different views on exactly which year should be chosen for the implementation of universal suffrage for the two major elections.

The Government has made it clear that the Commission on Strategic Development will hold discussions on formulating a roadmap, and that a conclusion will be reached in early 2007. It is also said that a timetable will then be formulated. This is already a very solid commitment.

The opinion poll findings released by academic and non-government institutions since the announcement of the constitutional reform package have all indicated that the number of people supporting the package is far larger than that of those against it. For example, according to the findings of the survey conducted by CUHK in late October, 58.8% of the respondents accepted the package and 23.6% did not. The survey findings released by CUHK on 28 November, however, showed a drop in the number of supporters to 45.8%; the number of those against the package went up to 24.7% on the other hand. However, the survey findings released by the Lingnan University on 1 December also showed that 49% of the respondents supported the package and only 21.8% of them were against it.

The Liberal Party also conducted a telephone survey from 8 December to 20 December interviewing 3 000 respondents. The respondents were asked whether they would agree that the Legislative Council should pass the Government's constitutional reform package on 21 December. In response, 53.6% of them answered in the affirmative and 23.7% of them answered in the negative. The rest said that they did not have any opinion. The ratio of supporters to opponents was larger than 2:1.

Since the mainstream public opinion in Hong Kong is for a pragmatic treatment of the constitutional reform package, the Liberal Party also hopes that the various social sectors can conduct rational discussions and seek to forge a consensus, so that the political system of Hong Kong can progress on a steady and solid basis.

The revised package put forward by the Government proposes to reduce the number of appointed DC members by one third starting from 2007. If this adjustment can persuade the pan-democratic camp to accept the package, the Liberal Party will render its support for the common good.

We support the retention of appointed DC membership because the ratio of elected DC members to appointed ones is as large as 4:1 and the latter cannot possibly dominate the situation in DCs. Any rash attempts to abolish appointed membership will only produce negative impacts on the functioning of DCs. The reason is that many appointed DC members from the industrial and commercial sectors and the professions can provide alternative and valuable opinions for the reference of their DCs and they do not seek only to express their views through voting.

We do not agree that voting on the package should be deferred. Members belonging to the democratic camp insist on the formulation of a roadmap and a timetable; their focus is not on appointed membership. To put it more directly, they want to achieve all in one go, to implement universal suffrage for the two major elections in 2012. Therefore, even if we defer the matter, no agreement can possibly be reached in the near future. Besides, we will have to elect a new Chief Executive in March 2007, so there are only some 15 months left. This is not to speak of the fact that we must still enact local legislation for it. Therefore, time is already running out and there is no more time for working out a new package.

With the passage of the package, we can take a great step in democratization. And, marking time will only take us farther away from universal suffrage. The findings of opinion polls have clearly shown that most people support the package, so there is no reason for pan-democratic camp Members to ignore all these views. Members of the pan-democratic camp are very united today. It seems that they have already reached some kind of tacit understanding. If they can secure enough votes, they will not go on talking and will just put the matter to the vote. However, while they are so happy, they

must realize that they at least owe the people of Hong Kong an explanation: Why do they think that the passage of the package today will produce negative impacts on or deter the demand for universal suffrage? Most importantly, by blocking the passage of the motion today, how can they help the people of Hong Kong satisfy their demand for universal suffrage? Thank you, Madam President.

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

MR PATRICK LAU (in Cantonese): Madam President, in respect of the constitutional development at the present stage, whether we will be left marching on the spot or moving forward, we will soon know the answer. From some 100 000 people taking to the streets to strive for universal suffrage to nearly 780 000 people now having signed their names to support the passage of the constitutional reform package, the aspirations of the public have been clearly expressed. All they want is the achievement of the ultimate aim of universal suffrage in accordance with the provisions of the Basic Law.

To understand the views of professionals from the construction, surveying and town planning sectors on the constitutional reform package, I, together with four professional institutes of the relevant trades, have staged a forum on constitutional reforms earlier. I have to thank the speakers who have accepted my invitation to attend the forum at the time, including Ms Elsie LEUNG, Mr LAU Kong-wah, Mr Lee Wing-tat, Ms Audrey EU and Mr Howard YOUNG; they discussed with me and a group of professionals the issue of constitutional reform. Not many members from the four institutes attended the forum, for while some members of the trade are interested in the development of constitutional reform, some are not. However, those attending the forum had the opportunity to fully express their opinions via this communication platform and share their stances with people with different views, which is very beneficial to the consultation work on constitutional reform.

In addition to the forum, I also need to thank the four institutes for providing assistance in conducting surveys and expressing their views, as well as relaying the opinions of their members on constitutional reform to me. In fact, all along, professional institutes have forborne from getting involved in any political issues; however, owing to the far-reaching impact the constitutional reform has on society, they exceptionally rendered their assistance by consulting

the views of their members through various means. The views collected were consolidated and given to me for analysis, enabling me to draw reference on them in casting my vote.

The Hong Kong Institute of Landscape Architects which has 162 qualified members eligible for registration as electors has tried collecting views through an online questionnaire survey, however, only a small number of responses were received. Since the rate of return is insufficient, the Institute has chosen to remain neutral on the constitutional reform issue.

The Hong Kong Institute of Architects (HKIA) which has 2 103 qualified members has recently conducted an online opinion poll to gauge the views of its members on whether or not the constitutional reform package should be supported, and the collection exercise is still going on. Up till now, only 159 members have responded, of which 64 members are in favour, 89 are against it and 6 abstain. However, the Institute has conducted another questionnaire survey earlier via the post. The result of the survey indicates that among the 529 members responded, about 43% consider a timetable for universal suffrage necessary, while 12% consider it unnecessary, and about 44% remain neutral. As for the abolition of the appointed seats in DCs, 38% of the respondents support it while 20% are against it, and the remaining 42% stay neutral. Regarding the inclusion of all DC members returned by direct election in the EC electing the next Chief Executive, 47% support it while 14% oppose it, and the remaining 39% stay neutral.

On the whole, the online survey conducted by the HKIA on whether or not the passage of the constitutional reform package should be supported has only received 159 responses, a response rate of only 7%, representing only 2% of the total members of the trade. Regarding the questionnaire survey done on the various proposals set out in the constitutional reform package, nearly half of the respondents adopt a neutral position, and 230 members support the drawing up of a timetable for universal suffrage which only account for 10% of the members of the institute. Given all these, I think that the results of the surveys cannot represent the mainstream opinion.

The Hong Kong Institute of Planners (HKIP) which has 372 eligible members has also conducted a questionnaire survey on all 560 members earlier and 114 responses have been received. A majority of respondents (77%) support the increase of the number of members of the EC electing the Chief

Executive from 800 to 1 600, while 75% of them support the increase of professional members to 300 (including 30 members from our sector). From these, we can see that the mainstream opinion of the HKIP supports the increase of the number of members of the EC proposed in the constitutional reform package.

However, of all the respondents, 83% support the inclusion of DC members returned by direct election in the EC, 73% oppose the increase of the number of subscribers required for nominating a Chief Executive candidate to 200 and 91 respondents support the drawing up of a timetable for universal suffrage. Thus, as far as I understand it, as stated in the results of their surveys, 84 respondents are of the view that the constitutional reform package should be voted down if no amendment is proposed.

Though the 114 replies received by the HKIP on its questionnaire include members who are not eligible electors of the sector, and that they only account for less than 2% of the 6 577 persons engaged in the entire trade, their views have been clearly reflected. The adjustment arrangement put forth by the Government proposes the gradual abolition of the appointed seats in DCs, indicating that the authorities have already accepted the views of different sectors and responded to certain requests of electors. I think the achievement so made should be attributed to the good communication foundation established. Therefore, in future, when the Commission for Strategic Development conducts in-depth study on the ways to reach the target of implementing universal suffrage in 2012, it should attach great importance to the communication with different strata of society, particularly the professional sector.

As for the Hong Kong Institute of Surveyors (HKIS) which has the largest number of members at a total of 3 940 eligible members, its Executive Committee has expressed to me clearly on behalf of the members of the Institute that it welcomed the proposals of the constitutional reform package in increasing the number of members of the EC electing the Chief Executive from 800 to 1 600 and the number of members from professional sectors to 300, with 30 of them being representatives of the construction, surveying and town planning trades. Moreover, they do not have strong views regarding the removal of appointed members of DC from the Election Committee. Regarding the timetable for universal suffrage, since they do not consider it a problem, they have not arrived at any consensus in this respect.

Madam President, I have factually reported the views of the four institutes within my constituency on the constitutional reform package. I think some of them are for the package while some are against it. Even at this very moment, I still receive views for and against the package through emails. However, since only 170 persons have clearly indicated their opposition, which only represent a meagre percentage of the 6 577 members of the trade in total, and that only about 300 members of the trade have indicated support for the drawing up of a timetable for universal suffrage, it is thus evident that neither opposing the constitutional reform package nor supporting the drawing up of a timetable for universal suffrage is the mainstream opinion of my constituency. On the contrary, those indicating support for the constitutional reform package at least account for over 60% to 70% of the members of the HKIS and other institutes. Thus, from the figures, the constitutional reform package has the support of my constituency.

Though I support the drawing up of a timetable and a roadmap for universal suffrage, as well as the implementation of universal suffrage in 2012, I still respect the opinion of my constituency. I do not think that support for constitutional reform and support for universal suffrage are mutually exclusive, and the key lies in how the two are harmonized. Just like walking, we have to use both legs; one leg must be first put out and be followed by the other, and it is only by doing so can we move forward. Regarding constitutional reform, we should take the first step on constitutional reform by expanding the EC electing the Chief Executive, and swiftly take the next step by holding in-depth discussions on the timetable and roadmap for universal suffrage, moving forward according to the principle of gradual and orderly progress. Though this is only "a step" forward, it is better than "marching on the spot" by all accounts. Besides, without this step of passing the constitutional reform package, it is utterly impossible to take another step forward to the target of universal suffrage, and it will be even more difficult for Hong Kong to reach the target of universal suffrage in its constitutional development.

I understand the argument of those opposing the package, for I have many opportunities to contact people of all ages and listen to many different views. I notice that much of the opposition comes from our young people, and they have voiced particularly strong opposition. I thus consider that the Government should seriously review this, make more effort to open up channels of

communication with our younger generation to listen more to their views, and respect different views held, thereby laying the foundation for mutual trust. Actually, many of them oppose the existence of appointed seats in DCs. As the Government has already put forth the adjustment arrangement which proposes the gradual abolition of the appointment system, I thus hope that all appointed seats will be abolished by 2012. I believe only in this way can it be justified.

In fact, the phasing out of the appointment system may increase the democratic elements in election. By doubling the number of members of the EC electing the Chief Executive, this will not only broaden its representation, but will also lead us to the target of universal suffrage. This will only do us good. I do not think there will be any disadvantages and it is thus worth supporting. Take my constituency as an example. The number of representatives from our constituency included in the EC will be increased from 20 to 30. Though this cannot be regarded as a big increase, its representativeness has been greatly enhanced. At present, landscape architects who have the smallest number of members in their institute do not have any representative in the EC, and I hope that they will have more chances to strive for a seat. Madam President, this morning, we held a meeting to discuss the greening issue of Hong Kong. Many consider that the opinions of landscape architects carry considerable weight. The reason for landscape architects remaining indifferent in responding to the opinion survey on constitutional reform may be that they do not have a seat in the EC. Therefore, upon the expansion of the composition of the EC and the inclusion of representation of landscape architects, I believe the political awareness of the members of this sector will be enhanced.

Madam President, though opposition is also found in my sector, the mainstream opinion is for the constitutional reform package which will take us a step forward towards democracy and it is hoped that the ultimate aim of universal suffrage will be achieved. This point is crystal clear. Therefore, though the motion to be put to the vote today may not include a timetable for universal suffrage, I hope the Government will give an undertaking on the target of universal suffrage. Thank you, Madam President.

MR LAU WONG-FAT (in Cantonese): Madam President, the stance I take today is the same as the one adopted by the Liberal Party. I know that the

inevitable will happen anyway — so if nothing unexpected should come up, the voting on the constitutional reform package after deliberations will inevitably become another classic example of sustained severe internal depletion in Hong Kong. It will be like the flashback of an event, the final outcome of which is already known well in advance to everyone. So no matter how rhetorically and eloquently Members argued in their speeches, the result will remain unchanged unless some miracles are conjured halfway. So, at the end of the day, it will just turn out to be a case of "a complete waste of our time and effort" — all efforts are in vain, and it will end up with "everyone being the loser, and no one being the winner".

Regarding the views supporting or opposing the constitutional reform package, everyone has already known them all too well. I need not repeat them now. But it is indeed a major regret for the issue to have developed into the present situation in which both sides are losers. It should be pointed out that we are not promoting a revolution, so there is no need for us to fight against each other till death. What we should do is to find out how we can guide the constitutional reform development of Hong Kong onto a proper path and to identify how we can take forward the democratic development in Hong Kong steadily, with a view to further improving the well-being of the people.

Insofar as this issue is concerned, as long as people from different parties can adopt a conciliatory attitude which can facilitate talks and negotiations, why should it be impossible for us to work out a solution that is acceptable to both sides?

Frankly speaking, regarding the constitutional reform package put forward by the Government, no matter from which perspective one chooses to examine it or by which yardstick one measures it, it is really bringing the democratic development one step forward, and it is bringing Hong Kong one step closer to universal suffrage. With regard to the issue of how quick the pace of our democratic development should be, it is really like the preferences of different individuals over artistic issues. As a common Chinese saying goes, "As someone may prefer carrots, while others may like vegetables more, it is a matter of preferences, instead of a matter of right or wrong." There is also another common saying, "Politics is the art of compromise." I believe that, as long as those involved are willing to compromise, reaching a compromise in politics is never an impossible mission.

Although the present constitutional reform package is by no means perfect, it has really blended reality with creativity, and it is a proposal that is bringing us one step forward. Furthermore, it has the popular support of the people. Among the 18 DCs of Hong Kong, 14 of them have explicitly expressed support for the constitutional reform package, while two opposing it and two have not indicated their stances yet. In a signature campaign in support of the constitutional reform package organized by the Alliance on Concern for Constitutional Reform Proposal, over 700 000 people responded, which was sufficient evidence to prove that the primary councils and the people are generally supportive of the constitutional reform package. All along, I have been of the opinion that, as long as any move that can bring our development steadily forward without any drastic changes, without any twist or retrogression, then it is a good constitutional development and naturally, it will succeed.

Madam President, the Government has now made some adjustment to the original constitutional reform package, that is, the number of appointed members in the DCs will be reduced in phases. This shows that the authorities have expressed their sincerity in striving for a consensus on this. I hope Members of the different parties can grasp the opportunity to make a small concession so as to achieve the major goal that is more significant, thereby enabling the constitutional reform to take a big stride forward and writing a new chapter of our history.

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

DR DAVID LI: Madam President, it is time for a decision on political reform. The arguments have been made; the politicking is all but done. Now it is down to the vote. Now, we have but one duty: To do what is right for Hong Kong.

Under "one country, two systems", the goal of full democracy can only be achieved if we make gradual and orderly progress towards universal suffrage. Therefore, it is essential that we seize every opportunity to make purposeful strides forward.

The government package has been dismissed by many as overly conservative. The dissenters have focused on one issue — appointed

councillors — and ignored the rest. But mark my words — the package will change the political landscape. In so doing, it will bring about real progress towards democracy.

The government package is important because it will encourage a wider cross-section of the community to become involved in politics by greatly expanding the role of the District Councils. All members of the District Councils will have a direct say in the election of the Chief Executive. Six councillors will vie for seats in the Legislative Council. With so much power in their hands, the election for each and every District Council seat will be hard fought.

Furthermore, with five new functional constituency seats allotted to the District Councils, the reforms will tip the balance at the Legislative Council. The business sector will no longer be able to rely on business-friendly functional seats and the split voting system to secure a favourable outcome.

As a result, the reforms will encourage a realignment of political forces. In future, those parties which successfully cross the divide between geographical and functional constituencies in the Legislative Council will have the strongest voice. Importantly, the existence of appointed councillors will help — not hinder — that process. They will be the bridge.

The creation of broad-based political parties — parties which can legitimately claim to represent the interests of the community as a whole — is the key to achieving universal suffrage.

The current reform package does more than expanding the number of members of the Election Committee. By giving such important roles to the District Councils, it lays the foundation for democracy. Let us build on this new foundation, a foundation which demands greater participation in the political process by all sectors of society.

It is now up to us to vote for the package and begin the building process. The Government has heard the call for progress. By voting for the reform proposals, we send a clear message to the Government that progress must continue. By voting against, we condemn ourselves to arguing the same old arguments, to fighting the same old battles.

I wholeheartedly support the motion to amend the method for selection of the Chief Executive.

Thank you, Madam President.

MR JEFFREY LAM (in Cantonese): Madam President, at the end of last month, the Chief Executive delivered a speech on television, telling the people of Hong Kong that we were at the crossroads of democratization. I think it was a most appropriate metaphor, and the key to it lies in the 60 Members in this Chamber today.

In the past few months, people with different political views and from different sectors have erected different signposts at this crossroads attempting to show us the way out.

Despite the large number of signposts erected, there are but two options, one leading us forward and the other left us marching on the spot. Whichever way we take, it will have significant implications on the constitutional development in Hong Kong.

In an open and democratic society, respecting public opinion is a basic belief shared by all. During months since the announcement of the constitutional reform package by the Government, results of opinion polls indicated that over 50% or nearly 50% of our citizens support the Government's constitutional reform package. Unfortunately, Members of the pan-democratic camp have turned a blind eye to these public opinions and insisted on bundling up the constitutional reform package which the public consider will facilitate us in moving forward in constitutional development with a timetable for universal suffrage.

Earlier in Shenzhen, the Deputy Secretary-General of the Standing Committee of the National People's Congress (NPCSC) made it very clear to some of the Members from the pan-democratic camp now in this Chamber that the Interpretation of the Basic Law made last year does not allow for arrangement dealing with constitutional development beyond 2007 and 2008. It is thus pointless to bicker on a timetable for universal suffrage.

In fact, public opinion has shown us very clearly that the public do want us to move forward in constitutional development, heading towards the ultimate

goal of universal suffrage step by step. If the constitutional reform package is negated, we will be left marching on the spot on constitutional development and many members of the public will feel disappointed.

Recently, the public has made clear and loud voices through various channels to express their support for the Government's constitutional reform package and their reluctance to see no fruit out of this. Christmas is round the corner, I do not know if Santa Claus will really come and give Hong Kong people a present, enabling Hong Kong to take a significant step forward on the road of democratization. Like everybody, I respect public opinion. Now, the public has already given us the go-ahead, why should we try to set up barriers instead? Why can we not take a step forward bravely?

A couple of days ago, Chief Secretary for Administration Rafael HUI put forth the adjustment arrangement, proposing the reduction of the number of appointed seats of District Councils (DCs) by one third. The proposed arrangement is supported by the business and industrial sector. Obviously, the Government has made a concession hoping to seek common grounds while reserving differences. It is hoped that some Members will change their minds and support the proposed constitutional reform package, so that we can take a substantive step forward in the democratic development of Hong Kong.

Back to the appointment system, though it is criticized by some for lacking representativeness, it can ensure balanced participation, so that different opinions can be adequately represented in the councils. This may particularly encourage the middle class, professionals and the business and industrial sector to take part in politics, enabling them to familiarize themselves with the discussion of political issues and community service. In the past, a number of appointed DC members had gained confidence as they grew familiar with the operation of DCs; they then entered the legislature through election. This is also in line with the principle of balanced participation for the constitutional development in Hong Kong.

The business and industrial sector also considers that a number of appointed DC members have been elected chairmen of DCs by their colleagues is, to a certain extent, a kind of recognition of their performance. The achievements made by appointed DC members in their official capacity, their commitment to the public, and their involvement and enthusiasm in their work,

more often than not, do not pale in comparison with that of DC members returned by direct elections. Therefore, if all appointed seats are abolished in one go, it will on the contrary be detrimental to the operation of DCs. However, in order to have the support of Members from the pan-democratic camp for the new constitutional reform package proposed by the Government, we are prepared to make a concession, and so we will also support the new package.

Actually, the Chief Executive has repeatedly made the undertaking to the public that the Commission on Strategic Development will surely spend half a year to discuss the principles and concepts related to universal suffrage and another half a year to study the system for universal suffrage. Once a consensus is reached, studies will be held on a timetable for universal suffrage. The Basic Law stipulated unequivocally that dual elections by universal suffrage will be the ultimate aim for the constitutional development of Hong Kong. I do not think the Chief Executive is a man who will go back on his promise. Besides, we should not doubt the sincerity of the Central Authorities and the SAR Government in implementing universal suffrage.

I think the struggle for universal suffrage is comparable to an orienteering competition. We should have strategies and plans to reach each target step by step before we can see the destination. We should focus not solely on speed, but also strategy. If we vote down the constitutional reform package only because no timetable for universal suffrage is provided now, it will be like taking part in an orienteering competition with the mindset of spurting up in a 100-m sprint. We may overlook the various requirements laid down in the course as we rush to the destination. The result will be exactly the opposite, for speed will kill speed, and we may have to start anew at any moment.

Madam President, I so submit.

MR BERNARD CHAN: Madam President, it seems obvious to me that the Government and the pro-democratic camp are talking past each other on the subject of political reform.

The Administration has worked extremely hard to put together the package we are debating today. Our senior officials have put a huge amount of efforts into this. They tried their hardest to produce a package which genuinely moves Hong Kong forward towards the goal of universal suffrage.

I think we all realize that the package is disappointing to the majority of the community. We know they want universal suffrage at a faster pace than this. But this is the best we are able to get at this time. And, let us not forget, there are quite a few people on the pro-government side who are not happy with these proposals.

For example, this package effectively calls a halt to the expansion of the so-called "small-circle", functional constituencies representing narrow corporate interests, and it introduces much, much broader-based electorates for functional constituency seats. It therefore raises serious questions about the future of the existing corporate functional constituencies.

In other words, the pro-democrats are being offered an opportunity to reduce the influence of narrow-based corporate interests in our political system. This is something they should welcome and should be voting for.

In addition to that, accepting this package would put the spotlight on the next round of reforms. This package represents a relatively modest step forward, but the next one would almost certainly have to be more in line with community expectations. Again, this is something the pro-democrats should be eager to support. Instead, the bulk of the pro-democratic camp seem determined to reject this package. The reason is simple. They are not looking at the package on its own merits. They are refusing to look at it on its own merits. Instead, they are looking at what is not there — namely a timetable. So, we have this situation where the two sides are simply talking on different wavelengths.

Maybe history will show that the pro-democrats were right to put principle before being pragmatic. Maybe it will show that they were wrong. My own opinion is that it might not make much difference. Whether the Government wins this vote or not, the world will carry on. The pressure for change will still be there. The problems with our political structure, like the Government-Legislative Council relations, will continue. The middle class, in particular, will continue to feel excluded. But the reality of Beijing's role in our constitutional development will also remain as it is, and our national leaders will probably remain skeptical about demands for faster democratic development.

In the meantime, the Strategic Development Commission will get on with its work on governance, and that offers us an alternative way forward. So, I am not pessimistic about that.

The one thing which worries me is that the relationship between the Government, the Central Government and the pro-democrats will become more hostile as a result of this package and this vote. That would be bad for Hong Kong.

We can talk past each other for a while on particular issues. But in the months and years ahead, we have a wide range of social, economic and environmental problems to tackle. For the sake of the whole community, we need to get back on the same wavelength after this vote is behind us. Thank you.

DR RAYMOND HO (in Cantonese): Madam President, during the 2004 Legislative Council Election, I stated in my election platform that I supported the election of the Chief Executive by universal suffrage in 2012. I have to emphasize that this is purely my personal opinion. In order to find out the views of my electorate on the constitutional reform, I have, after the publication of the Fifth Report of the Constitutional Development Task Force, immediately sent out questionnaires to thousands of engineers consulting their views on the constitutional reform package proposed by the Government.

Unfortunately, only 60 questionnaires were returned and the response was not keen. I do not know the reason. Is it because the engineering sector in the past few years has been agonized by the problem of unemployment, salary cuts and negative equity assets as a result of the economic downturn? We have spoken ourselves hoarse to urge the Government to do something for us. But the SAR Government has neither responded nor made any efforts to alleviate their plight. Is it because of this reason that they have lost confidence in the Government? Or they do not have the right mood to consider any matter other than economic and employment issues? Or is it because those who still have a job have to take on so much overtime work in order to secure their employment that they cannot cope with anything else? Or maybe engineers are very happy with the Government's constitutional reform package. Of course, there are many possibilities but they are not the focus of today's debate.

Findings of the survey revealed that the numbers of engineers in support of and against the constitutional reform package were more or less the same, with the number in support slightly exceeding their counterpart. But earlier on, at one of the divisional meetings of the Hong Kong Institution of Engineers which

comprises 18 Divisions, I tried to consult by secret ballot the views of members present on the constitutional reform package. This time, the views I gathered were very different. 70% of the engineers indicated support for the Government's constitutional reform package.

After the publication of the Fifth Report of the Constitutional Development Task Force, I have been contacting different sectors and engineers of the industry. The impression I got was that the percentage of support was somewhere between the findings of the two consultation exercises, that is, between 50% and 60%. Moreover, from the conversation with them, I understand that those who oppose the package were keener to return the questionnaires. If this is so, it means that in reality more engineers support the Government's package than that indicated in the findings of the questionnaire survey.

The selection of the Chief Executive has been laid down in Article 45 of the Basic Law: "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." In my opinion, the method for selecting the Chief Executive in 2012 should be considered separately from the method of forming the Legislative Council. If we have the right arrangement for the nomination procedure for the selection of the Chief Executive, in theory, the Chief Executive could be returned by universal suffrage in 2012. But as a result of the Interpretation by the NPCSC, the Chief Executive cannot be returned by universal suffrage in 2007.

In fact, I believe that during the 15 years between 1997 and 2012, Hong Kong could have enough time to make preparations and set up a broadly representative nominating committee. The election of the Chief Executive by universal suffrage will not have any negative impact on society. As I have reiterated time and again, this is purely my personal opinion.

From my consultation with my industry, I understand that many people have the following views in respect of the Government's package. First of all, the Government's proposal to increase the number of the Election Committee (EC) members from 800 to 1 600 for the 2007 Chief Executive Election is a

progress. This will enhance the representativeness of the EC. Of course, they are not happy that the members from the professional sector will only increase from 200 to 300, which is considered not enough.

As to the Government's proposal to include all the 529 District Council (DC) members, both appointed and directly elected, in the EC, some people in my industry query whether this is a violation of the Basic Law. They consider that the DCs are purely district organizations and according to Article 97 of the Basic Law, "District organizations which are not organs of political power may be established in Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation." In other words, the incumbent DC members do not have a duty to participate in the election of the Chief Executive.

Other than the appointed DC members, the Government has also proposed to include the 400-odd elected DC members who were returned by 3 million or so electors in Hong Kong. They do enjoy a certain degree of representativeness, so to speak. However, when the electors cast their votes in the 2003 District Council Election, they did not know that the elects would take part in the Chief Executive Election in 2007. It is therefore queried whether the Government's proposal would affect the public's views on this newly added function of DC members. These are the views reflected to me by my industry on several occasions.

After Chief Executive Donald TSANG had announced the adjustment to the package on Monday, I immediately sent out thousands of e-mails to engineers. Up to noon today, I have received 980 replies, among which, 620 are in support of and 360 against it, representing 63.4% and 36.6% of the total respectively. So, according to the latest figures, my industry has given me a very clear message and direction. For the proposed method for the election of the Chief Executive in 2007, the Government has the support of the majority of engineers. They mainly consider the Government's proposal acceptable because it will at least enhance the representativeness of the election method of the Chief Executive and provide a sound basis for the election of the Chief Executive ultimately by universal suffrage.

With these remarks, Madam President, I support the Government's motion.

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

MR CHEUNG HOK-MING (in Cantonese): Madam President, just now Mr LAU Wong-fat's speech was brief but succinct, expressing the views of some colleagues in this Chamber. So, I agree with him.

As to whether the constitutional development of Hong Kong will move forward, backward or come to a standstill, every vote counts today in deciding that direction. In the past two months or so, lots of views have been expressed for and against the constitutional reform package in the Fifth Report. As at today, public opinions clearly demand a timetable for universal suffrage. Despite that, I still hope that Members who oppose the package will not overlook one fact, and that is, many opinion polls have fully reflected that people support the package and oppose marking time in our constitutional development.

Over the past week or so, or from 11 to 18 December, a number of local organizations territory-wide have launched a signature campaign. For me, it is a very valuable lesson. We, as Legislative Council Members, should listen to public opinions. This is crystal clear. Walking on the street, I was a bit disturbed, wondering whether Hong Kong people really accepted the signature campaign launched by us this time. It can be said that I was not confident enough at that moment.

During the week-long signature campaign, I met people and listened to their views with our volunteers on the streets. During the past week or so, people of different age groups and sectors have put down their signatures after thorough consultation and careful consideration, indicating that they cherished the constitutional development of Hong Kong. In their opinion, should the constitutional development of Hong Kong come to a standstill, the pace of democratization in Hong Kong and the well-being of Hong Kong people in the long run will be dealt a heavy blow. In the light of this, the number of people participating in the signature campaign is more than 700 000, which has exceeded our anticipated target of 500 000. This has fully demonstrated that Hong Kong people are rational. I hope colleagues in this Council will also cherish the public support for us.

I earnestly hope that colleagues who have emphasized respect for public opinion will not overlook one point when casting their votes on the motion on the

amendment to the method for the selection of the Chief Executive, and that is, some people do not want to see our constitutional development marking time.

Madam President, in fact, today I would like to analyse our relationship with the pace of constitutional development of Hong Kong by referring to the different stages of a person's life. I believe no one would object that we were careless about the consequences and made a dash for our goal fearlessly like a newborn calf in our early days when we were children to our parents. At that time, we would never consider carefully whether we were competent and whether our foundation was sound enough to support our achievement. As a result, we often tasted the bitterness of failure.

However, when we have become parents ourselves in our middle age, we would give careful consideration to every step we take whenever we face any important issue and assess the consequences before making decisions. This shows we have come to realize that we cannot reach the sky in a single leap. We can move forward only when we have laid a good foundation by making gradual and orderly progress.

It is also true for our constitutional development. If we implement universal suffrage before the conditions are ripe, will it be good to Hong Kong and our next generations? We are just like parents who do not want to see their children meet failure. I believe no one will deny that this is because of love, and a desire to offer protection.

Recently, some friends of mine asked me, "CHEUNG Hok-ming, the Filipina maids and Indonesian maids at home can elect their own presidents. Why do Hong Kong people cannot elect their Chief Executive by 'one person, one vote'?" Yes, on the face of it, it seems to be a very persuasive argument. But I have to point out that if we take a careful look from the rational point of view, we will see that there are lots of scandals concerning the corruption of government officials or rulers in these countries. The implementation of universal suffrage has not led to much improvement in the economy or people's livelihood. This has precisely demonstrated that the consequence may still be questionable even though the president is elected by "one person, one vote" if there is a lack of quality talents in the administration of national affairs, a mature legal system and rulers with an awareness of respecting the rule of law.

The same goes for Taiwan. CHEN Shui-bian, leader of the Democratic Progressive Party (DPP), has won popular support under the banner of anti-money politics and taken from the Kuomintang the rule over Taiwan. But today, during the recent three-in-one elections, the DPP has suffered a major defeat due to rumours concerning graft committed by many local political figures of the DPP. Can we learn something from these stories?

On the contrary, although Hong Kong people are still unable to elect their Chief Executive by "one person, one vote", we rank the top in Southeast Asia in terms of having a clean government which abides by the law. This is also the fruit of gradual and orderly progress. If the motion on the amendment to the method for the selection of the Chief Executive is passed, it is certainly a great stride towards universal suffrage of "one person, one vote" in Hong Kong.

A rational comparison between the method for the selection of the Chief Executive in the Fifth Report and the present arrangement will clearly show whether it is a progression or a regression. It is proposed in the Report that the number of EC members be increased from 800 to 1 600, covering all the DC members, most of them being elected by "one person, one vote". Compared with the current arrangement, it is no different from increasing tremendously the percentage of voters with popular mandate in the election of the Chief Executive.

Furthermore, after broadening the membership of the EC, Chief Executive hopefuls will have a greater chance to get the support of 200 nominators and become candidates for the Chief Executive election. On the other hand, the SAR Government has also responded to people's opposition to the retention of appointed seats in DCs by proposing a timetable for the gradual abolition of such seats. This is a show of goodwill and determination to listen to the people's aspirations. So, in order to prevent our constitutional development from marking time, I sincerely urge all colleagues to support the constitutional reform package.

Madam President, I so submit.

MR CHIM PUI-CHUNG (in Cantonese): President, a reform package had once been presented to the Legislative Council by former Governor Chris PATTEN. Although some Honourable Members, including me, failed to get on the

"through train" at that time due to various reasons and got off, 30 of them have returned and are present today.

Today, the first part of the discussion deals with the motion on the amendment to the method for the selection of the Chief Executive in 2007, and will not touch on the motion on the amendment to the method for the formation of the Legislative Council in 2008. I just want to express some views on that issue. As far as the 2007 proposal is concerned, I understand that the first term election is divided into four sectors: First, the industrial, commercial and financial sectors; second, the professions; third, the labour sector, and so on; fourth, the political sector. Each sector will have 100 representatives, and hence there will be a total of 400 representatives. The second term election will follow balanced participation, where each sector will have 200 representatives, and hence there will be a total of 800 representatives. At present, the number of representatives from various sectors for the third term is 300, 300, 300 and 700 respectively. Looking at the figures alone, we can see that it is absolutely uneven.

Certainly, as the former Financial Secretary said, it was the pursuit of an ideal balance rather than balance in figures. Then, what is an ideal or actual balance? In the DC elections, there are 21 seats on Hong Kong Island, the same in the New Territories, and there are thus a total of 42 seats. If we divide 800 by 42, its representation is less than 1%, a mere 0.5%. After the number of seats is increased to 529, by dividing 1 600 with this number, the representation becomes 33%, which represents an increase of 32.5% statistically. Therefore, the myth about balanced participation which Mr James TIEN mentioned earlier has been broken. This is a fact founded on figures. Honourable Members can use figures to argue with me.

Secondly, it is the principle of gradual and orderly progress. I understand that there is no orderly progress at all. The NPCSC highlighted in 26 April 2004 that the proportion was 50:50, a lack of orderly progress. It relates to the Legislative Council election. Therefore, on the basis of these points, Honourable Members should not deceive oneself and others. As Legislative Council Members, we are committed to and responsible for whatever we said, and should avoid covering our wrongdoings with the remarks made by other people. This is the most irresponsible act. It does not matter if we are elected or not, what matters is once we took up the posts as Legislative Council

Members, we must do things out of our conscience. Therefore, we must first gain an understanding of the facts, in which some figures are wrong.

As far as the second reason is concerned, Dr Raymond HO has just read out the relevant provisions, so I will not read them out again. Article 97 of the Basic Law has specified the duties of DC members in a very accurate, obvious and clear manner, then why would the Government suddenly consider the duties of DC members as noble and representative as Legislative Council Members and NPC Deputies, and justify this with the need to manifest extensive participation? This shows that the power of interpretation is in the hands of the SAR Government. Certainly, the Hong Kong Government has the recognition and support of the Central Government, but having said that, it should not be doing that. Otherwise, when such power falls to the hand of another group or organization in the future, which has another way of thinking, the method of formation of the Legislative Council will surely change again. Of course, officials of the SAR Government should not be held responsible for this because, to put it bluntly, Bureau Directors and even Secretaries of Departments are employees after all. They are indeed putting up a show, each of them having a certain role to play, and they are doing their best to perform according to the script written by the playwright. If they perform well, they may win the best actor award. However, the constitutional development work cannot be changed arbitrarily.

Turning back to this Council, it is basically in violation of Article 97 of the Basic Law and the principle of balanced participation. We must have a clear conscience. Let us come back to the reform package, I believe Hong Kong people are eagerly concerned about the impact of the package if it is endorsed or otherwise.

If the package is endorsed, the number of representatives will increase from 800 to 1 600, whereas the number of subscribers remains at 200. As a result, the pan-democratic camp will have an opportunity to stand for election provided that it can secure 200 subscribers in the future. This is probably what is in their mind, but dream no more. *(Laughter)* Everything is meaningless without the blessing of the Central Authorities regardless of the figures. This is the fact. Therefore, as Legislative Council Members, we should not deceive ourselves. The passage of the motion will only make the Chief Executive think more highly of himself, and he will surely ignore everything in view of the possibility of serving another term for five years — He must be very angry when he hears this, but I am merely stating the fact.

On the contrary, what will happen if the package is not endorsed? The Chief Executive will then truly listen to views. Perhaps it is not a bad thing to take the edge off his spirit. To Hong Kong people, he may still serve another term for five years if he is willing to listen to views. Of course, I am not holding a crystal ball to foretell the future, but my remarks are always representative and substantiated. As regards the constitutional reform, I find it unreasonable of the Government to handle the matter in this way, and it must have been misled by some people. As to how it has been misled, only the Government and people involved in this political deal know. The way in which the Government handled the Ministerial Conference of the World Trade Organization was very remarkable, and it won commendation worldwide. Our modesty has proved that Hong Kong people and the SAR Government do have the ability to govern Hong Kong. However, I think the Government must have been misled on the reform package issue. This is the first point.

The second point is that the Government has handled the matter too blatantly. The frivolous manner of the officials concerned showed a lack of sincerity. What does the Government treat the Legislative Council as? President, please rest assured that I will be facing you all the way. *(Laughter)* I must give a lively speech so as to attract more audience. *(Laughter)* Hong Kong has all along practised the separation of powers, that is, the executive, legislative and judicial powers. Executive referred to government administration. Has the Government ever held high opinions of the Legislative Council? Bills will be tabled to the Legislative Council only when it seeks endorsement, otherwise, it will keep playing delaying tactics. We can only sit here and wait. We are made to sit. Who asked you to stand for election? In fact, there was a lack of sincerity on the part of the Government in the first place. The matter could have been handled easily had the Government shown its sincerity. Take the example of the Budget, the Government was sincere in inviting our views. And after expressing our views, there is no reason for objection. I have no idea of the ambition or objective of the Government in relation to the constitutional reform, but at least, there was a lack of sincerity on the part of the Government.

The third point is the adoption of a wrong direction. Earlier, a couple of Honourable Members mentioned that the package had the support of 14 DCs, with only two DCs in opposition. Did they intend to apply the theory of war of the Communist Party of surrounding the city by villages? How can they do this? It must admit failure and shoulder the responsibility of failure. It is impossible

to account the success and failure on him alone. If this is the case, then simply let him do it.

Another thing is, the Government stated from the outset that it was impossible to revise the proposal, but has it not been revised now? Although it only involved minor amendments, it appears that the Government has lost face. Why did it not say in the first place that changes would be made? Has amendment now not been made? How does the Government make out a good case for itself? In that case, whether or not the package is endorsed, the Government must come forth bravely and admit its own fault publicly. I may have said this three times before: A smart leader will not demand each and every policy or fact to receive support, and it is the demeanour of a smart leader to bravely admit his fault.

On 20 December last year, the then SAR Government headed by Chief Executive TUNG Chee-hwa was told to identify inadequacies by the State President. I believe the incumbent Chief Executive, Mr TSANG, still has to stick to this principle. Therefore, whether or not the package is endorsed later on, the SAR Government has to bravely admit this approach. Turning back to this Council, I would like to take this opportunity to advise our friends in the pan-democratic camp, that their ideas and thinking are respectable, and yet the SAR Government does not have a full understanding of their ideas and political thinking. Why? Persuasion is persuasion, but everyone is the sixth. Please state who is the first, second, third, fourth and fifth, and yet they can never tell. Everyone is the sixth. Will they please search their conscience. Frankly, continuous arguments will give rise to three scenarios which the Central Government is most unwilling to see: First, someone uses Hong Kong as the base to oppose China and stir up troubles in Hong Kong. Second, someone makes use of public opinion to influence the Central Authorities. The Central Authorities are not really afraid of public opinion, it is afraid that such opinion may have influence on mainland people and electors. Third, it is the share of power with the Central Authorities. In fact, the Central Authorities have delegated its power to Donald TSANG, but if the Central Authorities was further requested to give away more "power" — look for Mrs Selina CHOW's husband because his name is CHOW Ming "Kuen" ("Kuen" means "power") — Will the Central Authorities approve of such a request? Therefore, I do not oppose their voting against the motion later on because they can continue with the negotiations. Looking at the present situation, the voting result that may emerge shortly will probably be 33 votes plus 25 votes, together with my vote. I hope that these 25 votes will be united, and I trust they will.

We must understand that political compromise is the culture of politics. The best and highest ideal is to compromise for the interests of Hong Kong people. We are all Chinese, so why should we be looked down upon? Having the chance to sit here, we should try our best to express our aspirations. I have indicated clearly my stance on the package earlier, and stated consistently that I will abstain from voting. A friend told me, "CHIM Pui-chung, if you abstain from voting, you would better not stand for the election in 2008 because you would definitely fail." I said not only the election in 2008, I failed in last year's election too — Please do not worry, I am not going to disclose this friend's name — I have all along indicated my intention to abstain from voting, and this is the very subtle delicacy of politics. In fact, my vote is useless. If the SAR Government and other parties are able to obtain the 10 votes from Members of the pan-democratic camp through successful persuasion, it will then have secured 43 votes. What is the use of my opposition? If the Government fails to persuade those Members, there will only be 34 votes even if my vote is counted as well. The voting result will remain unchanged and my vote is merely useless. Therefore, I am going to make use of my useless vote later on.

Certainly, some people may say that the vote of CHIM Pui-chung is very important, which symbolizes the unity of Honourable Members. Honestly speaking, the sector which I represent is comprised of people who simply want to do more business, and to earn a living in a fair and reasonable environment. Though they cannot be regarded as politically apathetic as they are all concerned and care about politics, and yet they are concerned more about their businesses. This is the shortcoming of businessmen in general, and so we should be understandable. The Secretary persuaded the trade to exert pressure on me. I have said openly that I will definitely not bow to pressure. Since I was elected, I am a Member during my term of office, and this is the fact. At the same time, I will respect Honourable Members' views. However, I may not seek a re-election. Anyway, mutual respect is a way to strike a balance between political culture and social culture. Therefore, after today's debate, I hope that Members of the pan-democratic camp will develop better communication with the Central Government in identifying their way forward. Only by so doing can we truly achieve the objective of serving the interests of Hong Kong people and seeking better prospects.

I also wish to take this opportunity to advise Hong Kong people to feel at ease, and not to argue on today's constitutional reform package. We have seen the incessant conflicts between the Communist Party of China and the Kuomintang over the past decades, during which many people lost their lives.

However, these people had not died for nothing because the two parties shook hands after decades, with all their hatred eliminated. So, no more fights, no more fights. *(Laughter)* As far as the result of the coming voting is concerned, I hope that the Central Government will respect Hong Kong people's aspirations for "two systems", and Hong Kong people are absolutely supportive of the spirit of "one country" of the Central Authorities. President, I will conclude my speech with the following 12 words: "Passing it not necessarily good, but failing it leaves us with nothing." *(Laughter)*

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

MRS SOPHIE LEUNG (in Cantonese): After listening to the brilliant remarks made by Mr CHIM Pui-chung, perhaps we should now come back to the debate which is not necessarily that solemn. I just hope that I can remain unruffled in expressing my views in this discussion on the constitutional reform package.

Madam President, there have been numerous debates on the constitutional reform package over the past two months. Earlier, an Honourable Member said that government officials had persuaded some Members and hoped to gauge their views. Are people in opposition not doing the same thing? People holding dissenting views have also tried to make use of different media and various means to convince the other party. I believe we should all understand and appreciate this. However, I think Mr CHIM Pui-chung is correct in saying that as public figures, we should be responsible for what we said in public places or on public occasions — we must indeed be held responsible for our words and deeds. Our words to the public must be comprehensive. And no matter how simplified they are, it is more appropriate to present them in a comprehensive manner.

With the matter having come to this stage, I sincerely hope that we can all set aside our insistences and prejudices in the discussion on the constitutional reform package, and seriously examine today's proposal on the premise of the overall interest of Hong Kong people.

I fully support the package put forward by the Government because I have no doubt that this is the most feasible option for the time being. As regards the reasons put forth by some people for opposing the package, here, I would like to state my views.

Firstly, there are views requesting a timetable for full-scale direct election.

I think Honourable Members should think about this: Not only are the timetable for direct election and today's package not in conflict with each other, they can even be implemented in parallel. As consensus has been reached in the community on the need for a timetable, and the Chief Executive has also made an undertaking that a roadmap for universal suffrage will be drawn up by the Commission on Strategic Development in early 2007, and thereafter a report will be publicized and submitted to the Central Authorities, so why should we not give each other more time for further study and discussion on the 2007 target? Today's package is an important step towards full-scale universal suffrage and a landmark as well. Once we make this step, a timetable will be drawn up soon.

Secondly, there are dissenting views claiming the reform package an anti-democratic proposal.

It really baffles me and I find it inexplicable. First, it is proposed that five newly added seats will be returned by geographical constituencies through direct elections and another five seats in the functional constituencies will be returned through elections by DC members from among themselves. This approach has actually changed the underlying philosophy of the existing functional constituencies. Since the majority of DC members are returned by geographical constituencies through direct elections, it has significantly enhanced the electorate and direct election bases of these five Legislative Council seats. Then how can this package be anti-democratic?

If we take a deeper look, this arrangement is in fact favourable to the nurturing of political successors of different political parties. We cannot deny that there is currently no mechanism for the nurture of political talents in Hong Kong. With the five newly added DC seats, young people aspiring to participation in politics can be elected to the DCs through direct elections, and then to the legislature through indirect elections of the DCs. This is tantamount to the establishment of a promotion mechanism which enables the DCs to serve as the legislature's "wooden men's lane" for nurturing future political successors. This is in fact a constructive method. Therefore, I really do not understand why some people of insight only told half of the story while omitting the other half, and then said the package was anti-democratic. I do not understand how these people can cry out in loud voices to the community that it is anti-democratic out of their conscience.

Thirdly, there have been requests for the abolition of the appointment system in DCs, which are also opinions voiced by them. A timetable for the abolition of the appointment system has been drawn up in the adjusted package announced by the Government, whereby the number of appointed DC members will be gradually reduced. This is indeed a compromise. I hope that the general public can look clearly at the real situation. At present, the DCs are mainly comprised of elected members, and the proportion of elected DC members to appointed DC members is 4:1. It is therefore impossible for appointed members to influence the general situation. Furthermore, if appointed DC seats are totally abolished, it is afraid that the quality of district services will be affected.

I hope Honourable Members will understand that political development is always a process. During the process, time is needed for a mainstream public opinion to develop and consensus form in the community. At the same time, the compromise and understanding of all parties are also required. I hope that Honourable Members will take into consideration the overall situation, look clearly into the aspirations of the public and support today's package. It will enable Hong Kong to actually make an important step in democratic development.

Madam President, I so submit.

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

MR ABRAHAM SHEK: Madam President, I am not prepared to speak but I have been asked to. So, *(laughter)* as an obedient servant, I now speak. Madam President, I was just joking.

The motion under debate is for two amendments to be made to Annex I of the Basic Law, that is, the Election Committee (EC) for the third Chief Executive in 2007 shall be composed of 1 600 members, and candidates for the office of the Chief Executive may be nominated jointly by not less than 200 members of the EC. It is my hope that all my fellow legislators would give support to this relevant proposal, to which I would.

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

Today, we are at a crossroad towards democracy. Irrespective of what our political views and values are, we share one common objective, that is, to achieve universal suffrage as enshrined in the Basic Law. Our differences lie in the timing of when this could be achieved. We do not have to debate on democracy, we all believe in democracy. Although the present constitutional reform package tabled before us is not ideal, and definitely will not be accepted by all, it is still the best to have as it attempts to bring about an environment where political reforms could evolve.

The Fifth Report on constitutional reform is definitely a step in the right direction. Madam Deputy, I come here neither to praise nor defend the Fifth Report. Personally, I found the Report acceptable because it is, as I said earlier, a step in the right direction. I share Mr CHIM Pui-chung's view that putting 500 people into the EC from the District Councils is highly dangerous, because we are bringing local politics into the selection of a Chief Executive. But being a man of modest means, I trust the Almighty and also the Government, and my ability to understand is that they know what they are doing — what they are doing is for the betterment of Hong Kong, that is, towards democracy. So, I urge Mr CHIM Pui-chung also to support this particular motion.

The disputes between the various parties to the amendments to Annex I of the Basic Law involve the topic of whether appointed district councillors should join the EC, and whether the appointment system should be phased out. I believe that before the appointment mechanism is completely phased out, the duties and rights of both the appointed and the elected district councillors should be the same according to the District Councils Ordinance. There is no reason for us to exclude any party.

Certainly, some people are worried that appointed district councillors might be tied in their voting for the Chief Executive, which may lead to a pre-disposed impression that the Chief Executive would abuse his power to appoint his followers during his term of service. Suspicions about vote-planting could be aroused. This problem, however, can be resolved.

Firstly, appointees of the current District Councils are not appointed by our Chief Executive Donald TSANG. Neither party is involved in any "back-scratching" relationship. In addition, appropriate adjustments can be made to the appointment mechanism in the next District Councils election. For example, to enhance transparency of the appointment procedure, we can reform the Government's "absolute" internal control by introducing nomination of

outstanding candidates through different sectors in order to incorporate more competitive and democratic elements into the appointment mechanism. Some of the appointed district councillors would like to continue their appointments, but that would not be in the hands of the Chief Executive. In this way, the suspicion of vote-planting could be avoided.

Secondly, the aspiration of cancelling district councillors appointment is strong, mentioning that district councillors appointment signifies democratic reversal. I think the appointment mechanism should be retained for a period of time, considering the appointed members' quality and their enhancement to the overall District Councils. Proposing the three-phased reduction of appointed seats is a responsible action of our Government.

In fact, these appointees are outstanding members of their professions, with strong capabilities and political views. Many of these appointees come from different professions and industries and add a diverse range of opinions to the District Councils. In utilizing their professional knowledge and all-rounded experience, we benefit from their appointment. They contribute to the capability and quality of the District Councils by enhancing their handling of municipal public affairs. To accept without doubt, improvements can be made to the appointment mechanism. We cannot see the world simply in black and white. Eliminating the appointment system in one go will jeopardize our collective participation in district services and our handling of local affairs. In addition, retaining the current appointment mechanism appropriately will provide another path for professionals, business people and industry members to participate in the political arena and serve our districts.

DEPUTY PRESIDENT (in Cantonese): Mr Abraham SHEK, please hold your speech. Will Members please check whether their mobile phones have been placed too near the microphone? There is interference with Member's speech now.

(Members followed instruction to check their mobile phones)

Mr Abraham SHEK, please continue.

MR ABRAHAM SHEK (in Cantonese): Can some speaking time be given back to me?

DEPUTY PRESIDENT (in Cantonese): I shall give you a little make-up.

MR ABRAHAM SHEK: Madam Deputy, the number of members in the EC to select the Chief Executive has been doubled. If we pass today's motion, the number of District Council members would also be multiplied. However, I do not believe that we will attain universal suffrage just by increasing continuously the number of EC members. The change in the number of District Council members does not represent a gradual and orderly change. The fact is that the 800 members increased will include all the District Councils. Enlarging the EC actually represents broadening the electoral base and injecting more democratic elements into our Government. Therefore, I sincerely hope that his amendment could be passed, as it will be a big step forward for our constitutional development; it is much more preferable than leaving us to march statically on the same spot and going nowhere.

Thank you, Madam Deputy.

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

MR TAM YIU-CHUNG (in Cantonese): Deputy President, we have a most unusual debate today because we have in here a scene of "silence is golden", which is in marked contrast to the usual practice. "Emily" who used to be eloquent in giving speeches, Honourable colleagues of the Democratic Party and the Article 45 Concern Group have all remained silent. Some friends in the media asked me of the reason, and wanted me to interpret the situation. They asked me what had happened as this is not what they had expected. The media learnt in advance that every Member would exhaust their 15 minutes of speaking time. I keep asking myself, perhaps there are three reasons:

Firstly, they are already tired of speaking on this topic because the constitutional reform issue has been discussed in each of the past three weeks. Secondly, perhaps they want to vote and have it settled as soon as possible because further procrastination does no good at all. The reasons are, first, no more justifications are available, and second, the contradictions intensify. *(Laughter)* Nobody will believe in what they said anymore. Thirdly, the bundling may be fruitless, so it is better to settle it as soon as possible to avoid it dragging on and hence giving rise to division. Certainly, the media may

consider my analysis not smart enough because everyone can figure it out. However, since Members who are in opposition have all remained silent, voting will soon take place. In fact, the voting would have begun if I did not indicate my wish to speak all of a sudden. *(Laughter)*

MR LEE CHEUK-YAN (in Cantonese): Actually, we only wish that Honourable Members can go home early to enjoy the dinner of the day of Winter Solstice.

MR TAM YIU-CHUNG (in Cantonese): Sure, Honourable Members probably want to go home earlier tomorrow evening to enjoy the dinner of the Winter Solstice with their families. At the same time, we see that the package is in great danger. Tonight, some Honourable colleagues may go out to celebrate and hail the successful bundle. Just as Miss TAM Heung-man, who shares the same surname with me, has said, it is better to mark time than moving forward. If this is true, there is nothing I can say. *(Laughter)* Despite that I understand there is nothing I can say, but since there are 15 minutes of speaking time, it is no good wasting it, *(laughter)* and yet, I will not speak out of nothing.

Last night, I received a submission from a man at my Tuen Mun office. He said it had been written at six o'clock yesterday. The submission reads, "To: Mr TAM Yiu-chung, Legislative Council Member and Vice-chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong regarding the possible abortion of the Fifth Report's reform package" — He may be more formidable than Mr HO, but I will only read out a couple of sentences so as not to be blamed for wasting time — He said, to this effect "I signed in a signature campaign held at the opposite side of the Yan Oi Tong in Kai Man Path, Tuen Mun on 15 December 2005 in support of the reform package proposed in the Fifth Report. The campaign was initiated by the Hong Kong Federation of Trade Unions and organized by the Grand Coalition Concerning Political Reform. Out of my civic responsibility and conscience, I have signed to indicate my strong support for the reform package proposed in the Fifth Report." He believed that the package can effectively promote democratic development and uphold public interests. He even came to my office and told me clearly that he had once taken to the streets with the Members of the opposition camp. However, just as he had said earlier, he considered the current package worth supporting, and he had no idea why the Members in

opposition opposed the package. He asked me to call on Members who oppose the package to seriously consider supporting the package, and hoped that they would not let the voters down and be answerable to their consciences. This member of the public is surnamed LUI. He really exists and I did not make it up — His surname is "LUI" (a female) and he is a male. His surname "LUI" may easily arouse confusion. (*Laughter*)

(THE PRESIDENT resumed the Chair)

Last of all, I have to say that, it is stipulated in the Basic Law that the constitutional development of Hong Kong must follow the principle of "gradual and orderly progress". Furthermore, the Interpretation of the relevant provisions of the Basic Law by the Standing Committee of the National People's Congress (NPCSC) last year and its Decision on the methods of selecting the Chief Executive in 2007 already laid down a clear scope for Hong Kong's constitutional development. The motion moved by the Government in this Council today, which includes the whole set of recommendations on the methods of selecting the Chief Executive in 2007 as set out in the Fifth Report of the Constitutional Development Task Force, is practically feasible and progressive.

According to the Government's package, the electorate base of the Chief Executive election will be further widened. With all DC members being allowed to join the EC so that they can elect the new Chief Executive, the electorate base will undoubtedly be broadened and the pace of democratization in Hong Kong greatly speeded up. This will in turn provide a greater scope for the constitutional development of Hong Kong. This represents a great stride forward towards the goal of universal suffrage, laying a good foundation and creating the conditions required for the full implementation of electing the future Chief Executive by universal suffrage. If the package fails to be endorsed by this Council today, the *status quo* of the selection of the Chief Executive in 2007 will be maintained, and this will do no good at all to taking Hong Kong's democratization forward. This viewpoint had secured the support of 780 000 signatures, and I believe these signatures show their agreement that constitutional development must move forward.

To speed up the pace of democratization in Hong Kong, all social sectors must be united in making concerted efforts to reach a certain measure of consensus before proposals can be implemented. The package which we are

going to put to the vote today is oriented in a direction which is, relatively speaking, acceptable to society. As evident in the independent opinion polls conducted by various academic institutions, or the 775 000-odd signatures collected by the Grand Coalition Concerning Political Reform in support of the package over the past two weeks, there is no doubt that the Government's reform package has the majority support of the public. I hope that the opposition can give concrete consideration to its feasibility and constructiveness, put aside their insistence, and frankly make responsible decisions in the interest of taking forward democratization in Hong Kong and safeguarding the overall interest of society.

Recently, Mr Ivan CHOY, a friend of the pan-democratic camp, has repeatedly made a call on various occasions that to enable the pro-democracy movement to grow in strength, it is important to let it blossom at the right time. According to Mr Ivan CHOY, if the motion under debate is carried, we can achieve two important improvements: First, this is the first time since 1984 the Central Government reaches with the opposition a consensus that can serve as a basis on which both sides communicate, thereby further enhancing a co-operative relationship. Second, after the EC electing the Chief Executive is enlarged, the safety coefficient in relation to the control of candidates will drop significantly, which will in turn increase the opposition's influence. Therefore, he held that the opposition should seriously consider accepting the package. Mr Ivan CHOY's remark was in fact made in a seminar which I was also present. I find his remark pragmatic and I can feel his sincerity in looking forward to the support of the pan-democratic camp, with a view to promoting the overall development of the pro-democracy movement. Mr LEE Wing-tat was also present on that day, but he merely called on people to look at this issue with equanimity. He tends to harbour the mentality of contemplating no more if we reckon that we will lose.

Today, I see no reason why the pan-democratic camp cannot see the proactive meaning of this motion. It is the common aspiration of the general public of Hong Kong to support democracy. On the road to democracy, we cannot just focus on ideals while neglecting the long-term and short-term strategies. Today, the passage of this motion is precisely a great leap forward on the road to democracy and a realization of our ideal. More importantly, this step has a strategic meaning to the further development of the pan-democratic political parties. While these parties may win the support of the general public and the trust of the Central Authorities as a result, the growth in strength will enable democracy to further flourish.

Honourable Members of the pan-democratic camp have all along insisted that the Government should respect public opinion. However, when there is widespread public support for the Government's reform package, they merely turned away and stood firmly on their original stance and viewpoints.

The Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong released the findings of an opinion poll on 9 December, which indicate that after the procession, 49.9% of the surveyed people support the reform package and 28.9% oppose it. The opinion poll findings released by the opinion poll website of the University of Hong Kong is more or less the same — 43% of the respondents support the reform package, while 16% oppose it. The opinion polls conducted by the two academic institutions both indicate that 50% of the public opinion is in support of the reform package, which doubles that of the opposition. The majority public support for the reform package has remained steady. More importantly, the survey conducted by The Chinese University of Hong Kong shows that 56.3% of the surveyed people do not agree to opposition to the reform package due to the absence of a timetable for universal suffrage. On the other hand, the survey conducted by the University of Hong Kong also shows that 47% of the surveyed people do not agree to opposition to the reform package. Public opinion has clearly urged Members of the opposite camp directly not to oppose the reform package.

In face of these scientific surveys, however, Mr Ronny TONG of the Article 45 Concern Group responded that he would support the reform package only if 500 000 people took to the streets in support of the package. Is this kind of attitude scientific? Is this kind of attitude respect for public opinion? Earlier, Miss TAM Heung-man indicated that she was determined in opposing today's motion. She is a Legislative Council Member representing the accounting sector, but according to a survey conducted by the accounting sector on constitutional reform sometime ago, the Hong Kong Institute of Certified Public Accountants received a total of 2 697 responses from its members, among which 57.8% considered the reform package acceptable. They said that though not totally satisfactory, the package was acceptable to them after all. A total of 1 452 members requested Miss TAM Heung-man to vote in support of the package, which accounts for 53.9%. In view of these professional survey findings, Miss TAM Heung-man has instead considered the views divergent and devoid of guidance, she therefore indicated her firm opposition earlier. The pan-democratic camp, which harbours the mentality of neglecting public views,

acting on its own and raising opposition simply for the purpose of opposing, will eventually become an anti-democratic camp.

President, in fact, the outcome may be the same even if I go on and on. However, I have been told to sit down.....

PRESIDENT (in Cantonese): Will other Members please keep quiet when a Member is speaking?

MR TAM YIU-CHUNG (in Cantonese): (*The buzzer sounded*) President, I am going to sit down. (*Laughter*)

MS LI FUNG-YING (in Cantonese): Madam President, in relation to the framework of the Chief Executive Election 2007 and the Legislative Council Election 2008, the time for voting has finally come. Rightly as Chief Executive Donald TSANG said sometime ago, the democratic development of Hong Kong has come to a critical moment. We have no choice but to choose between supporting and opposing the package, and the choice we have to make will have far-reaching implications on the future development of Hong Kong. We are therefore obliged to put on record the yardsticks that we have used in making the choice. By doing so, we do not only give an account to voters, but to history as well.

After the constitutional reform package was published, the Government, academic institutions and the media have, from time to time, gauged public views on the extent of support for the reform package. Politicians or political critics have different interpretations of the changes in the opinion polls, and it can be said that the interpretations were made to one's own preference. People can always consolidate their viewpoints with statistics from the opinion polls, be they supporters or opponents of the reform package. However, I do not consider it appropriate to use statistics of opinion polls as the yardsticks for voting. Besides, as stipulated in the Basic Law, the reform package in respect of the two elections in 2007 and 2008 must be passed with the endorsement of a two-thirds majority of Legislative Council Members. However, as far as the opinion polls on the reform package are concerned, neither supportive nor opposing views were able to obtain a two-thirds majority of public support. So, the use of opinion polls as the yardstick for voting is inconsistent with the spirit

of the relevant provisions of the Basic Law. Nevertheless, regardless of our stance and attitude towards the reform package, there is one prominent result among the different opinion polls, and that is, all Hong Kong people wish that the universal suffrage can be implemented as soon as possible. This is the highest common factor among the divergent views, regardless of our stance on the reform package, and it forms the basis on which we cast our votes.

During the Legislative Council's policy debate in October, I pointed out that, "We cannot say that the recommendations contained in the Fifth Report are an excellent package, because the package itself is in violation of certain principles of democracy. Yet we cannot say it is a bad proposal, because there are indeed more democratic elements in the future elections of the Chief Executive and the Legislative Council." My view remains unchanged. Despite that the Government put forward an improved package on Monday to gradually abolish appointed DC seats, I believe the framework can be further refined. However, the imperfection of the reform package does not constitute a reason for my opposition to it. A more fundamental consideration is whether opposing the present imperfect reform package is conducive to the forward development of democracy in Hong Kong. Yet, I fail to draw such a conclusion.

Views opposing the reform package hold that if the package is voted down, the Government will then be forced to improve the existing composition of functional constituencies, which include broadening the electorate base, enhancing representation, and so on. Yet, I have great reservations about such a speculation. We consider that the democratization agenda of Hong Kong is dependent on the interaction of four factors, namely promotion by people, support of the Legislative Council, position of the SAR Government and wishes of the Central Government. If the reform package is voted down, I can hardly imagine that the scope for constitutional reform will expand rather than narrow down, and the democratization of Hong Kong will run a smoother rather than rougher course. It is because, so far, I still cannot see how the rejection of the reform package will enable the above factors to develop in a direction of greater democracy.

This is my overall view of the democratic development of Hong Kong at the present stage. Honourable colleagues opposing the reform package may not agree with such a view, but I would like to have it included in the Legislative Council's Official Record of Proceedings, so that time will pass judgement.

I am aware that the community would wish the Government to formulate a timetable for universal suffrage, but I do not see any causal relationship between support or otherwise for the reform package and the formulation of a timetable for universal suffrage. In other words, supporting a constitutional reform package without any timetable does not mean that the fight for the formulation of a timetable for universal suffrage by the Government cannot continue. On the contrary, opposing the reform package is not necessarily beneficial to our fight for the formulation of a timetable for universal suffrage by the Government.

Madam President, I cannot foretell whether or not the reform package can be passed in the Legislative Council in the end. If it is passed in the end, this only represents another starting point of Hong Kong's democratization. The development of the constitutional system in 2007 and 2008 should not be confined to the scope of the Chief Executive and Legislative Council elections, but it should include the reform of district administration. With the recognition of the DCs' participation in affairs at the central level in the reform package, it appears most unreasonable to give the DCs a mere consultative role on government affairs at the district level. Therefore, when the Government implements the reform package, district administration should also be reformed in parallel, and to vest DCs with real powers in district administration. By so doing, politicians are able to gain experience from the administration of public affairs. If the reform package is voted down in the end, the Central Government, the SAR Government and those politicians must bear in mind that it is the common wish of Hong Kong people to enable the constitutional system to move towards the goal of universal suffrage and to expedite the implementation process. This is not only the wish of all Hong Kong people, but also an undertaking the Basic Law made to Hong Kong people, and it should remain unchanged despite the rejection of the reform package. Thank you, Madam President.

MR WONG TING-KWONG (in Cantonese): Madam President, since the publication of the Fifth Report of the Constitutional Development Task Force, there have been heated debates in society on the methods of selecting the Chief Executive in 2007 and the formation of the Legislative Council in 2008. Today, 60 Legislative Council Members have gathered in this Chamber, and yet this is the first time I see such an unusual situation, just as Mr TAM Yiu-chung has put it, silence is golden.

Before I worked in the Legislative Council, I often heard Honourable Members of the democratic camp saying that they did not have enough votes, whereas the other party had secured enough votes for it to neglect public opinion and were not keen in giving speeches. They simply won over the opposite camp by securing enough votes. I have learnt a lesson today that 25 votes are already enough to suppress others. I have indeed learnt a valuable lesson in this lecture. These people are indeed, just like the name of a song, "Painstaking Efforts".

Besides, Mr LEUNG Kwok-hung also taught me what is meant by "quoting out of context" today. He mentioned the *Selected Works of Mao Zedong*, which carries *inter alia* articles about democracy. However, he has completely distorted the content of the articles. I wonder if Mr LEUNG Kwok-hung understands what democracy is. In fact, democracy is a means through which centralization can be achieved. What MAO Zedong advocated was a centralized system of democracy, but I think Mr LEUNG Kwok-hung's promotion of the so-called democracy here is in fact peddling anarchism.

Up till now and at this very moment, I just hope that Honourable Members will seriously consider, make the final decision and cast their sacred votes. Apart from Legislative Council Members and government officials in this Chamber, reporters and people from all walks of life who have gathered outside the Legislative Council Building, as well as the business sector and people of Hong Kong are all gravely concerned about the voting result because it will have a direct impact on the direction of our future political development.

Just as Chief Executive Donald TSANG has said, the development of Hong Kong's political system is now at the crossroads. To achieve the goal of universal suffrage, the first step is the Legislative Council's endorsement of the reform package. I hope that on the premise of Hong Kong people's overall interests and aspirations, and for the purpose of reflecting public opinion, Honourable Members will cast a sensible vote.

Madam President, I so submit.

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

(Mr LAU Chin-shek indicated his wish to speak)

PRESIDENT (in Cantonese): Mr LAU Chin-shek, do you wish to speak?

MR LAU CHIN-SHEK (in Cantonese): President, I shall express my views on the two motions about constitutional reform today in one single speech.

President, for both its economic reform and political reform, Beijing has always been groping its way forward step by step. Regarding Hong Kong's constitutional reform, Beijing has the same understanding: That progress should be made step by step, with every next step being determined by the prevailing circumstances. The system of democracy based on "one person, one vote" currently practised in the West seems to be a very natural product of historical development, but this was actually achieved after many many years of struggles. For Beijing, its political power has been gained by the strength of its military power, which is completely different from the case of the West, where political power is derived from elections. Regardless of whether it is right or wrong, we still have to admit such a difference in historical development.

President, due to its own cultural and historical background in the past, the Central Government has adopted a step-by-step approach to constitutional development. I have two views on this step-by-step policy. Firstly, taking one step forward is always better than standing still. Secondly, with such a step-by-step approach, one will never know at what time one can reach the ultimate goal. It is of course true that unlike a complete standstill, taking one step forward will always bring us closer to the ultimate goal. Nevertheless, to people with expectations, the ultimate goal should be their legitimate political right, so they should have the right to know when they can attain this goal. There are not necessarily any conflicts between a step-by-step approach and the formulation of a timetable. Even with a step-by-step approach to constitutional reform, Beijing can still set down a timetable. Hong Kong people are trustworthy. Most of them have been exercising restraint and good sense. A timetable on the implementation of universal suffrage is the aspiration of many Hong Kong people. So, the formulation of a timetable has been regarded as an impetus for constitutional reform and the target of our efforts.

President, the emotional appeal of a 78-year-old man is indeed very saddening. As a matter of fact, well before his birth, in the second year of the Republic of China, the two representative assemblies of the Nationalist Government, namely, the House of Representatives and the Senate, were already

returned by universal suffrage. A look at the history of modern China will show where our greatest problem lies: the leader always has the final say and he thinks that his brain is better than those of millions of others. During the Cultural Revolution, when MAO Zedong had all the say, the power of the leader's baton reached its height but this was also the most miserable period in China. In Taiwan, it was not until the late 1980s that the ban on the formation of other political parties was lifted. The wait had been as long as 70 years. However, even today, when we look at Taiwan, we will find that society is divided into just the blue and green camps and everything is still decided by only one or two leaders. The situation in Singapore is the same. Why are all Chinese societies like this? What is it that we lack? There is only one answer to this question. We are short of independent thinking. However, every individual should have his or her own thinking and one simply should not be "ordered around" by the leader's baton.

President, the march on 4 December in support of universal suffrage and many different activities in the past bear testimony to Hong Kong people's ideals and love for Hong Kong. Some have put forward this constitutional reform package while others have proposed alternative packages that can take account of both ideals and realities. Some have organized political parties to struggle for their ideals without stopping while others simply choose to go on leading a normal life and working hard just to earn a living. What we must do is to emphasize our common grounds instead of exaggerating our differences. The common feature of all Hong Kong people is that we all love Hong Kong and have expectations about it. Hong Kong is our home. What we share in common is our love for Hong Kong.

President, for quite some time, I have repeatedly given my views on Hong Kong's political development to the authorities concerned. First, I have been advocating that we may do the easy thing first, that is, implementing universal suffrage for just one of the two major elections. Second, I have been advising the authorities concerned against any increase in traditional functional constituency seats. This has nothing to do with fairness. The critical point is that Members representing traditional functional constituencies will always put the interests of their respective functional sectors before the overall interests of society. I have been emphasizing this point since 1991.

The Fifth Report of the Constitutional Development Task Force has not proposed to increase the number of traditional functional constituency seats, thus

putting a full stop to the development of functional constituencies. This is a step forward. If the number of traditional functional constituency seats is increased, it will be very difficult to reverse it. Besides, we should definitely support the proposal on creating five new seats to be returned by election among DC members. However, I cannot accept the retention of appointed DC members.

President, as early as 20 years ago, I already started making it one of my goals to fight for universal suffrage. Although we do not know how long the road ahead is, we should not just wait for the timetable with folded arms. However, we must also admit that we have not made any substantial efforts to create the conditions conducive to the implementation of universal suffrage. Therefore, this time when we fight for the implementation of universal suffrage, we should seriously explore whether there are still any problems that must be tackled, instead of wasting any more time.

President, can a Chief Executive be a member of a political party, for example? If a Chief Executive does not have any such affiliation, how can he secure the support of any political parties? How can he identify a governing team which shares his convictions, prepared to stand behind him at all times, good or bad?

Furthermore, if the executive authorities continue to monopolize all power of policy formulation, how can political parties fulfil their election platforms? If the Legislative Council is allowed to share the power of policy formulation, can Members continue to be part-time politicians? How should the Legislative Council adjust its operation to suit all the changes? For example, should Members still be allowed to join the various panels on a voluntary basis? Or, should panel membership reflect in some measure the distribution of political power in the legislature?

What is more, how should we work out a division of labour between accountability officials and civil servants? If civil servants have to observe political neutrality and refrain from lobbying for government policies, should there be any increase in the number of accountability officials? Will there be sufficient training for civil servants, so that they can cope with the need to implement completely different policies arising from any possible changes in the ruling political party?

Besides, following the implementation of universal suffrage, how can we institutionalize the protection of minority interests? This is not just the concern of the commercial and industrial sectors. It also involves the interests of the disadvantaged members of society, such as the ethnic minorities and people with different sexual inclinations.

Although all these issues are not the preconditions for implementing universal suffrage, we should still discuss them very seriously. Regardless of when universal suffrage can be implemented, we must reach a consensus as soon as possible.

President, another equally important point is that we must adopt an attitude of acceptance and tolerance in our normal daily life. We have once used the concept of a family to illustrate the relationship between the Central Authorities and Hong Kong. The relationship between the Central Authorities and Hong Kong can be compared to the relationship between the parents and other members in a big family. Some family members may be very obedient and others may well be very naughty, but they are still members of the same family. In the past, the parents might have liked those obedient family members more, that is, they might like the pro-Beijing camp and the commercial and industrial sectors more. If a beam balance is used to illustrate my point, it can be said that the parents did not stand at the centre of the beam balance. However, we can observe that over the past one year, they have gradually been moving closer to the centre. After all, it has attempted to maintain its position at the centre. This move towards the centre of the beam balance will inevitably affect those with vested interests. But we must give appropriate recognition to this move. Similarly, this constitutional reform package already signifies a slight move to the centre of the beam balance and a departure from the past bias towards the pro-Beijing camp and the industrial and commercial sectors. The only thing is that we still hope that more weights can be added to the other side of the beam balance. If both sides fail to reach any compromise, the beam balance may then collapse as a result.

Over the past one year, we have witnessed a fundamental change in Beijing's attitude towards Hong Kong and the pro-democracy camp. Beijing has come to regard itself as the government of both the pro-Beijing camp and the pro-democracy camp. It has been trying to look at Hong Kong from the perspective of a beam balance. I very much value this change. To say the least, such an unbiased perspective is always more desirable than a lopsided

beam balance. More importantly, with the development of such a family relationship, Beijing will not casually accuse any people holding dissenting views of trying to act against China and stir up trouble in Hong Kong. And, on our part, we will not easily criticize Beijing of ruining "one country, two systems". The conversion of hostility into a family relationship will be immensely useful to the democratization of Hong Kong and even the Mainland. The democratic development in Hong Kong will serve as an example for the democratization of the Mainland. We are all members of the same family and we are all trying to find a possible way out in the process. I believe that the democratization of the Mainland is also the wish of all of us. We also understand that any deterioration of the relationship between the Central Authorities and Hong Kong will only impede our democratic development, bringing only harm but not any benefits to us.

However, our discussions on constitutional reform quickly entered a stage in which we were caught up in pre-judgements premised on mutual suspicion. Of course, I understand that, owing to the many catastrophic political movements in the history of the Communist Party of China and also because of our personal experiences, we may easily be tempted into making this kind of judgements. As such, no matter how correctly it has acted now, we will still feel that something is wrong, we will always distrust it, simply because this Party is involved. If we really have this kind of pre-judgement, what we have to do will be to overthrow this regime by means of a revolution. However, this is certainly not our intention, nor is it something we are capable of doing.

President, I think the time has come for us to do some reflections. If we wish to live as a big family, if we wish to be a member of this family, if our common concern is the well-being of this family, we must, most importantly, be willing to recognize the fact that every family member may make mistakes. In particular, we must recognize that what we advocate in the course of democratic development may not necessarily represent the ultimate truth. We should base our judgements on what it is doing at this moment instead of pre-determining its nature on the sole basis of its past history. Honestly, our opinions about the Communist Party of China have never remained obstinately unchanged all the time. We do think highly of HU Yaobang, for example. So, he who does a good job merits our appreciation, and such should take the form of commendation when he is in power but no tribute after death. Over the past one year, Vice-President ZENG Qinghong has been adopting an open and tolerant policy on Hong Kong and Macao affairs. This does deserve our recognition and support, and such a policy should continue.

To me, to achieve a harmonious society entails a fight for justice and democracy. However, for a country like China the historical background of which is so complicated, the building of a harmonious society should no longer mean the wheeling of political movements and class struggles as a means of attacking others. I think this is already a kind of progress that should merit our appreciation. The establishment of a basis of mutual appreciation and mutual trust is the only important step towards the attainment of democracy.

President, it seems that ever since the announcement of the constitutional reform package, the media, members of the public and even the Government have all been focusing on matters like who will support or oppose the package and who will eventually change their positions. My concern, however, is whether the various parties can identify common grounds, so as to enable Hong Kong to move one major step forward for the cause of democracy. However, I am so sad to note that, regardless of whether the constitutional reform package can be passed or otherwise, half of us are bound to be disappointed.

We must really show greater mutual understanding and accommodation and we must also attach greater significance to the overall situation. Therefore, I can only cast a blank vote. I understand that after casting such a vote, I will inevitably draw severe criticisms and condemnation. However, I will only treat all this as a kind of punishment for my failure to reverse this situation of confrontation and to secure a more satisfactory package despite all my efforts. I will also turn all this into a kind of hope, a hope that Beijing will not change its position of tolerance because of the voting result of this constitutional reform package.

President, I so submit.

MR ALBERT CHENG (in Cantonese): President, the long-standing controversy related to the constitutional reform package has finally come to the critical moment of casting the votes. During the past few months, the trend of public opinions has become rather explicit, that is, those supporting and those opposing the constitutional reform package are evenly matched. However, the majority of the people are of the opinion that the constitutional reform package should specify a timetable and a roadmap for eventually achieving dual elections by universal suffrage in Hong Kong; otherwise, it is pointless for us to adopt a

patched-up package without any direction, which will be no different from maintaining the status quo or which may even be indicative of retrogression.

On the eve of casting the votes, the Chief Executive, Mr Donald TSANG, made his last-ditch effort. Despite the strong reluctance of the commercial and industrial sectors and the conservative faction, he proposed to abolish the appointed seats in the DCs in phases. Putting forward this suggestion as a concessionary measure, he hoped in return it could gain the support of Legislative Council Members in passing the constitutional reform package. Donald TSANG said, while he understood that Members of the pan-democratic camp were under a lot of stress, he called on them not to be afraid of being labelled by the media as "making a volte-face" because if they could set themselves free from being "bundled", they would become "heroes of democracy" and if the motion could be passed, it would be "a victory of democracy, a victory of rationality and a victory for Hong Kong people".

Undoubtedly, Donald TSANG had already done a lot of thorough and hard thinking before coming up with the present constitutional reform package. Under all sorts of restrictions, he has to on the one hand satisfy Hong Kong people's aspiration for democratic universal suffrage, and on the other, he cannot act against the rulings contained in the Interpretation of the Basic Law which was promulgated on 26 April last year by the NPCSC on the elections of the Chief Executive and the Legislative Council in 2007 and 2008 respectively. On top of these, he still has the tough job of canvassing support from the different sectors, different classes and different political camps in Hong Kong. Therefore, the present package is already the best he can offer. While sincerely appreciating the efforts made by him and understanding his personal limitations, I cannot act in compliance with his appeal, and I deeply regret this. As a "politician", Donald TSANG should understand that Legislative Council Members are also caught in similar situations like those he has to face — that they all have to face all kinds of pressure, for example, the pressure from the media, public opinions and voters. This is something that falls within the reasonable sphere of their responsibility, which they should not shirk. Of course, a responsible Member must listen to public opinions, but he does not necessarily have to act completely according to public opinions. This is because, by way of voting for us, voters have already authorized us to think independently and make judgement according to our conscience, instead of "trimming the sail to the winds" without any principles. Of course, we have to be responsible for our political behaviour, and the ultimate verdict will be passed by the votes cast by voters.

For this reason, ever since the Government has put forward the constitutional reform package, I have been dissatisfied with certain media, public opinions and certain political forces which attempt to bundle up all the Members of the pan-democratic camp in order to force us to adopt the same stance and to take the same fighting strategy. Regarding those speculations on the possible political moves to be made by Mr Albert CHAN, Mr LAU Chin-shek, Miss TAM Heung-man, Dr KWOK Ka-ki, Dr Joseph LEE and myself, I disdain them so much that I think they do not merit any response from me. All along, I have not indicated my stance explicitly because I believe that politics is after all the art of compromise. Before the actual expiry of the ultimate deadline, we should not give up negotiations with a view to fighting for any improvement to the constitutional reform package put forward by the Government, thereby creating the most favourable conditions for the eventual implementation of dual elections by universal suffrage in future.

I have my own beliefs and principles. By this, I do not mean to say that I have adopted a stance different from that of the pan-democratic camp, and as such we must go our separate ways. For this reason, I have joined all the open political activities of the pan-democratic camp to show my support. I believe in the truth of "unity is strength", and I also believe that gentlemen can get along well, but they may not necessarily agree with each other. So with regard to the constitutional reform proposal put forward by the Government, I cannot accept it; but in doing so, my reasons may not be exactly the same as those held by other Members of the pan-democratic camp.

First, although I support the expansion of the Election Committee (EC) from the present 800 persons to 1 600 persons, I oppose the inclusion of all DC members into it. The reason is indeed very simple. Madam President, on the surface, it seems that the electorate base has been expanded, and as such, the representativeness of the EC has been enhanced as well. However, in essence, it is retrogression in democracy as the democratic nature of such members is even not as strong as that of functional constituency members of the expanded EC. As we all know, if the number of functional constituency members is increased, the new members must be elected through one-person-one-vote elections. Under such circumstances, even if the corporate votes are not abolished, they cannot be increased. On the other hand, if we examine the outcomes of functional constituency elections in the past, we can see that most of them are reasonable and satisfactory and they can reflect the aspiration of the majority. In view of this, it is evident that those in power will no longer be able

to manipulate the election results as they did in the past. On the contrary, actually it is relatively easier for DC elections to be manipulated. With the organizational capability and resources of the pro-Beijing conservative faction, is it not an easy task for them to win DC elections as only 1 000 to 2 000 votes will suffice for winning a seat? From this perspective, we can see why the people in power prefer the so-called "DC proposal", instead of striving to increase the number of functional constituency members in the EC. This is because, true as former Governor Sir David WILSON said, China does not mind having democratic elections, but it wants to be able to know in advance the election results.

Second, as the calibre and integrity of DC members can vary substantially, it may not be appropriate for us to assign them the most important tasks. Frankly speaking, if all the DC members, who will make up one third of the membership of the EC, are qualified to vote in the election of the Chief Executive, this will give rise to the Hong Kong style of "money politics". This is because these DC members who have the power but not the responsibility will become very arrogant if they can dominate the political situation completely. They shall make the Chief Executive accountable to them on all kinds of issues, belittling home affairs officials and administrative officers at the district level. As a result, it will be even more difficult for the Government to launch any district work. In addition, if someone has to bribe members of the EC, he would certainly find it much easier to bribe DC members than other members of the EC and at even lower costs. There will be even more severe cases of transfer of benefits and political deals.

Third, the situation of DC members having the power but not the responsibility will make it even more difficult for the Government to launch any district work. In addition, DCs, which have no political power and responsibility, cannot be compared with the Legislative Council which has a much broader electorate base. On the other hand, the system of appointed membership in DCs had long been abolished in 1995. Such a system of appointed membership was only restored by the Provisional Legislative Council after the reunification. So if this system is maintained, the Government will not after all be able to clear itself of the suspicion of vote-planting. Therefore, although the Government agrees in its amendment proposal that there are limitations with appointed DC members, it is only prepared to abolish this system of appointed membership in DCs in phases. In doing so, the Government is contradicting itself and can hardly justify its own action.

President, finally, I must point out that, the Central Authorities are not the greatest obstacle to the democratization of the constitutional system in Hong Kong; instead, the commercial and industrial sectors and the conservative faction have always been. They are absolutely not willing to accept even the "DC proposal", nor are they willing to see the abolition of appointed seats in the DCs and the expansion of membership of the EC. They reluctantly lend their support to the constitutional reform package just because of the policy of the Central Authorities in supporting the Government of the Hong Kong Special Administrative Region (SAR) headed by Donald TSANG. Having understood this point, we now realize that, if we want to see the democratic development in Hong Kong move one step forward, the final say is in fact vested completely in the hands of the commercial and industrial sectors and the conservative faction. If they are willing to give the green light, and regard the overall interests of Hong Kong as the most important factor in their consideration, then our prospects are bright. On the contrary, Members of the pan-democratic camp, who on the surface will benefit from this proposal, cannot possibly support this package put forward by the Government now if they have to act according to the principles of democracy. However, with regard to the situation in which the constitutional system will maintain the *status quo*, and that democratization cannot move forward, the media and public opinions are pointing the accusing finger at Members of the pan-democratic camp who have always upheld their own principles, instead of putting the blame on the commercial and industrial sectors and the conservative faction which always oppose quickening the pace of constitutional reform. What kind of logic is this? Is it not a miserable fact for us to see that the people are always confusing the right and the wrong?

President, regardless of the final outcome of today's voting, the situation cannot be compared to that of the "Article 23 Incident" because this is not a cut-throat struggle for survival between the different parties concerned. It is just a matter of different interpretations by different parties of the progress of democratization of the constitutional system in Hong Kong. I must admit that Donald TSANG the Chief Executive has already made his best effort in finding all available room of striving to create the best conditions to make the constitutional system of Hong Kong move forward. Unfortunately, owing to the different ideologies about democracy held by the different factions, and since as an individual Member, I must hold myself accountable to the voters, so I cannot accept the present proposal of the Government. However, as Members of the pan-democratic camp, we also have the responsibility to create favourable

conditions for promoting the further democratization of the constitutional system of Hong Kong, and to provide practical and feasible proposals. Therefore, even if this constitutional reform package cannot be passed, it does not mean that the door of communication and negotiation with the Government has been forever closed. President, on the contrary, I hope that, soon after the votes are cast today, the negotiation between the Government and the pan-democratic camp can be reopened, thereby making the necessary effort to facilitate the ultimate realization of universal suffrage in Hong Kong. I have to call on the commercial and industrial sectors and the conservative faction which have always stopped Hong Kong from speeding up the pace of democratization: Please abandon your prejudice and brush aside your personal interests; do attach the greatest significance to the welfare of Hong Kong people and the prospects of our country, and please join the rest of Hong Kong people in promoting the democratic development in Hong Kong and realizing the ideal of implementing universal suffrage as soon as possible. The tide of history is so overwhelming that no one can stop it — if you swim with the tide, you will excel and prosper; but if you swim against it, you will die and perish. Today, the pursuit of democracy has become a universal trend in the world, and it is no exception in China. Hong Kong is China's experimental ground of democracy. Giving Hong Kong an opportunity is tantamount to giving China an opportunity. I believe, not only will universal suffrage be implemented in Hong Kong, but democracy will also emerge in China during our lifetime. All Chinese people, be they children of seven or eight years of age, or an elderly who is 78 years of age, they will not be disappointed.

President, I shall cast my vote in accordance with my own conscience, my own democratic conviction as well as the choice I hold myself accountable to my voters. I have given no consideration to the possible voting result, nor do I care about what stances others may adopt. Most important of all, I do not regard my vote as the critical vote. Regardless of the gains or losses I may have to face, I will not change my decision.

With these remarks, President, I oppose the motion.

MR FREDERICK FUNG (in Cantonese): President, when we compare the situations in different parts of the world in terms of fighting for democracy, we will find that Hong Kong is indeed a blessed piece of land — meaning that in

many other parts of the world, when the people promote democracy, generally they have to undergo a course of violence or even revolution, and it would mean bloodshed and death to the people before they can build up democracy bit by bit. However, when Hong Kong people fight for democracy, they absolutely do not have to face such choices of life and death in the process. That is why I say that Hong Kong is a blessed piece of land for the fight for democracy.

However, the fight for democracy here is also very difficult because Hong Kong has become an international city, a rather complicated society. If one has to blend together the different ways of thinking, values, behaviour, strategies and cultures of different people in this international city and complicated society and shape them into a consensus supported by the majority, it will never be an easy task. This is because in this process we can see that everyone has very different starting points. In the past, politically, it had always been very easy for people of the business sector to discuss their proposals, demands and viewpoints directly with policy-makers or even the Chief Executive. Could we not see that, during the several years after the establishment of the SAR, some people from the commercial and business sector frequently play golf with certain Directors of Bureaux? We did not have that kind of opportunities. Therefore, since they could talk to the policy-makers in such a direct manner, why should they change the policies and work so hard to sow the seeds and plough the land, and wait for the crops to grow up?

Besides, for us, people who came from the pressure groups, many had our origin in the pressure groups in the '70s, and now we are sitting in this Chamber and have become Legislative Council Members. In the '70s, we did not have any channels to convey our views. All we could do was to hold press conferences, mass marches, petitions, protests, rallies on the streets, overnight vigils and form some human chain enclosures. These were the methods we used to employ. When it came to the '80s, after we had made use of such methods to fight for our causes, many of the policies had shown improvement. If we are to continue fighting for democracy, it is only natural that we should continue employing such methods. Even if we cannot attain democracy overnight, we still hope that we can move closer to the goal step by step. However, has such experience and culture achieved completely the same result after 1997 as they did before 1997? As far as my own experience is concerned, I think they have not achieved the same result.

In the past, during the era of the British Administration, the colonial government of Hong Kong possessed rather great executive power in implementing domestic policies in Hong Kong. We targeted our actions at the colonial government. In particular, with regard to democratic development, it was an issue over which the Central Government of Britain naturally held the ultimate decision-making authority firmly in its grip. However, the Central Government of Britain also had to have regard for the views of the Chinese Government. After 1997, according to the Basic Law, we should have "one country, two systems". And since we are the second system, Hong Kong people should be able to make decisions on matters not specified in the Basic Law as being related to the affairs of the Central Government. Of course, if we are to amend the Basic Law or its Annexes, naturally we cannot rule out the involvement of the Central Authorities. So, we have to discuss the matters together in order to seek a consensus. Given such changes, which methods should be adopted by us, who came from the pressure groups? In the process of coping with such changes, what can we do in our fight in order to ensure that on the one hand we can take the largest stride, and on the other, such a stride is also acceptable to all the different parties? Doing the calculations in this regard is by no means easy. Or perhaps we do not know how to do the calculations at all.

In fact, during the past one month or so, I have found myself in a very difficult position. The difficulties lie in two aspects. One of the aspects lies in the fact that I am a Member of the pan-democratic camp. In spite of this, I sometimes find that we have different priorities over certain issues. For example, I had participated in the elections of the Urban Council since 1983. I still recalled that Dr YEUNG Sum had some discussions with me on the political platforms then. Twenty-three years ago, we started to fight for the abolition of the system of appointed members. We have spent 23 years on this. But up till now, the system of appointed members still exists. These 23 years account for a quarter of my life. Besides, we have also fought for direct elections in Hong Kong since 1987, and it has been 18 years, which again account for one third of my life. Having spent so many years, we have achieved neither of the goals of these two issues.

To me, what I like most is dual elections by universal suffrage, and what I hate most is the system of appointed members. The system of appointed members is the archrival of the election systems. They cannot co-exist. It is not acceptable even if there is only one appointed member. Someone said to

me, is it not good to have the present arrangement for electing the Chief Executive? All the DC members are included in it. However, among them, there are 102 appointed members. From my own point of view, this is not acceptable, regardless of whether vote-planting is involved. Vote-planting, on the contrary, is only a secondary issue. Someone says that 400 members are elected by direct elections, so the electorate base has been expanded substantially, is this not a better arrangement? Generally speaking, when I have discussions with Hong Kong officials, that is, the so-called "intermediaries" or the so-called persons concerned, I would respond to them by giving them a rather down-to-earth comparison: Someone has given me a bowl of nice congee with many good ingredients such as shark's fin, abalone and chicken. It should be very delicious. But a cat has dropped a tiny piece of faeces into the congee. Although it is just a tiny piece, should I take this bowl of good congee or should I give it up? The person who gives me this bowl of congee suggests that he can add some more sharks' fin and abalone to it. However, I can tell everyone that, even it is just a tiny bit of cat faeces, it is already sufficient to make me lose all my interest in the entire bowl of congee. I will not take the entire bowl of congee altogether.

To the Hong Kong Association for Democracy and People's Livelihood (ADPL), the first thing we want to remove is the system of appointed members. Therefore, when the constitutional reform package had been announced, the ADPL said that we could only commence the negotiation on the package if the system of appointed members was abolished first; and after that, we could have greater scope for discussion. We did not agree with the proposal of not abolishing the system of appointed members. However, later I discovered that other Members of the pan-democracy camp did not attach the same significance to the abolition of the system of appointed members as the ADPL did. It was not until the issue had developed to a later stage that I began to realize that the pan-democracy camp was of the view that the timetable was the most important point. And it was not until 20 November when the Central Council of the ADPL held its meeting that we managed to include the formulation of a timetable into our list of issues we would fight for.

I think that the democrats should hold more discussions on the priorities of issues we are fighting for, especially on the issue of demanding for the formulation of a timetable. In fact, I have made some criticisms on this point. If a definite year is not specified in the timetable we are fighting for, it can be satisfied very

easily. If a timetable is put forward with 2047 being designated, shall I accept it? Of course not. What about 2027? I shall not accept it. 2020? I will not. 2017? I will not. 2012? I am not sure. But what the ADPL is demanding now is that dual elections by universal suffrage be implemented in 2007 and 2008 respectively. Should a "latest year" be specified in the timetable? If a "latest year" is specified, then it will become a timetable with a deadline, instead of just an indefinite timetable. Therefore, I think it will be easier for us to fight for this cause if we can add this definition to our demand. However, when we come to the discussion of the year concerned, we find that we have a problem internally — different persons have different opinions about this. Of course, insofar as the ADPL is concerned, we should first tackle the issue of the system of appointed members, and in the meantime, we should also fight for the formulation of a timetable. This is what we called the priority problem.

Actually what are the limits to the methods we employ? There is no limit at all. What we can accept are holding press conferences, staging marches and petitions. To us democrats, we cannot afford to invite others to play golf games, to have dinners in hotels or to have a good time in the Jockey Club. We have only one common goal, that is, to invite everyone to take to the streets, so that we can tell the policy-makers so many Hong Kong people have the aspiration for that by showing them the number of participants and the distances we have marched. However, after stating what our aspiration is, what should we do next in order to fight for its attainment? For us, Members of the pan-democracy camp, and in particular, for me, who came from the pressure groups, this is a new agenda. Particularly, at a time when Mr TUNG has stepped down and Mr TSANG has assumed the office, this is really a new agenda. When Mr TUNG was still in office as the Chief Executive, we could see that the Central Authorities had rarely handled Hong Kong affairs direct. But during the two years prior to Mr TUNG's stepping down, the Central Government had participated and intervened in many affairs, including some economic issues as well as some Mainland-Hong Kong affairs. And if it involved matters related to the Basic Law, the Central Authorities had even had greater involvement in them. However, for us, those who came from the pressure groups, we had been fighting for our cause in a most indirect manner. The 500 000 people or the 100 000 people participated in the demonstration in Hong Kong, not in Beijing. So how great the impact or the pressure does this have on Beijing, and how far can we persuade the Central Government into accepting our demand? I cannot tell. We stage protests and sleep on the

streets, how much influence do such actions have on Beijing? Can we persuade the Central Government into accepting our demands? I cannot tell.

This is a new agenda item in the way we fight for what we want, which is different from what we did in the past when our actions were directed at our colonial government or our SAR Government. We have to fight for our goals, and we have to hold discussions as well. How can we increase the momentum of our fight to the highest point, and convert it to a force that can convince Beijing and make it accept our demands thereby enabling both sides to reach a consensus on the index and direction of the future development of Hong Kong? This is no easy task. In fact, I really do not hope to see us standing still in our constitutional development.

There are two issues that I find a pity. The first issue is that, as I said before, it was not easy indeed as I, someone (other members of the ADPL as well) who came from the pressure groups, really do not know how we can use this force to melt down the wall and gate of the opposite side as well as certain forces which do not understand us, which do not comprehend us, which do not believe in us and which do not trust us. The second issue I find a pity is: It is relatively difficult for us to make Beijing realize that our force is a positive force, instead of being a destructive force; that we are a force putting forward suggestions, instead of bringing forward destruction; that we are a force that is hopeful of the chance to sit down and have discussions with them for a consensus, instead of being a toppling force. If Hong Kong people do not have the full knowledge of both ourselves and our opposite side, how can we expect ourselves to be able to move another step forward? These issues have been causing me headaches. In order to achieve this goal, I really hope that Members of the pan-democracy camp as well as all others can strive together to identify a solution.

With regard to the amendment put forward by the Government, I also find it a pity. In fact, this is a very good opportunity for the Government to secure the support of the pan-democracy camp, and secure even greater support from society. I pursued studies in social policies, so I know that a significant social policy must generally secure support from over 60% of the people before it can be called a better or good social policy. Now, all along, the Government has managed to secure support from only about 50% of the people. So in fact, this has already emerged as a divisive policy. The public opinion poll shows a trend

of 40%:60% or 49%:51%, which means that those who support the package or those who oppose it have been divided into two confronting sides. However, if the Government can secure 65% vs 30%, or 65% vs over 20% or 10%, then the situation would become overwhelming for them and we can call it a consensus. In future, when another issue with similar significance comes up again, the SAR Government must secure such a high percentage of support from the people before it can call the policy in question a successful one. The new amendment has managed to increase the support by only 3% or 5%. By my own yardstick, this is still not a good constitutional reform package because it has failed to bring about a consensus.

Maybe it is we in the pan-democracy camp that have missed the opportunity, and it could also be the SAR Government that has missed it. Or maybe someone has been pulling our legs, which makes us unable to move any step forward. So, as a result, I reckon that the chances of this motion passing are very slim, and the possibility of it enabling us to move forward at a reasonable pace is close to zero. This is an outcome which I do not wish to see. Regardless of the eventual outcome of today's debate, I still very much hope that the Government, the pro-government parties and the pro-democracy camp can do some serious reflections: In the future democratic development of Hong Kong, regarding different roles, different positionings, different strategies and different paths, can they find some common grounds? Can such common grounds be strengthened? Can all the divergent points be brushed aside as an expedient measure? Thank you, President.

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

MRS SELINA CHOW (in Cantonese): President, at the start of the debate, Miss TAM Heung-man spoke on behalf of 25 Members insisting on democratic elections by universal suffrage, conveying their wish to demonstrate to the SAR Government the fact that a considerable proportion of Hong Kong people would like to say "no" to the Government's constitutional reform package. I wonder the so-called "considerable proportion" refers to the ratio of more than 20% or 50%. According to Miss TAM's explanation, the people said "no" because the proposal was unrealistic and misleading, and devoid of a clear direction. I do not know what she meant by misleading. However, the public appear to understand very clearly what the package is all about because the questions

raised in the ongoing opinion polls have been published in various major newspapers and widely covered by the media. Hong Kong people should not be regarded as so "poor". They actually know very well what the package is all about.

Miss TAM criticized our Chief Executive for employing certain tactics to launch extensive publicity. In our opinion, however, the Chief Executive and executive ought to be criticized if they fail to conduct publicity when they think it is now time to launch a new policy for implementation. As regards the criticism that the proposal is only the second best, but not the best, it seems to me that not everyone agrees that it is the best. Actually, no one considers it the best and ideal. However, it is better to have something than nothing. Not only will the package do no harm to the public, the latter might benefit on the contrary. After all, the package represents a step forward in democracy.

According to Miss TAM, the Administration has failed to explain clearly to the public how the constitutional reform package can enhance the democratic representation of the political system in Hong Kong and how it can bring us closer to universal suffrage. I believe even students, though they have not yet reached the age that qualifies them for a vote, know very well how the constitutional reform package can enhance democratic representation. Under the package, five directly elected seats, returned by geographical constituencies instead of by functional constituencies, will be added. In my opinion, those who say that the package has done nothing to enhance democratic representation have gone a bit too far.

I agree with Miss TAM that Hong Kong people are certainly no fools. They can see that the package actually seeks to enhance democratic representation, though it cannot live up to the aspiration of Miss TAM or the pan-democratic camp, which she represents, for universal suffrage. Bearing in mind the Interpretation by the NPCSC, I hope Members can stop discussing that matter. The subject of our discussion today is not universal suffrage, but taking a step forward. Miss TAM also dismissed the Administration's allegation that the goal of universal suffrage would become even further away should today's package be vetoed as a totally unjustifiable threat. Perhaps we should consider the matter calmly without resorting to emotional rhetoric. Would vetoing the motion today help us achieve more quickly the goal of implementing universal suffrage in 2012? Insofar as the future political system is concerned, can

Members of the pro-democracy camp tell or assure us that they can lead Hong Kong to reach the goal of universal suffrage in the days to come, should today's motion be vetoed? What is their timetable and roadmap? Apart from making constant appeals to Hong Kong people to join them in taking to the streets, can they really convince the very smart Hong Kong people to forever ignore the framework imposed by the Basic Law? Can they continue to mislead Hong Kong people by saying that there is no need to pay heed to the role of the Central Government and that Hong Kong people can do anything they wish?

If universal suffrage is the ultimate goal, any other arrangements are but transitional. Will those transitional arrangements still be required if we really can create the conditions, enable a consensus to be reached in the territory through rational discussion, eliminate reservations and opposition views, and allay the misgivings of the Central Authorities through rational communication, thereby reaching the destination of universal suffrage? Should the goal of universal suffrage be reached, such issues as functional constituencies, the DC seats in the Legislative Council or the appointment system are simply insignificant or irrelevant.

President, universal suffrage is not a simple issue. When we talk about universal suffrage, are we actually referring to the selection of the Chief Executive or the formation of the Legislative Council by universal suffrage? Actually, universal suffrage, which is a means to form a government, constitutes a vital component of the entire government structure. Though we in the Liberal Party consider the existing government structure unsatisfactory, we are also aware that the issue has to be examined in a clear and comprehensive manner if reform is to be launched. An issue of such complexity can simply not be resolved by a couple of slogans.

The Liberal Party thinks, and agrees, that universal suffrage, being the aspiration of the majority of Hong Kong people, cannot be evaded or delayed. However, for the sake of upholding an executive-led government, which is conducive to Hong Kong, the selection of the Chief Executive by universal suffrage should take place first. Only after that can the Legislative Council, as the representative of the people to impose checks and balances on the Chief Executive and the executive, be formed by universal suffrage. The Liberal Party pledges to actively participate in the discussion and create the conditions in the hope that the Chief Executive can be selected by universal suffrage in 2012.

The motion laid before us, which serves to enhance the representativeness of the Election Committee responsible for selecting the Chief Executive, therefore greatly merits our support. Members considering this package worse than the present situation are absolutely confusing right and wrong.

Some colleagues might probably think that the business sector or those who tend to be more conservative have reservations about universal suffrage. This explains why I heard some Members say in their speeches earlier something like these people impeding us in taking a step towards democracy. Actually, they were once again confusing right and wrong. Although these two groups of people might be holding diverse views on the pace or timetable of democratization, we can tell from their voices that they support taking a step forward in democracy. Should Hong Kong fail to take this step, I believe Members will know who ought to be held responsible. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no Member wishes to speak, I now call upon the Secretary for Constitutional Affairs to reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, today's motion is extremely important. It will also have far-reaching implications on Hong Kong's constitutional development. I have listened very carefully to Members' debate and speeches. I believe, whether Members support or oppose the motion, the votes to be cast by Members in a moment carry constitutional, historical and political significance. The votes cast by Members will decide whether or not Hong Kong will see democratization in the years to come.

Several Members have pointed out that the opposition Members today have adopted the "silence is golden" strategy. However, this strategy does not justify the Members' attitude of treating public opinion indifferently. The Legislative Council represents public opinion. In the past two months, it has become very clear to us that there are three inclinations of public opinion:

First, approximately half of the people accept and support the proposed electoral package for 2007 and 2008 put forth in the Fifth Report of the Constitutional Development Task Force.

Second, most people consider that the proposed electoral package should be passed first, even though a timetable for universal suffrage is not yet available.

Third, most people consider that the proposed package for 2007 and 2008 and the timetable for universal suffrage should be dealt with separately.

Let us look at the opinion poll findings published over the past couple of days. For instance, in an opinion poll conducted by the University of Hong Kong, as commissioned by the *South China Morning Post*, the day before yesterday, it was revealed that more than 44% of the respondents considered that the proposed package, if voted down, would only slow down democratization in Hong Kong. In another opinion poll conducted by The Chinese University of Hong Kong one or two weeks ago, it was revealed that 56% of the respondents thought that the proposed package should be passed by the Legislative Council. In the latest opinion poll findings released by the Hong Kong Research Association yesterday, it was shown that more than 60% of the respondents considered that the constitutional development package and the Government's adjustment initiatives should be accepted and that the constitutional development package should be passed before dealing with the timetable for universal suffrage. As pointed out by Mr Frederick FUNG earlier, a good social policy should have a ratio of 6:2. This opinion poll, also the latest opinion test, reflects precisely the ratio of 6:2.

Besides the opinion polls we have recently seen, the Grand Coalition Concerning Political Reform yesterday submitted to the Government 770 000 voluntary signatures. Today, these signatures, which carry weight and represent various districts in various sectors of the community, have been brought to the Legislative Council Building so that Members passing by can see them clearly. Furthermore, a joint declaration was signed by more than 300 District Council (DC) members a couple of days ago to show their support for the 2007 and 2008 constitutional development package. Members can see that the public opinion reflected by opinion polls, individuals in various districts and DC representatives of different levels is crystal clear. The first and foremost

responsibility of politicians is to respect public opinion and not to act against it. In the event that opposition Members act against public wishes by rejecting the package, they will have to give an explanation to the people of Hong Kong, the community and history, and ultimately be held responsible.

Talking about responsibility, I would like to mention that all political parties, including all opposition parties here, are obliged to offer opportunities of development to new comers in the political arena. For years, pro-democracy Members have been advocating that the Government should open up the electoral system. According to the Election Committee (EC) package today, the membership of the EC will be expanded from 800 to 1 600, with hundreds of them being directly elected DC members who are serving the people every day. Why do Members not give them the opportunity to assume a greater commitment and broader responsibility to select for Hong Kong the Chief Executive?

As the Western saying goes, "politics is the art of compromise". Hong Kong people put it in an even more colloquial manner: Since we have already achieved good results, we should stop at that and cease to go any further. Over the past two months, we have witnessed from the discussions on the 2007 and 2008 package in this Council and in the community three developments of great significance symbolizing the progress made by opposition Members and political parties in what they have been striving for years:

First, in response to Members persistent calls for not to increase the number of "traditional" functional constituency seats, this line has been drawn.

Second, in response to Members' call for the gradual abolition of appointed DC seats, the timetable and roadmap have been proposed.

Third, the Commission on Strategic Development already commenced relevant discussions in late November with respect to the wish expressed by Members for years to have a timetable and roadmap for universal suffrage. Why do Members not take advantage of the sincerity already laid on the table and, as stated by Mr CHIM Pui-chung, end the feud with a handshake and join hands to go forward? But, they on the contrary, have sought to vote down the electoral package for 2007 and 2008 rigidly? What do Members want? What benefits can Hong Kong gain?

When it comes to Mr CHIM Pui-chung, his speech has always been so remarkable. Regarding his comment on "the city being surrounded by villages", I do not think this will happen in Hong Kong. There are not many authentic villages left, even in the New Territories. This package of proposals has been put forth in the hope of striking a better balance between the politics of the 18 districts and the politics between the Government Headquarters and the Legislative Council. In the past decade or two, since the introduction of the Legislative Council elections, different Policy Bureaux and principal departments have spent a lot of time, energy and efforts to deal with the relationship between the Legislative Council and the Government and these related subjects. It is now time for us to spend more energy and time on dealing with district affairs. We believe the electoral package for 2007 and 2008, if passed, will be helpful in our review of the various aspects of work of DCs, including their functions, composition, and so on.

I would like to say a few words especially on the speech delivered by Mr LAU Chin-shek today. My personal feeling is: impassioned and full of substance. He spoke from the bottom of his heart in the hope of finding a way out for Hong Kong. This is also the common wish of my colleagues working in different government posts. Though we might not succeed in taking forward the electoral package for 2007 and 2008, we have exhausted our energy and exerted all efforts in exploring available room and presenting the full picture. These have been our *modus operandi* and direction for years. We have been adhering to the same direction and mentality, whether in making preparations for the reunification prior to 1997, addressing the Asian financial turmoil after 1997, or establishing co-operation with Beijing. Actually, we are more than prepared to move on along this path with all Members here. However, I find it most unfortunate that the actions taken by opposition Members over the past two months have not only failed to help us move on along this path but also, on the contrary, created new obstacles. They have succeeded in making two attempts in bundling things up. For the first attempt, 20-odd pan-democratic Members were bundled up. As a result, some of those who originally hoped to discuss in a rational and objective manner could hardly come forward to the front stage in support of the 2007 and 2008 package. As for the second one, the timetable for universal suffrage and the 2007 and 2008 electoral package are bundled up. Actually, this is unnecessary, illogical and unjustifiable. Therefore, supporting the 2007 and 2008 package does not mean that we cannot continue pursuing a timetable and roadmap for universal suffrage.

It is also precisely due to the opposition Members' two successful bundling attempts that two hurdles have been imposed. First, we can hardly expect new democratization in 2007 and 2008. Second, for quite some time, the SAR Government has been orchestrating communication and establishing mutual trust between the Central Authorities and different parties and factions in Hong Kong, including the pro-democracy camp. It will become even harder to continue moving on along this path in future. If Members accept the 2007 and 2008 package, we can immediately embark on new developments in our electoral system. Not only can our foundation for implementing full universal suffrage be broadened, the mutual trust between Beijing and Hong Kong can be deepened as well.

The options are right before Honourable Members. I still hope that Members can halt before it is too late to foster an all-win situation and support the motion.

Madam President, I so submit.

PRESIDENT (in Cantonese): Before I put the question to you, I wish to remind Members that, under Article 7 of Annex I to the Basic Law of Hong Kong Special Administrative Region of the People's Republic of China, the passage of this motion by the Council requires the consent of two-thirds of all the Members of the Council.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Constitutional Affairs 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)

Dr YEUNG Sum rose to claim a division.

PRESIDENT (in Cantonese): Dr YEUNG Sum has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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

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

Mr James TIEN, Dr Raymond HO, Dr David LI, Dr LUI Ming-wah, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr Bernard CHAN, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Miss CHOY So-yuk, Mr Timothy FOK, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr LI Kwok-ying, Mr Daniel LAM, Mr Jeffrey LAM, Mr MA Lik, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Ms Margaret NG, Mr James TO, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Dr Joseph LEE, Mr Alan LEONG, Mr LEUNG Kwok-hung, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Ronny TONG, Mr Albert CHENG and Miss TAM Heung-man voted against the motion.

Mr LAU Chin-shek abstained.

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

THE PRESIDENT announced that there were 60 Members present, 34 were in favour of the motion, 24 against it and one abstained. Since the question was not agreed by a two-thirds majority of all the Members of the Council, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Motion on the Amendment to the Method for the Formation of the Legislative Council.

MOTION ON THE AMENDMENT TO THE METHOD FOR THE FORMATION OF THE LEGISLATIVE COUNCIL

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I hereby move that the second motion standing under my name in the Agenda, that is, the Motion on the Amendment to the Method for the Formation of the Legislative Council, be passed.

According to the "(Draft) Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures" (Annex II (Draft) Amendment) annexed to the motion, the fourth term Legislative Council in 2008 shall be composed of 70 Members with 35 returned by functional constituencies (FCs) and 35 returned by geographical constituencies (GCs) through direct elections. Regarding the arrangement for the five newly added FC seats, the Special Administrative Region (SAR) Government has stated clearly its policy: all the five seats will be returned through election by all District Council (DC) members from among themselves. Accordingly, the number of seats returned by the DC FC will be increased from one at present to six.

If the motion is passed by a two-thirds majority of all the Members of the Legislative Council, the Annex II (Draft) Amendment annexed to the motion will be submitted to the Chief Executive for consent, and thence for reporting by the Chief Executive to the Standing Committee of the National People's Congress (NPCSC) for the record.

The feature of the package is to enhance democratic representation in the method for forming the Legislative Council in 2008 by enhancing the level of participation by DC members in Legislative Council election. This package has not come easily. The SAR Government has spared no effort in formulating a package that embodies open democracy to the highest extent possible, and that is consistent with the relevant provisions of the Basic Law and the Interpretation and Decision made by the NPCSC last year.

From the perspective of constitutional development, the proposed package has three major advantages:

First, all of the five new FC seats are allocated to the DC FC rather than the "traditional" FCs. These seats will be returned through election by DC members from among themselves. Among the DC members, three quarters are elected by more than 3 million registered voters in Hong Kong. Thus, close to 60% of the Legislative Council seats in 2008 will be returned directly or indirectly by more than 3 million registered voters in Hong Kong. Representativeness of the Legislative Council will thus be further enhanced.

Second, the addition of five new GC seats returned through direct elections and five new FC seats returned through election by DC members from among themselves will provide more room for people from different sectors of the community, including political parties and political organizations, to participate in politics. The package will provide greater opportunities, in particular for those who have been working at the districts for a long time, to participate in the work of the Legislative Council. In the long term, this will facilitate grooming political talents with parliamentary experience, and will provide more room for the development of political parties, thus laying a more solid foundation for the implementation of universal suffrage in future.

Third, the increase in the number of Legislative Council Members could help alleviate the increasing workload of the Legislative Council, so that it could more fully fulfil its roles and functions.

As regards the electoral method to be adopted for the DC FC after the motion is passed (for example, whether it should be a block vote system or a proportional representation system), the Government has not taken a decision at this stage. We have listened to the views of Legislative Council Members in the Subcommittee, and will continue to listen to the views of Members and those of

members of the public, and will implement the details in the context of the Legislative Council (Amendment) Bill.

Madam President, as I have mentioned earlier, since the release of the proposed package, opinion polls conducted by various institutions have indicated that it has the majority support of the community. At the same time, the Administration has initiated the study on a roadmap for universal suffrage through the Commission on Strategic Development chaired by the Chief Executive, so as to address the aspirations of the community in this respect.

I have earlier explained the adjustment arrangement in respect of the number of appointed DC members. If the package is endorsed, the electorate of the DC FC will be based on the new composition of the DCs in the 2008 Legislative Council Election. Democratic representation in the election will be further enhanced.

Madam President, I sincerely hope that Members will support the Motion on the Amendment to the Method for the Formation of the Legislative Council, so that Hong Kong's political system can take a substantive step towards the ultimate aim of universal suffrage.

Madam President, I urge Members to support the motion.

The Secretary for Constitutional Affairs moved the following motion:

"Pursuant to Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (that is, amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record), the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the Standing Committee of the National People's Congress on Issues relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008, the "(Draft) Amendment to

Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures" annexed to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members, for submission to the Chief Executive for consent, and thence for reporting by the Chief Executive to the Standing Committee of the National People's Congress for the record.

Annex

(Draft) Amendment to Annex II to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Regarding the
Method for the Formation of the Legislative Council
of the Hong Kong Special Administrative Region
and its Voting Procedures

The fourth term Legislative Council in the year 2008 shall be composed of 70 members, and the composition shall be as follows:

Members returned by functional constituencies	35
Members returned by geographical constituencies through direct elections	35"

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

MR LEE WING-TAT (in Cantonese): President, I speak on behalf of the Democratic Party. President, the Secretary for Constitutional Affairs has cited a number of opinion surveys many times today to show that his package has the support of the public. In fact, people who have studied the ABCs of political science all know that there are many different levels of popular mandate.

The most important form of mandate is elections. Even though George BUSH defeated AL GORE in the election in the United States only by a margin of only some 100 000 or 200 000 votes or several hundred thousand votes, he was

still elected the President. Our Government is not formed through election and it does not have the mandate of the people. Our Government is only elected by 800 persons. In 2004, Honourable colleagues of the pan-democratic camp took part in the Legislative Council elections and we proposed a very clear platform of supporting the introduction of elections by universal suffrage in 2007 and 2008. We secured the support of 62% of members of the public and got close to 1 million votes — or I should say over 900 000 votes. May I ask the Government if it thinks that it has got popular mandate or is it the pan-democratic camp that has got popular mandate?

Secondly, even though we often talk about opinion surveys, they are independent opinion surveys not subject to any interference. The opinion survey cited frequently by the Government is the first opinion survey it conducted in conjunction with The Hong Kong Polytechnic University. This survey has been discredited a number of times by Dr Robert CHUNG of the Public Opinion Programme of the University of Hong Kong for lacking all the elements inherent to an independent opinion survey. He pointed out that the whole process of conducting an independent opinion survey, from the design of the questionnaire, through its operation and implementation to conducting analyses and the drawing of conclusions, should see the participation of an independent opinion survey organization and should be solely undertaken by it. Secretary, I am sorry but the Central Policy Unit played a part in the opinion survey often cited by you as indicating support from 58% of members of the public, so I do not consider it an independent opinion survey.

Two weeks ago, The Chinese University of Hong Kong (CUHK) published an opinion survey and our Chief Executive was quick to declare that support from 56% of the people had been secured. Unfortunately, it was publicly discredited by Prof Kevin CHEN of CUHK very same evening, saying that our Government and the Chief Executive had cited opinion surveys indiscriminately and distorted the opinion survey conducted by CUHK, and that he felt it a disgrace. I know that he has written to the Office of the Chief Executive to protest against the Chief Executive's and the Secretary for Constitutional Affairs' act of distorting the opinion survey conducted by CUHK.

The third opinion survey was commissioned by the *South China Morning Post* this Monday and was conducted by the Public Opinion Programme of the University of Hong Kong. The Secretary has not mentioned any information

from this opinion survey. One of the questions sought to find out how many members of the public would support the package if there is no timetable for universal suffrage in it. The outcome is 37%. I repeat, in this opinion survey, the wording of one of the questions is, "If this package does not have a timetable for universal suffrage, do you support it?" The finding is that only 37% of the public support it. This figure is a far cry from 60% of public support which, in Mr Frederick FUNG's opinion, any major policy should command, moreover, the rate is even lower than 50%. I do not understand why the Secretary did not cite this latest survey.

However, anyhow, we spelt out our platform very clearly when we stood for the elections. Of course, we know that we have to respect and make reference to public opinion, however, we will explain very clearly why we find this package unacceptable. President, in fact, we have already had debates on the principles of democracy and why we do not support this package in the Legislative Council on three occasions in a row and this is the fourth time. I often have these questions in my mind: What are the Chinese second class and even third class citizens in the global village? Why do the Chinese or the Chinese in Hong Kong not deserve democracy? In particular, given that the economy, education, science and technology, freedom of the press and the rule of law in Hong Kong are so well-developed, why do we not deserve democracy?

In fact, we have debated this issue continuously and incessantly for 25 years in Hong Kong. At the time when I graduated from university in 1979-80, the negotiations between China and the United Kingdom on the future of Hong Kong had commenced. At that time, there was also a green paper on district administration — today, I can see an old friend sitting here. He was a former senior official of the Home Affairs Bureau and I believe he also took part in the discussion then. At that time, I was still a student full of ardour. Why was I full of ardour? In the late 1970s, the state leaders said to us that after the reunification of Hong Kong with China, all that had to be done was to replace the flag and the Governor and after that, it would be Hong Kong people ruling Hong Kong and it would be us young people who would run Hong Kong. The "Hong Kong people ruling Hong Kong" that we are talking about does not mean rich people ruling Hong Kong or the privileged ruling Hong Kong. The "Hong Kong people" that we are talking about refers to each and every person in Hong Kong and you and I are also included. I used to have some yearnings and hazy

ideals about democratic development and that was why I participated in elections and also joined the Basic Law Consultative Committee.

Twenty-five years have passed, but how many steps have we taken? In these 25 years, how many times have we debated this issue? I have debated it with nearly everyone seated here and I have also debated it with a lot of senior officials who have now retired. Up to now, I have not been presented with any argument that I found convincing in any way. Why does Hong Kong, which is a place with such a well-developed economy, with such a high level of education, with such a free flow of information, with such a solid foundation for the rule of law and with such a free press, not deserve democracy? Are we second-class citizens?

There is no need for us to compare ourselves with the United States, the United Kingdom and Europe. Let us compare ourselves with the APEC countries. Which countries are included? Brunei, Bolivia, Peru, Chile, Korea, Japan and Indonesia. Among these countries and regions, the conditions in some of them, such as their economic and educational conditions, are much worse than ours, yet they already have democracy and universal suffrage. Therefore, I believe we are now only repeating the debates that we have had over the past 25 years.

I can only say that I can thoroughly appreciate how difficult really it is to take some of the privileges from some privileged people and give them to the general public. However, personally, I am confident that Hong Kong people deserve democracy and I also believe they will see the advent of democracy because this worldwide trend is irresistible. Even our state leaders have opined on various occasions that we are entitled to democracy. Our state President, Mr HU Jintao, said to representatives attending the 22nd Congress on the Law of the World before the opening ceremony on 28 August that China would continue to develop socialist democracy, make its democratic institutions sounder, enrich the democratic ways of life and guarantee that citizens can hold democratic elections in accordance with the law, make policy decisions and carry out management and supervision according to democratic principles. Our state Premier, Mr WEN Jiabao, said in the press conference held before convening of the Eighth China-EU Summit on 6 September this year that China would continue to take forward the development of its democracy and steadfastly restructure its democratic institutions, including holding direct elections. I fully support this vision of our state leaders and we have to put it into practice.

I also hope that friends in the business sector, who have been cocooned by the political system in Hong Kong for several decades, can reflect on this: Do they want to allow such a system for the privileged to continue to exist? In fact, Hong Kong people are very lovable. Given the injustice that they are subjected to, they have never considered using force or resorting to violent means to overthrow such an unfair system. We in the Democratic Party and the pro-democracy camp also resort to peaceful means to express our demands. What we can do is to express the desperate appeals of the public in this legislature or through peaceful rallies and demonstrations. However, I hope the Government can realize that the patience of the people has limits. The Government cannot keep suppressing the aspirations for democracy time after time, for three times, four times or five times. If the Secretary has ever paid any attention, he must have noted that many academics have made some quality analysis on the group of 100 000 or 250 000 persons, or any number for that matter, who participated in the rally on 4 December. There is a large group of middle class people in Hong Kong who are well educated and who basically have earning power. They will not stop making demands for democracy just because the economy is good or the unemployment rate is falling. I think the Government has a lot of blind spots in this area. It thinks that if the economy is good, the unemployment rate is low and the Government commands great public support, these people will not come out. I do not think that this is actually the case.

President, is our demand that dual elections by universal suffrage be implemented no later than 2012 very excessive? Some friends criticize the pro-democracy camp for knowing only how to chant slogans and stand on moral high grounds. In fact, such claims are wrong. The Democratic Party said in late August or early September this year that it could accept introducing elections by universal suffrage no later than 2012, that is, including 2012. Of course, Mrs Anson CHAN also voiced such an opinion the day before yesterday and I think and believe that this view has the support of the public at large. Moreover, an opinion survey shows (although the Secretary will never cite it) that 68% of the public support introducing elections by universal suffrage not later than 2012. In that case, why does the Government not do something? Or does the Government want to drag its feet and leave this to the Commission on Strategic Development?

For this reason, I am not going to respond to the issue of gradual and orderly progress since I have already done so too many times. Is it true that

universal suffrage will not allow balanced participation? Let us take a look at the large number of democratic countries and at the same time, look at the relatively rich people in Hong Kong. When these people make investments, where will they choose to do so? I seldom hear that they choose to do so in Africa. They will mostly choose to build terminals in Europe, acquire energy companies in Canada, and so on. The investment decisions that they make show their approval of democracy and political stability. Why do these people invest billions or even tens of billions of dollars in democratic countries, yet impede democratization in Hong Kong?

President, finally, one point that I must state is that Mrs Anson CHAN said on Monday she hoped the Chief Executive would relay to the Central Authorities the demand of Hong Kong people that elections by universal suffrage be introduced no later than 2012. I think this is sensible and reasonable and also reflects the aspiration of the general public in Hong Kong. The Democratic Party also voiced such a view as early as September. However, what astounds me most is that a former member of the Basic Law Drafting Committee, Mr XU Chongde, used extremely abusive terms to criticize this former senior official of ours (she is now only an ordinary member of the public) and even said something about a red peach blossom popping up from behind a wall. May I ask if this is what the Central Government wants to say? Do these words befit a gentleman? In early 2004, many leftist newspapers and even a lot of officials in the Central Government lambasted Mr Martin LEE as a traitor from all quarters and even levelled criticisms at his father. What sort of society is this? Will our country become strong merely because the Shenzhou VII — or VI — flew into space? When will we show others that not only is the economy of our country good and its military powerful, but that it also respects the wishes of its people and the rights of individuals? When that time comes, I will declare at the top of my voice that I am proud of being a Chinese because not only is the economy and military of our country good, it also respects every national and everyone in the country can enjoy basic human rights.

With these remarks, President, I oppose the motion.

MR MA LIK (in Cantonese): President, we feel most sorry that the earlier motion on the amendment to the method for the selection of the Chief Executive was not passed. We all support the advancement of democracy. If we only

differ on the aspiration for the pace of democratization, we should in fact support the earlier motion. This motion before us is also very simple — the fourth term of the Legislative Council in 2008 should be composed of 70 Members, of which 35 are to be returned by geographical constituencies through direct elections and 35 by functional constituencies.

Last year, the Decision of the Standing Committee of the National People's Congress (NPCSC) clearly provided that the 50:50 ratio of seats taken up by directly elected Members and Members returned by functional constituencies in the Legislative Council should remain unchanged. Undoubtedly, all proposals must meet this requirement.

This present package of the Government is compatible with the requirement of the NPCSC. Based on this, the motion calls for an increase of 10 Legislative Council seats, including five each to be returned through direct elections and by functional constituencies. We consider that this arrangement can provide politicians more room for participation in Legislative Council business, in particular, it can help the younger ones or politicians on the second line to join the Legislative Council so as to achieve the objective of nurturing more political talents, thus creating favourable conditions for constitutional development.

According to the Government's package, not only will there be an increase in directly elected seats, but all newly increased seats for functional constituencies will also be returned by DC members electing among themselves. The 400 elected DC members are returned through elections participated by all eligible voters in Hong Kong, so their representativeness is indisputable. According to the improved package put forward by the Government on Monday, in 2008, the number of appointed DC members will be reduced by one third. We can foresee that if the motion is passed, the influence of elected DC members will become more predominant.

It is worth pointing out that apart from giving greater representativeness, the newly increased functional constituency seats, under the mechanism of separate voting, will boost the representativeness of the entire functional constituency sector. The most important point is that there will be no further increase of traditional functional constituency seats.

To us, this package meets the requirement of the NPCSC, and on this basis, the package positively injects greater representativeness into the composition of the Legislative Council, which is in line with the constitutional development of Hong Kong and the expectations of the people. We can see no reason why the sincerity of this package of the Government in pushing forward political reforms has to be queried.

Some people think that this package is regressive and procrastinating. We do not agree. If increasing representativeness is regressive, would elections on a larger scale not be more procrastinating? If this package is procrastinating, would disapproval of it resulting in failure to move forward not be more procrastinating?

We believe the public is rational and reasonable. They would not be deceived by inciting words and deeds or false impressions. Support given by the majority of the people is sufficient to show that the package is progressive, and in public interest.

Some ask for a change in the existing voting system for companies and corporations of functional constituencies. Regardless of whether their views of the existing voting arrangements for some functional constituencies are reasonable, we can see no reason why this motion today has to be negated, limiting the number of seats for the fourth term of the Legislative Council in 2008 to 60, with directly elected and functional constituency seats limited to 30. Can it be that only by so doing will their demand be met?

Regarding views on issues like the appointment system and timetable for universal suffrage, we have expounded on them in the debate on the earlier motion, and would not repeat here. I have hoped that colleagues of the Legislative Council could give their vote of support having regard to the fact that they have to be responsible to public opinion, the need to take on a responsible attitude for Hong Kong, and the need for regard to the political development in 2007 and 2008 and for greater political development beyond 2007 and 2008. However, since the earlier motion was negated, I dare not hope that this motion would pass this Council. I just want to say if even this motion is negated, the entire political reform package would be negated. This neither translates into a victory for the democratic camp, nor a victory for democracy. This would only delay the progress of democratization. If we are only objecting for the sake of objection, I can only say that such a result is a victory

for the opposition, and a loss for the people. Rejecting the political reform package in fact brings a victory to the opposition and loss to the people.

I so submit.

DR YEUNG SUM (in Cantonese): Madam President, when Mr MA Lik spoke on the previous motion, he said that the motion on the election of the Chief Executive moved by the Government was basically also a kind of progress towards democracy and it had the strong support of the public. Concerning this motion on the formation of the Legislative Council, he thinks that since five directly elected seats will be added and political parties will have a better way of grooming the talents in their second echelon. Why should the pro-democracy camp still oppose it?

Generally speaking, in addition to opposing the earlier motion concerning the Chief Executive, we in the Democratic Party also oppose the motion relating to the Legislative Council, and I believe Members of the pan-democratic camp will likewise be united in opposing it. Madam President, we do not agree that they represent democratic progress or a major step towards universal suffrage, the main reason being that not only has the package not abolished the appointment system, what is more, it even seeks to further reinforce it.

In the British Hong Kong Administration era, the appointed seats in the district boards and those in the Legislative Council were abolished before 1997. However, after 1997, the Government reintroduced those seats. Now, not only did it reintroduce those seats, it even seeks to consolidate them, so that appointed District Council (DC) members can elect from among themselves five Legislative Council Members. Moreover, all of them can join the Election Committee (EC) that selects the Chief Executive.

Madam President, I wish to say clearly and simply that an appointment system is fundamentally anti-democratic. If this kind of system is not abolished but reinforced further, so that those people can elect five Legislative Council Members from among themselves and all of them can join the EC selecting the Chief Executive, the Democratic Party cannot accept such a system that reinforces the anti-democratic components.

In addition, we have stressed a number of times that the Chief Executive, in appointing some appointed DC members to the EC so that they can participate in the selection of the Chief Executive, has indeed aroused suspicions of vote-planting. This is basically an ethical issue in politics. How can the head of the Government appoint a group of people to the EC, then allow the members personally appointed by him to take part in the selection of the Chief Executive? The suspicion of vote-planting involves a very serious ethical issue and may also trigger a lot of legal actions. The Democratic Party cannot accept this.

Of course, the Government often asks, and so does Secretary LAM, who has just come in: What about the more than 400 directly elected DC members? They will likewise play a part in electing five Legislative Council Members from among themselves and join the EC. However, Madam President, in fact, a problem also lies here because when members of the public voted for these DC members through elections, they had no knowledge whatsoever at that time that these members would be able to elect Members of the Legislative Council from among themselves, nor did they know that these members could join the EC to select the Chief Executive. These members will assume an additional new role, like having an emperor's robe donned on them. It would be another story if all DCs were dissolved, re-elections were held and it were to be stated clearly that those people could join the EC and elect Legislative Council Members from among themselves. Therefore, as a matter of principle and from the angle of political ethics, the Democratic Party cannot lend its support. Even though our second echelon may have more opportunities in making advancements, we cannot abandon our fundamental position for the sake of some short-term interests. This is very important.

Certainly, be it Mr MA Lik or Secretary Stephen LAM, they have both stressed a number of times that the revised package proposed by the Government has the strong support of the public. In fact, we have looked at many opinion surveys, including the first one conducted in September. At that time, the Government had not yet formally released its package. The opinion survey conducted by The Hong Kong Polytechnic University showed that the support for the package was as high as 58%. A subsequent opinion survey conducted by CUHK also showed that the degree of support reached 52%. After the rally on 1 July, the degree of support fell to 49.9%. On 15 December, that is, a few days ago, an opinion poll commissioned by the *South China Morning Post* and conducted by the University of Hong Kong shows that if the government package

phases out the appointment system for DC members but does not provide a timetable, only 37% of the respondents support the revised government package, whereas as many as 35% of the respondents still oppose it. Members can see that the degree of support for this revised package has fallen to less than 40% — not less than 50% but below 40%. In view of this, frankly speaking, it is necessary for the Government to reflect on why the package is faring worse and worse. Why is the degree of support ever decreasing?

Meanwhile, some Members asked us to respect public opinions. After receiving the signatures yesterday, Chief Secretary Rafael HUI also said that representatives of the public had to respect public opinions. If public opinions have to be respected, I invite Members to take a look at the opinion surveys on the demand for a timetable for universal suffrage. If we look at the survey conducted by CUHK, nearly 60% of the public demand that a timetable for universal suffrage be drawn up. When asked about their expectations for the time of introducing universal suffrage, nearly 70%, that is, 68% said that it should be no later than 2012. In other words, nearly 70% of members of the public support the implementation of elections by universal suffrage before 2012. Therefore, when the Government said that public opinions should be respected, I hope the Government can take into account two areas, that is, the government package and the timetable for the elections.

In view of this, Madam President, the Democratic Party is going to propose a win-win proposal and that is, the Chief Executive should submit another report. After the Interpretation of the Basic Law by the NPC, if we want to amend Annex I and Annex II, a triggering mechanism is required and the Chief Executive has to prepare a report stating the justifications for making any amendment. If public opinions are really respected and since the government package and a timetable for universal suffrage are involved, the Chief Executive should prepare a new report on the government package and a timetable for elections in the light of the actual situation — the Basic Law often mentions "actual situations" — and submit the report to the NPC, so that a decision can be made as soon as possible. This win-win proposal will enable the Government to scrap the appointed seats as well as including a timetable for elections. If the Government can say in respect of the timetable for elections that the time will be no later than 2012, I believe that this will be a win-win proposal to the public. This is the specific proposal that the Democratic Party makes to the Government.

Be it the Secretary, friends in the DAB, the Liberal Party or some academics on political science, all of them often say that they do not understand why the Democratic Party or the pro-democracy camp often stand on the moral high grounds and refuse to compromise. In fact, how can they say that the pro-democracy camp or the Democratic Party is unwilling to compromise? In talking about a timetable, all of us know that after the voting today, basically, universal suffrage will not become a reality in 2007 and 2008. However, we know that members of the public are sensible and reasonable, therefore, we fully support the demands made by the members of the public who took to the streets. Since the public know that the NPCSC has decided that dual elections by universal suffrage will not be held in 2007 and 2008, the next thing they will do is to press the Government for a reasonable timetable for elections. The public's demand of "tell us when" is in fact most sensible and reasonable.

The Democratic Party, together with other people in the pan-democratic camp, in fact all propose that there must be a timetable for universal suffrage. Although all of us have taken account of the political reality, we should not give up our democratic principles, nor should we give up our quest for universal suffrage. If people still say that we insist on occupying moral high grounds and are unwilling to compromise, I believe that this does not accord with the reality.

Moreover, Madam President, anyhow, we cannot abandon the important principle of universal suffrage in order to enable the second echelon to make advancements or increase the number of political talents. Although it is said that compromises can be made on anything and anything can be discussed, it is not possible to make concessions and compromises on the principle of universal suffrage. We must insist on and strive for fair and open elections.

When Mr MA Lik spoke on behalf of the DAB, he mentioned the need to create favourable conditions for the implementation of universal suffrage, that they did not oppose universal suffrage but it was necessary to create favourable conditions. Mr MA Lik reminded us of four points: the promotion of economic development, the grooming of political talents, the promotion of national education and enhancing the understanding of the Basic Law.

Madam President, concerning the views on universal suffrage, the most fundamental difference between the Democratic Party and the DAB is that we do not just talk about conditions as though we were taking a benchmark test. Mr

MA Lik proposed four benchmark tests on behalf of the DAB, saying that if these benchmark tests were passed, then the conditions for holding elections in Hong Kong were present. Our friends in the pan-democratic camp also sometimes say that the right conditions are present in Hong Kong, however, I wish to tell Members that the viewpoint of the Democratic Party towards democracy is not founded purely on a theory of conditions. If we discuss this matter as a matter of rights, universal suffrage is the right of every member of the public to take part in popular and equitable elections. People who teach in universities have one vote each and people who do certain types of work in the streets also have one vote each. All people have their votes because all are born equal. As long as we believe that universal suffrage is a fundamental and equal right, we should not use social class, education, ability, social status and family background to determine the voting rights of the people.

Some magnates have made remarks about allowing so many poor people to vote. They have in fact been poisoned by the condition theory. They have forgotten the most universal principle that universal suffrage is an equal and fundamental right that everyone is inherently entitled to and that all people are born equal. This point is very important. Please bear with me for stressing one point again: Our view on universal suffrage is that we will not abandon the opportunity for fair, open and equitable elections by universal suffrage for the sake of some short-term interests. This is also the fundamental difference between the Democratic Party and the DAB. We will not abandon some fundamental principles because of some short-term interests.

Academics on political science often remind us, and the Democratic Party in particular, that if we support the government package this time, the Democratic Party will begin to have the opportunity to communicate with the Central Authorities because it has accepted a goodwill arrangement. However, I am very sorry but we repeat that we cannot abandon fundamental principles for communication. If communication is founded on short-term interests, it will not be truly meaningful, nor will it be truly meaningful to the Democratic Party. Communication must be founded on a fundamental principle. To have popular and open elections is a fundamental right of the public and the Central Authorities must see this point. The political parties in Hong Kong, including friends in the pan-democratic camp and the Democratic Party, all insist on striving for this. Our intention is not to challenge the Central Authorities and to oppose them, nor is doing so being confrontational to China and fomenting

trouble in Hong Kong, or to demand the Central Government to share its power, as Mr CHIM Pui-chung claimed. What power is there to share anyway?

In fact, one point that the Central Government has to consider is whether the participation of political parties in politics and the operation of the Government in Hong Kong is power sharing. The SAR is in fact only a part of the Central Government. We are a part of China and we, in implementing "one country, two systems" and "a high degree of autonomy" in Hong Kong, are only helping China advance the principles of "one country, two systems" and "a high degree of autonomy" in the SAR Government. Whoever comes into power or gets elected has to follow the Basic Law in whatever he does. Military and foreign affairs are the responsibilities of the Central Government and internal governance is the responsibility of the SAR Government. However, if some laws involve the relationship between the Central Authorities and the local government, the NPC should be requested to make an interpretation. No matter who comes into power, these arrangements will still be the same. Does the Central Government opine that Hong Kong does not need any political parties? Does the Central Government think that in the future, the SAR Government needs not any affiliation with and backing of political parties? At present, the SAR Government is a "lame duck" and no matter how resourceful and experienced Donald TSANG is, and despite the fact that he has a seasoned Civil Service to assist him, if there is no political party that has many seats in the legislature to support the Government, the strong governance advocated by him will only be empty talk and he will not be able to put it into practice.

Why will he be unable to practise strong governance? This is because he does not have the support of a political party that controls many seats. If Mr CHIM Pui-chung is still worried that the demand for participation made by political parties is designed to get a share of power, he really has to sort out clearly what he is talking about. Hong Kong is not an independent entity but an SAR under Chinese sovereignty. If we implement the principles of "one country, two systems" and "a high degree of autonomy" well, this will be a tremendous contribution to our country. Hong Kong's contribution to the country is not only confined to the economic realm but also covers the cultural realm and people's outlook. This showcase of political openness should be turned into reality in this Chinese society as soon as possible. Therefore, I stress once again that in campaigning for democracy in Hong Kong, not only are we putting into practice the principles of "one country, two systems" and "a high

degree of autonomy", it will also be possible for Hong Kong to make diverse contribution to our country. Not only will our contribution be limited to the economic realm, there will also be an opening-up effect in such areas as politics, the outlook of the people, law, culture and religion.

I wish to make use of the remaining time to talk about the comments made by Mr MA Lik just now. He said that if we oppose this motion this time, it would be the victory of the opposition but a loss to the public. I want to reiterate that we in the pan-democratic camp basically look at this matter in a positive light. We oppose this package because it is undemocratic. We oppose this package because we want to create favourable conditions for universal suffrage. Therefore, we request that the SAR Government meet the pan-democratic camp as early as possible to negotiate a reasonable timetable and the Chief Executive can then submit a report to the NPC to inform it of the actual situation and the hope of the public to set the time for universal suffrage at 2012.

In fact, it will be a very gradual and orderly approach if elections by universal suffrage are implemented in 2012. Madam President, there are still seven years to go and we have worked for the Democratic Party for some 20 to 30 years. I find it a great shame and most regrettable that universal suffrage will not be introduced in 2007 and 2008. There are still seven years to go from now to 2012. Can we say that a period of seven years is still not gradual and orderly progress? Madam President, how the four words "gradual and orderly progress" are interpreted depends on who makes the interpretation. What is considered "gradual" and "progress" depends on the yardstick applied by the Central Authorities. This is the crux of the matter and the problem does not lie in these four words. We believe that to implement universal suffrage before 2012 is already gradual and orderly progress, unfortunately, the Central Authorities still consider this yardstick unacceptable.

We hope to continue to make an effort and strive for a timetable for universal suffrage.

Thank you, Madam President.

MR RONNY TONG (in Cantonese): President, I do not think anyone would want to see today's motion being voted down. However, we are given no other

choice by the Government. We have no democracy and we cannot afford to lose our dignity. I think the result today is a milestone in the road to democracy for Hong Kong people. If this motion today is voted down in its entirety, the veto itself will be a most powerful declaration for democracy, that we do not want a sham democracy, like 70% of the people of Hong Kong, we want a timetable for universal suffrage and a real agenda of democratization.

Honourable colleagues, whether or not we would support this motion would depend on the following three major factors: first, the inclination of public opinion; second, meeting the basic principles of democracy; and third, analysis and judgement of the details of the proposals.

I wish to talk about the inclination of public opinion in the first place. As many Honourable colleagues have just said, we must not forget that this assembly is a representative assembly and Members sitting here should be representatives of the people and leaders of public opinion. We should walk in front of the people and not behind them. We need to face people's preferences and make our judgement and commitment. If our judgement is wrong, then we should bear the political consequences for it. This has a very big difference from conducting an opinion poll. For if not, the people who should be sitting here in this assembly should be those experts on opinion polls instead of us.

Opinion polls may be a science but politics is not. The most reliable expression of public opinion in politics is through voting conducted from time to time or large-scale and representative popular activities in which the people express their aspirations. In this regard, a signature campaign, a march and a referendum are all not to be mentioned in equal terms as to their representativeness. So for me, in the elections in 12 September, and the great marches on 1 July and 4 December this year, the message and the mandate which the people taking part have given me are most unequivocal. If the Government insists that this package of reform proposals has the support from an overwhelming majority of people in Hong Kong, the simplest thing would be to let the people of Hong Kong vote on this package in public. But the SAR Government does not dare to do this. And it is not a government elected by the people. It is precisely because of this that it is not qualified to say that the package has gained the support of the overwhelming majority of people in Hong Kong. What is more, opinion polls of late show that the so-called popularity rating is plunging from 70% to 38% the day before yesterday.

In terms of principles, the most fundamental question is: Why is the package proposed? It is believed that only the SAR Government which buries its head deep in the sand would think that the contents of the reform package would have no relationship with when and how universal suffrage will be achieved.

The view that the constitutional reform should not be bundled up with a timetable for universal suffrage is out of touch with the reality and only serves to confuse people. It is sheer nonsense. When a package for constitutional reform is devoid of a clear-cut goal, how can people be convinced that it is a package that displays sincerity and leads us to universal suffrage?

Moreover, when the SAR Government first raised this package, there was no consideration as to whether it would bring the existing electoral system any closer to universal suffrage or whether it would facilitate it, or whether the requirements found in Articles 2, 25 and 26 of the International Covenant on Civil and Political Rights and the "principles of democracy and openness" referred to in paragraph 3 of Annex I to the Basic Law would be met.

As a matter of fact, with respect to selecting the Chief Executive, the simplest and most direct change would be to change the EC into a nominating committee with broad representation so that Hong Kong people can select their Chief Executive by "one person, one vote". I think Mr TSANG, the Chief Executive, would recognize such a principle. With respect to forming the Legislative Council, the simplest and most direct change is to decrease gradually the number of Members from the functional constituencies instead of increasing it. Seen from these two aspects, there is no way that the DC proposal would help achieve universal suffrage. That is why I say the proposal may as well be dropped.

With respect to analysis and judgement on the details of the proposals, we could look closely into two major components. First, the number of seats in the EC from the functional constituencies is increased but the electorate base for these seats is not enlarged. Second, power is given to the appointed DC members to cast votes to select the Chief Executive and return as many as six Legislative Council Members. These are in complete breach of the principles and requirements found in the International Covenant on Civil and Political Rights and Annex I to the Basic Law which I have mentioned.

Just imagine how can such a package of proposals which is in violation of the basic principles of democracy be acceptable to anyone? The devil in this package lies in the details. If only members of the public and Honourable colleagues will examine the contents carefully, it would not be difficult for them to find that there is a retrogression in democracy. A few Honourable colleagues have said that they fail to see that. I hope that they would listen carefully now. First, not only have the proposals no intention to rectify weaknesses in the existing system such as unfairness in the functional constituency elections and their breach of the principles of democracy, the proposals also serve to intensify such unfairness. For example, the agricultural and fisheries sector only has 162 bodies as voters, but they already have 40 seats now and under the package, the number of seats in this sector can be increased to 60. By contrast, the education sector which has 77 000 voters only has 20 seats now and in the reform package, this is only increased to 30 seats. As the gap between the two widens, the inequalities will only worsen.

Second, there is nothing in the package which puts forward any method to eliminate the absurdities under the existing system of functional constituencies that there is a large number of corporate and group votes. And given such a system, there are suspicions of the Government planting votes. One just sees examples like the Airport Authority, the Kowloon-Canton Railway Corporation and the MTR Corporation Limited, and so on, which are either government corporations or companies wholly owned by the Government or public organizations with the Government being the major shareholder. Under the existing system, they all have the right to vote in the aviation, transport and transportation functional constituency.

Third, everyone knows about the problems with an appointment system and I do not wish to repeat them here. The most obvious thing is that if the fact of having 102 appointed members is a breach of principles of democracy, having just one would likewise be a breach of the same.

Fourth, is it appropriate for DC members to exercise the right on behalf of the people to elect the Chief Executive or form the Legislative Council? As a matter of fact, this issue has never been discussed in society. At least, people voting in the DC elections in 2003 had never thought that the DC member elects would in the end return the Chief Executive in 2007. Therefore, there is a serious deviation from the expectations of the electorate on the candidates.

That the people want to choose a DC member who is capable of attending to district and livelihood matters and would mean two entirely different choices than when they want to choose someone who has the right to select the Chief Executive or representatives of the Legislative Council. For serving DC members, they have not been given any popular mandate when it comes to selecting the Chief Executive. In the long run, doubts would be cast on its representativeness if a grand electoral college for selecting the Chief Executive has members from the DCs. The major function of DCs lies in district administration and the political role now conferred on them to select the Chief Executive would only serve to confuse people's perception of the functions of DCs, for they will not know whether or not the votes they cast are meant for livelihood issues in the districts or for the election of the Chief Executive. When DCs are thus blurred in their roles and functions, how can they be expected to truly reflect the political choice of the voters? If the Government intends to select the Chief Executive through district indirect elections, then it should separate these two functions and set up a grand electoral college for district indirect elections.

Fifth, with respect to Legislative Council elections, the package suggests that five functional constituency seats be added. This would only lengthen the process to attain universal suffrage and make it more complicated. The five new seats are returned by election among DC members and this in itself cannot be seen as a step towards universal suffrage.

From the above analysis, it is evident that this package viewed from the perspective of the inclinations of public opinion, consideration of the basic principles and analysis and judgement of the contents, does not merit the support of the general public and Members sitting here. Worse still, during the entire process in which the package is marketed, the SAR Government has from the outset put up a stance that there is no room whatsoever for compromise and refused to consult directly-elected Members of this Council to reach a consensus. It is a demonstration of the sheer arrogance and blatant neglect of public opinion. If under such circumstances we will still vote in support of this reform package, it will only serve to steer the political culture of Hong Kong deeper into degeneration and contempt of principles. This is a sign of retrogression in political culture and hence it does not deserve our support.

If this package is voted down today, it does not mean that the constitutional reform will march on the same spot. May I implore the SAR Government once

again not to mislead the public and confuse right with wrong in this. It must cease holding a paternalistic and lecturing attitude and it must not refuse to amend the local electoral laws to improve on those election details which do not imply amendments to Annexes I and II to the Basic Law.

Speaking of the major direction ahead, voting down this reform package today would only imply that all sectors across society should start from this very moment onwards to work and strive for the attainment of universal suffrage in 2012. This society of ours, inclusive of the pro-establishment parties and factions, has always agreed to the goal to implement universal suffrage in 2012. Therefore, we should work all the more harder to reach a consensus and fight on behalf of the people of Hong Kong to achieve the goal of attaining universal suffrage in 2012.

For the way forward, the democratic camp may give serious consideration to the following three tactics: first, improve on and intensify the democratic movement so that the entire democratic movement can be more rational, organized and stronger; the democratic camp should enhance public education on democracy and increase its own bargaining power; second, it must be more active in striving for dialogue with the Central Authorities and taking part in it; and third, it must be more active in striving for dialogue with the business sector and taking part in it.

Doubtless the way ahead will be very difficult. But then since the most ancient of times, democracy has never come by easily. If only we can all work together with one mind, I am convinced that the day will not be long for universal suffrage to come.

MR PATRICK LAU (in Cantonese): President, during the debate on "Amendment to the Method for the Selection of the Chief Executive", I stated clearly my support for universal suffrage in 2012. As regards how the objective of implementing dual elections by universal suffrage can be achieved, that is a matter of fighting for the selection of the Chief Executive by universal suffrage and the return of all Legislative Council seats by universal suffrage.

Actually, there are numerous ways to implement universal suffrage. A list of candidates can be put forth by industry voters for the territory's voters to

elect the representatives of their functional constituencies. In so doing, the principle of fair participation can be realized and everyone can have two votes.

In fact, letting professionals to make analysis from a professional angle and put their professional knowledge to use in any assembly will only benefit political, economic and social development. No harm will be done. This is worth our discussion.

Regarding the motion proposed by the Government, my sector has reservations about the proposal of giving all functional constituency seats to the District Councils (DCs). This is because it may not be logical to regard the DCs as a functional constituency, especially when many professional bodies are now fighting to be included as functional constituencies. Giving the seats to the DCs is another way of undermining the representativeness of professional sectors, which is unreasonable. Therefore, on the voting preference for this motion, I have again consulted four professional institutes of the trade.

First, The Hong Kong Institute of Landscape Architects, which has 162 eligible members, maintained its neutrality, citing a low response rate of online survey as its reason.

The Hong Kong Institute of Architects, which has 2 103 eligible members, conducted an online consultation on whether or not to support the proposals on constitutional reform and elections as contained in the Fifth Report of the Government. According to the present results posted on the homepage, out of 159 respondents, 64 are in favour, 89 are against and six are in abstention. Moreover, in another questionnaire conducted by the Institute earlier, among the 529 respondents, 230 (43%) expressed support for the timetable for universal suffrage proposed by the Government, 65 (12%) opposed the timetable for universal suffrage and 234 (44%) expressed neutrality.

However, as the response rate for the online survey on whether or not to support the approval of the political reform package is too low indeed, accounting for 2% of the entire sector, it cannot be taken as the mainstream opinion.

As regards the opinion poll conducted by the Hong Kong Institute of Planners, which has 372 eligible members, 560 questionnaires (including those to

members with no voting right) were issued, and 114 were recovered, giving a response rate of 20%. On the method for the formation of the Legislative Council, 80 respondents (70%) supported an increase in Legislative Council seats from 60 to 70; 82 (72%) supported an increase in directly elected seats returned by geographical direct elections from 30 to 35. The reason cited by some was that real democracy should head for full direct elections, and the newly created seats should be returned by geographical direct elections, rather than increasing the number of functional constituency and DC representatives, which is the point raised by Mr TONG earlier.

The results indicate that the mainstream opinion of respondents of the questionnaire conducted by the Hong Kong Institute of Planners is in favour of increasing the number of Legislative Council seats from 60 to 70, but is against allocating five of those seats to functional constituencies, thinking that all of the seats should be returned by geographical direct elections. Therefore, 84 respondents (74%) opposed the political reform package.

Although responses to the survey conducted by the Institute only accounted for 2% of the entire sector, making it the opinion of the minority, their main concern has been answered because the reason held by those who opposed an increase in the number of seats for functional constituencies or the DCs was that they supported full direct elections. The present "adjusted package" put forth by the Government will abolish the appointment system for DCs gradually. By then, all DC members will be directly elected and their demand will be met. Although at a glance, 70% of the people seem to oppose the political reform package, in actual fact, there is a chance that they may support the adjusted package. Therefore, we should not simply rely on this opinion from 2% of the sector, that would be a bit biased.

Finally, the Hong Kong Institute of Surveyors, which has 3 940 eligible members — accounting for 60% of the sector represented by me — expressed support for the proposal to increase the number of Legislative Council seats and create five new functional constituency seats, all to be allocated to DC representatives as contained in the political reform package.

It can thus be seen that the majority of the sector support increasing the number of Legislative Council seats. Although I understand that the package proposed by the Government may not garner the required support from Members

of the Legislative Council, I should respect the mainstream opinion of the sector and support this political reform package.

However, since some in the sector hold different views about the proposal on the composition of functional constituencies, if the Government allows more room for further discussion on the composition of functional constituencies, this motion is worth our support. Thank you, President.

DR KWOK KA-KI (in Cantonese): President, this Legislative Council earlier negated the motion concerning the method of electing the Chief Executive. After that, I met some reporters who asked me whether I felt happy. On hearing that, I told them that I was very saddened and unhappy because originally, this motion could have been a good thing. Who does not want democracy in Hong Kong to take a stride forward? Who does not want Hong Kong march towards democracy? Unfortunately, the package proposed by the Government is not what it professes to be. The Government says that this is a democratic package, however, everyone can see that it has introduced additional functional constituencies and regardless of what sort of people will occupy these functional constituency seats, their fundamental nature has not changed. Frankly speaking, it is nothing new to make the DCs take part in functional constituency elections. This was done in the 1980s, only that the Government has done some repackaging by adding some new elements and then said that this represents a tremendous improvement.

This is not the reason that I was saddened, rather, I was saddened by the fact that the Government is still making all sorts of pretences, saying that it has exerted its utmost and offered the best possible. Democracy is an order and whoever not takes it has to assume responsibility. What I find saddening is such an attitude taken by the Government. Why do Hong Kong people have such a government? Hong Kong people have shown themselves to be absolutely worthy of the Government. In several rallies, including the one on 4 December, they were willing to take to the streets and take such a step for their own future. They have no better ways to express their wishes, for example, by referendum or universal suffrage, however, they still managed to express them. They are quality people with lofty virtues and in the rallies, they did not give the Government or even the Food and Environmental Hygiene Department any serious trouble, however, these people have to deal with such a government.

Some Members of the pro-democracy camp may feel somewhat happy, however, when I looked around just now, it seemed that many Members of pro-government parties were even feeling happier. Perhaps many people (this is only my conjecture and I cannot say for sure) actually did not want to see this package passed because in fact, a lot of Members, who preach one thing and do another, do not want to see Hong Kong democratized further because the greater the extent to which the present system can be preserved, the more beneficial it is to some people. Therefore, to many pro-government Members, to make no changes is in fact nothing bad. After the motion was voted down, some people may smile, however, I want to tell you that these people are not pro-democracy.

A government without philosophy has proposed a package devoid of any philosophy but it maintains that it has put forward recommendations that show its sincerity in taking forward democracy. I really think the Government should stop telling lies. In fact, the more lies it tells, the less the public will trust the Government. In the past few days, if the Secretary had the time to listen to the radio, he would have noticed that the public are full of wisdom. It is beyond my expectation that members of the public overwhelmingly requested every Member of the Legislative Council — I repeat, every Member, not just those in the pro-democracy camp — to vote against this motion. Many of the views expressed by them were more well founded and genuine than the comments made here by Honourable colleagues, including those made by many pro-government colleagues. However, they just do not have the opportunity to express the views themselves, so they can only rely on us, a minority group, to voice them on their behalf. In this Council, 25 votes can be considered the minority. Under this unfair electoral system, we can only play the role of the minority. However, sometimes it is difficult to say how worldly affairs will turn out. When the SAR Government initially formulated the package, it wanted to restrict democracy in the SAR through such a strait-jacket. Little did it expect that the package would turn out to be a strait-jacket that restricts the SAR Government itself. Therefore, sometimes there is divine intervention.

Mr MA Lik said just now that the opposition is opposing for the sake of doing so. Having heard that, I felt that I would not feel comfortable if I do not speak up. What do we object to? If the motions tabled for voting today had given an undertaking on when universal suffrage would be implemented in Hong Kong, yet we still oppose it, then we have really become the opposition camp. If it were stated clearly in the package that there would be a very clear roadmap

for universal suffrage in Hong Kong, that there would be no need to preserve the appointment system and the small-circle election would be expanded by abolishing corporate votes and group votes, yet we still oppose it, then we are really the opposition camp. However, we have not displayed such behaviour. What we oppose now is a motion that is totally devoid of any truly democratic element.

Today, the people whom I have to say thank you to are not the Honourable colleagues who have just cast their votes but members of the public. This is because a lot of people have been with us all the time. They took to the streets together with us on 4 December. Later on, after 7 pm, we will hold a candle light vigil with them outside. There is an even greater number of people who cannot join us but have shown their support for us. Be it just a telephone call or an e-mail, I want to say thank you to them.

Of course, it is difficult for me to say that today is a day that I feel happy about, however, I still think that we have to demand justice and by this I mean that if the proposals put before us are not democratic, we should act according to our principles and prevent it from passing. The reason is that I do not want the Government to say in the future, "Look! How democratic this package is! You people have also agreed to it. A substantial amount of democracy can be found in it because it has already enlarged the functional constituencies and the small-circle election. All these measures are democratic, so why not let us go down this road from now on?" This will truly be the woe of Hong Kong people.

However, I wish to tell the Secretary that Members of the pro-democracy camp will not end the matter here, nor will they allow the Government to end the matter here. It is not the democratic camp but the Government that wants to attach conditions to the package. Several weeks ago, Mr Donald TSANG still avowed with apparent conviction that he was a democrat and he wanted to let a certain elderly person see during his lifetime the advent of dual elections by universal suffrage. He also said that he did not agree universal suffrage should not be introduced in Hong Kong. Several days ago, he also stated in a slightly revised document that there should not be any system of appointment. However, he set out the condition that any discussion should follow the passage of this package or else, everything would be scrapped. What sort of government is this? How can it be like this? Do you think this is child's play?

Having said one thing at one moment, at another he said that everything would be scrapped. His intention is to pitch himself against others, so that those who comply will prosper and those who disobey will perish. This is the attitude displayed by the Government. The Government wants to tell us: I am on top of you and you people have to follow my lead or I will not let you off and you will be held responsible. Looking around the world, no government would behave like this. This is against justice, yet our Government is speaking with apparent conviction and even took up some television time slots to do what it wanted to do. What sort of government is this? How can it give an account to the public?

Dr YEUNG Sum said just now that communication did not mean giving up one's principles. I have to stress that the purpose of communication is to enable progress in all areas. If the package will enable us to move closer towards universal suffrage on the road to democracy, we can call it a win-win package. Otherwise, if communication means following its lead and to fail to do that is not communication, that would make one rather indignant and will cause more people to be wary of the word "communication". Does it mean that we have to comply and do things founded on specious arguments just for the sake of communication?

What I find most unacceptable is the look of the Chief Executive. Recently, after his appearance in a television propaganda, I received some complaints from some doctors who asked why the person who had appeared on television looked so fierce. What they heard was: If you do not accept this package, you will be held responsible as there will be no democracy for Hong Kong if this package is not accepted. His words smacked of a threat, so the doctors asked: Why did that person look so fierce? Why did all those people in the Executive Council who appeared on television look so fierce? What sort of world is this? Has the Government the slightest sense of shame?

I invite the Chief Executive to get a mirror and take a look at himself. Also, I invite the Secretary to get the videotape and have a look. His look then was really repulsive. Why has public opinion changed like this in the past few days? In fact, we have to thank the Government for having done something to help us indirectly. Firstly, anyone who has seen that footage, including the television propaganda in which Mr Donald TSANG appeared several days ago (that was political propaganda despite the Secretary's incessant efforts to whitewash it) will think that that is a road getting nowhere, that that is not what

he wants to get. However, under the existing system, so long as the Chief Executive is not elected by universal suffrage and the Legislative Council is not elected by universal suffrage, any appointee to the office of the Chief Executive will only get into an impasse. His power does not come from the people. He cannot claim with justification that he represents the public. He is only a Chief Executive who has to be obedient to his superior under a distorted system, so it can be said that he cannot please anyone. Secretary, I have great sympathy for you. I will not level any criticism at you personally because I understand that in your position as the Secretary and having to carry out this job, you are also in a quandary.

I would also like to say a few words for the Democratic Party in fairness. In fact, if we look at history, we can see that it was the first political party that stepped forward to say that they looked forward to the return of sovereignty. If people say that they hope it would show itself to be worthy to the Motherland, I believe that in the pan-democratic camp, no one, including the Democratic Party, wants to go in a direction opposite to that of the Motherland. I would like to ask the Government and everyone here: Do you know why this package has fallen through? The main reason is that you have said clearly that you do not trust the people. Let us consider the DCs. I have also served in a district council for over 10 years. It is true that they only have to focus on the affairs of their own district. There should not be any dispute about that because members of DCs all work hard for people's livelihood. However, on such a trivial matter as the DCs, the Government still wants to deal with it in three stages, so that even by 2016, people in various districts may not be able to elect the people who will speak for them. If the Government adopts such an attitude in handling matters, can it tell others that the Government trusts the people? I have even heard some people mock the Government, saying that no wonder you say elections by universal suffrage for the Legislative Council will be held only in 2047, in view of the fact that matters related to the DCs will be settled only by 2016 because in the same vein, given that the Legislative Council and the Chief Executive are so important, it will not do if we do not wait for another 20 or 30 years. Given such an attitude of the Government, how can the public feel at ease and how can they trust the Government?

I have a feeling that the Government or the Central Authorities have been evading the issue of a timetable and the only message I get is that the Government or the Central Authorities do not want to do anything about this. This is just like asking children to submit their homework. If I ask my daughter

when she will submit her homework, she will say that she will not promise when to submit it because she actually does not want to do so. The Chief Executive or Secretary Stephen LAM probably has no intention whatsoever of submitting any homework because this item has not been put on the agenda. If there is a timetable, I believe he will not find it so difficult to obtain one. Anyone who has no intention of doing something, including the intention to democratize Hong Kong, will not propose any timetable for democracy and universal suffrage. If anyone wants to challenge my remarks, I hope that he can propose a timetable to prove that he really has the will and power to take forward universal suffrage. Otherwise, he is just a chicken-hearted person who continues to hide away and lie to the public, saying that there will be universal suffrage and there will be a timetable for universal suffrage, only that he is not going to tell you.

Recently, the trendy thing to play the public opinion card in support of one's stance. After 250 000 people had taken to the streets, a political party which is an apologist for the Government conducted a signature campaign. It is said that as many as 700 000 signatures were collected. 700 000 is certainly a larger number than 250 000. The former is more than double and even triple the latter. In fact, this does not matter. What we hope for is that such declarations of positions can be enabled in society. What we hope is that society will allow public opinion to be expressed properly. In view of this, let us hold a universal suffrage and let the public decide. Let us allow all members of the public to cast their votes. That is the fairest way because no matter if one belongs to the pro-democracy camp, the royalist camp or to anybody, the public will be allowed to decide in the fairest manner. In fact, both referendum and universal suffrage are the most suitable tools for the Government and also for Mr Donald TSANG because he always says that the public is on his side. A person who has the public on his side should not be afraid of universal suffrage. We also hope that the future Chief Executive, including Mr Donald TSANG, can really get the mandate and blessings of the people. People who promote universal suffrage will naturally get all these, otherwise, they will only be caught in their own trap.

I have also conducted some simple surveys and I want to talk about them here. I sent out 12 200 questionnaires to doctors and dentists. Many of them probably did not have the time to respond but among the 400 questionnaires returned, 68% to 79% agreed that there must be a timetable for universal suffrage, that we must campaign for universal suffrage and request the Government to propose a complete roadmap. I am very proud of the views voiced by my sector.

Mr Donald TSANG once said that he was a Hongkonger who drinks the water in Hong Kong and has the blood of Hong Kong blood flowing in his veins. I hope he is telling the truth and not a lie because anyone who is truly people-oriented, drinks the water in Hong Kong and has the blood of Hong Kong flowing in his veins should know that we should strive for the democratization of Hong Kong. He is the person in the best position to strive for it, yet he has desisted from doing so. Instead, he merely hid away to collect signatures and appeared in a propaganda on television. When 250 000 people took to the streets to ask him to come out, he still hid in his Government House and refused to come out to meet the people.

A momentary slip has made it impossible for him to become a hero. In fact, all of us want him to be a hero of democracy. He called us heroes of democracy but none of us can live up to this name. However, he can live up to it. He can discuss a timetable with the Central Authorities. If he can do that, he will then become a hero of democracy and I am prepared to salute to him. Unfortunately, he has given this up. Therefore, I have no alternative but to also cast an opposing vote on this motion. Thank you, President.

DR RAYMOND HO (in Cantonese): Madam President, the development of policies of every place must tie in with its economic development, social development and political awareness of its citizens. It is exactly because of this that the Basic Law has laid down in detail the relevant provisions. Under Article 68 of the Basic Law, the following elucidation is included (and I quote) "The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage." (End of quote)

Take the professionals in Hong Kong as an example, the functional constituencies in the Legislative Council are very important to them. Under the existing system, local professionals can only bring their influence into play through these seats. As for direct elections, if they stand for an election as an independent candidate, even just for the election of District Councils (DCs), they will encounter more difficulties in election engineering than candidates with a political party background, for the latter often have the support of political parties in terms of manpower and resources. This is what I have observed

when I assisted two engineers in running in the DC by-elections held recently. One of them running in the Kwun Tong DC by-election has won a seat. But the other running in the Southern DC by-election tied with one of the rivals and finally lost the seat in drawing lots. Of course, joining a political party is one of the solutions to this problem. However, in this way, the professionals concerned can hardly maintain their independence and autonomy. They can hardly maintain their independence in giving professional advice on relevant issues, for more often than not, they have to toe the party line.

Actually, representatives from the functional constituencies can exactly bring about a stabilizing effect in the Legislative Council. In addition to the provision of more comprehensive information with their professional expertise, representatives from the functional constituencies will generally provide relatively impartial opinions on extensive issues basing on their professional expertise and experience rather than political considerations. Before all Members of the Legislative Council are returned by universal suffrage, they will continue to perform a balancing role in the Legislative Council, ensuring that Hong Kong will achieve the aim of electing Members of the Legislative Council by universal suffrage in the light of the actual situation here and in a gradual and orderly manner as stipulated in Article 68 of the Basic Law.

The electorate size of functional constituencies has all along been a subject of controversy. To address this problem, I think that the electorate bases of functional constituencies should be expanded so as to enhance their representativeness. Take the engineering functional constituency as an example. At present, there are some 10 000 eligible electors. However, just as I have all along been proposing, if Graduate Members and Associate Members of the Hong Kong Institute of Engineers (HKIE) may also become eligible electors, the number of electors will increase to 30 000 or more. Graduate Members are persons who have obtained an accredited degree but have yet obtained the relevant professional qualification. Associate Members are basically engineering technologists who have obtained an associate degree or various kinds of diploma. I had put forth the proposal to the HKIE, and the proposal was finally passed by the Council of the HKIE by a large majority. During the interim, the HKIE had also commissioned the City University of Hong Kong to conduct an extensive survey, and results indicated that the proposal received clear support. In the light of the decision of the HKIE, I have written to the SAR Government. If this proposal is accepted, the size of the electorate of the engineering functional constituency will be increased by three or

four times. Certainly, individual functional constituencies (including the engineering functional constituency) must discuss the issue in detail. I consider that the electorate bases of all functional constituencies, be it in terms of corporate votes or individual votes, should be expanded, so as to enhance their representativeness and legitimacy.

According to the Decision made by the Standing Committee of the National People's Congress on 26 April 2004 in respect of the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008, the election of the Legislative Council of SAR in the fourth term in the year 2008 shall not be by means of an election of all the members by universal suffrage; and the ratio between Members returned by functional constituencies and Members returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged. In the Fifth Report of the Constitutional Development Task Force, it is proposed in respect of the forming of the Legislative Council in 2008 that the number of seats in the Legislative Council be increased from 60 to 70; the number of seats returned by geographical constituencies be increased from 30 to 35, and the number of seats returned by functional constituencies be increased from 30 to 35, of which the number of seats returned by the DC Functional Constituency shall be increased from one to six.

After the announcement of the Fifth Report of the Constitutional Development Task Force, I immediately issued a questionnaire to several thousands of engineers to gauge their views on the constitutional reform package proposed by the Government. Only 60 questionnaires have been returned, the response is only lukewarm. However, according to the questionnaires received, a majority of the respondents support the Government's proposal. During meetings with different groups of the sector and a large number of engineers of the constituency, many members of the sector reflected to me that the five newly added functional constituency seats should not all go to the DC Functional Constituency. Their reason is that with such an arrangement, the DC will take up more than one sixth of all functional constituency seats in the Legislative Council; their influence will be increased significantly, and their role may exceed that stipulated in Article 97 of the Basic Law on district affairs. Many members of the sector consider that the newly added seats should go to functional constituencies of other sectors, such as the tertiary education sector and the Chinese medicine sector.

On the other hand, the Government has not stated clearly how members of the DC Functional Constituency will elect among themselves representatives to the Legislative Council. This is a cause for concern, for the different methods adopted in the election of representatives among themselves will directly affect the chances of winning of candidates of different background. Regarding the adjustment arrangement on the constitutional reform package just announced by the Government, the Government has yet set out the actual number of seats of DC to be further abolished in 2011; this is also disappointing.

Apart from the aforementioned opinions, members of the engineering profession consider the package proposed by the Government on the whole acceptable, for the proposal can at least take Hong Kong a step forward in constitutional development, heading towards the ultimate aim of election of Members of the Legislative Council by universal suffrage. Just as I so mentioned in the motion debate on the method for selecting the Chief Executive, after the Chief Executive, Mr TSANG, had announced the adjustment arrangement for the constitutional reform package two days ago, I again issued a questionnaire to several thousands of engineers. The response has been very enthusiastic, a total of 980 respondents have replied, out of which 620 (63.4%) support it and 360 (36.6%) oppose it. In other words, the sector has already given me a very clear message and a clear direction, which is to support the motion proposed by the Government.

Madam President, I so submit.

MR ALBERT CHAN (in Cantonese): President, more than two months ago, some people from the top echelons of the Government lobbied me on a private occasion, probing my inclinations, and asked me if I would support this package of proposals.

As early as some two months ago, I already expressed my stand very clearly and firmly by saying that it would be of no avail to find someone to discuss with me again because basically I would oppose these proposals. But during these two months past, the Government still employed all kinds of rumours and various unscrupulous tactics to spread rumours. It used all sorts of tactics to deceive and confuse, mudsling and besmear, oppress and divide. The use of these unscrupulous tactics and dishonourable means are obviously proof that it feels guilty and incapable of convincing the people with reason. If such

tactics and mentality are used, how can a society be governed well and how can a government build up its prestige? The employment of unfounded speculations, false information and twisted facts will only seal the fate of this package.

One of the reasons for this reform package failing is that it is a package devised behind closed doors and produced out of a black-box operation. I believe this is a package which is the product of a few persons who, after locking up the doors, made some studies and held some discussions before finalizing it. Then a request was made to Beijing for approval. The entire package is doomed to fail because it is detached from the reality and out of touch with the people. Regardless of how knowledgeable a person can be and how far-sighted he may be, the reform package which he proposes is bound to fail if it is cut off from the needs of the people.

The two months past, especially with the six Members who have been named that they would make a U-turn, have been an extremely painful period of time because the media were prepared to submit themselves to be used by the Government. I would like to make use of this opportunity here to sing Miss TAM Heung-man praises, for the fact that it was really a trying time for a newcomer like her. For those of us who have weathered 20 years of trials and tribulations, we have seen a lot of ugly faces and abominable looks, and some of them would still show up sometimes. But she was like a blank sheet of paper when she came into this assembly and in the face of all these distortions and oppressions, she could still stand firm. She is really no simple lady. So I would like to pay my highest tribute to her.

President, the fact that the media are prepared to be used by the Government does have something to do with their bosses. But it is equally important that the media people stick to their professional integrity. Of course, not all media are prepared to submit themselves for use by the Government. But during these two months past, quite a number of media were aiding and abetting the Government in spreading rumours and smearing Members of this Council. Such behaviour shows that there is no professional integrity in the media, which is most regrettable indeed.

Last week when I met Donald TSANG, he tried to solicit my support again. Of course, I praised his Japanese carps first. But with respect to this package of proposals, I made it clear that there would absolutely be no room for negotiation and compromise. At that time, I pointed out to him that the package

would not be passed in the Legislative Council. I suggested that he should show his goodwill and attempt to accomplish a grand reconciliation after the package is voted down. This was because the tone of the Central Authorities was clear enough and so is the policy of HU and WEN with respect to governing Hong Kong. They want stability and harmony. Once this package is voted down, I hope that by negotiation and consultation, I can talk with and consult all political parties and groups and the people of Hong Kong based on this principle of stability and harmony and arrive at a reform package acceptable to all the parties and groups and even people across all strata in Hong Kong society. However, the Government did not seem to hear.

The speech made by Secretary Stephen LAM earlier is a total contravention of the basic objectives of ruling Hong Kong as professed by HU and WEN. Not only is there no attempt to create harmony and forge stability, but on the contrary, there is an attempt to divide and intensify conflicts. He said that the pan-democracy camp was betraying public opinion when it opposed this reform package. He also said that if the package was voted down, the pan-democratic camp would have to bear the responsibility. This was another occasion when he displayed his ability to confuse right from wrong and tell outright lies. On what are the discussions on constitutional reform based? The signature campaign is of course a means to mobilize people. Through publicity efforts done by movie stars on the radio and the television, the reform package is transformed into a product like cosmetics. How ridiculous actually.

The fact that the Government has passed on the responsibility to the pan-democratic camp only serves to show that the Government is being shameless. When government proposals do not gain any popular support and when no consensus is reached in the Council on these proposals, it is he who should bear the responsibility because he is the Bureau Director. It is a sign of his incompetence. How can he resort to the same old trick of telling outright lies and confuse right from wrong?

The Government has said on a number of occasions that the package has the support of the people and that if this package is not passed, the pan-democratic camp would have to bear all the responsibilities. But this is just outright bad loser behaviour. If the Government says that this package of reforms has the support of the people, then I would challenge the Government to hold a referendum or a plebiscite for a decision on the package.

But in the first place the Government dares not face up to this political reality, nor is it willing to do so. Then, if the Government thinks that it is an important package and if it has the courage, it should formally introduce the package to the Legislative Council like any important package. If it fails to be passed in the Legislative Council, then it should dissolve the Legislative Council. However, the Government has not done it. If the Government thinks that the package has the support of the people, it may as well dissolve the Legislative Council. When after elections are held again, the package can be passed by a Legislative Council which has the renewed support of the people. But the Government lacks the courage and, all it knows is to pass the responsibility onto other people and blame them for the failure of the package. This is like in the days when TUNG Chee-hwa ruled Hong Kong, for he often pointed out that other people did not appreciate, understand and know about his policy objectives. He often stressed that his decisions were right and even if something had gone wrong, it was not his fault but that of the community and the whole world. The way how Stephen LAM handles things can be said to be in the exact pattern as TUNG Chee-hwa's and nothing has changed at all.

President, when after this package from the Government is voted down and if the principal officials in charge do not learn the lesson and refuse to find out how the failure is caused, and if they continue to distort facts and confuse right from wrong, it would only lead Hong Kong farther down the blind alley. With more divisions, more undermining and more conflicts produced, these would only push the democratic movement and other social movements in Hong Kong to scale yet greater heights one after the other. I wish to issue a prediction and a warning to the Government, if in these few months to come, the Government does not show any goodwill in resolving this conflict and handle this issue of public opinion, when it comes to 1 July next year, the number of people who will take to the streets will certainly be greater in number than those who did so on 4 December this year. This is certainly something which Beijing will never wish to see.

President, on 28 August 1963, the human rights champion of the United States Martin Luther KING held a famous meeting in Washington D.C.. At that time some 200 000 people attended the meeting. That was 42 years ago. Their fight was for the freedom, equality and human rights for the blacks. The marches and rallies in Hong Kong in recent years were also aimed at fighting for

the democracy, freedom and human rights of Hong Kong people, though the call to topple TUNG was also an important theme in these rallies. The right to democracy is a theme that has been repeatedly raised during these marches and demonstrations by the people of Hong Kong. On one occasion the number of people who marched on the streets amounted to half a million. What happens in Hong Kong is only 42 years after the blacks in the United States demanded human rights, equality and freedom. Do the officials in the Hong Kong Government not feel ashamed and do they not feel that it is a disgrace? More than 40 years ago, the blacks in the United States began a movement of this kind and what Hong Kong is doing is only following the footsteps of the oppressed blacks more than 40 years ago. They made the same kind of resounding roars and pursued the same kind of rights to democracy. I do not know if this Government will want the people of Hong Kong to wait for how long and how loud should the people of Hong Kong roar before this Government will come to its senses.

A few weeks ago when I paid a visit to the United States with Mr Martin LEE, we were interviewed on many occasions. On these occasions, including those with officials of the local government and people from some research institutes, I pointed out repeatedly that the greatest obstacle to democracy in Hong Kong did not come from Beijing but from those boot lickers in Hong Kong and those groups with vested interests, especially those mega tycoons. They have in their hands the right to political free lunches, they enjoy political privileges and they reap immense economic benefits and excessive profits. All these are made possible by the mutual tolerance and support in politics and the Government will in return transfer economic benefits to them. This is really a structural problem.

Unfortunately, many government officials in Hong Kong are prepared to be used by these financial magnates. Many of the top officials become employees of these financial magnates after retirement. Many of our number-one men in the Police Force — the Commissioners of Police, have become top executives under the employ of these financial moguls. This can really be said to be the tragedy of the civil servants in Hong Kong. The people are enraged to see this happen time and again for the fact that these top-ranking people have enjoyed a lucrative income when in the Civil Service and now after retirement, they have become the mouthpieces of the consortia. What these

people exploit are the rights of Hong Kong people and what they earn is the hard-earned money of Hong Kong people, but they have not done anything to further the due financial gains of Hong Kong people.

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

Back in 1963, Martin Luther KING gave an advice to his government. He said, "Now is the time to make real the promises of democracy." I want to give the same advice to the Hong Kong Government: Now is the time to make real the promises of democracy in Hong Kong. If the Government cannot make real the promises, the rage of Hong Kong people will only intensify and in the end the so-called stability and harmony which Hong Kong enjoys will be gone forever.

MR ALBERT HO (in Cantonese): Deputy President, today the 24 Members of this Council from the pan-democratic camp exercised the right vested in them by law, dignified and adhering to their principles, and vetoed the package of proposals put forward by the Government in the Fifth Report.

At this crossroads in history we have made this decision which carries immense historical significance. This is doubtless a correct decision and I am convinced that as we look back 20 years or even 30 years later, we would still firmly believe that this decision of ours is correct and we have no regrets for it. We would not feel ashamed to tell our children and grandchildren that we have done this and with pride we can tell them the meaning of this historic decision we made.

With respect to a package of proposals which comes down from the top, devoid of any support from our part, it would only be right that we face it with an uncompromising and unyielding attitude. Many Honourable colleagues have talked today about the so-called art of compromise in politics. I would like to point out that this art of compromise also includes the art of not compromising. More importantly, when talking about the art of compromising or not compromising, we should also talk about when a judgement should be made properly to compromise or not compromise, and how such a right should be exercised.

Recently, an academic from the democratic camp has acted in contrary to his normal practice and made strong criticisms against we Members from the democratic camp, saying that on this issue we are standing on high moral grounds and making remarks devoid of any substance. I wish to respond to this learned friend of mine whom I respect very much by saying to him that if a politician cannot stand on high moral grounds and pass judgements on decisions of immense historical significance or make important political decisions, then he will only be relegated into a mere politico and he will be mocked in contempt. He will never hope to become a statesman.

For a person without any power and influence, for one who only fights for his ideal, with only his convictions and steadfastness to fall back on, it would be easy for his views to be criticized as hollow. But I believe that with our endeavours and moral beliefs, we will solve the problems and clear the obstacles. We will make our dream come true. We will not give up our moral beliefs and ideals because of transient hardships or political pressure of any kind.

Today, irrespective of Members who support the Government or the Director of Bureau who proposed this motion, they have cited figures from opinion polls to support their arguments many times. I cannot help but ask this: Will they not feel ashamed in citing opinion polls? Have the Government or Members who come to its defence shown any respect for public opinion? All along, more than 60% of the people in Hong Kong support the implementation of democratic universal suffrage at the soonest. In the Third Report released by the Government, it was pointed out very clearly that mainstream opinion or the aspiration of most of the people demands the implementation of universal suffrage in 2007 and 2008. But has this opinion of the public been respected? Even in the latest survey, it can be seen that more than 60% of the public hopes that the Government can give them a reasonable and acceptable timetable to deal with the issue of constitutional development. Also, 60% of the people express the hope that universal suffrage should be in place no later than 2012. However, in the face of these aspirations and public opinion, what is the Government's response? None of these are found in the Fifth Report, so does the Government have any right to talk about public opinion? But I wish to make it clear here today that public opinion cannot decide everything and public opinion can never be used as the yardstick to affirm or deny people any of their basic rights.

Deputy President, for more than a decade the Democratic Party has found itself under much pressure from public opinion. For example, some people have asked us to support the restoration of the capital punishment; and in the 1990s there were people who asked us to support the abolition of the first port of asylum policy so that the boats of the Vietnamese boat people who came here to seek political asylum could be towed out to the high seas. At that time, the Democratic Party acted against the prevailing view or the so-called public opinion and held fast to our respect for human rights. So even if we lost some votes in the elections, we could hold fast onto our position. We insisted that capital punishment must not be restored in Hong Kong and that Hong Kong must continue as the first port of asylum and we must take the boat people who sailed from Vietnam to Hong Kong in search of political refuge. Therefore, rights are more important than public opinion. For after all, even though many people may say that they will support the Fifth Report, they can only claim that they would renounce their own rights, but they do not have the right to renounce on behalf of other people — though they may not be greater than the former in number — the rights they enjoy or the political rights to which they are entitled under international covenants or the law. And one such political right is the right to universal suffrage.

On the question of opportunities for the development of democracy, many people have said to us today that if we do not accept this package, we may let an opportunity slip by. I believe some Honourable colleagues must have said such things already. As a matter of fact and most unfortunately, this package is still sugar-coated poison, for the entire system is contaminated by the appointment system in it. Of course, this is not the only thing which has contaminated the entire system, but this appointment system is beyond doubt the greatest source of contamination. It casts a shadow of poll rigging in the Chief Executive elections in future and it reinforces the appointment system. These are things we can never accept. Moreover, it highlights another problem. Today the Government says that the appointment system in the DCs will be abolished completely in three phases by 2016. This so-called abolition of appointment proposal raised by the Government is to dovetail with the situation and background of constitutional development. What is the logic behind it? It is in 2016, the appointment system of the DCs and members of the DCs will still have something to do with the Legislative Council elections. It implies that functional constituency elections will still exist in 2017. Deputy President, in such circumstances, what choice is left for us? We can only veto, veto and veto.

Some people say that even if this package is not so good, at most it is a tasteless thing but should not be thrown away. But I think it is even worse than that. I have said just now that this package may be sugar-coated poison. But the greatest problem is that the Government is treating this worthless system as a priceless treasure, telling the whole world that this is a great step in the march towards democracy. This is a most misleading and deceptive message. When the Government puts forward this package, it tells the people of Hong Kong that it is heading towards democracy. But at the same time, it is telling the people not to talk about a timetable because things have been done in preparation. These include: first, the use of the Commission on Strategic Development (the Commission) as a platform for discussions on constitutional development; second, a bicameral system which includes the functional constituencies as a starting point for discussion in the Commission; and third, discussions on a roadmap would be accorded a higher priority than a timetable in the Commission. Deputy President, these arrangements show that the Government is never sincere about the handling of the timetable issue. Then it passes a worthless package off as a priceless move made in the progress to democracy. The package is then presented to us. I am sorry to say that anyone with any sense of judgement or anyone with any aspiration for democracy will not find it acceptable.

Deputy President, quite a number of people say that voting down this package today will destroy the harmonious relationship between the democratic camp in Hong Kong and the Central Government. Some people even blame us for this, saying that we are posing more obstacles for the future development of democracy and produce yet greater difficulties. Deputy President, please do not think that if only meeting the state leaders in Beijing and creating a harmonious atmosphere will facilitate the advent of democracy. Actually and as many people have said, democracy is not something given but the result of fighting. More importantly, even if there is a harmonious atmosphere, do you think that democracy will be obtained so easily if only we sit down and talk with the Central Authorities? No matter when people fight for democracy, it is an extremely difficult issue. On top of this, and as Mr WONG Ting-kwong has said, democracy as understood by the Central Authorities means centralized democracy and we should not indulge in too much fancy. But no matter what, we will keep on fighting. I do not think a harmonious atmosphere is a necessary and self-sufficient condition that will help us in the fight for democracy. I only trust that as long as we work hard, all things can be possible.

Deputy President, even if the Central Government or the leaders will frown and get furious, we have no options. It is because in the present situation, we have the responsibility to be honest with the Central Authorities and tell them that this is the true aspiration of Hong Kong people. We will tell them what can be done to fulfil the demand of the people at large and how a city whose inhabitants with such high quality should be governed and how social harmony which is long-lasting can be maintained. We cannot hide the truth from the Central Authorities by telling them lies and create a sham harmony while covering up various factors of instability that are bound to surface in society.

Deputy President, the SAR Government seems to have been moved to anger as evident in the speech made by the Director of Bureau. The Director of Bureau snapped at us for bundling up 25 people successfully. As a matter of fact, it is not that we have bundled these people up successfully, but it is the plan of the Government to divide and lure these people by promise of gain that has fallen through. What the 25 of us do is that we have held onto our principles and made a personal decision which is rational and dignified. We have no deadly strokes. We do not care what the Secretary has said, that we do not know how to stop at the last moment and so we have fallen into the deep abyss. I believe very much that our decision today is, as I have said, something which we can tell our posterity with a sense of pride.

Mr Jeffrey LAM of the Liberal Party and Mr TAM Yiu-chung of the DAB have said that we do not have any strategy and what we do runs counter to democracy. Deputy President, one may ask the Liberal Party if he wants to do business and one may ask the DAB if he wants to forge ties with the Central Authorities, but if one asks the Liberal Party and the DAB about how to fight for democracy, then he is asking the blind the way.

Deputy President, I am sure we will keep on fighting with the best of our efforts and we will keep on fighting with determination in order that this demand for democracy in Hong Kong can be fulfilled. The world is changing, our country is likewise changing, and we will exert our best..... *(the buzzer sounded)*

DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

MR ALBERT HO (in Cantonese): And fight to make our dream of democracy come true.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, the constitutional reform proposals package of Donald TSANG is a birdcage for democracy and a black-box operation. There is no way Hong Kong people can learn about its contents beforehand. The Legislative Council does not have any power to amend it. But if it is not accepted in its entirety, the democratic camp will have to bear the blame of marching on the same spot. This is a mockery of "a high degree of autonomy" and a tragedy of "Hong Kong people ruling Hong Kong".

Let me first respond to the remarks made by Stephen LAM, that silence is golden for the democratic camp and it is blind to public opinion. After two months of excitement and agitation in public opinion, the people of Hong Kong are becoming clearer about their demand for a timetable for universal suffrage whereas support for the government package is declining. Recently, the most representative opinion polls are those conducted by the University of Hong Kong (HKU) and The Chinese University of Hong Kong (CUHK). The approval and disapproval ratings in the HKU survey have narrowed to 37.7% versus 35.1%. The approval rate in the CUHK survey is 49.9%. Those interviewed who think that the package should include a timetable for universal suffrage are as high as 66% and those who think that universal suffrage for the dual elections should materialize by 2012 are as high as 68.4%. Findings of the two surveys show that the prevailing mainstream public opinion in Hong Kong is for a reform package plus a timetable for universal suffrage in 2012.

In the face of this unequivocal mainstream public opinion, QIAO Xiaoyang said in response that support for the reform package and the timetable for universal suffrage were two distinct views in the public and both of them should be respected and given weight, but one view from the public must not be used to refute the other. Since QIAO Xiaoyang said that the two views were not mutually exclusive, then why must they be handled one before the other and thus producing a lose-lose situation? Why should they not be handled together at the same time and thus producing a win-win situation? QIAO Xiaoyang said that it was a mission impossible. By "impossible", there are two levels of meaning, one is nothing can be done about it and the other is there is no legal basis for it.

Many people have not looked deeply enough into the question of whether QIAO Xiaoyang has really come to a point where nothing can be done and there is no legal basis for it. They have instead accepted Donald TSANG's logic in a piecemeal fashion, that non-acceptance of the package in its entirety will mean marching on the same spot. Why does Donald TSANG not trigger this constitutional reform mechanism by submitting a report to the Standing Committee of the National People's Congress (NPCSC) and propose the mainstream opinion which even QIAO Xiaoyang will not refuse and one which will include a timetable for universal suffrage? Why is the NPCSC unable to make another decision to allow a reform package with a timetable for universal suffrage, thereby changing the lose-lose situation into a win-win situation?

Some people say that owing to the urgency of time, it would be difficult for the NPCSC to pass a resolution. But if we look up the dates related to constitutional reform, we know that TUNG Chee-hwa submitted a report to the NPCSC on 15 April 2004 and on 26 April the NPCSC passed a resolution on the report submitted by TUNG Chee-hwa. It was only a short span of 12 days from report to resolution. Therefore, the urgency of time cannot be a justification, the key is the stand of Donald TSANG and the NPCSC. They can imbue a legal basis to the timetable for universal suffrage so that both the reform package and the timetable for universal suffrage can be available at the same time.

Donald TSANG has not told the people of Hong Kong that he has the authority to push constitutional reform one step forward by proposing a package with a timetable for universal suffrage. But Donald TSANG has not done this and made the criticism that if the democratic camp vetoes the package, this will leave constitutional reform at square one. Donald TSANG forsakes his constitutional obligation and he has not done his best to accommodate these two divergent views and achieve a win-win outcome. On the other hand, he has covered up and incited confrontation of public opinion and picked up a course of collision. This is not strong governance but autocratic politics. It is an evasion of responsibilities and he is the perpetrator of a lose-lose outcome.

Some people say that universal suffrage should be implemented according to the actual situation and a timetable must never be rashly devised. If their memory has not failed them, they should remember that by its very design the first 10 years after the promulgation of the Basic Law is a timetable displaying this progress of direct election from nothing, from no seats to 30 seats. Despite

the changes made in the form of direct election in line with political considerations from a "double-seat" system to "single-seat" system and then to the present-day proportional representation system, the number of directly-returned seats has increased with time. Therefore, the timetable proposal is not to be seen as a monster. A timetable is firmly grounded in our history and it is a historical mission yet to complete. We must never do anything rash about it and we will never give it up.

Members, history as it is now is no better than yesterday. Politics has grown more conservative. Why is it that the Basic Law which was compiled 20 years ago had a timetable for progress to universal suffrage for 30 seats and no one at that time thought this was rash? Why is it that the political tolerance and vision 20 years ago have evaporated today and universal suffrage is considered a taboo? Actually, the timetable for universal suffrage proposed by the democratic camp is a concession after the proposal to implement universal suffrage in 2007 and 2008 has been rejected. It is also the result of the consensus of public opinion forged in the masses thereafter. After the hard work and struggles of a generation of people, many of them may never be able to see the coming of universal suffrage. This is already a profound sorrow in democratic government.

However, for the next generation on which so much of our hope is pinned, will universal suffrage still be an unreachable dream? When 1 July comes every year, will the people of Hong Kong have to come out with their families and march on the never-ending road to democracy? For 20 years, this quest for democracy and universal suffrage has torn the hearts of the people of Hong Kong wide asunder and it has become the biggest cause for instability in Hong Kong. It is a lingering pain felt by all sectors across society and straddling one generation to the next. It is a yawning gap stretching between the Central Authorities, the SAR Government and the people of Hong Kong. Why can we not pause to ponder and think up a timetable for universal suffrage to settle the disputes?

As we all know, the real cause behind this absence of a timetable for universal suffrage and the reality of this deadlock in democracy for two decades is that the giant consortia have got so used to enjoying political free lunches. It is only when there is no democracy that their privileges can perpetuate. It is only when there is no timetable that things can be put off indefinitely. It is only

when there is no universal suffrage that there is no need to form political parties and plunge into politics. These people will never feel abashed and their hearts will never palpitate. Twenty years ago they said that there should be gradual and orderly progress and, now 20 years later, they are still saying that there should be gradual and orderly progress. They would rather have the prerogative of a small circle election than have democracy of a capitalist society. Now the patience of Hong Kong people has worn out with this waiting and this old tune of gradual and orderly progress has come to a finale. The true voice in mainstream public opinion is to implement universal suffrage for the dual elections in 2012. Members, when 2012 comes, Hong Kong people would have waited for universal suffrage for 27 whole years. This is dead slow. What is so rash about it? Please be fair to the people of Hong Kong who have longed and yearned for the dawning of this day.

Some people say that the democrats bundle up every political issue as they vote. They say that it is one thing with the reform package and another with the timetable for universal suffrage. But they have not pointed out that it is the business sector that has bundled up the Government dead tight for 20 years. And even to this day, the political system is still taking on a gradual and orderly progress. It is the NPCSC that has bundled up universal suffrage for the dual elections and the timetable dead tight. And to this day universal suffrage is still boiling like a pot of porridge with no rice in it. We have had enough of procrastinations for 20 years. We have had enough of this lie of gradual and orderly progress. We have had enough of detours. Therefore, we would rather burn our bridges and fight for democracy, instead of waiting forever in false hopes. We would rather exercise the power to veto conferred on us by the Basic Law and unfurl the banner of universal suffrage and raise our demand for a timetable poignantly than forsake the differences that really exist and produce a sham state of harmony and betray the wish for universal suffrage fervently but humbly expressed by the people who marched on 4 December.

When faced with public demand for a timetable for universal suffrage, the solution offered by Donald TSANG is unexpectedly to abolish one third of the appointed seats in the DCs and permit the appointed DC members to run in the Legislative Council election. This is not addressing the issue squarely at all. In accordance with the timetable proposed by Donald TSANG to abolish appointed seats, the time can be extended to 2016 and 2017 and by then there will still be no universal suffrage for the Legislative Council in sight. We can see

that the timetable in the mind of the Government is for the postponement of universal suffrage to 12 years later. For a timetable like this, is it a decision of the Central Authorities or the stand of Donald TSANG? After the 4 December march, Donald TSANG said that he had heard the voice of the people. But facts have proved that he has listened to the voice of the people wrongly, he has viewed the people's demand with scorn and he has denied them their hope. Rafael HUI said in putting forward the revised package that once the package failed to pass, the proposal to abolish appointed seats will never be put into force. Is Rafael HUI actually begging for votes or is he issuing threats? Is he showing mercy or is he giving alms?

Some people say that passing the reform package will improve the relationship between the democratic camp and the Central Authorities and even a visit to meet the state leaders will be possible. The people of Hong Kong have seen that the Central Authorities have become pragmatic and tolerant in handling Hong Kong affairs. Donald TSANG once said that HU Jintao knew a lot about Hong Kong affairs and his mind was at ease when it came to the issue of whether or not the reform package could be passed. Of course, the Central Authorities know very well that Hong Kong people hold different views on democracy. Even QIAO Xiaoyang does not deny this. Since the timetable for universal suffrage is a major issue in the public opinion of Hong Kong, why is the democratic camp regarded as traitorous when it reflects this public opinion? Why is this move regarded as unfriendly to the Central Authorities and so people are barred from returning to their homeland and banned from going to Beijing?

A person who is a true democrat must do what he says from first to last. He loves his own country passionately. He longs for the reunification of China. He strives for democracy in Hong Kong. But he will never follow and assent blindly and fail to think independently. He dares to speak out words of wisdom which are not pleasing to the ear. China today badly needs the voice of the dissidents and people with the courage to speak out in an upright manner like HU Yaobang, the truthfulness of Ba Jin and the second allegiance of LIU Binyan. Loving one's country is not to seek the audience of the leaders, nor for the commendation of those in power. When one can truly live and die for one's country and forget one's own happiness or misfortune, this kind of love for one's country would be truly valuable.

Today, I am proud of the performance of Members of the democratic camp. They are not the "heroes of democracy" who have made the U-turn and

on whom Donald TSANG lavishes his praises. They are Members of the democratic camp who cling to the principle of democracy and fulfil the pledge of universal suffrage. They are the ones who in the face of the powerful persuasions and pressures from the Government stay firm as a rock and do not waver in the slightest. They are true to the people who marched on 4 December. WEN Tianxiang wrote in his "Song of Righteousness" to this effect: "Virtue is manifested at times of adversity.....The way of the ancient sages lights up my face." At this pivotal moment in time when the issues of right and wrong are at stake, the most important thing is the character of Members. Today, each and every Member from the democratic camp has been true to their conscience, to history and the voters who returned them. However, the real heroes of the democratic movement are the forces of the people which throughout the good and bad times of the past 20 years have stood firm and never forsaken their cause or forgotten it. They are the nameless heroes who took to the streets under the scorching sun, together with the old and young ones. They are truly the pride of Hong Kong.

Mr MA Lik said that when the reform package had been turned down, it signified the victory of the opposition and a loss to Hong Kong people. As a matter of fact, we have not won, because the democratic camp is still fighting for a timetable for universal suffrage. The people of Hong Kong have not lost, because the reform package has nothing on a democratic universal suffrage — it is tasteless and does not matter if it is thrown away. There is nothing to lose.

I have just watched the television and seen XU Chongde, one of the four "guardians of the Basic Law", say that when the Legislative Council voted down the reform package, the Chief Executive might solve the problem by consultation or he might dissolve the Legislative Council. I would just like to use the same words which XU Chongde has said of Anson CHAN to respond to this remark: XU Chongde is really the person who does not want to be left alone. Was he speaking for himself or on behalf of the Central Authorities when he threatened to dissolve the Legislative Council? Would Mr XU care to elucidate?

With these remarks, Deputy President, I oppose the motion.

MR CHIM PUI-CHUNG (in Cantonese): Deputy President, I have to do some explaining about the debate on the first motion. When I spoke earlier, I made a

strong criticism of the SAR Government for the many technical blunders it had committed. But I reserved my voting intention and all along my position as I have made it clear is that I would abstain from voting. So when there was one vote cast in abstention earlier, some people thought that that vote must come from CHIM Pui-chung.

I said that it would be 33 plus one. Why plus one? I wish to make it clear that I do not support the SAR Government, but I hope that this one vote will make the Central Government keep its confidence in Hong Kong. As on the day of the pro-democratic movement on 4 June 1989, I cast a strong vote of support. So I hope Members can understand that I absolutely support the progress of democracy and the pro-democracy movement. I understand that no one can ever resist the progress of democracy in the world and this is definitely true. But we must know that Hong Kong is not independent and if it were, I will certainly have gone much further ahead than any person, for when support is secured from the citizens or nationals, then one will have the power to rule.

But Hong Kong is not independent and no matter how well a person may have done, he cannot rule, unless he has the blessing of the Central Government. So regardless of how anti-communist a person may be, if only he gets the blessing of the Central Government, he would be deemed valuable. Someone has said that patriotism attracts no rewards because one cannot expect to get anything in return for loving one's country. But there is a price tag for being anti-communist. From what I see now, this view is partly true. Although this is only hearsay, I would still want to bring this to the attention of Members for their consideration.

Deputy President, we know that this motion is about elections of the Legislative Council, that is, about stipulations under Annex II to the Basic Law. In 1998, the Legislative Council had 20 directly elected seats. When it was 2000, there were 24 seats, or an increase of 20%. In 2004, the number increased to 30, or an increase of 25%. Under the Basic Law, at least there should be gradual and orderly progress. But after the Interpretation of the Basic Law by the National People's Congress (NPC) on 26 April 2004, the most there can be is 50:50. That rules out any progress.

Personally, I hold a different view. Of course, we should respect the decision made by the NPC and follow the requirements prescribed by the NPC.

However, we should make our views known, for the reason that this move by the Government is not too desirable. At least it should give one more vote and maintain the gradual and orderly progress. We cannot obey the Central Authorities blindly. We should not just stick our heads out and let other people kill us when they come for our heads. As Members of the Council, at least we should express our views either on public or private occasions. For if not, why should we be Members of the Council? As Members, no matter we are returned by geographical direct elections or by functional constituency elections, we are, after all, elected to this Council. We need to have the courage to hold ourselves accountable to our voters. So I have reservations about the idea to have 50% for each.

Deputy President, with respect to the functions of DC members, these are clearly written down in Article 97 of the Basic Law. Now the Government says that this 50% idea has been proposed for compliance with the Interpretation and Decision made by the NPCSC on 26 April last year. Therefore, even if the seats in the Legislative Council are increased to 70 seats, that is, 35 on each side, and the remaining five seats are allocated to the DCs, according to the explanation given by the Government, the DCs are formed by 1.5 million people by elections and so it is direct elections in disguise. This tells us that the Government is making use of the Interpretation of the Basic Law by the NPC on 26 April 2004 to produce a false result and this is a contravention of the Interpretation that each side should take up 50% as per the Decision made by the NPCSC. As a matter of fact, directly elected members may take up 40 or 41 seats, for there is already one seat before that and the functional groups may only take up 30 or 29 seats.

Deputy President, if the DC proposal is passed, then of the 70 seats in the Legislative Council, DC members will take up six seats and the proportion is 8.6%. This makes their representation very strong indeed. Article 97 of the Basic Law has clearly provided for the functions of the DCs, so how can DCs assume a wholesale control of this? The SAR Government cannot explain everything away by saying that this has the support of the people. This is not tenable. Although later on I will cast my vote in support, I wish to reiterate that this does not mean that it will work. For from the very beginning I think that the motion will not be passed, that is why I agree. I have said a long time ago that this one vote from me is a useless vote, and this is the reason.

Deputy President, the people can see for themselves clearly on this occasion that the Government and many political parties are vying for public approval. Actually, great care must be exercised in using public opinion. Although the Chief Executive may have used public opinion to gain the support of the Central Authorities, after all, the ultimate indication of public opinion will have to be seen in the results of the voting later. I think as a responsible government, it should not use other opinion polls to mislead the people.

If the two motions today are all voted down, then a responsible government will have to undertake a review. If it is found that the cause lies in the implementation of the Accountability System for Principal Officials, then some of these principal officials will need to hold themselves accountable to the facts. For if not, then no mention should be made of the Accountability System for Principal Officials anymore, as this is a solemn system that must face up to the facts. As a political personage, after he or she is appointed to be a Secretary of Department or a Director of Bureau, he or she will hold a lofty position. If they do their job well, they will be praised and loved by the people; but if they do not, then they must come out and bear the responsibility and hold themselves accountable bravely. It is in this way that they will not let the people down.

Deputy President, personally I think that the formation of the Commission on Strategic Development (the Commission) this time is another policy which will destroy the political structure of Hong Kong. We know that there are checks and balances among the three branches of government, namely, the executive, the legislature and the judiciary. Now the Government has assigned a lot of the issues to the Commission for study. What exactly is the Commission? It is surprising to find that some Members of this Council have accepted appointment as members of the Commission. Those Members who have accepted the appointment should in fact engage in self-examination of what they have done.

As Members of this Council, regardless of whether they are returned by geographical direct elections or elections in the functional groups, they have undergone the baptism of elections and they are representatives in the highest political structure of Hong Kong at present. As Members are elected by the voters, they are by nature very representative, hence they should criticize the Chief Executive for his lack of a popular mandate. Though the Chief Executive lacks in popular recognition, some Members immediately accepted the offer of the Chief Executive when he appointed them as members of the Commission.

They are not showing any respect for themselves at all. Personally, I certainly think any Member of this Council should not become a member of the Commission. Of course, if they are doing this to hear views, then this is another matter. As for other people, though this may have something to do with elections, if they think that giving advice or this responsibility or duty is a kind of honour, then it is a different matter. So I hope the SAR Government will learn a lesson from the fact of this failure and hold itself accountable to the Central Government and do not cause any further division or belittle the representation of the Legislative Council.

The Chief Executive in his policy address has stressed the importance of co-operation with Members of the Legislative Council. But actually, what he has done is another thing. If the Government is a responsible one, it must never pass the responsibility on to other people when its policy does not work. Why can it not be humble and study the reasons for its failure?

The two motions today are like a football match. But there are no goal posts in the pitch and the players do not belong to any team and they just kick the ball in the pitch without knowing what they are doing. There are no scores in the end. Everyone is a loser. Who owns the football pitch? It is the citizens of Hong Kong and China. Who can be the winner? This we all know. I hope Members of the Legislative Council, especially those Members from the pan-democratic camp, will show their determination and perseverance, although they know that they may not win. I respect them very much as they can stick firmly to their position. All along I have been encouraging the people to be bold enough to commit themselves to causes they think are right and be bold enough to advance them, without yielding to any pressure. Likewise, Members of this Council should have this temperament and guiding principle in life.

However, as I have said just now, we must bear in mind that Hong Kong is not an independent entity. So when after voting is done on the other motion either today or tomorrow, efforts should be made to look into how to engage in dialogue with the Central Government and forge normal ties with it. We must understand that the Central Government is not on the same par with us after all and in many matters, it is in a position to lead, though it will give audience to views. Therefore, we can raise different opinions and views with respect to any ordinary topic and then engage in consultations, but we should not make use of public opinion to compel the Central Government to help the Chief Executive. Though the Central Authorities have endowed him with powers, there can be

changes. So a more important consideration is to make good progress, for this will be conducive to the matching of the democratic political system and the free elections with each other in Hong Kong later on.

Mr DENG Xiaoping said that excessive concessions would not lead to any good results. Hong Kong should be put into the hands of someone who truly loves the country and Hong Kong — I am not saying that Mr TSANG is not a person who truly loves the country and Hong Kong, but he should strive to unify all forces that can be unified. Hong Kong is too frail to weather too much real and substantial impact, for after all, we are deficient in natural resources and especially when our economy has become reliant on the service industries which are vulnerable. The slightest disturbance or trouble will cause substantial economic and political losses to Hong Kong. Hence, we must grasp the full picture.

The Basic Law has clearly stipulated that Hong Kong is to be executive-led, please remember this does not mean leadership by the executive. When the executive-led system is in force, the Chief Executive as the leader of the executive should all the more unify forces from all quarters. With respect to this reform package, the Chief Executive has had a rough time already. But he must try to understand what factors produced such a result. As I have said, as an intelligent leader, if he is willing to humble himself and examine the causes of failure, when he becomes successful later on, he will deserve the support and approval of the people of Hong Kong. Otherwise, in the end he will only lose more than he can possibly gain.

(THE PRESIDENT resumed the Chair)

President, the last opinion I wish to express personally is that I know that the functional constituency elections are a well-established election culture in Hong Kong and personally I will never oppose abolishing the functional constituencies. All of us are only passers-by and participants in politics. In the long run, politics will mature and this will definitely happen. In 1995, there were different kinds of votes in the functional constituencies in the elections of the former Legislative Council. In my own functional constituency, at that time a company with just four voters could take part in the elections. But I won all the same. So that should not worry us. If only we are brave enough to

express our views, I am convinced that they will be heard by the Central Government. Therefore, after the voting today, the SAR Government should be more courageous and it should not be hostile to Members from the pan-democratic camp and regard them as enemies. We must all strive for greater unity in all aspects and this will be to the benefit of all the people of Hong Kong.

MR LEUNG KWOK-HUNG (in Cantonese): President, just now in the Ante-Chamber, I heard the remarks made by XU Chongde and LIAN Xisheng. This XU Chongde is a very cunning but foolish man. When he talked about the march on 4 December, he said that numbers did not count and the truth was in the minority of people. Today he said that public opinion called for the pan-democratic camp to cast votes in favour of the reform package. He said how that could be possible when such a strong public opinion called for us to vote that way but we did not. He also said that it was a horrible situation. After all, one of these two men has said this. The two men bundled themselves up and unleash their attacks. What kind of men are these? When their side has less people, they will say that the minority is the truth. Of course, I know what that means and the truth can be on the side of the minority. But when it comes to matters like politics, democracy, ruling the country and running the world, these must be endorsed by public opinion.

When this old man XU Chongde said such things, did he not feel ashamed? Barely two weeks have passed before he contradicts himself. He has even said that the Legislative Council should be dissolved, right? Since this old man has said it, then so be it. After all, I think we all need a rest, and let elections be held again. However, I really do not believe that there are so many people who want to support this "birdcage" package from the Government. I have said a long time ago that the pan-democratic camp can get someone to resign and the five districts will have their candidates for the election. It is like a one-on-one fight taking place in this by-election. This will turn it into a referendum in disguise. It is bound to lose — I mean the other side, not us. So this Mr XU Chongde is actually talking nothing but nonsense.

I must admit that today is definitely not a victory for the democratic camp. What the democratic camp has achieved is to keep the minimum pledge and that is all. There is no victory as such. Many people have said that we have occupied the moral high ground. When the way is lost we may gain it, this is

what LAO Zi said. This is precisely because people do not speak from their conscience and so there is a need to bind them with something. Observing the moral values of a group is only the minimum principle to adhere to. It would be better if the words come from the mind as well as the mouth and people can go forward without fear.

I have talked about MAO Zedong too much. Let me quote a remark from LIU Xiaoqi whom MAO Zedong persecuted to death. LIU said that a total materialist is one who is not afraid of anything. There would be no cause to fear if people know the facts, go by truth and be concerned about the masses. So when so many people have spoken against us today — Mr Jasper TSANG has left, he said that the democratic camp had not presented the arguments clear enough. And he has left. Originally I did not want to talk about this event, for we hoped to dispose of the first motion quickly and we should talk less and vote fast. Why did Mr TSANG have to use this as an excuse for criticism? He knew that we had agreed to talk less and vote fast. Does he have any moral sense? He knew perfectly well that his opponents only wanted to speed up the voting process but he said that we had not presented our arguments clear enough. What was he trying to drive at? What should be said has been said already. The reason I say this is just to respond to his nonsense.

That Mr Jasper TSANG has said this shows that he is lying with his eyes wide open. This makes me feel that he is despicable. They hold up the 770 00 signatures and hail them as the manifestation of public opinion. They said also that surveys had been conducted and so on and so forth. Have we not heard about how exit polls were used to determine who between BUSH and GORE should be the President when they contended for the presidency? Is there a president or a prime minister who is elected in this way? Of course, it must be decided by counting the number of votes. But now we are not allowed to have a referendum.

I have submitted this paper to the President. President, I submitted the paper to the Secretariat today and it is about a bill on referendum. The Government may query why the Legislative Council will have to be dissolved after all. But does the Government dare to subject this new package to a referendum? This XU Chongde says that the Chief Executive can assume office again and anyone can stage a comeback if he loses. But does the Government dare to subject the new package to a referendum? Does it dare? If it does not, then it had better go home and sleep. There is no need to lose face here.

This XU Chongde criticized people for being like an adulterous woman. He was being very frivolous when he made this remark. It was very bad because he was using this to describe a woman. I would like to answer him by quoting two lines from the poet BAI Juyi which go to this effect: "Mad willow flowers dance in the wind/while frivolous peach blossoms flow in the water". Mr James TIEN would be most familiar with these two lines, for these were presented to him by me when he ran in the election. But I have retracted these two lines and I would not present him with these two lines anymore. I will dedicate these instead to the honour of Mr XU Chongde.

Actually, about this so-called package now tabled before this Council and with all these remarks about creating more favourable conditions for political participation, and so on, Secretary Stephen LAM, although when the Municipal Councils were scrapped, you were not yet a Director of Bureau, but who scrapped the Municipal Councils? There used to be a three-tier structure in the political system of Hong Kong, who scrapped it? How many people said at that time that the Municipal Councils should be scrapped? Who was to risk committing the most unforgivable mistake of all? Mr CHEUNG, a Member of this Council, who was not so much in opposition to the Government, said that he could stand it no more and wanted to resign. That showed that he had commitment. Secretary, the motion is not going to pass. But you are still sitting here, do you not have any special feeling? Do you not think that you should be held accountable? Do you or do you not know what is meant by being accountable? I think this idea has gone out of your mind. You do not think there is any need for it. All that is needed is your boss should hold himself accountable to HU Jintao and that is all. His boss is a good boss and he will protect you under his wings.

For this motion which does not resemble anything, who is bundling up things? This bundling up started in 1949 and it breaks my heart to mention it. Just like what Mr LAU Chin-shek felt. In 1949, our country, the people's democratic republic was founded. It was said clearly that it is a people's democratic republic, why after so many years and after Hong Kong has been recovered that there should be discussions on whether or not there should be universal suffrage in Hong Kong? Does the state not practise a system of popular democracy? Our brothers and sisters in our state may be the ones who do not have any democracy and what they have is only sham democracy. If they have democracy for real, then why can we not have it? The Central Authorities discuss ways of curbing Hong Kong people's right to universal

suffrage, saying that universal suffrage would take a long time to achieve. Do they not know that they are insulting the People's Republic of China when they say this? Do they not know that they are insulting our compatriots? If a sovereign state has democracy, will the place recovered by it not have democracy? Many Members have left now and only Mr WONG Kwok-hing is here. Does he care to give a reply?

Members, when Vice-President ZENG Qinghong came to Hong Kong, he said that he did not have the time to hold discussions with us. But he spent two hours having breakfast with Mr LI and his two sons. For all of us Members and this includes the President as well, it would be a great honour even to see the cuffs of his shirt, how then can we have discussions with him?

Donald TSANG has the time to help out the coalition formed by the DAB and CHENG Yiu-tong and he appeared before the public and spoke from a loudspeaker. But when those of us who among the 200 000 people who marched on 4 December wanted to talk with him, he did not give us any reply. Did Secretary Stephen LAM relay our message? Should he be held accountable? And he even said that he was not given the time. On 26 April 2004, the NPCSC acted shamelessly and gave an explanation on two matters by interpreting the Basic Law. This is like burning one's bridges and binding oneself all over, for when there are no elections by universal suffrage in 2007 and 2008, it is thought that things will be settled by interpreting the Basic Law. The Chief Executive also says that the proportion should be consistent. This shows his own folly, for he is binding himself up and he finds himself in a bind. So how can we save him? He does not search his soul but resorts to abuse of power. He is burning his bridges behind him and he only has himself to blame. Does he dare to say that? He is dead wrong.

Every grudge can be traced to its source and every debtor has a creditor, so when people like XU Chongde can become a deputy to the NPC, it is not surprising to find that the NPCSC can have done such a stupid thing as toying with the right of 6 million people, taking it away at whim and then asking the people why they do not obey. What kind of a world is this? Do our rights not belong to us? Do these rights belong to them? Some people say that with respect to the issue of referendum, as Hong Kong is not a sovereign state, so this can never be done. But what we want to decide by voting now is not to change the system but to make it better, and that is all. Annexes I and II to the Basic Law state that there will be universal suffrage ultimately. And if a referendum

on such contents is not permitted, then these contents are nothing but sham pretence. All through these eight years, the Central Government has never legislated to confer such rights as prescribed in Article 39 of the Basic Law on the people of Hong Kong. And today it says that there is no such law in existence.

Members, MAO Zedong died a long time ago. He made three remarks about the people. First, the eyes of the people are sharp. Second, the masses are the real heroes, while we ourselves are often childish and ignorant. Third, long live the people. Do Members hear these? I am no hero. I just stick firmly to this line. But I feel very ashamed all the same. This is because a long time ago I said that I wanted to amend the Basic Law by conducting a referendum in order to materialize universal suffrage, but I cannot do it. This is not my fault. But I will bear the responsibility for it. I cannot do it. This is because I am bound all over. There is nothing I can do about it.

So today we will not be complacent. We know that there is a long road before us. The DAB said that this occasion was a loss for the people of Hong Kong. Right. The people of Hong Kong have had a loss a long time ago. This is because we all see that the DAB will act differently with each passing day and it is dancing as the Communist Party of China waves its conductor's baton. They can say in their party platform that they want to have dual elections by universal suffrage in 2007 and 2008, but now its party platform is even worse than a soiled piece of tissue one throws away after wiping a running nose. Colleagues from the DAB, don't you think so? There is also the FTU, they have been saying for 10 years that they prefer rice bowls to votes, don't you feel ashamed? How can you put the blame on us? You have gained votes by deception when you fall back on this responsibility. As a matter of fact, a former Secretary of Department is a founding member of the DAB and that person should know this fact, right? There is really such a thing.

Therefore, my argument is simple: draw the rein on as you come to the edge of a cliff. Secretary Stephen LAM, do you know the allusion for this saying? It comes from a saying which is to this effect: a blind man rides on a blind horse and comes to the verge of a deep pool in the middle of the night. Who is that blind man? The Central Government is the blind man. The blind horse he rides on is the rich and powerful in Hong Kong. The deep pool in the middle of the night is today. Now this package could have been withdrawn like what was done with the Article 23 legislation and that will be fine. I do not

know if Mr James TIEN would do the same thing as he did on the last occasion. But I recall at the most urgent moment in the legislation on Article 23, Mr Jasper TSANG still taught TUNG Chee-hwa to amend three things and then go ahead and ignore Hong Kong people. What kind of a political party is this? At the most critical moment, he still wanted to stab Hong Kong people. Today he said that he was doing this for the people of Hong Kong, does he not feel ashamed? I tell you all, telling lies will make your nose grow long and your teeth will fall. These things do happen and you had better be careful.

Members, I want to make a solemn declaration here, that the pan-democratic camp will have to face a protracted struggle ahead. We will not feel complacent with what we have got now. What has happened today serves to show that the SAR Government is incompetent and shameless, that it is a diehard conservative and an outright fool. Earlier today I smashed this cage and as this cage is smashed, you will be smashed as well. When can there be a better platform? Let us wait and see. I have said many times that we should go to Beijing now and meet members of the NPCSC and tell them to withdraw the package. But I do not even have the home visit permit. I have recently been refused issue of this document. So what is all this nonsense about harmony and dialogue? We had better go home and sleep.

MISS TAM HEUNG-MAN (in Cantonese): Madam President, the motion on the method for selecting the Chief Executive in 2007 has been negated. I believe the motion on the method for forming the Legislative Council in 2008 will face the same fate. The decision on voting against the constitutional reform package is indeed very difficult because I know very well that once I have raised my hand, once I have pressed the "No" button, I will have to face the accusation of "obstructing the progress of constitutional reform". In spite of all this, however, I will still stick to this decision.

Today is the most difficult moment in my political career. With the pressure exerted by some members of my profession, all the press reports on the "volte-face of TAM Heung-man" over the past two months and the suspicions of my allies, I have been terribly hard-pressed. Last week, there was a lead story in the press with this headline: "TAM Heung-man will ignore industry wish in voting". This is truly a very serious accusation against a sector representative returned by democratic elections. The pressure on me can thus be easily imagined.

My success in overcoming all this pressure is entirely attributable to the pledges I made to my constituents. I have never betrayed, and will never betray, my constituents. Anyone who cannot even discharge his responsibility of honouring the pledges he made to his constituents, and who always behaves capriciously and runs before the wind, is simply not qualified to act as a representative of the people. I have never let my constituents down.

I once undertook to my constituents that I would exert my utmost to fight for the implementation of universal suffrage in 2007 and 2008. I also pledged to my constituents that I would consult them on all significant policy topics. All that I have been doing over the past two months regarding the constitutional reform package is precisely the physical manifestation of how I have sought to honour my pledges.

In late October and mid-December, I twice emailed my constituents to consult them on the constitutional reform package. From the emails sent to me in response, I can notice that the accounting sector is rather divided on this issue, so it is very difficult to discern a clear-cut direction.

On the other hand, although I have great reservations about the questionnaire survey conducted by the Hong Kong Institute of Certified Public Accountants, I nonetheless have to admit that its findings are also reflective of the fact that the accounting sector is divided on this issue. Those for and against the package were very close in proportion. If the error rate is also taken into account, those for and against the package will just be equal in proportion.

I have been asking myself whether the package before us today can answer my aspiration to democracy and universal suffrage. My answer is negative. I simply cannot find any reason for supporting the package.

Under the proposed package for the Legislative Council Election in 2008, appointed DC members shall also be allowed to elect six Legislative Council Members. This is tantamount to tolerating the existence of a "crucial minority" susceptible to control and manipulation. If the Government thinks that elected DC members can reflect public opinions and their inclusion can increase democratic elements, then it must admit that the existence of appointed DC members will necessarily result in the distortion of public opinions. Is this consistent with the principles of democracy? Is this equal participation?

I believe that an overwhelming majority of the Members in this Chamber support democracy and universal suffrage. May I ask those Members who are going to vote for the motion how they can possibly tolerate the existence of an electoral system that distorts public opinions? I therefore call upon all Members to be sensible, to be true to their conscience and to be logical and reasonable, and I also appeal to them to make the only correct decision of voting against this unfair package.

Madam President, a couple of days ago, an academic institution released the findings of a questionnaire survey and it was pointed out that over 40% of the respondents agreed that if the political system of Hong Kong has to mark time due to the vetoing of the constitutional reform package, those Members casting a negative vote must be held primarily responsible. I can tell Members that my decision today is guided by my belief in democracy, my own principles and the pledges I made to my constituents. Last year, my constituents voted for me; thanks to their support, I managed to get a seat in the Legislative Council. And, they also supported my fight for the early implementation of universal suffrage in Hong Kong.

As the saying goes, a person who lacks trustworthiness is good for nothing. I must never disappoint my constituents. I must therefore cast a negative vote and insist on the formulation of a timetable and a roadmap for universal suffrage. I will not regret having made such a decision today and I shall bear all the responsibility. However, I must make it very clear that the democratic camp must not be held responsible for Hong Kong's political system maintaining the *status quo*. The SAR Government should be held primarily responsible because it is deceiving the people.

From the perspective of law, even if the motion today cannot be passed, there will still be room for the advancement of Hong Kong's political system. The SAR Government may abolish the system of appointed DC membership, expand the electorate bases of functional constituencies and do away with company and corporate votes by enacting local legislation. Why has the Government, instead of doing so, simply resorted to the use of propaganda, denying all responsibility and labelling pro-democracy Members as sinners of a thousand centuries?

Madam President, although the vetoing of the constitutional reform package today is almost a foregone conclusion, I will still pledge to my friends in

the accounting sector and all Hong Kong people that I will not give up my struggle for universal suffrage. If there is any opportunity in the future, I will certainly continue to communicate with the Government and even the Central Government, so as to explain to them our aspiration to democracy. I am convinced that there will be universal suffrage for the two major elections in Hong Kong in the very near future. As long as Members can all discard their political biases and put aside their political interests, they will certainly be able to create a better tomorrow for the people of Hong Kong.

With these remarks, I oppose the motion. Thank you, Madam President.

MS EMILY LAU (in Cantonese): President, I rise to speak in opposition to the motion. I believe many Hong Kong people have been waiting for weeks for this moment. Today, they can finally see how Members belonging to the democratic and pan-democratic camps are going to vote. But the tactics employed by the Government are so very disgusting.

President, at 6 am on 30 June 1994, in the Legislative Council of the then colonial regime, my private Members' Bill on the full implementation of universal suffrage was vetoed by a narrow margin of just one vote. At that time, Members belonging to the Meeting Point, a self-proclaimed pro-democracy group, all abstained from voting. Current Executive Council Member Anthony CHEUNG was one of those Members. President, even in the legislature of a colonial regime, we could still move a bill on the full implementation of universal suffrage — though I was unfortunately defeated in the end. Today, 11 years later, what are we discussing? I must really ask whether we have been back stepping all this time. How come the Government of the Hong Kong Special Administrative Region (SAR), which all the time boasts of things like "one country, two systems", "a high degree of autonomy" and "Hong Kong people ruling Hong Kong", is even worse than the government of a tiny British colony? The Basic Law does not give us the power to move any private Members' Bill. But then, the executive authorities of the SAR, which have the power to propose bills, is unwilling to do so, or does not dare and intend to do so. President, old people like us already moved a bill on this matter 11 years ago but now, we still have to discuss all this rubbish again. Therefore, President, I suppose you will well understand my fiery rage today.

Another thing is that the proposed package is in violation of the International Covenant on Civil and Political Rights (ICCPR). President, the SAR Government submitted a report earlier this year and the United Nations Human Rights Committee will conduct hearings on the report on 20 March and 21 March in New York City next year. President, let us take a look at the report. It is mentioned in the report — it is in fact mentioned by the SAR Government — that in 1999, the Human Rights Committee viewed that the then Legislative Council Election was in violation of Articles 2, 25 and 26 of the ICCPR (The case is still very much the same now, perhaps even worse). The Human Rights Committee thus expressed its concern and considered that the SAR should adopt all necessary measures to maintain and enhance the democratic representation of Hong Kong SAR residents in public affairs. What has since been done? What is contained in the report is a closing summation for 1999. I believe that conditions will be even worse by the time the hearings are held in New York City next year.

Hong Kong has been progressing economically and it has become increasingly affluent (though there is at the same time the acute problem of disparity in wealth). But it has even failed to do something so simple. The Government has actually offered an explanation. President, what explanation has it offered? It maintains that the Human Rights Committee overlooked one point, the point that at that time, it was agreed to apply the ICCPR to Hong Kong with reservations. And, the reservations have since remained. However, many people are of the view that the reservations were meant for a situation with no elections, and that once elections are introduced, there should be no more reservations. President, who is the highest authority of interpreting the ICCPR? The highest authority is not the SAR Government but the United Nations Human Rights Committee. We now have a new Secretary for Justice, so I hope that he can look at the whole thing again because the report was completed a long time ago. The report therefore makes no mention of our recent situation. He must submit a supplementary report. However, I really cannot imagine how the SAR authorities can still have the face to present the report to the international community.

A lot time has actually been spent. I can remember that in the 1980s, when I went to the United Nations, a committee member asked me to tell him why Hong Kong was even worse than Fourth World countries in terms of democracy, human rights and liberties despite all its economic achievements which were comparable to or even more remarkable than those of many

developed countries. This was the situation in the 1980s. President, in this new millennium, how much progress can we show others? If we cannot even defend the ICCPR, President, how can the Frontier and I possibly support the authorities? Therefore, President, I find all this very regrettable.

A Member has just remarked that there has still been some progress, saying that in some respects, things are better than before. But I must say that in any case, the expansion of functional constituencies is definitely a form of regression. Why? The reason is that even under the principle of gradual and orderly progress, the number of functional constituency seats should still be reduced and that of directly elected seats increased. But according to the Interpretation of the Basic Law by the National People's Congress in April last year, their respective percentages are fixed at 50% and 50%. This alone already poses a great problem, not to speak of the creation of five new functional constituency seats for DC members.

President, I have always opposed coterie elections. It is now proposed to allow just several hundred people to elect six Legislative Council Members. Mr CHEUNG Hok-ming referred to the case of Taiwan just now, criticizing that there were many instances of corruption. Such cases do happen very often. It is now proposed to allow just several hundred people to vote and nothing about the electoral arrangements has been made known. President, we do not even know whether each person is to vote for six candidates or just one. How can we be asked to render our support? Electoral arrangements will have a great bearing on the results. But we are not even informed of such basic details.

Speaking of Mr CHEUNG Hok-ming, I must admit that there is the problem of "black gold" in Taiwan. There is certainly this problem and I did raise it with Taiwan's leaders face to face. But all is precisely due to the adoption of universal suffrage in Taiwan. Mr CHEUNG Hok-ming said just now that universal suffrage must not be implemented or else Hong Kong would be reduced to a place just like Taiwan, as the case of the Democratic Progressive Party (DPP) could show. President, universal suffrage is desirable *per se*. Initially, the Kuomintang was in power, but when people there started to dislike it, there came a political changeover and the DPP was elected. If the DPP cannot do a good job, there may well be another changeover. This is the very essence of universal suffrage. Honestly speaking, had there been universal suffrage in Hong Kong, how could TUNG Chee-hwa ever have worked for a

second term? If people like Donald TSANG, he may become the Chief Executive but the choice must be made by the people. Why is it that having seen so many opinion polls over all these years, and having realized deeply that the majority of respondents want the implementation of universal suffrage in 2007 and 2008, the SAR Government has still decided to give up?

President, the SAR Government has come up with something new. It claims that during the months of consultation, many people raised one idea, the idea of adopting a bicameral system and they wanted to hold discussions on this idea. In the Question Time earlier on, it was already pointed out that the bicameral system is not mentioned in the Basic Law. There is absolutely no mention of this idea in the entire Basic Law. But the Government has still claimed that the idea was raised by certain members of the public during the consultation period. Since a topic in violation of the Basic Law can still be raised for discussion, what is wrong with holding discussions on a topic violating the Interpretation of the Basic Law by the NPC last year? What is that topic? The implementation of universal suffrage in 2007 and 2008. Both are cases of violation. But even so, they can still be discussed, and in the case of the implementation of universal suffrage in 2007 and 2008, we are even talking about the aspiration of the overwhelming majority.

The Liberal Party and the DAB both oppose the bicameral system. Everybody is in fact against such an idea. I do not know why, but it seems that the Government is treating us like its enemies, insisting on mooted proposals opposed by people. Even the present package is not supported by anyone. I have asked people many times, "Who put forward this package during the 18-month consultation period?" No political parties or groups in the Legislative Council ever did so. And, everybody is in fact complaining. Therefore, President, I really think that the SAR Government has completely ignored the people's opinions. I do not think that it has ever held any discussions with the Central Authorities either.

Speaking of the Central Authorities, I must say that I am very disappointed. The concern of the Central Authorities is of course very important. People think that once a package has been put forward, they can just sit back and wait for the good news. But I really do not know whether there can be any good news at all. I only hope that the Central Authorities can refrain from intervening in the affairs of the SAR. Some say that I support the idea of

communicating with the Central Authorities. Speaking of communication, I will naturally render my support. But communication and intervention are two different issues. What is meant by communication? And, intervention? When people are able to discuss various possibilities, there is communication. But in the case of intervention, Members are told that they must cast a positive vote and must support it because there are already five votes and a sixth vote is required. This is intervention. Whenever any people not belonging to the Hong Kong SAR, any outsiders in other words, come here to ask Members to vote for this or vote against that, that is intervention. I hope that the Central Authorities can refrain from doing so.

Later on, the Secretary will probably say to me, "The situation is really bad. You will have no chance at all to communicate with the Central Authorities. No more mutual trust is left." This is no big deal anyway. I have been forbidden to enter the Mainland for more than a decade and I just do not know what strong views they have about me. We are elected Legislative Council Members, and as rightly pointed out by Miss TAM Heung-man, we are accountable to our constituents. If I had failed to do a good job, I would not have been elected five times. But what I have got in return are just the Central Authorities' distrust and rejection. In spite of this, I will continue to say so. I will just leave it that way if no solution can be worked out. I may well be barred from entering the Mainland in the remaining years of my life. If this is the decision of the Central Authorities, they will have to explain to the international community why they must so ostracize the elected Legislative Council Members of Hong Kong. On my part, I will not change my mind. I believe I have been speaking the minds of many constituents and many Hong Kong people. President, this does not mean that I want any confrontation with the Central Authorities. Can the demand for democratic elections be regarded as confrontation? I hope that the Central Authorities will not think so.

We are disappointed at the SAR Government because both before and after the announcement of the present reform package, there were very few discussions with Legislative Council Members. There has been a lack of communication. I have been told by some Members that officials of the Central Authorities and the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region seem to be having more communication with certain Members than with others. But what has the SAR Government said? In August, before the announcement of the package, LAU Siu-kai already remarked that if the package could not be passed, those people

(pro-democracy Members) should be held responsible. This can clearly indicate the Government's attitude of shifting the responsibility to others. However, if he is really a responsible Chief Executive, he should regard the passage of the package as the most important task during his term of office. He should declare openly, "I am responsible. My reputation and career prospects will all depend on this task, so I will do my best." But instead of saying so, he has just said, "I should not be blamed in case the task cannot be completed. You must all be held responsible instead and you are the cause of all problems." I have never come across anyone who can do anything satisfactorily with such an attitude. Because of such an attitude and approach, the whole thing is a doomed failure from the very beginning. How are they going to explain the failure to the people of Hong Kong and the Central Authorities?

President, I very much hope that I can communicate with the SAR Government and the Chief Executive as soon as possible after the vetoing of this motion. Since the march on 4 December, I have wanted to hold discussions with the Chief Executive. But so far, I have not received any reply. A rejection is still better than nothing, but there has been no reply at all. President, what do you think about such an approach? All this is quite an eye-opener for many people, including the Central Government. But we must still fight for universal suffrage for Hong Kong people. As many Members have said, all this has been going on for several decades and they all think that there will not be any change. The people of Hong Kong do not need to worry about the consequences of vetoing the motion. A lot can still be done even if universal suffrage cannot be implemented immediately. There are currently company votes, corporate votes and trade union votes, all of which can be abolished. What can we do after their abolition? "One person, one vote" can then be implemented. Why are they so very afraid of "one person, one vote"? Why must they adopt the system of company votes and corporate votes? No one can understand why under the circumstances nowadays, the SAR Government still want to pamper the industrial and commercial sectors in such a way, giving them endless privileges that can enable them not only to manipulate the election of many Legislative Council seats but also to manipulate the Chief Executive Election and even to negotiate with the Central Authorities. The people of Hong Kong can no longer tolerate all this.

President, I therefore hope that we can all vote down this motion. But the vetoing of the motion is by no means the end of everything. Rather, it will give us a chance to renew our struggle for democracy and start afresh. I hope that the people of Hong Kong can understand that Legislative Council Members are

doing this for the good of Hong Kong. I also hope that we can meet with the Chief Executive and the Central Authorities as early as possible, so that we can tell the Central Authorities what we really think, informing them that some people are reluctant to speak for us. I hope the Central Authorities can understand that such a communication gap has rendered it impossible for the Members elected by the people of Hong Kong to have any dialogue with the Central Authorities. And, I further hope the Central Authorities can realize that the dubious messages relayed by some may deal very heavy blows to the governance of Hong Kong. I hope, after this evening, Hong Kong can start afresh.

With these remarks, I oppose the motion.

MR FREDERICK FUNG (in Cantonese): President, the SAR Government may sometimes find the controversies over democracy rather paradoxical. I think the SAR Government is very apprehensive of universal suffrage. Although our Chief Executive often describes himself as a democrat and supporter of elections, he will nonetheless evade and dodge the issue of universal suffrage whenever it is mentioned. However, the more he dodges the issue, the more he will see that an increasing number of people are joining the struggle, voicing their aspiration to democracy and universal suffrage in many different forms and through an endless range of means and tactics.

Actually, I believe the paradox is that once there is genuine democracy and universal suffrage in Hong Kong, the Chief Executive and the Secretary will not have to face any demand for universal suffrage made by 100 000, 250 000 or 500 000 protesters. Therefore, we can see that once there is universal suffrage, people will not take to the streets in such large numbers to pressurize the Government on this issue. This is the paradox.

Actually, can we still employ the tactics of the former colonial government to deal with the issues of universal suffrage and governance in Hong Kong? I believe even Secretary Stephen LAM will know that the answer must be no. The answer must be no because we have had two very special leaders in two different political eras. One of them was the Governor immediately before the reunification. The other was the Chief Executive right after the reunification. And, both of them, in their respective capacity as Governor and Chief Executive, were noted for their success in rallying many "fans" to the side of the democratic camp.

The last Governor of Hong Kong, Chris PATTEN, brought to Hong Kong a new style of governance, the style of liberal democracies in Britain and the West. As a result of his policies, the people of Hong Kong managed to get a taste of democracy. Stimulated by his policies, many Hong Kong people realized what democracy should be all about. They realized that they should have powers and more opportunities to elect their Legislative Council Members, that democracy should mean the expression of more opinions, that there should be more consultative frameworks, and that even the leaders must meet with the people and discuss things with them. Such was the style of Western democracy brought to Hong Kong by the last colonial Governor.

Our first Chief Executive, Mr TUNG Chee-hwa, similarly provided impetus for the cause of democracy and Hong Kong people's participation in the pro-democracy campaign. During his seven or eight years of governance, the policies he implemented, the opinions he expressed and even the efforts he made to widen the democratic participation of Hong Kong people were all marked by high-sounding ideals and lengthy discussions but very few achievements and even the lack of any implementation. And, very often, many problems emerged. As a result, the people of Hong Kong could not help asking what would become of Hong Kong if such a situation continued. Hong Kong people had no alternative but to come forth and ask the Government, "Without the right of selecting the Chief Executive and even Legislative Council Members, how can we ensure the good governance of Hong Kong?"

In 2003, owing to the people's strong dissatisfaction with the proposed legislation on implementing Article 23 of the Basic Law and also the grievances caused by the SARS outbreak and other policies, 500 000 people took to the streets. I believe that the greatest credit for all this must go to our first Chief Executive, Mr TUNG Chee-hwa. He was much more powerful than Chris PATTEN and many times more capable than the pan-democratic camp. I believe the Government should realize that the several hundred thousand people who participated in each of the several marches were not mobilized by any pro-democracy bodies or any other organizations in Hong Kong. Instead, more and more people participated in the marches of their own accord. We notice that the participants of the first few marches were mostly older people. But we observe that in the most recent march, many people actually brought along their family members, many of whom were very young people. Members can notice that there have been constant changes in turnouts and types of participants, with the marches becoming increasingly popularized all the time, covering a wider

spectrum of society. Secretary Stephen LAM, Hong Kong people have changed, so we can no longer govern the new generations of people with the old mindset. We cannot turn the clock back now.

Every four years, an extra 300 000 to 400 000 participants — people reaching the age of 18 after a span of four years — will join the marches. Influenced by what they have seen or heard in these several years, these young people are convinced that there must be democracy. The number of participants is increasing geometrically by 300 000 to 400 000 people. Can the Government continue to dodge the demand? It cannot possibly do so. The more it dodges the demand, the greater will be the number of participants. The more it dodges the demand, the more people will worry at it. The more it does so, it may find that it cannot even breathe, I am afraid that one day. I am afraid that it will still fail to tackle the problem even if it goes on working for 24 hours a day, or 48 hours, or even 1 000 hours. Therefore, the situation as such, I must advise Secretary Stephen LAM and the SAR Government not to evade the issue anymore. They must address and tackle the problem. And, in order to address and tackle the problem, we must implement universal suffrage for the Legislative Council Election and Chief Executive Election as early as possible. That way, a solution to the abovementioned problem will automatically emerge. This is the paradoxical problem of universal suffrage faced by us.

Is it really true that universal suffrage is not suitable for Hong Kong people? Please excuse me for giving a "bookish" answer to this question. When I was a student of politics at The Chinese University of Hong Kong, I studied the research done by many scholars on more than 100 places with legislatures, Presidents or Prime Ministers returned by democratic, direct elections. The observations are that in all cases, higher rates of literacy and assets possession, a greater number of mass media and also a wider variety of mass media comprising the press, the radio or various means of networking, such as the telephone (We now also have cell phones), the computer and computer networks, will invariably make a place more capable of promoting and implementing democracy. Members may look at the case of Hong Kong. In which of these aspects is Hong Kong lagging behind Western countries such as Britain, the United States, Europe and Japan? From any of these perspectives, I fail to see why Hong Kong people are not fit for universal suffrage.

Then, there is the question of whether anyone is scared. The SAR Government is of course scared. The Central Government may not be, but I am

afraid that it may still be worried. However, I do not think that anyone should be scared. There are several factors that can assure those in power in Hong Kong that there is no need to be afraid.

First, Hong Kong is an affluent society with a middle class sizeable enough to strike a balance between the two poles of society, to ensure that no major confrontation between them will erupt easily in the formulation of policies on people's livelihood and other social problems. The GDP of Hong Kong in the past year was US\$23,000, or HK\$180,000 per person. This means HK\$15,000 a month for every person, including babies. This is quite a figure, an enormous figure. It is estimated that the GDP this year will be as high as US\$27,000 or HK\$210,000, meaning an average of HK\$17,000 a month. With such a figure and sizeable middle class, I fail to see any problems with implementing democracy in Hong Kong.

Second, the Chinese culture emphasizes moderation and dismisses radicalism. Any marches with more than 100 000 participants in other countries will certainly result in varying degrees of violence or even riots. Even in the case of Korean peasants — honestly speaking, I do not wish to mention Korean peasants because I find them very likeable — violence will still result. However, all the marches in Hong Kong since 2003 have not seen the occurrence of even one single incident of violence, in apt reflection of the peaceful culture of Hong Kong people. What then is the fear? What then is the worry? Do they fear that Hong Kong people will pick up arms and start a revolution?

Third, Hong Kong is not an independent country. We are under a sovereign state, the authority of which is rooted in Beijing. This sovereign state possesses an army that is equal in size to the total population of Hong Kong. Realizing all the might of the sovereign, who will still dare to start a revolution in Hong Kong? Who will still dare to topple and subvert the Government through the democratic process? What then is the fear? Who will be scared anyway? I do not quite know the answers.

The greatest problem with the present package is connected with the Chief Executive Election I have just mentioned, with the fact that there are totally 102 cat droppings. I will refuse to eat a bowl of rice gruel even when there is just one cat dropping in it. How will I eat any rice gruel with as many as 102 cat droppings? These 102 cat droppings can highlight several problems. Under

our electoral systems, one person is supposed to cast one vote only. But now, it is proposed that a certain person should elect 102 people. Even a District Council (DC) member must at least be returned by more than a thousand votes. But now it is proposed that the Chief Executive should elect some 100 people. This means that he will have more than 10 000 votes in his hands. This is simply unacceptable. Some may ask, "What is wrong with appointed DC members?" I do not think that there is anything wrong with them. Many of them have been working very hard. I will not say that there is anything wrong with them at all. But I must say that there are problems with the system of appointed membership because if I have the power of making appointments, I will certainly appoint some people with more or less the same views as mine. I will appoint those who will definitely support me in case significant incidents happen, and who will "know what to do" at my slightest hint in times of election.

In the future, 102 appointed DC members will elect six Legislative Council Members, so how many seats can he control? There will be at least one seat, and if different electoral methods are taken into account, he will be able to control two to three seats. He may not even ask them to vote for him; he may instead assist the Government in rallying the support of these people. There have actually been many instances in existing DCs where motions that can be passed are eventually voted down, and *vice versa*, just because of the three to five votes from appointed members. In that light, how can we possibly accept such a Legislative Council Election? If the 427 DC members were all directly elected, one could still say that when these members are allowed to elect Legislative Council Members from among themselves, there is after all some kind of indirect election based on a universal electorate. But the presence of the 102 appointed members will turn the whole thing into a bowl of rice gruel with cat droppings. I cannot stand it. I cannot have even one sip. I am not interested in it at all and I can actually smell the terrible stink.

President, I am no practitioner of law but I still want to say a few words on legality. I am of the view that this constitutional reform package is not in compliance with two provisions of the Basic Law. First, it does not conform with paragraph 3 of Annex I to the Basic Law, which provides that the delineation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region in accordance with the principles of democracy and openness. The proposals as explained above, especially the

102 cat droppings, are not in line with the principles of democracy and openness. How can they tell us that the package is in line with the principles of democracy and openness? Allowing just one person to return 102 District Council members is a contravention of this provision.

Second, Article 39 of the Basic Law provides that the provisions of the International Covenant on Civil and Political Rights shall be implemented in Hong Kong through the laws of the Hong Kong Special Administrative Region. But the system of appointed membership is a serious contravention of the principle of equal and popular elections laid down in the Covenant. May I ask the Secretary — I hope he can give an answer in his reply later on — whether this is in breach of the Basic Law? How does he interpret the principles of democratic, open, popular and equal elections? I myself do not know how. I do not think that he can do so even with all the runaround. I am referring to the Chinese version — unless the Secretary says that we cannot even understand Chinese. Therefore, I hope that instead of urging us to cast our votes, the Secretary can withdraw the motion.

With these remarks, I oppose the motion.

MR JAMES TIEN (in Cantonese): President, it is now a fact that the Government's motion on amending the method for selecting the Chief Executive has been vetoed and the method concerned will have to remain unchanged. This is a most regrettable outcome. However, the Liberal Party still hopes that the pan-democratic camp can bear in mind the overall situation and consider the possibility of supporting the motion on amending the method for forming the Legislative Council, so that the development of democracy in Hong Kong will not be completely held up.

The Fifth Report of the Government's Constitutional Development Task Force proposes to increase the number of Legislative Council seats from 60 to 70, which is to be divided equally between directly elected Members and functional constituency Members. It is also proposed that the five new functional constituency seats be returned through election by all DC members from among themselves. Honestly speaking, the Liberal Party and the industrial and commercial sector both had some reservations about the package immediately after its announcement because of its apparent departure from the traditional methods for returning functional constituency seats. But we have

subsequently realized that the package should be in line with the principles of balanced participation and gradual and orderly progress because roughly one quarter and one fifth of all elected and appointed DC members are respectively from the industrial and commercial sector and the professions. Besides, the increase in the number of Legislative Council seats will also serve a very positive purpose of nurturing political talents and creating the conditions necessary for the early implementation of full universal suffrage in Hong Kong. This is in keeping with the pace of constitutional development in Hong Kong and also the principle of taking account of the actual situation in Hong Kong.

As for the democratic camp, more Legislative Council seats will mean more opportunities for their second and third echelons who have been kept waiting in vain for such a long time. From the perspective of democratic development, since the new functional constituency seats will all be allocated to DC members, the passage of the package will mean that more Legislative Council Members will be returned indirectly by the 3 million or so qualified electors in Hong Kong. In that sense, it is indeed true that the package will increase the democratic representation of the Legislative Council and mark the first significant step towards achieving the ultimate aim of returning all Legislative Council Members by universal suffrage.

Many opinion polls have indicated that the people support the constitutional reform package of the Government, and I am not going to repeat all the relevant data here. However, the democratic camp is still insisting on bundling up the package and a timetable and roadmap for universal suffrage. By insisting on achieving all in one go, has the democratic camp shown any respect for public opinions? Although it is by now very difficult to get the democratic camp's support for the package, the Liberal Party nonetheless hopes that Members belonging to the democratic camp can bear in mind the overall situation and support the motion on amending the method for returning Legislative Council Members.

With these remarks, President, I support the motion.

DR FERNANDO CHEUNG (in Cantonese): President, earlier on, the Secretary said that no Member from the pan-democratic camp had spoken. But I am afraid now he would rather have our mouths shut sooner, for we still have a lot to say, possibly not finishing even by tonight.

At the present moment, 2 000-odd people have gathered outside the Legislative Council Building. They are here to express the aspirations of Hong Kong people for democracy. In the past, regarding the stance on constitutional reform, it had long been the wish of the pan-democratic camp that the Government could show its sincerity by presenting a timetable on democratization. However, the Government has kept on saying that it is not able to present a timetable. The Government said that there would not be any timetable, and under no circumstances should we ask for a timetable. If we did not mention a timetable again, there might be a timetable in due course. The Government might, in due course, have discussion on the timetable for drawing up such a timetable, or might present a timetable within a certain period of time. I believe we are already very annoyed about this.

It was not until a few days ago that an announcement was made by the Chief Executive and a so-called perfected package was also presented by Chief Secretary Rafael HUI and Secretary Stephen LAM. It transpires that a timetable is also included in this perfected package. This timetable is very clear. It is a timetable on the abolition of seats of appointed DC members. In 2008, that is after the election of the next Chief Executive, only one third of the appointed DC seats will be abolished. In 2011, judging from the actual situation then, half or all of the appointed DC seats may be abolished. And all appointed DC seats may be abolished in 2016 eventually. The timetable and roadmap in this respect are very specific. Hong Kong people can thus see clearly that in response to our request for a timetable on the progress towards universal suffrage, we only get a timetable on the abolition of appointed DC seats. Nevertheless, for this timetable to fully serve its purpose, we have to wait until 2011, or even 2016, which is many years away from now. In other words, we may have to wait for 10 or more years before we can see the absence of any appointment elements in the DC system. Do you not think that this is a far cry from our aspirations for universal suffrage?

Has Donald TSANG, as the Chief Executive of Hong Kong, fully considered the aspirations of the public and fully respected public opinions during this process? Although the Government keeps on saying that public opinions should be respected, Deputy Secretary-General QIAO Xiaoyang has stated very clearly that one kind of public opinions should not be used to oppress another kind of public opinions. Then why has the Government taking this stance, saying that the constitutional reform package has public support on the

one hand, while turning a deaf ear to public opinions asking for a timetable for universal suffrage? Has Mr Donald TSANG, the Chief Executive, exerted his utmost to fight for the Hong Kong people? On 1 July 2003, 500 000 people took to the street. In 2004, Mr TUNG Chee-hwa appointed Mr Donald TSANG, the then Chief Secretary for Administration, to lead a three-member Task Force to deal with matters concerning constitutional reform. Donald TSANG stated that he would not do anything to betray Hong Kong people (and I quote), "I, Secretary for Justice Elsie LEUNG and Secretary Stephen LAM are also persons born and brought up in Hong Kong. We are drinking the water of Hong Kong and in our heart, we are running the blood of Hong Kong people. When dealing with this matter, we will act in accordance with our conscience and the Basic Law. I can also give my full assurance to you."

In early 2004, at the end of March, they released a phased consultation report. On 15 April, they released the Second Report, suggesting amendments to the method of selecting the Chief Executive in 2007 and the method of forming the Legislative Council in 2008, and stated that a report would be made to the Standing Committee of the National People's Congress (NPCSC) for its determination. This was their approach on 15 April 2004. However, on 26 April 2004, only 11 days since the submission of that report, the NPCSC made an interpretation and ruled out the possibility of introducing universal suffrage for the elections in 2007 and 2008. This, of course, was the Decision of the NPCSC. At that time, the three-member Task Force led by Chief Secretary Donald TSANG submitted that report to the then Chief Executive. Within 11 days, the NPCSC rejected the aspirations of Hong Kong people, namely, having universal suffrage in 2007 and 2008. Back then, what efforts had Chief Secretary Donald TSANG made and what had he done?

Today, in the package of proposals put forward by the Government, we see that there is still ample room in respect of the Chief Executive Election or the Legislative Council Election. Even under the framework of the Interpretation by the NPCSC on 26 April, there is still ample room for amendment, so that we can take one step closer to universal suffrage. In fact, according to Annex I (sic) to the Basic Law, with regard to the bills on amending the method for forming the Legislative Council, such amendments must be made with the endorsement of a two-thirds majority of all the Members of the Council and the consent of the Chief Executive, and they shall be reported to the NPCSC for the record. From this, it is evident that such room is rather large. In fact, in early years, the Chinese leaders had also made an undertaking to Hong Kong people that the

Chief Executive Election and the Legislative Council Election were matters of Hong Kong and Hong Kong people could make their own decisions. As the Chief Executive of Hong Kong, has Mr Donald TSANG exerted his best efforts to uphold the aspirations of Hong Kong people for universal suffrage or an early introduction of universal suffrage, as well as fight for an early realization of the wish of Hong Kong people?

Mr TSANG's way of expression reminds me of the second kind of allegiance mentioned by Mr LIU Binyan. The reportage of Mr LIU Binyan who passed away lately, based on the account of some facts, portrays that a politician cannot lead society forward simply with a kind of allegiance signified by obedience, diligence and conscientiousness, and absolute agreement with the views of his boss. What Mr LIU advocated is a second kind of allegiance whereby a politician should have independent thinking and should work for the interests of the people and the masses. The Chief Executive is speaking of people-based governance. Nevertheless, from my observation, what he shows us is merely the first kind of allegiance in the writings of Mr LIU Binyan.

In regard to universal suffrage, I have recently read a piece of news concerning the Kingdom of Bhutan, from which we can learn lessons indeed. Bhutan is a tiny Himalayan kingdom. During the past 30 years, a monarchical system has been running under the rule of King Jigme Singye WANGCHUK. Under his leadership, the livelihood of people in Bhutan has been greatly improved. Although he enjoys the love and esteem of his people, he is still determined to relinquish power and implement a parliamentary democratic system in Bhutan in 2008. Under the monarchical system in Bhutan, the King is vested with supreme power. Under his leadership, the literacy rate, life expectancy and family income of his people have been greatly improved in recent years. Even though he is deeply loved by his people, he insists on introducing parliamentary democracy in Bhutan. In such a remote and poor country, the King also has to implement a democratic system, making a switch from monarchy to democracy.

Today is a historical day. From our point of view, the constitutional reform package today is totally not moving towards universal suffrage. It is devoid of sincerity and oblivious to the ideal of the people for an early introduction of universal suffrage. In the political arena, we of course will not purely pursue ideal, we will also take the actual situations into account. However, looking around the world, no matter in which country or nation, it is also the hope of people that the power be returned to the people, because

democracy and people's livelihood cannot be separated. It is simply due to the absence of a democratic system and a lack of checks and balances on the power that the ruling party, in the implementation of many policies, often turns a blind eye and a deaf ear to the problems concerned. We are here today to fight for a package which is genuinely moving towards democracy and universal suffrage. There is no way that the Government can evade this aspiration.

Today, on the land of China, this is one of the historical moments of struggles in the democratic movement. We will not feel proud or elated if this proposal is vetoed. But we will not give up our principles and core values. Hong Kong people will not easily accept a package which has elements of appointment, is regressive and devoid of a timetable or sincerity. Hong Kong can say "No". I hope that after this package is vetoed by us today, the Government will not evade or shirk responsibility anymore, will not be so furious after the package is vetoed as to put all the blame on the democrats, saying that they were standing in the way of democratization. In this regard, I believe people know very well that the fact is exactly the opposite. We very much hope that universal suffrage can be implemented as soon as possible. And we hope that there is "one person, one vote" for the people so that they can select the leader of their choice. The existing package is totally running against our principles, and thus we have to vote against it. After the package is vetoed, we still have a lot of work to do. Under the framework of the Interpretation on 26 April, actually there is still ample room. I hope that the Government can adopt a pragmatic attitude and respond positively to the aspirations of the people.

With these remarks, President, I do not support this package.

MR LEE CHEUK-YAN (in Cantonese): President, when Secretary Stephen LAM gave his final reply earlier on, he remarked that Members belonging to the democratic camp — no, I have overlooked his deliberate change in diction today, for he has called us the opposition instead of the democratic camp — the opposition owed history and the people of Hong Kong an explanation as to why they had vetoed such a progressive package. The Government has also said that if this constitutional reform package was voted down, any negotiations with the Central Authorities would be very difficult in future.

The logic is in fact very simple. Secretary, what do the people of Hong Kong basically want? The people of Hong Kong want universal suffrage. We

are holding a Legislative Council meeting now and we ask for universal suffrage. But with the package put forward by the Secretary, we can only move sideways instead of forward. I am not saying that the package of the Secretary is regressive. I am simply saying that it will lead us to move sideways because under one of the proposals (I hope the Secretary can bear this in mind from now on), functional sectors will cease to exist in the traditional form. When the Secretary answered our oral question in this legislature earlier today, he mentioned the idea of establishing a bicameral system. This will actually mean functional sectors in their traditional form. I am really worried as I do not know what direction the Government will follow. It is therefore very clear that the package of the Secretary will not lead Hong Kong to universal suffrage. Instead, it will just lead Hong Kong to move sideways. That being the case, how can we render our support?

The logic is actually very simple, and members of the public should also listen to our explanation. The whole thing can be explained by saying that the Government originally owed me \$100 — the idea should be returning power to the people but it can be explained by the analogy of returning money to the people. The Government owes me universal suffrage and universal suffrage is \$100 in the analogy. And then, in 1998, it owed me \$10 more because universal suffrage could have been implemented for DCs but the Government suddenly deprived them of this and even implemented the system of appointed membership. It therefore owed me \$10 more. In other words, it owed me \$110 in total. And, to put it very simply, I am only asking the Government to return \$110 to me.

We have just been asking the Government to return \$110 to us, but the Government as a debtor has reacted very fiercely, claiming that it can return \$1 only. As for the \$10 connected with DCs, it says that it can only make repayment in 2016. When I ask the Government when it can repay the \$100, it replies that it cannot be sure. And, it has simply kept on saying that this is a mission impossible, so no answer can be given. This is simply a "hysterical" response, isn't it? What justifications can the Government offer? It clearly owes us \$100. Some may say, "It is already very good that the Government agrees to repay \$1. Now that the Government has agreed to repay \$1, why are you still so ungrateful, refusing to accept the \$1? If you even refuse to accept the \$1, then you really should not bother about getting back the \$100 and \$10." The Government has even said that we should not expect to get back the \$110 because it will withdraw the \$10 it has agreed to repay. The Government is so

hysterical in its response. Honestly speaking, am I really concerned about an additional alms of \$10 from the Government? I only want to get back \$110. The Government owes me this sum. The Government has shown no sincerity at all. Of course, it may say that it has some untold difficulties.

Who should be held responsible in this issue as a whole? We should of course be held responsible for vetoing the Government's package and we are in fact delighted to shoulder this responsibility. I will certainly press the "No" much harder than ever before, just to show my determination to veto the package. Yes, we should be held responsible for vetoing the package of the Government. However, who should be held responsible for putting forward such a package? To ascertain who should be held responsible, I think we must be fair in our analysis. Who should be held primarily responsible? I think they should be the central decision-makers who decided to seek the Interpretation of the Basic Law by the National People's Congress (NPC) on 26 April 2004. They should be held primarily responsible because as a result of this decision, the future course of development is fixed: first, there shall be no universal suffrage in 2007 and 2008 and, second, the ratio between directly elected seats and functional constituency seats shall remain unchanged. If the ratio remains unchanged, we will forever have to move sideways instead of walking straight ahead. This is very simple logic and an arithmetic problem everyone can solve. To move towards universal suffrage, we must of course reduce the number of functional constituency seats and increase the number of directly elected ones. If the ratio remains unchanged, we will have to mark time forever. Even if we do not have to mark time, we must still move sideways. This is the destined scenario. Therefore, those primarily responsible — I am being cordial with the Secretary because I guess he did not take part in making the decision — should be those people who decided to seek an interpretation of the Basic Law from the NPC or the decision-maker at that time. He should be held primarily responsible.

The second one to be held responsible should be the Government of the Hong Kong Special Administrative Region (SAR) or the TSANG-HUI-LAM clique. Since they are in charge of constitutional development, they must be held responsible. Have they ever told the Central Authorities that this birdcage is problematic and must be shattered, and that the arrangements for the elections in 2007 and 2008 must not be restricted in this way? The Government has never made any efforts. I of course know that the Government likes very much to say that while it also wants a timetable for universal suffrage, it is impossible

to do anything. What it means is that this is a mission impossible and we should just leave it that way. But I would also say "mission impossible" when the Government asks us to change our position. The whole thing is destined to be something like a Greek tragedy. Therefore, the Government should be the second one to be held responsible. And, there is still something worse. The Government is simply unwilling to negotiate with any pro-democracy Members on any matters relating to the enactment of local legislation, including the oft-mentioned electorates of functional constituencies, the adoption of individual votes instead of corporate votes and the widening of participation. The Government is simply unwilling to discuss all these issues. Therefore, sorry, the Government must be the second one to be held responsible for the vetoing of the package because the package itself is defective.

I think the logic of the argument is really absurd. Why should those who vetoed the package, instead of the one who put forward the package, be held primarily responsible? Actually, the latter should bear a much greater share of blame because he has put forward an inferior or faked commodity. Therefore, he should bear the greatest share of blame.

The third one to be held responsible is the royalist camp. They have been betraying the people of Hong Kong, serving as the obedient apologists of a stubborn political regime. If the people of Hong Kong can stage a fight with stronger solidarity, our chance of success will be greater. But then there is such a group of royalists who will just obey the Central Authorities. The original intention of the DAB was the implementation of universal suffrage for the two elections in 2007 and 2008. But it has suddenly argued that this is not possible and even put forward four preconditions. The DAB used to ask us to talk about "what" instead of "when". Actually, the DAB has not been talking about "when" and "what"; what it has been concerned about is just "who". Therefore, the DAB is the third one to be held responsible because it has never assisted the people of Hong Kong in the fight for democracy. However, as I have pointed out, we should also be held responsible because we are not good leaders, so the people power in Hong Kong is not strong enough. We are responsible for this.

President, the Government has been very good at using one tactic in the course of discussions — playing the public opinion card, saying that the people strongly support its package. Actually, the Government is just like a rogue trying to moralize another rogue, for it has never paid any heed to public

opinions. Was there any strong public opinion support for the Interpretation of the Basic Law by the NPC? Public opinions at that time were against any interpretation of the Basic Law by the NPC. But the Government did not talk about public opinions at that time. Besides referring to opinion polls, the Government also resorted to another tactic: collecting people's signatures. It is claimed that as many as 780 000 people signed up in support of the constitutional reform package. The figure of 780 000 is really staggering. I do not know how they managed to collect all these signatures, but I think that the Hong Kong Federation of Trade Unions (FTU) should be held largely responsible. How could the FTU allow mainland commercial organizations in Hong Kong to suppress their employees' freedom of political belief and force them to sign up? I have received a number of complaints about this. I am not saying the FTU asked any employers to do so, but at least it did not stop them from doing so. Mainland commercial organizations in Hong Kong required their employees to sign up and the latter were forced to fill up all the signature forms distributed to them. Of course, these mainland commercial organizations did not say specifically that any employees refusing to sign up would be dismissed. But we can understand that employees who were caught up in the hierarchy of power could only sacrifice their political right in order to retain their "rice bowls". I am very, very disgusted by such a practice. I think everybody must be fair. It is alright to collect signatures in the streets because all are free to rally the support of public opinions. But I can never accept the practice of using one's power to oppress one's employees. And, I can never accept such a signature campaign — one which was led by the Chairman of the FTU and one which allowed such a practice.

I still wish to say a few words more on public opinions. If what we are doing is against public opinions, we will certainly have to pay a price for that. The reason is that we must undergo the test of direct elections, so if we have ever acted against public opinions, we will definitely be out-competed. We will vote against this package today and we are prepared to undergo the test of democratic elections, so that the people can decide whether we should continue to serve as Legislative Council Members. But how about the Government? Chief Executive Donald TSANG can still "sit there shaking his leg", continuing to be the Chief Executive. President, am I correct? The Chief Executive can still "sit there shaking his leg", but you cannot, President. Chief Executive Donald TSANG can still "sit there shaking his leg" because he does not have to face any direct elections. And, the Government also says, "Let us all respect public

opinions!" But how can any government officials who do not have to face any elections be qualified to talk about public opinions in this legislature?

If the Government really thinks that it is supported by public opinions, I would like to dare it to dissolve the Legislative Council according to the Basic Law, which provides that the Chief Executive may dissolve the Legislative Council and order the conduct of a new election in case the latter negatives any significant motions or bills. The aim is of course to elect a group of Members who will support the Government's motions or bills. We are prepared to undergo such a test of public opinions. However, this may end up getting the royalist camp into trouble. The Chief Executive does not have to compete in any direct elections, but Members in the royalist camp have to. *(Laughter)* If the Legislative Council is dissolved, I will also undergo the test of public opinions with the royalist camp. But the Chief Executive can always "sit there shaking his leg". I am not satisfied with this because the Government can always "sit there shaking its leg".

President, I have finished my explanation. Lastly, I would like to state that on behalf of the Hong Kong Confederation of Trade Unions, I will vote against the motion. I must also advise the SAR Government that it must not continue to be so "spineless". Its duty is to represent the people of Hong Kong. But the people of Hong Kong have failed to see how it has made any concrete efforts as our representative. Thank you, President.

MS MARGARET NG (in Cantonese): Madam President, the people of Hong Kong have been craving and struggling for democracy for quite a long time. In 1981, when China and Britain started their negotiations on the future of Hong Kong, the Central Committee of the Chinese Communist Party made a commitment to "one country, two systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" as an assurance to Hong Kong people for their support of the resumption of sovereignty. To achieve all these aims, the only feasible way is to establish a democratic political system.

In 1985, China and Britain signed the Sino-British Joint Declaration on the Future of Hong Kong (the Joint Declaration), which provides that the Government of the Hong Kong Special Administrative Region (SAR) shall be composed of local inhabitants; the Chief Executive of the SAR shall be selected by election or through consultations held locally and be appointed by the Central

People's Government; the Legislative Council shall be returned by election; and, the executive shall be accountable to the legislature. Since then, the development of a democratic political system in Hong Kong has become an obligation of both Britain and China, instead of simply the right and aspiration of Hong Kong people. Under the principle of "*pacta sunt servanda*" in international law, all countries in the world are obligated to support the development of a democratic political system in Hong Kong.

Between 1985 and 1990, the Central Authorities formulated the Basic Law, further manifesting the contents of the Joint Declaration. Articles 39, 45 and 68 of the Basic Law provide that "elections" shall mean "elections based on universal suffrage", in line with the expression "elections which shall be by universal and equal suffrage" used in Article 25(b) of the International Covenant on Civil and Political Rights. Therefore, the ultimate aim of implementing universal suffrage under the principle of gradual and orderly progress shall be a constitutional duty of the SAR Government and the Chief Executive.

The constitutional duty of this Council is to monitor the Government in discharging its constitutional duties, including the development of a democratic political system based on universal suffrage. This shall be an ongoing duty until the implementation of universal suffrage. It is by no means a one-off duty.

How has the Chief Executive discharged this duty? Sadly, from the very beginning, the First Report already made preparations for regression and withdrawal from pledges and commitments. The First Report pre-empted the initiative in constitutional reform enjoyed by Hong Kong people under the Basic Law and ruled out the implementation of universal suffrage in 2007 and 2008 permitted therein without any discussions, thus paving the way for the Interpretation of the Basic Law by the National People's Congress and its decision on 26 April. The package contained in the Fifth Report under discussion today is the final step; if it is passed, it will completely change the course of development towards universal suffrage.

In the case of the package for the Legislative Council Election, for example, the existence of functional constituencies is inconsistent with the principle of elections based on "universal and equal suffrage". The United Nations Human Rights Committee has made such a ruling twice, as Ms Emily LAU has explained to Members. To achieve the aim of implementing universal suffrage, we should gradually reduce the number of functional constituency seats

and increase that of directly elected ones. Even if the number of functional constituency seats cannot be cut, the degree of violating universal and equal suffrage must still be reduced by, for example, abolishing company and corporate votes. However, the package of the Government runs completely counter to this, proposing to increase the number of functional constituency seats, refusing to abolish company votes and introducing an appointment system. Consequently, DC members may become Legislative Council Members through a coterie election among 529 people. This is something that cannot be possible now. As pointed out directly by Mr Albert CHENG just now, this coterie election is more dangerous than other coterie elections. And, I may as well add one more point here. Any responsible Members of this Council will all find that their task is not an easy one and must require full-time devotion. DC members must devote huge amounts of time to the work of DCs, but some of them may have to serve concurrently as Legislative Council Members. Is this the best option?

The greatest problem with the Government's package for the Legislative Council Election is that while there is an apparent increase in the number of directly elected seats and the Government also emphasizes the availability of more opportunities for participation in politics, the whole package will in fact silently bring in a new direction — the parallel development of directly elected seats and functional constituency seats. As pointed out by Mr LEE Cheuk-yan just now, the Government has no doubt proposed to increase the number of directly elected seats, but it has also proposed to create an equal number of additional functional constituency seats. This time around, there are five more seats for each, and next time, there may be five more seats for each again. This means that the number of functional constituency seats will only increase incessantly. From our secondary school mathematics lessons, we know that two parallel lines will never intersect, no matter how long they are going to run. This means that universal suffrage can never be implemented. This is a new direction, one which will lead to a bicameral system instead of universal suffrage. If we do not veto this package, we will be led astray without our realizing it.

The greatest concern expressed by the people during the consultation on constitutional reform is that the Government simply does not have any genuine intention of implementing universal suffrage. Deep down its heart, the Government actually believes that the interests and domination of certain sectors must be safeguarded, and that functional constituency seats in the Legislative Council must be retained forever. There is an abundance of hints that can

substantiate this suspicion. One example is the Government's persistent refusal to abolish appointed DC membership. Before the debate today, I had looked up some archives, and from the records of all past debates on the system of appointed DC membership, I could see how the Government always refused to abolish this system and how it argued that since there had been a continuous increase in the number of directly elected seats, DCs were actually getting more and more democratic despite the presence of appointed members. This argument is exactly the same as that underlying the package for the Legislative Council. Precisely because they do not believe the Government, Hong Kong people have been unanimously demanding the Government to put forward a timetable for universal suffrage. The Chief Executive has all the time been blaming Hong Kong people for having no faith in the Central Authorities. But has he ever asked himself whether he is worthy of the people's trust?

On the very day when the package was announced, Donald TSANG already made it very clear in a very high profile that there would be no concessions, that if his package could not be passed, he would make us mark time, and that Members belonging to the democratic camp would have to be held responsible for all consequences. What he relied upon were the secret opinion polls conducted by the Government. He was of the view that those in support of the Government's package were in the majority, so Members should render their support.

Prof XU Chongde was right in saying that the truth is not necessarily on the side of the majority. We are duty-bound to veto a package that runs counter to the commitments made in the Joint Declaration, the principle of universal suffrage as defined in human rights conventions, the constitutional duty specified in the Basic Law and the public interests in Hong Kong.

However, public opinions are simply not on the side of the Government's package. The views expressed by the hundreds and thousands of participants in the march on 4 December are the clearest public opinions. Over 95% of the participants opposed the Government's package. As the Chief Executive, Donald TSANG should not listen only to the voices of his supporters and completely ignore the avalanche of protests.

Madam President, although we have explained our position at great lengths, the Government has still repeatedly calimed that it cannot understand

why we oppose the package, saying that we must offer an explanation to the public. Actually, even without any reminder from the Government, we will still offer an explanation to the public. Members belonging to the democratic camp have published a booklet for public distribution. In this booklet, an explanation on our opposition to the Government's package is given. Copies of this booklet are distributed to the people in the streets. In the last paragraph of this booklet, we point out that unless the Chief Executive can accord priority to the democratization of Hong Kong, withdraw the package and conduct fresh discussions, we will have to "stand firm" and oppose the package.

This Council has just voted down the motion on the Chief Executive Election. This package on the Legislative Council Election may also be negated a moment later, but we still call upon the Chief Executive to regard today as a new start, hoping that he can discharge his constitutional duty and continue to hold discussions with Members — pro-democracy or not — on the formulation of a progressive package and the steps involved, including the implementation of universal suffrage in 2012. He has told the international community that like the people of Hong Kong, he would also love to see the early implementation of universal suffrage in Hong Kong, but that there is no approval from Beijing. We pledge that if the Chief Executive can act on behalf of Hong Kong people and fight for Beijing's approval for the implementation of universal suffrage in 2012, we will definitely stand behind him. Chief Executive Donald TSANG will surely find that we are his most dedicated and faithful ally.

Thank you, Madam President.

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

MR SIN CHUNG-KAI (in Cantonese): President, many Members have already expressed the views I wish to put forward, so I would just add one or two points now. According to Secretary Stephen LAM, the vetoing of the Government's package will add difficulties to the communication between the Central Authorities and the democratic camp. He has even said that (I hope I have not misunderstood him) all the efforts made by the SAR Government in the past few months will be of no avail. I would say, somewhat crudely, that this is nothing but all bluff.

Both in the United Nations and back home, the Central Authorities have made it very clear that they wish to build up a harmonious society and listen to different views. Maybe, the vetoing of this constitutional reform package is a very great issue on the agenda of the SAR Government. But, as I once pointed out to the media, this issue will just be treated by the Central Authorities as a minor matter that is not entirely insignificant. Having spent 18 months on the formulation of this package, SAR government officials now find that it may be negated by the Legislative Council. But should they thus bundle up the package and the relationship between the democratic camp and the Central Authorities? I would not say that the relationship now between the democratic camp and the Central Authorities is good and I do not know whether there will be any improvement. But I do not think that we should bundle up the two issues. If they are really bundled up, we will see that what Mr Martin LEE said on his return is precisely the truth — all is just a set of tricks. We will realize that all the efforts and communication made so far have actually been meant to assist the Government in ensuring the passage of the package, instead of being any genuine attempts to directly relay the different opinions of Hong Kong people to Beijing. The Government advises us not to bundle up a timetable for universal suffrage and the constitutional reform package. But we would also like to advise the Government not to bundle up the package and the relationship concerned.

Sometimes, I really find it very hard to know whether Chief Executive Donald TSANG genuinely wishes to see the passage of these two motions (The Secretary is nodding, but I do not think that he can know everything in the Chief Executive's mind). The reason is very simple. Throughout the whole process of formulating the package, officials of the SAR Government have managed to gauge the different views of all of us very clearly through various channels. They should all be aware of the specific circumstances under which they can get the support of those in the Council who currently oppose the views of the Government. The Government cannot say in definite terms that it can satisfy the demands of certain Members, such as the formulation of a timetable as requested by the Democratic Party. But it has still put the package before the Council despite the clear prospect of failure. That being the case, I think there can be only one reason, one reason from the conspiracy perspective: to use the package as a means of shattering the solidarity of the democratic camp. Over the past week in particular, the Government has been escalating its actions with the only aim of shattering the solidarity of the democratic camp. But, luckily,

as at today, Members belonging to the democratic camp are still able to live up to the expectation of the electors who supported them on 12 September last year.

The package for DCs does not pose any major problems. If the package for them is really so very perfect, the Secretary can always put it into practice even after the package in respect of the Legislative Council has been negated. I am going to raise an idea, but the idea is entirely mine, not having been endorsed by the Democratic Party. The Secretary may merge the seats held by the FTU and two seats can therefore be vacated. The seats held by the four major chambers of commerce may be similarly merged, thus vacating three more seats. A total of five seats can thus be vacated. This can still create five new functional constituency seats for DCs and at the same time reduce the number of seats returned by traditional functional sectors. There is room for the Secretary to do so and there will be no need to amend Annex II to the Basic Law. The enactment of local legislation to implement this idea can already achieve the very aim of the constitutional package that the Government has been extolling over the past two months or so. And, there will be no need for any support from two thirds of all Legislative Council Members. Just 31 votes will be enough. If the Administration is really determined to implement this package, there will still be some room. The process of enacting local legislation will already suffice because there were already 34 positive votes for the motion just now.

I must therefore ask whether or not the Government really wants to develop democracy. In the past two months, some Members were reluctant to discuss what would happen if the proposal on DC seats was passed. But I want to discuss this today. Several months ago, when I discussed this with Members belonging to other political parties and factions, they told me very clearly the aim of this proposal on DCs. On the one hand, there are going to be five more directly elected seats and on the other, there are going to be five more functional constituency seats as well. The democratic camp is expected to win three of the five additional directly elected seats. The remaining two seats are expected to be won by others. The ratio will thus be 3:2. For the new functional constituency seats, with the system of appointment, appointed DC members are expected to get all the five additional functional constituency seats. The ratio will thus be 5:0. Assuming that there is no change in the composition of the existing 60 Legislative Council seats, the proposal will actually deal a blow to the influence of pro-democracy Members because the 10 new seats will be divided according to a ratio of 3:7.

The democratic camp can well understand this vicious motive. But the real reason for our objection to the constitutional reform package is not the blow that will be dealt by the reform package to our influence. The most important reason is that we genuinely wish to see a timetable for universal suffrage. But then, the Government has sought to bundle up the system of appointed DC membership and this motion. As a result, the package will be implemented in different stages starting from 1 January 2007 or 2008. I do not quite know how many stages there will be, but a conservative estimation is that completion will only be possible in 2016 or even later. How can we possibly say to the people that in this abolition of appointed DC seats that can actually be dealt with by enacting local legislation under the Basic Law, we will still have to wait 12 years?

I have recently received an email. The sender of this email told me that he had turned 18 in 1994 and he had been very happy then because he could exercise the civil right of voting for the first time. At that time, all DC seats were already directly elected. But during the period from 1995 to 1997, we did not notice any major problems or even chaos with the operation of DCs. They still functioned normally and remarkably well. Mr TUNG Chee-hwa administered Hong Kong for seven years. Chief Executive Donald TSANG will first rule for two years and then for five more years (I am just assuming that this will be the case). And, I do not know for how many years we still have to wait. But if the whole process can only be completed in 2016, it will actually mean that during the 22 years from 1994 to 2016, DCs will have experienced a change from having appointed members to having no appointed members and a subsequent reversal of this change. The email sender who voted for the first time in 1994 told me that he will already be 41 by then. When he voted for the first time, he could elect a DC made up entirely of directly elected members, but it will take 22 years for this to happen again. It will take as long as 11 years to do something so simple, so when can universal suffrage be implemented? At least two times as long. In other words, it may well take 20 years — even Ms Audrey EU is smiling. Ms Audrey EU, I believe you will have retired by that time. *(Laughter)* If I am lucky enough, I may already have grandchildren then. I am afraid I will not be able to fight for democracy for my sons. I should say I hope to struggle for democracy for my grandchildren. *(Laughter)*

For a couple of days already, Chief Executive Donald TSANG has been very anxious. And, he just tried to appear happy even at the opening ceremony

of the AsiaWorld-Expo today. Actually, if he were a Chief Executive returned by election, he would not have to wear such an insincere smile today because such a Chief Executive will not have to wrestle so often with an elected legislature. But as an appointed Chief Executive — he will of course claim that he was elected by 800 people but I can still remember how he whistled and how very happy he appeared on the very day he was appointed Chief Executive — he will have to show some results to his boss, and he probably does not know whether he can get through.

President, I hope that Chief Executive Donald TSANG can really think about what he can possibly do in the future to help Hong Kong people fight for democracy, instead of just working for his boss. I hope he can remember what he once said: "I was nurtured by the water of Hong Kong". But well, the water of Hong Kong actually comes from the rivers to its north. Maybe, he must after all be answerable to the overlord up north.

President, even after this package has been vetoed, there will still be much room for the development of democracy in Hong Kong. As long as the SAR Government can show its determination and pluck up its courage, it will certainly make it. If the Chief Executive can launch a signature campaign in the streets to show the determination of the SAR Government and Hong Kong people to fight for democracy, I believe the number of signatures that can be collected will be far greater than 700 000. It is even possible to collect as many as 2 million signatures. He does not need to rely on the DAB. The SAR Government can simply open all its 500 polling stations for such a campaign and as many as 2 million to 3 million signatures can easily be collected. Why does it always refer to the 600 000 or 700 000 signatures? Whenever it is in its interest to do so, the Government will talk about public opinions, saying that 60% of the people support its constitutional reform package. But it has never mentioned that 60% or even 70% of the people support the full implementation of universal suffrage. Why does it not bundle up these two sets of opinion poll findings?

This morning, I did not speak. But it was not my intention to employ any ambush tactic. Rather, I was just too fed up to do so. I already finished saying all I wanted to say in the past two months. Actually, what count most are not mere words. The struggle for democracy will depend on people's feet. It is important that people do come forward. As long as the Government refuses to give democracy to the people of Hong Kong, I am convinced that on

1 July every year, several hundred thousand people will always take to the streets to carry on the struggle for democracy. I so submit.

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

MR ALAN LEONG (in Cantonese): Madam President, the two motions for debate in this Council today are crucial because the Government has time and again wasted prime opportunities for implementing real democracy and restoring effective administration and harmonious society both before and after the publication of the Fifth Report of the Constitutional Development Task Force (the Fifth Report). We voted down the Government's motion in order to give the Government a forceful warning that in future constitutional reviews, it must not sidestep the main issues and intimidate the people or give them perfunctory responses in a bid to promote proposals that are completely useless to the development of democracy. If the Government can learn a lesson from its failure this time and rectify its thinking, new horizons will hopefully be opened up for the development of democracy in Hong Kong.

The Government has repeatedly stressed that the present package is the highest common factor that has taken account of the Basic Law, the 26 April Decision made by the Standing Committee of the National People's Congress (NPCSC) and the development of democracy. But looking back on the developments since the publication of the Fifth Report, I think the Government has failed to seize at least four opportunities to strive for democracy to the greatest possible extent using the leeway provided by the Basic Law and the 26 April Decision, thus wasting the prime opportunities for more popular and equal political elections. A review of the Government's performance on these four occasions will perhaps help the community understand who should be held responsible for the so-called stagnance in development.

Madam President, the first opportunity was no doubt the stage of public consultation before the publication of the package. Even though universal suffrage could not be mentioned in the consultation because of the 26 April Decision, there are still plenty of measures that do not touch the 26 April Decision but are capable of making the elections more popular, more equal and more competitive, such as abolishing the corporate votes of functional constituencies (FCs), combining those FCs with a small electorate, lowering the

threshold for nomination for the election of the Chief Executive, and so on. The Government has not put forward any of these measures for consideration by the public. Moreover, tricky questionnaire surveys have deliberately led the public to follow only the Government's line of thinking in its proposals on the District Councils (DCs).

The second opportunity was when the Government decided to expand the Commission on Strategic Development (the Commission) and instructed the Commission to discuss the timetable and roadmap for achieving universal suffrage. Using a non-democratic structure to forge a consensus in society on the development of democracy is in itself a strange idea already. The Commission is controlled by pro-government forces, and many of its members have openly questioned the concept of universal suffrage. This shows even more sufficiently that asking the Commission to discuss a timetable for universal suffrage is merely passing this issue to a group of people who have no wish to take forward universal suffrage, such that the discussion on this issue will continue endlessly.

Madam President, the third opportunity was after the mass rally on 4 December. Obviously, the Government's tactic of making use of the Commission to put off universal suffrage grossly infuriated the public and stimulated many people who originally had not planned to take to the streets to come forth, in order to expressly demand for a clear future for universal suffrage. Faced with the unequivocal aspirations expressed by hundreds of thousands of people, the Government, apart from harping on the same old tune with a few fine-sounding remarks to deceive the people, nevertheless relinquished its dignity and taken part in a high-profile manner in the activities organized by political parties in support of the constitutional reform package, without giving any substantive response at all. This has further torn apart the already divided society, thus polarizing society and creating a most exclusionary atmosphere rivalry. This has indeed aroused doubts among the people about whether the Chief Executive truly wishes to work for harmony or destroy it?

The fourth opportunity was when the so-called adjusted package was introduced just this Monday. It turned out that the greatest adjustment being made is to spend 10 years' time to gradually abolish the appointed DC seats which vanished one time as early as in 1995. It means that it takes 20 years to go back to what it was like in 1995 when there was no appointed DC member,

and this is still claimed as a quantum leap towards democracy. This is not just fooling the people. This is a gross insult to the intelligence of Hong Kong people, making Hong Kong people see more clearly that the Central Authorities and the SAR Government are not in the least sincere about giving universal suffrage to Hong Kong, and this is thoroughly disappointing.

We must bear in mind that there were at least four opportunities when the Government could have put forward proposals to take forward democracy more comprehensively and to enable elections to better reflect public sentiments, or at least tell the public where the finishing line is in striving for universal suffrage. However, the SAR Government has missed the opportunity over and over again, insisting that the community must accept this package which is devoid of details and which can hardly convince the people that it could achieve the objective of universal suffrage. What is more, the Government has even shifted the blame for the defeat of the package to people opposing the package. These attempts of calling a stag a horse and telling lies brazenly, and also those arrogant faces and domineering attitude are most infuriating and appalling. This has made people ask: When did officials of the SAR Government degenerate to such an unbearable standard? Do they know that their political integrity has gone bankrupt, and that their conscience as intellectuals has disappeared into obscurity? We cannot but feel worried. That our next generation will not be able to see universal suffrage may not be the biggest loss, because if they are influenced by these values which confuse right and wrong to an extent that they do not even know the moral integrity expected of intellectuals, that would be most saddening for Hong Kong.

Madam President, over the past two months or so, we have time and again heard the Government and supporters of the package hurling criticisms at the pan-democratic camp. They criticized our advocacy as being too drastic, and they considered that only the Government's package is in line with the spirit of gradual and orderly progress. We hope that our critics can see clearly that there is not really any "progress" in the present package, and that they can see clearly what "progress" truly means. The goal of gradual and orderly progress is universal suffrage, which means that the FCs that run counter to the principle of universal suffrage will disappear. In other words, to make a comment on whether there is "progress", the criteria should be whether the FC elections will gradually disappear and be replaced by popular elections.

Madam President, for the first term of the Legislative Council, there were 20 directly-elected seats, 30 FC seats and 10 Election Committee (EC) seats; for the second term, there were 24 directly-elected seats, 30 FC seats and six EC seats; and for the third term, 30 directly-elected seats and 30 FC seats have been returned. According to the logic of the replacement of FC seats by directly-elected seats, the so-called gradual and orderly progress of the political system should mean that the number of directly-elected seats will gradually increase, whereas that of FC seats will gradually decrease, even if one seat is replaced at a time. But there must be this process, in order to comply with the original intention of gradual and orderly progress.

However, the 26 April Decision has suddenly brought this process of replacing FC seats by directly-elected seats to a halt. But does it mean that there is no room for the Government to make gradual and orderly progress continuously? That is certainly not the case. Why do we consistently propose the abolition of the corporate votes of the FCs? It is precisely because this can maintain the FCs and enlarge the electorate base and in particular, this can eliminate the inequity of returning a Member of the Legislative Council by an electorate consisting of dozens to hundreds of voters. Using this as a starting point, we can ensure that the gradual and orderly progress will not take the wrong path.

Nevertheless, the Government completely dares not touch the existing FCs. FCs with a small electorate will continue to enjoy privileges that are unattainable to the general public. In the meantime, the Government will expand the Legislative Council and the EC, and also provide more opportunities for elected DC members to take part in politics, in order to show a stronger public mandate. However, it has at the same time created for the EC more seats to be returned by the small circle, and through the appointed DC members, it can ensure that it will continue to control the results of the elections of the Legislative Council and the Chief Executive. This is only a tactic which confers more powers on DC members but at the same time make use of more of their own men to dilute the influence of DC members. There is no progress whatsoever to speak of.

To protect the interest of the privileged few, more seats will have to be returned by the small circle along with the increase in the number of elected seats. Is it that every time when the percentage of elected membership is increased in various tiers of the political system, more free political lunches will

have to be given out to more people at the same time? Does constitutional reform mean continued augmentation of the political system, and continued expansion of the privileged class who relies on small-circle elections to come to power? When the number of people who enjoy political privileges in the Legislative Council or in the EC has increased rather than decreased, would it become easier or more difficult to ask them to give up their privileges to achieve elections of popular and equal suffrage? The answer is obvious.

We are an international metropolis with a robust economy and universal education. Our people absolutely have the ability to analyse on their own the pros and cons of different policy orientations and to choose policies and policy administrators suitable for Hong Kong. We do not need to rely on indirectly-elected representatives to exercise this right, whether they be DC members, EC members or delegates to the Chinese People's Political Consultative Conference.

Madam President, recently, there have been continuous criticisms that the theory of taking forward democracy by enacting local legislation is misleading the public. They stressed that without the Fifth Report and without the NPCSC giving the green light, we absolutely will be going nowhere in the development of democracy. I wish to take this opportunity to solemnly point out that it is absolutely not the democrats who are misleading the public, but the Government who has kept on threatening the public that democracy would not progress if they do not accept its package and also the conservatives who have been paving way for the package from behind.

I hope that the Government can clearly give us a response. If the Fifth Report is not passed, will the Government abolish the corporate votes of the FCs when introducing local legislation on the two elections? Will it redelineate some of those small FCs with an electorate of only dozens to hundreds of voters? Will it set a ceiling for nominations in the election of the Chief Executive? Will these involve amendment of the Basic Law? In carrying out these reforms, is it necessary for the Government to again submit reports to the NPCSC? If the answers to the last two questions are in the negative, then why is the suggestion of taking forward democracy by enacting local legislation misleading?

We heard that the Chief Executive and Secretary Stephen LAM have kept on stressing that there would be no constitutional reform to enable us to move

towards universal suffrage if the Fifth Report is not passed. What attitude is this? If the Government is genuinely committed to achieving universal suffrage, it should move forward by an inch if it cannot move forward by one foot, and even if it cannot move forward by an inch, it should move forward by one tenth of an inch. Recently, we have learned that in the Sixth Ministerial Conference of the World Trade Organization held in Hong Kong, the 148 countries which do not speak the same language and which have huge conflicts of interest among them have drawn up the timetable for eliminating agricultural subsidies in 2013. This has adequately proven that nothing is impossible as long as there is a political will. However, we have seen that while the SAR and the Central Authorities said that we are in the same family, they nevertheless said that it would be immensely difficult even to draw up a timetable. This only shows that they have no sincerity and no commitment at all.

Finally, the question of the timetable and roadmap for universal suffrage. We cannot accept that we have to spend another two years for the Commission to discuss a timetable for discussing a timetable. The many opinion polls and the rally on 4 December have unequivocally expressed the aspiration for "no later than 2012". Now that it is impossible for universal suffrage to be implemented in 2007 and 2008. I urge the Government to seize the opportunity immediately to draw up a timetable based on 2012, and immediately design the roadmap for replacing FC seats by directly-elected seats from now and up to 2012.

In fact, Madam President, this discussion on the constitutional reform package is very meaningful, for this discussion is a hotchpotch of a great many obsolete, outdated and repetitive theories against democracy advanced during the last two decades of more. Having said that, however, it has also given the community an opportunity to understand more clearly what they really wish and aspire for. The Government can no longer muddle through on the issue of the constitutional system. The intelligence of the people has further matured, and with the genuine willingness of the Government to rectify its past mistakes, this will definitely be helpful to bringing the democratic movement in Hong Kong back onto the right track.

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

(Clapping in the public gallery)

PRESIDENT (in Cantonese): Will those in the public gallery please note that you must not clap in the course of the meeting.

MR JAMES TO (in Cantonese): President, during the past couple of days, reporters had been asking Members for their views on the constitutional reform package. A reporter from a pro-communist newspaper had made calls on me for two hours one night. This reporter had called me once every two minutes and so, I had received over a hundred calls that night. But the reporter only asked me one question in the end and that is, what I thought about the package of proposals, and I replied that there was not any sincerity in it. The newspaper then asked me what attitude I would adopt and how I would vote ultimately. I said that I would vote against it. That was what I had told that newspaper. I had no idea why they would call me to such an extent that my pager was near "explosion". Perhaps it was because I have suddenly been commenting on the constitutional reform more often recently.

According to my own analysis recently, the situation has developed to the present state because of several problems that should actually be resolved. If these problems can be resolved, there will still be hopes for us in the near future.

The first point that I have noticed is that I think Mr Donald TSANG has not tried his best to strive for a timetable for universal suffrage from the Central Authorities. Why do I say so? It is because the Chief Executive suddenly said in the past couple of days that he would report to the Central Authorities the consensus reached by the Commission on Strategic Development (the Commission). However, this cannot solve the problem. The Democratic Party has requested the Chief Executive to put forward to the Central Authorities the proposal of implementing universal suffrage no later than 2012, and Mrs Anson CHAN has also expressed this wish recently. In review, we will see that before the rally on 4 December, the Deputy Secretary-General of the NPCSC, Mr QIAO Xiaoyang, openly admitted in Shenzhen that the mainstream public opinion in Hong Kong, which is to achieve universal suffrage as early as possible, should be respected. After the 4 December rally, I noticed that Mr LI Gang, Deputy Director of the Liaison Office of the Central People's Government, continued to cite Mr QIAO's remark that the public opinion of demanding a timetable for universal suffrage should be respected. Judging from this, I think the Central Authorities has still adopted an open attitude towards a timetable for universal suffrage.

The thrust of the question is that can this remark of Mr QIAO alone inspire the greatest confidence in Hong Kong people? I have no intention to show any disrespect to Mr QIAO, but he is only a technocrat, not a decision maker. The Central Authorities can dismiss or deny his remark anytime. That is why I have been so bold as to suggest that leaders responsible for Hong Kong affairs be asked to give a positive response to the request of Hong Kong people for a timetable on universal suffrage. Regrettably, there has not been any response so far.

Moreover, Mr TSANG believes that he should be able to see universal suffrage during his lifetime. Such being the case, I cannot but ask this: No matter in which year he wishes to see the implementation of universal suffrage, why does he not officially make this request to the Central Authorities? This can at least give Hong Kong people or himself hope.

The second key problem concerns the mutual trust between the Central Authorities and the democratic camp. In fact, I very much support the recent policy of the Central Authorities on establishing communication with the democratic camp. After Vice President ZENG Qinghong invited Members of the Legislative Council including Members from the democratic camp to a banquet and also his invitation to all Members of the Legislative Council for a visit to the Mainland, I noticed recently that Mr ZHU Yucheng of the Institute of Hong Kong and Macao Affairs, when interviewed by a newspaper, stated the attitude of the Central Authorities towards the democratic camp. Mr TSANG Hin-chi, a local member of the NPCSC, also quite rarely made similar remarks. Even though we voted down the amendment to the Annex regarding the selection of the Chief Executive this afternoon, I saw on television that Mr XU Chongde in Beijing still made remarks similar to those of Mr ZHU and Mr TSANG. They hold the view that enhancing communication is, in fact, the best solution to untie the Gordian knot of constitutional reform, and this is also a view shared by us. In the Party Platform of the Democratic Party and the pledges made by the democratic camp in their election campaigns, it is explicitly stated that we will fight for the right to universal suffrage for Hong Kong people. This is the bottomline of the democratic camp.

The democratic camp does not have other political plots, but the Central Authorities still cannot sit down to sincerely communicate with the democratic camp. They have only listened to those people with political stance, prejudices and political interests smearing the democratic camp. Once misunderstandings

are formed, they will accumulate over time and a gap will hence develop; when a gap has emerged, it will be difficult to come up with a compromised package which is built on confidence and trust, and this is one of the reasons why the situation has developed to this state today.

The third point is that the business sector is still unwilling to accept the reality that Hong Kong will ultimately move towards universal suffrage. As Mr Albert CHENG mentioned earlier on, the business sector can play a critical role in the economic prosperity and social stability of Hong Kong. However, it is impossible to have free political lunches permanently in this world, and a well-developed democratic system is also an important cornerstone of economic prosperity and social stability. For this reason, I have suggested the SAR Government and the Central Government to put across to the business community a clear message that universal suffrage is an inevitable fact and so, they should actively make preparations for the fact that universal suffrage will definitely arrive.

I have noticed recently that the Chief Secretary for Administration, Mr Rafael HUI, particularly mentioned this point in a speech given to the business community on one occasion. But still, this is not enough. I always hope that the business community will not become the greatest obstacle in the public's pursuit of universal suffrage. We do not see in the Fifth Report any sincerity for moving in the direction of universal suffrage, and the amended package even proposed that the appointment system of the District Councils be maintained until 2016 or later. In the meantime, the Central Authorities still have not given a positive response to the action taken by Hong Kong citizens in demand for a timetable of achieving universal suffrage through the 4 December rally. If the package of proposals is passed, there would be no reason for me not to suspect that the Central Authorities and the SAR Government will very likely employ stalling tactics by making use of the Commission or various other pretexts, procedures and tricks continuously to deal with public aspirations.

For this reason, given my undertakings to voters, I have no alternative but to vote against the motion. But here, I think we should look ahead. I urge that firstly, Mr TSANG should act in accordance with the mainstream public opinion recognized by the Central Authorities and put forward to the Central Authorities a proposal on a timetable for universal suffrage, in order to realize Mr TSANG's wish of seeing universal suffrage during his lifetime. Secondly, communication between the Central Authorities and the democratic camp should be enhanced to

facilitate the candid exchange of views on the question of timetable, to eliminate misunderstandings and hence create a truly harmonious society for Hong Kong. Thirdly, the business sector should accept the fact that universal suffrage will be achieved ultimately and must not become the obstacle to democracy. Instead, they should all the more actively prepare for universal suffrage.

MS AUDREY EU (in Cantonese): President, when Donald TSANG contested the election of the Chief Executive, he put down "politician" as his occupation. He knew very well what his tasks would be. On the one hand, he must pick up the pieces and rebuild Hong Kong people's confidence in the SAR Government, and on the other, he must do what he is doing today and that is, to make electoral arrangements for the elections in 2007 and 2008, and to come up with a truly democratic package accepted by two thirds of all Members of the Legislative Council (who represent two thirds of all members of the community).

But most unfortunately, after the publication of the Fifth Report, Hong Kong people have not seen the charisma, vision and resolve of a politician. What they have only seen is that our Chief Executive, together with the Chief Secretary for Administration — I wish to mention incidentally that I do not know why he was here only for a very short while when such an important motion is debated today and there have been no signs of him afterwards — and Secretary Stephen LAM and also the entire Government, including Members of the Executive Council, and many movie stars launching political public relations and publicity campaigns with sweeping momentum to promote a package of proposals which lacks democratic progress in substance.

I think it is most unforgivable that when our Chief Executive travelled around the world to promote this package and during an interview by the BBC in Britain, he, when asked when universal suffrage could be implemented in Hong Kong, told the foreigners twice that it would be implemented "as soon as possible". He also praised Hong Kong people highly for their being sophisticated. What I consider unforgivable is that when he talked about this issue with foreigners, he could talk about it in a grand, high-sounding way. But when he talked about it in Hong Kong, he would be dragging his heels and beating about the bush. Moreover, as a politician, he should understand the ABCs in politics. The greatest enemy of democracy and the most unacceptable thing is appointment. How could he put forward a package which includes 102 appointed members of the District Councils (DCs) and then force us to accept it?

This is entirely unacceptable. Just this point alone already makes me consider this package of proposals unacceptable. Furthermore, he also told us that the appointment part will be abolished in two to three phases. If he cannot even justify himself on such a simple principle, how could he be so shameless as to ask us to explain to our voters?

Recently, the "bundle theory" has been very popular. It is said that the democratic camp has bundled up the timetable for universal suffrage and the constitutional reform package. It is also said that the democratic camp has bundled up itself. I can tell Members clearly that I have not been bundled up by anybody. Nor have I bundled up anybody. I can see the picture very clearly. Whenever we make a decision, we must look at the justifications and the criteria; we must carry through our beliefs and persistently hold onto them.

In fact, I think history can make it easier for people to see the picture more clearly. Sometimes, we can be easily confused if we just look at the problem before us. Let us recap some history. Back in 1988 when the democratic camp was fighting for direct elections, they demanded the implementation of universal suffrage as soon as possible, whereas the conservatives opposed it, suggesting its deferral to 2007 and 2008. At that time, both the Liberal Party and the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) stated in their Party Platforms that universal suffrage should be implemented in 2007 and 2008. But when the implementation of universal suffrage in 2007 and 2008 was discussed, they changed their mind and pushed universal suffrage to a later date. During the election of Members of the Legislative Council in 2004, the Liberal Party and the DAB stated that universal suffrage should be implemented in 2012. So, having heard all these suggestions, I realized what "step by step" means. It means taking only one step at a time. It means that Hong Kong people are so shortsighted that they can only see one step at a time. But when we said that the next step should be to implement universal suffrage, the conservatives argued that we should wait until it is time to take the next step. Every time we can only talk about how to make one step; we cannot talk about the next step after that. This will impede the progress of democratization, because the conservatives are always retrogressing, and this will obstruct the progress of democratization. There is this very interesting phenomenon in Hong Kong — confusing right and wrong and calling a stag a horse. Today's democracy fighters, who began to fight for democracy in 1988, or 20 years ago, are nevertheless said to be sinners of democracy because they oppose this package. On the contrary, those conservatives and

those who have been moving backwards — we can see this point when we review history — are said to be vanguards of democracy because they support this package of proposals which entirely makes no substantive progress in democracy.

In fact, it is of paramount importance that there must be criteria to base our judgement in all issues, and this is precisely how we gauge whether it is a package that truly moves towards democratic universal suffrage. In simpler terms, we only need to look at the criteria laid down by the Basic Law. We must follow the provisions in Article 25 of the International Covenant on Civil and Political Rights. What is universal suffrage? It is universal and equal suffrage. In other words, each person should have one vote, and each vote should carry the same weight. We are using this as the only criteria to gauge whether the package before us should be supported, rather than looking at whether a few seats will be increased under this package, as suggested by those Members speaking in support of the Government's package today. An increase of several seats does not mean that it is a more democratic package. The democratic camp will never look at things from the angle of private gains. We do not care about how many jobs or seats will be increased. What we care about is whether the people will have the rights to which they are entitled and whether there is equal and universal suffrage. So, the only test is whether these two proposals will broaden the electorate base. Under the proposal put forward by the Government regarding the method for the selection of the Chief Executive, the number of members of the Election Committee will increase from 800 to 1 600. The number seems to double nominally, but among the 800 newly included members, 400 are elected DC members and among the rest of the 400 members, 300 will be returned by functional constituencies which already have votes now, and the other 102 new members will be appointed DC members. In other words, while the number of directly-elected members will increase by 400, non-directly-elected members will also increase by 400, which means that the percentage of elected membership will be offset and so, there is basically no substantive progress. While the threshold of nomination for candidacy in the election of the Chief Executive will increase from 100 to 200, the required nomination will still be one eighth of the total membership, which means that no progress will be made.

The motion on the method for the formation of the Legislative Council has the same problem. Given the Interpretation of the Basic Law by the National People's Congress last year, the ratio of directly-elected seats to Functional

Constituency (FC) seats cannot increase, and this has already made gradual and orderly progress impossible. The current package proposed that the number of FC seats be increased by five, and this already violates Article 68 of the Basic Law which provided for the election of all Members of the Legislative Council by direct elections ultimately. In other words, to achieve universal suffrage, apart from abolishing the existing 30 FC seats, we also need to further abolish the five new FC seats proposed in the package.

As for the proposal on DCs, Mr Albert CHENG already pointed out its defects in his speech earlier, and I do not intend to repeat them here. I very much agree with Mr Ronny TONG who said in his speech that when members of the public voted for these DC members in 2003, they did not give these DC members the mandate to perform the additional functions of electing from among themselves representatives to serve as Members of the Legislative Council, or becoming members of the Election Committee for the selection of the Chief Executive.

All these are simple principles. Ms Margaret NG mentioned earlier that we have published some booklets to explain why we oppose this constitutional reform package. I think it is now more important to discuss what we should do after a vote is taken on these two motions today. First, the Chief Executive has the constitutional duty to continue to communicate with Members, in order to come up with a truly democratic package which is supported by two thirds of Members of the Legislative Council and which makes substantive progress in democratization. This is the constitutional duty of the Chief Executive, an unshirkable duty of his.

Second, we also need to carry out plenty of work relating to the enactment of local legislation, in order to broaden the electorate base. Many colleagues mentioned the abolition of the appointment system earlier in their speeches. I very much agree with Mr SIN Chung-kai who pointed out in his speech that all appointed DC seats has already been abolished in 1994, but the package now proposes to create 102 new appointed DC seats. This is turning the clock back first and then spending as long as 11 years to abolish all appointed DC seats. If we start counting from 1994, it will take us a total of 22 years, which means that we can go back to what it was like in 1994 only in 2016. This is entirely unacceptable. Moreover, there are still a lot that the Government can do. For example, the corporate votes of FCs can be changed to individual votes. This is

a step that should be taken in the course of democratization, and it does not entail amendment of the Basic Law or its Annexes I and II. The SAR Government is entirely in a position to do it.

Third, as many colleagues have said, and as Mrs Anson CHAN also said in the press conference held by her recently, it is obvious that the general public in Hong Kong or 70% of Hong Kong people support the implementation of universal suffrage no later than 2012. Mr Donald TSANG, being our Chief Executive, is duty-bound to fight for us. He should also give us his undertaking in this respect and state openly his attitude towards the implementation of universal suffrage in 2012. He should not tell other people only in Britain that universal suffrage should be implemented as soon as possible. He should display the same courage in Hong Kong. Speaking of courage, I think Donald TSANG, our Chief Executive, is the person most in need of courage. Will he please pluck up the courage and give us the undertaking of implementing universal suffrage in 2012 or no later than 2012.

Fourth, as Mr LAU Chin-shek said earlier in his speech, apart from improving the electoral system, there is still a lot that the Government can do to improve and upgrade the governance of Hong Kong and also assist the development of party politics and civil society. In addition, the Government still needs to carry out some policy research work. I hope that the Government can continue to co-operate with Members of the Legislative Council in this regard. Recently, the Government has established the Commission on Strategic Development which is tasked to discuss and make decisions on such issues as the drawing up of a timetable or a roadmap for universal suffrage. This is sheer stalling tactic. The public can clearly see that this is stalling tactic. In fact, the Legislative Council is still a body with the greatest popular mandate. So, I urge the Government to bring these important issues to the Legislative Council for discussion in order not to waste any more time.

President, the vote to be taken will be historical. Although the outcome will be the vetoing of a motion on the constitutional reform, plenty of discussion has been aroused in the community. I believe members of the public have clearly seen and clearly realized what is most important and central in the way towards universal suffrage. What the Government has done this time around has revealed before the eyes of the public the intimidating or suppressive tactics employed by the Government. But I think that this is nothing to be scared of.

In *The Analects of Confucius* there are these very good teachings: "The virtuous are free from anxieties; the wise from perplexities; and the bold from fear." I trust all Members from the democratic camp will be free from worries and perplexities today in casting their votes, because this is not for personal honour or disgrace. Rather, it is a vote to be cast according to one's own judgement on facts and one's own conscience.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): Members, it is now 10.13 pm. I have to make a decision at this stage as to whether we can finish this meeting by midnight. Now, only one Member has pressed the button indicating his wish to queue up for speaking. Members who are in this Chamber, if you are interested in speaking on this motion, will you please raise your hand to indicate your wish, so that I can do some counting very quickly?

(Four Members raised their hands to indicate their wish to speak)

Yes, I have seen it. Together with those Members who have just raised their hands, a total of five Members wish to queue up for speaking. Even if each of these five Members exhausts his speaking limit of 15 minutes, and together with the reply of the Secretary for Constitutional Affairs, we are still able to finish all the business on the Agenda in this meeting before midnight. So, I decide that we shall carry on with the meeting in the hope that it can finish today.

MR FRED LI (in Cantonese): President, I am not going to use up all the 15 minutes, (*laughter*) because I know that many arguments are just repetition. But I would like to read out an article which professed a position and see if Members are familiar with it or not. It is about the issue of appointment concerning the District Councils (DCs).

I am citing the remarks of a person: "The abolition of appointed district board seats is not, as some Members suggest, a radical change. Rather, it represents the culmination of a gradual process of changes in the composition of

these bodies over the years. The district boards were set up in the early 1980s and by any yardstick, fully elected membership for these bodies in 1994 to 1995 can hardly be described as a development of undue haste. Indeed, it is a logical step to take. There are concerns that after the appointed members have gone, their expertise cannot be readily replaced. But at the same time one must equally recognize the need for our system of representative institutions evolving to meet the aspirations of the community. The district boards can co-opt experts onto their committees if such a need arises. We firmly believe that it is both timely and appropriate to abolish appointed membership in district boards."

After I have cited these remarks, I believe Secretary Stephen LAM must know whose remarks they were. "The constitutional package is not, as some Members imply, Governor Chris PATTEN's package. It is a Hong Kong Government package. The proposals are the results of consultations within the community with the endorsement of the Executive Council.....They have received support within most sections of the community."

These views were read out in the Chamber of the Legislative Council by the then Secretary for Constitutional Affairs, Michael SUEN (sic), on 23 February 1994, and this is put down in the record of proceedings. If I do not say that these remarks were made by Secretary Michael SUEN (sic), I would think they are probably remarks made by the Article 45 Concern Group and other Members of the democratic camp. However, these remarks were made by a government official 11 years ago. Eleven years later, government officials are telling us now that the appointed seats have to be maintained and that after extensive consultations, they should be retained in order to make contribution to the local community. If any one of these 25 Members of us makes an about-turn and supports the Government, there might be room for bargaining over, say, changing the percentage from one fourth to one fifth. But what will happen next? It will take more than 10 years to abolish these seats gradually. What sort of a government is this? Such an absurd, capricious approach is entirely a reflection of double standard adopted by the Government. The Government said today that the appointed DC seats should not be abolished. But it stressed some 10 years ago that the abolition of appointed seats was a package put forward by the Government, not a package proposed by Chris PATTEN, and that it was the result of extensive public consultation. How is Secretary Stephen LAM going to respond? Is it that public opinions have

changed completely and that members of the public are now asking for the retention of appointed seats?

According to many surveys, I do not see substantial changes in the public opinions in Hong Kong. I was a member of district board 20 years ago, and I have witnessed the gradual changes in them. In today's DCs, is it still necessary for experts appointed by the Chief Executive to provide input in the DCs? I do not wish to discuss with the Administration the question of vote planting, or the proposal that all appointed DC members can join the Election Committee for selecting the Chief Executive. But why should we still maintain appointed members?

The appointed membership of the Legislative Council was abolished in 1995. So, there has not been any appointed Member since 10 years ago. Why would appointed Members be abolished? I think both the Chinese and British Governments agreed at the time that the number of appointed Members which had taken up all the seats since a century or so ago should be reduced gradually, and in 1985, the first batch of indirectly-elected Functional Constituency Members joined the Legislative Council. Directly-elected seats were introduced in 1991 and appointed seats were completely abolished in 1995. This was agreed by all. Why were these seats abolished? Why were appointed Members not retained? If there was the need to recruit experts, experts could be appointed to the Legislative Council. The Government could have said that certain types of talents were lacking in the Legislative Council and it was therefore necessary to retain appointed Members. But why were appointed Members not retained in the Legislative Council? It is because everyone agreed and the public could also see that as appointed Members are appointed by the Government, how could they perform the role of monitoring the Government instead? Insofar as this role is concerned, what is there to convince the public that these Members are representatives of public opinions?

DCs are district advisory bodies, and if they are appointed by the Chief Executive, to whom they will be responsible? Which aspects of their performance will be considered to determine the chance of their reappointment? Will it depend on whether they have the support of voters or whether their performance in their ward offices has earned the commendation of the public? Certainly not. The key is their performance in the DCs, their attendance rate in

DCs, how much donation they have made to support district activities, and how they have given their support during votes that are critical to the Government. All these are the roles performed by appointed Members.

Certainly, the situation has now changed. In 1995 there was no appointed Member anymore, and even in 1991 when there were still appointed Members, the situation was not as obvious as it is now. The present situation is one of "pie-sharing". Parties or factions in support of the Government will be allocated appointed seats, so that they can train their second or third echelons in districts. As they will be provided with resources because they will be salaried and be given allowances, they can train their second or third echelons and continue to strive for seats in districts and hence pave way for direct elections in the future. Therefore, to political parties (I mean the DAB, the Liberal Party, and so on), appointed seats are very important because they need government resources to help their development in districts. We do not accept appointment and so, we do not have appointed members in districts or in the DCs. This is what I wish to point out in particular.

The second point is that earlier on, Secretary Stephen LAM vehemently talked about opinion polls at length, pointing out that these and those people supported the Government. Certainly, everyone will cite statistics that are favourable to themselves, and this, I absolutely understand. But some time ago, in this Dinning Hall — it should be this Chamber, not Dinning Hall, *(laughter)* though I am responsible for food safety — the Government adopted a double standard in dealing with signatures. Today, there are more than 700 000 signatures, so to speak, and Chief Secretary Rafael HUI is very much moved by them. Secretary Stephen LAM is very happy too, and they have accepted these signatures together.

Just a few years ago when legislation was proposed to be enacted to implement Article 23 of the Basic Law, there were 170 000 signatures opposing the enactment of legislation to implement Article 23 of the Basic Law, but the Government said that these signatures were fraught with problems. For instance, they were considered repetition and there were problems with the format too. I believe they had paid very careful attention to those forms and looked at those signatures in great detail, trying their best to find fault with those 170 000 signatures. Although these 170 000-odd signatures opposing the

enactment of legislation to implement Article 23 of the Basic Law accounted for 72% of the total number of signatures as pro-government groups were also collecting signatures at the time, the Government still stated that the majority supported the Government and therefore turned a blind eye to these signatures, doing everything it could to play down these signatures and sweeping them under the carpet. What does this reflect? This reflects that it will emphasize and highlight opinions supporting the Government and opinions to its liking as far as possible, but it will make every effort to suppress dissenting views and adopt a double standard.

When it comes to opinion polls, I am no expert on them. But I have studied sociology for several years, and I know that one can easily make use of questions to guide answers, and I know how questions should be designed to get the desired answers. Opinion polls are not *Bible*, and they cannot be used as proof of everything. Even the most independent, scientific and objective opinion poll can only reflect the views of a certain group of people at a certain time. When it comes to the administration of the Government, can the Government make use of opinion polls all the time to make decisions? I do not think so. More often than not, despite clear public support for some policies, the Government still does not make any changes. For example, if members of the public are asked if they would wish to see bus fares come down, we surely know what their answer will be; and most people would wish to see a reduction in electricity tariffs and transport fares. So, the Government would consider it unnecessary to conduct opinion surveys in this regard.

On such a solemn package put forward by the Government, how were the questions asked? Today, I read the latest opinion poll in the *South China Morning Post* and the findings are not as optimistic as expected by Secretary Stephen LAM. In fact, right from the outset, the number of people supporting the Government's proposal or supporting it at all cost, as he put it, has kept on falling. According to the latest opinion poll, the number of people who are dissatisfied with the political environment has increased drastically. This also reflects public resentment towards the disputes over the political system.

Certainly, Secretary Stephen LAM or the Chief Executive may say in the end that the 25 Members of the pan-democratic camp are acting against the will of the people, in that they have turned a deaf ear to the 700 000-odd signatures

and neglected considerable public support as shown in the opinion polls, and that they will see for themselves if they can still obtain support from the public in future. This is very simple. We, being Members returned by democratic elections, are prepared to accept the choice of the people. This is the merit of direct elections. If voters do not vote for me because of this issue and if I would hence be defeated, I will have to accept it. This is the merit of our system. Today, we are here to be monitored by the public, and they can make their own decisions in this regard. I so submit.

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

MR CHAN KAM-LAM (in Cantonese): President, with regard to the two motions today, the first one was already negated. We believe the second one will meet the same fate of being negated.

To us, it is certainly very regrettable that the two motions are negated, for the voting down of these two motions means that democratization in Hong Kong will remain stagnant. Since 2003, discussions over the constitutional system have never ceased. Judging from the circumstances today, we hope that the disputes over this issue can draw to a close following the voting down of these two motions.

The community has begun to find this very annoying. Recently, members of the public have the impression that we always argue with each other over everything and that the quarrelling just never stops. Not only is this a waste of time. It has even prevented us from doing things that we should do. In today's international environment where competition is increasingly keen, we have not devoted our efforts to enhancing efficiency and putting our words into actions. Rather, efforts have been wasted on internal depletion caused by the filibustering in the development of democracy. Hong Kong has begun to lag behind the emerging small cities in the Pearl River Delta Region. The four economic pillars of Hong Kong have been undermined gradually. Our major enterprises have been transferring their capital out of Hong Kong for investment in the Mainland. Small and medium enterprises have also contracted the scope of their business; and the support for the service sectors has already been moved

to the Mainland. Insofar as our infrastructure is concerned, discussions are held but no decisions can be reached. The economy as a whole is faced with unprecedented challenges and crises.

Over the past two years, the Hong Kong economy has already recovered to a certain extent. But the general "wage earners" are still caught in such difficulties as having a low income and becoming jobless anytime. As for the middle class, they have been facing increasingly fierce competition and may be eliminated anytime. Regrettably, despite concern about these problems in the community, most people still insist on their own views and very few people are willing to come to the table for serious discussion.

Doing everything without reservation to the neglect of the actual circumstances in society and swearing not to give way until one's objective is met have become the features of present-day society. People who love Hong Kong will feel very sorry about this, whereas people who do not love Hong Kong will secretly feel happy. The Constitutional Development Task Force has, over the past two years, conducted consultation and discussion on numerous occasions and finally arrived at this Fifth Report, proposing to substantially increase the number of members of the Election Committee to 1 600 and to include all members of District Councils (DCs) in the Election Committee, thereby significantly broadening the electorate base. Apart from directly casting votes to elect the 35 Members of the Legislative Council, voters can exert even greater influence by indirectly returning six Members of the Legislative Council through elections among all DC members. This arrangement will no doubt enable democracy in Hong Kong to steadily move one step forward.

Some people said that the proposals put forward by the Government in the Fifth Report on the constitutional reform cannot make everyone happy, and this is precisely why it can have the support of the community. People who are concerned about the development of democracy are worried that the pace is too fast, which would affect social harmony and economic development. But to some radicals who wish to reach the goal in one step, they would consider the pace too slow. So, in order to reach a consensus, the only way is for both sides to compromise and seek a common ground acceptable to both sides, so that democracy can move forward. Otherwise, if we do not make the first step now, it will be even more difficult to make any progress in future.

The development of democracy must go through a gradual process. Articles 45 and 68 of the Basic Law clearly provide for the methods for selecting the Chief Executive and forming the Legislative Council. It is provided that the methods shall be drawn up in the light of the actual situation and in accordance with the principle of gradual and orderly progress with the ultimate aim of achieving universal suffrage. This is already a consensus of the Hong Kong community. It is also a consensus of the Central Government and the Government of the Hong Kong Special Administrative Region (SAR). The development of any democratic constitutional system in Hong Kong without having regard to the actual situation and not in accordance with the principle of gradual and orderly progress is a violation of the provisions of the Basic Law. It cannot win the consensus of the community. Nor can it help maintain mutual trust between the Central Authorities and the SAR, and it is not going to bear any fruit. This will create obstacles in the progress of democracy and is utterly destructive. It is the mainstream opinion in Hong Kong that while efforts are made to develop a democratic constitutional system, social stability, harmony and economic prosperity must also be taken into account. Hong Kong people do not believe in slogan-styled democracy.

Some people said that when there is democracy, there will be good administration in the Government and harmony in society. This is just too simple, and it is often not the case in reality. Examples abound in the international community. Hong Kong people prefer to develop democracy steadily when the conditions are ripe, rather than taking it forward blindly and hastily. This is the opinion of the people not only after the reunification, but also before the reunification.

The democrats clearly know the opinion of the people, but they still voted against motions which will facilitate the progress of democracy, and this is disappointing. Mr LEE Wing-tat mentioned earlier that the democratic camp has obtained over 60% of the people's mandate. It is the percentage of votes obtained by them in the pollings conducted in 2003 and 2004. But let us not forget that these statistics are obsolete. Please take a look at the past two years. From the voting results in the several DC by-elections, we can see that the number of votes obtained by candidates from the democratic camp, including those from the Frontier and the Democratic Party, added up to less than half of the total number of votes. Candidates from the DAB won in two of the three

by-elections. The other case is the by-election held recently in the King Tin Constituency. The result was that a local named CHEUNG Shun-wah who is not famous at all won in the election, defeating a "star" of the Democratic Party, Fred LI, who is a Member of the Legislative Council and was fully supported by the pan-democratic camp.

Recently, the Civic Exchange has conducted a survey. The results show that public dissatisfaction towards the Democratic Party which opposes the constitutional reform package most strongly has increased by the widest margin. This shows that opposing the constitutional reform package and obstructing the progress of democracy will result in the loss of public support. Before the reunification, many people held the view that universal suffrage may be implemented 10 years after the reunification, and we in the DAB also held this view then. That was obviously a reflection of confidence in increased awareness of democracy among Hong Kong people. However, the complexity in the political arena had not been adequately assessed.

The incident of the ferocious bombing of the Chinese Embassy by the United States a few years ago still remains fresh in our memory. During the motion debate in the Legislative Council, Mr Martin LEE acted as if he were the spokesman of the United States by reading out in the Legislative Council a statement on the position of the United States. Over the past few years, on all issues involving controversies over the affairs of the Central Authorities, the Democratic Party and the democratic camp will certainly turn to Washington for assistance. Washington will immediately render full support and bring pressure to bear on the SAR Government. A fortnight ago, we all saw that after Mr Martin LEE's reflection to the central government of the United States, the United States Congress has repeatedly expressed their views on the constitutional reform in Hong Kong, saying that Hong Kong has sufficient conditions for implementing universal suffrage, and also making irresponsible remarks. Honestly, the development of a democratic constitutional system in Hong Kong is the business of the Chinese people. It is the business of Hong Kong people. What does it have to do with the Americans? Could it be that the progress of democratization in Hong Kong involves the fundamental interest of the Americans? I think the Americans need to clearly explain whether or not the steady development of democracy in Hong Kong will infringe on their interest.

Ms Emily LAU has always complained about the Central Authorities interfering with the constitutional reform package in Hong Kong. She was referring to the Central Authorities in Beijing, not the central authorities of the United States. I wonder if she has thought about whether or not she had ever reprimanded the United States for interfering with the affairs of Hong Kong. On the other hand, Ms LAU may have forgotten that with regard to the formulation of the constitutional reform package, the Central Authorities do have a say. It is not the case that they have no role to play. Annexes I and II to the Basic Law have clearly provided that any amendment to the methods for selecting the Chief Executive and forming the Legislative Council shall be reported to the NPCSC for approval. This is provided for in very express terms. It is not true that the Central Authorities have no role to play.

I think Miss TAM Heung-man has spoken most sentimentally today. She almost burst into tears. In her speech, she said that she felt very deeply that she had been under great suppression and constraints over the last two months or even in recent days. She had expressed her feelings very candidly, particularly when she spoke about being pressurized by her colleagues. I feel great sympathy for her, and I certainly think that this is unfair to her. She felt being pressurized and could not make her own decision. Under the "bundling" strategy of the opposition camp, she cannot cast a vote which she considers to be right. So, she said that the decision to be made today would be very difficult. If she could act on her own free will, how could it be difficult to cast a vote which she considers to be right?

Apart from taking up cudgels for Miss TAM Heung-man, I must also condemn the "bundling" strategy of the opposition camp, because it is tantamount to political kidnapping, which is unethical, uncivilized and undemocratic in politics. It goes to show that there is no room for independent thinking in the opposition camp. Recently, we have seen that some academics in society, such as Ivan CHOY, are very dissatisfied with some acts of the opposition camp, and during some public debates, LEE Wing-tat of the Democratic Party was even criticized for knowing only to shout slogans without putting forth any new proposal or leading Hong Kong people to come up with some strategies on the future of the constitutional reform. After this motion is negated today, we hope that the Chief Executive can put all his efforts together to lead the people to take forward economic development and improve the people's livelihood, with a view to building a society with stable, harmonious development.

Madam President, I so submit.

MR ANDREW CHENG (in Cantonese): President, I visited the district yesterday and the kaifongs said to me as soon as they saw me that on the recent issue of the constitutional reform, it appeared that Andrew CHENG had not made any comment, and they asked if I was going to make an about-turn. Recently, many people have indeed been beating around the bush on the question of making an about-turn. I told them that I am not making an about-turn and explained that the Democratic Party has a designated spokesman on this issue, and I cannot express my views unless I am invited by the Priest of the Shatin Baptist Church to a dialogue with Secretary Stephen LAM.

Today, you, President, said that you hope the meeting can finish before 12.00 am and so, I have waited. In a debate, it is most important to have different opinions. The democratic camp has also been saying this tonight. The Democratic Party has said everything already. Even the democrats have almost finished their speeches. Earlier on Mr CHAN Kam-lam expressed some views. It so happened that at this time last night, I heard some views while watching a debate on Channel 27 of the Cable TV. I must get it off my chest and so, I must immediately rise to give a response.

First, I wish to respond to Mr CHAN Kam-lam. I think with regard to some of the views expressed by him in this debate to support the constitutional reform package, his arguments appeared to be very outdated and lagging far behind the times. He was still talking about the bombing of the Embassy, suggesting that we should not discuss this issue with foreigners in foreign countries, that democratic elections will only destroy the economy, and so on. I very much hope that Mr CHAN Kam-lam can truly progress in a gradual and orderly manner. If he continues to show this state of mind and when members of the public see in live TV broadcast of the meetings that the debates in this Chamber are of this standard, while criticizing other people for remaining in a state of shouting slogans, in what shape or form will he appear before the eyes of the public?

It is not my wish that we should belittle each other all the time. On many occasions when I convened meetings in the district, I often openly commended Mr LAU Kong-wah of the DAB. I think members of the Democratic Party should learn from Mr LAU Kong-wah and from his work in bringing together the people's power and his work in districts. Certainly, I must add incidentally that he has sufficient resources and manpower and so, he needs not worry about the logistics. That said, we appreciate his courage and diligence and also his

service to Hong Kong people, for we all wish to see a better Hong Kong. On the issue of the constitutional reform package, I do not wish that we will be pointing an accusing finger at each other in the coming days. They said that we are slogan-styled and irrational, and that what they have done is to achieve harmony and to enable Hong Kong to prosper. So, they are genuinely committed to building a prosperous Hong Kong, whereas we are just destroying Hong Kong and bad-mouthing Hong Kong. Why must they put it in such a way?

I recall the day when Mr TUNG took Mr Martin LEE to task, saying that he had been bad-mouthing Hong Kong for six years. What has happened to Mr TUNG now? If we truly wish to show sincerity, we should be more rational. I do not see any problem with the DAB, the Liberal Party or the Alliance — only Dr Raymond HO is in the Chamber now — supporting the constitutional reform, as long as they are honest and do everything above board. I do not care about how many of those 770 000 signatures are signed 10 times by the same person. Nor do I care about whether they had, as they have claimed, asked people to sign in front of the counters of the Hong Kong Confederation of Trade Unions or the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. It is impossible to ascertain whether this is true or not, and it is unnecessary to argue for or against it. However, the Chief Executive had outrageously come onto the stage and spoken into the microphone to solicit support purely for the constitutional reform package, and what is more, he was standing side by side with a particular political party. That would not be a big problem if they consider themselves as the ruling coalition and this could well explain why the Chief Executive was there together with them. But it seems that we have been fighting with each other in a show of force. You said that 250 000 people had joined the procession; then I said that was not true, but I have 770 000 signatures, as if saying, "Jealous? I got more than what you got!" Why are we so anti-intellectual now? If the Government really thinks that the majority of the people support it, why does it not conduct a referendum?

But once the word "referendum" is mentioned, it is worried that "Grandfather" will become sensitive and so, it is better not to mention it. Then, can we call it a public polling instead? Let us not call it a referendum, but we should find out by scientific means how many people in Hong Kong support universal suffrage. Moreover, we have a very humble request to make and that is, I urge the Government not to say all the time that we are bundling up the whole thing. What we have demanded is only the abolition of the appointment

system and the inclusion of a timetable for universal suffrage. Yet, we are not saying that the appointment system must be abolished and then universal suffrage must be implemented in 2012. We have not said so. We only asked for a timetable for universal suffrage. Why are we said to be bundling things up? Is Chief Secretary Rafael HUI not bundling things up? We are not politically unethical. We in the opposition only wish to work pursue an ideal, to put forth a demand and to make progress, and yet, we are said to be politically unethical and bundling things up.

What about Chief Secretary Rafael HUI? He said that if the constitutional reform package is not passed today, it would be mere daydreaming that the appointment system in District Councils (DCs) would be abolished. I wish to ask members of the DAB: Is this not bundling? Mr LAU Kong-wah still has not spoken, and he can talk about this later. What is it if it is not bundling? I did not say whether or not it is unethical for the Government to bundle things up. What exactly is the problem with bundling? Just that the Government has made use of the word bundling to vilify some political beliefs and aspirations. If the Government considers our bundling unethical politically, will it please judge whether Chief Secretary Rafael HUI is politically unethical using the Government's standards and logic?

As regards the appointed seats, some people asked us not to be so unyielding. They said that we should give way as long as one of the two requests is met, and they hope that we will accept it since the appointment system will be abolished. I hope Members will understand that if the appointed members join the Legislative Council through the DCs, they will be incorporated into the functional constituencies (FCs) Members, and this is precisely the most important reason for the democratic camp's opposition to the constitutional reform package. We are asking for a timetable and a roadmap for universal suffrage because the Government's package tells us that it is already decided to be 50:50 in 2007 and 2008, which means that the seats will be shared out equally with each side taking up half of the seats.

In 2012, will the ratio be 6:4, 7:3 or 8:2? When will the ratio be 9:1, and when will it be a full 100% when all the FCs are abolished? That is what we aspire for and what we wish to see. If it is decided to be 2012 in the timetable, then we will continuously work hard towards this goal. If the Government considers that the political parties are not mature enough, then we will strive to be more mature and endeavour to show outstanding performance and also work hard in the direction of universal suffrage.

If it is decided to be 2017 in the timetable, then 2017 should be the goal. If they wish to make it 2022, they should state it explicitly and see what Hong Kong people think about it. Whether it be 2012, 2017, 2022 or 2027, the Government must tell us how the current political conditions, which are considered not mature enough, can become mature in the run-up? I hope that in 2012 when the election is due to be held, the DAB would not say then that it should be further postponed to 2017!

We have heard too much of this, and I do not bother to criticize the Government for telling all these lies. Since these are the political philosophies of the Government, it should tell us these political philosophies and tell us what it means to be mature in a political sense. What conditions should there be in order to be considered mature for universal suffrage? The Government cannot tell. It cannot even tell us a timetable or a roadmap and yet, it is asking us to believe it. What should we believe? I am accused of being irrational and slogan-styled for making an emotive speech here. On the constitutional reform, we in the Democratic Party have submitted a written proposal. How can I possibly finish talking about all this in 15 minutes?

We will not say that the DAB is slogan-styled. Nor will we allege that they are politically unethical or conning the voters. But we hope that they will make responsible remarks and we hope that they will not adopt this attitude. If they continue to take such an attitude, then it really appears that they are not at all mature. But even if we are not mature, what is the problem with it? As long as there is a timetable for universal suffrage and as long as there is a goal, there will definitely be many young people making up their mind to participate in politics and to work for the future constitutional system. We must not belittle our own Hong Kong people. Why are we Hong Kong people not allowed to choose our leaders and Members of the Legislative Council? We always mention the taxpayers, and on the last occasion at the Shatin Baptist Church I also asked the Secretary for Constitutional Affairs by whom he is paid. It is the taxpayers who paid him. Why should taxpayers listen to him? Why should he be allowed to remain in office when his performance is not good? This is the deepest meaning of democracy. Even though some people do not have to pay any tax, but as long as they are Hong Kong people and people with the right to vote, they should enjoy their political and civil rights and be allowed to elect leaders whom they consider appropriate, and if the elected leader has failed to deliver, he should be told to step down.

TUNG Chee-hwa who brought us seven years of disaster is the best example. We had to weather through seven hard years before we could luckily make it through. Many people said that the central leaders are liberal in that they have chosen Donald TSANG. But what has happened now? We are not talking about a person, but a system. As long as the system remains unchanged, Donald TSANG will sooner or later become a "lame duck" as TUNG Chee-hwa's government was back in those days. The constitutional reform package today is an iron-clad example.

If we continue with such a culture and philosophy underpinned by the rule of man, then Hong Kong is immature indeed. But I am still saying this: What is the problem with being immature? As long as a timetable and a roadmap can be provided, Hong Kong people will cease to think that the Legislative Council is the rubbish council knowing only to hurl abusive remarks at people. But if the Government refused to make changes, what would happen? When we wish to pass a motion on the people's livelihood, the FCs may overthrow it in one go. Then the public will say, "Look at this rubbish council. Nothing can be done despite much discussion, and it is there only to make empty talks." This is the fallacy of the system. Members of the public will also consider the Legislative Council useless. But the Government has still refused to make changes.

The DAB even said that they hope to take the path to ruling Hong Kong. I hope that they will truly have the opportunity to rule. I honestly hope that we can compete in a level playing field and see who will do better than the other in ruling Hong Kong. However, what I do not wish to hear most is that Hong Kong, as suggested by some people, will be doomed if it is ruled by the democratic camp. It is really very unpleasant to my ear. I wish to ask those people who have made such a remark: Who in Hong Kong knew TUNG Chee-hwa back then? Stephen LAM was perhaps known by some people as he started out as a civil servant. Who knew Secretary Dr Patrick HO back then? Why should he be appointed as the Secretary for Home Affairs? As for Secretary Frederick MA, who asked him to be a Bureau Director? Who is he? Why should we believe that he is capable of performing the duties expected of him? The truth is that it will do as long as "Grandfather" thinks that he can and yet, this was accepted by Hong Kong people. But Members of the democratic camp were mostly returned by the people, and we had obtained 30 000 or even 40 000 votes. So, please do not look down upon us.

These tens of thousands of votes are the people's mandate. People returned by popular mandate are nevertheless considered unacceptable. It is even said that Hong Kong will be doomed if ruled by these people. Do they trust people returned by Hong Kong people? Do they truly trust those Bureau Directors appointed by "Grandfather" or Donald TSANG — sorry, it was TUNG Chee-hwa who appointed them, not Donald TSANG — Do we fully trust those people who emerged in such a way? It is indeed immature to apply such an obscurantist philosophy on Hong Kong people. But I am still saying this: It does not matter to be immature. We are not mature enough because the existing political system has made us immature. That is why we have demanded a roadmap, because a roadmap can expedite our maturing process. As long as there is no roadmap, we will only be going round and round in circles. It is like a child performing badly in his studies but his parents know only to scold him for not studying and give him no guidance. The parents only keep on scolding and beating the child, and if things go on like this, the child will not make any progress. If our Government continues to be a "lame duck", it will be impossible for a democratic system to grow.

Direct elections were already proposed as early as in 1988. We were accused of not being mature at that time and now, we are still alleged as not being mature. Even my voice has already turned coarse now. President, I wish to tender an advice to the Chief Executive, as I have heard a remark in a radio programme today. It was a remark made by the Chief Executive when he was elected. He said that he used to be a lonely salesman, but after he had been elected the Chief Executive, he would not be lonely anymore. True. He definitely will not be lonely anymore. As long as no progress is made in the constitutional reform package, every year there will be hundreds of thousands of people accompanying the Chief Executive, telling him that he is not going to feel lonely, because Hong Kong people will not easily let him act evasively over the constitutional reform package. On 1 July every year, many people will pursue their ideal and keep the Chief Executive company for our next generation and for universal suffrage.

Thank you, President.

DR DAVID LI: Madam President, I am greatly disappointed that the motion on the amendment to the method for the selection of the Chief Executive was defeated. As I stated in my remarks to that motion, I believe that

implementation of both amendments would have had a profound impact on the political landscape. The expansion of the Election Committee (EC) would have opened up the 2007 Chief Executive election, all but ensuring that more than one candidate would stand.

I understand that some Members who voted against had concerns which were unique to the first motion. They felt that appointed district councillors would face a conflict of interest if these councillors sat on the EC. The appointed councillors owe their position to the Chief Executive. These Members are worried that the integrity of the election process would be compromised if appointed councillors subsequently participated in the election for the Chief Executive.

While I would not go so far as to question the integrity of the electoral process, I can understand Members' concerns on this point. However, there can be no such concerns in the context of the current motion on the amendment to the method for the formation of the Legislative Council. I urge Members who voted down the first motion to consider the second on its own merits.

The current motion allows for a substantive change in the composition of the Legislative Council. The proposal is both bold and imaginative. All five new functional constituency seats will be drawn from the District Councils. As such, the current proposals will bring about a realignment of political forces within the Legislative Council. The new functional constituency seats will be filled by politically active members of our community, with a deep interest in local issues. The inclusion of these members will have profound implications for the split voting system at the Legislative Council.

The proposed changes are nothing short of a wake-up call to those members of the community at large, who take comfort in the restricted democracy which we now have in Hong Kong. If implemented, these changes will make it very clear to those who have hidden behind "gradual and orderly progress" which they must now stand up and be counted in the rough and tumble of electoral politics.

Some Members have said they cannot support the current proposal because the inclusion of appointed district councillors is a step backward. I do not agree. With the expanded role for the District Councils, the appointed councillors will

have a great responsibility. They will be in the best position to smooth the transition to democracy, building bridges between the grassroots, the professions and the business sector.

Madam President, we should not be playing politics with our own political development. Our experience during the current review of political development led by the Constitutional Development Task Force has left us with no illusions. We can achieve full democracy only by following the path of gradual and orderly progress. The emphasis in the motion now before us is firmly on progress. I offer my wholehearted support.

Thank you, Madam President.

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

MR MARTIN LEE (in Cantonese): Sorry, Madam President.

DENG Xiaoping once said that if there was a good system, even bad people could not do bad things; but if there was not a good system, even good people could not do good things and they might even be forced to do bad things. We have been striving for democracy for years to establish a good system for Hong Kong people to allow good people to do good things and prevent bad people from doing bad things. If there is a good system, the concepts of "one country, two systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" can then be implemented.

Madam President, I remember when CHEN Shui-bian won the first referendum some five years ago, he hurried to a long, big table packed with microphones. The first statement he made on sitting down was that they would not accept "one country, two systems". Why did he say something like that? It was because he noted that Hong Kong's "one country, two systems" had failed completely. Why should Taiwanese people, who enjoy democracy, adopt Hong Kong's "one country, two systems" in order to unify with our country? This explains why the first statement he made was that he did not want "one country, two systems".

Let us take a look at the present situation. Have we won? No one wins or loses today. This is because to me, the whole of Hong Kong cannot consider itself to have won unless we can join hands with Hong Kong people to fight for a good democratic political system. We have to continue to fight until we succeed. Actually, I earnestly hope that the Chief Executive can accept today's result with an open mind. I also hope that he will not make the matter personal. We are not his enemies. We all hope that Hong Kong can have a good system. However, our views are entirely different. What is more, I hope that the Chief Executive will not hold individual Members responsible for the failure of the two motions proposed by the Government today. I hope that he will not put the blame on one or two Members from the democratic camp. How can we secure votes? On what handle can we in the democratic camp secure votes? Unlike the Government, we have no authority to appoint anyone to do anything. The Government can do whatever it wants to do.

Madam President, the Democratic Party and my friends from the democratic camp will never seek benefits in negotiations with the Government. Government officials can be our witnesses. If we support the proposal, even without being followed by the Government's paparazzi, we will all vote in support of it. How can we, unlike some of the so-called royalists who always have a request to make in their minds when negotiating with the Government, secure votes? We simply vote according to our own conscience. Today, the Government has failed to get even one pro-democracy Member to support it — a vote was taken earlier. Even when the second motion is put to the vote, I believe it will similarly end in failure. It is not because the Government has not made vigorous efforts in securing votes. The Government has actually worked very hard, to such an extent that even we pro-democracy Members felt unbearable. As Members are aware, the Government has exerted tremendous pressure on pro-democracy Members. Why did the Government not allow us to vote according to our conscience? Mr CHAN Kam-lam has even put the blame on us. It would be fantastic if we could secure votes. As we cannot offer others a dime or half a seat, on what handle can we secure votes? We are merely voting according to our conscience in the hope of making concerted efforts in striving for democracy for Hong Kong. Thanks to this collective wish of ours, we have achieved the result today. If the Chief Executive is really to apportion blame, please put the blame on me. At least, I am the oldest; hence I should be held responsible. I am an elderly, though not yet a grandfather, of democracy. (*Laughter*)

Some people asked why we must want a timetable. Actually, the timetable is there all along. It was there when the Basic Law was passed by the National People's Congress. According to Ji Pengfei, the timetable spans 10 years. During the first 10 years after the reunification, democratic development must proceed in a gradual and orderly manner in accordance with the actual situation. To prevent people from talking nonsense, this was written down in Annexes I and II to the Basic Law. By 2007, universal suffrage will be implemented in Hong Kong. Therefore, the timetable is always there, only that it was overturned by the NPCSC on 26 April last year without consulting Hong Kong people. Now, the timetable no longer exists. Originally, there was a consensus throughout the territory that dual elections by universal suffrage would be implemented in 2007 and 2008. The DAB and the Liberal Party have even included the consensus in their platforms. No one in Hong Kong said that we were not yet ready or we were not qualified. No one said anything like that. However, because of the comments made by "Grandfather", we have now become not prepared, not qualified to implement universal suffrage. The timetable that existed previously is now gone. Are Hong Kong people going too far by asking the question of when universal suffrage can be implemented?

During a radio programme today, a lady expressed support for the Government's proposal. As an example, she said that even university study had to be pursued step by step. She was right. We have to proceed from kindergarten, primary school and secondary school to university. Yet, she must have forgotten the fact that by 2007, 17 years would have already lapsed since the promulgation of the Basic Law and it is now time to go to university. But then, we are told that we cannot do so. How many more years do we have to wait? I really have no idea. Why can a 17-year-old not go to university? It is not because his family cannot afford it. Just because his "Grandfather" has not yet given him the green light. How many more years do we have to wait? Maybe at least five years, or till 2012, though there is no guarantee that we shall have universal suffrage by then. Will we have to wait 10 years, or till 2017? This is the problem.

Madam President, I have asked a friend of mine to do some homework for me by examining five countries or regions around the world to ascertain how long it took for general elections to really take place from the time they gained independence or introduced democracy. The first example is East Timor.

After gaining independence from Indonesia in October 1999, East Timor held its first national assembly elections on 30 August 2001, 11 months later. The second example is Kosovo. In March 1999, a peace agreement was reached in Kosovo; in November 2001, after two years and eight months, the first national assembly elections were held. The third example is Bosnia. Subsequent to the signing of the Dayton Accord in December 1995, the first national assembly elections were held nine months later in September 1996. The fourth example is Afghanistan. After the signing of the Bonn Agreement in December 2001, Afghanistan saw its first national assembly elections held on 9 October 2004, after waiting just three years and 10 months. The fifth example is Iraq. Subsequent to the return of its sovereignty on 28 June 2004, Iraq held its first national assembly elections on 30 January 2005, after waiting just seven months. Among these five examples, the shortest waiting period was seven to nine months, and the longest only three years and 10 months. Yet, we have waited 17 years, and we still have no idea how much longer we still have to wait.

Could it be the case that we Hong Kong people were born with certain deficiencies that make it impossible for us to enjoy democracy and have universal suffrage? No. Given that we have years of experience in electing District Council members, members of the former Municipal Councils and Legislative Council and Members of the present Legislative Council, why can Members of the Legislative Council not be elected by universal suffrage? Why can the Chief Executive not be elected by universal suffrage? Could it be the case that only the Chinese leaders can select a good Chief Executive? Does that explain why "Chief Executive TUNG" was chosen? (*Laughter*)

Some said that universal suffrage could not be implemented because we were not yet ready and we did not know how to elect. Let me remind Members that there was a programme called "YAN can cook" in the United States. The slogan of the programme reads: "If Martin YAN can cook, so can you". This is my version: "If TUNG can cook, so can you". (*Laughter*) Actually, so long as there is no democracy, no political party can rule and mature. How can a bird which has been kept in a cage and well fed since it was born know how to fly? However, it would naturally have learned from its mother how to fly should the cage be left open since it was small. Why can Members of the DAB and the Liberal Party not rule? Why do they not have faith in themselves? Actually, they have great confidence in themselves. To prepare for ruling after the reunification, the implementation of dual elections by universal suffrage in 2007

and 2008 was included in their platforms. While Allen LEE was still Chairman of the Liberal Party, he said: Martin, you shall be the first Chief Executive. Should that fail, a member of the DAB will be the Chief Executive. Should that fail again, a member of the Liberal Party will be the Chief Executive.

Every reshuffle is bound to bring improvements. Let us take a look at Taiwan. I bet Kuomintang will win next time, despite its defeat in the last presidential elections, because like everybody else, they have made progress. If people keep on saying that Hong Kong people are not yet ready, we will never have universal suffrage. Both Taiwan and Hong Kong are waiting. We must not belittle ourselves; we must have faith in ourselves. We return to the original path in the hope that a consensus can be reached. 2012 is a suitable year; 2007 and 2008 will also be fine. Why does 2012 not work? Have we retrogressed in the interim? No. As we are doing better and better and making more and more money, there should not be any problem.

Someone asked, why should the constitutional reform package and a timetable be bundled up or pegged? The reason is very simple. Because it is set out very clearly in Annex II to the Basic Law that 20 of the 60 seats of the first term Legislative Council shall be directly elected. In the second and third terms, the numbers of directly elected seats will be increased to 24 and 30 respectively. However, the number of functional constituency seats will remain at 30. Now, there are 30 seats on both sides. How should the fourth term proceed? Our ultimate goal is universal suffrage. Could Members tell me how we should proceed? Actually, our goal can be achieved by a consensus. This is not the first step, for four steps have already been taken. It should be time to introduce universal suffrage. Even if this is not possible for the time being, the Government should slash at least 10 functional constituency seats and increase 10 directly elected seats, thus changing the proportion of directly elected seats to functional constituency seats to 40 to 20. Even if the number of functional constituency seats remains at 30, at least more directly elected seats should be introduced. Why does the Government not move towards this goal? Under the present proposal, each side will have five more seats. In other words, there will be 35 directly elected seats and 35 functional constituency seats. As I pointed out before, the addition of five seats to each side illustrated that directly elected seats and functional constituency seats were treated equally important. Then, the bicameral system was mooted.

When I raised the fourth question earlier today, the Secretary did not say anything. However, he was willing to reply when being asked by Mr TAM Yiu-chung. He said that the proposal had nothing to do with the bicameral system. Why? According to the present proposal, each side will have 35 seats. Mr TAM put it most accurately. Now each side has 35 seats, which will grow to 40, and then 60 later. Eventually, a bicameral system will come into being. We find this arrangement unacceptable because it contravenes the Basic Law. The former boss of Hong Kong, Chris PATTEN, said unintentionally when he appeared for autograph sessions in his previous trip to Hong Kong that the bicameral system would not work in Hong Kong because it contravened the Basic Law. Furthermore, his experience with the Upper House told him that the Upper House was no good and that the bicameral system was not suitable for Hong Kong. The words of our former boss are sometimes right.

The present problem is, I would prefer maintaining the *status quo* without adding five seats to each side. Why? Because the addition of directly elected seats, which have been increased from 20 to 24 and then 30, should stop. I would rather stop now to wait for the green light before moving forward. Yet, the present situation is different. We are told to turn left in order to avoid the red light. Which way should we go? Should we act as we are told, when can we turn right again and move forward? The answer is unknown because we do not know whether we will be able to find the way back to the right again. How can we accept a proposal like this? How can we first accept the proposal and then refer it to the Commission on Strategic Development for discussion? Members must know how many members of the Commission are from the pro-democracy camp. Even if the proposal is found to be all right after discussion, can Hong Kong implement it? Do we not need the approval from our "Grandfather"? We cannot think in such a simplistic way, saying that we have to support the proposal first.

Madam President, Hong Kong has actually made a lot of improvement with the change of the Chief Executive. Now, it only needs to take a small step forward. Hong Kong will be fine when we have democracy. However, in the opinion of the opponents of democracy, the gap is as wide as the Pacific Ocean. This is because controlling Hong Kong and losing control are both unacceptable to the Communist Party. They have completely forgotten that the thinking of DENG Xiaoping in proposing the "one country, two systems" was to give us a good system to prevent bad people from doing bad things.

Madam President, we hope Members will not forget about Taiwan and our country's goal of unifying with Taiwan when examining this issue. Only can Hong Kong resolve the issue can we expect Taiwan to unify with our country very soon. Thank you.

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

MR JASPER TSANG (in Cantonese): President, the biggest problem confronting Members opposing these two motions is how they can absolve themselves from opposing the constitutional reform proposal which is supported by public opinion. Since the publication of the Fifth Report, the media and some opinion survey agencies, including the "HKU Pop Site" and the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong, have conducted more than 10 opinion surveys, almost once every couple of days. The findings of these surveys all point to the fact that the proponents outnumber the opponents. How can the opposition explain this? In their speeches today, the opposition Members, such as Mr Albert HO and Mr Fred LI, resorted to belittling the opinion surveys they have always regarded highly by saying that public opinion and opinion surveys cannot determine everything. Mr Fred LI even said that it was a well-known fact that the results of opinion surveys could be manipulated as we wished.

Actually, these opinion surveys were conducted not by the Government, but by the agencies frequently quoted by colleagues from the pro-democracy camp. But then, Dr YEUNG Sum ignored the facts, saying that these opinion surveys demonstrated declining support for the Government. Then Mr Albert CHENG called a stag a horse, saying that the opinion surveys clearly illustrated that the numbers of proponents and opponents were evenly matched. Mr LEE Cheuk-yan even questioned the authenticity of the 700 000 or so signatures. To me, his suspicion is not at all surprising. It is perfectly understandable because he was the first one who put the number of people taking to the streets at 250 000. Bearing in mind his dishonest means to inflate the figure, his suspicion that the same tactic might be employed to manipulate other figures comes as no surprise at all.

However, President, I find Mr Ronny TONG's way of handling the opinion poll findings most interesting. In a newspaper article written by Mr

TONG, he called himself a man full of contradictions. He surely is. In particular, the speech delivered by him today on public opinion was full of contradictions indeed. Like Mr Albert HO and Mr Fred LI, he started by saying that he would have become an expert on opinion surveys, rather than a Member of this Council, should he frequently quote opinion surveys. Belittling the functions of opinion surveys, he said that opinion surveys were science but politics not, and used the unscientific nature of politics to repudiate the science of opinion surveys. He then demonstrated how to apply this method. By selecting the findings of two surveys, one conducted at the beginning and the other at the end, he concluded that the level of support for the Government's constitutional reform package had dropped drastically from 70% to 37%. According to Mr TONG, the phrase "dropped drastically" was already quite mild. When quoting the two figures the day before yesterday, he even used "nosedived" to describe the level of support for the Government. It immediately struck me at that time that I had never got a chance to find out how Mr TONG dived. The findings of the opinion surveys did not appear to me to be moving in that direction. What did the findings actually reveal? One of them was completely distorted by Mr TONG. As for the other one, he did not reveal the questions asked in the questionnaire. Concerning the first survey, that is the one stating 70%, Secretary LAM had clarified the day before yesterday that 70% did not refer to the ratio of support for the proposal. I have leafed through every page of the information on opinion surveys and even requested the staff of the Research Division to get me all the opinion surveys published in Hong Kong, but none of the surveys showed the proposal had gained 70% support initially.

How did 37% come into being? I think it is worthwhile to discuss some very interesting related opinion surveys because several opposition Members had quoted the survey, conducted by the "HKU Pop Site" for the *South China Morning Post*, published on 19 December (Monday). Strangely, the three public opinion surveys were all conducted by the "HKU Pop Site", with the first and second ones taking place before and after the 4 December march respectively. After giving a brief account on the content of the constitutional reform package, the surveys clearly consulted the respondents on the constitutional reform package proposed in the Fifth Report before asking them whether they supported or opposed the package. During the period between late November and early December, that is, prior to the 4 December march, the ratio of proponents stood at 44.2%, down less than 1% after the march to

43.3%. However, it would not be meaningful unless we compare the ratios of proponents and opponents, which stood at 44.2% and 17.1% respectively. In other words, there was one opponent to every two and a half proponents. After the march, the ratio of opponents also fell 1% to 16.1%. Hence, the ratio of proponents to proponents had similarly gone beyond 2.5 to 1. Such being the case, why could the findings of the survey published on 19 December revealed a ratio of proponents to proponents as 37.7% to 35.1%, and hence the ratio was subsequently quoted by Mr Albert CHAN as evenly matched? I visited the "HKU Pop Site" to examine the dissimilarities between the three surveys, and found out from the findings of the survey published on 19 December that some of the questions raised in the survey had been changed. The findings of the first two surveys could be compared because the questions raised therein were completely identical. In the third survey, however, the respondents were no longer asked whether they supported or opposed the constitutional reform package proposed in the Fifth Report. The question was put in this way: "If the Government introduces an amendment to the constitutional reform package by proposing to gradually reduce the number of appointed seats in the District Councils without coming up with a timetable for universal suffrage, do you think the Legislative Council should endorse the amendment or oppose the revised proposal?" Why was this question slightly different? I believe if those who originally supported the constitutional reform package were asked this question, at least some of them would disapprove of the amendment. Those who originally disapproved of the constitutional reform package and those who disagreed with the amendment would also object. Notwithstanding this, the proponents will still outnumber the opponents. Meanwhile, in another survey published on 19 December, that is the one in which the numbers of proponents and opponents are said to be evenly matched, this question was raised: "Do you think the pace of development towards universal suffrage will be speeded up or slowed down should the present package be vetoed?" The findings of the survey show that only 17.8% of the respondents believe the pace will be speeded up, and 44.3% think otherwise. Are the results contradictory? More than 40% of the respondents, twice more than the number of those who believe vetoing the package will speed up the pace, think differently. Unless it is believed that the public prefer that the pace be slowed down, the contradictions here are pretty obvious. So, Mr TONG merely quoted the findings of this survey as an example to contrast the ambiguous 70% to show that the level of support for the Government had nosedived or dropped drastically. The survey conducted by the HKU Pop Site turns out to be like this.

Of the three surveys conducted by the CUHK, the findings of the first one revealed the highest support, and in the second and third surveys, the level of support fell and then rebounded. All of these surveys were conducted after the march. The findings of the public opinion survey conducted by the Hong Kong Research Association were even more obvious. The survey, conducted yesterday and the day before, following the Government's announcement of officially adjusting the proposal, was even more up-to-date than the one published by the HKU Pop Site on 19 December. Its findings showed that 63% of the respondents supported the package. They were clearly asked whether they supported the package, instead of whether Members of this Council should, in their opinion, veto or endorse the package. The findings revealed that 63% of the respondents supported the package. Moreover, the ratio of support was 58%, or more than half, in the survey conducted last week. In the one conducted this week, the ratio of support rose 5%.

I fully appreciate that in statistics, such discrepancies may occur with statistical figures. However, I do not want to dwell on this point. Anyway, it is simply impossible to prove that the level of support for the Government has continued to fall or decline. Neither can it be said that the numbers of the opponents and proponents are evenly matched. However, it is most prominent that the findings of all the surveys show that the proponents outnumbered the opponents. Even when the two sides were nearest to each other, the gap would still not be a mere 2%, as was published on 19 December. In most of the cases, the number of proponents was two or three times more than that of opponents. Furthermore, the respondents were asked this extra question in most of the surveys: "Do you want a timetable?" As many opposition Members said, the respondents would definitely say "yes". More than 60% of the respondents would like to have a timetable for universal suffrage. However, the majority of the respondents would say "no" when asked this question: "Should the Government fail to offer a timetable for universal suffrage, do you think that Members of the Legislative Council should veto the proposal?" The opposition Members are aware of this for they have already referred to the surveys. This explains why they said right at the beginning that public opinion surveys were unreliable. We have kept verbatim records of all of their speeches. There will certainly be an opportunity in the future to examine carefully the words spoken by Members who have always said that they respect public opinions, criticized the Government for defying public opinion surveys, and aired the grievances of public opinion survey agencies. In future, their words will be presented as

evidence to show who called a stag a horse, and confused right and wrong. Perhaps this is the true colour of Mr TONG as a Senior Counsel. It is like when he has to present his case in litigation, he will definitely exaggerate, by all means, favourable evidence and avoid the unfavourable by ignoring it or discrediting and belittling it indiscriminately.

Upon reflection, however, among the many opposition Members, except for Mr LAU Chin-shek whose speeches, from their structure to content, I greatly admire — his speeches are often of high standard. I made such flattery not because his speeches coincide with what I think. I once requested the staff of the Research Division to examine carefully every speech delivered by Mr LAU — the speeches by Mr Ronny TONG should be the most compact in terms of structure. I am interested in studying the speech he delivered today because the three major reasons raised therein are extremely well conceived. However, should Mr TONG be willing to stand on the side of public opinion in support of the Government's package, his speech will definitely be more brilliant and convincing. For instance, he can go on quoting public opinion and emphasize the function of marches and demonstrations because only those are tangible public sentiments. He can go on using "nosedived" or "dropped drastically" to describe the turnout of the marches: 500 000 for the march held on 1 July 2003; less than 200 000 for the one held on 1 July 2004; and less than 100 000 for the one held on 4 December. Except for the figures cited by Mr LEE Cheuk-yan, have these figures not dropped drastically? Have they not nosedived? Have they not illustrated the fact that, although the goal remains the same, the community's support is actually falling? He may also cite the results of the election held in 12 September last year to illustrate public opinion. For the Democratic Party, which stands firm by its position of implementing universal suffrage in 2007 and 2008, the number of directly elected seats it has gained has fallen 30% from 10 last year to seven; as for the Frontier, only Ms Emily LAU stands firm by her position; the DAB has changed its stance from supporting the implementation of universal suffrage in 2007 and 2008 to actively creating the required conditions and the number of directly elected seats it has gained has increased 50% from six to nine. During the direct elections, the Liberal Party similarly abandoned the goal of pushing for universal suffrage in 2007 and 2008 and succeeded, for the first time, in winning a couple of directly elected seats.

Mr TONG can manipulate these figures to illustrate public opinions and even refute his own views. For instance, he said that when District Council

(DC) members were elected, they had no idea they might take part in the Chief Executive Election. I wonder if Mr TONG had told his voters when he stood in the Legislative Council Elections that he would participate in the election of the Chief Executive. As a Member of the Legislative Council, however, he can join the Election Committee selecting the Chief Executive and nominate candidates to the Chief Executive Election. Would all these not violate his principle? He could even refute his future ally, Ms Margaret NG. Ms NG once said that it was inappropriate for a DC member to be chosen as a Member of the Legislative Council because of the extremely heavy workload of this Council. However, the Article 45 Concern Group has given full support to Mr Fred LI, also a Member of this Council, to run in the DC elections. Such are the principles they are talking about.

Mr TONG may refute his own criticism that the proposal seeks to retain appointed seats by arguing that there will still be appointed seats under the package. However, if we do some calculations, then according to the proposal, will there be more directly elected members or more appointed Members in the Election Committee? The figure is very simple: the number of directly elected members will be four-fold higher than that of appointed members. He could go on putting forward many more arguments like this. My speaking time is up, but..... (*the buzzer sounded*)

PRESIDENT (in Cantonese): Does any other Member wish to speak? If not, I now call upon the Secretary for Constitutional Affairs to reply.

(Mr Albert CHENG indicated a wish to speak)

PRESIDENT (in Cantonese): Mr Albert CHENG, please pay attention to my words and do not respond so slowly. Mr CHENG, please speak.

MR ALBERT CHENG (in Cantonese): President, slow response is sometimes related to age. (*Laughter*) Both Mr Martin LEE and I are elderly supporters of democracy, though Mr LEE is more senior than I am. I hope Members will not discriminate against the elderly. Should the proposal of setting the age of senior citizens at 60 be passed by this Council, I might not need to pay bus fares next year. Well, I should stop talking nonsense.

I really wanted to clap my hands after listening to the speech delivered by Mr Jasper TSANG. Citing a number of examples, he said that he was particularly attracted by Mr Ronny TONG's speeches, and went on refuting Mr TONG's arguments. Despite the fact that the one who refuted Mr TONG was Mr TSANG, why did Mr TSANG say that Mr TONG was refuting himself? Mr TSANG should not think lightly of himself. He was once Chairman of a major party. Now he is a Member of the Executive Council. He may even say that Mr TONG is calling a stag a horse. Why should he conceal Mr TONG's feet with Mr TONG's skirt?

I do not quite understand why he refuted me by saying that I was calling a stag a horse. Actually, there were a number of points in my earlier speech he could pinpoint, but yet he chose to refute this one, which made his argument rather weak. This is what I said: "The constitutional development package, which has been argued for a long time, has finally come to this moment when it has to be put to the vote. Over the months, the inclination of public opinions has actually become quite clear and that is, the public opinions for the constitutional reform and those against it are evenly matched. However, the great majority of the public generally believe that the constitutional development package should offer a timetable and roadmap for the ultimate goal of bringing universal suffrage to our political system; otherwise, it would simply be useless to make cosmetic changes without a direction. Tantamount to marching on the spot, this may even lead to retrogression. When I said "evenly matched", I was actually quoting some officials. I heard them say here in the Chamber that should the package be passed, half of the Members would feel happy but half would feel unhappy. I therefore decided to use the expression "evenly matched".

Mr Jasper TSANG was targeting Senior Counsels. He said that Senior Counsels would exaggerate their arguments in legal battles, and would discredit and even conceal arguments not helpful to their cases. I am not a Senior Counsel. However, if Members refer to *Ci Yuan*, they will find out what "evenly matched" (旗鼓相當) means. The number of drums definitely did not match that of flags during the Warring Period, for there would definitely be more flags than drums. Therefore, it is simply impossible to argue on this point. I merely wanted to point out that some people supported the package. I was not calling a stag a horse. I was saying that, despite some support, some people opposed the proposal. We have come up with different findings from different public opinion surveys. As pointed out by some Members, different questions

would lead to different results. I was merely using a very objective standard to illustrate that the numbers of the proponents and opponents were evenly matched. Can I not do so? It does not really matter whether the number of proponents or that of opponents is greater. What is the point of arguing? I do not understand why Mr CHAN Kam-lam and Mr Jasper TSANG have to involve DC members in the discussion. The 2004 Legislative Council elections — (*a mobile phone rang*) Please answer the phone (*laughter*).

PRESIDENT (in Cantonese): Mr Albert CHENG, I am sorry for the interruption by ring. Please continue with your speech.

MR ALBERT CHENG (in Cantonese): I have to start from the beginning because of the interruption. Madam President, 1.6 million out of the 3.3 million electors cast their votes in the 2004 Legislative Council elections, with 1 million, or 62%, of them expressing support for the pan-democratic camp. These are the latest figures because no Legislative Council elections or by-elections have been held since. As the figures of 2004 are the most updated, we can only use them for comparison. We were told earlier by Mr CHAN Kam-lam that, in a by-election held by one of the DC constituencies, only 2 000 out of the 7 000 electors had cast their votes. I find his comparison between these figures and the electorate support gained by the democratic camp in the Legislative Council elections inappropriate. Like comparing an apple and orange, it is needless to argue. Moreover, the argument is totally untenable.

It is also meaningless to recap Mr Martin LEE's previous words and deeds. Do we have to keep on bringing up old scores again? But then everyone says that we must look ahead. Regarding the expression "nosedived", Mr Jasper TSANG explained that the turnout for the march on 1 July 2003 was 500 000, but then the turnout for the march held in 2004 shrank to less than 200 000. In the march on 4 December 2005, the turnout was less than 100 000. Actually, Mr TSANG has been very kind to Mr LEE Cheuk-yan because it is simply inappropriate for him to use the march of 4 December for comparison. If compared with the march held on 1 July this year, in which only 17 000 people participated, the turnout of the march on 4 December was even higher. Mr TSANG, you are really being very kind. Sometimes, even I do not know whether you are a good or bad guy. I have known you for years. Sometimes I admire you very much, but sometimes I cannot even figure out what you are talking about.

If we were to engage in an argument, we could go on doing it for a long, long time. Given the controversial nature of these two motions today, there are bound to be discussions in society, with some people supporting the package and some opposing it. As I once said, the package is not bad. It is unlike the enactment of legislation on Article 23 of the Basic Law. Therefore, I would like to call on Mr CHAN Kam-lam not to act as if he is debating the enactment of legislation on Article 23 of the Basic Law. Even TSANG Hin-Chi put in some good words in Beijing. Today, a leader in Beijing also came forth to do the same. So, why did Mr CHAN have to say something like that? About two weeks ago, I learned from a member of the DAB that Mr CHAN had been told not to say too much on the constitutional reform issue (*laughter*) for fear that he might light a fire. But why is he being set free again to create trouble? (*Laughter*) Once he stirs up trouble, Andrew CHENG will come forward. It would be meaningless, for once Mr Andrew CHENG was provoked, he would scold Mr CHAN Kam-lam. It is most important to examine whether the proposal merits our support.

I consider the Government's proposal not bad; nor is it extremely wicked and evil. We can discuss, deliberate and examine whether we should support or oppose it. However, Members of the pro-democracy camp find the package hardly acceptable because it cannot satisfy us democrats' aspiration for democracy. As I said earlier, appointed membership, abolished in 1994 or 1995, was revived by the Provisional Legislative Council. The appointment system should be scrapped because it has become obsolete.

I know that the Secretary of Department and Mr Donald TSANG have made their best efforts. A couple of days ago, Mr Donald TSANG said in a press conference that the "3-3-3" package for abolishing the appointment system in a gradual and orderly manner had not come easily. Why? He said in public that he insisted on introducing the package, though the DAB, the Liberal Party and the business sector considered it unacceptable. I have no idea why he should do this and force others to accept the package, which is, in my opinion, extremely surreptitious. It is a fact that the 34 Members, even if they vote in support of this package in this Council, would not want it to be passed. They should feel very pleased today and crack a bottle of champagne in celebration after going home because the package is not passed.

On the contrary, we pro-democracy Members (particularly myself) have always wanted to accept this proposal to enable our democratic government to

really make a stride forward. However, the spokesman for the business sector and tycoons in this Council has chosen to impede the Government from taking forward a more democratic package. If Mr Donald TSANG was speaking from his heart, we should not blame the Central Government. We are not targeting the Central Government either.

I have to tell Honourable colleagues who represent business interest in this Council and those who love the country and Hong Kong that democracy, being a global trend, is irresistible. Even China will have democracy. Chinese people around the world should be proud of Hong Kong. Can we try to implement democracy here in Hong Kong? Two weeks ago, six of us, namely Mr Albert CHAN, Mr LAU Chin-shek, Miss TAM Heung-man, Dr KWOK Ka-ki, Dr Joseph LEE and I, were targeted for division. (*Laughter*) Having regained some morale today, we will pull ourselves together. Let me be so bold as to say that, in the forthcoming 2007 District Council (DC) elections — I am not their representative; I am speaking for myself only — it would already be very amazing if 200 people took part in the elections. As Mr Martin LEE said, they are neither rich nor powerful. Let me tell you that it would be extremely difficult for all the 200 people to win the elections.

As suggested by Mr CHAN Kam-lam earlier, we might as well find a star. Even Mr Fred LI, our star in Kowloon East, was defeated at Sceneway. Why? Even with the help of Hong Kong's four most popular political stars, who are lawyers by profession, Mr LI was still defeated — but please do not compare this case with the Legislative Council elections. I would suggest the winning candidate to run against Mr Fred LI in the next Legislative Council elections. It would really be unimaginable should Mr Fred LI be defeated again. In the District Council elections, only one representative is to be elected by nearly 2 000 voters. Everyone knows how many resources have been put into the constituency by property developers to support the successful candidate. How could Mr Fred LI compete with him? How could Mr LI be a star when he could not even distribute leaflets in the constituency? He could only lobby for support at road junctions by taking pictures with passers-by and offering them his autograph. This was not at all enjoyable. When it came to voting, many people were not residents of the constituency. Therefore, it was simply a waste of time to sign autographs and take pictures. It could merely satisfy the desire of the candidate to make him feel that it was worthwhile to stand there. It would not be helpful even if some people might come over for a chat with him and ask for an autograph, as they might not be eligible to vote.

I have said all this to call on the people not to be afraid of the pro-democracy camp. What bad deeds have we done? I am the one who have done the most numerous bad deeds. I stirred up The Link REIT incident just a year after I had become a Member of this Council. On 1 January this year, only 10 000 people took to the streets, though some put the turnout at 50 000. What does it matter even if the turnout is said to be 50 000? I was called a wicked man by others, and some even threatened to hack me. The DAB did not participate in initiating the march (I used to respect the Hong Kong Federation of Trade Unions (FTU) very much. I have already forgotten about this, but now I remember that they took part in initiating the march). Although the DAB was not involved in initiating the march, Miss CHOY So-yuk participated in it. Why not hack me? Go ahead. I have already reported to the police. I certainly have no fear. I must insist on doing what I think is right and ignore all voices of objection. I said that 'The Link REIT' was not right because it was what I believed. It has been proved that I was right. The Government's assets have been sold at dirt-cheap prices. Who can protect public assets? What bad deeds have I done? This is the only one I have done. (*Laughter*) Besides this one, I have done nothing bad. Neither do we see pro-democracy Members have done anything wrong. Please give us a chance; give democracy a chance; and give the public a chance. Democracy is our ultimate goal. We only want to abolish the appointment system. Just that simple. What do we fear?

Furthermore, we want a timetable. For me, a timetable is not too important. This is my own position. However, the question is the Government must tell me when universal suffrage will be implemented. It was originally specified in the Basic Law that universal suffrage could be implemented in 2007. This is no longer feasible. Never mind. How about 2012, 2017, or 2022? Please give us an answer. Never mind, Hong Kong people have great patience. We have been striving for democracy for so many years. We are now asking for a timetable only. Are we going too far? No.

I still have one or two minutes. Sometimes I have to speak to the question. I oppose this motion, why? It does not really matter to me. But since I opposed the motion earlier, I must oppose this one as well. It would be illogical for me not to do so. (*Laughter*) I oppose because I oppose the idea of allowing DC members to elect among themselves to return Members to this Legislative Council.

My request is very simple. DC members, as ex officio candidates for the five newly added DC seats, have to stand in the elections in five separate major constituencies. Each elector will be given two votes, one for directly elected Members, and the other for DC members. This proposal I put forward is of course acceptable to me. What is the problem? However, I have to object because the current package is different. Madam President, I oppose the motion.

Now I am going to speak according to my draft speech. I wonder if I have enough time to read out the last paragraph — my draft speech is gone. (*Laughter*) The vote I am going to cast today is based on my own conscience, the principle of democracy and my responsibility towards my constituents. I do not care how others will vote. Nor do I care whether my vote is crucial. I have only decided to vote against the motion. Thank you, President.

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

MR TOMMY CHEUNG (in Cantonese): Madam President, I originally intended not to speak because the Liberal Party has clearly stated its support for the Fifth Report. I have now changed my mind because I do not want Mr Albert CHENG to be the last one who spoke in the debate. Thank you, Madam President. (*Laughter*)

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Is it really the case that no Member wishes to speak?

(No more Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs, you may now reply.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, more Members have indeed spoken in the second motion debate today. Not only was the atmosphere more heated, the speeches were fantastic for they had gone beyond numerous levels. Earlier in the debate, Mr Jasper TSANG gave us a very detailed analysis of opinion poll surveys. Given the importance of the public opinion base in these two motion debates, I am prepared to add a couple of additional points on opinion poll surveys.

First, I have to make it clear to Mr LEE Wing-tat that I did not mean in my first speech that we had to quote for a second time the findings of the opinion poll, conducted by The Hong Kong Polytechnic University and commissioned by the Government, published on 19 October. What I meant is, during the past two months, Members could see or note the opinion polls conducted by different media agencies or universities. However, if Members compare the findings of the opinion poll published on 19 October, showing 55% of the respondents accepting the package, and the findings of the opinion poll recently conducted by The Chinese University of Hong Kong (CUHK), revealing an acceptance rate of 49.9%, they will find that the difference is actually not great. The support has definitely not "nosedived".

Second, I would like to emphasize again that the findings of the recent opinion poll conducted by CUHK demonstrates that 56% of the respondents considered that the Legislative Council should not negative the package. The findings of the public survey conducted by the Hong Kong Research Association yesterday also reveal that more than 60% of the respondents supported the package and considered that the issues of the timetable for universal suffrage and the 2007 and 2008 package should be dealt with separately.

What have I taken the trouble to repeat these? Because the eyes of Hong Kong people are discerning, which makes it possible for the truth to be made clearer very soon. Hong Kong people will indisputably realize immediately that the "District Council (DC) package" has substantial democratic representation. Today, Members are going to reject a package with democratic representation and progress. As the saying goes, "You are doing it with your eyes open, and face the consequences".

When it comes to figures, Mr Andrew CHENG mentioned the word "anti-intellectual" earlier. There is one point I find "anti-intellectual" indeed.

According to police figures, 40 000 people participating in the march on 4 December set out from the six pitches in Victoria Park, yet the organizers put the figure at 250 000. Where did the extra 210 000 people join the procession? I really cannot figure it out. I tend to believe in the academics that the turnout should be between 64 000 and 98 000.

During the debates, the opposition Members often take only what they want. Mr Fred LI recalled that 170 000 signatures had been collected in opposition to the enactment of legislation on Article 23 of the Basic Law. He considered that the figure was very enormous and important. But then, why did he consider 770 000 people insignificant and incredible? Should Members wish to make comparisons, they must follow some basic integrity, ethics and scientific concepts and refrain from applying only those which are considered by them appropriate. Furthermore, Dr YEUNG Sum and Mr LEE Wing-tat have often said that the opinion surveys conducted by certain universities as commissioned by the Government are not scientific enough. May I ask if the opinion surveys conducted by the Democratic Party every several weeks have often sampled hundreds of respondents only, and the questionnaires issued have ever been inspected by any of the universities? Are these Members not adopting double standards?

When it comes to public opinion, I note that many opposition Members have dealt with today's debate by diverting attention. Actually, they should respect public opinion in casting their votes. However, they have resorted to diverting attention, saying that they have to reject the package because it is proposed by us and that we have to be held responsible. Yet, it is most important to note that the package is based on public opinion.

Dr YEUNG Sum said in his earlier speech that they had made the very important decision that they did not want the newly added seats. They also considered it unimportant even if the second or third line DC members would then have no chance to rise to the fore. Actually, we absolutely do not want them to look at this issue in a shortsighted manner. For the sake of Hong Kong's overall political situation, it is essential to provide more room for participation in politics, instead of maintaining the *status quo* whereby the front row has always been occupied by several familiar faces over the past decade or two. Given that even the singing industry holds competitions for new talents, we must offer newcomers some opportunities. We hope that Members will not be shortsighted.

Both Mr Ronny TONG and Ms Emily LAU have made special reference to the International Covenant on Civil and Political Rights. Our position is actually crystal clear. Even when the International Covenant on Human Rights was enforced by the United Kingdom in Hong Kong in the '70s, savings were already made. To date, we still consider them effective.

Furthermore, I find that pan-democratic Members have tried to evade the crucial points in the debate today by avoiding the essence of the package and its level of democratic representation while dwelling on the concept of universal suffrage, because this is easier to comment.

I find it very interesting that Mr Frederick FUNG has even told us not to be afraid. If we are afraid of universal suffrage, we will not have commenced discussions in the Commission on Strategic Development. If we do not wish to move towards universal suffrage, we will not have undertaken to draw conclusions on these discussions, the mode of universal suffrage and the roadmap in early 2007. If we wish to slow down the process, we might as well discuss separately with academics, political parties, DCs, chambers of commerce, labour unions, and so on, before holding a "general assembly" at a suitable time. We are prepared to open a discussion forum because we hope to pool collective wisdom to enable a conclusion to be drawn early.

Mr Albert CHAN — he is not in the Chamber at the moment — has asked in particular whether we have the courage to deal with the amendments to Annexes I and II to the Basic Law as an "important bill" and, if the amendment is not passed by Members, let the Chief Executive exercise his powers to dissolve the Legislative Council. We have explained that the amendment to Annexes I and II is not local legislation and, according to our interpretation of Article 50 of the Basic Law, the concept of an "important bill" is applicable to local legislation only, but not to amendments to Annexes I and II.

We earnestly hope to build up a consensus, instead of exerting more strength in invoking Article 50 of the Basic Law to probably dissolve the Legislative Council in order to force us to reach a consensus. We hope to reach a consensus in a progressive manner.

During our discussions on whether or not a new road can be taken, the opposition Members often raised these two arguments in the past few weeks. They are really misleading to the public.

The first argument raised is that, even if the two amendments to Annexes I and II are negated, the electorate base can still be broadened by way of local legislation. While it might sound pleasing, and the rationale is very direct, it is practically impossible. This is because the present proposal, whereby the electorate is to be broadened by the DC package, is already the most straight-forward approach. If the functional constituency seats for chambers of commerce and labour unions are to be scrapped, as suggested by Members, and replaced by functional assembly seats, as proposed in the Chris PATTEN era, it will simply be impossible for a consensus to be reached.

As for the second argument, Mr CHEUNG Man-kwong has often asked whether the package can be postponed two or four months to enable a timetable for universal suffrage to be formulated in the interim. I cannot help asking this question: If we can hardly secure a two-thirds majority support from Members of this Council for the DC package, how can it be possible for a timetable for universal suffrage to be formulated in a couple of months? Members must therefore be more honest and pragmatic, and they must not mislead Hong Kong people.

After discussing for such a long time, I find one point very important. Actually, it responds to the speech delivered by Mr Frederick FUNG earlier: Do the development of politics in Hong Kong have a future? All Members here and the parties and factions they represent are obliged to accomplish the mission to rid themselves of street politics sooner or later. For politics to mature, Members have to learn to construct in the interest of Hong Kong. I really do not wish to see, despite the new facilities constructed by the SAR Government daily, weekly or quarterly, the opposition Members keep on "pulling down the walls". In that event, the universal suffrage building will still not be completed even after a long, long time. Members should be committed to and responsible for Hong Kong.

With these remarks, Madam President, I hope every Member can support the motion.

PRESIDENT (in Cantonese): I believe Members are aware that the passage of this motion by the Council requires the consent of two thirds of all the Members of the Council.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Constitutional Affairs 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)

Dr YEUNG Sum rose to claim a division.

PRESIDENT (in Cantonese): Dr YEUNG Sum has claimed a division. The division bell will ring for three minutes, after which the division will begin.

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

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

Mr James TIEN, Dr Raymond HO, Dr David LI, Dr LUI Ming-wah, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr Bernard CHAN, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Miss CHOY So-yuk, Mr Timothy FOK, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr LI Kwok-ying, Mr Daniel LAM, Mr Jeffrey LAM, Mr MA Lik, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Ms Margaret NG, Mr James TO, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Dr Joseph LEE, Mr Alan LEONG, Mr LEUNG Kwok-hung, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Ronny TONG, Mr Albert CHENG and Miss TAM Heung-man voted against the motion.

Mr LAU Chin-shek abstained.

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

THE PRESIDENT announced that there were 60 Members present, 34 were in favour of the motion, 24 against it and one abstained. Since the question was not agreed by a two-thirds majority of all the Members of the Council, she therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): Honourable Members and government officials, it has been a hard day today. As the Christmas and New Year holidays are approaching, I hope all of you can take this opportunity to "recharge" yourself and enjoy a happy holiday. We will have to devote ourselves to our work when we come back in 2006.

I now adjourn the Council until 11.00 am on Wednesday, 11 January 2006.

MEMBERS: Merry Christmas!

PRESIDENT: Same to you! Merry Christmas and Happy New Year!

Adjourned accordingly at one minute past Midnight.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Security to Ms Emily LAU's supplementary question to Question 2

The records of the Correctional Services Department indicated that between 2003 and 2005, there were no refusals of rectal searches by prisoners.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Security to Dr KWOK Ka-ki's supplementary question to Question 2**

The Correctional Services Department (CSD) has contacted the supplier of the leading brand of X-ray body scanners, but was informed that they could not provide any data indicating the minimum size of an object which can be detected by their machine. Nevertheless, the CSD understands from overseas users' experience that such X-ray machines might not be able to detect small quantities of drugs concealed in the body.

The CSD adopts a "zero tolerance" policy against drugs in penal institutions and considers that X-ray machines are not yet an effective substitute to the existing means of rectal searches. The Department will continue to keep in view the technological development in this area.

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Security to Miss TAM Heung-man's supplementary question to Question 3**

As regards the statistics for the last three years on mainland visitors holding different types of entry documents who were prosecuted for committing offences under the laws of Hong Kong, the police do not keep statistics on the number of prosecutions, but they maintain statistics on arrests for committing crimes. The relevant statistics are set out at the Annex attached for Members' reference.

Number of Mainland visitors arrested by the police for committing crimes

<i>Type of Document</i>	<i>2003</i>		<i>2004</i>		<i>2005</i>	
Two-way Permits	1 920	(90.4%)	2 132	(94.2%)	1 792	(91.1%)
Endorsement Type: Individual Visit	44 [*]	(2.1%)	474	(20.9%)	645	(32.8%)
Family Visit	240 [#]	(11.3%)	764	(33.8%)	551	(28.0%)
Tour	126 [#]	(5.9%)	358	(15.8%)	342	(17.4%)
Business	232 [#]	(10.9%)	435	(19.2%)	234	(11.9%)
Others	1 278 [#]	(60.2%)	101	(4.5%)	20	(1.0%)
Passports	172	(8.1%)	111	(4.9%)	126	(6.4%)
Others (for example, Fisherman's Permit)	31	(1.5%)	20	(0.9%)	48	(2.4%)
Total	2 123	(100.0%)	2 263	(100.0%)	1 966	(100.0%)

Notes: Figures in brackets denote percentages to total.

* Figure since the implementation of the scheme in July 2003.

Breakdown figure available since October 2003.

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Home Affairs to Mr LEE Cheuk-yan's supplementary question to Question 5**

As regards the term "political advertising", it does not appear in the Laws of Hong Kong, nor has it been judicially considered here. Paragraph 12 of Part 3 of Schedule 4 of the Broadcasting Ordinance (Cap. 652) (the Ordinance) provides that a licensee shall not include in its service any "advertisement of a political nature". There is however no statutory definition of the term "advertisement of a political nature".

By reason of section 23(3) of the Ordinance, section 23(2) which requires a television licensee's compliance with the requirements under the Ordinance, the licence conditions and the Code of Practice, and so on, does not apply in the case of material supplied to the television licensee by the Government.

In any event, the statement made by the Chief Executive and broadcast on television on 30 November 2005 is not an "advertisement of a political nature" within the meaning of the Ordinance or the Generic Code of Practice on Television Advertising Standards issued by the Broadcasting Authority. The statement did not promote the interest of any organization, commercial concern or individual, nor did it advertise the interests or merits of any specific political organization or personality. It focuses on the subject of constitutional reforms, which is a matter of concern and interest to the community as a whole.

The Chief Executive is not part of any political party. In accordance with the Basic Law, he is head of the Hong Kong Special Administrative Region (SAR) and leads the SAR Government. It is in the public interest that the Chief Executive explains important government policies effectively and publicly. This may, from time to time, require his doing so personally through the most effective channels.

WRITTEN ANSWER — *Continued*

The Chief Executive's statement was broadcast on the three commercial television stations, *viz* Asia Television Limited, Television Broadcasts Limited and Hong Kong Cable Television Limited, as part of their news and public affairs programmes which deal with matters of public policy or controversial issues of public importance in Hong Kong. The programmes in question touched on a matter of current social concern to the Hong Kong people. In all three television programmes, current affairs commentators and people holding different political views were invited to analyse and comment on the Chief Executive's statement: some expressed support for whilst others objected to the Government's proposal. There is nothing to suggest that the content of these relevant programmes breached the Ordinance or the Generic Code of Practice on Television Programme Standards.