

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 14 March 2007

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 ALBERT HO CHUN-YAN

DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S.,
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 CHEUNG MAN-KWONG

THE HONOURABLE BERNARD CHAN, G.B.S., J.P.

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, J.P.

THE HONOURABLE WONG YUNG-KAN, 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 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 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, S.B.S., 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., J.P.

DR THE HONOURABLE JOSEPH LEE KOK-LONG, J.P.

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBERS ABSENT:

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

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN YUEN-HAN, J.P.

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

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

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

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

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

THE HONOURABLE MA LIK, G.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

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

THE HONOURABLE JOSEPH WONG WING-PING, G.B.S., J.P.
SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY

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

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

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

PRESIDENT (in Cantonese): Clerk, there are only 20 Members in the Chamber. Please ring the bell to notify Members to come into the Chamber.

(After the summoning bell had been rung, a number of Members entered the Chamber)

PRESIDENT (in Cantonese): A quorum is now present. The meeting now begins.

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>
Land Registration (Amendment) Regulation 2007	36/2007
Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2007	37/2007
Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2007	38/2007

Other Papers

- No. 76 — Report by the Controller, Government Flying Service on the Administration of the Government Flying Service Welfare Fund, together with the Director of Audit's Report, for the year ended 31 March 2006
- No. 77 — Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2006-2007 (Public Finance Ordinance : Section 8)
- No. 78 — The Lord Wilson Heritage Trust Annual Report 2005-2006

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Smart Identity Cards with Multi-application Capability

1. **PROF PATRICK LAU** (in Cantonese): *The Government has advised that Smart Identity (ID) Card has multi-application capability, which brings convenience to members of the public. In this connection, will the Government inform this Council:*

- (a) *of the types of data that can be stored in Smart ID Card at present;*
- (b) *whether it has considered storing, in the Smart ID Card of construction workers, the records of their attendance at recognized safety training courses, so that they may be allowed to enter construction sites without carrying green cards; and*
- (c) *whether it plans to permit Smart ID Card to store all the professional and academic certifications issued by government departments and recognized academic institutions, thereby reducing the number of certification cards to be issued and facilitating verification by potential employers; if so, of the details of such plans; if not, the reasons for that?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, the purpose of implementing the Multi-application Smart ID Card is to enhance security and to provide more efficient, better quality and value-added electronic services to the community. Any proposal for change or expansion of the scope of application of the Smart ID Card should be considered on its benefits to the cardholder and the community, taking into account the privacy issues of the cardholder, and will eventually require the approval by the executive body and the Legislative Council before implementation.

Regarding the question asked by Prof Patrick LAU, my reply is as follows:

- (a) The data stored in the chip embodied in the Smart ID Card is made up of two main types: (i) immigration data and (ii) non-immigration data.
 - (i) The immigration data consists of all the data printed on the card face plus the digital photo image, left and right thumbprint templates and data about the conditions of stay of the cardholder. Besides being used for immigration purpose, part of the data can be used by other applications, including as a substitute for the Library Card.
 - (ii) The non-immigration data currently consists of a digital certificate of the cardholder issued by the Hongkong Post Certification Authority under the Electronic Transactions Ordinance (Cap. 553) if the cardholder has applied for it to be stored in the chip embodied in the Smart ID Card on a voluntary basis.

There is a limited amount of memory space in the chip of the Smart ID Card available for storing new data, but we need to consider the above factors before adding new data to the chip.

- (b) When developing the Multi-application Smart ID Card system, the Government had considered storing data of registered construction workers in the Card. We decided not to add this type of data into the Card, for the following reasons:
 - (i) First, the storage capacity in the Smart ID Card is limited. The basic principle for adding new data is that the data should be commonly used, and can benefit the majority of the cardholders.
 - (ii) Second, reading and storing the contents of the Card require a secure and controlled environment and associated computer systems to preserve the authenticity and integrity of data stored in the Card and prevent the data from being erased or altered. In general, a construction site environment does not meet these requirements. Using an improper system to read or store data in the chip of the Card would not only cause

damage to or loss of the data, it is possible that the immigration related data in the Card might be affected.

- (iii) Third, if the required data in Smart ID Card is temporarily inaccessible due to loss or damage of the Smart ID Card, it will cause great inconvenience or loss to the registered workers in their work.
- (c) The Government does not intend to store data of the cardholder such as professional and academic certifications in the chip embodied in the Smart ID Card. The main reason is that we want to reserve the limited memory space of the Card for new data that can benefit most of the cardholders and the community, taking into account the security and privacy considerations. We believe that the professional and academic certification data does not meet these criteria.

To facilitate checking of this kind of data, we believe that the Smart ID Card can be considered to be used as an authentication token, including the digital certificate stored on the Card as appropriate, to gain access to the databases stored in external computer systems.

PROF PATRICK LAU (in Cantonese): *President, the intelligence of this Smart ID Card is very limited. The Secretary said in part (c) of the main reply that some memory space was reserved for new data that could benefit most of the cardholders and the community. May I know what sort of new data that is?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): I thank Prof LAU. As I said in the main reply, when we were developing this new system, apart from storing immigration data, we gained approval from the Legislative Council to use this ID Card as a substitute for the Library Card. The Transport Department is actively studying another use, that is, to use it to replace the driving licence. In addition, some memory space was also reserved at that time for a third purpose, namely, e-purse. That was probably due to the fact at that time, the Octopus Card was still not that popular. As to whether or not the development of this so-called e-purse function will continue, the Hong Kong Monetary Authority (HKMA) is still studying it.

Moreover, Madam President, I wish to add that we are now conducting a study together with other departments to see if this Smart ID Card can be used for making some kinds of applications. The Leisure and Cultural Services Department (LCSD) is now actively considering whether or not to let the public use the ID Card to book sports and recreational facilities. Thus, I believe that insofar as government services are concerned, we will continue to conduct studies and make use of the existing Smart ID Card to make things convenient for the public as far as possible.

MR CHAN KAM-LAM (in Cantonese): *President, regarding the limited amount of memory space on the Smart ID Card, Prof Patrick LAU described it as limited in intelligence just now but I think this criticism is most unreasonable. The question is whether the Government has made full use of it or not. The Secretary replied just now that it would be used for other purposes. May I know if there is any timetable or plan? This is very important because we have used the Smart ID Card for several years, but only for immigration and identity verification purpose, and there is no timetable for other uses. This gives one the impression that the Smart ID Card can only be used for identity verification. May I know if the Government has any plan and timetable, so as to let people know how it is going to develop its functions?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, I wish to answer this supplementary in two parts. First, Members can see from my main reply that the Smart ID Card can already be used as a digital certificate. At present, over 100 government services, including the payment of some charges, can be accessed via the Internet. These transactions on the Internet can be authenticated with the digital certificate. I believe that with our continuous promotion of e-Government, the public will have more and more opportunities to use government services by means of the digital certificate.

Second, another point that I mentioned just now is that, take the LCSD as an example, it is hoped that within this year, the public can book sports or recreational services with their ID Cards. The Transport Department is also actively studying whether it is necessary to amend the law before the driving licence can be replaced with the ID Card. We also hope that the Department can reach a conclusion within this year. In fact, we are continually and actively taking forward the work in this area.

DR RAYMOND HO (in Cantonese): *The Government requires us to carry the ID Card and we are always afraid of losing it and often take great care to protect it. However, the ID Card has been in use for many years but the Government has so far made limited use of the memory space in the chip. I think the work in this regard can be speeded up. For example, since the public health care services in Hong Kong are used by 94% of the members of the public, will the Government consider storing some basic information such as blood type or people's allergy to certain drugs (such as penicillin) on the ID Card?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, in fact, we will consult the relevant departments and Policy Bureaux from time to time to see if the ID card can be used to store some new data. Just now, Dr Raymond HO asked if information on blood type could be stored. Some people even suggested that if a cardholder had promised to donate his organs after death, such information could also be stored in the chip. We have actually considered these suggestions and the relevant Policy Bureaux have also considered them. However, due to the problem of stability mentioned by me in the main reply and the fact that such information has to be updated all the time, even if the information is stored, ultimately, the situation will be like this: If a cardholder has an accident and has to receive treatment in hospital, even if the data stored in his ID Card indicates that his blood type is O, according to the information that we have obtained, a hospital will still draw blood from him for analysis as health care workers cannot make decisions based on the information on blood type stored in his ID Card.

As regards the donation of organs, some views hold that if a cardholder changes his mind, we will have to update the information all the time. For this reason, Madam President, I think it is difficult to answer all queries during the short Question Time. If Members really have any views, as the exercise to replace all ID Cards with Smart ID Cards is coming to an end, Members can continue to discuss in detail whether some uses have to be considered or reconsidered in the relevant panel. I believe our Bureau and the Security Bureau will be happy to consider them. As I said just now, the basic principles are security, privacy, no need to make updates frequently, stability and benefiting cardholders and the community. So long as the basic principles are complied with, we will be glad to consider all new uses.

MR ABRAHAM SHEK (in Cantonese): *President, the Secretary's main reply did not answer part (b) of Prof Patrick LAU's question. Prof LAU hopes that the records of construction workers' attendance at recognized safety training courses can be stored on Smart ID Cards. This is a security and safety issue. Concerning security, since the Government says that there are a lot of illegal workers on construction sites, if the relevant information is stored on Smart ID Cards, illegal workers can be prevented from working on construction sites.*

In addition, the Government is now implementing the registration of workers and all workers on construction sites have to be registered. If such information is stored on Smart ID Cards, then one ID Card can serve two functions. May I ask the Secretary why he is not willing to undertake the work in this regard?

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): *Madam President, in fact, I have already said in the main reply that if the ID Card is used to replace the existing Green Card, firstly, every construction site must have a stable system that is capable of reading the data on ID Cards. Therefore, the security requirements will have to be even more stringent.*

Secondly, as far as I know, Green Cards may have to be updated all the time and each time the information is updated, it is necessary to go through a procedure. However, if Members and the industry all think that those technical problems can be overcome and the industry is also willing to make investments by upgrading all computers to such a standard that they can meet our requirements, we can also discuss these issues again in the relevant panel.

MR HOWARD YOUNG (in Cantonese): *President, the Government says in the second paragraph of part (c) of the main reply that consideration can be given to using the Smart ID Card as an authentication token. May I ask the Government if it has considered further expanding the functions from that of simple authentication to providing functions that can actively serve the cardholders? For example, to store the numbers of the SAR passport and the driving licence and their expiry dates on it, so that members of the public can be reminded automatically when their documents are about to expire and have them renewed? This has gone beyond the scope of authentication. Can the Government think more broadly?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, I have said just now that in respect of e-Government, we are continually upgrading the services. Mr YOUNG asked if there can be a system that will enable us to update all information immediately. We will consider this suggestion when examining how to make things more convenient for the public through the services of e-Government.

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

MISS CHOY SO-YUK (in Cantonese): *President, the Secretary said that originally, some memory space had been reserved for the e-purse function. This kind of information has to be updated very quickly. In view of this, I do not understand why the Secretary subsequently said several times that information such as blood type could not be stored. In fact, there is the least need to update this kind of information. President, what I want to say is that if memory space has been reserved for the e-purse function, that means this kind of information can be updated.*

Other kinds of information are also very important, for example, if the cardholder is a patient suffering from chronic diseases or is allergic to certain drugs, the police or hospitals have to get the information quickly. Often, patients may not carry this kind of information with them. Can the information be stored on ID Cards? I also agree that government departments should use Smart ID Cards more extensively.

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, this question in fact covers several issues. For example, if e-purse is introduced, it will be necessary to update the information all the time and see how it can be stored on ID Cards. Of course, in 2000, as the Octopus Card was still not that popular in Hong Kong, it was hoped that such a function could be available.

In addition, as Miss CHOY So-yuk said just now, since it is necessary to keep updating the information on e-purse, this is also one of the reasons why the HKMA still cannot make a decision to date.

As regards making use of the ID card to obtain information relating to the physical information of the cardholder, this can in fact be done by means of an authentication token and it is not necessary to store the information in the chip. For example, by means of the authentication token, we will know the ID card number of the cardholder and in that way, we can already obtain a lot of information from the database in the public health care system. However, as I said just now, if there is the opportunity, I will be happy to discuss with Members in the relevant panel whether or not the ID Card can be used for other purposes, including medical purposes.

PRESIDENT (in Cantonese): Second question.

Award of Honorary Doctorates by Universities

2. **MS EMILY LAU** (in Cantonese): *President, it has been reported that a professor of the Hong Kong Baptist University (HKBU) claims that a senior official from the Education and Manpower Bureau (the Bureau) has attempted to interfere in matters relating to the university's award of honorary doctorates by requesting the Council chairman of the university to remove a person's name from the list of recipients concerned, but the request was turned down. It has also been reported that according to the senior management of the Lingnan University, similar incidents have occurred in their university too. In this connection, will the executive authorities inform this Council whether:*

- (a) *they know the criteria adopted by publicly-funded universities for determining the recipients of honorary doctorates; and*
- (b) *the Bureau officials had, in the past three years, expressed views to universities on matters relating to the award of honorary doctorates; if so, of the details concerned and the reasons for expressing such views?*

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

- (a) The University Grants Committee (UGC)-funded institutions are autonomous bodies governed by their own ordinances. These

governing ordinances empower the institutions to confer degrees and academic awards (including honorary degrees and honorary awards). Institutions can draw up their own procedures and criteria for conferring honorary degrees in accordance with their relevant ordinances.

In general, institutions will take into account various factors in considering the conferment of honorary degrees, including the candidates' contributions to the development of the concerned institution, the academic sector, and the community at large.

- (b) In the past three years, there was only one occasion on which the Bureau had expressed views to UGC-funded institutions on matters regarding the award of honorary degrees. In 2005, the HKBU submitted five nominations for the award of honorary degrees to the former Chief Executive (as Chancellor of HKBU) for consideration. As the former Vice Chancellor of The Chinese University of Hong Kong (CUHK), I understand that there was a gentlemen's agreement among the Vice Chancellors and Presidents of the UGC-funded institutions that institutions would award honorary degrees to not more than four persons each year unless there were special occasions such as celebration of anniversaries. In the light of this, the Bureau had raised the gentlemen's agreement with the HKBU for the University's reference, to facilitate its consideration of the nominations for honorary degrees. The Bureau has no intention whatsoever to interfere with the institutional autonomy of the HKBU or any other UGC-funded institutions.

Let me now quote our letter to the Council Secretary of HKBU dated 28 February 2005:

"It is our understanding that UGC-funded institutions have agreed among themselves to keep the number of honorary degree recipients to a maximum of four each year in normal circumstances. In the light of this, I wonder if your University would wish to give further thought to its nominations."

A polite letter providing information for the HKBU's reference can in no way be interpreted as interference. Moreover, the HKBU

confirmed in their reply at the time that they wished to confer honorary degrees to five people that year, and the Chief Executive (as Chancellor of HKBU) agreed that all five people could be duly awarded.

Indeed, when this matter was revived and reported in the press recently, the HKBU published the following statement on 9 February refuting the claim that there had been interference from the Bureau in this regard. Extracts are as follows:

"In response to some media reports today regarding alleged interference in the selection process of honorary degree recipients, Hong Kong Baptist University declared that such reports were groundless and untrue."

The phrase "..... such reports were groundless and untrue", as used in the English version, is particularly exciting.

MS EMILY LAU (in Cantonese): *First of all, in future, I hope the Secretary can place copies of the main reply for Members on our desks earlier. A moment ago, if I had not asked for it, he would not even include the declaration in it. And even if it was included eventually, it was not complete because the main reply did not include the statement of the HKBU. President, fortunately, I have brought along a copy of that information with me now.*

President, what I want to follow up is, if the Secretary said in his main reply that UGC-funded institutions were independent bodies, and that they also had the right to decide to whom they wish to confer degrees, and what kinds of degrees they would like to confer, then President, this poses a very interesting case before us. In 2005, the HKBU submitted the list of nominations to the Chief Executive, as he was the Chancellor of HKBU, for consideration — perhaps each university would submit such a list to its Chancellor for consideration. However, President, after reading the list, the Chancellor passed the list to the Secretary for Education and Manpower. After reading it, the Secretary, in view of his knowledge of the existence of a gentlemen's agreement (which was, however, not a government policy) when he was a Vice Chancellor himself, he approached the University. Is such a practice

inappropriate and unusual? If the authorities or UGC would like to see the implementation of such a measure, they can put it down in black and white to the effect that in each such ceremony, only four persons can be conferred honorary degrees. Therefore, does the Secretary think that, it was natural for the Chief Executive to pass the list to him after receiving it, and it was also natural for him to approach the relevant person after going through the list and confirming the view he has to express? At that time, a professor told the media that he found it a kind of interference. Does the Secretary think that he should do that?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, after the Chancellor had received the list, it was up to him to decide whom he would like to approach and what kind of view he would like to seek from such persons. If the Chancellor would like to seek my view, I am most willing to tender it. However, the ultimate decision would still be made by the Chancellor and the institution concerned.

Is Ms LAU saying that the Chancellor could not even seek the views of others, and such an act had already constituted a kind of interference? Or whoever provided any opinions would be regarded as making interference? I believe even the average man in the street would not agree with such a viewpoint.

MS EMILY LAU (in Cantonese): *President, my supplementary question was asking whether it had been a standard practice for the Chancellor to pass the list upon receiving it to the Secretary for Education and Manpower for scrutiny and expression of opinions. Does such a practice constitute an interference with the autonomy of the institutions?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The Chancellor, after receiving the list, can decide on his own how he would handle the matter. If he feels like consulting others, it is his own decision. What kind of opinions whoever may provide is a matter of personal responsibility. However, at the end of the day, the decision would still be made by the Chancellor and the institution concerned. All we can do is just to give advice.

MS EMILY LAU (in Cantonese): *President, I am not asking the question on such issues. I am asking about the practice of the Government, that is, whether the Chancellor would definitely hand the list over to the Secretary once he received it, and then the Secretary would express his views after going over the list. Is this a usual practice of the Government?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, this is not government business, not government business at all. This is business for the Chancellor and the institutions. After the Chancellor has received the list, he should decide on his own how he would like to handle the issue.

MR KWONG CHI-KIN (in Cantonese): *President, I am a member of the Council of CUHK. I was nominated by Honourable colleagues of this Council to serve in this capacity. Let me try to look at this incident from the perspective of a member of the Council of CUHK.*

I find the incident very weird. The Secretary said just now that it was the business between the Chancellor and the University. If so, may I ask why it had anything to do with the Secretary? Right? The Secretary might think that he was still a Vice Chancellor of a university because he said that there existed a gentlemen's agreement. If he was still the Vice Chancellor of CUHK, I think he was justified in making such comments to the HKBU because the latter had violated the gentlemen's agreement. However, he is now the Secretary. He said that he was just politely reminding the HKBU of it. That was what he thought, but the HKBU had bluntly turned down his suggestion.

May I ask the Secretary whether or not he would undertake not to do such unnecessary things in future? Can he stop acting like "a backseat driver" in dealing with universities, thereby really respecting the independence and autonomy of universities?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I do not agree with the allegation that I had been acting like "a backseat driver" in this incident. In this regard, we must clarify whether the

agreement among the institutions still exists or not. If it does not exist anymore, then there is no problem at all. If so, even if an institution says it would like to confer 20 or 100 honorary degrees annually, it can still make the decision on its own.

However, when I was a Vice Chancellor, an agreement existed among the eight institutions, that is, unless there were special occasions such as the celebration of anniversaries, institutions would not confer honorary degrees on more than four persons each year. I can see that, in those years, that is, 2002, 2003 and 2004, more and more institutions had conferred honorary degrees on more persons than the ceiling as agreed in the agreement, that is, four in a year. Therefore, I wanted to seek a clarification. Incidentally, the HKBU was the first institution that had submitted the list in that year, so I asked the university whether the agreement was still in existence or not. Was it necessary for the HKBU to give further thoughts to the issue? They replied that the university was very happy that year, so they very much wanted to confer honorary degrees on five persons. There were absolutely no problems with it, and finally those five persons were conferred honorary degrees. How can we say that it was an incidence kind of interference?

MR KWONG CHI-KIN (in Cantonese): *The Secretary has not answered my supplementary question. Why did the agreement among the universities have anything to do with him, in his capacity as the Secretary? Why did it have anything to do with the Government? Whatever agreement that might have existed among the universities, it has absolutely nothing to do with the Government. He assumes that he can intervene in the issue in his capacity as the Secretary.*

PRESIDENT (in Cantonese): Mr KWONG Chi-kin, this is not the time for you to argue with him. Has your earlier supplementary question not been answered? If not, please state it accordingly.

MR KWONG CHI-KIN (in Cantonese): *No. He has held an assumption about something. His problem lies in the fact that he has held an assumption about something. If he insists on maintaining such a stance, he should give a proper clarification.*

President, I would respect your ruling, of course.

PRESIDENT (in Cantonese): I do not know which part of your question has not been answered. In terms of procedure, if part of your earlier supplementary question has not been answered, all that you have to do is to repeat that part, and I shall request him to answer it.

MR KWONG CHI-KIN (in Cantonese): *President, thank you for your advice. I was asking the Secretary just now whether or not he would stop doing those unnecessary things. But he did not answer this part. He discussed the agreement among the universities in his capacity as the Secretary, does he find it meaningful or meaningless?*

PRESIDENT (in Cantonese): I remember that you raised a supplementary question just now to ask the Secretary whether he would undertake not to do that again in future. Secretary, do you have anything to add?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, as far as I know, this agreement among the institutions does not exist anymore.

MR CHEUNG MAN-KWONG (in Cantonese): *President, did the Government convey its opinions to the institution at that time through channels other than writing to specify precisely which proposed recipient of a honorary degree should not be awarded such an honour? If so, who was this person? What were the reasons and details? Which official of the Bureau was responsible for handling this case? I refer to both the sender of the letter and the official in charge of the case? Was it the Secretary, Prof Arthur LI, himself? Can the full text of that letter be released and tabled to the Legislative Council?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, as far as I know, someone had sent a letter to the HKBU on my behalf on that day. Before writing that letter, the officer concerned called up a secretary of the HKBU to inquire of the situation. The secretary responded by asking us to send a letter to them. Therefore, my subordinate wrote a letter to the HKBU on my behalf.

In that letter, we did not specify who, among those five persons, should not be conferred the honorary degree. We did not do anything like that. The letter just mentioned that we understood that there should be an agreement among the institutions and asked them whether they needed to take it into consideration. It was just as simple as that.

MR CHEUNG MAN-KWONG (in Cantonese): *President, can the Secretary answer more specifically which official was responsible for communicating with the HKBU, and whether that letter can be provided to the Legislative Council and be released to the public? Because the Secretary has provided an extract of only one paragraph in his main reply.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, as far as I can recall, that official was not a high-ranking official. And I do not know him too well. But he did sign the letter on my behalf.

MR CHEUNG MAN-KWONG (in Cantonese): *What about that letter?*

PRESIDENT (in Cantonese): Secretary, he was asking whether the full text of that letter can be released.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The letter was addressed to the HKBU. If we wish to release it, we must first consult the HKBU.

MR LEUNG YIU-CHUNG (in Cantonese): *President, I hope the Secretary can explain it once again because I could not figure out how his earlier explanation could make us understand it was all about a gentlemen's agreement.*

Given that it was a gentlemen's agreement, why did it have anything to do with the Bureau? Why did the Bureau have to play a role in making the reminder? Why did the Bureau have to take the initiative of reminding that

university of the existence of that gentlemen's agreement? I really fail to comprehend the Secretary's earlier explanation. In adopting that practice, had he been acting beyond the authority of the Bureau? From an objective perspective, had it become a kind of interference in effect?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese):
Madam President, there is no question of that.

When I was the Vice Chancellor of CUHK, many — not too many — some Legislative Council Members often criticized the universities, accusing us of selling degrees, and honorary degrees, and so on. They levelled a lot of unreasonable criticisms against the universities. In view of such circumstances, we had discussed the issue in a meeting among the Vice Chancellors and Presidents and it was agreed that it would be reasonable for each institution to confer only four honorary degrees annually, and that more honorary degrees could be conferred, if necessary. However, on a working level, we are prepared to confer only four as a starting point. We had a consensus on this.

Since my assumption of office as the Secretary for Education and Manpower, two institutions had conferred more than four honorary degrees in 2002; three in 2003; and four in 2004. We can see that the number of honorary degrees conferred has been on the rise. In February 2005, the HKBU was the first institution that had submitted the list, on which there were five names. Therefore, I wanted to find out whether that agreement still existed or not. It was just as simple as that.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Secretary has not answered my supplementary question at all. What I have been asking was: Since it was a gentlemen's agreement, instead of a policy, why did it have anything to do with the Bureau? What kind of role the Bureau had assumed in reminding others? Regarding such a practice, what kind of role the Secretary thinks that he has played in reminding others? Is such a practice in effect a kind of interference? He has absolutely not answered any of these questions.*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, it is by no means interference. How can it be called interference? I did know about that agreement. I knew that agreement did exist. It existed at that time.

Therefore, after I had joined the Bureau, I found that the situation was not like what happened in the past. So I had the responsibility of reminding them of it. Why did we have to make that agreement? It was because some Legislative Council Members had frequently criticized our universities. Therefore, we made that agreement. As such, I thought I had the responsibility of protecting our universities from unreasonable criticisms levelled by Legislative Council Members.

MR LEUNG YIU-CHUNG (in Cantonese): *The Secretary has misunderstood my supplementary question. I was not directing the question at the Secretary personally because the letter represented the Bureau. My supplementary question just now was asking what kind of role the Bureau was playing, and what kind of relationship it based on in reminding others of the existence of that gentlemen's agreement. I was not asking the question on a personal level, that is, the Secretary for Education and Manpower. Unless the letter was not sent in the name of Bureau, but in the name of himself, then I shall*

PRESIDENT (in Cantonese): You do not have to answer the question on his behalf. Let him answer it.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The Bureau has the responsibility of protecting our universities from unreasonable criticisms.

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

DR YEUNG SUM (in Cantonese): *Madam President, may I ask the Secretary whether he had been acting like a "busybody" and whether he had mixed up his roles now and then.*

In his reply he often used "we" or "us", but he is no longer the Vice Chancellor of CUHK, but the Secretary for Education and Manpower. He knew about the existence of that agreement because he used to be the Vice Chancellor of CUHK. But now he is the Secretary for Education and Manpower. When he told his subordinate to write that letter, had he mixed up his roles? He might have acted out of good intentions, because he has experience working as a Vice Chancellor. However, when he has assumed the post of the Secretary for Education and Manpower, he must do what he should be doing. Madam President, may I ask the Secretary, when he told his subordinate to write that letter, whether he had switched the role of the Vice Chancellor of CUHK, the office he used to assume, with his present role as the Secretary for Education and Manpower, and had the two roles mixed up, thereby giving people the impression that he had interfered with academic freedom?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, regardless of whether I was the Vice Chancellor or I am the Secretary for Education and Manpower, I have always hoped to safeguard our academic freedom. My work in all aspects is done with the intention of protecting our universities against unreasonable and unscrupulous criticisms. In this regard, my stance has always been consistent.

DR YEUNG SUM (in Cantonese): *Madam President, I was asking the Secretary whether or not he felt that he had confused his role, having mixed up the roles of the Vice Chancellor of CUHK (the office he assumed previously) and the Secretary for Education and Manpower?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Absolutely no mixing up is involved because the objectives in both roles are identical.

PRESIDENT (in Cantonese): Third question.

Number of First-degree Places

3. **MR CHEUNG MAN-KWONG** (in Cantonese): *President, like Ms Emily LAU, I hope the Education and Manpower Bureau can provide copies of the reply to Members as early as possible in the future, for this is not the first time. My main question is: The number of publicly-funded first-year first-degree (FYFD) places has been maintained at 14 500 since the 1994-1995 school year. In this connection, will the Government inform this Council:*

- (a) *of the criteria used as the basis for setting the number of first-degree places each year at the level of 14 500; and*
- (b) *whether such places will be increased so that more local students of the appropriate age group and associate degree graduates can pursue further studies; if so, of the details; if not, the reasons for that?*

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

- (a) In determining the approved student number targets for publicly-funded places in the University Grants Committee (UGC)-funded sector (including FYFD places), the Administration will take into account various educational, social and economic considerations. These include, among others, the projected student population of the relevant age cohort, the quality of student intakes, the development of the publicly-funded and self-financing post-secondary sectors, the Government's fiscal position, as well as the manpower requirements and economic development trends of Hong Kong. Based on the UGC's advice, the Administration will submit its recommendations on the approved student number targets for the UGC-funded sector to the Executive Council for consideration.
- (b) While the number of FYFD places has remained unchanged in the past years, there were developments on other fronts which have led to increases in the tertiary education opportunities of the relevant age cohort. First, the Administration has provided articulation

opportunities for students having sub-degree or other relevant qualifications through the provision of publicly-funded senior year places in the UGC-funded institutions. In this regard, the Administration has undertaken to create additional publicly-funded Year Two and Year Three undergraduate places by phases totalling about 3 800 from the 2005-2006 to 2010-2011 academic years.

Furthermore, through a series of support measures, including start-up loans, land grant at nominal premium and accreditation grants, the Government has facilitated the development of self-financed post-secondary education programmes in Hong Kong. At present, self-financed post-secondary education institutions provide some 2 300 FYFD and 1 500 top-up degree places for students in Hong Kong.

The Administration will keep in view the development of our higher education sector to ensure that it is capable of meeting the education needs of our students and the manpower requirements of Hong Kong. We will also examine ways to better support the further development of the self-financing sector in providing higher education opportunities.

MR CHEUNG MAN-KWONG (in Cantonese): *President, the Government indicated in the main reply that the authorities would keep in view the development of the higher education sector to ensure that it is capable of meeting the education needs of students and the manpower requirements of Hong Kong. However, it was projected in the Report on Manpower Projection published in 2003 that there would be a shortfall of 82 600 degree graduates by 2007. The Commission on Strategic Development has also admitted in its paper that the employed population of degree holders in Hong Kong is a mere 14.8%, which is relatively low compared to many major economies.*

May I ask the Government, given that the policy of maintaining the number of university places at 14 500 was introduced 18 years ago and has been implemented for 14 years without any increases during the period, if the policy has become obsolete a long time ago, lagged behind economic developments, and is far from being able to meet social demands and expectations for university graduates? Will the number of places thus be increased?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the actual situation is different from what was described by Mr CHEUNG Man-kwong because, starting from 2000, we have made it very clear that we hope 60% of students of the relevant age cohort can receive higher education. Although our original goal is to meet our target in 10 years, we have managed to achieve our target within five years.

A university student cannot be trained overnight. It takes time for the student to be trained progressively. Members can see that although the number of university places has remained unchanged at 14 500, there have been increases in the number of self-financed places, top-up places and Year Two and Year Three places. For this reason, the truth cannot be distorted by one single figure.

Second, regarding the saying that the current university admission rate is less than 18%, I can tell Members that the actual admission rate for 2006-2007 is 20.1%.

MR CHEUNG MAN-KWONG (in Cantonese): *The Secretary did not listen attentively. My supplementary question was very clear. The two reports quoted by me, published separately by the Government and the Commission on Strategic Development, fully point to the inadequacy of degree-level graduates. Hence, may I ask the Secretary if the policy of maintaining the number of university places at 14 500 per annum has become obsolete and lagged behind economic and manpower requirements? The Secretary's reply should not be confined solely to university places.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Actually, my reply is already there. University places are not solely funded by the Government. There are self-financed places as well. We have already stated that — perhaps I should read it out once again — at present, self-financed post-secondary education institutions provide some 2 300 FYFD and 1 500 top-up degree places for students in Hong Kong.

MS LI FUNG-YING (in Cantonese): *The Secretary mentioned earlier that the admission rate for degree programmes is 21.6% but, judging from the figure*

provided by the Government that there are 14 500 places, the admission rate should stand at 18% only. However, the Chief Executive has indicated that the Government will vigorously invest in education to facilitate social mobility and reduce inter-generational poverty. May I ask the Secretary, given such commitments, whether he will review the admission rate of degree programmes other than those which are self-financing?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): We will certainly conduct a review, on a frequent basis too, to examine the situation. However, students admitted to universities must meet a certain standard as well. We cannot create places at will to allow every student to study in universities. At present, most students have the opportunity to study in universities. For instance, about 15 000 of the 27 000 students sitting the Hong Kong Advanced Level Examination have passed the examination and are qualified to study as Year One students in universities. The number of university places, around 14 500, is almost sufficient. Furthermore, there are many self-financed programmes.

Nevertheless, is it necessary to provide more places? I believe it is necessary to do so because we hope to nurture more talents. However, besides the provision of more places, the quality of students has to be upgraded, too. Otherwise, we will be criticized by many that the standard of university students nowadays is lower than before.

MR WONG KWOK-HING (in Cantonese): *At present, students of UGC-funded programmes and students of self-financed programmes are given different funding treatments, for the burden of self-financed students is extremely heavy. Given that the Government has an abundant fiscal surplus now, may I ask the Secretary whether the two will be combined to treat self-financed students like UGC-funded students?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): I am very grateful to Mr WONG Kwok-hing for raising the supplementary question.

Our review is actually underway. The first round of review of post-secondary education has been completed, and the second round is in

progress. One of the items to be reviewed in the second round is the difference between funded and non-funded programmes. Assistance to self-financed students was already enhanced last year.

MR WONG KWOK-HING (in Cantonese): *President, may I ask when the outcome of the review will be available?*

PRESIDENT (in Cantonese): This is not part of your supplementary question.

MR WONG KWOK-HING (in Cantonese): *Because I did ask about the review.*

PRESIDENT (in Cantonese): I know, but you did not ask in your earlier question when the outcome of the review would be available, therefore, this is not considered part of your supplementary question. As this is a separate supplementary question, please press the button and wait for another turn.

DR JOSEPH LEE (in Cantonese): *President, the Secretary stated in the main reply that the development of high education would be adjusted in the light of the manpower requirements of individual sectors. I see that the manpower requirements of the health care profession are very keen between 2003 and 2008. However, the UGC has not taken any action and provided more resources to enhance training in this area. Under such circumstances, how can the manpower requirements in Hong Kong be met?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, funding is normally provided to the UGC for three years. It is only under special circumstances that funding for a roll-over year is granted. On receipt of the funding, the UGC will distribute resources among UGC-funded institutions which may decide on their own the programmes to be organized according to their own preference. The autonomy is vested with the institutions ultimately. We also very much hope that the institutions can respond to social requirements, but it is not easy.

DR JOSEPH LEE (in Cantonese): *President, my supplementary question is — according to the reply given by the Secretary, he.....*

PRESIDENT (in Cantonese): Which part is not yet answered?

DR JOSEPH LEE (in Cantonese): *The part not yet answered by the Secretary concerns the fact that the manpower requirements are related to funding. However, he stated in his reply that the institutions would make their own decisions after funding was provided. My supplementary question is: After the provision of funding to the UGC, according to the Secretary's reply, the UGC will not necessarily plan for admission of students or use of public funds according to the manpower requirements in society. Despite my concern about this, the Secretary did not answer this part.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Our work with the UGC in such areas as funding, places and curriculum are very complicated.

First, the manpower requirements in some sectors, particularly nurses, doctors, lawyers, teachers, are of concern to us. We have to start with a projection to estimate the amount of manpower required for the coming years before informing the UGC of the numbers of certain categories of talents required locally. The UGC will then write start letters to various institutions.

After receiving the letters, the institutions will have to draft an academic development plan to propose schemes of development under the existing constraints and continue discussing with the UGC their required development and new programmes.

Finally, the UGC will report to us whether or not the requirements of the institutions have been accepted, the accuracy of our projections and whether there are any problems. Upon the completion of these procedures, the UGC will make the final decision and make proposals to the Chief Executive. For years, the Government has accepted the UGC's proposals, and the proposals will then be considered and endorsed by the Executive Council. After consideration, we will apply to the Finance Committee of the Legislative Council for funding to UGC-funded institutions. These are the procedures involved.

DR JOSEPH LEE (in Cantonese): *Excuse me, I am a bit long-winded. Actually, the thrust of my supplementary question is: The Secretary has stated in the main reply that the number of places will be determined according to the manpower requirements in society. Although the Secretary has explained the funding procedures in great detail, it seems that the issue of manpower requirements in society can still not be resolved after the detailed procedures. Why is it so? Are there any blunders in terms of planning or projection?*

PRESIDENT (in Cantonese): Dr Joseph LEE, what is actually raised in your supplementary question is, given that the requirements are evident, why the Government does not consider providing more funding to enable the universities to adopt new initiatives in the light of the requirements. Right?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Actually, the institutions have their difficulties in this regard. Perhaps let me cite an example to illustrate to Dr Joseph LEE. Having noticed the need for more English language teachers, the Education and Manpower Bureau requested the UGC to make a special effort in training more English language teachers. Although the institutions were very pleased with this, the UGC finally decided that the Government might not be able to absorb outstanding students into the profession should the number of training places for English language teachers be abruptly raised. Furthermore, a good effect might not be achieved if the number is raised suddenly. Despite our hope that more English language teachers can be enlisted, we finally accepted the UGC's proposal to reduce the number of additional English language teachers. Nevertheless, is there still the need for more English language teachers? Yes, it is.

MR SIN CHUNG-KAI (in Cantonese): *President, the Secretary has repeatedly emphasized that a substantial ratio (more than 20 percentage points) of students are qualified to pursue degree programmes. I would like to raise a question concerning the last paragraph of part (b) of the main reply with respect to the 1 500 top-up degree places. How many associate degree places are now available? How many associate degree graduates wish to pursue university studies and are qualified — the Secretary said earlier that students must meet entry requirements before they can pursue the relevant studies — how many students are qualified but have failed to be admitted to local universities each year?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, universities have the autonomy to enrol students. The Government will make no intervention.

MR SIN CHUNG-KAI (in Cantonese): *The Secretary has not answered my supplementary question. I am asking about the figures, not whether the Government has intervened in the admission or rejection of students. It is certainly not the Government's responsibility to admit a certain student, but.....*

PRESIDENT (in Cantonese): Please briefly repeat the supplementary question you raised earlier.

MR SIN CHUNG-KAI (in Cantonese): *My supplementary question is very simple. How many of the associate degree graduates who are qualified for admission to universities, that is, top-up degree courses, end up failing to be admitted to universities each year? I am asking about the figures, not whether a certain student has been admitted.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, at present, about 20 000 students are pursuing associate degree courses. Regarding the question as to whether all associate degree graduates have successfully graduated, we still do not have such statistics. However, I believe most of them should meet the standard. After meeting the standard, they may apply to the institutions. However, I must emphasize here that associate degree graduates are independent. Not all of them have to articulate with universities, for their academic qualifications are independent and recognized by the Government. Insofar as this aspect is concerned, I really have no idea if I am asked how many students wish to pursue their studies in universities.

MR SIN CHUNG-KAI (in Cantonese): *President, the Secretary has not answered my supplementary question, which was about figures. Figures on the number of associate degree students having submitted applications should actually be available. I have no intention at all to ask for information on*

students who do not intend to pursue further studies. I asked how many students were qualified and applied for admission to universities but were rejected because of insufficient university places. President, this is just a simple figure. I think that the Secretary should answer this supplementary question instead of "leading us on a tour round the garden".

PRESIDENT (in Cantonese): Secretary, if you do not have the information at hand, you may consider giving a reply in writing.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): No, Madam President, I find this supplementary question unreasonable to us because the students submitting applications might not be qualified, but still they may submit their applications. How can we know? Furthermore, every institution has its own entry requirements which are determined by itself; the Government will not know about their requirements. I can only tell Members that the number of articulation places has now been raised to 3 800.

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

DR FERNANDO CHEUNG (in Cantonese): *Two thirds of the young people in Hong Kong are already eliminated by the Hong Kong Certificate of Education Examination and then about half of the remainder will be eliminated at Secondary Seven. The ratio of students of the relevant age cohort of degree places — including the number of self-financed places mentioned by the Secretary earlier — is approximately 20%. However, the ratios in some European countries and the United States reach 60%.*

The Secretary mentioned in his reply earlier that degree places are not provided indiscriminately. Students must be qualified and meet the standard before they are admitted. May I ask the Secretary whether or not the young people in Hong Kong are not up to standard, compared with some advanced countries abroad? Is it the case that the standard of the young people or the standard of secondary and primary education in Hong Kong is relatively poor compared to that in overseas places, hence we cannot allow more young people to pursue degree courses?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, let me tell Dr Fernando CHEUNG as I think he probably does not have the information. Among the advanced countries in Europe and the United States, only 13.2% of the 17-year-old young people in Denmark have the opportunity to pursue university studies. The figures stand at 16.8% in Germany and 17% in Iceland. Indeed, the figures in many European countries are below 20%, which is close to the ratio recorded in Hong Kong at present. Furthermore, this 20% does not include the number of self-financed places and the large number of students studying abroad. The ratio will become much higher if these are included as well.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, is your supplementary question still not answered?

DR FERNANDO CHEUNG (in Cantonese): *I asked the Secretary in my earlier supplementary question whether the standard of Hong Kong students compared poorly to that of overseas students. The Secretary has not answered my question.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The standard of Hong Kong students is excellent. Judging from the worldwide standard, and under the PISA Study survey we frequently mention, among the OECD countries, the 15-year-old students in Hong Kong rank first in the world in mathematics, second in problem-solving, and third in science. The standard of our students is therefore excellent.

PRESIDENT (in Cantonese): Fourth question.

Obstetrics and Gynaecology Services at North District Hospital

4. **MR LI KWOK-YING** (in Cantonese): *President, regarding the obstetrics and gynaecology (O&G) services at the North District Hospital (NDH), will the Government inform this Council whether it knows:*

- (a) *given that it has been reported that the New Territories East (NTE) Cluster of the Hospital Authority (HA) has recently abolished the emergency gynaecology services at the NDH and redeployed the manpower there to the Prince of Wales Hospital (PWH), resulting in patients seeking emergency gynaecology services in that district having to go to the PWH, which is about 30-minute drive from the North District, for such services, whether the HA has assessed the additional risks posed by such an arrangement to patients seeking emergency gynaecology services (especially those experiencing extra-uterine pregnancy or miscarriage); if so, of the assessment results;*
- (b) *whether the HA has considered recruiting additional staff to solve the problem and hence there is no need to abolish the above services; if so, of the details; if not, the reasons for that; and*
- (c) *given the increasing demand for obstetrics services from residents in the North District, whether the HA will consider providing obstetrics beds at the NDH; if so, of the timetable; if not, the reasons for that?*

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

- (a) The seven public hospitals under the NTE Cluster, namely the PWH, the Shatin Hospital, the Bradbury Hospice, the Cheshire Home of Shatin, the Alice Ho Miu Ling Nethersole Hospital (AHMLNH), the Tai Po Hospital (TPH) and the NDH, provide medical services to residents in the NTE. Within the NTE Cluster, the PWH and the NDH provide both in-patient and out-patient gynaecology services, while only gynaecology out-patient services are available at the AHMLNH.

The NTE Cluster is planning to realign its emergency gynaecology services in April this year. According to the HA, the main reason for the service realignment is the departure of nine specialists and senior professors of the O&G Department of the Cluster and The Chinese University of Hong Kong in the past two years. In order for hospitals to properly handle emergency surgeries, one of the

important factors is the level of clinical experience of its health care staff. In view of the loss of some senior doctors, the NTE Cluster conducted a review on its emergency gynaecology services in February this year. The findings of the review showed that the utilization of such services at the NDH was relatively low. In 2006, the NDH handled a total of 664 emergency gynaecology cases, of which 93 cases required emergency surgeries, representing a weekly average of 12.8 emergency gynaecology patients and 1.8 emergency gynaecology surgeries. Among the patients who required emergency surgeries, about two thirds were residents of the North District, with Tai Po residents making up most of the remaining third.

Having regard to the overriding objective of ensuring the provision of quality medical services, and after considering the matter very carefully and balancing all relevant factors, the NTE Cluster reached the conclusion that the most appropriate arrangement in the circumstances is to converge all emergency gynaecology services of the Cluster at the PWH and cease providing such services at the NDH.

After the service realignment, non-emergency gynaecology services of the NDH, including specialist out-patient, ambulatory care and ward services, will remain unchanged. The NTE Cluster will flexibly deploy the necessary manpower to cater for the demand for emergency services at the PWH.

The NTE Cluster will strengthen its internal guidelines prior to the realignment of its emergency gynaecology services, so as to ensure that patients would be given timely and appropriate diagnoses, medical treatment and referrals. The HA indicated that the proposed service arrangement will not pose any additional clinical risks on patients in the North District who require emergency gynaecology services.

- (b) As regards manpower, the HA regularly reviews the human resources of various specialist services and will make necessary readjustments from time to time in order to support service development and meet service demand. In July 2006, the NTE

Cluster recruited four resident doctors for its O&G Department to fill the vacancies left behind by doctors departed in 2005-2006. For the coming year, the NTE Cluster is actually planning to enhance its O&G services. In this connection, the NTE Cluster will continue to recruit new doctors to fill existing vacancies. On top of that, the Cluster will recruit an extra one or two O&G resident doctors and promote four associate consultants. These newly recruited/promoted doctors may need some time to fully familiarize themselves with their new jobs. The NTE Cluster hopes that this will strengthen its O&G team. It will also review its emergency gynaecology services in 2008 in the light of the latest situation at that time.

- (c) As regards the obstetric services of the NTE Cluster, all such services are currently converged at the PWH because of the availability of comprehensive neonatal care and intensive care support there.

Pursuant to the benchmark laid down by the HA's co-ordinating committee on O&G, the HA should only consider the establishment of obstetric services at hospitals with at least 3 000 childbirths per year, so as to ensure that their health care personnel are sufficiently experienced to handle complications that may emerge in the labour process. According to the statistics collated by the Census and Statistics Department, the number of local new-born babies residing in Tai Po and North District was around 2 600 per year, out of which 2 000 were delivered in public hospitals. Considering that the number of new-born babies residing in Tai Po and North District and delivered in public hospitals has yet to reach the aforementioned benchmark, the HA does not have any plan at the present moment to establish obstetric services at the NDH.

MR LI KWOK-YING (in Cantonese): *President, in the main reply the Secretary said that the services were realigned due to the drain of nine doctors over the past two years but in part (b) of the reply he said that doctors had been recruited accordingly. Of course, he said that those doctors may be relatively less experienced and so, they may not be able to cope. But may I ask whether or not those doctors and the more experienced doctors now working in the HA*

can be redeployed to provide support to each other, hence obviating the need to abolish the services at the NDH?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I know, in the NTE Cluster, gynaecology services in the entire Cluster are provided by the medical personnel as a team, and this arrangement has operated for a very long time. In this connection, all gynaecology services, whether those in the PWH, the TPH, the AHMLNH or the NDH, are provided by the same team. Manpower can be deployed flexibly among the hospitals, and members of the team will take turns to work in different hospitals. So, they have been working in this way already.

MR LI KWOK-YING (in Cantonese): *President, I do not see why the services have to be abolished. If they are already working in such a way now, why would it still be necessary to abolish these services at the NDH?*

PRESIDENT (in Cantonese): This is not part of the supplementary question that you asked just now.

MR ANDREW CHENG (in Cantonese): *More often than not, emergency service is considered a major kind of service at hospitals. Take fire stations as an example. They rescue lives as they put out fire, and a fire station would not be removed because the number of fires that broke out in a district dropped in a particular year. I hope that the Secretary will explain this to us. Emergency gynaecology services should not be abolished hastily because of a sudden shortage or shrinkage in manpower in a hospital, or on the ground that the service demand is considered to be low as the number of emergency surgeries performed in the hospital is not sufficiently high. When an emergency case really arises, and when there is traffic congestion, one may not be able to arrive in Sha Tin in an hour or two, but every single second counts when it comes to rescuing human lives. So, does the Secretary not agree that the abolition of the services will actually put many women in the North District in great danger when they require emergency medical care? Will he reconsider reversing this decision and restoring the provision of emergency gynaecology services at the NDH?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I already said in my main reply, the NTE Cluster will review the situation in 2008 after the implementation of this measure. The figures that we have all seen are most significant. For example, a specialist who is sent to the NDH takes care of 10-odd patients per week, which means a daily average of about two to three patients; and for patients requiring surgery, he takes care of only one to two such patients per week. For a resident specialist, this is a very small workload, and it is not consistent with the principle of resource allocation. Moreover, a surgery is sometimes not performed by one person, but with the assistance of more people. So, if resources can be pooled for surgeries to be performed exclusively in the PWH, the quality of and support for surgeries would be greatly enhanced.

We certainly agree that, if possible, emergency services should be provided in each district, so that emergency services can be easily accessible by all the residents. But insofar as Hong Kong is concerned, the time spent on transporting patients is not a big problem at all, as the ambulance journey from the North District to the PWH takes only about 28 minutes. Therefore, insofar as general emergency gynaecology services are concerned, the journey time is still tolerable because emergency gynaecology cases are generally not as serious as traumatic cases or other types of emergency cases.

MR ANDREW CHENG (in Cantonese): *Madam President, the Secretary has not answered the part concerning a shortage of resources. The Secretary said that a review would be conducted in 2008. Since he considered a review necessary, he obviously thinks that for services that have all along existed, there must be a reason for their existence. Does the Secretary consider it necessary to conduct a review immediately? The Secretary said that the journey is only a 28-minute drive, but if there is traffic congestion on the Tolo Highway, and as this is all about rescuing lives and providing relief, how will he solve this problem?*

PRESIDENT (in Cantonese): Mr Andrew CHENG, please repeat what you have just.....

MR ANDREW CHENG (in Cantonese): *He has not given an answer concerning the basic policy of the HA. If the HA considers rescuing lives or*

providing emergency services a fundamental hospital service, he should not use the reason that deploying a resident specialist to a hospital is far from effective to.....

PRESIDENT (in Cantonese): You do not have to further explain it. Just repeat your supplementary question direct, because many Members are waiting to ask their questions.

MR ANDREW CHENG (in Cantonese): *That is my supplementary question, but the Secretary has not answered it.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I think I have already explained the reason very clearly. Certainly, we will, as I said in the main reply, review this arrangement in 2008 when the specialists have matured with more experience. Moreover, a decision will be made depending on the situation of emergency O&G cases in various districts at the time.

MR RONNY TONG (in Cantonese): *President, I have a strong feeling of unease as I read part (c) of the main reply in relation to the requirement of 3 000 childbirths. President, a low birth rate is a territory-wide problem, or else the Chief Executive would not have made an appeal to each family to give birth to three children. At present, this problem exists not only in the North District and Tai Po, as obstetric services are also lacking in the new Tseung Kwan O District. Judging from the current situation, would it eventually be the case that no obstetric service would be provided in all the districts, because there would not be more than 3 000 newborn babies in any district.*

President, I think that this requirement is indeed contrary to the Chief Executive's policy of calling on each family to give birth to three children. In view of an ageing population in the community of Hong Kong, should the Government not conduct a review afresh of this criterion, or is it necessary to make changes to it? Or should we adopt the criterion that obstetric services will be provided at least in one hospital in each district, rather than deciding on the provision of obstetric services or otherwise using such a rigid number as the criterion?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the HA made its planning decisions not on the basis of the 18 districts, but on the basis of the seven Clusters. In each of the seven Clusters there is at least one hospital providing obstetric services and so, everyone can arrive at this hospital within a certain time. Insofar as obstetric services are concerned, in Kowloon East as mentioned by Mr TONG just now, obstetric services are provided in the United Christian Hospital, whereas in NTE, such services are provided in the PWH. So, the decisions made are not district-based, but Cluster-based.

MR RONNY TONG (in Cantonese): *President, I understand what the Secretary was trying to say in his reply, but my supplementary question is actually this: Should we not look at it from a Cluster-based perspective? It is because the Cluster may cover a large area and for instance, it is very expensive to take a taxi from Tseung Kwan O to the United Christian Hospital and the journey also takes a long time; the case is the same in the North District, the Tai Po Market as well as Sha Tin...*

PRESIDENT (in Cantonese): Right. We all understand your point. All you need to do is to state your supplementary question again. No further elucidation is necessary.

MR RONNY TONG (in Cantonese): *My supplementary question is this: Should the Government give up the principle of deciding on the provision of obstetric services or otherwise on the basis of the Clusters, and make decisions on the basis of the 18 districts?*

PRESIDENT (in Cantonese): In fact, the supplementary question that you asked earlier was not related to the 18 districts. Nor did it mention Clusters. You asked this question only in response to the Secretary's reply. Your supplementary question actually asked the Secretary whether the number of 3 000 childbirths should be maintained and reviewed, right? Please sit down.

MR RONNY TONG (in Cantonese): *Thank you, President.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, thank you for explaining this supplementary question to me. In fact, the policy is planned according to the recommendations of the expert group and in making the decision, we have also made reference to the planning of service delivery in this respect in places all over the world. Why is the line drawn at 3 000? It is because at the very least, there must be dozens of childbirths daily, or else we would have to inject plenty of resources, such as for the facilities in the Delivery Suite and particularly, for taking care of babies in the Intensive Care Unit. Very often, the problems of newborn babies will warrant emergency medical procedures or even surgeries. If we must station specialists in each of the 18 districts, we simply do not have so many specialists. Nor can we train up so many specialists for the purpose. For this reason, we must centralize the provision of some special services. Why are obstetric services so important? Because not only women in labour are involved — women in labour may develop complications but such cases are less likely to happen — very often, it is the baby that has problems, especially in cases of premature delivery. In this connection, we must provide services that are up to a certain standard. It is impossible for obstetric services to be provided everywhere, for it would be difficult to maintain the standard.

DR KWOK KA-KI (in Cantonese): *I appreciate the difficulties of the Secretary, and I can see that in the near future, the number of pregnant mainlander women in the North District or Tai Po may add up to over 3 000. My supplementary question is this: Under this service realignment, will there be any actual reduction in the number of front-line medical and health care personnel, because their workload is very heavy and their working hours are long? I am very concerned about this. Besides, the Secretary said that another review would be conducted in 2008. Can he tell us more about it, and is there any plan or undertaking to provide more resources in 2008 than this year for recruiting additional medical and health care staff? How much resources will be provided for recruiting additional staff? How can the services be provided?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, Dr KWOK has asked two supplementary questions. With regard to the first question, in the NTE Cluster, as we can see from the statistics, the number of recipients of gynaecology services has not increased. The

number has remained at a certain level and it has even dropped slightly. As regards manpower, the number of doctors has also remained at a certain level, but given the manpower drain, the number of O&G specialists has dropped, and this problem also exists in other Clusters. So, there is indeed the problem of a brain drain.

On the second question, the HA plans to continuously recruit additional doctors, especially obstetricians, in the coming year. As far as I know, between 2007 and 2008, more O&G doctors will be recruited. The overall number will be increased by at least 17 to 18 and certainly, some of them will be providing services in the NTE Cluster.

DR KWOK KA-KI (in Cantonese): *I think perhaps the Secretary has not found those two figures, including the changes in manpower and the number of additional staff to be recruited for the NTE Cluster in 2008. I hope that he will provide these figures after the meeting.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do have these figures with me but I need some time to look them up. In respect of doctors, according to the information on hand now, on 31 January, there were 32 doctors in the PWH, as compared to 33 in 2003, which was one doctor less. As for nurses, in 2003, there were 177 in the PWH and the number has nevertheless increased to 191 now. This is certainly due to a heavier workload in the O&G Department than before.

PRESIDENT (in Cantonese): This question has taken us more than 18 minutes. Last supplementary question now.

MR LAU KONG-WAH (in Cantonese): *In fact, this is a very serious problem. The Secretary stated one reason only and that is, the manpower drain, but as Mr LI Kwok-ying already pointed out, the Government had said that additional staff would be recruited. In fact, the obstetric department in the PWH has already been crammed full of people recently, especially as many non-local women have come to Hong Kong to give birth and this is why the authorities have to channel all the resources to the PWH, in order to cope with the existing problem. But*

this is very unfair to local women and runs counter to the policy announced by the Chief Executive of according priority to local women in the delivery of service. Obviously, hundreds of people have now been affected, especially as we can see that in 2006, 90-odd emergency surgeries were performed. Emergency surgery is critical to a person's life but the provision of such services will cease. So, may I ask the Secretary if this plan can be deferred? He originally planned to implement it in April and it is March now, can he defer it for a few months and review the decision according to the manpower or the situation? For I think the immediate implementation of this measure would arouse public rage in the community.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): First of all, I wish to respond to Mr LAU Kong-wah on his question concerning pregnant women from the Mainland. Since the introduction of the new measures on 1 February, the number of pregnant women who are non-Hong Kong residents has dropped more than 30% according to the statistics of the HA. There is an overall reduction in this figure, and most of these pregnant women are provided with services by appointment. Admissions through the Accident and Emergency Department have also dropped as much as over 70% than in the past. This is proof that the measures have achieved certain effects.

Secondly, with regard to emergency gynaecology services — I am not talking about obstetric services, but emergency gynaecology services — most of the emergency cases are related to miscarriage. Sometimes, these conditions are not so urgent that the patient's life will be at stake if she is not taken care of for an hour or two. Generally speaking, specialists in gynaecology consider that the existing practices for handling emergency gynaecology cases can be maintained without posing additional risks to the patient. This, I have already explained very clearly earlier on. So, we think that this arrangement can instead maintain the overall provision and quality of emergency gynaecology services in the NTE Cluster.

MR LAU KONG-WAH (in Cantonese): *Since the policy targeting pregnant women from the Mainland has achieved some effects, does it not give the Secretary sufficient ground to defer this plan for a few months, instead of putting it into practice immediately?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I think gynaecology and obstetrics are two different matters. In my main reply earlier I already explained the statistics of the HA in relation to the NTE Cluster to show that a specialist should not be doing so little work in a hospital. This is a very important consideration in the allocation of resources.

MR LAU KONG-WAH (in Cantonese): *President, he still has not told me whether it is possible to defer the plan for a few months.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I can only relay this message to the HA for its consideration.

PRESIDENT (in Cantonese): Fifth question.

Regulation of Debt Collection Agencies

5. **MR ALBERT CHAN** (in Cantonese): *President, in reply to my question at the Council meeting on 3 May last year, the Government said that it would continue to combat illegal practices employed by debt collection agencies (DCAs). However, I have learnt that there is a deteriorating trend in the harassment of members of the public by DCAs in recovering debts. Some banks, finance companies, telecommunications companies, beauty service companies and even tutorial teachers have hired DCAs to collect money owed by their customers, causing many people to suffer harassment. In this connection, will the Government inform this Council:*

- (a) *of the number of cases reported by the public to the police since 1 April last year about harassment by DCAs, how the figure compares to those in the two years preceding April last year, and the Government's average expenditure incurred in handling such cases;*
- (b) *whether it will reconsider accepting the recommendations of the Law Reform Commission (LRC) of Hong Kong made in 2002 of creating a criminal offence of harassment of debtors and others and introducing a statutory licensing system to regulate DCAs; if so, of the details; if not, the reasons for that; and*

- (c) *whether it will consider stepping up law-enforcement actions to curb the harassing practices of DCAs in recovering debts; if so, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) In 2004 to 2006, the police received 1 988, 2 355 and 1 903 debt collection related crime reports respectively; the number of non-crime harassment-related reports over the same period had continued to fall from 20 429, 18 255 to 15 050.

The procedure and duration of the investigation into each case differ with the varying complexity of the case. The officers concerned may also handle cases of other nature at the same time. Therefore, it is very difficult for the Administration to assess the average expenditure incurred in handling each case.

- (b) With regard to the recommendations of the LRC in its report on regulation of debt collection practices in 2002, after considering various factors and concerns, the Administration issued to the Panel on Security in September 2005 its response to the report. The Administration's position has not changed. In brief, the Administration will continue to enforce the various existing legislative provisions to combat illegal debt collection behaviour of DCAs, and there is no need to introduce other new legislative provisions.

As regards stalking related to debt collection, the Administration will tackle the issue in its consideration of the LRC's report on stalking.

- (c) The Administration has always been vigorous in law enforcement to combat illegal debt collection practices. In order to tackle the problem, the police have specially designated the crime investigation units to monitor and investigate criminal offences possibly arising from debt collection incidents to prevent similar criminal activities. Since many of the crime cases involving debt collection are related to triads and loanshark syndicates, the police

will continue to strengthen the Force's criminal intelligence network and conduct undercover operations to cut the source of income of these illegal syndicates. The police have also been maintaining close liaison with their counterpart in Macao on intelligence exchange for combating loansharking activities and enforcement co-ordination so as to tackle illegal debt collection activities at source.

MR ALBERT CHAN (in Cantonese): *President, although the Secretary highlighted triads and loanshark syndicates in the main reply, I believe the vast majority of the more than 100 000 cases recorded each year are not related to triads, but to banks, finance companies, credit card companies and telecommunications companies (including the one owned by the richest man in Hong Kong). Sometimes, DCAs are even commissioned to recover debts amounting to as little as a few hundred dollars. As a result, the family members of debtors, including the elderly in the families, are so frightened that they dare not go home in the evening, and even request for transfer. Regarding harassment of the public by these non-triad elements in recovering debts, the Government has repeatedly refused to regulate DCAs by legislative means. Will the Secretary's decision encourage and help major consortia, including banks, finance companies and telecommunications companies, to continue harassing millions of people in Hong Kong by imitating triad practices in recovering debts?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, a major principle must be established in the first place. The Administration agrees with the LRC that, under the overriding principle, credit providers and their agents have the right to take reasonable actions to recover debts. We must strike a proper balance between safeguarding the legitimate needs of creditors in recovering debts on the one hand, and ensuring that debtors are not subject to unreasonable stress on the other. In this regard, the police will definitely combat illegal debt collection practices. If a creditor recovers debts by a legitimate means without committing any offence, the police can hardly intervene. Regarding the acts of stalking mentioned by Mr Albert CHAN earlier, that is harassment of debtors, I have stated in the main reply that the Government has taken note of the LRC's report on stalking and is studying it. We hope stalking related to debt collection can be dealt with jointly when the study on the report is finalized.

MR ALBERT CHAN (in Cantonese): *President, the Secretary has not answered my supplementary question. I pointed out earlier that triad practices were employed by the DCAs commissioned by major consortia in Hong Kong, including finance companies, credit card companies, banks and telecommunications companies, thus causing harassment to debtors and their family members. Should the Secretary opt not to regulate by introducing legislation, he will be taken as adopting a policy of encouraging and condoning these companies in harassing more than a million citizens in Hong Kong by imitating triad practices in recovering debts. The Secretary has given no reply at all to such practices. Is he condoning and encouraging these major consortia in employing these practices?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Mr CHAN's allegation is very serious indeed. His accusation that major consortia are encouraged to act in that way is totally untenable. I have pointed out that law enforcement by the Hong Kong Police Force is in accordance with the law of Hong Kong. Due enforcement actions will definitely be taken against any offences committed, whether by large or small consortia, or even triads. The remark made by Mr CHAN earlier that these so-called DCAs had harassed more than a million Hong Kong citizens is grossly exaggerated. According to the main reply given by me earlier, the number of non-crime harassment-related reports had continued to fall, from 20 429 in 2004 to 15 050 in 2006.

MR CHIM PUI-CHUNG (in Cantonese): *President, I understand that under the laws of Hong Kong, the parents of a person over the age of 18 are not held legally liable, though they are related. Will the Government consider enacting legislation to protect certain people from harassment because of the loans involving their relatives or friends? This warrants careful deliberation by the Government. Has the Government considered enacting legislation formally? The Government should not "practise Tai Chi" here when replying to Members' questions, for it is absolutely meaningless to do so.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the supplementary questions raised by Mr CHIM Pui-chung and Mr Albert CHAN are somewhat similar in that some debt collectors harass debtors or their family members by stalking, and yet such acts do not currently constitute criminal

offences, such as criminal intimidation or criminal damage. Nevertheless, these acts may cause serious harassment, for debtors are like being haunted. Is there any solution to this problem? The Government has already taken note of this. Such acts of harassment actually involve not only debt collectors. Very often, for instance, such acts of stalking will arise when a man is courting a woman. We hope that legislation can be enacted on this in our study on the LRC's report on stalking, not only for a trade, but also for the protection of all the people in Hong Kong from harassment caused by any stalking behaviour. In other words, not only debtors but also all the people in the territory will be protected. The Hong Kong Government will certainly do this.

MR LEUNG KWOK-HUNG (in Cantonese): *President, I am actually one of the victims. I have often been harassed by telephone calls made by DCAs commissioned by a number of major consortia. I have complained to the Commissioner of Police, TANG King-shing, about this.*

According to the Secretary's reply, we can see that between 2004 and 2006, the number of the so-called non-crime harassment-related cases nearly reached 6 000, which is not a small figure. The Secretary has not mentioned in the main reply how these non-crime harassment-related cases can be prevented if no legislation is enacted on them? We have been told by the Secretary that the LRC has made certain recommendations. However, the Secretary, as an accountable official, should understand that he is responsible for maintaining law and order in Hong Kong on behalf of the Chief Executive. May I ask when he will table a bill to this Council for the prevention of non-crime harassment? Will he do so and when?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have repeatedly pointed out earlier that such acts of harassment are not confined only to DCAs. Very often, Hong Kong people are also harassed by stalking, and they hope that the Government can come up with ways to regulate stalking. We therefore consider that if enactment of legislation is the only option, a stop-gap approach must not be adopted by enacting a number of laws to tackle different types of stalking. The Government is now studying the LRC's report on stalking. We hope that harassment caused by DCAs can be jointly dealt with so that related behaviour can be criminalized.

MR LEUNG KWOK-HUNG (in Cantonese): *President, when will the Secretary table relevant legislation to this Council? The Secretary's remark that he does not wish to adopt a stop-gap approach is merely an excuse. Actually, he is adopting a stop-gap approach.....*

PRESIDENT (in Cantonese): Mr LEUNG, you have already raised your supplementary question.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the report on stalking mentioned by me earlier is being carefully studied by the Home Affairs Bureau, which has yet to draw up with a concrete timetable at this stage. I will reflect Mr LEUNG Kwok-hung's view to the Home Affairs Bureau.

MR LEE CHEUK-YAN (in Cantonese): *President, I believe stalking, especially harassment caused by debt collection, is nothing new today. Over the past decade, Honourable Members have often assisted residents in the districts in applying for transfer. Does it occur to the Secretary that he has failed in his duty because he has not done anything to solve the problem over the years? In 2002, the LRC made recommendations in its report on regulation of debt collection practices, which were rejected by the Government after careful consideration. Now, the Government is going to study the report on stalking, and yet the Home Affairs Bureau has not drawn up a timetable. Will the Secretary, having been appointed as Secretary for Security for years, admit that nothing has been done? Will he admit that he has failed in his duty in this regard and take remedial measures immediately?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, this problem has been a matter of great concern to the Government all along, and a lot of efforts have been made. As the Security Bureau cannot make the decision alone, we have been adopting an inter-departmental and inter-bureau approach to tackle the problem. For instance, we have worked with the Hong Kong Monetary Authority (HKMA). To complement our efforts, the HKMA has issued a number of guidelines to the authorized institutions to let them know the circumstances to be avoided in order not to cause harassment should DCAs are

commissioned to recover debts arising out of the provision of loans. Hence, the numbers of complaints against the DCAs commissioned by the HKMA's authorized institutions have been on the decline and are consistent with the statistics cited by me earlier. For instance, the number of complaints against authorized institutions was 717 in 2003, and continued to drop to 348 in 2004, 171 in 2005 and 129 in 2006. Efforts have continued to be made to minimize acts considered not illegal but still unreasonable. I also admit that we should consider how to tackle acts that are not considered illegal but will cause harassment. For this reason, we will expeditiously finalize the study of the report on stalking to protect all people being stalked, whether by DCAs or people with other motives.

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

MISS TAM HEUNG-MAN (in Cantonese): *President, the Secretary has not explicitly stated the timetable for studying the report on stalking and other circumstances. Actually, looking at the figures from 2004 to 2006, we will find that the number of debt collection-related crime reports, standing at 1 900, was still high, and so was the number of non-crime reports, standing at 15 000. At present, a timetable is still not drawn up for the report on stalking. What measures will the Secretary take at the present stage to reduce the number of these cases?*

SECRETARY FOR SECURITY (in Cantonese): At this stage, Madam President, we can only step up combating illegal behaviour in debt collection. Furthermore, publicity will be enhanced, especially by publicizing among the people in housing estates the message of not to obtain loans from loan sharks indiscriminately. According to the information we have obtained, some loan sharks publicize only in housing estates to lure the residents into obtaining loans. We can at least make some efforts in this regard. As regards the report on stalking, I will reflect Members' views to the Home Affairs Bureau.

PRESIDENT (in Cantonese): Last oral question.

Safety of Supermarket Passages

6. **MR WONG KWOK-HING** (in Cantonese): *President, some organizations have found that during the Lunar New Year last month, goods in a number of supermarkets were stacked very high. Goods were also placed at entrances and exits, in the space between goods shelves and along passages, and they obstructed fire escapes. Some goods even blocked the sprinklers. In this connection, will the Government inform this Council:*

- (a) *whether it has stipulated standards for the width of passages in supermarkets; if so, of such standards; if not, whether it will stipulate such standards;*
- (b) *whether the Fire Services Department (FSD) and other government departments concerned had carried out inspections in the past three years to ascertain if the passages and fire escapes in supermarkets complied with the safety standards; if so, of the respective numbers of inspections made and prosecutions instituted; and*
- (c) *whether it has assessed if placing goods along passages and stacking goods excessively high violate the requirements of the Occupational Safety and Health Ordinance; if it has, of the assessment results; and whether the Labour Department (LD) had carried out inspections in the past three years to ascertain if supermarkets complied with the requirements of the Ordinance; if so, of the respective numbers of inspections made and prosecutions instituted?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, my reply to the three parts of the question is as follows:

- (a) According to the Buildings Ordinance (Cap. 123), new buildings or buildings under alteration should be provided with such means of escape in case of emergency as may be required by the intended use of the building. The Buildings Department (BD) also regulates the number and width of exits and exit routes of buildings according to the capacity of the room or storey. Separately, the Fire Safety (Commercial Premises) Ordinance (Cap. 502) defines supermarkets

with a total floor area exceeding 230 sq m as "Prescribed Commercial Premises" and requires the relevant owners/occupiers to comply with the fire safety standards as laid down in the Ordinance.

The existing legislation has placed no specific controls on the width of passages between goods shelves in supermarkets. However, the Fire Services Ordinance (Cap. 95) stipulates that it is an offence for any person to obstruct the means of escape (for example, specified exit doors and routes, and common corridors and common staircases outside supermarkets). Therefore, the FSD can initiate prosecution against the persons concerned if the goods of supermarkets have obstructed the means of escape.

- (b) In the past three years, the FSD and the BD carried out a total of 2 851 inspections in supermarkets. Among these inspections, the FSD initiated 14 prosecutions against the obstruction of means of escape, while the BD did not notice any unauthorized construction work which made the width of exits below the requirements.
- (c) To ensure the employees' safety and health at work, the Occupational Safety Officers of the LD regularly inspect supermarkets, convenience stores and relevant retailing business workplaces, and enforce the Occupational Safety and Health Ordinance (Cap. 509) and its subsidiary legislation, the Occupational Safety and Health Regulation.

According to section 6 of the Occupational Safety and Health Ordinance concerning the requirement to ensure the safety and absence of risks to health in connection with the use, handling, storage or transport of plant or substances, supermarkets' employers should assess the height and the relevant condition of the stacked goods within the premises to ensure that the stacked goods will not fall down easily and pose immediate danger to the employees.

Supermarkets' employers should also ensure that passageways leading directly to exit doors are kept free from obstruction in accordance with regulation 8(1) of the Occupational Safety and Health Regulation. If passageways leading directly to exit doors

are obstructed by the stacked goods which may cause employees working in the supermarkets unable to escape safely from the scene in case of fire or other emergency, the LD will consider initiating prosecution.

The LD does not have independent statistical figures relating to the inspection and prosecution of supermarkets. In the past three years (that is, from 2004 to 2006), the LD conducted a total of 1 435 inspections to supermarkets, convenience stores and relevant retailing business workplaces. There were 70 prosecutions arising from the obstruction of means of escape in contravention of regulation 8(1) of the Occupational Safety and Health Regulation discovered during inspection. As regards section 6 of the Occupational Safety and Health Ordinance concerning the requirement to ensure the safety and absence of risks to health in connection with the use, handling, storage or transport of plant or substances, there was no prosecution in the past three years.

MR WONG KWOK-HING (in Cantonese): *President, according to reports made by organizations, it is commonplace to find goods obstructing passageways and being stacked very high, causing obstruction to fire escapes. In his reply earlier the Secretary said that in the past three years, the LD had not instituted any prosecution, and even for the FSD, prosecution was instituted only in 14 cases in the past three years. In this connection, I would like to ask the Secretary through the President this: Is it serious dereliction of duty on the part of the Government when these cases are common and yet no prosecution has been instituted? Or is it because of the absence of stipulations in the existing legislation on the width of passageways in supermarkets, as pointed out by the Secretary, that it is difficult for the Government to institute prosecutions? I hope that the Secretary can respond to this question positively.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in the last part of my main reply, I said that the LD did not have independent statistical figures relating to supermarkets. However, the LD did conduct inspections at supermarkets, convenience stores and relevant retailing business workplaces during the past few years, and instituted a total of 70 prosecutions under regulation 8(1) of the Occupational Safety and Health Regulation. It is not true that no prosecution has been instituted.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary did not tell me whether it is because there is no stipulation in the existing legislation on the width of passageways in supermarkets that the prosecution work has not been effective.*

SECRETARY FOR SECURITY (in Cantonese): Under the existing legislation, it is true that the width of passages between goods shelves in supermarkets is not regulated, but prosecution can be instituted against obstruction to passages or fire escapes. I do not agree with the comment made by Mr WONG Kwok-hing that our prosecution efforts have not been effective, because in the past few years, both the LD and the FSD did institute prosecutions.

MR KWONG CHI-KIN (in Cantonese): *President, the Secretary has certainly addressed the point concerning obstruction to fire escapes, telling us that prosecution will be instituted against obstruction to fire escapes. However, the passages are not obstructed in some cases. Secretary, from these pictures taken by Mr WONG Kwok-hing, for instance, we can see that although the fire escape is not obstructed, many cans are stacked next to it. In case of fire, these cans may collapse with just a slight push against them. Does the Secretary think that supermarkets should be allowed to stack their goods in this manner? Does he agree that this would pose potential dangers in case of fire? If the Secretary agrees that this would pose dangers, what measures will the Government take to protect the safety of employees and customers?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we notice that at times around holidays or festivals, such as when the Chinese New Year is drawing near, shops tend to accumulate goods in bulks, as we can see from the pictures taken in supermarkets that Mr KWONG Chi-kin has just showed us. So, the LD and the FSD will conduct inspections in supermarkets particularly during these periods of time to draw their attention to the problem and give advice to them. If these dangers are really identified during inspections, they will be reminded to take rectifying measures. These supermarkets will often heed the advice and suggestions made by colleagues of the LD and the FSD. In cases where goods are found to have obstructed the means of escape or the fire hose reels, they will also heed our advice and clear the obstructions. So, we may not necessarily have to enforce the law or institute prosecutions. When we

discover problems, we give advice to them and when the problem is rectified, there will be no reason for us to institute prosecution.

The LD and the FSD also adopted this practice in past Chinese New Years, and we will continue to step up inspections.

MR LEUNG KWOK-HUNG (in Cantonese): *In his reply earlier, the Secretary mentioned that the FSD or the LD would conduct inspections in supermarkets during busy seasons and give advice to supermarkets, and the inspections would be considered complete as long as they were willing to take rectifying actions.*

I think perhaps the Secretary has never been to a supermarket before because no sooner had the inspectors left than they put the goods back to where they had been placed. This is the problem. So, if we do not institute prosecution against them, they would not be deterred in any way. This is also the reason why there were only 70 prosecutions, although so much has been said in the main reply. There are 365 days in a year, and how many supermarkets and stores such as the 7-Eleven are there? Are you telling us that only 70 prosecutions are instituted in a year? I think that the prosecuting departments are downright incompetent. Does the Secretary agree?

SECRETARY FOR SECURITY (in Cantonese): Madam President, first of all, I must clarify that I do patronize supermarkets. It is not true that I do not. I actually go there quite often.

I do not agree with Mr LEUNG Kwok-hung's comment that our colleagues responsible for conducting inspections are incompetent. As far as I understand it, when our colleagues conduct inspections in supermarkets, factories or any other premises and if they discover problems, such as obstruction to means of escape or at exit doors, they will first require the person concerned on the premise to remove the obstructions. If the person concerned does not comply, the inspector may institute prosecution immediately. Even after the person concerned has removed the obstructions, will the inspector simply leave and pay no more attention to it? No. We will go back and check. We will conduct another inspection a couple of days later to ascertain whether they have truly done what we have advised them to.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR LEUNG KWOK-HUNG (in Cantonese): *I think what the Secretary has said is different from the main reply. The Secretary said that 1 435 inspections had been conducted, which is a very small number. If inspections are conducted in the manner described by the Secretary, the number of inspections conducted should not be so low, as he said that they would go back and conduct another inspection after each inspection, right?*

PRESIDENT (in Cantonese): Please sit down. Although you have a point in what you have said, it is not permitted under the rules governing the Question Time.

MR HOWARD YOUNG (in Cantonese): *President, although the Secretary mentioned the numbers of inspections made and prosecutions instituted by the FSD and the LD, I, being an ordinary member of the public, would consider the danger posed by obstruction to staircases, or obstruction to staircases in private residential buildings even more serious. This is the impression I often get from watching APIs on television. I would like to ask the Secretary this: Since the FSD will also inspect rear staircases in private buildings, have the authorities compared the number of inspections and the rate of prosecution, in order to find out whether the problem in shops and supermarkets or the problem in rear staircases in general private residential buildings is more serious? This will tell us how the priorities should be set for such inspections.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not have the information about whether obstruction at staircases or means of escapes in private residential buildings or that in factories or supermarkets is more serious. I do not have this information now. If Mr Howard YOUNG would like to have such information, I will have to look it up when I go back and then give a reply in writing. (Appendix I)

DR KWOK KA-KI (in Cantonese): *Secretary, like you, I also patronize supermarkets, but what I have seen is not that optimistic because the situation is*

actually the same even on days that are not during holidays or festivals; it happens also on ordinary days. According to the Secretary's reply, prosecutions often could not be instituted under the Fire Services Ordinance. Nor could they be instituted under the Occupational Safety and Health Ordinance. It seems that the two Ordinances cannot impose regulation effectively. In fact, the situation has all along been very undesirable. I would like to ask the Secretary this: Is it true that the authorities can do nothing at all in law or administratively to resolve the safety problem which clearly exists in supermarkets or convenience stores? If not, what is the reason?

SECRETARY FOR SECURITY (in Cantonese): I think we seem to be suggesting that these supermarkets are very unsafe now. This, I beg to differ. Every day, hundreds of thousand people or even as many as a million people go in and out of these supermarkets, and I do not think that they are very unsafe. Certainly, during holidays and festivals, it is true that in some supermarkets where business is particularly thriving, goods are stacked very high, thus leaving very narrow passages between the goods. But I think the supermarkets must take care of their customers and the passages should at least be wide enough for customers' shopping carts to pass through. If the passages are so narrow that not even the customers can pass through, the supermarkets themselves cannot do business either.

So, in this regard, I do not agree with Dr KWOK's remark that we can do nothing about the safety problem in supermarkets. Should there really be major safety hazards, we will definitely address them.

DR KWOK KA-KI (in Cantonese): *I beg your pardon. The Secretary has not answered my question about whether the ordinances relating to safety cannot do anything about the problem. Can the Secretary tell us clearly which specific ordinance can help us address this safety problem?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the relevant ordinances were mentioned in the main reply. They include the Occupational Safety and Health Ordinance relating to employees, and in respect of fire prevention, the FSD can also institute prosecution under a number of ordinances. I think, for the time being, I do not see any inadequacy in these ordinances.

PRESIDENT (in Cantonese): We have spent over 17 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Shadow Taxis

7. **MS MIRIAM LAU** (in Chinese): *President, it has been reported that from time to time in recent years some people were found using forged vehicle licences (vehicle licence discs) and vehicle registration marks to operate taxis (commonly known as "shadow taxis"). In this connection, will the Government inform this Council:*

- (a) *of the number of shadow taxis found in each of the past three years, and whether they are taxis which had been reported missing; if not, of the sources of such vehicles;*
- (b) *whether it will enhance the security features of vehicle licence discs; if so, of the details; if not, how it can prevent the discs from being forged;*
- (c) *whether the rights and interests of passengers of shadow taxis are safeguarded in the event of traffic accidents; and*
- (d) *whether it will take measures to combat the operation of shadow taxis; if so, of the details of the measures concerned; if not, how it can safeguard the rights and interests of the drivers, owners and passengers of taxis?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President, according to the police, there was only one case of "shadow taxi" in the past three years. The case occurred in January this year and involved a taxi which had been reported missing.

If the "shadow taxi" is a missing vehicle, it will not be covered by any third party risks insurance. However, passengers of shadow taxis suffering from injuries or deaths in traffic accidents will be able to receive compensation from the fund managed by the Motor Insurers' Bureau of Hong Kong.

There is no evidence suggesting an increase in the number of cases of "shadow taxis". Yet, to tackle this problem, the Transport Department and the police will review the need to enhance the security features of vehicle licences to facilitate enforcement by front-line officers. The police have also reminded front-line officers on roadblock duties to conduct quick checks of the numbers of chassis and engines, vehicle licences, manufacturers' markings and other features of the vehicles intercepted to verify their legality. The police and Transport Department have also been reminding drivers and taxi owners to pay attention to the adequacy of precautionary measures taken against theft of their vehicles for use as "shadow taxis". The relevant departments have also been advising the taxi trade and the public to report to the police immediately on any suspected "shadow taxis" for the police's investigation and follow-up actions.

Complaints About Water Supplies Department

8. **MR ABRAHAM SHEK** (in Chinese): *President, it has been reported that the Water Supplies Department (WSD) mistakenly issued water bills of huge amounts to a number of domestic customers last year, which involved various errors made by the staff of the WSD. In this connection, will the Government inform this Council:*

- (a) *of the number of investigations conducted since January 2006 by the WSD into cases involving incorrect taking of water meter readings by its staff, the total water charges involved and the disciplinary actions imposed on the staff who had made mistakes;*
- (b) *of the criteria adopted by the WSD for assessing the water charges payable by consumers during the period for which the readings of their water meters have not been taken, the number of complaints received since January 2006 about the assessed amount, and the results of the follow-up actions taken;*
- (c) *given that in the event of disputes lodged by consumers about high water charges, the WSD often asks the consumers concerned to hire plumbers themselves to conduct leakage inspections on the pipes inside their buildings, whether the WSD has considered adopting more proactive measures (such as setting up a task force) to assist consumers in following up the relevant issues; and*

- (d) *of the respective circumstances under which the WSD will exercise discretion to reduce the water charges in dispute and allow water charges to be settled by instalments?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President,

- (a) The WSD has pledged to achieve 99.9% accuracy of meter reading. In 2006, the WSD took about 8.1 million routine meter readings and there were only 782 cases of incorrect taking of meter readings, accounting for 0.0097% of the total. The accuracy of meter reading exceeded 99.99%, outperforming the WSD's performance pledge.

During the period from January 2006 to end February 2007, the number of complaints against suspected cases of incorrect meter reading that needed to be followed up was 890, of which 680 cases involved domestic accounts, and the total amount of water charges, sewage charges and trade effluent surcharges involved was about \$7.5 million (about \$2 million in total was related to domestic accounts).

The WSD will admonish Meter Readers involved in incorrect meter reading cases to improve service quality. Their faults will be recorded and serve as important reference for appraising their performance. If a Meter Reader's accuracy of meter reading keeps on deteriorating or falls short of the required standard, the WSD will take appropriate disciplinary actions against him/her.

- (b) Common reasons for Meter Readers' failure to take meter readings include: the access to the water meters is blocked (by, for example, illegal structures, sundries or flooding), the meter rooms are locked up, and the street shops leading to the meter yards are closed. For consumers whose water meter readings cannot be taken, the WSD will make assessment based on their actual water consumption in the past. After the routine meter readings have been taken subsequently, the consumers will be informed of the accurate amount of water consumption for the whole period. The latest water charges based on the actual meter readings will also rectify

the discrepancies between the actual and the assessed water charges during the whole period of water consumption.

Consumers who do not accept the WSD's assessment can provide information to prove that there have been changes in water consumption and the WSD will take follow-up action. If it is confirmed that there have been changes in water consumption for the relevant period, the WSD will adjust the water charges accordingly and reissue the bills to the consumers concerned.

During the period from January 2006 to end February 2007, the WSD issued a total of about 8.13 million water bills and there were about 3 800 cases involving consumers who did not accept the above assessment basis for water charge, accounting for only 0.047% of the total. The WSD has followed up and satisfactorily resolved all the cases.

- (c) There are various reasons for an increase in water charges, including:
- (1) Increase in the number of the consumer's household members;
 - (2) Changes in the habit of water consumption (for example, using additional water consuming products, changes in lifestyle or in the weather);
 - (3) Unlawful connection of fresh water for toilet flushing;
 - (4) Leakage in pipes or taps; and
 - (5) Forgetting to turn off taps.

According to the Waterworks Ordinance, all inside service (except water meters) within the boundary of a premises is privately owned and the relevant consumer is responsible for the repair and maintenance of the inside service pipes to avoid wastage of fresh water. Therefore, upon receipt of a consumer's enquiry about increase in water charges, the WSD will advise the consumer to inspect the pipes for possible leakage on his/her own or hire a

registered plumber to do it. When the WSD detects an abnormal increase in a consumer's water charges, it will take the initiative to remind him/her to conduct an inspection. For an obviously doubtful case, the WSD will, upon the consumer's request, send staff to help the consumer inspect the meter and arrange for meter testing if necessary. In fact, most of the factors leading to the increase of water charges are beyond the control of the WSD. So far the current practice of the WSD has proved effective in striking the right balance between maintaining customer services and safeguarding the Government's revenue from water supply.

- (d) Under section 22 of the Waterworks Ordinance, the WSD may in any particular case reduce, waive or refund, in whole or in part, a charge. In general, subject to the following conditions, if a consumer's water charges increase drastically due to leakage of an inside service pipe, the WSD will consider applying this provision to adjust the water charges accordingly:
- (1) The leakage did not result from the consumer's negligence or wilful act;
 - (2) the WSD has reason to believe that the consumer had no knowledge of the leakage or the position of the leakage; and
 - (3) The consumer has promptly and properly repaired the leaking pipe within reasonable time.

With respect to consumers' applications for settling water charges by instalments, they are required to produce proof to the WSD to show that they have difficulties in settling water charges by a one-off payment. These applications will be considered on individual basis.

Youth Unemployment

9. **MR HOWARD YOUNG** (in Chinese): *President, it has been reported that although the unemployment rate for the most recent quarter remained at 4.4%, the number of cases involving unemployed persons aged below 30 who*

had been receiving Comprehensive Social Security Assistance (CSSA) continuously for three years had increased rather than decreased. It has also been reported that currently there are about 18 000 hermit youths in Hong Kong, representing a sharp two-fold increase over the projection of 6 000 in 2005. The figure has directly pushed up the unemployment rate for youth and the situation is serious. In this connection, will the Government inform this Council:

- (a) whether it has conducted surveys on unemployed youth aged between 15 and 29 (covering such aspects as the duration of their unemployment, educational qualifications, strengths, districts of residence, family background, and whether they have to support parents and make mortgage repayments, and so on); if so, of the survey results; if not, whether it will consider conducting a comprehensive survey;*
- (b) of the number of cases, received by the Government in each of the past three years, in which unemployed youth requested for assistance and, among such cases, the number of those in which the Government had successfully assisted them in securing employment; and*
- (c) whether the authorities have, besides continuing to implement the Youth Pre-employment Training Programme (YPTP) and the Youth Work Experience and Training Scheme (YWETS) as well as setting up Youth Employment Resource Centres, formulated short-term, mid-term and long-term measures to assist youth (especially hermit youths) in entering the job market, so as to thoroughly improve the employment situation of youth; if so, of the details?*

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

- (a) According to figures provided by the Census and Statistics Department (C&SD) (Table 1), the unemployment rates and the number of jobless young people aged 15 to 29 in the past three years have been on the decrease. With the revival of the labour market, the employment of young people is improving steadily.

Table 1: Number of unemployed persons aged 15 to 29 and the corresponding unemployment rates

	<i>Unemployed Persons</i>	<i>Unemployment Rate (%)</i>
Q4 2004	57 400	6.9
Q4 2005	53 800	6.4
Q4 2006	49 800	5.8

On the background of the unemployed youths aged 15 to 29, the C&SD provides the following data based on the results of the General Household Survey.

Table 2: Number of unemployed persons aged 15 to 29 by duration of unemployment, Q4 2006

<i>Duration of Unemployment</i>	<i>Number of Unemployed</i>
< 1 month	12 500
1 to < 2 months	11 500
2 to < 3 months	8 100
3 to < 6 months	9 500
6 months and over	8 200
Overall	49 800

Table 3: Number of unemployed persons aged 15 to 29 by educational attainment, Q4 2006

<i>Educational Attainment</i>	<i>Number of Unemployed</i>
Lower Secondary and Below	11 600
Upper Secondary (including craft course)	21 800
Matriculation	2 300
Tertiary: non-degree	6 800
Tertiary: degree	7 300
Overall	49 800

Table 4: Number of domestic households with at least one unemployed person aged 15 to 29 by monthly household income, Q4 2006

<i>Monthly Household Income (HK\$)</i>	<i>Number of Households</i>
< 6,000	3 500
6,000 to 7,999	5 400
8,000 to 9,999	5 200
10,000 to 14,999	11 600

<i>Monthly Household Income (HK\$)</i>	<i>Number of Households</i>
15,000 to 19,999	9 300
20,000 to 24,999	5 400
25,000 to 29,999	3 300
30,000 to 39,999	2 300
> =40,000	3 200

Notes: Figures presented in Tables 1 to 4 are statistics which involve the use of the population figures in the compilation process. They have been revised to take into account the recent enhancements in the estimation method and the results of the 2006 Population By-census which provided a benchmark for revising the population figures compiled since the 2001 Population Census. Figures do not add up to total due to rounding.

- (b) As the local economy improves, the number of unemployed youths receiving CSSA has decreased. The number of unemployed youths aged 15 to 29 receiving CSSA in the past three years is as follows:

Table 5: Number of Unemployed Youths aged 15 to 29 on CSSA

<i>Year</i>	<i>Number</i>
2004	5 275
2005	4 490
2006	4 155

The Social Welfare Department (SWD) has implemented the Support for Self-reliance (SFS) Scheme since June 1999 and stepped up its measures since June 2003 to encourage and assist able-bodied unemployed CSSA recipients including youths to move towards employment and self-reliance. Under the SFS Scheme, the young able-bodied unemployed CSSA recipients have to take part in the Active Employment Assistance Programme, Community Work Programme or other trial employment assistance projects including Intensive Employment Assistance Projects and My STEP — Special Training and Enhancement Programme, to improve their employability and motivation to work. Since June 1999 and up to the end of January 2007, a total of 78 650 persons including youths had secured employment after participating in the SFS Scheme.

The SWD also encourages non-governmental organizations operating Integrated Children and Youth Services Centres (ICYSCs) to provide, among others, employment support services to unemployed youths.

The Labour Department (LD) also provides employment service to all job-seekers, including youths, through a network of 12 Job Centres, the Interactive Employment Service website and the Telephone Employment Service Centre. The number of job-seekers aged 15 to 29 placed into employment through referral of the LD in the past three years is as follows:

Table 6: Number of job-seekers aged 15 to 29 placed into employment through referral of the LD

	2004	2005	2006
No. of placements for registered job-seekers aged 15 to 29 through the LD's direct referral	10 750	8 781	9 237

As the bulk of the vacancies disseminated by the LD provide information on how to contact employers directly and since a considerable number of job-seekers are successful in their direct applications to such employers, the above figures do not include these successful placements.

- (c) The LD's YPTP and YWETS provide pre-employment and on-the-job training to enhance the employability of young people aged 15 to 24. To flexibly meet market needs, the LD will continue to develop new training courses in collaboration with training bodies, and strengthen promotion of tailor-made employment projects.

To reinforce employment support for youths, the LD is in the process of setting up two Youth Employment Resource Centres to provide one-stop advisory and support services on employment and self-employment to past and existing trainees of the YPTP and YWETS as well as all youths aged 15 to 29.

The SWD will also continue to assist young people on CSSA to obtain employment under SFS and encourage ICYSCs to provide employment support services to unemployed youths.

In addition, the Government set up in 2004 the Task Force on Continuing Development and Employment-related Training for Youth, and set aside \$50 million to finance pilot projects on training programmes for non-engaged youths and related research studies. A total of 22 pilot projects have been supported by the Fund, providing about 5 600 training places for non-engaged youths. After examining the effectiveness of the pilot projects and the findings of related research studies, the Task Force will submit a report with recommendations to the Government in early 2008.

The Government will continue to adopt a multi-pronged strategy to enhance the employability of young people through education, skills training and employment support.

Travel Industry Compensation Fund

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

- (a) *how it monitors the utilization of the Travel Industry Compensation Fund (TICF), and whether it will put the TICF under the direct management of the Tourism Commission;*
- (b) *given that the TICF is made up of collection of levy at a rate of 0.15% from the outbound tour fees received, whether it will consider suspending or reducing the levy when the surplus of the TICF has accumulated to a certain level; and*
- (c) *whether it will discuss with the Travel Industry Council of Hong Kong (TIC) utilizing the TICF to take out indemnity insurance collectively on behalf of travel agents, so as to enhance the protection for outbound tour group members?*

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

- (a) The TICF was set up under section 32C of the Travel Agents Ordinance (the Ordinance) in 1993 to provide *ex gratia* payments

for travellers, who have procured outbound tour services arranged by travel agents, under the following two scenarios:

- (i) where outbound travellers suffer a loss in the outbound tour fare, including losses caused by default of travel agents; and
- (ii) where expenses are incurred by outbound travellers arising from death or injury sustained in activities provided or organized by travel agents whilst travelling abroad, including medical expenses and expenses for paying visits to the place of accidents by their family members.

Under sections 32H and 32I of the Ordinance, a travel agent is required to pay a levy at a rate of 0.3% of every outbound fare received, half of which (that is, 0.15%) shall be payable to the TICF.

The TICF is held, managed and applied by the Travel Industry Compensation Fund Management Board (the Board) set up under section 32B of the Ordinance. The Board regularly reviews the reserve level of the TICF and the levy rate to ensure that the TICF is able to meet the *ex gratia* payments payable to outbound travellers affected in case of default of travel agents or tour accidents during their outbound tours. The Board consists of a chairman and eight members who are drawn from different sectors of the community, including the banking, legal and accountancy sectors, as well as the Consumer Council and the travel trade. The Registrar of Travel Agents is an *ex officio* member and the secretary. Under the TICF, the Investment Committee is responsible for providing professional advice on the investment of the TICF. The TICF is transparent in its operation and takes into account protection for consumers. Since its establishment in 1993, the TICF has been running smoothly.

- (b) Although the Ordinance does not specify an upper limit in respect of the reserve level of the TICF, the Board commissioned a professional actuarial consultant to conduct a study in 2002-2003 to review the reserve level of the TICF and the levy rate. In light of the consultant's review report and recommendations, the Board noted that the reserve of the TICF should be maintained at a healthy

level so as to meet any liability arising from unexpected claims. The Board considered it inappropriate to adjust the levy rate, and decided to conduct a professional assessment on the reserve level of the TICF and the levy rate every five years.

The Board has commissioned a professional actuarial consultant this year to conduct another professional assessment and provide expert advice on the TICF reserve, risk level as well as the levy rate. The consultancy study is expected to complete in the coming months, and the Board will carefully consider the study findings.

- (c) Under the existing Ordinance, the TICF aims to protect travellers who have used the outbound tour services arranged by travel agents. To change the TICF's intended use to take out collective indemnity insurance on behalf of travel agents, we have to consider various issues, including the impact of the proposal on the risks to the TICF, current levy rate and consumers.

Like all other commercial operations, travel agents have the responsibility to adopt effective risk management measures based on their operational needs, including taking out indemnity insurance to reduce the financial risks in the event of liability claims. To address the travel trade's concern over risk management, the TIC has commissioned a consultancy study on the trade's operational risks and related management. The study will be completed in the next few months. The Government and the Board will carefully consider the findings of the study and the proposals to be put forward by the TIC, including whether it is necessary to use the TICF; to improve the risk management of the trade and to enhance the protection for outbound travellers who join group tours.

Tree Protection

11. **MISS CHOY SO-YUK** (in Chinese): *President, two years ago, the trunk of the Wishing Tree in Lam Tsuen in Tai Po snapped off as it was unable to bear the weight of the heavy paper placards, resulting in substantial depletion of its vitality. It has been reported that some members of the public have recently moved to make wishes at Hang Ha Po, which is only a few minutes' walk from Lam Tsuen. Loads of paper placards with oranges are being hanged on a big*

tree at the roadside there. In this connection, will the Government inform this Council:

- (a) whether it has advised the owner of the land on which the above tree at Hang Ha Po is situated to protect the trees; if it has, of the details; if not, the reasons for that;*
- (b) whether it has deployed professionals to inspect the condition of that tree; if it has, of the details of the inspection; if not, the reasons for that;*
- (c) whether it has investigated the source from which the paper placards hanging on that tree were purchased; if it has, of the details; if not, the reasons for that; and*
- (d) in order to prevent that tree from suffering the same fate as the Wishing Tree, whether the authorities will, apart from stepping up education and publicity efforts, adopt measures with greater deterrence (including stepping up patrol, clearing unlicensed hawkers who sell paper placards, or even considering imposing a total ban on the sale of paper placards attached with heavy objects) with a view to curbing the act of throwing paper placards with oranges onto that tree; if it will, of the details of the measures concerned?*

SECRETARY FOR EDUCATION AND MANPOWER (in the absence of Secretary for Home Affairs) (in Chinese): President,

- (a) According to Tai Po District Lands Office, the tree at the roadside of Hang Ha Po village is located on Government land. It is a deciduous tree and is commonly known as "Chinese Hackberry". As regards the recent hanging of paper placards with oranges on the tree, the government departments concerned have taken appropriate action. For example, the Leisure and Cultural Services Department (LCSD) had deployed staff to clear the paper placards on the tree when informed of the incident. It had also erected notices to remind members of the public not to throw objects onto the trees or damage the plants. The Department has also stepped up inspection of the trees maintained by it in the vicinity.

- (b) The LCSD has also checked the health condition of the tree and is satisfied with its condition. The government departments concerned, including the LCSD and Tai Po District Office, will continue to closely monitor the health condition of the tree and the development of the issue.
- (c) In response to the incident, officers of the Food and Environmental Hygiene Department (FEHD) had conducted site visits to the nearby Fong Ma Po Lunar New Year Fair (the Fair). However, it did not find any stall selling paper placards tied with heavy objects (including fruits) during their inspections. As a matter of fact, the FEHD had set out clearly in the licence agreement for the Fair that successful tenderers for the hire of the stalls in the Fair were prohibited from selling paper placards tied with heavy objects including fruits. Breach of this condition would result in the termination of the licence agreements. The FEHD, in conjunction with the police, had issued reminders to the stall operators before the commencement of the Fair. Notices against the sale of paper placards tied with heavy objects were also displayed.
- (d) The FEHD had prohibited stall operators at the Fair from selling paper placards tied with heavy objects and warned that the licence agreements of offenders would be terminated. It had also collaborated with the police in the issue reminders to stall operators in the area and relevant notices were displayed before the Lunar New Year. The FEHD staff will continue to conduct raids against illegal hawkers on Government land after the Fair.

Adoption of New Version of Internet Protocol

12. **MR SIN CHUNG-KAI** (in Chinese): *President, to tackle the problem of shortage of Internet Protocol (IP) addresses, the relevant international standards organization advocated in 1994 that the IP adopted for Internet infrastructure be migrated from version 4 (IPv4) to version 6 (IPv6). As the Government has indicated, in the public consultation document issued for formulating the 2007 Digital 21 Strategy, that it would take the lead in migrating to IPv6 and adopt the new protocol in its internal network by the end of 2008, will the Government inform this Council whether it has:*

- (a) *devised a work plan in this respect, such as setting up a co-ordination task force, establishing a research and development centre to support the development of products and services compatible with IPv6; if it has, of the details, timetable and public expenditure involved; and*
- (b) *discussed and exchanged views with the local industries (for example, Internet service providers) or the relevant organizations in other places, in particular those of the Mainland, on issues of technological development and standards relating to IPv6; if it has, of the form and timetable of such contacts, the issues discussed as well as the consensus reached?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): President, with the development of a wide variety of services on the Internet, the address space supported by IPv4 currently deployed on the Internet starts to experience a shortage, and will be exhausted in the long run. Since IPv6 can support a much bigger address space, it will provide a solution to enable the sustainable growth of the Internet. As the transition between different versions of IP involves global collaboration, it is expected that the IPv4 and IPv6 protocols will co-exist for a certain period of time. The Government, through participation in international organizations, is monitoring global developments.

Regarding the questions raised by Mr SIN Chung-kai, my reply is as follows:

- (a) The Government has plans to adopt the IPv6 protocol in its internal network, and to promote the awareness of the community on the adoption of the IPv6 protocol.

With the maturity and availability of networking devices and operating system software for personal computers supporting IPv6, the Government is planning to introduce IPv6 supported backbone network capability to its internal network as part of its network equipment renewal exercise, which should be completed in 2008. To promote the awareness of the community on the IPv6 protocol and to prepare for the transition, the Government has earmarked \$2 million in 2007-2008 for setting up a knowledge portal on the

Internet for public access. The Government has also supported academic research in IPv6 back in 2003 by providing funding for setting up an IPv6 connection between the Hong Kong Academic and Research Network (HARNET) and North America. We will work closely with industry players to review the situation and to study the need to enhance our work programmes in this area, including considering the need for setting up a co-ordination task force to encourage the equipment and services suppliers to develop more products supporting the IPv6 protocol.

- (b) The local Internet infrastructure providers have been offering facilities and services that support IPv6 progressively. For example, the Hong Kong Internet Exchange (HKIX) started to operate its IPv6 exchange (HK6IX) in 2004. In 2006, the Hong Kong Internet Registration Corporation (HKIRC) started to offer IPv6 domain name services. In addition, the Hong Kong Cyberport is providing its tenants with an IPv6-based network infrastructure within its campus, which serves as a research and development platform as well as a conduit for connection to IPv6 networks outside Hong Kong.

IPv6 relates closely related to the Next-generation Internet and the latter has been included as one of the co-operation areas for the Hong Kong/Guangdong Expert Group on Co-operation in Informatization established under the Hong Kong/Guangdong Co-operation Joint Conference. This enables both sides to jointly discuss and exchange views on the development of IPv6 and issues concerning the relevant standards. A forum was first held last year. The forum was attended by three telecommunications operators and eight organizations from the academic and industry sectors of the Hong Kong side, as well as four telecommunications operators and six organizations from the academic and the industry sectors of the Guangdong side. This year's forum is currently under planning.

Furthermore, the Government, through participation in the Governmental Advisory Committee under the Internet Corporation for Assigned Names and Numbers (ICANN) and in the Telecommunications and Information Working Group of the Asia-Pacific Economic Co-operation (APEC), has access to first-hand information on the development of IPv4 and IPv6 globally.

Storing Particulars of Dangerous Drugs Prescribed

13. **DR KWOK KA-KI** (in Chinese): *President, sections 5 and 6 of the Dangerous Drugs Regulations (Cap. 134, sub. leg. A) require that a registered medical practitioner shall, upon prescribing a dangerous drug, make an entry of the particulars of the drug in a register in ink or otherwise so as to be indelible. In this connection, will the Government inform this Council whether the existing law also allows a registered medical practitioner to make and store such entries by computer, instead of in the above handwritten form?*

SECRETARY FOR SECURITY (in Chinese): President, under regulation 5(1)(a) of the Dangerous Drugs Regulations (Cap. 134, sub. leg. A) (the Regulations), persons including registered medical practitioners shall, in accordance with the relevant requirements, including those under regulation 6(c) and (d) of the Regulations, keep a register and enter the true particulars of every quantity of a dangerous drug obtained and supplied by him.

Regulation 6(d) of the Regulations specifies that every entry required to be made under regulation 5 in such register, and every correction of such an entry, shall be in ink or otherwise so as to be indelible.

In addition, under regulation 6(c) of the Regulations, no cancellation, obliteration or alteration of any such entry shall be made, and every correction of such an entry shall be made only by way of a marginal note or footnote which shall specify the date on which the correction is made.

The law does not prohibit registered medical practitioners from making and storing entries related to dangerous drugs in a computer. However, if computer is used to make entries, the computer software concerned should ensure the dangerous drugs register so kept complies with the abovementioned statutory requirements, including entries being indelible, no cancellation, obliteration or alteration of entries, and every correction shall be made only by way of a marginal note or footnote which shall specify the date on which the correction is made.

Cancer Cases

14. **MR LAU KONG-WAH** (in Chinese): *President, regarding cancer cases, will the Government inform this Council of:*

- (a) *the number of cancer cases newly diagnosed each year since 2002, together with a breakdown by type of cancer and patients' age profile (in age groups each covering five years);*
- (b) *the latest five-year relative survival rates for various types of cancer; and*
- (c) *the types of cancer showing an upward trend in age-standardized incidence rates in the past three years, and the channels through which such information is publicized to the public by the relevant authorities?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, at present, cancer data of the overall population in Hong Kong are collected by the Hong Kong Cancer Registry (the Registry) of the Hospital Authority (HA). With the allocation of additional resources to enhance the cancer data system, the Registry now collects data not only from public hospitals, but also from private hospitals. The lead time between the detection of a new case and the confirmation and release of its relevant data by the Registry has also been reduced from 27 months to 24 months. Given the lead time of 24 months, we can only provide data and analysis up to 2004. Our replies to each part of the question are as follows:

- (a) From 1960s onwards, cancer has been the number one killer disease in Hong Kong. As our population grows and ages, it is expected that the number of cancer cases will continue to rise. According to the latest statistics, in 2004, lung cancer, colorectal cancer, liver cancer, prostate cancer and nasopharyngeal cancer are the most common types of new cancer cases among males, whereas breast cancer, colorectal cancer, lung cancer, corpus cancer and cervical cancer are the most common types of new cancer cases among females. Statistics of new cancer cases by types of cancer and age groups between 2002 and 2004 are detailed at Annex.

- (b) The Registry is working with the International Agency for Research on Cancer (IARC) under the auspices of the World Health Organization on a survey of the survival rates of cancer patients. The survey will be completed soon and the IARC will release the findings in due course.
- (c) A reliable trend cannot be deduced solely based on the incidence rates of cancers in the past three years, and hence statistical figures of cancers in the 20 years from 1985 to 2004 have been used to work out the trend. The figures indicate that breast cancer, colorectal cancer, prostate cancer, corpus cancer and ovary cancer all show an upward trend in their age-standardized incidence rates.

Regarding the publicity efforts, the Registry has, since 2002, started to release figures on cancers in Hong Kong through its website on a regular basis. The Registry also works with universities and non-government organizations such as the Hong Kong Anti-Cancer Society and Hong Kong Cancer Fund, to provide health information for the public, in particular information on cancers with an upward trend of incidence.

To enhance public awareness of cancer prevention, the Department of Health (DH) has been playing an active role in providing the public with information about cancer prevention and healthy lifestyle through different channels, including roving exhibitions, the Central Health Education Unit's website and various publications. According to the findings of medical researches, some of the cancers are associated with behavioural risk factors such as smoking or alcoholism, unhealthy diet and obesity. In this connection, the DH provides the public with smoking cessation service and has launched the "Two Plus Three Every Day" campaign since 2005 to raise public awareness of healthy diet.

Moreover, the HA has organized health education activities in its Health InfoWorld, the patient resource centres in various hospitals and the specialist out-patient clinics for cancer patients, with a view to heightening public alertness to cancer.

Number of New Cancer Cases by Ten Commonest Types of Cancer and Age Groups in 2002

Type of Cancer	Number of New Cases	Number of New Cases by Age Group																		
		0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85 and above	Age unknown
Lung Cancer	3 941	0	0	0	1	1	2	8	39	101	160	204	234	392	600	753	644	464	338	0
Colorectum Cancer	3 519	0	0	0	1	3	8	17	47	111	165	229	255	302	512	637	574	383	275	0
Breast Cancer (Women)	2 059	0	0	0	0	1	17	48	172	331	359	307	176	119	148	109	115	87	69	1
Liver Cancer	1 576	4	0	0	2	3	7	10	34	93	128	155	164	166	224	231	177	89	89	0
Stomach Cancer	1 057	0	0	0	0	0	8	7	17	40	58	73	56	107	127	164	166	132	102	0
Nasopharynx Cancer	963	0	0	0	2	8	14	37	106	166	150	161	82	77	65	47	24	15	9	0
Prostate Cancer	912	0	0	0	0	0	0	0	1	0	1	7	30	83	177	208	191	120	94	0
Bladder Cancer	725	0	0	0	0	1	0	1	12	14	14	34	38	65	100	128	125	107	86	0
Skin Cancer	654	0	1	1	0	0	3	4	9	21	33	36	24	55	78	91	105	83	110	0
Non-Hodgkin's Lymphoma	547	1	5	1	6	8	10	16	20	35	24	53	38	56	59	75	60	39	41	0
Others	5 908	47	35	42	53	75	119	177	256	373	483	553	411	495	658	720	617	442	349	3
Total	21 861	52	41	44	65	100	188	325	713	1 285	1 575	1 812	1 508	1 917	2 748	3 163	2 798	1 961	1 562	4

Sources: Department of Health
Hospital Authority

Number of New Cancer Cases by Ten Commonest Types of Cancer and Age Groups in 2003

Type of Cancer	Number of New Cases	Number of New Cases by Age Group																		
		0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85 and above	Age unknown
Lung Cancer	3 972	0	0	0	1	0	3	13	31	89	173	250	295	366	557	719	664	462	349	0
Colorectum Cancer	3 249	0	0	0	1	5	11	18	40	120	167	228	265	261	417	552	516	364	284	0
Breast Cancer (Women)	2 106	0	0	0	0	2	19	67	168	338	385	283	205	111	126	141	108	79	78	1
Liver Cancer	1 654	4	1	0	3	2	5	13	28	87	141	183	176	181	222	238	178	96	96	0
Stomach Cancer	1 005	0	0	0	1	0	6	2	26	43	56	61	78	84	135	135	140	116	122	0
Nasopharynx Cancer	911	0	0	1	1	6	26	44	93	131	177	132	98	54	58	46	26	11	7	0
Prostate Cancer	826	0	0	0	0	0	0	0	0	1	2	8	26	78	149	224	167	104	66	1
Bladder Cancer	599	0	0	0	0	0	1	3	1	6	21	30	38	43	70	125	112	87	62	0
Non-Hodgkin's Lymphoma	583	3	2	3	11	6	6	11	20	46	45	56	53	48	62	70	44	60	37	0
Skin Cancer	571	0	0	1	0	0	0	3	9	25	30	41	24	37	62	74	92	70	100	3
Others	5 813	45	27	42	57	73	103	149	227	381	532	559	486	461	574	671	622	437	364	3
Total	21 289	52	30	47	75	94	180	323	643	1 267	1 729	1 831	1 744	1 724	2 427	2 995	2 669	1 886	1 565	8

Sources: Department of Health
Hospital Authority

Number of New Cancer Cases by Ten Commonest Types of Cancer and Age Groups in 2004

Type of Cancer	Number of New Cases	Number of New Cases by Age Group																		
		0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85 and above	Age unknown
Lung Cancer	4 182	0	0	0	0	0	4	8	40	85	161	242	329	358	573	765	737	536	344	0
Colorectum Cancer	3 582	0	0	0	1	6	9	23	45	101	170	274	302	346	459	565	521	444	316	0
Breast Cancer (Women)	2 273	0	0	0	1	4	15	62	145	335	405	326	233	145	146	138	133	97	88	0
Liver Cancer	1 663	1	0	2	0	1	4	15	33	86	133	175	156	181	243	239	176	134	84	0
Stomach Cancer	1 046	0	0	0	1	1	3	4	20	45	48	66	94	75	129	172	157	119	112	0
Prostate Cancer	969	0	0	0	0	0	0	0	0	0	3	8	49	87	158	255	203	125	81	0
Nasopharynx Cancer	933	0	0	0	2	3	12	35	98	151	175	140	89	69	56	56	27	13	7	0
Skin Cancer	656	0	0	0	2	1	0	10	13	22	25	35	39	43	67	91	103	97	106	2
Non-Hodgkin's Lymphoma	594	0	1	2	9	7	11	14	30	28	49	47	54	50	59	74	74	44	41	0
Bladder Cancer	584	0	0	0	0	0	1	2	7	9	11	27	38	38	71	114	127	76	63	0
Others	6 041	54	31	47	47	66	99	155	282	374	514	562	549	452	608	673	673	468	387	0
Total	22 523	55	32	51	63	89	158	328	713	1 236	1 694	1 902	1 932	1 844	2 569	3 142	2 931	2 153	1 629	2

Sources: Department of Health
Hospital Authority

Construction of Shatin to Central Link

15. **MR FREDERICK FUNG** (in Chinese): *President, the Shatin to Central Link (SCL) was originally scheduled for completion by 2011. However, since the project was awarded to the Kowloon-Canton Railway Corporation (KCRC), the construction date for the SCL has still not yet been set. In introducing the Rail Merger Bill last year, the Government indicated that it would discuss with the MTR Corporation Limited (MTRCL) the funding and implementation details of the SCL. Moreover, the Government has recently said that it will study the possibility of implementing the SCL in phases, but has not reached a final decision regarding phased implementation. In this connection, will the Government inform this Council:*

- (a) *of the total amount of resources allocated by the Government and the KCRC for the planning and study of the construction of the SCL since the KCRC's participation in bidding for the project, why the construction date for the SCL has not yet been set, whether the Government has taken into account the expectations of the residents along the proposed alignment of the SCL in considering when to construct the SCL, whether the Government has assessed if the lack of a construction date for the SCL will result in a waste of resources, is a breach of its promise to complete the SCL by 2011, and will affect the Government's credibility in honouring contractual obligations; if such an assessment has been made; of the results; if not, the reasons for that;*
- (b) *given that it has been reported that the Government has promised that the rail merger will not affect the construction of the SCL, whether it has assessed if the implementation of the SCL in phases is a breach of such promise, and of the MTRCL's position regarding the implementation of the SCL in phases; and*
- (c) *of the latest financing arrangements for the construction of the SCL, the latest development in the Government's negotiations with the MTRCL regarding the SCL, and the Government's position and specific principles in the negotiations concerning issues such as the financing arrangements?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Chinese): President, in June 2002, the KCRC was invited to proceed with further planning of the SCL. Since then, the KCRC has submitted a number of proposed changes to the project. The objective is to co-ordinate with the latest progress of the development projects (like Kai Tak Planning Review and Wan Chai Development Phase II Review) along the alignment of the SCL and to respond to the public request to extend the rail service to more areas. However, as the details with these development projects have not yet been confirmed, thus the SCL proposal has yet to be finalized. The above changes were reported to the Subcommittee on Matters relating to Railways under the Legislative Council Transport Panel on 16 February 2004; 3 June 2004; 4 March 2005 and 5 January 2007. Generally speaking, during the planning process, the Government has to review the planning of a railway project, including its implementation timeframe, having regard to latest progress of those development projects that have impacts to the railway. However, this review should not be regarded as a breach of promise to "complete the project by a certain timeframe".

As far as the rail merger is concerned, the Government has set the early resolution of interchange arrangements for new rail projects under planning, notably the SCL, and the abolition of the second boarding charge for interchanging passengers as one of the major parameters for the merger when the Government invited the two railway corporations to commence discussion on a possible merger on 24 February 2004. Thereafter, the MTRCL and the KCRC have jointly submitted a proposal for the SCL which includes provision of fully integrated interchange stations under the rail merger.

When the Government announced on 11 April 2006 that it had reached an understanding with the MTRCL on the structure and terms for merging the MTR and KCR rail systems, the Government had clearly set out that the proposed SCL scheme, in the context of the rail merger, would provide for fully integrated interchange stations and interchanging passengers would not be required to pay any second boarding charge. As for financing new non-MTR natural extension railway projects, like the SCL, the Government has the right to adopt "ownership" approach (the post-merger corporation would finance, construct, operate and own the project; and if necessary, the Government will provide funding support) or "service concession" approach (the post-merger corporation

will operate the railway under a service concession arrangement). We are still considering which approach will be the most suitable and the decision has yet to be made.

As for the alignment and technical aspects of the SCL, we are still assessing the proposals, in the light of the impacts from the Kai Tak Planning Review and Wan Chai Development Phase II Review based on the objective to meet the transport demand more effectively. Therefore, the proposal has yet to be finalized.

Labelling of Imported Foods

16. **MS EMILY LAU** (in Chinese): *President, under the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004, if prepackaged food products contain any of the eight categories of substances that are known to cause allergy in some people, the name of the substance shall be specified in the list of ingredients on the labels concerned. The grace period for this requirement will expire in July this year. However, members of the food industry have indicated that it is difficult for them to comply with the requirement. They point out that the majority of the food products for sale in Hong Kong are imported from the Mainland or foreign countries and some of these places do not have similar labelling requirements. Importers and retailers may not be able to obtain information on the composition of the food products concerned; hence it is difficult for them to label the food products accordingly. In this connection, will the executive authorities inform this Council:*

- (a) *whether they have taken heed of the worries of members of the food industry; if so, how assistance will be provided to them to solve the technical problems of labelling imported foods as required;*
- (b) *of the measures in place to assist members of the food industry in adapting to the labelling requirement; and*
- (c) *whether the authorities will consider deferring the implementation of the labelling requirement to allow members of the food industry more time to make preparations?*

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

(a) and (b)

We do understand the concerns of the trade over the newly amended food labelling legislation and have held discussions with the trade at different forums, including Legislative Council meetings, during the legislative amendment process in 2004. We have also adopted various measures to assist the trade, including the addition of defence provisions in the Amendment Regulation. It would be a defence if (i) a trader can prove that he has used his best endeavours to obtain the relevant information from importers or manufacturers and has reasonably and in good faith relied on the information so furnished and, in cases where the importers or manufacturers claimed that the food contains any of the eight allergenic substances, has required the exporters or importers to mark and label as such on the packaging; or (ii) where the trader has in good faith marked on the food that he does not know whether the food consists of or contains any of the eight allergenic substances (for instance, it may be marked as "the food may contain crustacean and crustacean products").

In addition to the defence provisions, to help the trade adapt to the legislative requirements brought by the amendments, we have also published a "Labelling Guidelines on Food Allergens, Food Additives and Date Format" in connection with the Amendment Regulation for reference of the trade in August 2005, after discussion with them. The Guidelines has been uploaded to the website of the Centre for Food Safety. Moreover, we have been answering enquiries from the trade to help them adapt to the legislative requirements brought by the amendments and to change their product labels as necessary.

(c) To give the trade sufficient time to clear their old stock and update their product labels to comply with the Amendment Regulation, we have extended the grace period from the original 18 months to 30 months, that is, till January 2007, as agreed at a meeting of Subcommittee on Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004. In response to the trade's request,

we have further extended the 30-month grace period to 36 months, that is, to 9 July 2007. We consider that the trade should have sufficient time to seek information about product ingredients from the exporters concerned and, where necessary, arrange tests for the product ingredients and update the product labels. To further extend the grace period would be unfair to those who have already updated their food labels before 9 July 2007. It would also lead to the situation of products containing allergenic substances displaying or not displaying the label "it may contain allergenic substances", thereby causing inconvenience and confusion to consumers. For these reasons, we have no intention to further extend the grace period.

Deregistration of Imported Drugs

17. **DR KWOK KA-KI** (in Chinese): *President, I have learnt that a number of imported drugs have been deregistered recently by the Pharmacy and Poisons Board (the Board). In this connection, will the Government inform this Council:*

- (a) *whether the agents of deregistered drugs are liable to buy back the drugs concerned from doctors, pharmacies and hospitals; if so, whether the authorities will provide assistance to doctors, pharmacies and hospitals when the agents refuse to buy back the drugs; and*
- (b) *of the measures the authorities have in place to prevent doctors, pharmacies or hospitals from being inconvenienced or suffering losses because of sudden deregistration of drugs?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, a few months ago the Registration Committee (the Committee) under the Board deregistered more than 10 pharmaceutical products. These products were common generic drugs, the registration of which were held by three companies. The quantity involved was not large and there were substitutes in the market. Last year, it came to the attention of the Committee that the holders of the registration certificates for these pharmaceutical products no longer operated at the addresses stated on the registration certificates. The Committee

had made many attempts to contact the three companies and the persons concerned, including seeking assistance from the wholesale dealer, but to no avail. Having sought legal advice, the Committee had to deregister the pharmaceutical products on the ground that the holders of the registration certificates no longer existed. The deregistration did not concern drug safety. Our consolidated reply to the two parts of the question is as follows:

Under regulation 36(1) of the Pharmacy and Poisons Regulations (PPR), no person shall sell, offer for sale or distribute or possess for the purposes of sale, distribution or other use any pharmaceutical product unless the product is registered with the Board. As the pharmaceutical products in question had been deregistered, the Department of Health (DH) wrote to the wholesale dealer concerned, informing it of the deregistration of the pharmaceutical products, explaining the requirements under regulation 36(1) of the PPR, and requesting it to withdraw the products from its distribution network.

To assist the stakeholders to learn about the deregistration at the earliest opportunity so as to facilitate the withdrawal, the DH also wrote to those who might have purchased the pharmaceutical products, including medical practitioners, hospitals and drug retailers. If in doubt, these parties might make enquiry with the DH.

The aforementioned case does not concern drug safety. If however any pharmaceutical product is found to be dangerous or injurious to health, the authority will deregister the product in accordance with the PPR and the wholesale dealer and manufacturer will be required to carry out a rapid and, so far as practicable, complete recall of the pharmaceutical product with safety problem by using the system of control they set up in compliance with the PPR and monitor the recall.

Placing Cages on Streets for Collecting Used Clothes

18. **MISS CHOY SO-YUK** (in Chinese): *President, the Government adopted a new approach in July last year to deter recyclers from placing cages on the streets to collect used clothes. It has been reported that the problem has rekindled recently, with collection cages more roughly made than previous ones being placed on the streets for over a week and not removed. In this connection, will the Government inform this Council:*

- (a) *of the following from July last year to February this year:*
- (i) *the respective numbers of collecting cages seized in various districts each month; and*
- (ii) *the number of persons prosecuted for placing collection cages on the streets and the penalties imposed on them;*
- (b) *of the number of staff deployed to implement the new approach, and whether additional staff will be deployed; and*
- (c) *whether it has reviewed the effectiveness of the new approach; if it has, of the outcome of the review, including the areas for improvement identified; if not, the reasons for that?*

SECRETARY FOR EDUCATION AND MANPOWER (in the absence of Secretary for Home Affairs) (in Chinese): President,

- (a) (i) From July 2006 to February 2007, the authority removed a total of 875 unauthorized on-street collection cages. The monthly breakdown on the number of cages removed in each district is as follows:

District	2006						2007	
	July	August	September	October	November	December	January	February
Central and Western	12	12	3	9	8	7	2	0
Wan Chai	10	6	0	1	5	6	1	2
Eastern	38	18	3	4	8	10	2	2
Islands	8	5	0	0	0	0	0	0
Southern	0	1	6	1	0	8	0	0
Kwun Tong	6	3	0	1	1	1	0	8
Wong Tai Sin	11	27	1	14	10	12	15	23

<i>District</i>	2006						2007	
	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>January</i>	<i>February</i>
Sham Shui Po	23	19	8	15	18	13	5	1
Kowloon City	28	8	3	10	5	8	6	11
Yau Tsim Mong	30	17	0	4	7	5	9	11
Tsuen Wan	15	2	0	3	1	3	1	4
Kwai Tsing	28	0	3	10	13	13	18	25
Sha Tin	10	0	0	0	0	1	0	1
Sai Kung	18	4	0	4	1	10	2	0
Tai Po	17	0	2	0	0	0	0	1
North	7	0	0	0	1	0	3	0
Tuen Mun	20	1	0	0	0	0	0	0
Yuen Long	21	16	1	0	0	0	0	0
Total	302	139	30	76	78	97	64	89

- (ii) The authority initiated the above clearance operations under the Summary Offences Ordinance. To make prosecutions under the Ordinance, the authority must confirm ownership of these on-street cages. Most of the cleared cages do not bear correct information about the owners, and no one has claimed back the cleared cages since the launch of the new measures. Hence, the authority does not have any prosecution cases up to now.
- (b) The District Offices of the Home Affairs Department (HAD) and the Food and Environmental Hygiene Department (FEHD) have deployed existing staff resources to implement the new measures. The actual manpower requirement for each operation will depend on the scale of the operation. Under normal circumstances, the FEHD will deploy at least one enforcement officer and two to three

workmen for each operation. The concerned HAD District Office will deploy one officer to co-ordinate the clearance operation.

Since the implementation of the new measures, the concerned departments are able to promptly remove the on-street cages through blitz operations or referrals by members of the public. We will closely monitor the adequacy of existing resources to ensure that the measures against on-street cages are vigorously enforced.

- (c) Since the adoption of the new measures, the HAD District Offices have been closely monitoring the situation of on-street used clothes collection cages. They have also co-ordinated government efforts against the problem. The number of on-street used clothes cages has been substantially reduced and the situation has been improved visibly. Based on our observations and feedback from members of the District Councils, the new measures have effectively addressed the problem of on-street used clothes collection cages. In fact, there is a notable decrease in the number of complaints received by the Lands Department concerning illegal occupation of Government land by used clothes collection cages.

When reviewing the effectiveness of the clearance operations, the authority was of the view that more legitimate channels should be provided to facilitate the community to donate used clothes. In October last year, the HAD launched the Community Used Clothes Recycling Banks scheme which aims to facilitate the public to donate used clothes in support of environmental protection and charitable purposes. Under the scheme, the HAD District Offices liaised with the concerned departments and identified around 170 convenient off-street locations (such as parks, entrances to community centres and sports centres, and so on) for placing collection banks operated by non-profit-making organizations. The scheme has shown good progress. The amount of used clothes collected under the scheme has increased steadily. We will continue to identify more suitable locations for placing Community Used Clothes Recycling Banks. We will also continue our public education efforts through the media to encourage people to donate used clothes through legitimate channels.

Property Tax

19. **MR SIN CHUNG-KAI** (in Chinese): *President, under the Inland Revenue Ordinance (Cap. 112), the owner of any land or buildings or land and buildings shall pay property tax to be computed at the standard rate on the net assessable value (80% of the rental income after deducting the rates paid by the owner) of the relevant land or/and buildings. In this connection, will the Government inform this Council:*

- (a) (i) *of a breakdown, by groupings in terms of whole-year rental income of the tenements concerned, of the total amount of property tax charged by the Government each year; and*
- (ii) *of the annual number of tenements which are subject to property tax, together with a breakdown by the type of buildings,*

since the tax year 1997-1998; and

- (b) *given that the number of "sole tenants" (that is, households which rent the whole tenements) living in private buildings has been around 170 000 to 220 000 since 2000, as revealed in the Quarterly Reports on General Household Survey published by the Census and Statistics Department, why the number of property tax demand notes issued for each of the relevant tax years by the Inland Revenue Department (IRD) were around 80 000 to 90 000 only?*

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

- (a) Under the Inland Revenue Ordinance, property owners who receive rental income are assessable to property tax at the standard rate. Individual property owners may, however, elect to have their rental income assessed with other incomes under personal assessment.
- (i) In the years of assessment from 1997-1998 to 2005-2006, the total amount of property tax charged by the Government each year is shown below:

Table 1

<i>Tenement's</i> <i>Annual</i> <i>Rental</i> <i>Income (\$)</i>	<i>Amount of Property Tax Charged</i>								
	<i>2005-2006¹</i> <i>(\$'000)</i>	<i>2004-2005</i> <i>(\$'000)</i>	<i>2003-2004</i> <i>(\$'000)</i>	<i>2002-2003</i> <i>(\$'000)</i>	<i>2001-2002</i> <i>(\$'000)</i>	<i>2000-2001</i> <i>(\$'000)</i>	<i>1999-2000</i> <i>(\$'000)</i>	<i>1998-1999</i> <i>(\$'000)</i>	<i>1997-1998</i> <i>(\$'000)</i>
1-100,000	296,281	301,858	271,659	245,447	242,398	234,945	230,198	229,816	213,074
100,001-200,000	227,115	225,298	200,412	206,015	205,111	194,740	195,393	199,802	209,899
200,001-300,000	133,094	136,434	124,005	126,087	131,042	128,710	131,226	140,851	145,349
300,001-400,000	75,857	81,133	78,931	85,024	89,854	92,014	96,132	103,732	108,268
400,001-500,000	57,681	57,151	56,437	57,547	62,516	63,832	66,600	79,574	85,009
500,001-600,000	43,565	43,315	41,364	47,127	50,688	49,513	54,387	57,639	65,387
600,001-700,000	29,092	29,991	27,854	30,040	32,948	33,580	34,813	43,334	46,812
700,001-800,000	24,953	27,831	24,854	26,482	32,292	32,488	33,561	39,966	38,595
800,001-900,000	22,014	21,827	23,415	23,020	25,628	29,181	29,746	33,610	39,208
900,001-1,000,000	19,083	22,343	17,301	21,973	22,351	21,892	22,388	25,568	31,644
Over 1,000,000	212,232	213,588	186,527	219,698	240,005	246,608	264,775	324,710	354,067
Total	1,140,967	1,160,769	1,052,759	1,088,460	1,134,833	1,127,503	1,159,219	1,278,602	1,337,312

¹ Not all property tax demand notes for the 2005-2006 year of assessment have been issued.

- (ii) The number of rental tenements liable to property tax or tax under personal assessment each year in the years of assessment from 1997-1998 to 2005-2006 is as follows:

Table 2

<i>Year of assessment</i>	<i>Number of rental tenements liable to tax</i>
2005-2006 ¹	222 600
2004-2005	213 286
2003-2004	211 857
2002-2003	208 103
2001-2002	213 434
2000-2001	213 543
1999-2000	208 638
1998-1999	204 688
1997-1998	203 944

¹ Not all property tax demand notes for the 2005-2006 year of assessment have been issued.

As property owners are not required to report the types of rental tenements in their tax returns, the IRD does not have any information on property tax assessment by types of tenements.

- (b) As mentioned in part (a) above, not all rental property owners elect to be charged under property tax. Therefore, the number of property tax demand notes issued by the IRD each year does not necessarily reflect the total number of rental tenements chargeable to property tax in that year of assessment (that is, the numbers listed in Table 2 above).

Compilation of Gini Coefficient

20. **MR FREDERICK FUNG** (in Chinese): *President, regarding the latest summary results of the 2006 Population By-census announced by the Census and Statistics Department (C&SD) and the compilation of the Gini Coefficient, will the Government inform this Council:*

- (a) *whether, in the past, it had announced the summary results of population census and the relevant Gini Coefficients at the same time; given that some academics have pointed out that with the advanced computer technology nowadays, the compilation of the Gini Coefficient is not difficult, why the Government has not announced the latest Gini Coefficient together with the summary results of the 2006 Population By-census at the same time;*
- (b) *whether it will consider immediately announcing the Gini Coefficient compiled according to the existing arrangement, so as to let the public know the latest situation of disparity between the rich and the poor; and*
- (c) *given that the authorities had pointed out in the past that the Gini Coefficient did not take into account the income redistribution effect brought about by taxation, welfare assistance and government subsidies in various services, whether the authorities will change the types of data to be included in the compilation of the Gini Coefficient; if so, of the details of the new data to be included, and*

whether the authorities have assessed if the inclusion of the effect of government assistance and subsidies in the compilation of the Gini Coefficient will render the Coefficient so compiled useless in comparing with the relevant Coefficients announced in Hong Kong in the past and those of other places, as well as distort the original purpose of the Gini Coefficient to measure the disparity in household income?

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

- (a) In previous rounds of population census/by-census, the Gini Coefficients were released along with the summary census/by-census results. However, with the significant changes in the social and economic structure of Hong Kong in the recent years, the study on income distribution has become highly complicated. Furthermore, there has been increasing public interest in these figures, and comparison of Hong Kong's figures with those of other economies has been made from time to time. Simply releasing the Gini Coefficients from the household income data of the by-census not only fails to inform the public of the factors underlying the changes in income distribution, it may even lead to misunderstanding of the actual situation. In view of this, the C&SD considered it necessary to compile a thematic report on income distribution, making use of the 2006 Population By-census data to conduct a detailed and comprehensive analysis on household income distribution. The study is being conducted. As it will take quite time to complete the task, the results cannot be covered in the summary results report.
- (b) As pointed out in part (a), household income distribution is a complicated subject. Releasing a Gini Coefficient compiled based on only household income may lead to misunderstanding of income distribution in Hong Kong. The analysis on Gini Coefficients and household income distribution should take into account other related factors like household composition, demographic characteristics, structural changes of the economy and social benefits to ensure that the findings reflect the actual situation. The C&SD is conducting a

detailed analysis on household income distribution to be released in mid-2007. The Gini Coefficients and other detailed analyse will be announced at that time so that the community can understand and interpret the changes revealed from the figures in a more scientific and comprehensive manner.

- (c) When compiling the thematic report on income distribution, analysis of the impact of changes on various aspects of income distribution will be conducted. These include changes in household size and structure, structural changes of the economy, and income redistribution effect brought about by government policies. The latter includes taxation and various social benefits (for example, subsidies provided by the Government in housing, medical and education services). We will take into account different factors and make use of various indicators when analysing the income distribution of Hong Kong based on the 2006 Population By-census results. Relevant and useful statistics and indicators, including unadjusted Gini Coefficients and Gini Coefficients adjusted for the effect of taxation and social benefits on income distribution, will be compiled. The public can then be furnished with information on the difference between the unadjusted and adjusted Gini Coefficients. The C&SD will also compile a time series of the said statistics and indicators, including the 1996 and 2001 adjusted Gini Coefficients, to facilitate the public in making reference and analysis. Compilation of the Gini Coefficients adjusted for the effect of taxation and social benefits on income distribution will allow the public to understand and interpret the income distribution under the "disposable income" concept. This is an internationally commonly used method, which is adopted in a number of economies.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect.

PRESIDENT (in Cantonese): First motion: Air Pollution Control (Volatile Organic Compounds) Regulation.

The Member moving her motion has up to 15 minutes of speaking time to move her motion and speak in reply respectively, whereas other Members speaking on this motion also have up to 15 minutes of speaking time.

PRESIDENT (in Cantonese): I now call upon Ms Audrey EU to speak and move her motion.

AIR POLLUTION CONTROL (VOLATILE ORGANIC COMPOUNDS) REGULATION

MS AUDREY EU (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

Today, I propose this motion on behalf of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation. As the Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation) is subsidiary legislation subject to negative vetting, there may not be any opportunity for Members to discuss or debate the Regulation if this motion is not moved today, nor would the Secretary come to the Legislative Council to give a reply. Although it is a regulation or a piece of subsidiary legislation, the control regime for volatile organic compounds (VOCs) is in fact a completely new thing. It has very far-reaching implications and is a very important aspect of the air pollution problem in Hong Kong. Therefore, the Subcommittee made a proposal and the President of the Legislative Council also approved that this motion be proposed today, so that each Member can have a speaking time of 15 minutes and the public can gain a better understanding of this matter, while the Secretary also has to respond to the relevant issues.

President, the Regulation was first gazetted on 24 November 2006, mainly to regulate some VOC products, in particular, printing inks and some consumer products. The Regulation was published in the Gazette for implementation on 1 April 2007 and a Subcommittee was formed by the Housing Committee on 1 December 2006. At that time, a resolution was proposed to extend the scrutiny period to 17 January 2007, in order to allow sufficient time for the Subcommittee to examine the Regulation.

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

Despite the large amount of work already done by the Subcommittee, it still could not complete all the work before the deadline or within the prescribed period, therefore, the Regulation was repealed by the Legislative Council at its meeting on 17 January 2007. In order to expediate the scrutiny of the Regulation so that the new regulatory measures can be implemented on 1 April, the Council worked in concert with the Government and a new Subcommittee was formed in the meeting on 12 January 2007 to continue to study the Regulation despite the repeal of the Regulation. In the end, we offered a lot of views to the Government which also accepted many of our views and amended the original version of the Regulation and gazetted the new version, so as to enable it to come into effect on 1 April.

The Regulation under debate is in fact one of the initiatives to improve air quality as pledged by the authorities in the 2006 policy address. The making of the Regulation seeks to enable Hong Kong to realize the consensus made between the Hong Kong Special Administrative Region (SAR) Government and the Guangdong Provincial Government, seeking to reduce by 2010 the regional total emissions of four air pollutants, namely, sulphur dioxide, nitrogen oxides (NO_x), respirable suspended particulates (RSPs) and VOCs, which are covered by the Regulation and is the subject matter of our discussion today, by 40%, 20%, 55% and 55% respectively, using the emission levels set in 1997 as a base. To achieve the reduction target of 55% for VOC by 2010, the Government proposed the Regulation to regulate paints, printing inks and common daily consumer products containing VOC, namely hairsprays, insecticides, insect repellents, air fresheners, floor wax strippers and multipurpose lubricants. With the implementation of the Regulation, it is expected that VOC emissions can be reduced by about 8 000 tonnes and the emission reduction targets can be successfully achieved.

What are VOCs? In fact, they play a significant role in the formation of ozone and RSPs in the atmosphere. In sunlight, they react with NO_x to form ozone. Ground level ozone of high concentration can irritate the eyes and cause upper and lower respiratory symptoms. It may also provoke asthmatic attacks in people who already have asthma. There is also evidence indicating that long-term exposure to high concentration of ozone may cause permanent damage to lung tissues and interfere with the functioning of the immune system. RSPs can penetrate into the lung and interfere with the functioning of the respiratory system. In addition, VOCs can also exacerbate the smog phenomenon in Hong Kong and impair visibility.

Members of the Subcommittee agree that VOCs are one of the major sources of air pollution in Hong Kong and have to be regulated by means of legislation, but the Subcommittee also noted the following issues. Firstly, under the Regulation, retailers are not held liable for selling regulated products exceeding the prescribed VOC limits. This may lead to the emergence of smuggled products, thereby creating unfair competition to law-abiding retailers. For this reason, the Subcommittee proposes that the Government should consider holding retailers liable for the selling and possession of these regulated products exceeding the prescribed VOC limits, since this Regulation does not regulate this aspect. Secondly, the Subcommittee is also concerned that water soluble flat coatings may emit less VOCs as compared to their oil-based counterparts. Should more stringent control or a higher limit be imposed on the same? Thirdly, the Subcommittee is also concerned about the adequacy of the manpower and financial resources earmarked for the enforcement of the proposed control regime.

In this regard, the Subcommittee will request the Administration to make in the speech of the Secretary for the Environment, Transport and Works to be delivered at the motion debate today an undertaking to conduct a review of the adequacy of the resources earmarked for the enforcement of the Regulation, the need to impose liability on retailers and the need to lower the VOC limit for flat coatings within one year after the Regulation has come into operation.

Deputy President, although VOCs are one of the main sources of pollution, as they exacerbate the smog phenomenon and are hazardous to public health, they are but the tip of the iceberg in the deteriorating air pollution problem in Hong Kong. To solve the air pollution problem, the Government must change its mindset of adopting a piecemeal approach in its governance and formulate a comprehensive strategy, so as to resolve the air pollution problem in Hong Kong at root and protect public health.

Of course, we all know that the Government launched the "Action Blue Sky Campaign" last year. However, the Campaign mainly focuses on actions that can be taken by consumers themselves. We cannot see any comprehensive strategy proposed by the Government in the Action Blue Sky Campaign aimed at improving air pollution. In recent years, various measures designed to improve air quality, such as the Regulation being discussed today, are designed just to meet the emission reduction targets by 2010 as agreed between the SAR Government and the Guangdong Provincial Government. However, what about

post-2010? Can the targets really be achieved by 2010? In this regard, there are still many outstanding problems, for example, greenhouse gases, global warming and renewable energy. In fact, it is necessary for Hong Kong to adopt a more comprehensive approach.

Last week, a survey conducted by The Chinese University of Hong Kong revealed that on days of higher air pollution, there is a higher admission rate for patients suffering from chronic obstructive pulmonary disease. This is proportionate to the amount of particulates in the air. The academics responsible for the survey also found that in both winter and summer time, the concentration of RSPs in the air of Hong Kong far exceeds the World Health Organization guidelines. Deputy President, you are also aware that we have often raised this issue, that is, the particulates being monitored in Hong Kong are those 10 μ m in size. However, as we all know, there is evidence indicating that we should pay attention to smaller particulates of 2.5 μ m in size.

Unfortunately, the Government is not heeding the call made by experts, academics and green groups to tighten the air quality objectives (AQOs). In the last policy address, the Chief Executive continued to take a "move slow" attitude and said that it would be necessary to study the issue for 18 months before considering whether the AQOs or the guidelines which have been used for over 20 years and are lagging far behind many other places would be tightened or not.

Recently, I saw that in an interview with the CNN, the Chief Executive said that the air quality in Hong Kong was better than that in 1997, that the Government had in fact done a lot of work and that the air quality was better than before. Certainly, we are not saying that the Government has done nothing, however, I believe that many members of the public also find that our air quality is really deteriorating rather than improving. Particularly during the Chinese New Year, I trust that Members could all see that the sky was greyish and it was also very warm. In fact, on many issues, it is necessary for us to have greater political resolve in order to get things done.

In order to thoroughly solve the problem of air pollution, apart from updating the AQOs, we also have to formulate a complete and comprehensive strategy on air pollution to reduce emissions from various major sources of pollution. Deputy President, this includes restructuring the electricity market, encouraging the electricity market to move towards reducing the emission of

pollutants and greenhouse gases, promoting demand-side management programmes and promoting the use of renewable energy sources, whereas building railways which have been planned for years can also reduce the need to use vehicles, thereby ultimately reducing air pollution on roads.

Lastly, I wish to say that the problem of air pollution is actually related to the health of all people in Hong Kong. Be it on Hong Kong Island, in Kowloon or the New Territories, and whether we live in more affluent areas or poorer areas, all of us are in fact breathing the same air. The haze, smog, the increasing particulates in the air and the rising temperature are in fact affecting all people. We hope the Government can seize this opportunity of reviewing the Scheme of Control Agreements relating to power supply this year to do more, particularly with regard to the power market which is a major source of air pollution in Hong Kong, instead of merely looking for stable or cheap electricity supply. We hope that the Government can act more decisively in protecting the environment, so as to let people see the Government's determination in tackling air pollution.

Deputy President, there is one very important issue which I hope, in particular, that Secretary Dr LIAO can convey to Chief Executive Donald TSANG. Often, no matter in public or in internal meetings convened in private, whenever the issue of air pollution is discussed, the response of the Chief Executive is that this is a matter of PR — that is, a matter of public relations. Hong Kong people often think that it is all about overseas governments or other people wanting to trample upon Hong Kong, that we have in fact done a lot and the situation has changed, only that those people like to say that we are not doing enough. But this kind of thinking is precisely the root of the problem. If this way of thinking is not changed, the Administration will not be able to feel as we members of the public do that air pollution is a very serious problem. Rather, it will often think that it is because other people want to trample upon us that they have exaggerated the seriousness of the problem and will not face the problem squarely. In this way, we will never make people see our political determination in solving this problem.

In fact, air pollution is not just a health issue, but also an economic issue. Often, we talk about attracting more people from other places to settle or invest here, however, their very first response is that the air pollution problem in Hong Kong is very serious. Yet, each time when we raised this problem with government officials, what was their response? Deputy President, they would

only say that they had to improve the website for Hong Kong to make it known that the authorities had done a lot of work. This kind of thinking always reduces the problem to the level of public relations. I hope the Secretary will convey this message clearly to the Government, pointing out that this is not just a matter of public relations but a problem that the public can genuinely feel. The Secretary only has to take a stroll in the streets, take a spin with taxi drivers or a walk with members of the public and they will tell you that air pollution is really a serious problem, so it is not just the commentators who say so. Many expatriats living in Hong Kong will also tell you that they have a lot of friends who left Hong Kong because of the air pollution here for the sake of the health of their children.

Today, I am very happy that I can raise various problems relating to air pollution by dint of this Regulation on VOCs. I also hope that on the most fundamental issue, that is, in respect of its thinking and determination, the Government will let us see some improvement. Thank you, Deputy President.

Ms Audrey EU moved the following motion: (Translation)

"That this Council notes the Air Pollution Control (Volatile Organic Compounds) Regulation which was published in the Gazette as Legal Notice No. 20 of 2007 and laid on the table of the Legislative Council on 28 February 2007."

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

MR SIN CHUNG-KAI (in Cantonese): Deputy President, air pollution in Hong Kong has become a hackneyed topic and this Council has conducted debates on the relevant issues a number of times. However, while the public, Members of this Council, political parties and foreign businessmen were all hoping that the Government would take decisive actions to improve air quality, the response of the Chief Executive, Donald TSANG, was that the life expectancy of Hong Kong people is longer than that in such places as the United States, Singapore and the United Kingdom, so our living environment is very good. I cannot but wonder if he is aware of the gravity of the problem or whether he just cannot come up with any solution.

As a measure to improve air quality, the Democratic Party welcomes the implementation of the legislation to regulate volatile organic compounds (VOCs). In fact, the phenomenon of Hong Kong being shrouded in haze is deteriorating all the time. According to the figures of the Hong Kong Observatory, in 2005, the number of hours of low visibility in Hong Kong was 2 438 hours, which was 27% of all the time in that year, that is, on average, Hong Kong was shrouded in haze one in every four days. This is more serious than 18% of all the time in 2004 and the VOCs emitted in 2005 reached 40 000 tonnes. In fact, as early as September 2004, the Government proposed that the public be consulted on labelling paints, printing inks and other consumer products containing VOCs, however, in view of the fact that the relevant proposals can be put in place only today, that is, after two and a half years, we think the progress is rather slow.

Concerning the legislation, the Democratic Party has the following views. Firstly, we are utterly perplexed by the approach of using reports to regulate importers. If in enacting legislation, the Government only wants to obtain information relating to VOC emissions for statistical purpose, is there any need to enact legislation? According to the proposed legislation, importers failing to provide or providing false information would be subject to criminal liability and are liable to imprisonment and a fine. In addition, only the total amounts of VOCs in the relevant products in the past year are recorded in the report, so how effective will this be in regulating importers? According to the information provided by officials of the Environmental Protection Department, with the existing manpower and equipment, the Government can test about 500 samples each year, however, a wide range of products is covered by the legislation and they include paints, printing inks, hairsprays, insecticides, air fresheners, and so on, so is the number of inspections too small as opposed to the quantities of such products imported each year? How can the Government ensure that no importer will try to exploit this situation?

In addition, we are concerned that the legislation only regulates importers and manufacturers but does not cover the retail level. According to the provisions of the proposed legislation, even if the Government knows that a retailer is selling products with VOCs that exceed the limit, it cannot take any action. As we proposed in the Subcommittee, the Government should consider imposing liability and penalty on retailers who knowingly sell products with VOCs that exceed the limit, so as to safeguard the rights of law-abiding retailers.

The regulation of VOC contents in the proposed legislation has made reference to the legislation of the State of California in the United States. The Government pointed out that the situation in Hong Kong now is very similar to that of California in the past. The Democratic Party hopes that after the implementation of the relevant legislation, the air quality in Hong Kong will see significant improvement, as is the case in California. We further hope that the Government will adopt standards that are even more stringent than those in California, if necessary, so as to attain the emission reduction targets set together with Guangdong Province.

Deputy President, I remember that when scrutinizing the legislation, there was a report concerning the regulation of VOCs which said that should this piece of legislation be passed, products such as hairsprays, insecticides and air fresheners would all disappear from the market. According to the explanation of government officials, regulating VOCs will only lengthen the drying time of paints or hairspray but their effectiveness will not be affected. I believe the Government has the duty to convey correct messages to the public, so that they will understand the effects of the legislation on their daily life. However, all that I can see is the advertisement for "Action Blue Sky" Campaign on television. It is really necessary for the Government to improve the publicity and public education in this regard.

In addition, I notice that the Government has made quite a number of concessions in the course of discussing the legislation with the sectors involved in the trade of the relevant products, for example, the pre-registration and pre-notification scheme was changed to an *ex post facto* reporting scheme. I believe the Government had also spent considerable time wrestling with these sectors before the proposal as we see it today was forged. These concessions show that it really takes a long time to draw up environmental laws that regulate manufacturers. I am worried that in future, legislation on products that have even wider implications will also be delayed. Take the three products, namely, plastic bags, tyres and electronic devices and equipment as examples, the Government proposed in the Policy Framework for the Management of Municipal Solid Waste published in 2005 that the relevant bill would be tabled this year, however, so far, although some noises could be heard, the relevant bill is still nowhere to be seen. In view of the experience in drawing up the legislation on VOCs this time, I believe it will take an even longer time for those pieces of legislation to be enacted successfully.

On regulating air pollution, we hope that after regulating VOCs, the next step will be to regulate the emission of sulfur dioxide (that is, the problem relating to power plants) and regional air pollution. In the past several years, the emission of sulfur dioxide has been even more serious than that of VOCs. I believe these two problems will be even thornier for the Secretary because the bargaining power and influence wielded by the two power companies will be greater than those she has encountered in dealing with this legislation, or I should say that they will have greater ability in lobbying various parties. I hope the Government can honour its pledge to strictly control the emissions of the two power companies and that Mr TSANG only had a slip of the tongue, not that the Government is incapable of solving this problem. I so submit.

MISS CHOY SO-YUK (in Cantonese): Deputy President, it is commonly agreed in society that air pollution in Hong Kong is serious. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) fully supports any measure that will help tackle this problem. Since the Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation) is aimed at targeting and introducing a maximum limit on the content of volatile organic compounds (VOCs) in paints, printing inks and six categories of consumer products, there is no reason for us to oppose it. However, given that the restriction imposed by the Regulation on some highly polluting products such as paints is too lax, we are concerned that even if the Regulation is passed today and implemented, this will not be very meaningful and it will not achieve the expected results.

In fact, the practice of regulating products with VOCs is nothing new. As early as the 1980s, the regulation of such products was introduced in the State of California in the United States. Denmark, the Netherlands and Sweden also legislated at different times to restrict the presence of such compounds in paints. As regards the European Union, eco-labelling criteria were established for paints in 1999 and in 2004, the European Parliament also passed a directive to reduce the VOC contents in decorative and vehicle paints and varnishes.

As regards the Regulation drawn up by the SAR Government, its main aim is to implement the agreement reached between the Hong Kong and Guangdong Governments in 2002 to gradually reduce, by 2010, the emission of VOCs in the region by 55%, based on the level in 1997. Of course, we fully support this goal, however, even as we are concerned about whether or not we can see the blue sky and white clouds again, I hope we will not overlook the fact that this kind of pollutants has an even more direct impact, that is, the impact on public health.

Deputy President, during most of the time every day, we stay indoors. In fact, urban-dwellers stay indoors for at least two thirds of the time, so when we talk about health, indoor air quality is far more important than outdoor air quality and VOCs, which are regulated by this Regulation, are precisely one of the causes of indoor pollution. Be it paints, building materials, cleansers or the materials used in repairs and maintenance, the VOCs released by them often make people in indoors places experience symptoms such as eye and nose discomforts, headaches, nausea and dizziness.

Unfortunately, this problem has all along been neglected by the Government. As early as late 2003, the Legislative Council passed a relevant motion sponsored by me, however, in January this year, the Secretary said in this Council that in the three years since the Indoor Air Quality (IAQ) Certification Scheme for Offices and Public Places in Hong Kong had been implemented, only 131 IAQ certificates were awarded. Compared with the innumerable offices in Hong Kong, this figure clearly reflects the complete failure of the Government in its promotional efforts.

For this reason, no matter from the angle of indoor or outdoor air pollution, it is a matter of great urgency to restrict the level of VOCs even more strictly. Moreover, the attitude of the public is also very clear on tackling the problem of air pollution, that is, they hope the Government can take heavy-handed measures to deal with it sternly.

Even though public opinion is very clear, the Government still consulted the sectors concerned on the maximum limit of the pollutant in the regulated products and tabled the legislation only when it had ensured that their operation would not be affected, therefore, it is inevitable that the maximum limit is on the lenient side. In fact, I do not oppose limiting the contents of pollutants in many of the products and excluding such products as cosmetics and nail polish from the scope of regulation. Actually, I supported the exclusion of these products at that time because the quantities of the products used are small and the emissions from them are also not great, so their effect on people is comparatively limited. Furthermore, people using these products also have choice. They only have to choose not to use nail polish and in this way, they will not be affected. However, regarding some highly polluting products such as the paints used in construction, there is no alternative, the quantities used are great and the impact on the public is direct. People old and young in places such as their homes, schools and even hospitals are exposed to the health hazards posed by this kind of

paints at all times, therefore, when determining the maximum limit of the pollutants in them, a stringent approach should be adopted by all means. In fact, we can also see just now that in countries of the European Union, strict restriction was imposed by tackling these products first.

However, I believe the Government has not performed its gatekeeping role in this regard properly. It has not taken into account the fact that other more environmentally-friendly substitutes are available in the market, nor has it lowered the maximum limit of emission of the relevant products as far as possible and correspondingly. As a result, it has not taken this opportunity to encourage the sectors concerned to use more environmentally-friendly products, so as to reduce the adverse effects on the public and the environment. To cite one very simple example, the VOC content of water-soluble paints is far less than that of oil-based paints. Since we want to make products more environmentally-friendly, the reasonable course of action is to make reference to the practice on the Mainland because the use of oil-based paints in indoor decoration is banned on the Mainland. If one is only concerned about the ability of the sectors concerned in meeting the standard and proposes a standard that the sectors have already met, may I ask what is the point of doing so? How can the Government convince the public that it has already done its utmost to reduce the level of the relevant pollutants?

In addition, the Government's requirement that manufacturers or importers of the regulated products shall submit annually to the Government a report on the sales volume of the regulated products in the preceding year also amounts to a kind of belated effort and it will not be able to tighten the relevant requirements in response to the actual circumstances immediately. Just think about this. The provisions on paint products in the Regulation will come into effect only next year at the earliest, however, it will be necessary to meet the targets by 2010 and there are only two years in the interim. It hardly needs pointing out that the timeframe is very tight. In these circumstances, if the Government finds out only a year later from the sales report that the progress in emission reduction has not been satisfactory, how possibly will there be enough time to turn the situation round by then?

In addition, in order to ensure that the products meet the requirements and the information declared is correct and true, I hope the Government can step up law enforcement and carry out sampling tests of products actively. However, ultimately, we believe that if there is no meaningful limit on the contents of

pollutants, however flawless the efforts in law enforcement are, they will only be a waste of manpower and money eventually. Thus, even as we support the passage of the Regulation, we also urge the Government to carry out a review as soon as possible and in view of the results, tighten the maximum limit accordingly.

Another loophole in the Regulation is that for products that exceed the limit, prohibitions are imposed only at the levels of manufacture and importation but no prohibition on sale is imposed at the retail level. This practice may lead to an even more serious problem, that is, without any deterrence, retailers flouting the law may seize this opportunity to smuggle products that exceed the pollution standard and sell them at low prices in Hong Kong. This will pose extremely unfair competition to other law-abiding importers and retailers.

Deputy President, on this issue of regulating VOCs, the Government has made considerable concessions to the sectors concerned. On other products that affect the environment, the usual practice of the Government is to impose control through a compulsory licensing or registration regime. In fact, the regulatory proposal put forward by the Government in 2004 also included schemes for the registration, labelling and testing of products, however, these schemes were subsequently opposed by the sectors concerned on the grounds that these requirements would increase operating costs and there would also be difficulties in compliance. Consequently, the Government accepted these views and abandoned the registration and labelling regime completely and the sectors concerned are also not required to bear the costs of tests. Instead, the proposal was changed to the one to be implemented now, that is, to impose a maximum limit on the contents of VOCs. At the same time, the scope of regulated consumer products was also drastically curtailed from the scores of items as originally proposed to just six kinds of consumer products.

Deputy President, I do not hold any particular view on reducing the number of regulated consumer products because doing so can exclude many only slightly polluting products, so there is no problem in doing so. However, I believe there is no need for the Government to make it an issue that is either black or white, that is, originally, licences had to be obtained for all products and all products had to be labelled, but, everything has now been abandoned. I believe the Government can strike a balance and continue to adopt a licensing and registration regime for highly polluting products having a great impact on the

environment and in cases in which a wide range of choices are available in the market. I believe this course of action is more appropriate.

We, therefore, urge the Government to take into consideration the health of the public while taking to account the interests of the sectors concerned. After the passage of the Regulation, it should review its effectiveness as soon as possible and actively consider further tightening the maximum limit of VOC contents in various products, as well as extending the ambit of the Regulation to cover more types of products.

Meanwhile, there is a common lack of understanding of VOCs among the public, still less are they concerned about this problem or have they expressed any view on this. Hence, I urge the Government to step up publicity and education after the passage of the Regulation, so that the public can put principles into practice by changing their daily habits and help reduce the emissions of VOCs, for example, by using products in solid or liquid forms more often and avoiding choosing aerosol products such as hairsprays, air fresheners, antiperspirants or insecticides. When choosing paints, they should choose water-soluble ones instead of solvent-based ones. If they must use solvent-based paints, they should avoid using foggers and use paint brushes instead. Moreover, they must store products containing VOCs in air-tight containers.

Deputy President, I so submit.

MR HOWARD YOUNG (in Cantonese): Deputy President, the problem of air pollution is plaguing and dealing blows to tourism all the time. It is said that earlier on, a special documentary series on Hong Kong broadcast on the world's largest ocean liner, the RMS Queen Mary 2, which made Hong Kong its port of call, says that the air pollution in Hong Kong is so serious that even if one goes up to the Peak, one will not be able to see the views down below.

Although subsequently, someone from the ocean liner made some clarifications, stressing that a humorous approach had been adopted in presenting Hong Kong, it is very worthwhile for us to reflect on this matter. Besides, it can be seen that improving air quality is now a matter of great urgency.

What is more, the serious air pollution in Hong Kong threatens the health of the public. A study of The Chinese University of Hong Kong shows that

more than 600 000 people, that is, about 10% of the population, are suffering from chronic obstructive pulmonary disease, the number five killer disease in Hong Kong. When the weather condition is unstable, these people will suffer relapses and they can only stay at home, thus seriously affecting their productivity and increasing the pressure on public health care all the time.

Deputy President, there is only one way to solve this problem and that is, to strive to improve air quality. Volatile organic compounds (VOCs) are one of the four major sources of air pollution. VOCs will remain in the air and aggregate to form suspended particulates and cause air pollution. When in high concentration, they can irritate the eyes and cause respiratory tract symptoms. It may even cause permanent damage to the lungs and interfere with the functioning of the immune system.

Also, in sunlight, VOCs react with nitrogen oxide to form ozone, thus creating smog characterized by grayish particulates and impairing visibility. In recent years, even on fine days, we did not have many chances of looking at the blue sky and white clouds. The beautiful Victoria Harbour was very hazy, as though covered by a veil. As a result, the Pearl of the Orient has lost its lustre and one can say that the culprit is VOCs.

Deputy President, sometimes, in order to promote environmental protection, it is necessary for to make sacrifices. To take stepping up the control on VOCs as an example, in the future, when we use hairsprays, it will take longer for the hair to set because the content of VOCs has to be reduced. Mosquito repellents will also dry less quickly due to the reduced use of VOCs. The prices of paint products will also rise, moreover, it will take longer for paints to dry and the process of decoration and the time needed will be longer. Ultimately, consumers will have to pay more.

However, the Liberal Party believes that in order to meet the target of reducing the emissions of the four air pollutants by 2010, it is necessary to enact legislation to provide that we must choose more environmentally-friendly products when using paints, printing inks, consumer products (including air fresheners, floor wax strippers and hairsprays), insect repellents and multi-purpose lubricants (excluding product in the form of solid or semi-solid) and lithographic heatset web printing machines, and so on.

In recent years, petrol filling stations are required to have effective vapour recovery systems installed to reduce petrol vapour emissions (which are also VOCs) during petrol unloading and vehicle refueling. Moreover, emission standards have been tightened by following those of the European Union closely. Although these measures have yielded some results, they are still inadequate and we must continue to make efforts.

However, if we look at the results, the total amount of VOC emissions in Hong Kong can only be reduced from 54 400 tonnes in 1997 to 40 200 tonnes in 2005, that is, by 26% in eight years. There are three more years to go before 2010 and whether the reduction target of 55% as agreed with Guangdong can be achieved will hinge on this piece of legislation regulating VOCs. This is because according to government estimate, with the implementation of the new regulation, VOC emissions in Hong Kong can be reduced by 8 000 tonnes each year, so it is hoped that the expected reduction target can be achieved.

Although this piece of legislation may cause some inconvenience or the choice of products will be restricted as a result, the Liberal Party believes that this is worthwhile if the health of the public, the blue sky and fresher air can be obtained in return.

At the same time, I also thank the Government for adopting a more flexible attitude and being amenable to good advice in its discussions with the sectors concerned on the regulation of VOCs. For example, the Government accepted the explanation of the sectors concerned and excluded cosmetics, which account for 1% of total VOC emissions, from the scope of regulation, thus reducing the impact on the retail industry and tourism. Apart from affirming the attitude of the Government, the Liberal Party also believes that this is an example of successful co-operation between the Government and the business sector in promoting environmental protection.

The Liberal Party believes that in future, when devising regulatory measures on environmental protection, the Government should also make reference to the approach in regulating VOCs this time by holding discussions with the relevant sectors and listening to the views of the affected sectors before putting forward a final proposal. Moreover, it should make reference to the relevant or similar measures already in force in the international community and lay down requirements suited to the conditions in Hong Kong in order to secure the support of the relevant sectors and the general public. Only in this way can

the public and the relevant sectors achieve a win-win situation and jointly take forward environmental protection.

Deputy President, I so submit.

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

MS EMILY LAU (in Cantonese): Deputy President, I speak in support of Ms Audrey EU's motion.

Deputy President, this motion is related to a Regulation which is subsidiary legislation. Generally speaking, no debates whatsoever will be conducted in this Council if there is no amendment. I had therefore proposed during the meeting that day that a debate be held. I have read the Rules of Procedure, and this matter has been discussed in the Committee on Rules of Procedure too. Members interested in debating subsidiary legislation are advised to do so in the form of a motion debate, and there should be no limit on the time Members are allowed to speak. This very point was raised and agreed in that meeting, presided by Chairman of the House Committee, and this is why we have this debate today.

I note from a newspaper that the authorities have some opinions about our approach as it is felt that Members should probably not debate regulations. Given that there is no such provision in the Rules of Procedure, that is to say, no debate will be held if there is no amendment, we have had some discussions on whether the Rules of Procedure should be amended first. As it was considered in the meeting that it was unnecessary to do so, a motion debate is conducted in this manner. I believe Secretary Dr Sarah LIAO was not among the officials commenting in the newspaper, only that some people think in this way.

This debate is relatively sensitive because this Regulation is legally enforceable, though the debate conducted today has no legal effect. I personally hold that if some Members are keen on debating questions with no legal effect, they should be allowed to do so. However, matters with legal effect should be debated with even more vigour. I hope the authorities can understand that some Members are greatly concerned about questions with legal

effect. Sarcastic comments are unwarranted even if someone proposes to debate subsidiary legislation in future. However, I believe Secretary Dr Sarah LIAO was not among the officials making such remarks.

Deputy President, I very much support this. I also encourage colleagues to follow up if amendments are proposed during the scrutiny of subsidiary legislation in future. We can still debate here in this Council even if there is no amendment because, very often, not only subsidiary legislation but all aspects of an issue, such as the subject of air pollution being discussed today, are involved.

Deputy President, it was raised by a colleague earlier that the subsidiary legislation under discussion now should have been published in the Gazette in November last year because proposals were made in the 2006 policy address to reduce VOC emissions. What kind of work was proposed in 2006? It can indeed be dated back to an agreement reached between the SAR Government and Guangdong Province in April 2002. Members must have been shocked by the sight of the timetable. Deputy President, am I right? The agreement reached in 2002 was not published in the policy address and the Gazette until 2006 and late-2006 respectively. The subsidiary legislation is not debated until now, March 2007, but it is going to take effect in April. Yet, the emission reduction targets are going to be met by 2010. I would like the Secretary to tell us later as she once remarked that a review would be undertaken a year after the Regulation took effect. The purpose of the review is to examine the effectiveness of the measures and, if proved otherwise, steps will be taken to further tighten the measures. Otherwise, we will all be treated as sinners should the targets fail to be met by 2010.

This was why even Mr SIN Chung-kai queried the report on behalf of the Democratic Party earlier. Should I have time later, I will also say a few words on whether the requirement for importers to submit reports will help the authorities' review. The entire timetable has made us feel disconsolate. A proposal raised in 2002 will not take effect and be reviewed until 2007 and 2008 respectively. By the time the review is completed, it will already be 2010. This is one of the major problems.

There is another major problem. Even if we manage to meet our targets, what about the other party? Deputy President, I also hope the Secretary can tell us whether Guangdong will set and endeavour to achieve its targets, given that the SAR Government has already done so? What is the transparency? Does

the Secretary have any idea of its accountability? We also very much hope to know whether they are able to meet their targets, or else what we have done is really redundant.

Furthermore, a colleague pointed out earlier that the target of regulation is suppliers and importers, not retailers. I share the concern of some that doing so might be problematic. If some people smuggle non-regulated items into Hong Kong for sale at lower prices, will this give rise to problems for retailers are not regulated? The Secretary has indicated that a study will be carried out in this regard in future. But how? The Secretary has indicated that the trades will be consulted. I will definitely raise no objection to consulting the trades because, Deputy President, I will be requested by some colleagues to resign should I wear another hat, as I am the Deputy Chairman of the Business Facilitation Advisory Committee (BFAC).

Besides discussion in the Legislative Council, the issue of VOC has also been discussed by the BFAC and the subcommittees set up under the BFAC. It was considered by the trades back then that the authorities had failed completely to accede to their proposals and explained to them and hence, they were in great hardship.

Therefore, it is considered by some that the Government, on the one hand, colludes with business and is biased towards the major consortia and, on the other, completely neglects them. Now, Members have heard all the views in this process and accepted some of the proposals. However, it is still held by some that the Government seems to have gone too far in taking sides with the trades. The Secretary's situation is not the object of envy for anyone, since she must strike a balance between the two. Both the BFAC and the committees set up under this Council hope to listen to the views of various sides and lend the authorities a helping hand. Yet, the Secretary has indicated that stakeholders will be consulted when a study is carried out in future on whether they wish to be regulated, prosecuted or punished by the Government. It is not enough to merely consult the trades. The authorities should gather some data before they can examine whether the targets can be met and whether emission reduction can be achieved, right?

Hence, I hope the Secretary can tell us clearly that, during the review to be conducted one year later on whether retailers should be held legally liable, not

only the trades but also other parties will be jointly consulted so that we can examine if the entire framework can help Hong Kong tackle its air pollution problem and ensure that the business environment will not worsen in the process. This I agree. I also believe that such a balance can be struck. However, if they are the only party to be consulted, they will definitely express their wish of not to be regulated and punished. The outcome of the consultation will definitely turn out to be a full disapproval. How will the Government do enough if it merely consults one party? This, I hope the Secretary will not merely consult the trades.

Deputy President, another point I raised during the discussion by the Subcommittee relates to the resources allocated for enforcement of the Regulation. The authorities indicated that the EPD would be allocated \$2.7 million annually, and a task force would conduct random tests of regulated products. I pointed out at that time that \$2.7 million was a very small sum enough for employing probably a couple of staff members only. How can the EPD cope given such a large quantity of products? At the same time, it was indicated that \$3.1 million had been earmarked for laboratory tests, that is, procuring the required equipment to conduct the tests. Is \$3.1 million adequate? This is actually a very small sum. Deputy President, I am also afraid that the amount of money allocated to them is not enough. However, I believe the Secretary will still spend the money when required and explain how many staff members can be employed and how many random tests be conducted with this meagre sum of money. Are the resources adequate? If everything is inadequate, the enactment of legislation will simply be unable to achieve the desired purpose. How can Members put their minds at ease?

For this reason, Deputy President, I have to come back to the content of the report. What report is this? A colleague has explained earlier that manufactures are required to submit a report covering the period between January and December of the previous year in late March every year. The information therein should include such data as the names of manufacturers, the categories of the products manufactured or imported, brands, volume, weight, and so on. The Democratic Party doubts the adequacy of the information. And what is the purpose of such information? Deputy President, it transpires that the information is used for assisting the authorities in evaluating whether the targets can be achieved by 2010. This point, or this evaluation, is indeed very important. However, can these products assist the authorities in conducting the evaluation?

Hence, the Secretary should give us confidence, or else there is no way for the evaluation to be conducted after the debate, despite the great efforts made by the Secretary. It will be 2008 by then, and the deadline is April 2010. Will it then be necessary for the whole process of publishing in the policy address and the Gazette to be repeated? It will be past 2010 by then. I have no idea whether the Secretary will still be here. However, Hong Kong people will remain here, breathing extremely bad air. For this reason, a very effective framework must be put in place so that we can all feel at ease in the belief that we are moving towards our goal.

Just now a colleague told me that it seemed to him that the air pollution problem was not a matter of concern to the authorities. Deputy President, I recall your remarks in some committees that the Government had often commented that targets had been met in much of its work, and yet we could not see any results, despite money having been spent. Hence, this is a matter of concern to the public. The public will feel, by intuition or whatever, that the measures proposed by the authorities do not work if they find themselves shrouded in a mist of noxious smog when they go out, rising incidence rates among the public and increasing resources devoted to health care.

I only wish to cite an example to illustrate my belief that difficulty will be encountered by the authorities in performing their task. Emission reduction measures have now been introduced for vehicles. For instance, taxis are required to switch to either liquefied petroleum gas (LPG) or Euro models. However, the emission of black smoke by certain modes of transport has been neglected by all of us. Deputy President, I am referring to vessels at sea. The black smoke emitted from vessels at sea is really excessive. I asked some officials from the EPD after a meeting the other day why they had failed to regulate those vessels. Given the availability of low-sulphur diesel, the emission of black smoke by a properly maintained vessel using low-sulphur diesel should not be so serious. I have also learned that government vessels have switched to low-sulphur diesel. However, other vessels are not mandated to do the same. Deputy President, I believe you are well-versed in this subject. You are described to be well-versed in everything with wheels — vessels probably have wheels too. Some hold that if commercial vessels or other vessels are mandated to use low-sulphur diesel, the cost will be exorbitant, and operational hardship will be caused. Hence, the authorities will not compel the vessels to do so. Such being the case, the vessels will continue to use heavily-polluting fuels and pollute the harbour.

I do understand that some work can be very difficult to do. If so much hardship will be caused, should the Government not offer financial assistance or adopt other methods instead? I think we must ponder over this. The vessels are not regulated at the moment because the authorities have no intention to mandate the use of costly fuels for fear that they will seek compensation should they cease to operate. We see that the harbour is also in the same condition at any time. We will all ask the same question: Do the authorities really have the determination? Deputy President, I really hope the authorities can tell us an effective system has been put in place for this purpose, and the targets can be met by 2010. Actually, it is very strange to set the target at 2010. I do not understand why 1997 was used as the benchmark, and the percentage set at 55%, instead of 45%, 85% or a certain percentage. This is incomprehensible to the public. What exactly is the agreement reached with Guangdong Province in 2002?

Anyhow, given that the data are now available, it is hoped that we can move towards the goal and the result can be detected by our eyes and noses. Furthermore, I also agree with Ms Audrey EU, Chairman of the Subcommittee, that neither the Chief Executive nor other government officials should give people an impression that this issue is very trivial or even laughable by stating that Hong Kong people live a long life. Should the situation remain unchanged, let us re-examine a couple of years later whether Hong Kong people still enjoy longevity as they are now! After talking about the longevity enjoyed by Hong Kong people, may I ask them to say a few words on the number of people who fall ill because of air pollution?

So, words reflecting incomplete knowledge can be very frustrating. What is more, the authorities will be questioned for failing to tackle the problem seriously. Without a serious attitude, no serious solution will be proposed. This is vital to investors, tourists, and Hong Kong citizens alike. Deputy President, although the authorities care about only the economy, tourists and investors, the lives of the 7 million people living in Hong Kong are very important too.

I believe the Secretary will be able to gain support from this Council if she is determined to propose some pragmatic follow-up efforts and set practical objectives. I believe this Council will support you. Unlike what was described by the Chief Executive, this Council is not "doing whatever it can to act against you so that you will succeed in achieving nothing". I would be extremely frustrated on hearing such words from government officials or others.

The Legislative Council has lent the Secretary great support over many issues. The consensus reached among eight parties a couple of years ago over the subject of air pollution was spearheaded by the Liberal Party. The Chief Executive may go everywhere smearing this Council and treating all of us, including you, Deputy President, like his enemies. This is extremely terrible. I hope the Secretary can understand that she will gain the support of this Council if she can make every effort to work for Hong Kong.

With these remarks, I support the motion.

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

DR FERNANDO CHEUNG (in Cantonese): Deputy President, besides the flying dragon logo that has cost us more than a million dollars, Hong Kong is symbolized internationally also by an antique junk under a clear, blue sky. I recall that this logo was used by the former Hong Kong Tourists Association too. However, if this logo is to continue to symbolize Hong Kong, I am worried that the clear, blue sky will have to be accompanied by a thin layer of hazy mist. A foggy Victoria Harbour, the top of the International Finance Centre partly hidden and partly visible in mist, and pedestrians walking through streets in a foul atmosphere might all become the collective symbols of Hong Kong as a world-class city.

In the past couple of years, the winter in Hong Kong was no longer cold and overcast skies were especially frequent. A survey has revealed that visibility is on the low side in the territory in 45% of the days in a year. Information provided by the Environmental Protection Department (EPD) has also shown that, following January, an hourly roadside air pollution index of higher than 100 (a very high level) was again recorded in February. The index, accounting for nearly 18% of the month, was the worst in seven years.

A layer of smog caused by the accumulation of pollutants shrouding the sky will not only affect our image in the eyes of overseas tourists, international investing institutions have even issued a clear warning earlier that Hong Kong's competitive edge will be undermined should its air pollution problem continue to worsen.

However, it is certainly the health of everyone, not such other problems as investment, which is directly threatened by our serious air pollution problem. Experts have predicted a long time ago that air pollution will raise the mortality rate and the chances of cancer. If the problem is not ameliorated, 1 600 people in the territory will die annually as a result, thus incurring an economic loss of \$190 million. It has been found in a recent research study conducted by the Medical School of The Chinese University of Hong Kong (CUHK) that as concentrations of air pollutants rise, hospital admissions of patients with chronic obstructive pulmonary disease (COPD) (including chronic bronchitis and emphysema) will rise by 0.7% to 3.4%. At present, 9% of the elderly people aged over 70 in the territory are COPD patients. Air pollution will increase their morbidity rate, and the incidence rate of children suffering from asthma will also be raised accordingly.

The Medical School of the University of Hong Kong also pointed out in a study in 2000 that heart and respiratory diseases caused by air pollution resulted in more than 10 000 hospital admissions a year, incurring medical expenditure of over \$200 million.

Having regard to the growing awareness of environmental protection among the public, the Government has in recent years started tackling the problem of serious air pollution in Hong Kong. It is a pity that the Government's action is indeed too late. Air pollution has become very serious in Hong Kong. Even if a substantial amount of resources is injected for improvements, the result achieved might not be directly proportional. Some relatively drastic measures remain to be heard without any concrete action. For instance, the electronic road pricing system has been implemented in Singapore for nine years. Yet, the SAR Government has continued to rely on the construction of more roads to ease traffic congestion, consequently leading to more pollution on road.

The subject of debate in this Council today is the Government's prohibition of the manufacture and importation of VOC products, including paints, printing inks, hairsprays, air fresheners, and insecticides. The proposed Regulation seeks to implement the emission reduction targets agreed between Guangdong Province and Hong Kong in a bid to reduce by 2010 the emission levels of four harmful pollutants, including VOC, to 55% of the 1997 level.

Both vehicle and factory emissions are the major sources of smog. Ozone will be formed in sunlight, thereby producing smog, when vehicle emissions, nitrogen oxides emitted from factories and high concentration of suspended particulates meet VOC. Given that a large amount of pollutants caused by flying dust, burning fuels, and vehicle and heavy industrial emissions from our neighbouring "world factory" are blown to the territory by wind, coupled with pollution caused by vehicle emissions and emissions from power plants in the territory, no wonder our sky is often overcast, and a blue sky is nowhere to be found.

According to a study conducted by the Medical School of CUHK, among an array of pollutants in the atmosphere, ozone makes the greatest impact. For every 10 mg/cu m increase in ozone, there is an increase of 3.4% in the rate of COPD hospitalizations. The ozone problem is far more serious in Hong Kong than in other cities because, on the one hand, the northwesterly wind blowing in the winter carries with it a lot of pollutants from the Mainland and, on the other, smog will be formed when VOC in the air reacts chemically with pollutants in the winter when the sun is still warm, thereby causing regional air pollution in the end.

(THE PRESIDENT resumed the Chair)

A joint study on the air quality of the Pearl River Delta (PRD) Region has found that paints, the printing industry, consumer products and vehicles are the four major sources of emissions, and they contribute to emissions at 30%, 13%, 24% and 25% respectively. As VOC can remain in the air for a very long period, strict control has been imposed in California, the United States, the first in the world to prescribe standards for regulating VOC consumer products. At present, measures have been taken in Hong Kong to reduce VOC emission by vehicles. It is now time to follow the California standard in exercising further control on VOC products, including printing inks and paints, in a bid to reduce our total emissions of VOC. A friend of mine runs a business of environmentally-friendly paints. The paints imported by him from Germany are absolutely free of VOC. Recently, he has to supply materials to a construction project. As the zero-VOC paints he has purchased from Germany have been exhausted, he hopes to swiftly replenish the supply from nearby places, that is, Hong Kong or elsewhere in Asia. However, after inquiring with all

sources, he found that no such zero-VOC paints could be found in the entire Asian Region. He has realized only today that non-environmentally-friendly products are dumped in Asia (including Hong Kong) because other advanced countries in Europe and the United States have enacted legislation prohibiting the use of paints emitting VOC. In the end, there is no way for him to buy environmentally-friendly paints in the Asian Region.

The Government's phased control on the manufacture and import of VOC consumer products will certainly impact the trades temporarily. However, for the sake of our next generation, I believe the public will understand that a small price has to be paid by making all products environmentally friendly. Furthermore, we are not asking for zero emission. Indeed, we are still considerably behind Europe or California, the United States in terms of the standard.

Judging from the experience of California, industrial and vehicle control remains the most effective way to reduce VOC emissions. Despite the Government's intention to control VOC released by printing inks through this Regulation, it will be rendered completely useless should the massive cross-boundary pollution caused by the printing process remains unchecked. The printing industry is one of the pillar industries of Guangdong Province, with some 14 500 printing enterprises accounting for one eighth of the total number of enterprises throughout the nation. At present, the printing industry has the largest number of factories, more than 3 200, of the 77 000 or so Hong Kong-financed factories in Guangdong Province. Other polluting industries, including those engaging in metal products, paper manufacture, chemical products and dyeing, also account for more than 10% of all Hong Kong-financed factories. A Sub-group of the Economic Summit on "China's 11th Five-Year Plan" has proposed to provide technical and other assistance to these Hong Kong-financed factories to ensure that their operation meets environmental standards. Though this initiative is merely voluntary in nature, I still hope that the relevant proposal can be implemented expeditiously. However, for Hong Kong businessmen on the Mainland to reduce emissions, the SAR Government must urge the relevant mainland departments to strengthen regulation of factory emissions.

Regarding the regional air pollution problem, the SAR Government and the PRD have signed a preliminary agreement on working together to reduce emissions. Nevertheless, the Government has yet been able to properly tackle air pollution in Hong Kong. Power plants are not only the major source of

pollution in Guangdong Province, but also the major source of air pollutants in Hong Kong. In recent years, the increase in coal-fired electricity generation by local power plants has led to the production of a large amount of sulphur dioxide and carbon dioxide. Data provided by the EPD have revealed that, of the greenhouse gases emitted in 2005 in the territory, more than 60% came from local power plants, of which the total discharge of carbon dioxide rose by 46% over the year 2001.

In 2005, the renewable power supply capacity of the territory accounted for a mere 0.008% of the territory's total generation capacity, whereas the world's average percentage was 23.2% in the same year. The Government's target is to raise the renewable power supply to 1% of the total demand for electricity, though this accounts for merely one fifteenth of the Euro standard, or a mere one third compared to our neighbour, Shenzhen. The difference is indeed striking. The Government has not mentioned in the policy address how to boost the consumption of renewable energy. Why are other places in the world able to do so, while Hong Kong has failed?

Despite the 2010 emission reduction targets agreed between Guangdong and Hong Kong, the discharge of sulphur dioxide in the territory has increased by more than 50% since 1997. The power companies even threatened us earlier that the 2010 emission reduction targets could hardly be achieved, unless they were allowed to spend huge amounts of money to construct natural gas reception terminals to reduce coal-fired electricity generation. If successful, the power companies can, on the one hand, boost their assets to make substantial profits and, on the other, require the public to assume the responsibility of abating air pollution for the power plants and, what is more, lower the incentive for power plants to use low-sulphur fuels.

Furthermore, the emission ceilings imposed by the Government on the two power companies are apparently very loose. When the EPD accounted for the progress on emission reduction by Guangdong and Hong Kong early last year, Mr TSANG clearly stated: "Hong Kong has achieved good progress in reducing the total emissions of nitrogen oxides, respirable suspended particulates and volatile organic compounds. For sulphur dioxide, however, much of the effort has been vitiated by the increase in emissions from the power plants.". Nevertheless, in renewing the licence for the Hongkong Electric Company Limited (HEC), the EPD merely requested the HEC to reduce its emission of sulphur dioxide in 2008 by 3 000 tonnes to 28 000 tonnes as compared to the year 2005. With the imperial sword in its hands, why has the Government all

along acted in such an overcautious manner as if it is frightened by the two power companies?

If the Government is determined to control VOC emissions, this represents only the first step. A lot more has to be done. Despite the introduction of many initiatives in dealing with the air pollution problem in recent years, most of the initiatives are more of gestures than practical solutions. For instance, despite the Government's vow to bring back a blue sky, only a reduction in first registration tax for owners of green vehicles was proposed in last year's policy address. No mention was made of other important tasks such as emission control on local power plants, regional co-operation between Guangdong and Hong Kong, and so on. If the Chief Executive is determined to "get the job done", practical actions must be taken. Otherwise, even if VOC emissions are reduced, the possibility of seeing a clear blue sky may become even more remote for Hong Kong. President, I so submit.

MR VINCENT FANG (in Cantonese): Madam President, I support the Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation). At a meeting of the Subcommittee formed to scrutinize the Regulation, a colleague commented that it was the first time he had seen green groups, trades and the Government reached a consensus on a piece of legislation. Here I wish to respond that this piece of legislation represents a "five-win package" resulting from the negotiations among the three parties, namely the affected trades, the EPD and green groups, over a period of nearly two years. Below are the five benefits thus reaped.

Although there will be a certain degree of impact on the trades, it is much smaller than what was originally proposed. Second, the Government will be able to fulfil its emission reduction pledges. Third, green groups have successfully secured the enactment of legislation on ameliorating air pollution. Fourth, consumers' choices will not be reduced substantially. Most importantly, air pollution in Hong Kong should be ameliorated.

Whenever a debate was conducted on whether or not the objective of ameliorating environment pollution should be achieved through control, I would reiterate that the wholesale and retail sectors and the business sector are greatly concerned about the environmental pollution problem and are willing to participate in improvement work. As we are all living in and breathing the same air, how will we be reluctant to join in?

It is only that, during the conception of its policy, the Government has often failed to grasp the conditions of the market extensively and, what is more, is unaware of the need for operators to take time to make adjustments. Instead, it first adopts a broadbrush approach saying, "Look, these and those products will cause pollution, and so the problem can be resolved with a complete ban!" Furthermore, the Government has often targeted end-users instead of coming up with solutions to tackle problems at source. This is because if manufacturers do not produce low-VOC products, what can consumers use?

This is why when the EPD proposed in September 2004 to make it mandatory for importers to test the levels of VOC contents of imported products and then to have them labelled, there were strong reactions from among us in the wholesale and retail sectors, particularly the trades engaging in domestic hygiene and personal care products. The proposal was considered to be putting the cart before the horse, as importers were required to test the products on their own. Not only would it be impossible for VOC emissions to be reduced, the costs would substantially increase instead.

According to the trades, even the glue used for affixing labels contains VOC, therefore, the labelling system simply will not work. Furthermore, many products will not be exported to Hong Kong as a result. By then, not only will consumers be left with far fewer choices, prices will go up as well.

Nevertheless, I really have to thank the Secretary and her colleagues for they have not forced ahead despite opposition upon the conclusion of the consultation and, instead, merely opened the doors for discussion and, after discussions with the trades, decided to restrict the sale of products with high VOC content in the market. In doing so, not only will the burden of importers be alleviated, consumers will enjoy more convenience in making choices. Furthermore, the Regulation targets only products with relatively high VOC content, and some products with relatively low VOC content, such as perfume, have been deleted. The number of affected consumer products has thus been reduced from 40 to six.

Consumer products which cannot avoid being affected by the Regulation include air fresheners, floor wax strippers, hairsprays, insect repellents, insecticides, and multi-purpose lubricants. Businessmen specializing in trading of these products have indeed found it hardly acceptable. We cannot help it because, after all, a price has to be paid for environmental protection.

Importers have indicated that they will, like the paint and printing ink trades, require manufacturers to change their product formula. Nevertheless, product prices will inevitably rise, and the increases can only be transferred onto consumers.

The trades have accepted the proposal because, first, the EPD has been very sincere in discussing with them and, second, the trades also have commitment to environmental protection.

The result this time around has further proved that negotiations will bring a better proposal and resolve problems in a more satisfactory manner.

Nevertheless, law can always restrain law-abiding people only. As control has not yet been imposed on VOC on the Mainland, coupled with the fact that many people are still importing goods from the Mainland for sale in Hong Kong and the costs of law compliant products will certainly rise, there is virtually room for survival of parallel imports. Hence, the trades hope that the Government can encourage Guangdong Province to expeditiously exercise control on VOC emissions and, coupled with enhanced public education, discourage the use of high-VOC products.

On behalf of the trades, I would like to make a request in the hope that the Government can conduct a study on the products regulated by the VOC Regulation to find out the numbers of VOC products by category, the numbers of manufacturers and prices before and after imposition of control. I believe the outcome will reflect that, subsequent to the imposition of control, the types of products available in the market will diminish, and the remaining products will be manufactured by international major enterprises, and prices will certainly go up.

Both the trades and I hope that the study can be conducted because we wish to obtain actual data to prove that any new control will stifle the viability of small and medium enterprises (SMEs) as they might not be financially capable of altering their production content, whereas major enterprises can naturally do so. Consequently, the products of SMEs will be eliminated by the market. With diminished supply, product prices will rise and consumers will have fewer choices.

While we understand that a price has to be paid for environmental protection, Hong Kong is unique in the sense that it relies heavily on imports, but

we cannot request suppliers to produce things specially for us because our market is still not large enough. Should our means of control overtake major global suppliers, the trades, consumers, and even the economy will be affected considerably.

Hence, I hope that the Government can consult the trades when it plans to exercise control on imported products in the future to grasp the trend of the international markets and the situation of supply to converge with international practices as far as possible. I think no one will object if supplies are available for procurement by the trades and there is business to do.

Furthermore, I also hope that the Government can, in deciding whether certain products should be regulated, examine through internal communication whether other departments have concern in this area as well. Joint efforts can be made if there is such concern. I wish to cite an example. At present, a number of government departments, including the Fire Services Department, the Electrical and Mechanical Services Department, the Agriculture, Fisheries and Conservation Department (AFCD) and the EPD are empowered to regulate aerosol cans. Now, compressed air fresheners and insect repellents are regulated by the EPD. However, the Pesticides (Amendment) Bill proposed by the AFCD will also bring these products under its ambit of regulation. This would mean that the trades of the relevant products might have to take action again after they have just required manufacturers to adjust to the VOC Regulation. Will the trades be weighed down with work?

VOC, merely one of the four major polluting sources of smog in Hong Kong, will come under control starting 1 April. Secretary, what about the reduction of the emission of other three pollutants, namely sulphur dioxide, nitrogen oxides and suspended particulates? It is imperative for power plants to be installed with desulphurization installations. Our SMEs are all prepared to make commitment to environmental protection. We therefore hope that other major enterprises, especially power plants, can demonstrate their sincerity and join us in making extra efforts to bring Hong Kong a blue sky so that the Pearl of the Orient can demonstrate its beauty both day and night.

I so submit. Thank you, Madam President.

DR KWOK KA-KI (in Cantonese): President, I support the passage of the Air Pollution Control (Volatile Organic Compounds) Regulation.

In fact, volatile organic compounds (VOCs) are a major source of visible air pollution. Medical literature has also pointed out that VOCs are related to many diseases, including women's miscarriage, abnormal embryo development, and some diseases in children, including leukemia in children. Indeed, the enactment of this Regulation can abate one of the sources of visible air pollution in Hong Kong. Certainly, there is still an inadequacy, as control will be imposed on only 80% of all VOC emissions in Hong Kong, which means that the remaining 20% has yet to be brought under regulation.

If Members have paid attention to the recent developments, they will know that in many public hospitals, hospital beds in medical wards registered a utilization rate of over 100% and even as high as 110% or 120% in some cases, and many of the patients in medical wards suffered respiratory diseases. Many studies, including chest studies and studies in environmental science, have pointed out that the degree of air pollution in Hong Kong and also in the world at large is directly related to many respiratory diseases.

According to studies conducted by The Chinese University of Hong Kong, the Hong Kong University and the Civic Exchange, air pollution has caused admissions to hospital and the death toll to increase every year in Hong Kong and in the latter case, the number has reached 2 000 with a productivity loss to the tune of \$20 billion. If air pollution in Hong Kong can be improved from the existing level of "average" to "good", it is estimated that 1 600 deaths can be reduced, while productivity loss and health care costs will be reduced by \$500 million and \$1.5 billion respectively. All these are good news to taxpayers.

Although the Regulation, if enacted today, will impose control on VOC products with effect from 1 April, does it mean that air pollution will be improved in Hong Kong? As a number of colleagues have said earlier, the biggest sources of pollution include sulphur dioxide, chloride and respirable suspended particulates, and a source of these pollutants is the two power plants. But insofar as the two power plants are concerned, it seems that the Government has no resolute and explicit direction over the years to make the two power plants reduce their emissions. Added to this is unsatisfactory progress in the use of other fuels and installation of desulphurization facilities in Hong Kong. Recently, there has been discussion among members of the public or in places all over the world on the "Action Blue Sky" Campaign that the Chief Executive has talked about openly. This may eventually become a laughing stock in the international community because in fact, any person, whether he is a tourist or

Hong Kong citizen, who raises his head and looks at the sky in Hong Kong will know that the current situation is very serious even without referring to any statistics.

In the 11th Marathon held this year, 6 000 newcomers had sought medical assistance. While the organizer may not have compiled the relevant statistics, some of them might be due to respiratory problems and in some cases, it might be due to the increasingly serious air pollution in Hong Kong that they could not finish the race or they felt unwell. Luckily, this year is unlike last year when a participant unfortunately died of asthma attack. In fact, a large number of people in Hong Kong have asthma and respiratory problems, and the incidence rate of these patients and inducements to their disease are directly related to the gravity of air pollution.

In Hong Kong, the air pollution index is recorded as poor for 70% of the days. The community, patients, medical profession and even investors have all made an appeal repeatedly that it is imperative to address the problems brought by air pollution in Hong Kong and also mitigate the impact of air pollution on the territory expeditiously. Let me cite an example. A better visibility is recorded on only 55% of the days in Hong Kong, and the level of respirable suspended particulates in Hong Kong now is two times over the standard of the World Health Organization (WHO). Even if we compare our situation with the most polluted city in the United States, namely, Los Angeles, the level in Hong Kong is still 40% higher.

Some people may look at the air pollution index or standards used in Hong Kong. Take the standard of sulphur dioxide as an example. In Hong Kong, we are still using a standard of 350 mg/cu m, which is obviously far lower than the WHO standard of 20 mg/cu m. The enactment of this Regulation, as some colleagues said earlier, certainly means that some trades and industries or SMEs in the trades may have to pay a higher cost. But in order to have better health conditions and reduce the risk of contracting diseases as a result of air pollution, especially respiratory diseases and heart diseases, I believe members of the public are willing to pay a cost.

May I ask what cost the Government has paid? According to the EPD, an annual provision of \$2.7 million will be earmarked for a task force to implement the proposed regulations, including conducting random tests on products under regulation to ensure their compliance with the Regulation. Moreover, the

Government Laboratory will also set aside \$3.1 million for purchasing the necessary equipment.

I believe this may be a start. I do not hope that the Government would set the standard at such a low level. Most importantly, I wish to reiterate that I think the control of VOC is only one small step made by the Government among its many plans and proposals. To mitigate the problem of air pollution in Hong Kong, so that we can see a clear, blue sky again in Hong Kong, what the Government must do is definitely a lot more than it has been doing to date.

I think the Government has neither a reason nor a ground to hold up the progress and the necessary programme of work to mitigate air pollution in Hong Kong. I hope that the Government can expeditiously draw up some practicable plans, including implementing a scheme to control the emission of pollutants by the two power plants expeditiously. I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no other Member wishes to speak, I now call upon the Secretary for the Environment, Transport and Works to speak.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): The Air pollution Control (Volatile Organic Compounds) Regulation, which I have made on strength of the power vested with me under section 43 of the Air Pollution Control Ordinance (Cap. 311), aims to regulate the emission of volatile organic compounds (VOCs) and improve the air quality of Hong Kong.

I am glad to have another opportunity to discuss this topic at the Council meeting today. From the discussions of Members, I notice that they are in many ways not quite clear about many aspects. They have not fully understood many of the policies and measures that we have been implementing for a very long time. Ms Emily LAU, for example, questioned why the year 1997 should be used as the base year. I wish to take the opportunity today to explain all

these fundamental issues to Members, in the hope that with more communication, all of us can really work with one heart to do a faster and better job in ameliorating air pollution.

First, I wish to point out that in regard to air quality management, we have long since put in place an integrated policy. We have talked about this so many times, but I do not know why Members still want to focus on some specific areas where they have not seen any efforts on our part and then go on to say that we have not put in place an integrated policy. And, when we choose to proceed more quickly in some cases, such as the regulation of VOCs, people think that we are just focusing on separate issues. We cannot possibly implement all ordinances and regulation in one single go. Members all know the situation in Hong Kong. We must first conduct thorough consultation to make sure that the various industries, trades, occupations and even the general public can all understand what we are doing. The reason is that everything we do will affect their life. All options and the costs of improving air quality must be explained clearly to them.

To begin with, our integrated policy aims to identify the most important elements. With the help of thorough and scientific studies, we will be able to know which elements are more important. For this reason, in 2001, we drew up the Regional Air Quality Management Plan, because we know that Hong Kong, Guangdong and the Pearl River Delta are closely related. All our air pollution control strategies will be fruitless without the involvement of Guangdong. Our policy must therefore focus on this as a matter of priority. In regard to pollutants, what indicators should we adopt? Which are the pollutants that are adversely affecting public health and the overall functioning of society and must be dealt with most urgently as a result? We have selected four types of pollutants, namely, sulphur dioxide, nitrogen oxides, VOCs and respirable suspended particulates. We have set down emission reduction targets for these four types of pollutants, complete with a strategy of target attainment.

Ms Emily LAU talked about transparency in the process. I agree that transparency is very important. The Environmental Protection Department is actually the first government department to upload all documents onto the Internet. If there are any difficulties in finding any information, that is, if certain documents cannot be found on the Internet, the problem probably lies with the complexity of the searching process, which may require the clicking of

several links before the information can be found. But our plan in its entirety can still be found on the Internet. It may be rather difficult to understand many of the things there because air pollution is after all a very complex issue. But transparency is always very important and it produces many effects. Some Members asked what efforts Guangdong had made, and whether there was any transparency. I can tell Members that between the commencement of our co-operation with Guangdong in 2002 and 2005, they installed totally 13 air quality monitoring stations in the Pearl River Delta, and all these stations are linked together in a computer network providing real-time online access. We will also analyse the relevant information and provide direct online reports on a half-yearly basis. This has set a very good example. The whole country, including the State Environmental Protection Administration, thinks that this is a very good approach. Once we realize where air pollution is found, we can administer the proper remedy. And, members of the public can also get to know more about air pollution any time online.

Incidentally, I wish to point out that we do not seek to deny the existence of air pollution in Hong Kong. But sometimes, since we uphold a high degree of transparency, some people can selectively concentrate on our inadequacies and skip all the achievements. As a Hong Kong resident myself, I sometimes cannot help feeling upset. The professor involved in the Queen Mary 2 incident, for example, explained that he was just being humorous. But to me, this is no humour. Will those people who have never been to Hong Kong find all these remarks funny? We do not think that they are funny at all. Therefore, we must sometimes make things very clear, so that people can know our position and whether the Government is taking the right path and direction for the policies and measures it has formulated. And, people should also be made to see whether we should seek to attain the targets within the anticipated time.

The whole process must fully encompass sustainable development because everybody knows that there are bound to be conflicts between environmental protection on the one hand and social development, economic progress as well as the business environment on the other. This explains why we have been striving to promote sustainable development since 1992. The purpose of sustainable development is to balance these three considerations. As a government, we cannot refrain from doing so. Members should have heard the business sector say just now that legislation should not be applied across the

board upon commencement, and further discussions should be held. However, some other Members thought that we were biased in favour of the business sector. They wondered why we should pander to the business sector, arguing that full-scale regulation should be imposed across the board. Yet other Members thought that the legislation should have a wider coverage. They wondered why only VOCs were to be regulated, and why regulation was not extended to other pollutants. Everyone in every area will have his or her personal considerations, and everyone knows best what he or she wants. The role of the Government is to raise the matter, so that extensive discussions in society can be held.

I therefore hope that Members can understand that we are not trying to put up any delay. Mr SIN Chung-kai said that I was trying to put up delay. But I must say that I am actually the most impatient one on this issue. I hope to complete this task as soon as possible, so that I can turn to other tasks. But we are not trying to put up any delay. We must have enough time to consult the various sectors. When we consulted the industries this time around, for example, we convened some 50 meetings, and the industries alone already expressed many concerns. The process of drawing up the legislation took more than two years, but when it was finally put before the Legislative Council for discussions, it still invited many people from the industries and other sectors to express their views. It is also very good to invite deputations to describe their situations. But if the industries still cannot reach a consensus at this very stage, should we start all over again? We would rather spend more time and conduct sufficient consultation beforehand. But can consultation always lead to a full consensus? I think Members all know that this cannot be the case in reality. However, we have conducted appropriate discussions on the dissenting views and sought to accommodate them as much as possible. I believe that Hong Kong people are all sensible and willing to make certain sacrifices for the common good.

Having struck a balance, we must then set the priorities carefully. In this connection, some have asked, "Why don't you deal with distributing agents and retailers? Why do you focus on wholesalers only?" But when it comes to wholesalers, some simply question why we only require them to report information instead of taking some tougher measures. I wish to take this opportunity to explain that the enforcement of environmental legislation is slightly different from the enforcement of other legislation. Information reporting is very important in the former case. In the environmental legislation

of many other countries, the onus of proof is on manufacturers or users. And, how are they going to discharge their responsibility? By reporting information. Hence, according to the legislation under discussion, an importer or manufacturer who gives incorrect product information or withholds any information shall commit a very serious offence punishable by a fine of \$50,000 and a prison term of three months. This will be a very effective deterrent. The importer cannot possibly claim ignorance. If it withholds any information, people will still be able to see a discrepancy between its business turnover and the reported information through other channels. The importer will then commit a very serious offence punishable by imprisonment. This is the usual practice employed by environmental legislation in many cases. I also wish to take this opportunity to lobby Members. In many cases, product responsibility legislation will put all the responsibility on the manufacturer. How are we going to regulate all types of products one by one under this legislation? This is a separate matter. In any case, in countries with product responsibility legislation, that is, umbrella legislation, product manufacturers will take actions of their own accord. The reason is that a government cannot possibly enact legislation on everything and impose regulation on everything. And, it should be noted that regulation will not only incur extra public expenditure but also affect the business environment because the burden of business operators will become heavier. In Australia, for example, following the commencement of such legislation, many manufacturers have been compiling life cycle reports of their own accord, describing how they have minimized the emission of toxic substances and air pollutants. Once they have compiled such reports, they will have discharged their responsibility. And, the Government will first target on irresponsible industries and enact legislation on them. This legislation can make the business sector exercise self-discipline, and this approach is also welcomed because information reporting can enable them to save many efforts. Of course, we must at the same time consider whether society as a whole has already reached such a stage in the promotion of environmental protection. We must consider whether there is a satisfactory education system that can instill such awareness in the public. Manufacturers will therefore pay attention to this and take actions of their own accord because they do not want to see any government regulation. The Government also thinks that self-regulatory practices are the most desirable. To this end, another policy we have put in place is continuous public education. Publicity and public education are both very important. Action Blue Sky is guided by the same concept. As the public

know more, environmental protection work will become more effective. As Members know, the best that the Government can do in environmental protection is just to provide leadership. Success must depend on public support.

The legislation on VOCs we put forward this time around has increased Members' understanding of such strange things called VOCs. I frequently quote this saying from the *Ecclesiastes*: There is nothing new under the sun. But now, under the sun, many things have been going on. Regarding VOCs, it was only in the past decade or so that we came to realize their role in the formation of photochemical smog. Therefore, in places with strong sunshine or warmer weather, people all put heavy emphasis on regulating VOCs. In the case of Hong Kong, our present legislation is mainly based on the similar legislation of California and the product standards there. There are actually many different standards all over the world. California is a comparative dry place, which is why the people there can choose paints with the lowest content of VOCs. Water-based coatings also contain VOCs, but the content is very low. As for the VOC content of the oil-based coatings used in California, it is close to the standards of water-based paints. These two types of products are therefore quite similar in this respect. I believe that they will be merged in the future.

Since the climate of Europe is more humid, there are two sets of standards. One may choose water-based coating, that is, limewash, which does not contain any VOC. And, there are also oil-based coatings, which contain a higher content of VOCs. We have therefore chosen to merge the standards. As mentioned by Mr Vincent FANG, Hong Kong people's demand for such products is very high. For this reason, we have also given thoughts to the factor that such products must be readily available in Hong Kong. We will therefore base our legislation on that of California. We will keep a close watch on the coatings and paints they start to manufacture in 2008, in the hope of not affecting the supply of such products in Hong Kong.

We are very grateful to the Subcommittee of the Legislative Council for the valuable advice it offered in the process of scrutiny. Members of the Subcommittee put forward many different opinions, and we have made appropriate adjustments in response, with a view to plugging any loopholes in the legislation. However, I still wish to explain that the review referred to by Mr Vincent FANG is no simple matter. We will of course conduct a comprehensive review to find out whether we can meet the requirements and achieve the targets of reducing VOC emission after the commencement of the

law. Our aim is that under the air quality management plan or policy in 2010, we can reduce not only the VOC contents in consumer products. We started in 2002, and we did not wait until 2006 to deal with the first type of products. Actually, the VOC contents of consumer goods are comparatively low. In regard to oil products for vehicles, we already took the first step of regulating the VOCs from oil tanks in petrol filling stations. A piece of legislation on fuel dispensers at petrol filling stations was enacted in 2005. By 2008, the replacement of all old fuel dispensers will have been completed.

VOCs from vehicles also pose a very serious problem because of continuous vaporization while vehicles are in motion. We now require all new vehicles to be installed with recovery systems to prevent the vaporization of petrol. Actually, we have long since started to the relevant efforts. As for priorities, I hope that whenever any new measure is put forward, Members can read the relevant files to find out when we started our work. They will then see that our work did not start just on the day of putting forward the measure. After setting the priorities, we must conduct thorough consultation and obtain the support of the relevant trades and various stakeholders. It is only in this way that we can achieve our objectives.

As for air quality objectives, an age-old subject, I wish to point out once again that we must first conduct a thorough review, and make sure that the policies formulated are feasible. We must not make any simplistic adjustments of figures. Besides, our efforts of emission reduction are always ongoing, and there are actually no conflicts, meaning that people cannot argue that if we do not adjust the air quality objectives, we will be giving up our efforts to reduce pollutant emission. Rather, we have always been working in both directions. The so-called objectives can only give us a general direction, and we must not think that once the objectives are attained, we can stop doing anything. We must make efforts in the direction of keeping air pollution concentration to a minimum.

I also hope that Members can find some time to browse our website to check the levels of air pollution concentration in Hong Kong in the past five years. The reason is that air pollution concentration is the most reliable measurement, and air pollution objectives are nothing but ratios. We are also very concerned about air pollution concentration tests, because the findings can show the results of everybody's efforts — members of the public have paid a price and so have the business sector. Legislative Council Members must also

enact more laws on this. Is our present direction correct? Is the air pollution concentration going down all the time? Is there a steady downward trend? I hope that after browsing our website, Members can find the answers. I hope that they will not make judgement on the concentration level simply on the basis of their senses because weather will affect people's senses.

We are able to enact the Air Pollution Control (Volatile Organic Compounds) Regulation today, so I am very happy to say that Hong Kong people, Legislative Council Members and the business sector are all prepared to protect the environment and make the necessary commitment. I hope that the enforcement of legislation and the formulation of other environmental policies in the future can see the continued co-operation of the Legislative Council and the various social sectors. I hope that all of us can reach a consensus on the basis of this spirit and make joint efforts to bring forth a better environment. Thank you.

PRESIDENT (in Cantonese): I now call upon Ms Audrey EU to reply.

MS AUDREY EU (in Cantonese): President, I notice that the same situation will arise whenever air pollution is discussed, for the Secretary will invariably tell us that she and the Government have done lots and lots of work. But Members are not saying that the Government has done nothing. We are only saying that a lot of work has yet to be done by the Government, that the Government has not done enough and that it has worked too slowly. The Secretary gets hot under the collar whenever she hears such comments, and she will argue that she has already done a lot. But in fact, the public does have the feeling that there is indeed plenty of work that has not been done, and we can also see it when we look up at the sky. Very often, what we have insisted is that the authorities have not carried out many major initiatives, such as those relating to the power plants, renewable energy, greenhouse gases, and so on. We, being Members of this Council, are duty-bound to remind the Government of the work that it has not yet done, rather than praising the Government and counting what it has done. So, I hope that in her response, the Secretary can tell us the outstanding items on the Government's agenda and explain to us why they have not yet been done, when they will be done, and whether or not an implementation timetable will be drawn up, rather than repeating on each occasion the work that she has done previously. As for what she has requested us to do, as Ms Emily LAU has said,

Members are actually very co-operative, and we have been so all the time. So, when members of the public reflected the problem to us, we sometimes felt very angry because whenever somebody wished to propose a piece of legislation or legislative amendments, the Government would tell them that Members of the Legislative Council would oppose whatever the Government proposes and so, the proposal would not stand a chance of being passed. This is the case with many issues, and this has given people the impression that partnership is lacking between the Legislative Council and the executive authorities and that we always oppose the Government. But this is not true in reality. On the issue of air pollution, we absolutely hope that the Government will speed up its work to address the problem.

The Secretary's reply earlier on worries me. Why? It is because the Subcommittee has actually reached some unanimous views, and we did point them out during our discussions with representatives of the authorities. Apart from agreeing to the enactment of this Regulation, we particularly asked the Government to give us an undertaking on three points, which I mentioned in my speech earlier. But in her reply just now, the Secretary seemed to be only explaining to us that the Government would impose control on manufacturers and importers and that it has been a general practice to impose control on manufacturers who are required to fill out many forms, and so on and so forth. On this point, none of us is opposed to it; we have endorsed this regulation and we have no objection. But at the meetings we repeatedly mentioned the point that the Regulation would impose control only on importers and manufacturers. If the retailers obtained goods in excess of the limit through some unknown channels, such as smuggling, and put up such goods for sale in their shops, what should we do? The Government can do nothing about it. In a shop where goods in compliance with the Regulation are offered legally, the price of the goods is certainly higher, but the shop next door, for some unknown reasons, can put up for sale goods in excess of the limit at cheaper prices. When facing this situation, the Government can do nothing and the people will ask: How did Members of the Legislative Council scrutinize the Regulation before enacting it? Why did they fail to notice this problem? Why did they not address such a big loophole? We are, therefore, duty-bound to point out the problem.

Nevertheless, the Government said that they could not address this point because at the 50-odd meetings convened for consultation with the trade, they only discussed imposing regulation on manufacturers and importers. We understand this point and this is why we agreed to passing the Regulation at the

present stage, but we asked the Government whether or not it agreed to review this problem in its next step of work. The Government has undertaken to do it. So, I really hope that the Secretary will not just talk about the general situation or tell us that our environmental legislation generally regulates manufacturers. Because our view is that the Government should not just target manufacturers. Regulation has to be imposed also on retailers, or else an enormous loophole will appear in law. We have made this point clear and we hope that the authorities will follow it up.

Moreover, we raised the problem with coatings, and Miss CHOY So-yuk also particularly pointed out the problems in this regard, hoping that the Government will take follow-up actions. She suggested that the threshold of this type of goods can actually be pitched at a much lower level and when she reflected this to the authorities, the authorities said that they would review it.

Thirdly, it is often the case that we may not have adequate resources to implement and enforce a regulation after enactment, and this is also a problem. So, we have asked the authorities to conduct a review in this connection and revert to us in future. In this reply I must repeat these three points, because from what I have heard, it seems that the Secretary's response was not at all positive. I wish to point out on behalf of the Subcommittee once again that we are not unappreciative of the efforts made by the Government in communicating with the trade, for this has indeed facilitated the enactment of this Regulation relating to VOC. This, we certainly understand, just that we have the duty to review the many more outstanding tasks. I hope that the Secretary will make continuous efforts to accomplish them. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Audrey EU be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Legislating against the use of artificial trans fats in food production.

I have accepted the recommendation of the House Committee as to the time limits on Members' speeches: The mover of the motion will have up to 15 minutes for his speech including his reply, and another five minutes to speak on the amendments. The movers of the amendments will each have up to 10 minutes to speak. Other Members will each have up to seven minutes for their speeches.

PRESIDENT (in Cantonese): I now call upon Mr Albert CHENG to speak and move his motion.

LEGISLATING AGAINST THE USE OF ARTIFICIAL TRANS FATS IN FOOD PRODUCTION

MR ALBERT CHENG (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

The motion I am moving is "Legislating against the use of artificial trans fats in food production". As cardiovascular disease is the second leading cause of deaths in Hong Kong, and medical research also reveals that consumption of food containing trans fats will increase the risk of contracting coronary heart disease, and given that some countries such as Denmark have legislated as early as 2003 to prescribe the permissible maximum level of trans fats in food, the use of artificial trans fats in food production in restaurants will also be gradually banned in places such as New York, Chicago and Massachusetts to safeguard public health, this Council urges the Government to follow the practice of these places to expeditiously legislate against the use of artificial trans fats in food production in local restaurants, to prescribe the permissible maximum level of trans fats for all imported and locally produced food, and to require the trans fats

contents in food to be listed on the package labels for identification by consumers.

President, this motion, which I have moved in my capacity as a Member of the Legislative Council, has no binding effect on the Government. This, we all know only too well. So, as I always said in motion debates, since the motion itself has no binding effect, our prime concern should be the spirit of legislation. The most important reason for me to propose this motion today is that human lives are involved, and human lives are of the utmost importance. On the other hand, from Members' money-oriented point of view, we must understand how much the Government spends on its medical expenditure for treating heart disease annually.

Heart disease is the second leading cause of deaths in Hong Kong. It is only second to cancer.

In 2004, deaths caused by cardiovascular disease totalled 5 866, and in 2005, the number was 6 031. While the number in 2006 has yet been published, there is likely to be an upward trend. Honestly, President, apart from swearing allegiance to the Government, Members of the Legislative Council also swear allegiance to the people of Hong Kong. It is because this issue involves the health of Hong Kong people and as I said just now, firstly, human lives are involved and secondly, it has to do with money. With regard to the annual expenditure incurred by the Hospital Authority for treating patients with cardiovascular disease — I do not have the exact figure, and I do not think that the Secretary has it either; nor do I expect the Secretary will tell me how much it is — it is definitely in billions of dollars. So, this motion involves, firstly, human lives, and secondly, medical expenditure of society. We, being Members of the Legislative Council, should indeed discuss this issue, in order to safeguard public health, to safeguard the health of our next generation, and to safeguard our own health.

In the last Chinese New Year Spring Reception of the Legislative Council — I do not know what sort of gathering it was — when Members and Bureau Directors exchanged roles and engaged in debates, it was also mentioned that fat guys were common among government officials and Members of the Legislative Council. I am not going to talk about the fat guys today, because Mr Fred LI already talked about this. Indeed, many Members of the Legislative Council have contracted cardiovascular disease and some have even undergone "balloon

angioplasty" a number of times. I think today, we are killing two birds with one stone, because while this is for the benefit of our own health and the health of the people, it can also reduce the Government's medical expenditure.

This is also for the benefit of the life expectancy of our voters. President, what the voters ask for is actually very simple. I represent Kowloon East which is an old district with the largest number of poor and elderly people. I think the chances of people in Kowloon East coming into contact with trans fats are the same as that of rich people. On the contrary, I think the rich people may have even more chances of coming into contact with trans fats. So, to Members returned by small circles, I think they should support my motion for the benefit of the life expectancy of their voters and in order to keep the votes of these voters, or else their voters will decrease in number. It is because firstly, young people are more educated nowadays and secondly, they are more health conscious, as we can see that people who patronize health spas and who jog behind the glass panels facing pedestrian footbridges are mostly young people. If those older voters who often suffer from cardiovascular disease are diminishing in number, the democratic camp, or the opposition as the Government likes to call us, will naturally stand a good chance. We certainly oppose small circle elections and with the votes of these younger voters, we will stand a chance of taking those seats. So, I do not see any reason for directly-elected Members or Members returned by small circle elections to oppose this motion. I have some nine minutes of my speaking time left, so I will use them to refute the points made by the Secretary and Members one by one.

I so submit. Thank you, President.

Mr Albert CHENG moved the following motion: (Translation)

"That, as cardiovascular disease is the second leading cause of deaths in Hong Kong, and medical research also reveals that consumption of food containing trans fats will increase the risk of contracting coronary heart disease, and given that some countries such as Denmark have legislated as early as 2003 to prescribe the permissible maximum level of trans fats in food, the use of artificial trans fats in food production in restaurants will also be gradually banned in places such as New York, Chicago and Massachusetts to safeguard public health, this Council urges the Government to follow the practice of these places to expeditiously

legislate against the use of artificial trans fats in food production in local restaurants, to prescribe the permissible maximum level of trans fats for all imported and locally produced food, and to require the trans fats contents in food to be listed on the package labels for identification by consumers."

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

PRESIDENT (in Cantonese): Two Members will move amendments to this motion. The motion and the two amendments will now be debated together in a joint debate.

I will call upon Mr Fred LI to speak first, to be followed by Mr Vincent FANG; but no amendments are to be moved at this stage.

MR FRED LI (in Cantonese): Madam President, I thank Mr CHENG for moving a very good motion for debate. I have looked up two motion debates conducted in the Legislative Council in 2003 and 2005 respectively. In 2003, I proposed a very simple motion for debate. My original motion was carried, despite opposition from the Liberal Party. The motion was endorsed by other Members, that is, by both groups of Members. The motion was this: "That this Council urges the Government to expeditiously introduce a mandatory labelling scheme on nutrition information for prepackaged food and draw up a legislative timetable to implement, in three years' time, the first and second phases of the scheme as proposed in the consultation paper.....". It was proposed at the time that the first and second phases of the labelling scheme be implemented in three years, which means that the calories and nine other nutrients have to be listed on the label of all prepackaged food. The motion was passed in 2003.

In 2005, Dr Joseph LEE proposed another motion. I wish to add that Mrs Selina CHOW, on behalf of the Liberal Party, proposed an amendment to my motion at that time to delete such words as "expeditiously", "three years", and so on. Her amendment, however, was negatived, whereas my original motion was carried. All these have to be put on record.

In 2005, Dr Joseph LEE proposed yet a more detailed motion which mentioned trans fats for the first time. Dr Joseph LEE reacted even more quickly than us, as he proposed a series of motions for debate in 2005. Mr Vincent FANG of the Liberal Party also proposed an amendment to delete such words as "timetable", "expeditiously", and so on, but the original motion was again passed. Mr WONG Yung-kan proposed an amendment which actually added in more "chili". His amendment was also passed, just that it proposed an even higher standard.

The Secretary should have listened to these two motion debates in 2003 and 2005, which were recorded. In fact, the Secretary gave a response in 2005, and I can see that the Secretary's response at the time was spectacular. He said that after listening to the views of Members and the community, the Government decided to introduce the relevant legislation three years later in 2006. Secretary, what year is it now? Today is 14 March 2007. Have we seen the bill? No. Do we see this bill in the legislative programme? No. When will it be tabled? I have asked the Permanent Secretary, and I have asked the Bureau. They said that it would be introduced in 2007, and I think 2007 means the next Legislative Session, that is, the 2007-2008 Session. For how long has it been delayed?

Secretary, before you entered the Chamber, I said that I would rebuke you today. In fact, I seldom do this to you, Secretary. But today, I must solemnly condemn you and take you to task. How could you, being a doctor, neglect and turn a blind eye to the health of the people? Now, myocardial infarction and heart disease have become the number two cause of deaths, and the situation is getting more and more serious. Besides, The Chinese University of Hong Kong (CUHK) — many secondary students are sitting in the public gallery — has recently conducted a study and found that the problem of obesity among students in Hong Kong already sounded the alarm. Of the 2 000 secondary school students interviewed, 41.8% have high blood pressure, excessive triglycerides and the problem of obesity. It is 41.8%, and this is the finding of a scientific, academic study. Our children, and secondary and primary school students in Hong Kong are more and more like me — it is unhealthy to be fat. *(Laughter)* I have to set a good example. I have not eaten this kind of food for a long time, Secretary.

MR SIN CHUNG-KAI (in Cantonese): I like it very much.

MR FRED LI (in Cantonese): You like it? But you have to watch out. Because according to the laboratory results cited in the *Apple Daily* today, one packet of French fries contains 2 g of trans fats, and according to the standard of the World Health Organization reported in the newspaper, the daily intake should not exceed 2 g. In other words, when we consume one packet of French fries, the intake of fats would exceed the daily limit. Imagine: Countless secondary school students, primary school students and children always beg their parents to take them to the McDonald's for French fries, apple pies and hamburgers. These foods have very, very high contents of trans fats.

What is trans fat? Secretary, you should know it very well, and you should know it even better than I do. Trans fat is grouped as unsaturated fat. It is produced by hydrogenation of vegetable oil. As many experts have stated, and to cite Dr LAU Chu-pak of the Hong Kong College of Cardiology, trans fats will increase the low-density lipoprotein (LDL) cholesterol, or the so-called "bad cholesterol", which will do damage to the blood vessels, while reducing the high-density lipoprotein (HDL) cholesterol which is good to our health. Saturated fat will increase the level of bad cholesterol but trans fat not just increases the bad cholesterol, but also damages the good cholesterol. So, while we used to think that margarine is healthier than butter, this concept has turned out to be wrong, and it may actually be worse than butter. Secretary, I think the Food and Environmental Hygiene Department and the Centre for Food Safety should educate the public on these concepts and carry out publicity accordingly.

Besides, to food manufacturers, trans fat is actually a godsend, as they think that it is a terrific and brilliant invention. The reason is that food produced with the use of trans fat will have enhanced texture; it can withstand high cooking heat and the food quality is less likely to degenerate. What is more, the shelf life of such food can be extended by dozens of times and this will considerably extend the sale period of the food. Cookies, bread and some very delicious crispy snacks, as well as those pastries or cakes, all have a large content of trans fats. The longer the shelf life, the more trans fats are contained in the food. This is artificial trans fat.

In the early '90s, studies in the Netherlands and the United States actually pointed out that the consumption of food with excessive trans fats would speed up vascular sclerosis and reduce the level of good cholesterol. Friends from the Liberal Party will certainly say that these issues need to be further studied, and

their amendment is all about studies, studies and studies as they propose to add the word "studies" to the original motion. Do we really need to study it any further? Smoking is hazardous to health. Do we need to study it further? I do not think so. There is the possibility that trans fats will cause heart disease and clogged blood vessels and increase the level of bad cholesterol in us. Do we still need to conduct further studies?

In Denmark, the use of trans fat has been banned in restaurants since 2003, and a similar ban took effect in the United States in 2006. In a high-end supermarket in Central — I think Members all know which supermarket it is even if I do not say its name — I have once bought a jar of peanut butter imported from the United States, and the 14 kinds of nutrition information are all set out in detail. I saw that the trans fat content was zero and so, I bought it; the cholesterol level was also zero and so, I bought it; I saw that it contained no salt and so, I bought it. Certainly, peanut butter is not a very healthy kind of food, but this is the healthiest of this kind of unhealthy food. *(Laughter)* So, it is much more expensive, for it contains no trans fat and is a kind of organic peanut butter.

I think the Secretary should fully understand where the problem lies, and it is unnecessary for me to remind him of it. But why has there been delay after delay after delay? I am actually getting hot under my collar. I seldom get hot under my collar but this is a health issue of concern to the people. Why has it not been addressed? The chronically-ill will need to know whether the prepackaged food that they have bought is low in sugar or fats, but they cannot tell it now. As for some foods which claim to be high in fibre and low in fats and sugar, are these claims true? We have no idea whether or not they are true, because legislation has not yet been enacted on nutrition labelling and so, they can make whatever claims they like. What does "high" mean and what does "low" mean? Do we really have to wait for "three years after three years and another three years"? For how many three years do we have to wait for nutrition labelling? So, the Democratic Party fully supports the motion proposed by Mr Albert CHENG.

I also wish to express my views on Mr Vincent FANG's amendment. I think we should not be still talking about studies, studies and studies now. In fact, the nutrition labelling scheme will be implemented in two phases, and this is actually a very big compromise made by the Government as legislation will be enacted in two phases, and what is more, the second phase will start only two

years after the end of the first phase. So, there is indeed sufficient time. The consultation paper was published in 2003 and it will take 10 years for it to come into operation and that is, it is only in the year 2012-2013 that the two phases of the scheme will be implemented. I hope that I am wrong in saying so. I very much hope that the Secretary will say that Fred LI was talking nonsense because this would be completed in 2009 or 2010. I hope that he may say so.

However, judging from their timetable, I think there would only be delays, rather than completion ahead of schedule. Why would there be delays? It is because of opposition from the trade, and the trade practitioners consider that they may not be able to adapt to the scheme and so, they need a longer grace period and then an even longer grace period and then yet another longer grace period, while the Government has kept on dragging, dragging and dragging its feet. The Legislative Council has passed two motions already and the Government still has not implemented them. Nor has it taken any follow-up action. Is this considered as respecting the Legislative Council? Is it actually turning a blind eye to the public's health?

So, with these remarks, Madam President, I propose the amendment, and I hope that this can be achieved in the first phase.

MR VINCENT FANG (in Cantonese): Madam President, earlier on Mr CHENG and Mr LI already explained in detail what trans fat is, how it is produced and what harm it will do to our health. So, I do not wish to repeat what they have said. Insofar as food is concerned, trans fat is most commonly found in margarine. How did margarine come into being? It is because natural butter contains many substances that are not wholesome. The most obvious example is cholesterol. For this reason, the food trade conducted studies and invented artificial butter made of vegetable oil. If we look at trans fats alone, butter absolutely contains less trans fats than artificial butter. But apart from indulging ourselves once in a while by eating a "pineapple bun with butter", will we replace artificial butter by natural butter? The answer is definitely in the negative, because butter will do us more harm.

This example tells us that any food or food material actually has both pros and cons. But if we enact legislation to impose control on a particular kind of food as soon as its excessive intake is found to be not good to health, is it an appropriate course of action?

It is because a kind of food or goods has demerits that its substitute comes into existence. Apart from having lower cholesterol content, trans fat also has a stronger antioxidizing effect which can prolong the shelf life of food and prevent food from turning bad easily. Moreover, it can improve the structure, composition and texture of food. So, food containing trans fats is generally crispy and non-greasy.

Only a small trace of natural trans fat is found in meat, dairy foods and the related products. What we can commonly find in the market is mostly artificial products manufactured through a process of hydrogenation of vegetable fats. So, the control on the use of trans fats proposed in the international community generally targets artificial trans fats.

I have consulted the opinions of food manufacturers and importers. They agree that long-term consumption of excessive trans fats will indeed increase the risk of coronary heart disease. The more advanced countries and cities have started to express concern about the health hazards of trans fats. For the benefit of public health, the trade supports that the Government should make reference to international practices and gradually converge with international standards, but the Government must not seek to achieve this in one step.

However, the original motion stated that the use of artificial trans fats in food production in restaurants will be gradually banned in many places, but this is open to question. It is because information shows that Denmark is the only place in the world where legislation is enacted to impose control on trans fats. Yet, the use of trans fats is not banned, just that the content of trans fats is limited to not more than 2% of the total content of fats in food. In other countries or cities, they generally require the listing of its content on the nutrition labels only. Even the United States Food and Drug Administration (FDA) only requires that such content be specified on the label only for food containing over 0.5 g of trans fats. This is why the Liberal Party has proposed an amendment in order not to give people the wrong impression that it is an international trend to ban the use of artificial trans fats and that Hong Kong has already lagged behind the general world trend.

In fact, why is it not banned in all the other countries? According to members of the food trade, the main reason is that unlike general harmful substances, trans fats will increase the risk of coronary heart disease mostly as a result of excessive intake and an unbalanced diet, and there is no substitute for trans fat yet.

The eating habits of the Chinese people are, after all, different from the West. Baked cakes and pastries, French fries, fried chicken, doughnuts, and so on, are not our staple foods. Ours are rice and soup, and in each meal we have a combination of fruits, vegetables, fish and meat, which is indeed very healthy.

According to a survey conducted by an association of Chinese restaurants in the United States, the Chinese restaurant industry seldom uses or simply uses no trans fats. Even for deep-fried "dim sums", they generally use vegetable oils, such as soybean oil and peanut oil. So, we in the Liberal Party have proposed the second part of the amendment, urging the Government to consider whether there is a need to legislate against the use of artificial trans fats in food production in local restaurants after studying the international practices and local factors and especially the eating habits of Hong Kong people.

As for whether we should prescribe the permissible maximum level of trans fats for all imported and locally produced food, and require the trans fats contents in food be listed on the package labels, the trade pointed out that in countries where more attention is given to trans fats, views have remained diverse on the reasonable contents and unit of measurement. In the United States that I mentioned earlier, labelling is required only for food containing over 0.5 g of trans fats; in Australia, food manufacturers are not required to specify the contents unless they have made claims relating to cholesterol or unsaturated fats contents; in Denmark, which is in the forefront globally, trans fats are measured as a percentage of the content of fats in food; and nutrition labelling suggested by the Codex under the World Health Organization does not even include trans fats.

More importantly, over 95% of food in Hong Kong is imported. When the trans fats contents have not yet become an issue of concern to international food supplier countries whereas Hong Kong has nevertheless surpassed Britain and the United States by taking the lead to enact legislation requiring such labelling of all imported food, I am worried that we would either have nothing to eat or we would have to import expensive foods. I think that Members do not wish to see this happen.

We do not mean that we should just sit by doing nothing. Rather, we must first conduct studies on the international situation and then implement the scheme in accordance with the pace of development and supply, having regard to the unique situation in Hong Kong. In this connection, the Liberal Party has further amended the original motion, proposing that studies be conducted before

making a decision on whether or not to prescribe the maximum level of trans fats.

Besides, the Government can also make reference to the practice in Australia and Denmark. For food with health claims, such as "No trans fat", the trans fat content of such food must be lower than a particular level. This is similar to the practice adopted for organic food. That is, food that is not specified as organic is "non-organic", but it is unnecessary to put a "non-organic" label on it. In that case, people who are health conscious and who have the means to afford such food will have more choices, while our concern about the impact of immediate legislative control on the trade, consumers and the economy can be allayed. This would be an all-win situation.

Why should trans fats be considered in the context of nutrition labelling? It is because the trade already finds it very difficult to adapt to the "9+1" requirement now proposed by the Government. If, in addition to trans fats, other substances are also found to be hazardous to health in the future, do we have to incorporate these substances one after another into the labelling scheme? If that happens, how long and how big would the label become? The trade has agreed that nutrition labels should be affixed to prepackaged food, just that the practices of Codex should be adopted. As long as the suppliers follow suit, it would be much easier for the trade in importing foods to the territory, and this would at the same time expedite the making of legislation on nutrition labelling which will be beneficial to society and members of the public.

With these remarks, Madam President, I propose the amendment.

MR LI KWOK-YING (in Cantonese): Madam President, Hong Kong people are more and more keen to pursue a healthy diet, but the foods that we usually consume are just the opposite, as they will plant in us many bombs that are hazardous to health, and sometimes, we even consume such foods not knowing the harm to be done or we are misled into consuming them. Trans fat, which is under discussion in this Council today, is a case in point. The kind of butter that we used to eat at breakfast came from animal fats. People considered it unhealthy as it contained too much saturated fat and so, margarine was subsequently introduced to the market. While margarine sounds healthier, this artificial butter is nonetheless one of those products with the highest trans fats contents. Moreover, when we consume deep-fried food at fast-food chains,

they often claim that vegetable oil is used, but with regard to the oil that they used in frying their food, has it gone through any artificial processing and does it hence contain trans fats? We have no idea at all.

The health hazards of trans fats have been made known in the international community for a long time. Authoritative medical journal, *Lancet*, published in 2001 the report of a decade-long study which pointed out that a daily intake of 5 g of trans fats will increase the risk of contracting ischemic heart disease by 25%. According to a number of studies on the hazards of trans fats jointly conducted by eight European countries, trans fat is three to five times more likely to cause cardiovascular disease than saturated fatty acid. Moreover, some studies also indicated that trans fatty acid may even increase the incidence rate of breast cancer and diabetes, and induce asthma, type 2 diabetes, allergy, and so on, and it may impact adversely on the growth and development of children and the health of the nervous system. Meanwhile, an excessive intake of trans fats may cause infertility among women. These show that the health hazards of trans fats must not be neglected.

Artificial trans fat is subject to varying degrees of regulation in the international community. The World Health Organization has also issued guidelines on the daily maximum intake of trans fats, and in the guidelines on nutrition labelling issued by the Codex Alimentarius Commission to the international community, it is stated that governments can legislate to require the listing of trans fats contents on the package labels of food, so as to provide consumers with the relevant information.

Denmark is the first to enact legislation to impose a limit on the use of trans fats. In 2003, legislation was enacted in Denmark to limit the trans fats contents in food. In New York City and Philadelphia of the United States, a limit has been imposed on the use of trans fats in food production since the middle of this year. Moreover, many Western countries, such as the United States, Canada and Britain, have already required the listing of trans fats contents on food labels. In Taiwan, there is also a plan to implement mandatory labelling arrangements next year; in Singapore, although legislation has not yet been enacted for the purpose, many food manufactures have participated in the voluntary labelling scheme which is currently implemented and the trans fats contents of over 300 kinds of food have been uploaded onto websites for public reference. This shows that governments in many places are concerned about the harmful effects of trans fat and they have gradually introduced effective measures to impose regulation on it.

Madam President, although Chinese dietary habits are still prevalent in Hong Kong, Western fast-food culture is also very common and particularly, this has affected the youth even more profoundly. Added to this is that our food labelling requirements are lagging far behind those of the Western countries. As a result, members of the public have unknowingly consumed an excessive amount of trans fats. Statistics also show that cardiovascular disease is the second most common killer disease in Hong Kong. In 2005, 9 302 deaths caused by cardiovascular disease were registered, accounting for 24% of the total number of registered deaths. Although such factors as smoking, lack of exercise and consistently living or working under pressure may also cause cardiovascular disease, it is necessary for the Government to address squarely the hidden danger of trans fats in increasing the risk of cardiovascular disease.

With regard to the regulation of trans fats, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) considers that the Government should improve the food labelling system as the first step, and it has already been a consensus in the community that a mandatory nutrition labelling system should be put in place expeditiously. However, I wish to add that the proposed labelling system only requires the listing of the contents of total fats, saturated fats, cholesterol, and so on, and trans fat is not mentioned at all. I hope that the Secretary will explicitly point out in his response later that the proposed nutrition labelling system will definitely include trans fats contents, for it has already been an established practice internationally to list the trans fats contents on food labels. Only in this way can the health of consumers be better protected.

Besides, according to research studies conducted by the Government on the intake of trans fats by the public, we can see that the Government's awareness of the health hazards of trans fats is grossly inadequate. Even though the Department of Health has earlier on commissioned The Chinese University of Hong Kong to conduct a survey on cardiovascular health, in order to understand the cardiovascular health and cardiovascular disease in the population of Hong Kong and also the risk factors, no study has been conducted on the intake of trans fats by Hong Kong people. Although information on food nutrition is uploaded onto the webpage of the Centre for Food Safety for public information and enquiries, trans fat is not included as an item for public enquiry. From this we can see that the Government has not attached great importance to trans fats. The DAB considers it necessary for the Government to change its

mindset and carry out a survey of the intake of trans fats by the people in their eating habits, so as to conduct a comprehensive risk assessment. In this connection, the Government should include the relevant knowledge in its publicity on a healthy diet and conduct a survey on the trans fats contents of foods available for sale in the market, so as to enhance public understanding.

The DAB supports this motion today. But with regard to Mr Vincent FANG's amendment, as we have reservations about his proposal to conduct studies first before regulation should be imposed on trans fats, we will abstain in the vote, in order to underscore the urgency of the regulation of trans fats.

Madam President, I so submit.

DR KWOK KA-KI (in Cantonese): Madam President, first of all, I have to thank Mr CHENG for proposing this motion because many people knew little about trans fats before this motion debate. I have also noticed, in particular, the presence of some students here. Through this motion and recent press reports, there has been a better understanding of trans fats across the community.

In short, trans fats are a type of modified, hydrogenated fat. Through alteration of cell functions, especially the perceived function and metabolism, bad or low-density fats in blood will increase whereas good or high-density fats will decrease, thereby raising the risk of contracting heart disease. It has also been pointed out in scientific literature that the impact on fetus will also be raised.

I have noted earlier the objection from a colleague to the implementation of a labelling system on the ground that the trades will find it increasingly difficult to operate should trans fats be included after the establishment of the labelling scheme today, to be followed by other labelling in the future. I hope Members can consider this. As society continues to progress, our understanding of the relationship between food science and health care — including our understanding of various diseases — will increase with scientific research and development. I can say categorically that with increasing scientific knowledge of the pros and cons of more substances in relation to humans, the kinds of food we have to guard against, reduce or increase will inevitably change with the times.

As Members should be aware, a long time ago, when artificial margarines were first introduced, there was an understanding or consensus among the general public that the artificial or chemically modified hydrogenated fats were definitely good for human bodies, even more so than many natural fats (including butter). As a result, there was mass production of these products or semi-products for the market.

With better understanding, we have come to realize that hydrogenated margarines can be dangerous. Members looking more closely at our daily life will find that many people, especially children, consume a lot of food with high trans fats contents. I am particularly concerned because I have three children, and my youngest son eats a lot of food containing trans fats, including chocolates, biscuits, bear biscuits, cookies, cakes and potato chips, every day. These foods are their daily favourites. However, probably because of the increased discussions in society recently, my son would approach me with his food when we discussed trans fats every day and ask whether there were trans fats in it. He said he would rather not eat it should it contain trans fats.

The entire society must understand that the health of our next generation can only improve through a variety of education, research and publicity programmes. It is not easy at all for Hong Kong people to achieve what they have today, for instance, *per capita* long life expectancy — perhaps the Secretary can explain to us later the health conditions of Hong Kong people.

In addition to traditional Chinese wisdom, particularly the strong preference for such foods as fruits and vegetables, I believe Hong Kong people are especially cautious about the harms possibly caused by food to society as a whole. This explains why great public concern was aroused by the outbreak of food poisoning incidents and the detection of undesirable chemicals, such as malachite green and trans fats, the subject of our present discussion. However, such concern is positive. It will not mislead the public into a vague or negative impression or arouse unnecessary fears among them.

Actually, a complete ban is not imposed in a couple of countries, including Denmark, the United States or Canada which is going to enact legislation. In 2003, Denmark became the first country in the world to legislate against trans fats by clearly specifying that the permissible maximum level of trans fats in food is 2%. In 2003, Canada required that the contents of trans fats must be clearly labelled. In 2006, the United States required that the trans fats in each serving

must not exceed 0.5 g and that the contents of trans fats must be labelled. This is very important indeed. Without a labelling scheme, it is simply impossible to tell the various contents in each type of food (including food containing trans fats). Without such information, how can people be educated and food safety be safeguarded? How can the health awareness of the general public be heightened? How can they be protected? Therefore, I consider today's motion, including the original motion and Mr Fred LI's amendment most reasonable. The motion urges the Government to expeditiously enact legislation on nutrient labelling. Trans fats, vital and yet harmful to humans, should certainly be included.

I very much share the point raised by an Honourable colleague earlier, that the Government had been very slow in food labelling, particularly the enactment of legislation to label substances harmful to human bodies, such as trans fats. We must bear in mind the exorbitant prices to be paid by society as a whole when considering the operating cost or the possible financial impact on some colleagues of the trades.

A person consuming more than 5 g of trans fats daily will be 25% more likely to contract heart disease than a person avoiding trans fats. As Members are aware, it is still inadequate even if the funding received by the Hospital Authority annually exceeds \$30 million. I believe the Secretary is also aware of the significant impact of the various substances in a variety of foods, including trans fats, on the public health care system and the health of all the citizens. I therefore consider that legislation must be expeditiously enacted to label the contents of all trans fats. More importantly, we should consider banning or minimizing the use of trans fats in restaurants because only in doing so can public health be safeguarded.

I so submit. Thank you, Madam President.

DR JOSEPH LEE (in Cantonese): Madam President, trans fats owe their popularity to their emergence and development in the aftermath of the Second World War when resources and edible oil were in shortage.

Trans fats have many merits, such as their ability to make food gratifying to the palate, prolong the length of time for food preservation, and so on. Vegetable oils with trans fats can be heated many times, thus reducing the costs

of pan-fried and deep-fried food. However, that does not mean that these merits can overshadow the negative impact on human health caused by trans fats.

Honourable colleagues have pointed out earlier that trans fats will cause coronary heart disease. A research study by the Harvard University states that if people use vegetable oil in place of trans fats when cooking, there would be about 30 000 less deaths each year caused by coronary heart disease. Apart from causing coronary heart disease, trans fats also have the harms of causing obesity, infertility in women, diabetes, and so on. In view of these numerous harms, should we not ask, "Can the food manufacturers overlook these harms and continue to use trans fats, thereby transferring all the risks to the consumers?"

The most important thing is that consumers have no way to know whether or not food contains any trans fat. They are not making any informed choices at all. The consumption of trans fats under such circumstances causes great health hazards. This shows that the Government has not done anything about such a yawning gap in food risks management.

As a matter of fact, the Government has to date not made its position clear on the health hazards associated with food containing trans fats, nor has it proposed any ways to study into the subject. This is all too disappointing. In Singapore, as a contrast, its Government has disclosed that 17% of its population has a daily intake of trans fats of about 1% of the total calories, which is excessive. Meanwhile, the Singaporean Government has put the trans fats content of 300 kinds of food analysed online for public information.

Let us see what the Hong Kong Government has done. I should ask the Hong Kong Government about that. Now the Secretary is here, can he tell us the percentage of Hong Kong people whose daily intake of trans fats exceeds the safety standard as recommended by the World Health Organization (WHO) as a percentage of total calories? What is the daily intake of trans fats by Hong Kong people as a percentage of total calories? Is the Government aware of it? Can it tell us? Also, what is the percentage of trans fats found in prepackaged and non-packaged food in Hong Kong, like the cakes and bread sold at the bakeries, against the total per capita calories? The last question I wish to ask the Government is: Can the Government inform us of the number of restaurants and food suppliers of non-packaged food in Hong Kong which use trans fats at a

level in excess of the safe intake level as recommended by the WHO? All these questions are actually closely associated with our daily life.

Thus, the pressing task of the Government is to gather more data in this aspect and make the public know about the risks of food containing trans fats. If only this database on food is set up, analyses and risk assessments can be conducted, then both the public and the Government can gain a better understanding of the trans fats intake of Hong Kong people. Hence, the health risks can be identified. Under such circumstances, it would not be necessary to rely on reports compiled by overseas countries or to assess the impact of these foreign reports on Hong Kong.

Apart from that, as Mr Fred LI has said earlier, we expected the Government to submit a food safety labelling law last year to this Council for deliberation, but no such move has been made to date despite the fact that the trades concerned have stood ready since a long time ago. The Government should give serious thoughts to adding trans fats labels in phase one of the food safety labelling work being done. This will make the people know clearly the trans fats content of all packaged food, thereby enjoying the right to choose. The trades are ready for phase one. I think it would not be technically and practically too difficult to add in labels for trans fatty acids in phase one.

Of course, Mr Vincent FANG will point out that there are many technical difficulties and the problem of costs increasing. But I believe the most important thing about implementing the labelling scheme is that the public will be enabled to make better and safer choices. Lastly, the Government should enact laws on that as soon as possible and ban the use of trans fatty acids in certain kinds of food. Food manufacturers must be specifically prohibited from causing harm to the public by using trans fatty acids recklessly in the production of food, cakes and bread.

In the long run, I think the Government, in addition to setting up a database on food safety and including trans fatty acids in phase one of the labelling law, must enact laws as soon as possible, so as to enable Hong Kong people to enjoy the right to make informed choices and better protection of their health.

Madam President, I so submit.

MR TOMMY CHEUNG (in Cantonese): Madam President, trans fats exist naturally in animals to produce subcutaneous fat for protection of their bodies. Subsequently, the food industry managed to process vegetable oils to produce artificial trans fats and use them in food production processes for making foods such as French fries, cakes and snacks, and so on, which have the advantages of being able to withstand high temperature, less perishable, and having a longer storage period.

In recent years, overseas studies reveal that, since trans fat increases low-density lipoprotein (LDL) cholesterol (commonly known as "bad cholesterol") in blood and also reduces high-density lipoprotein (HDL) cholesterol (commonly known as "good cholesterol"), so an excessive intake of it will increase the risks of contracting coronary heart disease.

However, we must make it clear that it is not the sole cause of coronary heart disease. Besides, what the studies had mentioned were problems caused by a long-term and excessive intake of trans fats, instead of any problems that may lead to any immediate fatal danger. It poses a risk that is even lower than that caused by the eating of contaminated food.

According to the World Health Organization, the average daily intake of trans fats should be 1% or below of total energy. In Denmark, it is stipulated that its intake should not exceed 2%, while Canada recommends less than 5%. The regulation of trans fats in the world has just started, so different standards are adopted in different parts of the world. Most countries are just at the stage of making recommendations. As such, how can Hong Kong, with most of its foods imported from other countries, enact legislation in a hurry to mandate listing of trans fats contents on package labels?

Besides, at present, New York City is the only place that has legislated against the use of trans fats in restaurants — may I reiterate it is the New York City, not the state of New York — and also, the legislation will only come into effect in July this year in two phases. So it is a very new attempt. And, in fact, Chicago is only in the course of studying the issue.

The stringent regulation imposed by New York City is largely attributable to the fact that heart diseases are the number one cause of deaths in the city. In 2004, as many as 23 000 persons died of heart diseases in the city, accounting for about 38% of the death toll of 59 213 in that year. About one third of such

persons died of the diseases before they are 75 years of age. Consequently, the city has to introduce some policies to rectify the situation.

With regard to the situation of Hong Kong, 5 000 persons died of heart diseases during the same period, accounting for about 15% of the death toll of the year. On a relative scale, it was not so serious. Hong Kong is a community of Chinese people, whose eating habits are very different from those of Westerners. Our main food is rice, instead of French fries and Western cakes and snacks that contain trans fats.

Why should we follow the practice of one single city, namely New York City, in the world and disregard the local circumstances in Hong Kong to introduce stringent legislative control in a blind attempt of emulating the overseas countries, thus making restaurants as the starting points? Is this fair to the restaurants of Hong Kong?

I often say that the regulation costs will inevitably be related to the prices of food, and over-regulation will make the people have fewer choices in food. The authorities must strike a right balance among legislative regulation, nutrition environment, the protection of public health and the right to know.

It is understood that most of the oils available in the market have been processed and all of them contain trans fats. If a general ban was imposed on the use of trans fats, then only expensive natural olive oil could be sold in the market. However, I have learned from a radio programme that even olive oil, if processed, could also contain trans fats. Do the people want to see this? In fact, the food industry has already started to identify substitutes for trans fats, and food containing trans fats may no longer be popular in a year or two. As such, why should we be in such a great rush to impose an "across-the-board" ban to create market confusion? Therefore, Madam President, I support Mr Vincent FANG's amendment, in that we should conduct proper studies to clearly identify how great the risk artificial trans fats poses to Hong Kong before deciding on the adoption of methods of further regulation.

With regard to the Consumer Council's report on trans fats, the problem is that the Chinese labels of some foods may be misleading as contents of artificial trans fats are not specified; in some cases, there are even discrepancies between the Chinese and English versions of the food labels. This is exactly what happened earlier when oil fish was sold as codfish. The Centre for Food Safety

has the responsibility of providing translation guidelines and standardized translations for such terms as trans fats, vegetable shortening, margarine, codfish and other special terms used in the food industry, which will serve as a source of reference for both members of the industry and the public and help protect the public's right to know.

As a representative of the catering industry, I uphold more than just the interests of members of the industry. Public health is also my primary concern. Besides, the motion affects not only members of the industry, but also other parties such as food importers, and so on, of the food industry.

I think, before we can fully clarify how different ingredients of food affect the human body, we should not act in a hurry and try to impose regulation by way of enacting legislation. Otherwise, it would be a case of disadvantages outweighing the advantages. The process of enacting legislation must be proceeded with in a gradual and orderly manner. We must carefully consult the different parties in order to arrive at solutions that can balance the needs and interests of all stakeholders.

Let us take table salt as an example, Madam President. Excessive consumption of salt may increase the risk of cardiovascular diseases and other illnesses relating to hypertension. Likewise, excessive consumption of alcohol may result in alcoholic intoxication. As such, shall we legislate against their consumption? Protecting public health will always sound convincing enough to win the support of the majority public and the Legislative Council, but if we should go so far as to regulate against foods that do not pose any immediate risks or foods with just very low risks, so much so that it will lead to rising operating costs for food manufacturers, importers, wholesalers and retailers, the increased costs will eventually be passed onto the people. That would be excessive, reckless and unwise indeed.

We should accord top priority to public health, but it is not necessarily essential for us to attain this end by way of enacting legislation. What the Government should do right now is to educate the public on what bad cholesterol is and which kinds of food will increase the risk of becoming ill. In doing so, the people will thus learn to choose and buy healthy foods, and by then the market will adjust itself in response to market demand. I firmly believe that market forces are mightier than the enactment of a single law. I am thankful to Mr Albert CHENG for having moved this motion. Although I do not support his motion, he has enabled more Hong Kong people to learn what trans fat is.

With these remarks, Madam President, I support Mr Vincent FANG's amendment.

MR LEUNG KWOK-HUNG (in Cantonese): I met a reporter outside this Chamber. He asked me whether I knew what trans fat is. I said I did not have too much knowledge of it. Actually I do not know anything about it. Then, he asked me whether I was afraid of trans fat. I said I was not too afraid of it. He asked me why. I said I used to go to fast-food restaurants to have meals because I was not well-off in the past, so I did not care too much about it. With regard to this issue, many similar arguments have been put before the SAR Government. For example, the discussion on whether all genetically modified (GM) foods should be labelled or not had been going on for a long time. Eventually, it was decided that mandatory labelling was not to be implemented because it would lead to escalating costs, or unfairness to the retailers.

I still remember that one of my friends had staged protests in front of a factory (.....seems to be a Nestle factory) on several occasions and was arrested by the police and eventually convicted. The people in the entire world should also do what the relevant groups or this person had done because GM foods are so dangerous. I often asked why avian flu would occur. It is possibly because we have eaten too many bird genes, so when the relevant viruses enter our bodies, they would be identified as "friends" and request admission, then our trouble starts. Of course, I said all this just out of wild guesses. However, the process of genetic modification will lead to all sorts of problems, and it is not subject to any control at the moment.

"Tai Pan" is quite weird indeed in proposing this motion today. He talked about trans fat — I do not know anything about its disadvantages, not even now. But what am I going to say here? In fact, the Government does have the responsibility of responding to certain issues raised by some people in society, particularly when such issues are relevant to public interest. I do not know what the Government will do. But it seems that the Government will make the same remarks as it did in the discussion of GM foods, that is, since all of us do not know the harms of these things, we should not make any sweeping judgement before we have arrived at any conclusion; there are different standards in different parts of the world; or it will cause inconvenience to business operators and retailers. Such logic does not hold water. On this issue, if a Member has proposed a motion on it, the Government should give the public a definite answer or a work schedule.

In order to do well in his election campaign, Mr TSANG has claimed himself to be a pragmatic person. Whatever tasks he can see, nearly all of them can be accomplished by him. But is he "all powerful in words, but powerless in action"? In fact, we can find out the truth just by examining some trivial issues. The so-called "leadership" of a government or the administration capability of a government will have to be verified by whether or not it can make suitable responses. I can predict that the Secretary will say, "We do not know what should be done. So for the time being, we shall not take any actions." The Secretary often has confusion in handling issues such as the malachite green incident. I do not know how he would reply today, but I feel that there is only one principle we should uphold, that is, if trans fat is harmful to the people, the Government should release the relevant information, and tell the people most of the information. And labelling is absolutely indispensable.

Many say that it is not feasible to implement the labelling requirements; it is simply a waste of efforts. However, in order to promote bargain products, supermarkets often put labels on their products. Buy a can of milk powder and you can get a box of washing powder for free, or the other way round, buy a box of washing powder and you can get a can of milk powder for free. Things like this happen all the time. If the Government really proceeds with enacting such legislation to make labelling of all foods mandatory for the alleged purpose of safeguarding the health of the people, who says this cannot be done? I have seen lots of concrete examples of commercial competition — when Coca Cola gives away free gifts to its customers, Pepsi Cola will follow suit. They often change the packages of their products. Many people advise me not to act on impulse on this issue. The first question is: Will you comply with labelling? I am a smoker myself. Now, smoking is not allowed even in the public areas of housing estates. However, if the Government knows that a certain product is harmful to everyone, will it take actions? This will be a litmus test. In the past, on issues such as oil fish, GM foods as well as the goods shelves in supermarkets which we discussed today, the Government is basically powerless in law enforcement when dealing with large corporations such as the Wellcome and the Park'n Shop. I can see that the Government has been very tough in enforcing laws against ordinary hawkers, to the extent of even arresting all of them. But with regard to telecommunications companies which are large consortia, the Government says that, subject to the restrictions of the ordinances concerned, it cannot arrest their people even though they also cause obstruction on the streets in the same way as the hawkers do. This is bias in favour of the

large consortia. This is also a problem faced by us in Hong Kong today, that is, the fact that the Chief Executive is elected by only 800 people. All these 800 people are rich people. They would demand spoils from TSANG, who has to distribute the interests to them. Consequently, issues of concern to the majority of people will be overlooked, but issues of concern to only a handful of people would be exaggerated — as what we have seen in the present pseudo-election of the Chief Executive.

President, I hope that Secretary Dr York CHOW can let us see his leadership, giving us a better answer later on. Thank you.

MR ABRAHAM SHEK: Madam President, I speak as a victim of probably excessive intake of food containing trans fats, resulting in four angioplasty operations, commonly known as balloon operation. I do not wish this to happen to any of my friends or enemies, if I have any.

The weakness of our much-criticized food labelling system was exposed once again after the latest Consumer Council study showed that some packaged bakery products contained unhealthy man-made trans fats, but manufacturers failed to state that in the labelling. The Council has found that fast-food and bakery products contain trans fats. These artificial substances have been commonly found in deep-fried food, chips, cakes, cookies, pies, bread and packaged snack food. I hope our students would not be over-tempted by these types of food.

Trans fats are made when food manufacturers add hydrogen to plant oil in a process called hydrogenation, which is generally used to increase the shelf life and flavour stability of food. As the United States Food and Drug Administration has warned, even relatively low level of trans fats intake can be associated with high risk of cardiovascular diseases. There is considerable scientific evidence that the consumption of trans fats raises low-density lipoprotein or "bad cholesterol" level, which leads to a higher risk of coronary heart disease. This is partly because our bodies are unable to break down these artificial fats. Look at me and you will know.

Consumers have a right to know what they are eating, and at no point should citizens' health be jeopardized. Safeguarding public health has to be a top priority among health officials, particularly, the present Administration

spends substantial amount of money every year on protecting our health. Currently, there is no requirement that the trans fats contents in food must be listed on package labels. However, this may be a good time to change, especially since our health officials are set to introduce a mandatory nutritional labelling scheme requiring all packaged food items to state the amount of calories, protein, saturated fats and other core nutrients.

By strengthening the existing labelling regulation to ensure that every food item and its ingredients are clearly marked, consumers can make healthier food choices. Therefore, I strongly urge our health officials to work with the food manufacturing industry to achieve a consensus that the amounts of saturated fats, mono-unsaturated fats, polyunsaturated fats and cholesterol would be listed on the labels of packaged food, upon the full implementation of the mandatory nutritional labelling scheme.

To protect consumers' health, I believe our health officials should encourage local food manufacturers and restaurants to voluntarily eliminate chemically modified substances from their products and establish trans fats-free product lines. Leading fast-food chain, the McDonald's Corporation, has decided to switch to a trans fats-free cooking oil to protect their customers. Others should follow their example. There is no reason why local restaurants should not follow suit to protect the greater good.

Madam President, our health department should strive to develop greater public awareness of nutritional issues by assuming the role as the initiator in boosting education and resources about nutrition. The Central Health Education Unit of the Department of Health must be dedicated to promoting healthy dietary habits in the community. Poor dietary habits and physical inactivity are proven to contribute to substantial increases in cardiovascular diseases, which is the second leading cause of death in the city.

A healthy lifestyle can be maintained by eating nutritious food, and by balancing calorie intake with an appropriate amount of physical activity. To reduce intake of naturally occurring trans fats, consumers can choose skimmed and fat-free milk and yogurts and reduced-fat cheeses, and look for margarines and other food products which are low in trans fats or trans fats-free. Consumers should avoid food which contains shortening or hydrogenated oil as one of the main ingredients.

Many western countries are now acting to limit the use of these artificial fats, or at the very least, to provide better labelling for them. Denmark has introduced legislation to prescribe a maximum level of trans fats in food, thereby largely eliminating industrial trans fats from all food. New York has become the first American city to ban artery-clogging artificial trans fats at restaurants. I will be very happy to go to New York to eat. Our health officials must carefully study the international practices before introducing legislation to prescribe a permissible maximum level of man-made trans fats for all imported and locally produced food. Legislation is needed and is needed fast, but more importantly, it must be a good and practical piece which could save the lives of our citizens, particularly those who are ageing.

With these words, I support the original motion and the amendments.

MR LEUNG YIU-CHUNG (in Cantonese): President, just now a radio station reporter asked me whether I knew what trans fat is. I believe later on he would release his findings on, among Members present, the number of Members who really know what trans fat is — and I am one of the Members who know nothing about trans fat. However, President, although I do not know anything about trans fat, I am still grateful to Mr Albert CHENG for moving this motion. Although Dr Joseph LEE had moved a similar motion in 2005, trans fat only constituted a small part of that motion and was insignificant in the overall motion. For this reason, that motion had not aroused our attention.

However, this time around, Mr Albert CHENG has made trans fat the main theme of the motion. I find this very good, as it can turn the subject into an issue of concern to the media. For example, as I have said just now, the media workers would really go ahead conducting a survey, and some reporters have even interviewed us just now. Such publicity is very good. Originally, I knew nothing about this, but now it has made me start learning something about it. Earlier on, I deliberately refrained from leaving this Chamber, so as to listen to other Members such as Dr Joseph LEE and Dr KWOK Ka-ki who explained what trans fat was. I have really learned a lot. President, I hope our discussion in this Chamber today can be extended to the entire community, so as to enable the people to understand what trans fat is all about and how serious the impact trans fat can have on our bodies. I called up my son just now to tell him not to eat such foods as potato chips, and so on. I hope parents can explain to

their children that it is better for them to stay away from foods like potato chips and French fries, and so on. If it is not possible to completely refrain from eating such food, at least they should eat such food less. Our work in this aspect can really convey a good message to the people.

President, although I have commended Mr Albert CHENG and Dr Joseph LEE, and so on, I cannot help feeling regretful about something. I am not feeling regretful about the Members. Instead, I feel sorry for our Government. Why? Because everything is like what happened in our Spring Reception Dinner — the roles of the officials and the Members are swapped. Why do I feel regretful? It is because the role should not be played by them, not us Members. The publicity and education work should be done by the Secretary. But why has the Secretary now sat back and relaxed, and left all the work to us, Members? The roles played by the two sides have been swapped. This makes me very regretful.

Mr Abraham SHEK said earlier that he was a sample victim whom everyone can see. I do not know whether he had any knowledge of trans fat before today. If he did not have any knowledge of trans fat, I believe the responsibility does not rest with the people because we really do not have any knowledge about this. A couple of days ago, I asked my colleagues what we were supposed to say in the discussion of this motion subject. I had even made mistakes when I read the title of the motion. What is trans fat? What is trans fat all about? We really did not have such knowledge, nor do we have the capability to learn knowledge of it. Therefore, we should have a person or an organization to tell us, and such an organization should be none other than the Government. Unfortunately, the Government has not done the work in this regard. In addition, it tries to play down the problem. That is why I am shocked. President, why did I say so? If Members have noticed it, Mr Albert CHENG already showed concern for this issue as early as the beginning (January) of this year. He raised a question to the Secretary to inquire of the relationship between trans fats and cardiovascular disease. But to our surprise, the Secretary played down the significance of the problem by saying that cardiovascular diseases could be caused by many different factors, as alleged by Mr Tommy CHEUNG, and that we should not attribute the diseases to only one single factor. For example, causes leading to cardiovascular diseases include smoking, insufficient exercise or long-term stress. In this way, the Secretary played down the problem on the one hand, and diverted the problem on the other.

He has not seriously faced the fact that trans fat is also a cause of the disease. Of course, as challenged by Mr Tommy CHEUNG earlier on, investigations are being conducted to determine whether it is the main cause of such diseases.

President, it does not matter whether or not trans fat is the main cause. As long as it can cause the diseases, we must pay close attention to it and the Government should also have the responsibility to tell the people about it. But unfortunately, the Secretary has not adopted this course of action. Instead, he has informed the people of the problem in most indirect manner, or he has even played down the problem. What kind of a Secretary is he actually? What kind of organization is this government actually? What kind of undertakings they have made to help the people to safeguard their health? President, in this regard, I really have too many question marks over my head. Therefore, I feel that the current situation really cannot match our requirements in this day and age.

As a matter of fact, very often, people will say that cardiovascular diseases are urban diseases. But in fact, it is not as simple as that. A modern city does generate a lot of problems. But in the course of modernization, if assistance from the Government is not forthcoming, the people will absolutely be unable to catch up with the trend. Hence, the Government does have a very significant responsibility. But surprisingly, the Government has ignored this issue altogether. As it has ignored this issue, many non-government organizations take this up and keep doing work in this aspect. For example, we can see that the Consumer Council has taken the initiative to examine some food samples to study their trans fat contents. They did work in this area. Some non-government organizations even discovered — Mr Tommy CHEUNG also agreed with this earlier on — that there were cases in which the Chinese and English descriptions contained in the food labels do not tally. They can be misleading to the people. But to our surprise, the Secretary adopts a couldn't-care-less attitude and tolerates their existence.

Mr Fred LI said very clearly earlier on that the labelling legislation should have been tabled to the Legislative Council for discussion, but now it has been delayed. What is more, after exerting much pressure for an answer, we finally found out that it would not be tabled to the Legislative Council until the 2007-2008 Session. But we still cannot be certain whether this would really happen. With such a passive attitude, how can the Government make others feel that it is really concerned about the health of the people? We must raise doubts about this. While raising doubts, we must also ask the Government how

it will proceed with the work in this aspect. Last time, when the Government replied the question raised by Mr Albert CHENG, it only gave a very simple reply, that is, Hong Kong did not have any plan to follow the example of New York and prohibit the use of trans fat in local restaurants, but the Centre for Food Safety would closely monitor the latest international developments regarding the regulation of trans fat. President, what does this mean? What will it do next after monitoring the developments? Does it mean that we can just sit back and do nothing and then everything will be fine? I think such an attitude is not just passive, but it also seems to be a wait-and-see attitude. I cannot see that the Government has displayed any earnestness in this regard. This really makes me feel gravely concerned.

When Mr Tommy CHEUNG delivered his speech, he said the foods consumed by the Chinese are very different from those consumed by the Western people; as such, it was not necessary to enact any legislation for the purpose. Since the foods are different, what sort of problems will arise even if we do enact legislation? Right? However, the Secretary simply ignores it, opts not to discuss it and does not go ahead to clarify the misunderstandings involved. He does not make any remarks unpleasant to our ears. He only tells us that he is monitoring the problem and he will tell us what he thinks in future. However, what does "future" mean? He does not tell us anything about this. As he adopts such an approach, how can we put our mind at ease? (*The buzzer sounded*)

For all these reasons, President, I shall be supporting Mr Albert CHENG's original motion.

PRESIDENT (in Cantonese): Speaking time is up. Please sit down.

MR WONG KWOK-HING (in Cantonese): Madam President, heart disease is the number two killer disease in Hong Kong, second only to cancer; whereas coronary heart disease is the most deadly one among all kinds of heart diseases in terms of the number of people it kills.

Coronary heart disease is caused by the accumulation of cholesterol on the inner wall of the coronary artery, resulting in the narrowing of the inner tract or even a complete blockage of the artery, which is commonly known as "clogged

sewer" to the average man in the street. In recent years, there is a trend of more and more young people dying of coronary heart disease, which probably has something to do with our living and eating habits. As a matter of fact, apart from coronary heart disease, more and more young people have also become victims of a host of other diseases that are related to our living and eating habits. Warnings are coming our way all the time. We all start attaching great significance to healthier diets and ways of living, and we are extremely concerned about the production methods of foods and their ingredients.

Trans fat is a substance that has triggered a lot of discussions. Trans fat damages and reduces the amount of good cholesterol while increasing the amount of bad cholesterol within the human body, thereby increasing the risk of cardiovascular disease. It has been revealed in certain research studies that a daily intake of 5 g of trans fats increases the incidence rate of heart disease by 25%, which is quite alarming. When compared to ordinary saturated fats, trans fat is even more harmful to the human body. Trans fat is widely used in the food manufacturing industry because it is more inexpensive and less perishable when compared with non-saturated fats; it can be stored for a longer period of time, and it can withstand high temperatures. Trans fat is commonly used for making biscuits, bread, cakes or other deep-fried foods, such as fried chicken and French fries, and so on.

Denmark enacted legislation in 2003 to prescribe that the permissible maximum level of trans fat in food must be restricted to within 2%. New York passed a law last year to the effect that starting from 1 July 2007, all restaurants in the city of New York must cease using cooking oils and shortening containing trans fat. And with effect from 1 July 2008, a comprehensive ban on the sale of food containing trans fat will come into effect. Chicago is also considering enacting legislation similar to that of New York. In Singapore, the Health Promotion Board has been contacting members of the industry since 2004 to encourage them to use less trans fats. Although the Singaporean Government has stated that it will not require food manufacturers mandatorily to list trans fats contents on the nutrition labels, local food manufacturers and retailers are working voluntarily in this direction.

However, the people of Hong Kong probably know very little or even nothing about trans fats. Many people may have got the wrong idea all along like I do, in that we wrongly believed that vegetable oil was a healthier substitute

for animal oil, and we were totally unaware of the fact that trans fats do exist in various types of vegetable oil. Madam President, I think it is very meaningful that Mr Albert CHENG has moved this motion today. I have to thank Mr CHENG, because I have been consuming vegetable oil unsuspectingly for more than 10 years. At first, I was advised not to eat too much butter because of its high cholesterol content, so I switched to vegetable oil. Having been eating vegetable oil for more than 10 years, it turns out that the trans fats in vegetable oil will increase the level of bad cholesterol within our body substantially, and, in this way, I have been consuming it for more than 10 years unsuspectingly. Therefore, I am very thankful to Mr CHENG for moving this excellent motion. Hence, I feel that the Government has a responsibility to provide the public with more knowledge of matters of public health and to enhance their understanding of trans fats. Meanwhile, we must ensure that consumers can enjoy the right to know and the right to choose. They must not make the same mistake as I did in assuming they were eating healthy food that actually had adverse effect on their health.

The Administration must step up publicity and education campaigns to heighten public awareness of these harmful substances. If the Government fails to do this, then it is apparently a dereliction of duty on its part.

If we choose to follow the examples of Denmark and New York to ban the use of trans fats in restaurants, I believe the catering industry would be affected to a certain extent. The industry worries that the substitutes might affect the tastes of food and add to their costs. However, if we think about it in greater depth, public health is of paramount importance. Moreover, according to the experience of Denmark, consumers have not noticed any changes in the tastes of food since the imposition of restriction on trans fats. Therefore, members of the industry should not worry excessively. In fact, while a ban is imposed by means of legislation, other supporting measures could be carried out, such as helping members of the industry to identify substitute materials, and so on, so that they can better adapt to a new mode of cooking.

Just now Mr Tommy CHEUNG said in his speech that the decision should be left to the market, but I think that is an irresponsible proposition. What is the responsibility of the Government then? What is the role of the Government? I believe the Government must not just look on with folded arms. I believe, in addition to imposing a general ban, the Administration may introduce some incentive measures as well. A feasible method is to allow food manufactures or

retailers to advertise food labelling of trans fat-free or trans fat-light claims. Since the Administration has indicated that a nutrition labelling scheme will be implemented, this is high time it included trans fat as an item to be listed to enable the public to choose healthy food in an informed manner.

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

PRESIDENT (in Cantonese): Speaking time is up.

MR WONG TING-KWONG (in Cantonese): Madam President, just now many Members have spoken on trans fats and I am not going to repeat their points. The original motion moved by Mr Albert CHENG today requests the Government "to prescribe the permissible maximum level of trans fats for all imported and locally produced food". Denmark was the first country that regulated the trans fats contents in food. In the United States, with effect from January 2006, the trans fats contents in all prepackaged foods must be listed in the package labels. In the United Kingdom, it is stipulated that all prepackaged foods with hydrogenated vegetable oils must state clearly in the ingredients table that they do not contain any trans fats. The food manufacturers and restaurant owners in Hong Kong are most concerned about and fully understand that Hong Kong people are very keen on pursuing a healthy food culture and this is the latest trend in Hong Kong, and it is irreversible. However, the countries mentioned just now do not have any uniform standards in regulating the trans fats contents in food, and they may also have different methods of regulation. Therefore, it is necessary for the Administration to make reference to the practices adopted in the international community as well as the suggestions made by international health organizations. In addition, the Administration should also consult the industry in order to reach a consensus in setting a reasonable standard content and specifying explicit regulatory and handling methods, thus enabling the industry to take up the responsibility of safeguarding the food safety of consumers. Moreover, the industry can also have a standard for compliance. Otherwise, the industry will be at a loss as to what to do.

Besides, the original motion also urges the SAR Government "to expeditiously legislate against the use of artificial trans fats in food production in local restaurants". At present, it has not become a matter of great concern in

Asia to legislate on trans fats. In Taiwan, the Health Ministry is studying the requirements for stating the trans fats contents in the labels of food. A decision on this issue will not be made until the middle of this year. At present, fast-food restaurants are only advised to use cooking oils with less trans fats contents. In Singapore, a voluntary labelling scheme is implemented and the names of several hundred items of foods containing trans fats have been uploaded onto the Internet for the reference of the people. Both governments have not adopted legislative initiatives in handling the issue regarding the use of trans fats.

However, New York City in the United States has acted as the forerunner in this issue. With effect from July this year, it has legislated against cooking with trans fats in all restaurants in New York City; the ceiling tolerance level of trans fats per serving is 0.5 g, and there is a grace period of three months. By July next year, no trans fats can be used in all doughnut shops, bakeries and cake shops, with the exception of meats and dairy products containing natural trans fats. Many international catering groups have also taken some voluntary initiatives. Restaurants such as the McDonald's, the Kentucky Fried Chicken, the Wendy's and the Starbucks, and so on, have gradually reduced the use of cooking oils containing trans fats in the preparation of their foods. All these are mega catering groups with great financial strength and considerable market shares. We think that, as long as they have the determination, they will not meet too many difficulties in implementing the relevant policies.

However, for the ordinary restaurants in Hong Kong, it may not be easy to make the changes overnight in view of their smaller scale. As I have said just now, since foods cooked with trans fats are more tasty, artificial cooking oils containing trans fats are used in the production of cakes, bread, cookies, French fries, sandwiches and pizzas and, in particular, dim sums in Chinese restaurants. It would not be easy for us to identify substitutes. In addition, there are also the worries that foods produced without trans fats might taste differently when compared with those produced in the past and the operators are uncertain whether the customers would accept the new foods. Therefore, if the SAR Government decides to enact laws to regulate trans fats, the authorities concerned should act with a compassionate mindset in coping with the industry needs, and they should first evaluate the impact on the industry brought about by the ban of cooking oils with trans fats. In addition, the authorities should also provide more relevant information to the industry, so as to assist the operators in identifying substitutes. The Government should also learn from the experience

of other countries, so as to implement the regulatory measures in an orderly manner; provide a grace period to the industry; and introduce practicable methods. I believe all these measures are helpful to the Government in implementing the relevant policies smoothly, thereby realizing the aspiration of safeguarding the health of the people.

Madam President, I so submit.

MR BERNARD CHAN: Madam President, around two weeks ago, the Consumer Council reported misleading labelling in Chinese of many food containing trans fats.

I find this very worrying. The level of fat generally found in our diet has doubled in the last generation, from around 15% to 30%. The younger generation in particular, eating their hamburgers and doughnuts, are experiencing rising levels of cholesterol. Heart disease is already rising. As a matter of fact, talking about cholesterol, I just came back from my medical trip last week from Cleveland, and I was shocked to find out from my doctor that my level of cholesterol is considered high. In fact, it is not high, it is 185. I was told that it is right below the average. But apparently, by today's standard, the doctor said the level should be even lower. Therefore, he is already advising that I should take Lipitor. He was saying this to someone whom I thought was generally very healthy. So, it is pretty alarming. How much do we actually know about how healthy one should be?

Anyway, people need to be better educated about the dangers posed by certain types of fat, and by other unhealthy food. But even when they are aware of the risks, how can they reduce their intake if the labels do not give an accurate account of the ingredients?

Many people, especially in the food, retail and restaurant industries, will probably oppose the idea of a law to cut down on the use of artificial trans fats. It may be that this issue will divide this Council and the community in the same way as the ban on smoking in the workplace.

At the end of the day, we have to see this as a health issue. One elected official in New York compared trans fats with lead in paint. They are invisible,

but they are also extremely dangerous. The cost in terms of health care ultimately falls on taxpayers, so the Government does have a right to intervene here.

In the coming year and a half, it will become illegal in New York City to use more than half a gram of artificial trans fats in a single serving of restaurant food. To give you an idea of what that means, a single serving of French fries can have as much as eight grams. Most health authorities say that the total intake of trans fats per day should be no more than around two grams.

Of course, it is also a question of exercise, weight control, blood pressure and other factors. Trans fats are not the only cause of heart problems, but they do contribute to it. At the very least, we must make sure that people who wish to avoid trans fats are given the labelling they need. Better still, we should look at what New York and other places are doing, and seriously consider doing the same.

One last note, Madam President, I think at the Panel on food matters, that must be a year ago, I took back from the United States some food which manufacturers in Hong Kong produced, and it is interesting to see that for the same brand of instant noodles, one pack was with label and the other was without. Of course, in Hong Kong, the pack is without proper description of the ingredients, but for the pack I brought back from the United States, as it is necessary to fulfil their requirements in standards, you will be surprised to see how much they disclose. It is quite frightening after you found out the level of saturated fats contained in the instant noodles. I used to love having instant noodles for snacks or for midnight supper, but as soon as I found out how much saturated fats Of course, sometimes, it is misleading too because you do not know actually what that means. When they put down saturated fats, it scares you. It is also not fair because it does not mean that it is unhealthy. But I suppose at the end of the day, it lies with consumer education. It is up to the consumers to decide whether they think it is actually okay for them to take it or not. It is something, I think, of consumers' rights, and I think consumers deserve to have the transparency and the knowledge about what they are eating.

For that, Madam President, thank you.

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

MS AUDREY EU (in Cantonese): President, I am very thankful to Mr Albert CHENG for moving today's motion, "Legislating against the use of artificial trans fats in food production". The Civic Party strongly supports both the original motion and Mr Fred LI's amendment. As a matter of fact, trans fats, both artificial and natural, are equally harmful to the human body.

According to a research study published in an authoritative medical journal, *Lancet*, in 2001, a daily intake of 5 g of trans fat increases the risk of ischemic heart disease by 25%.

In fact, it is very easy to have a daily intake of 5 g, as illustrated by a report in today's newspapers. *The Apple Daily* commissioned a laboratory to conduct a random check on 10 different kinds of fast-food available in the market. The findings reveal that a pack of medium-sized French fries at McDonald's and a pack of "Baked Pork Chop with Rice" at Café de Carol contains 2.8 g and 2.05 g of trans fats respectively. Furthermore, *Ming Pao Daily* also tested 12 types of cookies and one type of instant noodle in the market, and all of them were found to contain trans fats. In short, if we have baked pork chop with rice for lunch, French fries for afternoon tea and then a few pieces of cookies, we would have already consumed more than 5 g of trans fats.

Many colleagues have mentioned just now, according to the information provided by the Health, Welfare and Food Bureau, cardiovascular disease is the second leading cause of deaths in Hong Kong. In 2005, 9 302 registered deaths were attributed to cardiovascular diseases, which accounted for 24% of the total registered deaths. Although no statistics are available to show any direct relationship between people who die of cardiovascular diseases and the consumption of food containing trans fats, many studies have shown that trans fats are harmful to the health of human beings.

Earlier on, many colleagues said that they did not know what trans fat was in their speeches. I think maybe ladies would be more concerned about this aspect. A long time ago, some friends had already sent me emails to inform me of this problem. In fact, it is all very simple. If you input the word "trans fats" in Google's search engine, you will find a long list of information for your reference. Therefore, a moment ago, when a reporter asked me what trans fat was, actually I knew the answer, and I even knew what the word "trans" meant.

Just now many Liberal Party Members said that there was no need for exercising supervision; we can simply rely on market forces. In fact, what do market forces rely on? First, they rely on their information. If even the labels are not available, how can the people make use of market forces? The Government has not done enough in terms of publicity. Even among Members, there are some who do not know what trans fat is. So, how can we expect market forces to function properly?

Besides, Mr Vincent FANG explained to us at the very beginning the differences between margarine and butter, and said that margarine is far healthier than butter which has many harmful effects. Frankly speaking, many delicious foods are harmful. Usually the tastier a certain kind of food is, the greater harm it will do to us. If we use this as a litmus test, then many things or items do not have to be banned at all. This explains why we have to ban narcotic drugs or prohibit smoking in public places. The same logic applies. If taking narcotic drugs makes one feel bad, will a person take them? If smoking makes you feel bad, will you smoke anymore? If people go ahead doing such things, they must find them enjoyable and appealing. Therefore, very often, we have to rely on legislation to rectify certain problems through regulation.

In fact, by the same taken, if we input the word "trans fat" in a search engine, a long list of information will be generated to let you know that there are lots of substitutes for trans fats. It is simply not true that we shall not be able to enjoy any fried foods if trans fats are banned altogether. As a matter of fact, trans fats are completely excluded for use in many cooking competitions, that is, some cooking competitions are zero-trans fats. Therefore, this explains why human beings would always move forward and look to the brighter side. We would not act like what we have said today, such as, "it has always been done this way, so let it be and we can just turn a blind eye to it". As Members, very often, we should act with foresight. Even if we cannot do it, we must still urge the Government to enact legislation, to set labelling requirements and to exercise regulatory control. In doing so, we are striving for the benefits of the health of the people.

Earlier on, many colleagues mentioned that many western countries have taken the initiatives in this area, such as banning the use of trans fats in restaurants in New York City. A number of colleagues have also mentioned the case of Denmark, where the sale of food containing trans fats has already been

banned since 2004. A number of other countries are also planning to impose regulation in this area, as mentioned in Mr Albert CHENG's original motion.

Interestingly, President, when we conducted the debate on another motion on VOCs (volatile organic compounds) earlier on, many colleagues said the term VOCs was very hard to pronounce. Secretary Dr Sarah LIAO said in her speech that although nothing was new under the sun, VOCs was in fact discovered in studies only in recent years and eventually we came to realize its impact on the weather of Hong Kong. When we feel that there is intense heat and strong sunlight, haze and smog will be formed easily. For this reason, we must enact legislation to regulate the situation. This is in fact a very good lesson we can learn. I hope in the speech he is going to deliver later on, Secretary Dr York CHOW can explain to us why this matter has been delayed for such a long period of time.

Actually, and frankly speaking, Mr Fred LI has delivered a very vivid speech just now. He told us that this is not the first time for this Council to hold a debate on this subject. The same subject was debated in this Council in the past, and the Government has agreed to table a bill on food and nutrition labelling. However, what is the reason for the delay? In fact, when it comes to food safety, we have really failed to satisfy the demands of the people. Whenever we hear any announcements from the Centre for Food Safety, our reaction would be: Some foods are found to be unsafe again, such as the problem with oil fish and cod which many Members mentioned today.

For all these reasons, I very much hope that, instead of always judging matters purely from a commercial perspective, our friends from the Liberal Party can be more forward-looking when they are examining issues like this one. After all, your products will be consumed by the customers, and their health should be part of your concern. Therefore, I very much hope that the Secretary can respond to this issue promptly. Actually a consensus has already been formed in this Council, and it is hoped that the Government can make more efforts on the issue of food and nutrition labelling, so as to allow market forces to function properly. This is also an issue that the Consumer Council has been discussing for quite some time.

Here, I would like to thank Mr Albert CHENG and Mr Fred LI for proposing the original motion and the amendment respectively. The Civic Party is supportive. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I shall now call on Mr Albert CHENG to speak on the two amendments. You have up to five minutes to speak.

MR ALBERT CHENG (in Cantonese): Totally 15 Members, including me, have spoken. Those who have reservations about my motion or who are opposed to it include Mr Vincent FANG and Mr Tommy CHEUNG of the Liberal Party. Mr WONG Ting-kwong did not state his position when he spoke, but he now says that he will render his support. I must really thank him because just moments ago, he still appeared rather hesitant. However, I have to tell Mr WONG Ting-kwong that actually, New York City already passed a law in December, only that it will not commence until July. Mr Tommy CHEUNG remarked that New York City was the only example. No, New York City is not the only example. In the United States, besides New York City, Philadelphia, Chicago and also Massachusetts have all passed legislation on forbidding restaurants to use artificial trans fats for making foods. Actually, the United States is not the only example. There is also the United Kingdom, and Members have mentioned Denmark and Canada.

President, actually, I already raised this issue as early as January this year when I asked an oral question, but the Secretary's reply at that time was really disappointing; not only this, it also showed dereliction of duty on his part. The reason is that the position he adopted on this issue as a medical doctor, as a respectable medical practitioner, and as a Bureau Director responsible for the health of Hong Kong people was neither firm nor correct. This explains why I have to raise the issue again by moving a motion.

As for Mr Tommy CHEUNG, his remarks remind me of the colloquialism: a drumstick can soften one's position. He said that he must praise me and thank me. But I do not know why he should thank me. I suspect that his drumstick is from a fast-food shop, full of trans fat after deep frying. I am not going to eat it, so my position will not soften. Tommy CHEUNG really ran out of sound arguments. He even resorted to the translation problems as an excuse for opposing the motion. I am really puzzled, because he even said that nutrition labelling should not be introduced due to translation problems.

The second regrettable thing is I hope that it was just a slip of his tongue, or that he simply did not mean what he said. He said that not many people had died because of the problem, and that New York City had to enact legislation just because several dozen thousand people had died. Since only several thousand people in Hong Kong had died, so I heard, it was no big deal. I hope Tommy CHEUNG did not mean it. I also hope that he can think about the whole issue carefully. Even one death is too many.

I really cannot understand the main reason for their opposition because my motion and Mr Fred LI's amendment are both very straightforward. They both urge the Government to pay attention to the problem and explore the possibility of enacting legislation. Besides, as I have frequently said, what we are dealing with is just a motion with no legislative effect. So, what can possibly happen even if the motion is passed? We are just asking the Government to make more efforts. We only want the Government to know that Legislative Council Members have reached a consensus. We just want to fight for the people's well-being and ask the Government to squarely address the problem. Do they mean that we should not do all this?

The second point is about the right to know. It is just a nutrition label, and it is no big deal anyway. If people insist on selling such food products, we should let the market decide. Why should we let the market decide? The reason is simple. Foodstuffs with trans fat are tasty. They can be stored for longer periods. Their appearances are good. And, most importantly, the costs are low. It really does not matter. Business operators want to make money, but they must not ignore human lives. There is also the point that the aim of introducing nutrition labelling is just to let us know the ingredients. After knowing what the ingredients are, we may decide not to eat them. The example cited by Mr Bernard CHAN is a very good one. I did have such an experience, and that happened a very time ago. In the United States and Canada, even foodstuffs like instant noodles, Vitasoy and oyster sauce must carry clear labels. And, Canada is real serious, for all the labels are written in English, French and Chinese. Why do they always say that our market is too small? The oyster sauce market is smaller than that in Hong Kong, isn't it? They say that the Hong Kong market is small, but the Singapore market is also small, isn't? And, we must not forget one point. Why do so many people come to Hong Kong under the Individual Visit Scheme for shopping, and even to buy formula milk? Because they have confidence in Hong Kong, thinking that the Government can do a good job in supervision. They do not realize that

Secretary Dr York CHOW has failed his duty. If our foods are safe to eat, more tourists will come to Hong Kong for our cuisines under the Individual Visit Scheme. How wonderful it will be! I want to tell Members that I often go to Shenzhen, but I do not dare to eat anything there, because I am afraid of adulterated foods. I do not even dare to eat any soy sauce. I simply do not dare to eat anything there. So, every time, I come back without eating anything there. Therefore, I think that first, human lives are most important; and, second, money is the cause of all problems.

Mr Tommy CHEUNG also said that Hong Kong people must attach importance to healthy diets and traditional culture, and that people who eat Chinese cuisine will live longer — well, this was roughly what he said. Tommy CHEUNG, even if your sole concern is really the interests of the industry, you must still realize that our traditional Chinese cuisine has already been eroded by the Western fast-food culture. Therefore, I very much hope that Members will not oppose the motion just because it is moved by me, a Member belonging to the opposition. I think that for our own health, for the health of our children and the general public, Members should support my motion and Mr Fred LI's amendment. I so submit. Thank you, President.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, I must first clarify that the opposition bears no relevance to trans fats. *(Laughter)*

The SAR Government has always supported food safety and sought to promote the cause, with a view to protecting public health. For this reason, it proposed the Labelling Scheme on Nutrition Information to the Legislative Council in 2005. The proposed scheme aims to help consumers choose wholesome food, encourage food manufacturers to make healthy foods that can meet the nutrition labelling standards and regulate misleading or deceptive nutrition information labels and claims.

Having considered the circumstances in Hong Kong, we now propose to introduce a Labelling Scheme on Nutrition Information in Hong Kong. In regard to trans fats, we propose that any prepackaged foods with claims relating to fat or cholesterol must carry a label displaying the contents of saturated fat, monounsaturated fat, polyunsaturated fat, trans fat and cholesterol, and such foods must also meet the relevant requirements.

Trans fat is the common name for trans isomer fatty acid, a type of unsaturated fatty acid that contains at least one trans double bond. Certain natural foodstuffs (such as beef and some dairy products) also contain trace amounts of trans fat. But trans fats are mostly present in processed foods. As vegetable oil solidifies after the process of hydrogenation, the quantity of trans fat will increase. Food manufacturers like to use hydrogenated vegetable fat or oil basically because of its properties of longer shelf life, tolerance of higher temperatures and easy storage and transportation. The foodstuffs thus made are also better in terms of taste and body. Dietary trans fats mostly come from hydrogenated vegetable oils such as shortening and margarine, which are commonly used for making fried foods, salad dressings, non-dairy milk powder and bakery products such as biscuits, cookies, cakes, pizzas, French fries and potato chips. Fried food and bakery products with hydrogenated vegetable oil/partially hydrogenated vegetable oil or those which are made by adding hydrogenated vegetable oil/partially hydrogenated vegetable oil in the process may all contain trans fat.

Trans fat and saturated fat produce a similar impact on human health. They both increase the level of low density lipoprotein ("bad" cholesterol). But trans fat will in addition reduce the level of high density lipoprotein ("good" cholesterol). The intake of excessive trans fat may lead to thrombosis and increase the risk of coronary heart disease and stroke. In 2006, the *New England Journal of Medicine*, an authoritative medical periodical in the world, published the findings of an integrated study covering a sample of nearly 1.4 million people. According to the findings, the intake of an additional 2% of energy from trans fat may increase the risk of coronary heart disease by 23%. But I must add that we must of course consider other risk factors such as the consumption of high-fat food, smoking and the lack of exercise. These are all other risk factors. In 2005, the World Health Organization published a document entitled "Avoiding Heart attacks and Strokes", in which it is pointed out that saturated fat and trans fat will lead to the formation of "bad" cholesterol in blood, thus increasing the risk of heart attacks. Besides, the Food and Nutrition Board under the Institute of Medicine in the United States has also published the "Letter Report on Dietary Reference Intakes for Trans Fatty Acids", in which it is pointed out that increasing the intake of trans fat will increase the concentration of cholesterol and low density lipoprotein, thus increasing the risk of coronary heart disease.

Both natural and artificial trans fats may lead to coronary artery disease. They do not have any nutritional value. However, the quantities of natural

trans fat in foodstuffs are usually very small. Normal intakes will not constitute any risks.

Last month, the Consumer Council announced that it had conducted a random survey on the labels of prepackaged bread and biscuits. It was discovered that margarine or vegetable shortening was used as an ingredient of most surveyed samples, and they might thus contain trans fat. Fifteen of the samples might be in contravention of the food labelling laws since their Chinese and English labels were inconsistent and might mislead consumers. The Centre for Food Safety (CFS) is currently following up the matter and studying whether there is sufficient evidence that justifies further actions.

I also wish to talk about other countries in the world. The United States National Academy of Sciences (NAS) advises the United States and Canadian Governments on the application of nutritional science in public policies and product labelling schemes. In 2002, the NAS published the "Dietary Reference Intakes for Energy, Carbohydrates, Fiber, Fat, Protein and Amino Acids (Macronutrients)", and set out the research findings and recommendations on the health impacts of trans fat intakes. The NAS recommends that people should eat as little trans fat as possible while maintaining a diet adequate in other essential nutrients. In 2003, in order to strike a balance between the protection of public health and the need for prescribing a practicable level of trans fat intake, the World Health Organization recommended the level of daily trans fat intake at less than 1% of the total daily energy intake.

Since trans fat affects the health of the heart, Denmark, for example, started to require in 2003 that every 100 g of oil or fat (whether used in processing food) shall contain no more than 2 g of artificial trans fat. As mentioned by some Members just now, the Board of Health under the New York City Department of Health and Mental Hygiene requires that starting from July 2007, restaurants must make sure that with the exception of oils and shortening used to deep fry yeast dough and cake batter, all oils, shortening and margarine containing artificial trans fat used for frying or for spreads have less than 0.5 g of trans fat per serving. And, with effect from July 2008, all foods must have less than 0.5 g of trans fat per serving if they have any artificial trans fat. Packaged foods served in the manufacturer's original packaging are exempt.

Currently, according to the nutrition labelling requirements of the Codex Alimentarius Commission, all prepackaged foods with any claims relating to fats

or cholesterol must specify in their labels the contents of saturated fat, monounsaturated fat, polyunsaturated fat and cholesterol. Individual countries may decide for themselves whether to require the labelling of trans fat contents. At present, there is no uniform international practice relating to the indication of trans fat contents in nutrition labels. In some places or countries, this is required, but all our neighbouring countries and places have not adopted such a practice.

Japan and Singapore, for example, are noted for their stringent requirements and standards on food safety and regulation, but when it comes to nutrition labelling, they only require indications of energy and respectively four and seven other core nutrients for prepackaged foods with nutrition claims. Malaysia and Taiwan also only require indications of energy and respectively three and four other core nutrients for special dietary foods and prepackaged foods with nutrition claims. We know that the latest thinking in the Mainland is to impose regulation on energy and three other core nutrients. Nutrition labelling for all foods is to be required only in the second phase. In the first phase, nutrition labelling is to be required only for prepackaged foods with nutrition claims. Since more than 90% of the foodstuffs consumed in Hong Kong are imported, we hold that any nutrition labelling scheme introduced in Hong Kong must be in line with those adopted in neighbouring places and food supplier countries. We will take account of the relevant international practices and also consider whether indications on trans fat in nutrition labels should be required only for foods with fat- and cholesterol-related claims in the first phase. Since it is internationally recognized that trans fat in foods will affect health, we will closely follow the international trend concerned. And, we will draw up our own laws having regard to the international development.

Under the Food and Drugs (Composition and Labelling) Regulations, all product ingredients of prepackaged foods shall be correctly indicated in the ingredient list. We are of the view that when drawing up an ordinance with far-reaching effects, such as a law on nutrition labelling, we must consult all relevant parties very carefully, so as to understand the difficulties faced by the affected trades and industries, and we will also do our best to avoid depriving the public of the right to choose and choices. As a matter of fact, the main approach to the regulation of trans fat in various places of the world is just the indication of quantities. Requirements on the quantities of artificial trans fats in foods are found only in very few places, one example being New York City. And, even such requirements are very recent things, formulated mainly in response to the local dietary culture.

Since there is no common and universally accepted regulatory approach in the world, and also since the Codex Alimentarius Commission has not set down any standards regarding the regulation of artificial trans fat, we consider that the regulation of trans fat should start with studies on international approaches to the regulation of trans fat and also local factors. As mentioned by Dr Joseph LEE just now, these factors include Hong Kong people's lifestyle, diet and nutrient intakes. Before considering whether it is necessary to enact any legislation, we should also find out whether any trans fats are present in foodstuffs unique to Hong Kong, such as dim sum, taro dumplings, fried sesame turnovers and deep-fried dough. However, I must reiterate that we attach very great importance to enabling the public to obtain through different channels information on a healthy diet. We hope that this can help them form a balanced diet and improve their health. As I said at the beginning of my speech, we are making preparations for the enactment of legislation on nutrition labelling. A bill will be tabled before the Legislative Council within this year.

Madam President, we cannot rely solely on legislative regulation to ensure food safety. We will continue with our efforts of public health education. Through various channels, such as the booklets, website and food safety publications of the CFS, we will seek to enhance people's understanding of the various nutrients, including saturated fat and trans fat. Besides, the Department of Health will enhance publicity in schools, with special emphasis on encouraging teenagers to form a healthy diet. Through my speech today, I also hope to give the public some advice on reducing the intake of trans fat.

First, regarding food choices, we encourage the public to maintain a balanced diet, so as to reduce the intake of fat. According to the findings of the research conducted by the Food and Drug Administration and the Department of Agriculture of the United States, fast-foods, bakery products and junk foods all have higher contents of trans fat. Some examples are French fries, apple pies, biscuits, cookies, bread, cakes, doughnuts and microwave popcorns. But I often see these foodstuffs in the Legislative Council. *(Laughter)* The additives used in processing these foods will increase their total contents of fat or saturated fat. Therefore, the public should reduce their consumption of processed foods that contain high contents of artificial trans fat, such as margarine, bakery products (biscuits, cookies, bread and cakes which I mentioned just now), deep-fried foods, other processed foods using hydrogenated vegetable oils or

partially hydrogenated vegetable oils as well as foods with labels indicating the following ingredients: hydrogenated vegetable oil, partially hydrogenated oil, hydrogenated fat, partially hydrogenated fat, vegetable shortening, shortening and margarine.

We also encourage and help the public to understand food labels, so that they can choose foods with no or less trans fat. Besides, in order to further increase people's understanding of the local food culture and help them form a healthy diet, the CFS plans to conduct a series of tests on the trans fats contents of the common foods in the local food culture. These foods include biscuits, cakes and deep-fried foodstuffs.

What is more, the CFS also advises the public that when they cook at home, they should refrain from deep-frying any foods in high temperatures because that this will lead to the formation of trans fat. It is especially important to note that the used oil should not be used for repeated fryings because every time when the oil is reheated, new trans fat will be formed. The Department of Health has always encouraged the public to maintain a balanced diet with less meat but more vegetables, and to use less oil in cooking, so as to reduce intake of fat.

We also propose the catering industry to consider the recommendation of the Trans Fat Task Force of Canada, using oils with high contents of monounsaturated fatty acids instead of any partially hydrogenated vegetable oil. The reason is that the oxidative stability of monounsaturated fatty acids is medium to high, and this can help reduce the total cholesterol/ high density lipoprotein ratio. This means that the proportion of high density lipoprotein ("good" cholesterol) will increase, thus reducing the risk of coronary heart disease.

As a matter of fact, many diseases such as coronary artery disease and fatness are related to dietary and living habits. Balanced diets will help reduce the risk of such diseases. A Member showed me a can of peanut butter just now. I advised him caution because peanut butter contains aflatoxin, and daily consumption of it is not advised. Besides, many causes of coronary artery disease are actually avoidable or can be lessened. This is particularly the case

with lifestyle-related causes like smoking, inadequate exercise and long-term stress as well as health factors such as fatness, hypertension, hyperlipidemia and diabetes. For this reason, the Department of Health earlier on commissioned The Chinese University of Hong Kong to conduct a study on coronary artery health, with a view to gaining an understanding of the coronary artery health of the Hong Kong population, coronary heart disease and other risk factors (such as hyperlipidemia, high glucose and obesity). The findings will be released later this year.

In regard to formulating nutrition labelling requirements, we will strive to balance the needs of all sides and achieve three objectives: (1) helping consumers to choose wholesome foods; (2) encouraging food manufacturers to supply healthy foods that can meet nutrition standards; and (3) reducing misleading or deceptive labels and claims. I hope that the nutrition labelling scheme put forward later can receive the support of the public and the food industry. I also encourage the industry to borrow the practice of other places to provide the public with more options of healthy foods that can meet nutrition standards.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr Fred LI to move his amendment to the motion.

MR FRED LI (in Cantonese): Madam President, I move that Mr Albert CHENG's motion be amended.

Mr Fred LI moved the following amendment: (Translation)

"To add "the health problems caused by trans fats in food have increasingly aroused international concern, and" after "That, as"; to delete "and" after "Hong Kong," and substitute with "with"; to delete "reveals" after "medical research also" and substitute with "revealing"; and to add "expeditiously legislate for the Labelling Scheme on Nutrition Information and, when implementing Phase I of the Scheme," after "and to"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Fred LI to Mr Albert CHENG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Fred LI rose to claim a division.

PRESIDENT (in Cantonese): Mr Fred LI 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.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Ms Margaret NG, Mr Bernard CHAN, Mr SIN Chung-kai, Mr Abraham SHEK, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong and Prof Patrick LAU voted for the amendment.

Mr Howard YOUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the amendment.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Ronny TONG and Mr Albert CHENG voted for the amendment.

Mr Albert CHAN and Mr LEUNG Kwok-hung voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, 13 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 19 were present, 16 were in favour of the amendment and two against it. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): Members have been informed that Mr Vincent FANG Kang will withdraw his amendment if Mr Fred LI's amendment is passed. As this is the case now, Mr Vincent FANG has therefore withdrawn his amendment.

PRESIDENT (in Cantonese): Mr Albert CHENG, you have nine minutes and 40 seconds for your reply.

MR ALBERT CHENG (in Cantonese): In fact, I have already achieved my purpose in moving this motion today. I have gained the support from Members to enable the passage of this motion, so naturally I have attained my goal. But the most important aspect of my purpose lies in education, that is, I have drawn

media attention and elicited discussions among the people. So, let us take the examples of some Members. When they delivered their speeches, they admitted that they knew nothing about trans fats. But now they have changed from "knowing nothing about it" to "knowing something about it and pretending to be some sort of authority". This is very good indeed. (*Laughter*)

I said the Secretary was suspected of dereliction of duty. But apart from this, he has really spoken honestly. He spoke at great length, for nearly 20 minutes, but I could not hear him mention any advantages of trans fats, nor any views opposing the labelling proposal; but he did say we should "take our time" in enacting legislation. I do not know whether "taking our time" means it depends on how many people have died or how many people can be saved. I do not know. However, with regard to labelling, he at least made an undertaking to table the bill to the Legislative Council within this year. May I now extend my thanks to the Secretary for this.

I remember shortly after I was first elected a Member of this Council, I moved my first amendment to a motion on anti-smoking. That was a motion moved by Mr Bernard CHAN and it was carried in this Council. The Secretary followed up what had been left unfinished by Dr YEOH Eng-kiong for a number of years and got it done promptly. Although somebody had tried to sabotage his efforts, the issue was resolved after all. This time, human lives are involved again, and I hope the Secretary can show his great compassion by tabling the bill to this Council within this year. I hope, unlike the anti-smoking bill, there will be no procrastination with this bill, and that it can be passed as quickly as possible, so that at least the people's right to know can be safeguarded, which is most important. From the Secretary to those six Members who have raised their objections, they all know what trans fats are by now. I would even go so far as to assume that they will go home and tell their family members as well as people whom they care and love what not to eat. However, it is not just their relatives, friends and children who should enjoy the right to know, all the people should also enjoy the same right to know. When people spend money, they should know what exactly they are buying. Just as Mr Fred LI has said, although peanut butter is unhealthy, at the very least, one should know that the peanut butter he purchases is healthier than those that contain trans fats. This is most important, and this is the right to know. If I know something is not good, but I still decide to buy it, then that is my problem. However, if I buy something without knowing that it is not good, then this is not right.

The Secretary talked about the case of Canada — I was not aware of that until now, and I should have included that in my speech — so there is a "Trans Fat Authority" after all. It proves that this is an important issue. Buddies, they have formed an authority for this purpose. (*Laughter*) If there is an authority like this in Hong Kong, I would not mind taking its helm, (*laughter*) even if I do not get paid, and that is to say, even if it is on a voluntary basis and even if it is not a government post. The point is, since the situation has become so serious, why do we not legislate against trans fats?

The Secretary said, and this is what many Members often say too, including Members who have raised opposition, in particular Mr Tommy CHEUNG, that as in the case of smoking, there is no evidence to suggest that smoking causes death, just as there is no evidence to suggest that consumption of food containing trans fats will cause death. Only consumption in huge amounts will cause death, whereas consumption in small amounts will not. Then they will say there is no supporting evidence in this respect. However, if we browse the website of the Food and Drug Administration (FDA) of the United States, we can find an article on trans fats published on 9 July 2003. President, let me translate this now. There are seven questions and answers about trans fats that every consumer should know about.

First question is: What are trans fats? This is very straightforward. Trans fats are fats found in food such as vegetable shortening. What kinds of food contain trans fats? Food such as margarines, crackers, candies, baked goods, cookies, snack foods, fried foods, and even salad dressings. Many processed foods also contain trans fats. This is the first question.

The second question is: Why should I care about trans fats? It says it is important to know about trans fats because there is a direct, proven relationship between diets high in trans fats content and bad cholesterol levels and, therefore, an increased risk of coronary heart disease, which is a cause of premature death.

The third question is: Are all fats bad? It says no. But one thing is certain, that trans fats are definitely unhealthy. This is stated very explicitly.

The fourth question is: How much trans fats is too much? It says there is research currently underway to determine this and it is true and accurate to say that the less trans fats consumed the better and trans fats are absolutely bad for us and they are not "essential" to any healthy diet as far as nutrition is concerned. This is stated very clearly and directly.

The fifth question is: How can consumers know if a product contains trans fats? The answer is very straightforward: Read the food labels. It says that ingredients are normally listed in descending order of predominance: Those that are more predominant are listed first, and those that are less predominant are listed in lower order. Generally speaking, since trans fats make up only a small amount — here it is not about how harmful trans fats are, it just refers to the amount — so normally trans fats amounts are present close to the end of the list. This is something we have to understand.

The sixth question is: Do restaurants have to list the trans fats contents of their foods? It says no, but here is a tip from the FDA, it says "no harm trying", meaning one can always ask if trans fats are being used to prepare the food you order. I am afraid it would be a bit difficult for us to do this in Hong Kong. If you ask the waiter what trans fats are, he will tell you he has no idea, but the food is going to taste good.

The final question is: Why is it important to read labels? I believe we can answer this question without consulting the FDA website. By reading the labels, I can tell the composition of the food I consume, and I will know if they are toxic. Therefore, if the Secretary is to get his job done, he has to finish his work on the food labelling bill within this year, which should cover trans fats, so that we can have a yardstick to follow.

I so submit. Thank you, President..... I still have some time left, so I do not have to say "thank you" yet. *(Laughter)* I thought I could only speak for seven minutes. Sorry. I now realize I still have two more minutes left.

I am very happy to see that today's motion can be passed because at least newspapers, radio and television stations will feature discussions on trans fats tomorrow. Although their relatives may not include Legislative Council Members, the Secretary or doctors, at least everyone can gain a genuine understanding of trans fats through this discussion.

President, with regard to labels and markets, I have a lot to say. I need to have the time limit waived before I can express myself fully.

PRESIDENT (in Cantonese): The timer has stopped. Our colleagues are not used to the situation since you have already said "I so submit", but then you

continued speaking. *(Laughter)* The colleagues concerned are working very hard to rectify the timer.

MR ALBERT CHENG (in Cantonese): Two more minutes to go.....still not yet finished. *(Laughter)* We will be "finished" very soon if we eat too much trans fats. *(Laughter)* However, the most important point is, we all know the harms of trans fats, so we must avoid taking this kind of substance by all means. But the most significant issue is the market-oriented problem.

I have cited one example earlier on. Mr Bernard CHAN has also mentioned his experience of buying instant noodles in the United States. According to my own experience, if one goes shopping in the Chinatowns of the United States and Canada, no matter you are buying bottles of oyster sauce, Vitasoy or instant noodles Frankly speaking, their markets are very small. Even for the largest Chinatown, the one in Vancouver, its population is just several hundred thousand people. But they can still have labels in various languages such as French, English and Chinese. So, the small market is not a good excuse.

However, I believe Members would like to see the meeting concluded quickly. I do not want to waste Members' time anymore. President, in fact, I can go on speaking. *(Laughter)*

PRESIDENT (in Cantonese): Your time is nearly up because I did keep an eye on the clock.

MR ALBERT CHENG (in Cantonese): Is the time nearly up? I so submit. Thank you, President. *(Laughter)*

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Albert CHENG, as amended by Mr Fred LI, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG 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.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Ms Margaret NG, Mr Bernard CHAN, Mr SIN Chung-kai, Mr Abraham SHEK, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Prof Patrick LAU and Miss TAM Heung-man voted for the motion as amended.

Mr Howard YOUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG and Mr Jeffrey LAM voted against the motion as amended.

Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU,

Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr LEUNG Kwok-hung, Mr Ronny TONG and Mr Albert CHENG voted for the motion as amended.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 14 were in favour of the motion as amended, five against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present and 18 were in favour of the motion as amended. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion as amended was carried.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 28 March 2007.

Adjourned accordingly at seventeen minutes past Five o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Security to Mr Howard YOUNG's supplementary question to Question 6

At present, the records of obstruction of means of escape kept by the Fire Services Department (FSD) mainly fall under two categories — industrial and non-industrial (including residential and commercial buildings). In the past three years, the number of complaints received, inspections conducted and prosecutions initiated by the FSD relating to obstruction of means of escape are as follows:

Industrial Buildings

	<i>Complaints</i>	<i>Inspections</i>	<i>Prosecutions</i>
2004	481	1 122	10
2005	531	1 292	15
2006	517	1 015	10

Non-industrial Buildings

	<i>Complaints</i>	<i>Inspections</i>	<i>Prosecutions</i>
2004	3 793	10 456	46
2005	4 183	13 070	46
2006	4 404	9 484	44

Currently, the FSD has not separately kept the case and enforcement figures relating to obstruction of means of escape in private residential buildings and shops. Therefore, it is difficult to compare the contravention situation in private residential buildings with that in shops and supermarkets. However, the FSD considers that fire safety in various types of buildings/premises is equally important. With a view to protecting fire safety in these buildings, the FSD will continue to conduct inspections. If any obstruction of means of escape is found, the FSD will take appropriate enforcement actions in accordance with the Fire Services Ordinance (Cap. 95).