

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 20 June 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 JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

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

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

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

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

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

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, J.P.

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

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

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, J.P.

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

THE HONOURABLE WONG YUNG-KAN, J.P.

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

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

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, 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.

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 LEE CHEUK-YAN

THE HONOURABLE LAU CHIN-SHEK, J.P.

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

THE HONOURABLE CHIM PUI-CHUNG

PUBLIC OFFICERS ATTENDING:

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

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

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

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

CLERKS IN ATTENDANCE:

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2007	114/2007
Environmental Impact Assessment (Exemption of Shenzhen Section of the Shenzhen Bay Bridge) Order	115/2007
Declaration of Increase in Pensions Notice 2007	116/2007
Widows and Orphans Pension (Increase) Notice 2007 ...	117/2007
Import and Export (General) Regulations (Amendment of Seventh Schedule) (Liberia) Notice 2007	118/2007
Legal Aid Ordinance — Resolution of the Legislative Council (Commencement) Notice.....	119/2007

Other Paper

No. 96 — Construction Industry Training Authority Annual Report 2006

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Mainland Nurses Receiving Training in Hong Kong Public Hospitals

1. **DR JOSEPH LEE** (in Cantonese): *According to the documents of the Hospital Authority (HA), the HA has been working jointly with the Health*

Department of Guangdong Province to arrange for mainland nurses to receive training and perform clinical nursing work in the public hospitals in Hong Kong. In this connection, will the Government inform this Council whether it knows:

- (a) currently, which public hospitals have commenced the above training of mainland nurses and whether other public hospitals will gradually commence such training; if they will, of the names of the hospitals concerned and the commencement time;*
- (b) whether the HA recoups the necessary expenses from the mainland nurses concerned, and pay them salaries for performing clinical nursing work in the public hospitals in Hong Kong; if so, of the amount involved, and whether the HA will make reference to the usual practice and reimburse the relevant hospital departments using such income or disburse it to the front-line nurses responsible for supervising the relevant clinical nursing training concerned; if the expenses will not be recouped, the reasons for that; and*
- (c) whether the above mainland nurses have obtained the practising certificates in nursing issued by the Nursing Council of Hong Kong; if not, of the reasons for that; whether the authorities concerned have assessed whether such nurses performing clinical nursing work is in compliance with the laws of Hong Kong, whether it will affect the quality of nursing care in public hospitals and solve the problem of shortage of nurses; if they have made such assessments, of the results?*

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

- (a) The HA signed an agreement with the Health Department of Guangdong Province on Guangdong-Hong Kong Nurse Specialist training programme in May this year. Under this training programme, the HA will provide professional training courses for nurses from Guangdong Province, to enhance their knowledge on the role, duties and clinical skills of nurse specialists and improve their management skills through appreciation of the management system of hospitals in Hong Kong. According to the agreement,

the HA will provide training for mainland nurses for four years. The HA will also review annually details of the course arrangement and development.

Starting from the end of June 2007, the Institute of Advanced Nursing Studies under the HA will arrange for the first batch of 120 mainland nurses to receive 10 months of training in three specialties (Intensive Care Unit, Orthopaedics and Operation Theatre Nursing) at eight hospitals, namely, Queen Mary Hospital, Queen Elizabeth Hospital, Kowloon Hospital, Tuen Mun Hospital, North District Hospital, Alice Ho Miu Ling Nethersole Hospital, Prince of Wales Hospital and Tai Po Hospital. At present, the HA has no plan to launch the training programme in other hospitals.

- (b) The HA will collect \$10,000 from each mainland nurse as nurse tuition fee. The relevant income will be allocated to the HA's Institute of Advanced Nursing School and the nursing development departments of relevant hospitals for the purpose of nurse training. The HA will not pay any salaries to the mainland nurses under training, but will offer a monthly study grant of \$5,000 to each of them as a subsidy to their living expenses in Hong Kong.
- (c) The aim of this training programme is to provide training opportunities and clinical placement for mainland nurses, and not to increase the manpower of public hospitals. As the mainland nurses under training in Hong Kong will not provide clinical services independently, the issue of practising certificates therefore does not arise.

In planning for the training programme and arranging clinical placement for nurse trainees in hospitals, the HA will ensure that its services and the work of the front-line nurses will not be affected. In addition to raising the standard of specialist care of the mainland nurses, the training programme will also facilitate exchanges on health care services between Hong Kong and the Mainland.

DR JOSEPH LEE (in Cantonese): *The Secretary stated in the main reply that \$10,000 will be collected from each mainland nurse as nurse tuition fee, but will*

offer each of them a monthly study grant of \$5,000. This sounds pretty strange to me and I wish to ask the Secretary via the President: Is this a loss-making business? How is public money used? While collecting \$10,000 from each of them as nurse tuition fee, the HA, however, offers each of them \$5,000 monthly during the 10-month training period. Hence, the HA has to pay each of them \$50,000 in total. In other words, after deducting the tuition fee collected from them, the HA still has to pay each of them \$40,000. How is public money actually used? Why is it used in this way?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, insofar as the HA's funding is concerned, some \$28 billion of government funding is allocated to the HA every year for use at its discretion. For training, we believe its value cannot be measured against money entirely. Rather, emphasis should be put on the benefits it may bring to the development of the HA's professional training, especially nurse training which Dr LEE has expressed grave concern. This is a more important consideration. As the present decision made by the HA does not involve a large sum of money, we therefore consider it a reasonable arrangement.

MRS SOPHIE LEUNG (in Cantonese): *President, I wish to ask the Secretary about his main reply: Has he considered one of the potential benefits, namely enhancing personal knowledge through teaching? From this angle, have staff of the eight HA hospitals participating in the training programme in particular considered the benefits that may be brought about during the training process? Or, how can we make better use of the process of teaching to update the relevant training in their specialties, with a view to bringing more benefits to themselves and enhancing professional knowledge in the wards?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have read a copy of the relevant agreement and noted that the purpose of this training programme is to strengthen the development of nursing in Hong Kong and the Mainland, and enable both sides to reach a consensus. For the selection of trainees, the decision entirely rests with the HA alone. As far as I understand it, nurse specialists with potentials will be identified and invited to come to Hong Kong for training. This certainly facilitates exchanges between Hong Kong and the Mainland, and enables local

nurses to gain a better understanding of the Mainland's health care system and standard, as well as professional development. Therefore, I believe this is a win-win proposal and we consider it worthy of support.

MR LI KWOK-YING (in Cantonese): *The Secretary advised in the main reply that mainland nurses will receive training in three specialties, namely Intensive Care Unit, Orthopaedics and Operation Theatre Nursing. I know that patients in the intensive care unit are in critical condition, so will the deployment of senior nurses to train those mainland nurses coming to Hong Kong for training cause any impact on the care of patients?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I must say that the intensive care units in all public hospitals territory-wide are training grounds. They serve as desirable training grounds for local, foreign or mainland nurses. The present approach has therefore provided more training opportunities for those specialties without prejudicing the care of patients as additional manpower is made available. Meanwhile, I guess Members should be aware that the number of health care staff is comparatively larger in intensive care units and their professional standard, in particular, has been assessed. Nurse specialists who directly take care of the patients concerned are local staff, so I do not think that it will in any way undermine our medical standard. Instead, it will enhance our knowledge in this respect. It is also hoped that mainland nurse specialists will head for healthy development in future.

MS AUDREY EU (in Cantonese): *President, we will discuss again the shortage of nursing manpower in Hong Kong during the motion debate later on. May I ask the Secretary, in considering this programme, whether he has considered if the mainland nurses coming to Hong Kong for training will deprive local people who are interested in joining the nursing profession of their opportunities to receive suitable training?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, this programme will not affect the training opportunities and development of local nurses, especially when the number of nurses required in

future, which I am going to mention later on, is determined by the development and planning of our scope of service. In respect of the professional development of nurses, I believe Hong Kong has already attained a certain standard. This programme will therefore definitely not affect the future development of nurses of different specialties. Rather, we think that it will bring about positive impact on the development of mainland nurses by raising the medical standard of the Mainland, whereby Hong Kong may gain the Mainland's recognition of our future position, professional status and service standard. To me, this is a win-win situation and will definitely not deprive local nurse trainees and those who wish to join the nursing profession and become nurse specialists of their training opportunities in the future.

MISS TAM HEUNG-MAN (in Cantonese): *President, I wish to follow up the Secretary's reply earlier on. Just now, he said that the programme had no impact at all as the standard of the Mainland would be raised as a result. However, given that resources have been used on the mainland nurses, how can the Government ensure that local nurse trainees and people who are interested in joining the profession will not be deprived of training opportunities as a result? In other words, has any measures been put in place to assure their training opportunities?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, let me repeat once again. The HA has formulated its own strategies and development plans in training nurse specialists. So, where local nurses hope to pursue development in any specialties, vacancies will be reserved by the HA for local nurses. For those 120 mainland nurses, they just come to Hong Kong to attend a 10-month training course, after which they will return to the Mainland for career development in their homeland. They will not compete with the local nurse specialists. They are two separate issues indeed.

PRESIDENT (in Cantonese): Miss TAM Heung-man, has your supplementary question not been answered?

MISS TAM HEUNG-MAN (in Cantonese): *Just now, my question for the Secretary was: Given that there was a reduction in resources with spending on*

the provision of training for mainland nurses, what measures have been put in place to ensure that local nurses are provided with sufficient training?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I said earlier that the HA's expenditure on this programme was very small indeed. If my calculation is correct, only \$4.8 million has been spent. In the case of Hong Kong, I think that this mere sum can at best employ a couple of nurses, which is insignificant to the overall development of nurses. On the contrary, mainland nurses who come to Hong Kong for training may enable local nurses to gain a better understanding of the situation on the Mainland. Furthermore, exchanges with Hong Kong in respect of the skills and capabilities imported from the Mainland are, in my opinion, very worthwhile.

On the question of whether or not local nurses will be deprived of training opportunities as a result of this programme, I have already answered in the negative because the HA has formulated a set of plans for the future development of local training.

MR DANIEL LAM (in Cantonese): *President, the Secretary has answered the supplementary question that I would have put. Thank you.*

DR JOSEPH LEE (in Cantonese): *I wish to follow up the issue of resources which the Secretary mentioned earlier on. In fact, there is currently an acute shortage of health care resources and we have only very few nurse specialists in Hong Kong. As far as I understand it, there is only one nurse specialist of those specialties in each of those three hospitals. At present, training is still being provided to turn local nurses into nurse specialists. However, all of a sudden, training is also provided to mainland nurses. The Secretary just said that mainland nurses who came to Hong Kong for training might facilitate exchanges with local nurses, but as far as I understand it, they came to Hong Kong not for exchanges, but for training. Under this circumstance, I wish to follow up the supplementary questions raised by a number of Members earlier on: Why did the HA not use public money to first provide training for local nurse specialists? Given the acute shortage of nurses now, I wonder if there is a significant increase in resources; otherwise, why are the currently available health care resources used to train mainland nurses, but not for training more local nurse specialists?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as a member of the HA Board, Dr LEE may well be aware that the HA has served as a training centre for local professionals over the past period, just as I have highlighted. Therefore, the majority of government funding allocated to the HA was used for training specialists, which include nurses. Earlier, I said that a funding of \$2.8 million was allocated to the HA. Despite that the amount spent on training is not available at the moment, I believe it could have run into tens of millions dollars. I believe the concerns raised by Members just now will not exist.

Meanwhile, I must also stress that the implementation of the training programme was agreed by all the supervising and training nurses working at those few hospitals before it was put in place. The programme was not implemented mandatorily. They were of the view that the programme would enable training to be provided to both local and foreign nurses, thereby benefiting Hong Kong in terms of its status and professional reputation.

PRESIDENT (in Cantonese): Dr Joseph LEE, has your supplementary question not been answered?

DR JOSEPH LEE (in Cantonese): *The Secretary has not answered my supplementary question. Being a leader of the health care sector and a member of the HA Board, I certainly know clearly what has happened. There is no point for the Secretary to feel concerned. Neither was I trying to argue with the Secretary. Yet, he failed to answer why the HA has not used the government funding allocated for turning itself into a training centre to train local nurse specialists in the first place, but has instead spent some \$4 million on training mainland nurses. This part has yet to be answered by the Secretary.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have no intention of arguing with anyone. I just want to say clearly that training has already been provided by the HA to local nurse specialists. That is merely an additional task.

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

MISS TAM HEUNG-MAN (in Cantonese): *The Secretary stated in part (c) of the main reply that the issue of practicing certificates did not arise because they do not possess any certificates. May I ask the Secretary to advise what actually the job duties of the mainland nurses in the wards are? Certainly, the Secretary has reaffirmed in the main reply that the provision of HA's services and the work of front-line nurses would not be affected. And yet, what do those mainland nurses actually do after they were deployed to various hospitals? I worry that they may obstruct the day-to-day work of the local health care staff or even place the patients in danger. I definitely do not oppose exchanges, but I wish to know what their job duties are after they have arrived at Hong Kong?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, in respect of professional training, I think that there is no difference between nurses and accountants. Nurses are required to undergo supervised training on the one hand, and do clinical practicum on the other. Therefore, either local or mainland nurses of the HA, or foreign trainees who come here for training occasionally, are required to do clinical practicum. As far as I understand it, apart from undertaking clinical practicum and receiving supervised training on procedural matters, those nurses also have to spend a couple of hours a week learning the knowledge from books. They do not simply come to work, but have a schedule to follow. In this respect, I believe there is no difference in the training required of many professions.

PRESIDENT (in Cantonese): Second question.

Public Consultation

2. **MR RONNY TONG** (in Cantonese): *President, it is noted that the Government intends to publish in July this year a Green Paper on constitutional development (the Green Paper), which concerns the ultimate proposals for the reform of the political system, and the public consultation exercise will last three months. In this connection, will the Government inform this Council of:*

- (a) *the number of issues on which the Government has published public consultation papers since the establishment of the Hong Kong Special Administrative Region (HKSAR), with the number broken down by the duration of the consultation periods;*

- (b) *the criteria and factors adopted by the Government for determining the contents of consultation papers, the duration of consultation periods and the means of public consultation, and whether various bureaux and departments adopt the same criteria for determining the duration of consultation periods; and*
- (c) *the criteria and factors adopted by the Government for determining the starting and ending dates for consultation periods; whether the period for the public consultation on constitutional development will be extended, taking into account that more members of the public will not be in Hong Kong because of summer vacation?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in the absence of Secretary for Home Affairs) (in Cantonese): Madam President,

- (a) The Government subscribes to the principle of being open, transparent and accountable to the public in the policymaking process. Public consultation has become part and parcel of the day-to-day work of all bureaux and departments in Hong Kong. We consult the community and stakeholders on both territory-wide and local issues which are of interest and concern to the community. For public consultation on major policy issues, it is a common practice for government bureaux to issue consultation papers and collate public feedback and views through various means.

Within the constraints of resources and time available, we have gathered information relating to the public consultation documents on major policy issues published by different government bureaux since the introduction of the political appointment system in July 2002. During this period, different government bureaux have issued a total of 66 public consultation documents. The scheduled consultation periods of 57 consultation documents ranged from three weeks to three months, while eight lasted three and a half to six months, and one for nine months.

- (b) and (c)

When determining the contents of consultation papers, the duration of consultation periods including the starting and ending dates, and

the means of public consultation, all bureaux and departments will take into account a set of key principles:

- (i) Firstly, the public should be presented with information relating to the subject, including the background, the options available and relevant factors considered in drawing up the proposal;
- (ii) The target sectors to be consulted should be as wide as possible, having regard to the nature of the subject and resources available, so as to facilitate affected stakeholders and various sectors of the community to express their views to the Government. In this regard, the majority of the 66 public consultation papers on major policy issues published by government bureaux since July 2002 had adopted multiple means of consultation including written submission by electronic mails, by fax or by post, consultation with the Legislative Council and District Councils, and meetings with relevant organizations, stakeholders concerned, and so on;
- (iii) Last but not least, having regard to the nature of the subject, the public should be given a reasonable period of time to study the proposals, and air their views including preparation of their submissions to Government. The bureaux and departments concerned will decide on the consultation period having regard to the actual circumstances of the case including the timetable and community need for implementing the new measure or policy.

Thank you, Madam President.....there is one more paragraph. *(Laughter)* The Chief Executive has undertaken — I should not short-change, right? — to publish the Green Paper in mid-2007, followed by a three-month public consultation. We are still considering the specific timing for publishing the Green Paper. At this stage, we consider that a three-month public consultation period is appropriate.

MR RONNY TONG (in Cantonese): *I find the Secretary's reply so general that I am disappointed.*

President, in fact, I am very concerned about part (a) of the main reply. The Secretary said that the scheduled consultation periods of eight of the 66 public consultation documents lasted three and a half to six months, and one even lasted nine months. Will the Secretary tell the people of Hong Kong the subjects of those consultation documents? Why are they even more important than the consultation on the ultimate proposals for reform of the political system proposed by the Chief Executive?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, let me cite some examples. The subject of the public consultation which lasted nine months, I think Members may well know, is the Goods and Services Tax. To the people of Hong Kong and the community as a whole, that was a relatively new issue and also rather complicated, and thus we had a longer consultation period.

As for other subjects on which consultation lasted five months, two of them concerned the Third and Fourth Reports of the Constitutional Development Task Force. These two consultations were the latter two stages of the public consultation. The duration of the consultation period was determined in consideration of the circumstances at that time and the time required to handle the consultation.

MR RONNY TONG (in Cantonese): *May I request the Secretary to provide a written answer listing in detail the durations of the consultation periods, the subjects concerned and the dates of the consultations? President, may I request the Secretary to provide a written answer?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I can do so. (Appendix I)

MS MARGARET NG (in Cantonese): *President, in the paragraph for which we were almost short-changed by the Secretary in his main reply, he mentioned the three-month public consultation. May I ask whether consideration has been given to conduct an opinion poll? President, in particular considering previously when the Compendium of opinions on the legislation on Article 23 of*

the Basic Law triggered much public discontent, the scholar of the University of Hong Kong taking charge of conducting opinion polls has proposed to this Council a set of methods on how to conduct opinion polls and compile reports. Have the Secretary and the authorities considered adopted that set of methods? If they have, is the three-month public consultation sufficient?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, it is increasingly popular in recent years to conduct opinion polls and discuss issues of public concern in Hong Kong. Members also know that different university research institutes and non-government think-tanks often use opinion polls as the important basis for their research or as the starting point of their policy proposals.

With respect to this Green Paper, we have to explore how to implement universal suffrage for the election of the Chief Executive and the Legislative Council. I believe many non-government opinion polls will be conducted. In the past period of time, we have taken note of these opinion polls and we will certainly do so during the public consultation period of the Green Paper. I believe the opinion polls conducted in Hong Kong now are very professional and transparent, and the Census and Statistics Department also has a set of principles for conducting opinion polls. We trust that these non-government opinion polls are also very professional and compatible with these principles.

MS MARGARET NG (in Cantonese): *The Secretary has not answered my supplementary question at all. My supplementary question is very simple. Dr Robert CHUNG has proposed to this Council the time required for conducting an opinion poll, and thus I asked the Secretary whether he and the authorities have taken into account the above proposal in setting the duration of the public consultation at three months. If they have, how can it be sufficient? Will the Secretary please answer?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we have been keeping track of opinion polls conducted by civic groups, university institutes and think-tanks. All of them have followed some basic principles. For example, a sampling survey has to obtain or secure at least 1 000 respondents from members of the public. The time required for

conducting these opinion polls is usually not very long, with each round of survey taking only about one week or a few days.

We notice that universities and research institutes usually complete a series of opinion polls on policy issues within a few months, so that we can be aware of the change in and the trend of public opinion. I believe that Hong Kong being an open society where research on opinion polls is given high regard, we can listen to views of the community, the Legislative Council and different sectors on the one hand, and grasp information of opinion polls conducted by university research institutes within the three-month public consultation on the other.

MS MARGARET NG (in Cantonese): *President, my supplementary question remains unanswered by the Secretary. My focus is not on the opinion polls conducted by universities or other institutes, but rather, on the yardstick of public consultation conducted by the Government and that set by it, and thus the question of whether or not three months are sufficient.*

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

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Yes, Madam President, let me add briefly.

We stated sometime ago that we hope to find out the mainstream opinion, from which the Government can hammer out a proposal that can secure 60% public support as well as the two-third majority support of Members of this Council. We believe that within these three months we will have sufficient time to make observation and it will also be long enough for non-government think-tanks and university institutes to thoroughly gauge public views for our reference.

DR YEUNG SUM (in Cantonese): *Madam President, Prof Timothy WONG of the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong pointed out that the level of faith of Hong Kong people in "one country, two systems" is no longer at its peak because the Government has been stalling on the issue of universal suffrage.*

Madam President, the Green Paper is actually very important. The Secretary said just now that he wishes to listen to the views of the public and Members of this Council, but much to our regret, in the three months following July, the Legislative Council will basically be in recess until October. Hence, there is, in effect, very little time for debate and discussion in this Council. Moreover, lots of people will be out of town during the summer holidays. Although the Government said that it would not consider at this stage extending the consultation period for another three months, after listening to our views today, will it consider it afresh?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I thank Dr YEUNG Sum for his question as well as Members' concern for and commitment to the public consultation of the Green Paper and the discussion on implementing universal suffrage. We believe that at the present stage, conducting a three-month public consultation on the Green Paper will be sufficient. First of all, there is already a 20-month public discussion as the foundation. Since the setting-up of the Commission on Strategic Development in November 2005, we have been discussing in the Commission on Strategic Development and the Legislative Council the models, procedures and timetable of universal suffrage. These have already provided a basis for us, giving us a certain understanding of these two issues at hand, that is, how to implement universal suffrage for the election of the Chief Executive and the Legislative Council. Secondly, the Green Paper is in fact only one of the stages. Following the public consultation on the Green Paper, there will still be several stages where discussions with the Legislative Council will be conducted and accounts to the public made.

In the second stage that follows, which is when we think the time is ripe, we have to table amendment proposals on Annex I and Annex II to the Legislative Council, that is, proposals on amendments to the method for selecting the Chief Executive and forming the Legislative Council. At the third stage, we have to submit them as local legislation. It is thus possible for Members to continue discussions and provide views at the few stages in the coming few years.

MR LEE WING-TAT (in Cantonese): *President, all this is precisely because consultation on the political system is so important. The Secretary pointed out*

that there is already a 20-month public consultation as the foundation; but the Secretary should state that it was only a 20-month long brief discussion within the Commission on Strategic Development and the Legislative Council, and the public has never participated in the discussion.

Dr YEUNG Sum commented just now that lots of people will be on vacation during the summer holidays, some Secretaries will also be on leave and parents will also be having holidays. We thus hold that the Secretary should consider extending the consultation period. Should he not do so? Now, even for a simple government policy, it has to.....

PRESIDENT (in Cantonese): Mr LEE Wing-tat, this is not the time for you to lobby the Secretary. You should put your question to him.

MR LEE WING-TAT (in Cantonese): *May I ask the Secretary whether he will consider again extending the consultation period from three months to six months?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I fully understand Mr LEE Wing-tat's supplementary question. We hold that at this stage, three months are sufficient for the public consultation on the Green Paper. Although some people may not be in Hong Kong during the summer vacation, we can still continue the discussion on this issue in the District Councils or different sectors of the community. I believe different political parties and groupings and Members of the Legislative Council will continue to keep an interest in this matter.

We can collate views collected after the three-month public consultation and then prepare for the next stage of work. I said there is already a 20-month discussion and I am certainly aware that our discussion was mainly conducted within the Commission on Strategic Development and the Panel on Constitutional Affairs of the Legislative Council, but the public must have gained some understanding of the issue through media coverage, public hearing sessions of relevant panels of the Legislative Council and information disseminated through our website.

MR ALBERT HO (in Cantonese): *Of course, as the content of the Green Paper is not known to the public yet, and it may set out various proposals which are not simple and may take some time for the public to comprehend before the matter may proceed further.....*

PRESIDENT (in Cantonese): Please put your supplementary question.

MR ALBERT HO (in Cantonese): *Does the Secretary agree with this? Although the Secretary mentioned that there will be several stages, and the first stage is most important because once the first stage is hammered out, it may chart the direction for the future. If the first stage goes wrong, the following stages will all go wrong. Hence, in particular considering that public hearing sessions will be held by the Legislative Council where the public can analyse the matter, will the Secretary reconsider extending the consultation period? Therefore, Secretary, firstly, will you extend the commencement date of the consultation to a time nearer to the resumption of Legislative Council meetings, for example, to October? Secondly, will you extend the consultation period a little further to ensure that the first stage will already embrace adequate discussions and will not steer in the wrong direction?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we indeed value very much the views of the Legislative Council, different sectors, District Councils and members of the public. We truly believe that after the release of the Green Paper in mid-2007, the community will actively explore this issue from different perspectives.

Although the public consultation period will last three months, I trust Members of this Council will continue to keep an interest in this issue both before or after the consultation period and will continue to air their views. Hence, the three months will only be a start. Nevertheless, why do we have to start the three-month public consultation on the Green Paper expeditiously in mid-2007? Madam President, this is because we have consolidated the experience in handling the 2007 and 2008 constitutional development issues. Back then, we had about two years to handle this matter, but this time, as we want to make a further and wider stride on the road of constitutional development of Hong Kong and that we have to get ready for the universal suffrage issue, we need to initiate this work at the soonest and earliest time within the third term

Government. The three-month public consultation period of the Green Paper is but a starting point.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Although many Members are waiting for their turns to ask questions, I can only allow one last Member to put a supplementary.

MR HOWARD YOUNG (in Cantonese): *President, my supplementary question is similar to those put by the two Members just now, but my focus is different. The Secretary mentioned in the last paragraph of the main reply "mid-2007" and "three months". I will not contend with the three months, but for mid-2007, I hold that it may fall within a wide period of time, like from early April to end of September. Numerically speaking, the date can be 2 July because that date is precisely the 183rd day.*

Has the Secretary considered that if the starting date really has to be set at the latest date, that is, early July, then by early October, which is the time after the conclusion of the three-month consultation period, the Legislative Council will not have resumed its meetings yet? In other words, we will not even have a chance to discuss the matter here. Will the Secretary take this factor into consideration and let the Legislative Council at least have a chance to voice its views within those three months?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the HKSAR Government attaches great importance to the views of different political parties and groupings and Members of the Legislative Council. The Green Paper will be published in mid-2007, but the final decision will not be made until the establishment of the third-term Government. We will, however, come to the Legislative Council to give an account to Members.

PRESIDENT (in Cantonese): Third question.

Uniforms for Disciplined Services

3. **MR LAU KONG-WAH** (in Cantonese): *President, regarding the uniforms of the disciplined services, will the Government inform this Council:*

- (a) *of the respective dates on which the different kinds of uniforms currently in use by various disciplined services were first introduced, the unit costs as well as the wear and tear rates of the uniforms, and in the course of designing these uniforms, of the places to which reference had been made with respect to the designs and standards of the disciplined services in these places;*
- (b) *of the views reflected in the past two years by disciplined services officers on the design, materials and wearing comfort, and so on, of their uniforms; and*
- (c) *whether the authorities will review if the uniforms for disciplined services officers are suited to different weather conditions?*

SECRETARY FOR SECURITY (in Cantonese): President,

- (a) The information requested in part (a) of the question, namely, the respective year in which the different kinds of uniforms currently in use by various disciplined services were first introduced, the unit costs as well as the percentage of disciplined services staff replacing their uniform in a year, and in the course of designing these uniforms, the places to which reference had been made with respect to the designs and standards of the disciplined services in these places, are set out in the Annex already distributed to Members.
- (b) In the past two years, the disciplined services have received the following feedback from their officers on the design, materials and wearing comfort of their uniforms:

- (i) *Design*

Some Immigration Department (ImmD) officers consider that the form-fitting cutting of the winter tunic might restrict body movements and affect operations for certain staff, such as those manning immigration clearance counters. The ImmD completed a trial of replacing the winter tunic by a pullover last winter. Staff have mixed views on the alternative uniform. The ImmD is considering their views.

(ii) *Materials*

Some policemen have reflected that the colour of the previous light weight trousers would fade easily and the button of the collar of the shirt could easily fall off after washing. Having reviewed and tested these trousers and shirts, the police have introduced replacement trousers now made of materials which have a higher "colour fastness", and replacement shirts that do not have buttons on the collar.

Separately, some Government Flying Service colleagues reflected that the material used for the T-shirt worn underneath the flying suit or mechanic suit was not effective in perspiration absorption. The department has therefore changed the material to 100% cotton.

(iii) *Wearing comfort*

Some Traffic Police officers have pointed out that the newly introduced traffic protective jacket makes the wearer feel hot and stifling. The police officers' protective jacket and protective breeches are made of elastic nylon cotton with Aramid layer laminated cloth, and the protective jacket in particular has polyamide with reflective safety fabric to ensure occupational safety, so as to offer suitable protection to traffic officers. The protective jacket has undergone a series of tests. To address the problem, the Force has given instruction for the officers to take off the protective jacket when they are not riding the motorcycle and drink enough water to lower the body temperature. The Force's Uniform and Accoutrements Committee will continue to look for more suitable products.

Similarly, some Customs colleagues have raised that the winter uniform is stuffy. The Department is considering the use of new materials to improve the situation.

Separately, some firemen consider wearing multi-functional ankle protection boots for a long period of time in hot weather

uncomfortable. The Fire Services Department is exploring different solutions, including allowing firemen to wear multi-functional ankle protection boots and leather shoes alternatively whilst not compromising occupational safety.

- (c) The disciplined services will review if the uniforms for their officers are suited to different weather conditions from time to time. Apart from weather conditions, the departments will also take into account other factors such as operational need, occupational safety and health, service image, officers' views and cost-effectiveness in reviewing the uniforms.

Annex

<i>Disciplined service</i>	<i>Year in which uniform currently in use was introduced</i>	<i>Cost of entire uniform</i>	<i>Percentage of disciplined service staff replacing their uniform in a year¹</i>	<i>Places/services to which reference had been made</i>
Hong Kong Police Force				
<i>Summer</i>				
- Uniform Police	2004	\$1,310 (Male) \$1,400 (Female)	30%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China
- Traffic Police	2006	\$8,000	28%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China
- Marine Police	1994	\$1,120	54%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China
<i>Winter</i>				
- Uniform Police	2004	\$2,020 (Male) \$2,100 (Female)	17%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China

¹ The uniforms of disciplined services are made up of various components, the wear and tear conditions of which may vary. The percentage under this column represents only the average yearly replacement of the main parts (that is, uniform suit) by disciplined services personnel.

<i>Disciplined service</i>	<i>Year in which uniform currently in use was introduced</i>	<i>Cost of entire uniform</i>	<i>Percentage of disciplined service staff replacing their uniform in a year¹</i>	<i>Places/services to which reference had been made</i>
- Traffic Police	2006	\$8,290	19%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China
- Marine Police	1994	\$1,470	54%	the United States, the United Kingdom, Germany, Singapore, South Korea and the Mainland of China
Immigration Department				
<i>Summer</i>				
- Rank and File	Mid-1980	\$600 (Male)	32% (Male)	Other local disciplined services
		\$780 (Female)	23% (Female)	
- Officer		\$740 (Male)	32% (Male)	
		\$800 (Female)	23% (Female)	
<i>Winter</i>				
- Rank and File	Mid-1980	\$1,620 (Male)	32% (Male)	Other local disciplined services
		\$1,800 (Female)	13% (Female)	
- Officer		\$1,760 (Male)	32% (Male)	
		\$1,820 (Female)	13% (Female)	
Customs and Excise Department				
<i>Summer</i>				
- Service member	1997	\$1,000 (Male)	33%	Nil
		\$1,500 (Female)		
<i>Winter</i>				
- Service member	1997	\$1,830 (Male)	33%	Nil
		\$2,500 (Female)		
Fire Services Department				
<i>Summer</i>				
- Fireman	1993	\$6,670	50%	European Union
- Ambulanceman	2002	\$590	50%	Nil
<i>Winter</i>				
- Fireman	1993	\$6,670	50%	European Union
- Ambulanceman	2002	\$700	50%	Nil
Correctional Services Department				
<i>Summer</i>				
- Correctional staff	1994	\$500	41%	Nil
<i>Winter</i>				
- Correctional staff	1994	\$1,350	50%	Nil

<i>Disciplined service</i>	<i>Year in which uniform currently in use was introduced</i>	<i>Cost of entire uniform</i>	<i>Percentage of disciplined service staff replacing their uniform in a year¹</i>	<i>Places/services to which reference had been made</i>
Government Flying Service				
<i>Summer</i>				
- Pilot	1994	\$2,730	25%	the United Kingdom
- Air Crewman Officer	1994	\$2,930	66%	the United Kingdom
- Aircraft Engineer	2004	\$630	25%	Nil
- Aircraft Technician	1993	\$630	66%	Nil
<i>Winter</i>				
- Pilot	1994	\$4,730	25%	the United Kingdom
- Air Crewman Officer	1994	\$4,930	66%	the United Kingdom
- Aircraft Engineer	2004	\$980	25%	Nil
- Aircraft Technician	1993	\$980	66%	Nil

MR LAU KONG-WAH (in Cantonese): *President, recently, some Traffic Police officers indicated that wearing the new protective jacket made them feel hot, for the climate in Hong Kong is getting hotter and hotter. Members may notice from the Secretary's reply that elastic nylon cotton with Aramid layer cloth and reflective safety fabric are used. These materials are of course "tough", but they also make the wearer feel very hot. President, among the rank and file, some officers even say they may suffer from dehydration and heat stroke wearing the protective jacket. Therefore, may I ask the Secretary whether he has received any request for assistance and views in this respect? Moreover, since officers have to wear the protective jacket after all while they are on duty, apart from allowing them to take off the protective jacket when they are not riding the motorcycle, what improvements can be made?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, as I have pointed out in the main reply, since the introduction of the new protective jacket, certain staff members have reflected to the Police Force that wearing the jacket made them feel stuffy and hot. However, the Police Force have never received any report of police officers falling sick and need to seek medical consultation because of wearing the jacket. The Police Force have not received complaints*

of this kind. All unit commanders of the Police Force know clearly that they are required to monitor the response of Traffic Police officers to the new protective jacket. Besides, suitable measures have been implemented to ease the stuffy feeling overcoming officers wearing the protective jacket in sultry, humid and hot weather.

It is worth mentioning that upon the provision of the new protective jacket for Traffic Police officers, the protective function of the jacket has been brought into play, for at least two Traffic Police officers have come out unscathed in accidents because of the jacket. Though the protective jacket may make the wearer feel a bit stuffy, it can serve the purpose of providing protection.

PROF PATRICK LAU (in Cantonese): *In part (c) of the main reply, the Secretary said that he thought service image was also an important consideration. As I have found out in the Annex that the uniform of the ImmD was designed in the '80s, should not uniform of design that is more modern be made for them now? Since they will be meeting visitors at the airport, I think this point is very important. Will the ImmD consider this? For their uniform are already outdated.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have to thank Prof LAU for his opinion. I used to work in the ImmD. Old stuff may not necessarily be bad. It is most important that the staff consider the uniform comfortable while the people of Hong Kong consider that it can project a very positive image. I believe, at present, both the staff members of the ImmD and the Department itself have earned a good recognition and support from the public. But still, I have to thank Prof LAU for his suggestion and I will reflect this to the ImmD for further consideration.

MR ALBERT CHAN (in Cantonese): *President, the Secretary mentioned in the main reply earlier that more often than not, complaints about uniforms, such as the stuffy feeling caused, were made by staff to the department or bureau concerned, and further studies would then be carried out. During the early stage of design and in respect of the overall design of existing uniforms, has the Bureau considered the actual feelings of staff and the condition of use of uniforms seriously in examining the issue? Or has emphasis been laid merely on safety requirement or appearance?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in making new uniforms, we will surely consider the views of staff, and a task force will be set up in each department to address uniform issues. As I said in part (c) of the main reply, first, we would consider the views expressed by staff; second, the uniform is tested, as I have said in my reply relating to the new protective jacket for Traffic Police officers, police officers have actually tried the uniform. Perhaps because the test was first conducted in winter, I am not sure if it was so, thus they did not find the uniform stuffy at that time. But the uniform has been tested. However, as staff members have expressed concern about this now, we will examine ways to make improvement in this respect, particularly in the hot summer weather.

MISS CHOY SO-YUK (in Cantonese): *President, we notice from the Annex provided by the Secretary in his main reply that the costs of uniforms vary significantly. Take the uniform of Traffic Police officers as an example, the costs is as high as \$8,000, but the cost of the uniform for ImmD officers costs only several hundred dollars, ranging from \$600 to \$700. The uniform for pilots costs more than \$4,000 while that of aircraft engineers costs only several hundred dollars. As for the Fire Services Department, the uniform for firemen costs more than \$6,000, but that for ambulancemen only costs several hundred dollars. May I ask the Secretary to give the reasons for the significant difference in costs among different uniforms? I notice from the main reply given by the Secretary earlier that the uniform for Traffic Police officer is made of special materials, but what about other disciplined services? As in the case of ambulancemen and firemen, since they are performing similar duties, why can the uniform for ambulancemen be made of inexpensive materials?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, since different uniforms include different accoutrements, their costs are naturally different. For instance, the uniform of ImmD staff mainly includes a shirt, a pair of trousers and a belt. As for Traffic Police officers, a set of summer uniform includes a very expensive protective helmet, a cap, a short-sleeved shirt, a belt, a pair of protective breeches (Members know that protective breeches are more expensive than conventional trousers), a pair of riding boots (instead of a pair of conventional leather shoes), a raincoat and a protective jacket. The total costs for a full uniform will certainly be more expensive than that for ImmD officers working at counters who only need to wear shirts and conventional trousers.

As for firemen, Members should understand that since firemen have to enter fire grounds to fight fires, while ambulancemen are responsible for treating and caring victims after they have been rescued by firemen from the fire grounds, the jobs are different. Take the summer uniform of firemen as an example. It includes a helmet, a blast protection balaclava, a blue short-sleeved shirt and a fire resistant coat, and so on. For firemen, their uniforms must meet certain international standards. Take the fire resistant coat now provided to firemen as an example. The coat must be made in accordance with the standards and specifications set out by the European Community, and the costs will definitely be higher. As for the specification of the fire resistant outfit, the outfit must be able to endure high temperature of up to 800°C for at least 10 seconds. That is why the costs of the uniform for the two posts are different.

MRS SOPHIE LEUNG (in Cantonese): *President, in the last part of the main reply, the Secretary said that the disciplined services would review the uniforms of their officers from time to time. I would like to raise a point about the wearing comfort of uniforms. In point (iii) of part (b) of the main reply, it is mentioned that the protective jacket and protective breeches of police officers are made of elastic nylon cotton with Aramid layer laminated cloth. Recently, a lot of new fabrics have been introduced. In addition to providing protection, these fabrics also have breathable properties and other functions. At this time when the temperature in Hong Kong is rising, it is particularly uncomfortable to wear the uniform under the blazing sun. May I ask the Secretary whether the use of these new fabrics will be considered? I may perhaps gather up these fabrics for the department concerned, for there are some new fabrics which can make the uniforms better.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have to thank Sophie for her suggestion. As she is an expert in the clothing industry, her assistance in providing information in this respect will be greatly welcomed, and we will surely refer the information to the Commissioner of Police. If the fabric can provide protection to police officers when they discharge their duties while at the same time enhance the wearing comfort, we will certainly consider it.

DR LUI MING-WAH (in Cantonese): *The disciplined services in Hong Kong actually include a large number of staff, and I believe there are more than 20 000*

of them. Therefore, the provision of uniforms for the disciplined services is a sizeable business. May I ask the Government where these uniforms are made? Are they made in Hong Kong?

SECRETARY FOR SECURITY (in Cantonese): Madam President, in identifying manufacturers for uniforms, all disciplined services must follow the established procurement procedures set down by the Government. There should at least be one provider offering a quotation. But if the price is too high, an open tender has to be launched and the bidder offering the lowest price will normally be selected. As far as I understand it, at present, the uniforms of many disciplined services are manufactured by the Correctional Services Industries and the prices are very reasonable in general.

MR LEE WING-TAT (in Cantonese): *President, complaints made by Traffic Police officers about their uniforms have been covered extensively in the press. In a paragraph relating to wearing comfort in the main reply, the Secretary mentioned that the Police Force had given instruction to the officers to take off the protective jacket when they were not riding the motorcycle and drink enough water. However, more often than not, many Traffic Police officers have to spend nearly an hour in discharging highway patrol duty, which means they cannot take off their protective jacket while they are patrolling. In fact, even when they are patrolling on roads in general, where can they put the protective jacket if they take it off? They cannot ride the motorcycle with their left hand while carrying the protective jacket in their right. Has the Secretary discussed this instruction with the Commissioner of Police? And is the instruction practical and useful? Since they cannot put the protective jacket on their shoulder, what can they do?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Traffic Police officers definitely cannot take off the protective jacket and carry it in their hands while they are on duty, for we consider such an act as wearing partial uniform, which is unacceptable. However, these officers do not have to ride the motorcycle eight hours a day, for they have time for rest. The Commissioner of Police has addressed the issue with flexibility by giving an instruction that allows officers to take off the protective jacket when they are not riding the motorcycle. If they are allowed to take off the protective jacket while they are on duty, how can the protective jacket serve the purpose of providing

protection to officers? This will thus defeat the original purpose of providing these protective jackets to officers.

MR LEE WING-TAT (in Cantonese): *In fact, my supplementary question is very straightforward. During an eight-hour shift of a Traffic Police officer, how often can he take off the protective jacket in a suitable situation as required by the instruction? The Secretary has not answered it, does he mean that*

PRESIDENT (in Cantonese): This point was not included in your earlier supplementary question.

MR LEE WING-TAT (in Cantonese): *Is it?*

PRESIDENT (in Cantonese): You raise this point only now. Your supplementary question was not put this way earlier.

MR LEE WING-TAT (in Cantonese): *Just now, I asked how they could take off the protective jacket.*

PRESIDENT (in Cantonese): Earlier on, you focused on the description of how they rode the motorcycle with one hand, (*laughter*) and carried the uniform in the other. Therefore, Members should be as concise as possible when they put forth their supplementary questions. In that case, the Secretary will not say he cannot answer it. Now, you have to wait for another turn, but I do not think there will be enough time for you to ask another question.

We have spent more than 17 minutes on this question. Last supplementary question.

MR LAU KONG-WAH (in Cantonese): *President, in fact, among the many uniforms I have seen, the uniform of Traffic Police officers is the most expensive, costing \$8,000 a set. I initially think that this uniform must be safe and comfortable, but now it seems that it is only safe but not comfortable. The*

Secretary said that the issue would be examined further. However, these are new uniforms, will an immediate replacement be possible? Even if Mrs Sophie LEUNG provides the fabrics to him, much time has to be spent for production. Am I right? Under the existing circumstance, does the Secretary have other alternatives to relieve the stuffy feeling caused by wearing the uniform? It is only June now, the climate will get hotter and hotter in July, August and September, what new instructions will the Secretary give?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have already provided an answer in the main reply earlier. As to whether or not new measures that can enhance the comfort of Traffic Police officers in wearing the new uniform will be announced shortly, I believe we have to discuss this with the trade unions and the relevant departments of the Police Force after the meeting. Thus, I am unable to answer this question today.

PRESIDENT (in Cantonese): Fourth question.

Reduction in Frontier Closed Area Coverage

4. **MR CHEUNG HOK-MING** (in Cantonese): *President, in September last year, the Government announced a proposal to reduce the coverage of the Frontier Closed Area (FCA) from about 2 800 hectares to about 800 hectares, and expected that the proposal would be implemented in 2010. In addition, the Government is conducting a planning study on developing a new boundary control point at Heung Yuen Wai, which is located on the land to be released, to link up Liantang in Shenzhen. In this connection, will the Government inform this Council:*

- (a) whether it has examined the possibility of expediting the timetable for the reduction in the FCA's coverage;*
- (b) of the latest progress of the aforesaid study and whether any new satellite towns will be developed on the land released from the reduction in the FCA's coverage; if not, of the reasons for that; and*
- (c) how the authorities will, while reducing the FCA's coverage, preserve the cultural heritage in the land concerned?*

SECRETARY FOR SECURITY (in Cantonese): President, according to the results of the review of the coverage of the FCA, we propose to construct a secondary boundary fence along the existing boundary patrol road, thereby enclosing the road and ensuring that it and the existing boundary fence are protected from deliberate or inadvertent interference. Having secured the boundary patrol road, for most parts of the FCA, we will be able to reduce the FCA coverage to the narrow strip of the boundary patrol road and its north, plus the areas with points of crossing the boundary. This means a reduction of the land area of the FCA from about 2 800 hectares to about 800 hectares. In late 2006, we consulted the relevant parties on our proposal. The local community generally welcomes the proposed reduction of the FCA coverage.

The following sets out the replies from the Security Bureau, Housing, Planning and Lands Bureau and Home Affairs Bureau to the Honourable Member's respective questions.

- (a) Based on our proposal, the reduced FCA could formally be put in place after the completion of the entire secondary boundary fence. During our consultation, some parties have suggested that the reduction of the FCA coverage be proceeded with in phases so as to expedite the process of opening up the FCA. We are examining the technical feasibility and related arrangements of this proposal.
- (b) In December 2006, the planning authorities commenced a joint study with the Shenzhen Municipal Government in respect of the planning of a Liantang/Heung Yuen Wai Control Point to examine the need, function and benefits of the new control point. Moreover, we also embarked on a planning study in January this year to examine the relevant planning, environmental and engineering issues relating to the proposed new control point and the connecting roads within Hong Kong. The two planning studies are expected to be completed in late 2007 and early 2008 respectively.

A large part of the existing FCA comprises hilly terrain, sites of high ecological and conservation value, traditional villages and burial grounds. Developing satellite towns on the land to be released from the FCA would involve complicated issues and require careful consideration.

- (c) The Planning Department has commissioned a consultancy firm to carry out a "Survey on Features with Cultural Heritage Value in Sha

Tau Kok, Ta Kwu Ling and Ma Tso Lung areas". A thorough and comprehensive cultural characteristics inventory would be compiled with a view to ascertaining the cultural heritage resources in the areas.

The consultant is recording the cultural heritage, cultural environment and traditional customs in the study area through various means, including desk-top research, field survey and oral interview on historical information.

The Home Affairs Bureau and the Antiquities and Monuments Office of the Leisure and Cultural Services Department would provide assistance and views to the consultancy firm in respect of the survey from the heritage conservation perspective.

MR CHEUNG HOK-MING (in Cantonese): *President, in his reply to part (b) of my main question, the Secretary has expressly stated that the studies on the two control points will be completed by 2008. However, the Secretary did not fully answer that part of my question, that is, I have asked whether the Government will consider developing new satellite towns at the frontier. The Secretary only replied that it would require careful consideration. May I ask when the so-call careful consideration will be carried out? Will a detailed study be conducted?*

SECRETARY FOR SECURITY (in Cantonese): *President, just as I have mentioned in the main reply, given that a large part of the frontier comprises hilly terrain and sites of conservation value with insufficient existing basic facilities, such as roads, water and electricity supply, drainage facilities, and so on, at the moment, we do not have a timetable to discuss whether satellite towns will be developed there. To date, we have not set a date or decided when this work will be conducted.*

MR CHEUNG HOK-MING (in Cantonese): *President, I mainly asked the Secretary about the timetable for the study and not when new satellite towns will be developed. Will the Secretary inform us whether the Government has considered conducting a study; if it has, of the timetable; if it has not, of the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): President, in fact, we have a planning study on the FCA which, however, is not under the ambit of my Policy Bureau, but under the ambit of the Housing, Planning and Lands Bureau. As far as I know, in response to the public aspiration of expediting the planning study, the Planning Department has reviewed and revised the format of the consultancy study to shorten the two-phased study originally lasting for 30 months to a single-phased study of roughly 22 months. If Mr CHEUNG or other relevant parties wish to express their views on this, in particular on the development of satellite towns, they are encouraged to do so to the Planning Department at their earliest convenience.

DR RAYMOND HO (in Cantonese): *President, for many years I have been hoping that the Government would reduce as soon as possible the anti-illegal immigrant buffer area or the closed area. It simply does not need to be that large in area. I also hope that the Government would consider taking forward the Shenzhen-Hong Kong Eastern Corridor project. The present government proposal can be said as a belated Spring.*

The Secretary mentioned in part (b) that the preliminary planning studies on the new control point and the connecting roads are expected to complete in late 2007 or early 2008. May I ask the Secretary if the preliminary planning studies cannot be regarded as detailed or thorough consultations, considering in particular that it concerns environmental protection and conservation; and whether consultation can be launched at that stage?

SECRETARY FOR SECURITY (in Cantonese): President, I do not have the information concerning the details of these studies now, maybe I will go back and discuss Dr HO's supplementary question with the relevant Bureau Directors and then provide a written answer. (Appendix II)

MR DANIEL LAM (in Cantonese): *President, the Government mentioned in its reply that it had commissioned a consultancy firm to conduct a survey on cultural heritage. Will the Secretary inform us whether he will consult the Heung Yee Kuk and the District Councils concerned?*

SECRETARY FOR SECURITY (in Cantonese): President, this falls under the ambit of the Home Affairs Bureau, but I believe the local parties concerned, including the Heung Yee Kuk, will certainly be consulted.

PROF PATRICK LAU (in Cantonese): *President, originally, the proposal is to reduce the coverage of the FCA from 2 800 hectares to 800 hectares, and the Secretary mentioned in the last part of part (b) of his reply that the FCA comprises lots of hilly terrain, sites of high ecological and conservation value as well as traditional villages and burial grounds. Does this indicate that there will be less and less land for development? How many of the 800 hectares of land can be used for development?*

SECRETARY FOR SECURITY (in Cantonese): President, concerning how many of the 800 hectares of land comprises hilly terrain and conservation sites, allow me to provide a written answer to Prof LAU after the meeting. However, this precisely is the subject which has to be examined in the review and planning study. I believe the Planning Department will certainly report to the Legislative Council and the public after the review. (Appendix III)

MISS CHOY SO-YUK (in Cantonese): *President, regarding the 2 000 hectares of land to be released, how much of it is private land and how much of it Government land? Moreover, does the government policy seek to protect land of biodiversity regardless of it being owned by the Government or private individuals?*

SECRETARY FOR SECURITY (in Cantonese): President, the land to be released covers private as well as Government land. However, as to how much of it is private land and how much of it Government land, allow me to provide a written answer to Miss CHOY after the meeting. (Appendix IV)

MISS TAM HEUNG-MAN (in Cantonese): *President, in the study mentioned by the Secretary just now, regarding the proposal of reducing the coverage of the FCA, will the proposal give rise to new problems such as bringing in additional traffic? If it will, what measures does the Secretary have to handle these new developments of the road system?*

SECRETARY FOR SECURITY (in Cantonese): President, these precisely are the reasons for conducting the review and study. I have also mentioned just now that as a large part of the 2 800 hectares of land falls within the so-called closed area, it is sparsely inhabited by villagers. If 2 000 hectares of the 2 800 hectares of land are released in future, the first thing we need to consider is environmental protection. For instance, within the 2 000 hectares of land, how much of it is for conservation, how much of it has to be conserved and how much of it can be used for development? If we plan to develop the land, we certainly have to take into consideration the support facilities, such as transportation as mentioned by Miss TAM Heung-man just now. Do we have sufficient roads? For example, in developing a satellite town, we have to consider its population and the volume of traffic. Other than the issue of transportation, issues like water and electricity supply, sewage discharge, and so on, have to be considered. This is thus a comprehensive plan. Without carrying out the planning, I cannot tell you now as to how we will provide measures to alleviate the traffic because I do not know where and how large the development will be.

MISS CHOY SO-YUK (in Cantonese): *President, I wish to put a question on the river loop which falls within the closed area. The river loop area is not a new issue. May I ask the Secretary what latest updates the Government has concerning the planning of the river loop area?*

PRESIDENT (in Cantonese): Miss CHOY So-yuk, can you tell me whether the river loop area falls exactly within the coverage of the FCA as mentioned in this question?

MISS CHOY SO-YUK (in Cantonese): *President, it falls within the closed area, though it may still be located within the 800 hectares of land.*

PRESIDENT (in Cantonese): It is located within the 800 hectares of land?

MISS CHOY SO-YUK (in Cantonese): *Yes, President.*

SECRETARY FOR SECURITY (in Cantonese): President, the river loop falls within the closed area. It will still fall within the new closed area to be

demarcated in future. According to my understanding, the development of the river loop area is not under the policy ambit of my Bureau. A joint committee formed between the Hong Kong Special Administrative Region and the Shenzhen side is currently looking into this issue because the river loop area has to tie in with the development of Hong Kong and Shenzhen. In the past, part of the river loop area fell within the Shenzhen area. Due to the planning of the Shenzhen River, that part now becomes part of Hong Kong. First, we need to deal with the issues of ownership and usage of that area. Moreover, that area also involves environmental issues. If that area is to be developed, it will take a large sum of money to clean up and preserve the area. Should Shenzhen or Hong Kong be the one to pay for it? My understanding is that the two Governments are examining these issues together.

MR LAU KONG-WAH (in Cantonese): *President, as the closed area falls within my constituency, in times of election, I have to learn a bit of Hakka dialect in order to canvass for votes there. However, I found that the Planning Department has only commissioned consultants to record the cultural heritage in the area. Will the Secretary consider asking the Planning Department to carry out planning on how to preserve the Hakka cultural heritage before the frontier is opened up?*

SECRETARY FOR SECURITY (in Cantonese): President, I thank Mr LAU Kong-wah for his suggestion. I will surely relay it to the relevant departments and Policy Bureaux for follow-up.

PRESIDENT (in Cantonese): Fifth question.

Health Care Financing

5. **MR FREDERICK FUNG** (in Cantonese): *President, the Government published the discussion paper called "Building a Healthy Tomorrow" in July 2005 for public consultation on the future service model for health care. The Government subsequently indicated that it would conduct public consultation on health care financing in the first quarter of 2006. But the consultation was repeatedly postponed, and no specific date for the consultation has been fixed so far. In this connection, will the Government inform this Council:*

- (a) *of the latest progress in drafting the consultation document and the difficulties encountered, the reasons for repeatedly postponing the publication of the consultation document, and the expected time to start the consultation;*
- (b) *whether the health care financing options in the consultation document will include mandatory contributions, health insurance, improvements on the basis of maintaining the status quo, and a mix of these modes; if so, of the details, and the criteria adopted by the Government for choosing the health care financing options; whether the criteria will include the results of large-scale opinion surveys; and*
- (c) *given that the Government provided a number of estimated figures in the abovementioned discussion paper, such as the projection that the proportion of public health care expenditure in tax revenue would increase from the then 22% to more than half by 2033, without setting out the assumptions and data on which such figures were based, whether it will make improvements in this respect when it conducts the new round of consultation, so that the public can have a clear grasp of the actual situation?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, health care reform is an important long-term project. Our reform objectives are clear: to ensure a sustainable health care system, provide quality services and enhance the health of our population. With these objectives in mind, the Health and Medical Development Advisory Committee (HMDAC) released a consultation document entitled "Building a Healthy Tomorrow" in 2005, setting out a number of broad directions for our future health care service delivery model, which have received general support from the public and health care sector.

In the past year or so, we have worked towards formulating concrete proposals on our health care reform based on these broad directions and developing appropriate health care financing arrangements. I must point out that health care financing is only part of the health care reform, and the service delivery model and financing arrangements must be complementary. We have thus considered the two issues in conjunction, and conducted not only studies on

the financing arrangements but also the overall planning for our health care services. We hope to come up with a comprehensive proposal on service delivery and financing arrangements, in order to provide the public with a clear and complete blueprint for our future health care system.

As it is stated in "Building a Healthy Tomorrow", we hope to build consensus in the community on the reform through a progressive approach. More importantly, the discussions on this issue so far have shown that health care financing arrangements are not purely a financial issue, but an issue concerning the overall societal values of the community. We need to forge a consensus in the community on some basic issues in order to successfully take forward health care reform. From the consultations and discussions held in the past, the following general consensus of the community can be deduced:

- (i) After years of discussions, the public have generally acknowledged that ageing population and advances in medical technology would result in an increasing demand and growing expenditure for health care services. To ensure sustainability of our health care system, its service delivery model and financing arrangements would have to be reformed, or else we could no longer maintain quality health care services.
- (ii) The public have generally accepted the existing public health care policy, that is, to enable the public to have equitable access to affordable health care services, and to provide low-income families and vulnerable groups (including the disadvantaged elderly and the chronically ill) with a safety net, in order to ensure that no one would be denied adequate medical treatment for lack of means.
- (iii) Our existing tax-financed public health care services should continue to play a leading role focusing on the provision of priority services. The Government should also continue to make greater commitment in health care services, with a view to strengthening the safety net, improving existing service and investing in public health.
- (iv) Inevitably the community may have different views on our health care system. However, it is still the general expectation of the public that the system can promote social equality and take care of the vulnerable groups. Most people agree that, apart from

additional commitment by the Government, it would be incumbent upon those who can afford to assume a greater share of the responsibility, so that more resources in the health care system would be available for the care of the needy.

- (v) At the same time, we also have to improve our health care services and enhance their service quality, such that the public can choose more, better, more efficient, more cost-effective and more transparent services, as and when they invest more in their own health.
- (vi) In reforming our health care services, we need to redress the existing imbalance between public and private sectors, strengthen collaboration and exchange of talents between both sectors, and facilitate healthy competition in service quality and professional standards. Our aim is an efficient public health care system and sustainable private health care market.

In sum, I have three criteria for assessing the effectiveness of the health care reform that we are taking forward:

- (i) For the public, we should maintain equitable, affordable and sustainable health care services. At the same time, we strive to enhance service quality and cost-effectiveness, provide the public with choices of more and better quality services, and raise health consciousness of the public on personal health and preventive care.
- (ii) For health care professionals, their professional quality and standard should be enhanced continuously in tandem with international development, and their professional conduct maintained. At the same time, there should be room for more competition and collaboration between the public and private sectors, in order to facilitate vibrant development of the health care service market, and providing a stable working environment for health care workers.
- (iii) For the overall health care system, the health of the population should be more efficiently and cost-effectively improved. Through emphasis on primary health care especially preventive care, reduce health care services demand and expenditure in the long run and

ensure institutional and financial sustainability of our health care system, in order to achieve our long-term goal of a healthier community.

I would like to stress that no matter what reform or financing proposals are put forward, the Government's commitments in health care services will only be increased and not reduced. As pledged by the Chief Executive in his election platform, the share of expenditure on public health care in the total public expenditure will be increased from 15% to 17% in five years. However, given the premise of a low-tax regime and small government, it will not be possible for the Government to allocate unlimited resources to health care services. In view of changes in our demographic structure and rising health care costs due to technological advancement, in addition to the Government increasing its commitment, it will be necessary for the public to assume a larger share of the responsibility for their own health if an effective health care safety net is to be maintained.

My replies to each part of the question are as follows:

- (a) As mentioned above, health care financing is only part of the health care reform and the two should be complementary. For this reason, apart from health care financing, we have also been formulating proposals for improving our health care services, including enhancing primary health care services, promoting public-private partnership and facilitating electronic patient record sharing. We have also looked into the long-term subsidization policy of public health care services, with a view to further improving the safety net to better help those in need. The study of health care financing also involves many complex issues, including the projection of the health care expenditure of our society in the long run, the feasibility of various health care financing options and their implications for the health care system. Our work is near completion now, and we plan to release a consultation document on the reform of health care service and financing arrangements for public consultation in the latter half of this year.
- (b) In studying the financing arrangements, we have drawn reference from the experiences of other places overseas, which have adopted various financing models such as social health insurance, private health insurance and individual medical savings scheme. In

identifying the appropriate financing arrangements for Hong Kong, we will take into account the societal values of the community as a whole and the unique circumstances of our health care system, and examine if any of the various financing options or any mixed model would be suitable to Hong Kong. As mentioned above, our recommendations will be made based on the consensus in the community. The consultation we are planning to hold later this year is to canvass public views on the health care reform including the financing arrangements, and we hope to forge a consensus to take forward the reform. The HMDAC will set out the proposed financing options in detail in the consultation paper to be released then.

For primary health care, as we have elaborated in "Building a Healthy Tomorrow", effective primary medical care services can not only improve the health of the population, but also reduce pressure on the hospital system and lower the demand for medical services in the long run. Hence, it is in our vision that the primary health care system should be able to provide the public with comprehensive and affordable family and community health care services, with emphasis on health promotion and preventive care, and providing appropriate care for people of different age groups and different health status. Therefore, the reform of primary health care will be a focus of our proposals for improvement to health care services. We will put forth recommendations on how to enhance primary health care, promote the concept of family doctors, and encourage the public to take preventive care, with a view to ensuring that the community has access to better primary health care.

- (c) As regards the projection of health care expenditure, local academics have already made some projections of Hong Kong's health care expenditure in the past, based on the projection methodology and experience of overseas countries. Their conclusion was that, given changes in demographic structure and raising medical costs due to technological advancement, if the current health care system remains unchanged, Hong Kong's public health expenditure will increase from 3.1% of the Gross Domestic Product (GDP) in 2001-2002 to 5.3% of the GDP in 2030. We have made a more detailed projection of the health care expenditure

in the course of our study on health care financing. We will give an account of our projection methodology and findings when we release the consultation document later this year.

MR FREDERICK FUNG (in Cantonese): *President, I am so grateful to the Secretary for such a detailed answer to my brief question. However, he might have used up most of the time that Members could have put supplementary questions to this question.*

And yet, I also wish to ask about financing. According to the Secretary's main reply, though according to the Secretary's projection as stated in part (c), health care expenditure would increase from 3.1% of the GDP in 2001 to 5.3% of the GDP in 2030, the figure is not high when compared with the developed or well-off countries. In fact, financing is a very sensitive issue. Be it the previous Harvard Report or the introduction of the new GST, it often ended up with nothing. Will the Secretary consider making some internal improvements under the existing tax regime, as this may be a better option than introducing a financing option with enormous effort, which will probably end up with nothing?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I wish to clarify that part (c) concerns with the proportion of public health care expenditure in GDP, instead of the proportion of the overall health care expenditure in total expenditure. Looking at the present situation, Hong Kong's total health care expenditure, both public and private, accounts for about 5.3% of the GDP. This is our Domestic Health Accounts (DHA), a projection of the DHA which includes \$37.8 billion of public expenditure. However, not only health expenses are included, but also other expenses that might indirectly affect health care needs. Coupled with health expenses in the private sector, the health care expenditure in 2004-2005 was \$67.8 billion, which accounts for 5.3% of the GDP.

According to the present projection, to put it simply, there are now 840 000 elderly people who are aged over 65, accounting for 12% of the total population. It is, however, estimated that by 2030, the number of elderly people will account for 27% of the total population, which represents a significant jump. On the other hand, technological advancement in health care will give rise to increasing medical costs, which is estimated to be about 2% to

3%. The increase may be even higher in foreign countries for that matter. The reason is the increase in medical cost can be controlled at a low level under Hong Kong's public health care system. If the current health care system remains unchanged, there will be an upsurge of about 400% in the overall public health care expenditure by 2030, which accounts for 8.7% of the GDP and 5.1% of public expenditure. This is why there will be such a significant increase in 2030.

Certainly, I do understand a Member's point about the room to improve the current system without having to make any drastic changes when the financial condition is now better off. I agree that the best approach will be addressing the problem in a simple or gradual manner, so as to enable the community and people at large to adapt to it. But we must have a vision — it is indeed a very important strategic decision on how we can advance to this stage or move forward step-by-step.

Therefore, different analyses will be conducted by the Government this year with a view to making suggestions on the necessary steps to make. We hope that all Members will study into the issue together, so that Hong Kong will have a sustainable health care system that protects the health of the entire population and provides health care assurance.

MR ABRAHAM SHEK (in Cantonese): *President, after listening to the Secretary's reply, it seems that the Government is really concerned about people's health. If this is really the case, the existing system is good enough as the only problem is merely a lack of resources. May I ask the Secretary why consideration is not given to improving the existing system despite that numerous initiatives and studies have been undertaken? The Government's provision of so many options was solely meant to induce people to pay. We have to pay for transport and housing, and all kinds of services are paid by the users.....*

PRESIDENT (in Cantonese): Mr SHEK, what is your supplementary question then?

MR ABRAHAM SHEK (in Cantonese): *..... and even for medical services, President, so may I ask the Secretary why he did not improve the current system?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, just as I have stated clearly in my main reply earlier on, our present concern is not simply financing, but the evolution of the entire health care system. I do not like using the word "reform" because it often involves very drastic changes though I believe changes are inevitable.

I have repeatedly said that, the main reason is there is still a serious lack of primary health care services. This is what we all understand as a discussion on the waiting time for medical services and other related issues was held only last week. For instance, some people may seek accident and emergency services for some minor illnesses. We must face the reality and address these problems.

Therefore, our suggestion is not simply to require the public to pay, but to inform them of the future health care burden of the whole community to be imposed on the Government; the ways to use our resources more effectively and how adjustment or reform can be made to some services. Secondly, a commonly agreed approach will be adopted to pool our resources to cater for the needy.

DR FERNANDO CHEUNG (in Cantonese): *President, in the reply given by the Secretary in respect of the three criteria for assessing the effectiveness of the health care reform, it is stated in part (i) that "For the public, we should maintain equitable, affordable and sustainable health care services". Insofar as affordability is concerned, will the Secretary guarantee that he will not impose an additional burden on the grass-roots people or place any cap on the medical expenses of the general public? Will it apply a principle that, for instance, medical expenses should be no more than 10% of household expenses?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I have said earlier, Hong Kong very much treasures the existing system, under which a safety net is provided. In view of the ageing population and increasing medical costs, however, it is definitely necessary to make certain adjustments to this safety net. How can we ensure that this safety net will continue to protect the disadvantaged or the poor, and even the middle-class people in the next two or three decades? This is something that should be done. The possibilities which Dr CHEUNG mentioned just now have already been considered. Members will be briefed on the analyses made on the

action to be taken in future, and it is hoped that members of the public and Members will express their views on the issue.

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

DR KWOK KA-KI (in Cantonese): *Madam President, the Secretary stated in part (b) in Page 7 of the main reply that "our recommendations will be made based on the consensus in the community". Recently, the so-called think-tank of the Chief Executive — The Bauhinia Foundation Research Centre — raised two very important points: one is the Government's health care expenditure will be capped at 17%, and the other is savings account may be used as a reference. May I ask the Secretary whether these two points can be used as the starting point to foster a community consensus that could serve as the basis?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I am not going to make any personal comment on the recommendations made by the Bauhinia Foundation. And yet, reference will be made to its opinion as I believe it is worthy. But the most important point is to grasp the views of the general public. Earlier, I said that the Government's commitment to health care services would continue, and it is hoped that the proportion of resources allocated for this purpose in public expenditure would increase from 15% to 17% in the next five years. This is the commitment to be made by the Government in the next five years. Other needs, however, will still be catered for, especially the need to maintain the safety net, which is the merit of the current system. However, some people may now wish to turn to certain private services by using their meagre savings. And yet, the expenses incurred are, however, beyond their affordability, which will hence put them in a dilemma. Sometimes, the patients came to learn of the high medical fees only at discharge from hospital, which might then place their families in great financial difficulties.

I hope that the Government will specifically resolve these problems to protect the middle class.

PRESIDENT (in Cantonese): Last oral question.

Request for Government to Provide Information

6. **DR FERNANDO CHEUNG** (in Cantonese): *President, it is learnt that the Hong Kong Jockey Club Centre for Suicide Research and Prevention (CSRP) of the University of Hong Kong is conducting a study on suicides or suspected suicides by jumping onto the railway track. The CSRP has obtained the details of each incident since 1997 from the Kowloon-Canton Railway Corporation (KCRC) but the MTR Corporation Limited (MTRCL) refused to provide the information. The CSRP then sought the information from the Environment, Transport and Works Bureau (the Bureau) but the Bureau, citing paragraph 2.15 of the Code on Access to Information (the Code), rejected the request on the grounds that the public interest (that is, the cost-effectiveness of installing platform screen doors) in disclosure did not outweigh the harm that would result in the individuals' privacy. The Ombudsman subsequently concluded that the Bureau's refusal to provide the information was "narrowly-based and not justified", but the Bureau refused the request once again. In this connection, will the Government inform this Council of:*

- (a) *details of each suicide or suspected suicide incident on MTR tracks since 1997, including the date and time of the incident, the station and location of the platform involved, duration of interruption of train service, impact on passengers, as well as the age and gender of the person who committed or attempted suicide; and*
- (b) *the Bureau's grounds for continuing to refuse to provide the CSRP with the information after The Ombudsman has made the concluding remarks?*

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

- (a) Annual aggregate data on suicide or attempted suicide cases on MTR tracks between 1997 and 2006 is set out at Annex. The information includes the incident stations and platforms, duration of disruption to train service, as well as the age group and gender of the persons involved. In order to protect the privacy of the persons involved, we are not able to analyse and set out the detailed information on a case-by-case basis since this may lead to the disclosure of the identities of the deceased/injured and their relatives.

- (b) It is not appropriate for us to comment on how The Ombudsman handles individual investigations or complaints. I am therefore not going to comment on individual cases. Nevertheless, The Ombudsman so far has not made any rulings resulting from investigations into our Bureau's refusal to provide information under the Code.

We have all along been adopting a responsive and prudent approach in handling applications under the Code. However, I have to point out that in some cases we have to refuse to provide the information requested if such information, once disclosed, may infringe the privacy of the individuals concerned. Take this question which refers to detailed information on each suicide or attempted suicide case as an example, the person in possession of the data may be able to identify the deceased or the injured or their relatives resulting in the infringement of their privacy by reference to readily available publications such as newspapers, since newspapers may have reported the incidents at the time they occurred, including the age and the name of the deceased or injured. As a matter of fact, we have no control over the use of information released under the Code. We cannot rule out the possibility that the person in possession of the data may approach the relatives of the deceased/injured or the injured themselves if the information were disclosed. If the relatives of the deceased/injured or the injured themselves were to be approached and reminded of their injuries or of their relatives' demise, their privacy would be infringed and they may also be psychologically scarred. It is not possible to estimate the harm that may result to the persons concerned. As such, instead of setting out the detailed information on a case-by-case basis, our approach is to release aggregate data.

In addition, I would like to point out that whether detailed information on each suicide or attempted suicide cases are provided for academic research purposes is irrelevant to the retrofitting of platform screen doors or automatic platform gates by railway corporations. The latter involves technical problems in retrofitting, which have all along been examined by the corporations.

Annex

Number of cases with passengers committing suicides or attempting suicides in the last decade (1997-2006) (by age group/gender)

Gender	Age group	Year									
		1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Male	Below 15										
	15-24				1 ¹			1			
	25-34	4	2	2	1	1	3				2
	35-44	3	2	2	4	4 ²	2		1	1	
	45-54	2	1	4	2	2		3			
	55-64	2	1	3	1	1	1		2		
	65+	1	1	2			1	2	2	1	
Female	Below 15		2								
	15-24					1					
	25-34	1	2	1 ³		1		1	1		
	35-44	1	1	1				1			
	45-54		2	1	1	2	1	1			
	55-64		1	1				1			
	65+		1		1				1		
	Total	14	16	17	11	12	8	10	7	2	2

- 1 The total number of track-related suicide/attempted suicide cases in 2000 is one less than the figure provided to a Legislative Council question on 22 March 2006, as there is one case which is now confirmed not to be track-related.
- 2 The total number of track-related suicide/attempted suicide cases in 2001 is two less than the figure provided to a Legislative Council question on 22 March 2006, as there are two cases which are now confirmed not to be track-related.
- 3 The total number of track-related suicide/attempted suicide cases in 1999 is two less than the figure provided to a Legislative Council question on 22 March 2006, as there are two cases which are now confirmed not to be track-related.

Details (Stations and platforms involved, time and duration of interruption of train service) of MTR suicide or attempted suicide cases committed by passengers in the last decade (1997-2006)

Year	Cases		Stations and platform involved	Duration of service disruption (in minutes)
	Total	Number of cases occurred during peak hours*		
1997	14	0	Platform No. 4 of Admiralty Station, Platform No. 1 of Wan Chai Station, Platform No. 2 of Tsim Sha Tsui Station, Platform No. 1 of Jordan (two cases), Platform No. 2 of Yau Ma Tei Station,	264

Year	Cases		Stations and platform involved	Duration of service disruption (in minutes)
	Total	Number of cases occurred during peak hours*		
			Platform No. 3 of Yau Ma Tei Station, Platform No. 1 of Mong Kok Station, Platform No. 1 of Causeway Bay Station, Platform No. 1 of Tai Koo Station, Platform No. 2 of Ngau Tau Kok Station, Platform No. 2 of Kwun Tong Station, Platform No. 2 of Mei Foo Station, Platform No. 1 of Kwai Hing Station	
1998	16	0	Platform No. 2 of Kowloon Tong Station, Platforms No. 1 and 2 of Tsim Sha Tsui Station, Platform No. 1 of Jordan Station, Platform No. 2 of Prince Edward Station, Platform No. 2 of Sham Shui Po Station, Platform No. 2 of Tai Koo Station, Platforms No. 1 and 2 of Shau Kei Wan Station, Platform No. 1 of Wong Tai Sin Station, Platform No. 1 of Diamond Hill Station, Platform No. 2 of Choi Hung Station, Platform No. 2 of Kowloon Bay Station, Platform No. 1 of Lai Chi Kok Station, Platform No. 1 of Mei Foo Station, Platform No. 2 of Chai Wan Station	364
1999	17	0	Platform No. 2 of Shek Kip Mei Station (two cases), Platform No. 2 of Kowloon Tong Station, Platform No. 1 of Jordan Station, Platform No. 2 of Yau Ma Tei Station, Platform No. 1 of Mong Kok Station, Platforms No. 3 and 4 of Prince Edward Station, Platform No. 1 of Sham Shui Po Station, Platform No. 1 of Heng Fa Chuen Station, Platform No. 1 of Kowloon Bay Station, Platform No. 2 of Ngau Tau Kok Station, Platform No. 1 of Lam Tin Station, Platform No. 2 of Kwai Hing Station, Platforms No. 1 and 2 of Tsuen Wan Station, Platform No. 1 of Chai Wan Station	296
2000	11	0	Platform No. 2 of Shek Kip Mei Station, Platforms No. 1 and 2 of Kowloon Tong Station, Platform No. 2 of Wan Chai Station, Platform No. 1 of Jordan, Platform No. 3 of Prince Edward Station, Platform No. 2 of Sham Shui Po Station, Platform No. 2 of Wong Tai Sin Station, Platform No. 4 of Choi Hung Station, Platform No. 2 of Lai King Station (two cases)	241

Year	Cases		Stations and platform involved	Duration of service disruption (in minutes)
	Total	Number of cases occurred during peak hours*		
2001	12	1	Platform No. 2 of Tsim Sha Tsui Station, Platform No. 1 of Jordan Station, Platform No. 4 of Yau Ma Tei Station, Platform No. 1 of Causeway Bay Station, Platform No. 2 of Tai Koo Station, Platform No. 1 of Shau Kei Wan Station, Platform No. 4 of Choi Hung, Platform No. 1 of Ngau Tau Kok Station, Platform No. 1 of Mei Foo Station (two cases), Platform No. 2 of Kwai Fong Station, Platform No. 1 of Tai Wo Hau Station	225
2002	8	2	Platform No. 1 of Lok Fu Station, Platform No. 2 of Wan Chai Station, Platform No. 1 of Cheung Sha Wan Station, Platform No. 4 of Quarry Bay Station, Platform No. 2 of Wong Tai Sin Station, Platform No. 1 of Ngau Tau Kok Station, Platform No. 2 of Lai Chi Kok Station, Platform No. 1 of Tai Wo Hau Station	118
2003	10	0	Platform No. 2 of Shek Kip Mei Station, Platform No. 1 of Quarry Bay Station, Platform No. 1 of Shau Kei Wan Station, Platform No. 2 of Wong Tai Sin Station (two cases), Platform No. 1 of Kwun Tong Station, Platform No. 1 of Lai King Station, Platform No. 2 of Tsuen Wan Station (three cases)	157
2004	7	1	Platform No. 1 of North Point Station, Platform No. 4 of Quarry Bay Station, Platforms No. 1 and 2 of Sai Wan Ho Station (two cases), Platform No. 1 of Kwun Tong Station, Platform No. 1 of Tai Wo Hau Station	98
2005	2	1	Platform No. 1 of Tai Koo Station, Platform No. 1 of Heng Fa Chuen Station	29
2006	2	0	Platform No. 1 of Kwun Tong Station (two cases)	44

* Peak hours refer to 0800-0930 hours and 1715-1845 hours.

DR FERNANDO CHEUNG (in Cantonese): *President, the information requested by the CSRP does not involve privacy data such as names or residential addresses of the persons concerned and its objective is to examine*

how to further prevent suicidal behaviour. However, the main reply considers such research irrelevant to the platform screen doors which are a technical problem only. In fact, its research involves public safety and public interest. May I ask the Secretary on what ground such research is regarded as irrelevant to screen doors and research related to screen doors should be technical only?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, we have to assess the possible injury and impact to the deceased/injured or their families whenever a request for such information is considered. Just now, Dr CHEUNG said that he did not see any difference. In the main reply, we have explained that aggregate data have been provided to the research institute which should have sufficient information for further academic research.

In fact, Ms Audrey EU has also requested such information sometime ago in a more comprehensive way. Apart from data on suicides, she also asked for information on accidental falls from platform. The fact that aggregate data on this have been provided is also on the record. Such information is more relevant to the study on the relationship with screen doors because accidental falls, suicides or intentional falls onto MTR tracks may all have a relationship with screen doors when such facilities are not yet installed. Regarding research in this aspect, as I just said, the railway corporations have also conducted a study on the relationship and found that there is no direct relationship between them.

Regarding the provision of government information, under what circumstances will such information be provided or denied? According to the Code, we may refuse the disclosure of information about any person, including the deceased, unless, firstly, the disclosure is in line with the objective of collecting the information; secondly, the persons concerned or other relevant persons have given consent to the disclosure of information; thirdly, the disclosure is legally permitted; and lastly, the public interest involved in the disclosure outweighs the possible injury or impact caused by the disclosure. The disclosure of information to the person concerned or other relevant person does not fall within the abovementioned constraints.

Our criteria in this aspect are very clear. As the aggregate data provided are suitable for the purpose of research and the risk of causing injury to the relatives of the deceased is also protected, we therefore consider the information released sufficient.

DR FERNANDO CHEUNG (in Cantonese): *The part which has not been responded directly by the Secretary is that the information on individual cases requested by the CSRP is precisely needed for the purpose just mentioned by the Secretary, that is, public interest. This part precisely conforms to the public.....*

PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered by the Secretary?

DR FERNANDO CHEUNG (in Cantonese): *The part which the Secretary has not answered is that, although the CSRP is acting in line with the objective and the authorities can impose conditions on the CSRP that the information should be used in a way compatible with public interest, the Government is still reluctant to release the information. The Secretary has not given a clear explanation on this.*

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

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, the Code does not stipulate that the information can be released with conditions. So, it is doubtful whether no abuse of information can be guaranteed and this is also out of our control.

MR ALBERT HO (in Cantonese): *President, I am extremely surprised by the main question. There is such a big difference of opinion in respect of the information between an academic institute, which wishes to conduct research on the safety of public transportation, and the railway corporations and the Government. I believe the Government would also like to see the effective conduct of the research. May I ask the Secretary whether other approaches, such as seeking the consent of the deceased's families, have been considered? Because it is very simple. It is simply a matter about the provision of information to an academic institute for academic research. If the Government seeks the families' consent, I believe very positive responses will be received immediately. Has the Secretary considered adopting a similar approach in order to help institutes complete researches involving public interest?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, in fact, there is no concrete information about the persons concerned in our transport information. We only have information about the death toll at the occurrence of the incident, the material time, and the rough description of the deceased such as gender. There is no substantial information about the persons concerned in the databank of the Bureau.

MS AUDREY EU (in Cantonese): *President, can the Secretary explain why different approaches have been adopted by the KCRC and the MTRCL regarding the release of information? Besides, can the Secretary state clearly whether either one of the corporations' approaches will be adopted or a new approach will be followed after the rail merger in the future? Can the Secretary tell us an approach which is consistent and conducive to research involving public interest by the CSRP?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, in fact, I would like to clarify again that the aggregate data provided at present, in our opinion, can ensure protection for both sides, that is, the interest of the researcher and the privacy of the persons concerned in the incidents. At present, the two railway corporations are not particularly subject to any regulation laid down by us. I believe the spirit of the Code should be observed if consistency is pursued in the future. The relevant assessment should include two aspects, including the impact on the persons concerned and the benefit gained in terms of public interest arising from the disclosure of information. The criteria of releasing the information are met only when a balance is struck between the two. We hope the adoption of the criteria will be considered after the rail merger.

MS AUDREY EU (in Cantonese): *Part of my supplementary question is about whether the authorities will consider the disclosure of information in a consistent way in order to balance the two objectives. The Secretary has just mentioned the guidelines. What I meant is not only the criteria for the disclosure of information but also the provision of a set of information in a consistent manner. In other words, it is tantamount to a sample such as the last part of the main reply in which information is provided. What I meant is whether the Secretary will have a consistent model or method for the disclosure of information rather than merely guidelines or criteria.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, under the operation of the government framework as a whole, the disclosure of information is subject to the Code due to the existence of numerous different situations. I think if guidelines or more specific practices are laid down for individual item, such as the item concerning the MTR, and such practices are expected to be strictly observed, such practices should be formulated by the new railway corporation. And now the bylaws are under review. I do not think the Code of the Government can be a substitute. In view of the wider coverage of our Code, I believe the railway corporation will have to lay down its own rules in the light of operation to pinpoint certain aspects.

MISS CHOY SO-YUK (in Cantonese): *President, the Government has rejected the CSRP's request again despite The Ombudsman's ruling. May I ask the Secretary whether she has assessed the impact of the rejection on the credibility of The Ombudsman?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, as I just said, The Ombudsman is still investigating the case and we will not make any comment. Regarding the initial letters, The Ombudsman has just expressed his views on the complainant's case and learnt from the complainant that the information requested is for the study on the effectiveness of the screen doors. And this point had not been mentioned when they applied for release of information from us. This is another matter. Having replied their letter, The Ombudsman thought that the complaint has been closed. However, the complainant has lodged a complaint to The Ombudsman again to request a re-investigation which is now in progress.

MR LAU KONG-WAH (in Cantonese): *President, there is a clear correlation between the installation of screen doors and the suicide figures. In the last part of the main reply, the Secretary said that the railway corporations are now studying the matter. In view of the fact that the railway corporations have proposed the installation of all screen doors in five to six years in a subcommittee of the Legislative Council, may I ask the Secretary whether such a proposal will be considered an undertaking by the railway corporations and what follow-up action will be taken by the Government in this regard?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, in the main reply, I have stated very clearly that there is no relationship between screen doors and suicides at least according to the railway corporations' study. However, the issue has been discussed time and again in the Subcommittee on Matters Relating to Railways and the railway corporations have made an undertaking in this aspect. I believe they will do their best to accomplish the task and the project will be completed as scheduled as they did in other infrastructure projects.

MISS TAM HEUNG-MAN (in Cantonese): *President, I do not agree with the Administration that the two are not related. According to the Annex to the main reply, it is obvious that the figures in 2005 and 2006 have dropped sharply. How can they be not related? Is the Secretary worried about the pressure for installation of screen doors after disclosure of information? Because there is a relationship between suicides and screen doors, which is a message presented in the Annex. Is the Secretary worried about the possibility of such pressure, thus refusing to disclose the message or information?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, as Mr LAU Kong-wah has stated very clearly, the MTRCL has undertaken that screen doors will be installed in five to six years. So, there is no question of dodging the installation of such facilities. We only consider two points in respect of information disclosure: first, public interest; and second, privacy. We will release aggregate data on suicides or attempted suicides in railways on condition that privacy will not be infringed. Such data are comprehensive enough to help the research conducted by the CSRP. The relevant information is set out again today, thus showing that there is no question of not releasing the information to the public.

PRESIDENT (in Cantonese): Miss TAM Heung-man, has your supplementary question not been answered?

MISS TAM HEUNG-MAN (in Cantonese): *President, my original supplementary question is that a direct relationship is revealed in the Annex. Does the Secretary agree that there is a direct relationship?*

PRESIDENT (in Cantonese): This is not part of your previous supplementary question and is therefore not allowed. We have spent more than 18 minutes on this question. Last supplementary question.

MISS CHOY SO-YUK (in Cantonese): *President, may I ask the Secretary whether or not she has made enquiries with the KCRC about whether any complaint has been received after the release of data? Can the MTRCL provide the same information?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, I have not received any information in this regard.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Curbing Proliferation of *Mikania Micrantha*

7. **MRS SOPHIE LEUNG** (in Chinese): *President, on curbing the proliferation of *Mikania micrantha*, also known as "the plant killer", will the Government inform this Council:*

- (a) *as the Government has advised that *Mikania micrantha* is found mainly at derelict fields, abandoned fish ponds, hillsides and woodland fringe in the New Territories, whether it has found *Mikania micrantha* at the hillsides of Hong Kong Island or Kowloon; whether it has sent staff or contractors to conduct regular inspections in these areas;*
- (b) *of the number of contractors currently engaged to remove *Mikania micrantha*; and*
- (c) *what members of the public should do and which government departments they should inform should they find *Mikania micrantha* in public areas; and whether it has reviewed the adequacy of the information disseminated by the Government in this respect?*

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

- (a) *Mikania micrantha* is commonly found at places like derelict fields, fish ponds, roadsides as well as hillsides near villages in the New Territories. Although it has also been found in some hillside areas of Hong Kong Island and Kowloon, the spreading of *Mikania micrantha* in these areas is relatively not serious.

Relevant government departments carry out annual inspections and maintenance work for the plants within their facilities and on slopes under their management, including monitoring the growth of *Mikania micrantha*. For instance, the Agriculture, Fisheries and Conservation Department (AFCD) regularly inspects the proliferation of *Mikania micrantha* at country parks, special areas and sites of special scientific interest. District Lands Offices have also stepped up inspections at the areas under their management by conducting at least two regular inspections annually at places where *Mikania micrantha* is frequently found. The departments concerned will remove *Mikania micrantha* promptly if found. For example, the respective District Lands Offices have removed *Mikania micrantha* on Government land near Pak Fuk Road in North Point, Fei Tsui Road in Chai Wan, Mount Butler Road in Jardine's Lookout and Chun Yan Street in Wong Tai Sin in Hong Kong Island and Kowloon after sighting it at these places.

- (b) Removing *Mikania micrantha* is part of the routine duties of the AFCD and the contractors concerned. They regularly inspect areas under their management and remove *Mikania micrantha* if found. However, the Government does not engage contractors specifically for handling and removing *Mikania micrantha*.
- (c) If members of the public find *Mikania micrantha* in public areas, they can report the case by calling the 1823 Citizen's Easy Link. The staff on duty will answer the enquiries and refer the case to the relevant department for follow-up action. Members of the public can also contact the AFCD to seek professional advice. Moreover, the AFCD has prepared the Nature Conservation Practice Note on Clearing *Mikania*, which explains the methods of clearing *Mikania* in detail. The AFCD has also set up a website on clearing *Mikania* to help the public know more about *Mikania* and the methods of clearing it.

Control over Number of Vehicles in Discovery Bay

8. **DR DAVID LI:** *President, will the Government inform this Council whether it exercises any control over the number of vehicles in Discovery Bay, including but not limited to village vehicles, residents' coaches that run within Discovery Bay and those between Discovery Bay and places outside the area, light buses/hired cars with a capacity of less than 10 persons, and service vehicles; if so, of the following details of such control:*

<i>Type of vehicle</i>	<i>Government department(s) exercising control</i>	<i>Nature of control</i>	<i>Number of permitted vehicles as of 31 March 2007</i>	<i>Increase in the number of permitted vehicles since 1 April 2004</i>	<i>Number of applications for operating the vehicles in Discovery Bay pending (as of 1 April 2007)</i>	<i>Number of parking spaces in Discovery Bay</i>
<i>Village vehicles</i>						
<i>Residents' coaches that run within Discovery Bay</i>						
<i>Residents' coaches that run between Discovery Bay and places outside the area</i>						
<i>Light buses/hired cars</i>						
<i>Service vehicles</i>						
<i>Others (specify type)</i>						

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS: President, of all vehicles in Discovery Bay, the Transport Department regulates the number of village vehicles, hire cars and public buses for provision of residents' services through:

- (i) Village Vehicle Permits issued under regulation 4 of the Road Traffic (Village Vehicles) Regulations (Cap. 374N);
- (ii) Hire Car Permits issued under regulation 14 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D); and
- (iii) Passenger Service Licences issued under section 27 of the Road Traffic Ordinance (Cap. 374) and the Schedules of Service of the residents' services attached to the licences.

The detailed information is set out below:

<i>Classes or description of vehicles</i>	<i>Nature of control over the number of vehicles</i>	<i>Number of licensed vehicles as at 31 March 2007</i>	<i>Increase in number of vehicles since 1 April 2004</i>	<i>Applications pending (as at 1 April 2007)</i>	<i>Number of parking spaces provided by developer in Discovery Bay</i>
Village Vehicles	Village Vehicle Permits	478	0	0	1 078
Residents' buses that run within Discovery Bay	Passenger Service Licences, and Schedules of Service attached to the Licences	26	1	0	54
Residents' buses that run between Discovery Bay and places outside the area	Passenger Service Licences, and Schedules of Service attached to the Licences	26	3	2	
Hire cars	Hire Car Permits	10	0	0	96 (for shared use with other vehicles)

The Government does not regulate the number of other vehicles running in Discovery Bay.

Trading off First-year-first-degree Places for Articulation Places in Universities

9. **MR CHEUNG MAN-KWONG** (in Chinese): *President, I have learnt that the Government currently requests universities to trade off their subvented first-year-first-degree (FYFD) places for subvented senior year undergraduate places (hereinafter as "articulation places") to provide articulation opportunities for associate degree graduates. In this connection, will the Government inform this Council:*

- (a) *of the reasons for the implementation of the policy and its details, including the number of articulation places for which each FYFD place can be traded off; whether the trade-off ratios for individual institutions are the same and whether it has imposed an upper limit on the number of places that can be traded off by each institution;*
- (b) *of the respective numbers of articulation places for which each subvented institution had traded off its FYFD places each time in each of the past two years; and whether such places are included in the 3 800 subvented Year 2 and Year 3 undergraduate places to be provided additionally between 2005-2006 and 2010-2011 academic years as undertaken by the Government;*
- (c) *of the respective current unit costs of the above two types of places; and*
- (d) *whether it has assessed the impact of the above policy on the existing arrangement for universities to only provide a total of 14 500 FYFD places in each academic year, as well as on the opportunities of the Hong Kong Advanced Level Examination candidates in furthering their studies; if it has so assessed, of the results; if not, the reasons for that?*

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

- (a) and (b)

To provide more articulation opportunities for sub-degree graduates and holders of other relevant qualifications, the Administration has

undertaken to create in phases a total of about 3 800 publicly-funded Year 2 and Year 3 undergraduate places (hereinafter as "senior year places") in the University Grants Committee (UGC)-funded sector from the 2005-2006 to 2010-2011 academic years. In this regard, the UGC has provided 840 Year 2 places for the UGC sector in the 2005-2006 academic year, and 967 Year 2 places (that is, an additional 127 places) and 840 Year 3 places in the 2006-2007 academic year.

To create a mutually beneficial situation for the institutions and to take into account the strategic development of the whole UGC sector, the UGC has, starting from the 2006-2007 academic year, redistributed a small number of the FYFD places from certain UGC-funded institutions which would at the same time receive additional senior year places for articulation by sub-degree graduates. In allocating the FYFD and senior year places among institutions, the UGC has taken into account various factors including the Academic Development Proposals submitted by the institutions; their specific role and strengths; their experience in providing articulation places for sub-degree graduates; and the Administration's advice on specific manpower requirements, and so on.

The UGC had allocated the additional 127 Year 2 places (as mentioned in the first paragraph above) to four institutions in the 2006-2007 academic year, in exchange for a total of 50 FYFD places from these institutions for redistribution to other institutions. As the arrangement involves only the redistribution of FYFD places among the UGC-funded institutions, the total number of FYFD places for the UGC sector has been maintained at 14 500. The UGC has consulted the institutions on the redistribution of student places and the arrangement was agreed by the institutions concerned.

As the distribution of FYFD and senior year places depends on a number of factors, it would not be appropriate to lock in the arrangement based on a "conversion rate".

- (c) According to the information provided by the UGC-funded institutions, the average student unit cost for each undergraduate

place and senior year place is about \$200,000 per annum in the 2005-2006 academic year.

- (d) As explained in parts (a) and (b) above, the provision of additional senior year places does not have any impact on the total number of publicly-funded FYFD places available for the UGC sector (maintained at 14 500 FYFD places per year). Hence, the chance that candidates taking the Hong Kong Advanced Level Examination will be admitted to the FYFD places at the UGC-funded institutions will not be affected by the redistribution of FYFD places among institutions.

Elderly Abuse

10. **MR ABRAHAM SHEK:** *President, given Hong Kong's ageing population, the number of cases of abuse of the elderly continues to increase. According to the Central Information System on Elder Abuse Cases, 522 cases were newly reported in the period from January to December 2006. In this connection, will the Government inform this Council:*

- (a) *of the number of newly reported cases of abuse of the elderly in the period from January to March 2007, broken down by the types of abuse, the victims' gender, relationship between victims and abusers, and victims' residential districts;*
- (b) *of the measures taken or to be taken by the Administration to encourage and assist the victims concerned in reporting their cases and seeking help; and*
- (c) *whether the Administration will consider stepping up education for the elderly in need in this regard, including enhancing publicity on the contingency measures and assistance available to them?*

SECRETARY FOR HEALTH, WELFARE AND FOOD: President,

- (a) The raw data of elderly abuse cases for the period from January to March 2007 are still under processing at the moment. Verified statistics will be available around August. As to the elderly abuse

cases in 2006 (that is, 522 cases), the relevant breakdowns are as follows:

Types of Abuse and Victims' Gender

<i>Type of Abuse</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
	<i>No. of Victims</i>	<i>%</i>	<i>No. of Victims</i>	<i>%</i>	<i>No. of Victims</i>	<i>%</i>
Physical Abuse	151	63.4%	176	62.0%	327	62.6%
Psychological Abuse	25	10.5%	32	11.3%	57	10.9%
Neglect	2	0.8%	1	0.4%	3	0.6%
Financial Abuse	44	18.5%	48	16.9%	92	17.6%
Abandonment	1	0.4%	0	0.0%	1	0.2%
Sexual Abuse	0	0.0%	4	1.4%	4	0.8%
Multiple Abuse	15	6.3%	23	8.1%	38	7.3%
Total	238	100%	284	100%	522	100%

Relationship between Victims and Abusers

<i>Relationship with Victim</i>	<i>No. of Abusers</i>	<i>%</i>
Son	74	14.2%
Daughter	19	3.6%
Son-in-law	6	1.1%
Daughter-in-law	21	4.0%
Spouse	262	50.2%
Grandchildren	6	1.1%
Relative	12	2.3%
Friend/Neighbour	50	9.6%
Unrelated person living with the victim	10	1.9%
Domestic helper	49	9.4%
Agency staff providing service to victim	4	0.8%
Others	9	1.7%
Total	522	100%

Victims' Residential Districts

<i>Residential District</i>	<i>No. of Victims</i>	<i>%</i>
Central/Western	14	2.7%
Islands	3	0.6%
Wan Chai	6	1.1%
Eastern	67	12.8%
Southern	21	4.0%

<i>Residential District</i>	<i>No. of Victims</i>	<i>%</i>
Yau Tsim Mong	20	3.8%
Kowloon City	20	3.8%
Sham Shui Po	42	8.0%
Wong Tai Sin	32	6.1%
Kwun Tong	78	14.9%
Sai Kung	13	2.5%
Sha Tin	30	5.7%
Tai Po	13	2.5%
North	15	2.9%
Yuen Long	48	9.2%
Tsuen Wan	27	5.2%
Kwai Tsing	40	7.7%
Tuen Mun	30	5.7%
Unknown	3	0.6%
Total	522	100%

- (b) To encourage and assist victims to report their cases and seek help, to enhance community awareness, to cultivate an environment to respect the elders and promote neighbourhoodliness, the following measures will continue to be implemented:
- (i) since 2002, we have launched an annual Publicity Campaign on Strengthening Families and Combating Violence, with elderly abuse being one of the core themes. Under this Campaign, we organize activities such as district programmes on prevention of elderly abuse, including seminars for professionals and local organizations, support for vulnerable elder groups, and home visits to elders by volunteers, and so on;
 - (ii) we will further enhance the outreaching services for elders who do not use mainstream elderly services;
 - (iii) to encourage elders to seek help early, the Social Welfare Department (SWD) will continue to conduct training to enhance front-line staff's sensitivity and skills in detecting and managing elderly abuse. A territory-wide workshop will be organized to involve elderly service providers to identify

effective strategies at district level to involve community stakeholders for early identification of elderly abuse cases.

Separately, it is noted that the majority of the reported elderly abuse cases involved abusers who have spousal relationships with the victims. The Domestic Violence Ordinance (DVO) currently provides injunctive protection to victims molested by their spouses or cohabitants. The Administration will propose amendments to the DVO to extend its coverage to include persons molested by their former spouses or cohabitants, by their sons/daughters, grandsons/granddaughters and such other relatives as specified in the amendment bill. In sum, the DVO once amended will extend protection to a comprehensive range of domestic violence victims including those suffering from elderly abuse.

- (c) In 2007-2008, the Administration will step up efforts in empowering and educating elders to understand their rights as well as means of seeking help. Funding has been set aside for the SWD districts to organize training and educational programmes on this front. Besides, promotional material such as animation CD, practical self-help tips, roadside boards, television API and leaflets on prevention of elderly abuse, will continue to be available for distribution to the public.

In conjunction with the Elderly Commission, we will continue to enhance publicity and public education to promote a sense of worthiness among elders, create a social environment of caring for the elders and inter-generation harmony. For example, another Golden Age TV series will be produced by Radio Television Hong Kong. The Opportunities for the Elderly Project will also focus on the message of "Respecting Elders by Maintaining Family Harmony and Enriching Golden Years by Nurturing our Life" in 2007-2008.

District Football Teams Training Scheme

11. **MS AUDREY EU** (in Chinese): *President, regarding the District Football Teams Training Scheme (the Scheme) launched by the Leisure and Cultural Services Department (LCSD) and The Hong Kong Football Association Limited (HKFA) in 2000, will the Government inform this Council:*

- (a) *of the latest progress of the above scheme;*
- (b) *of the support given to district football teams by the Government to promote a sense of belonging to the districts among their residents and foster the development of football as a sport in Hong Kong;*
- (c) *of the support provided by the LCSD to district football teams which have been promoted to play the matches of the higher leagues of HKFA; and*
- (d) *whether the LCSD has provided sufficient sports grounds for district football teams of the 18 districts to receive training and play matches in their respective districts; if it has, of the details; if not, the number of district football teams which are unable to receive training and play matches in their respective districts?*

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

- (a) Since 2000, the LCSD has been providing funding support to HKFA for implementing the Scheme in the 18 districts. Under the Scheme, systematic football training is provided to youngsters aged between 16 and 20. The purposes of the Scheme are to bring in new blood to the local football sector, as well as to enhance the sense of belonging of young football players to their districts. So far, the Scheme has channelled many promising young football players to various division teams.

In 2002, under the co-ordination of the LCSD, HKFA has invited the 18 District Councils (DCs) to form district football teams to play in the Third Division District Football Team League. Outstanding players under the Scheme were selected by the DCs to form district teams. The first League was held in 2002-2003, with teams from 11 DCs taking part in it. Since the year 2003-2004, all the 18 DCs have set up their own District Football Teams to play in the League organized by HKFA. In 2003-2004, the Tai Po Team and the Kwai Tsing Team performed exceedingly well and won the champion and first runner-up respectively in the League, and were

promoted to the Second Division in 2004-2005. The Tai Po Team has subsequently made further progress by winning the runner-up in the Second Division League in 2005-2006, and moved up to the First Division in 2006-2007. The Yau Tsim Mong Team was also promoted to the Second Division in 2006-2007.

(b) and (c)

To support the development of District Football Teams, starting from the football season of 2004-2005, the LCSD has reserved 36 free sessions at its turf pitches for each DC District Football Team to undergo training before the commencement of the League. The LCSD has also taken measures to facilitate the hiring of football pitches by District Football Teams for training purpose.

The DCs also provide District Football Teams with funding support. In 2006-2007, funding ranging from around \$50,000 to \$200,000 were provided by the DCs to support District Football Teams.

On the other hand, the Government has actively assisted those District Football Teams which have been promoted to the First Division to solicit commercial sponsorship and encouraged the local community to support the football teams. Taking the Tai Po Team as an example, under the co-ordination of the Government, it has totally secured over \$1.3 million sponsorship in 2006-2007 as its development fund.

(d) At present, the LCSD provides 48 natural turf pitches, 25 artificial turf pitches and 229 hard surfaced pitches in the 18 districts for use by various organizations and members of the public. Apart from the Central and Western District, District Football Teams recognized by their respective DCs can undergo training in venues of their respective districts. As there is no existing turf pitch in the Central and Western District, the LCSD has made arrangements for the District Football Team of Central and Western District to use the turf pitches in the Eastern District or the Southern District. The LCSD plans to build an artificial turf pitch in the coming years under the Sun Yat Sen Memorial Park Phase II Project for the Central and Western District.

Application for Business Licences

12. **MR FRED LI** (in Chinese): *President, although the Planning Department (PlanD) is not the main licensing department, it is required to advise other departments on quite a number of types of licence applications. Recently, the owner of a fresh provision shop complained to me that the vetting and approving of his licence application was delayed by the authorities because the application was required to be processed by the PlanD. In this connection, will the Government inform this Council:*

- (a) *of the number of types of applications relating to business licences on which the PlanD is currently required to advise, and the average time taken by the PlanD to advise on such applications; and*
- (b) *whether, in connection with the above problem, it has studied if the relevant procedures can be streamlined and the processing time for such applications shortened, so as to facilitate business operations; if it has conducted such a study, of the findings; if it has not, the reasons for that?*

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

- (a) Applications for business licences on which the PlanD provide advice include mainly those for food business licences (there are nine types, namely restaurant, food factory, fresh provision shop, bakery, factory canteen, siu mei and lo mei shop, frozen confection factory, milk factory and cold store) referred by the Food and Environmental Hygiene Department (FEHD) to other government departments concerned for consideration, and those for the registration of tutorial schools.

In connection with the aforementioned applications for the nine types of food business licences, the FEHD has made arrangements with the PlanD. Regarding applications for new licences for restaurants and cold stores, the PlanD will reply within 17 working days upon the receipt of referral from the FEHD. As regards applications for new licences for the other seven types of food

business (including the fresh provision shop referred to in the question), replies will be given within 24 working days. For enquiries on applications for the registration of tutorial schools, the PlanD will normally reply to the applicant concerned within one week.

The PlanD will also give advice within a shorter timeframe where practicable according to the needs of the relevant departments.

- (b) In line with the Government's policy of promoting a favourable business environment, the licensing departments have been exploring with other relevant government departments ways to streamline the licensing procedures. By way of example, the arrangement for processing applications for food business licences as mentioned above is a working agreement reached between the FEHD and the PlanD after discussions. The government departments concerned will continue to explore how to further streamline the procedures for processing applications.

Complaints Relating to Continuing Education Fund

13. **MR JAMES TO** (in Chinese): *President, it has been reported that the number of complaints received by the Consumer Council in relation to the Continuing Education Fund (CEF) has substantially increased from one case last year to 10 cases in the first quarter of this year. In addition, some 30 members of the public had made complaints about the CEF to me last year. In this connection, will the Government inform this Council:*

- (a) *since the establishment of the CEF,*
- (i) *of the respective numbers of complaints received by the Education and Manpower Bureau (the Bureau) and Consumer Council, with a quarterly breakdown of the complaints by subject matter;*
- (ii) *of the number of substantiated complaints and names of the course providers concerned, and whether any course providers have been disqualified from offering CEF-approved courses as a result;*

- (iii) *of the number of cases of delay in CEF reimbursement to students because the course providers concerned are under investigation;*
- (b) *whether a course provider under investigation by the Bureau can still register students for its CEF-approved courses; whether the relevant authorities have issued guidance specifying that course providers, if under investigation, shall disclose so to students during enrolment, the Bureau has the right to request course providers which are under in-depth investigation to suspend enrolment of students, and the CEF can reimburse students before an investigation is completed; and*
- (c) *whether the removal by the Bureau of a course from the Reimbursable Course List will affect the eligibility of the students who are studying the course to claim reimbursement?*

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

- (a) Since the establishment of the CEF in June 2002, the Office of the CEF (OCEF) has approved over 340 000 applications and about 6 200 courses have been registered as CEF-recognized courses.
- (i) The Bureau has received a total of 141 complaints since the establishment of the CEF. Quarterly breakdown of the complaints by category is as follows:

		2002	2003				2004			
		Q3 and Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Number of Complaint Cases		6	3	2	4	5	3	1	4	4
Complaint Category	Course or service quality	1	1			1	1		1	3
	Promotional practice	2	2	2	3	4	2	1	1	1
	Fraud								1	
	Course fee or refund policy	1			1					
	Administrative arrangements and others	2				1			1	

		2005				2006				2007	
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Number of Complaint Cases		4	8	8	22	12	10	10	16	5	14
Complaint Category	Course or service quality	2	4	2	3	2	4	4	7	2	3
	Promotional practice	2	3	8	16	8	7	4	7	3	8
	Fraud					1		1	1	2	
	Course fee or refund policy	1			3			3	2		1
	Administrative arrangements and others		2	2	3	1			2	3	5

Some of the above complaints concern more than one complaint categories.

In addition, the Consumer Council has received a total of 172 complaints relating to CEF courses during the same period. Since the Consumer Council does not have quarterly breakdown of complaint figures, only annual breakdown can be provided and details are as follows:

		2003	2004	2005	2006	2007 (till 1 April)
Number of Complaint Cases		5	8	7	138*	14
Complaint Category	Course or service quality	1	2		10	8
	Promotional practice		3	4	121*	5
	Course fee or refund policy	1				
	Administrative arrangements and others	3	3	3	7	1

* In 2006, the Consumer Council received a total of 138 complaints relating to CEF courses, 121 of which concerned the promotional practice of the same course provider. All CEF courses operated by this course provider had been deregistered from the list of CEF-recognized courses in January 2007 due to serious breach of the approval conditions.

- (ii) Since the establishment of the CEF, a total of 104 complaints involving 41 course providers have been substantiated or

partially substantiated after investigations by the Bureau. Among those, 17 CEF courses operated by five course providers, namely Hong Kong Institute of Tourism, Aura Audio Visual Institute, President Education Centre, Transformatics College and English Language College, have been deregistered from the list of CEF-recognized courses due to serious breach of the approval conditions. For the remaining 36 course providers, the Bureau has issued written warnings to them and they have rectified their non-compliance within the specified time limit.

- (iii) Currently, there are five course providers under investigation by law-enforcement agencies. Since the cases may involve elements of fraud, the OCEF must await the completion of the investigations by the law-enforcement agencies before resuming the processing of the reimbursement claims concerned in order to safeguard public fund. About 450 claimants are being affected.
- (b) During investigation, if there is evidence that criminal elements may be involved, the Bureau will report the case to the relevant law-enforcement agency and suspend temporarily the registration of the CEF course concerned. We will also request the course provider to cease admitting new students to the courses concerned immediately. After the law-enforcement agency has completed investigation, we will re-examine whether the course concerned should be on the list of CEF-recognized courses. For cases not having criminal elements, should the Bureau's investigations reveal that there is sufficient evidence of serious breach of the approval conditions by the course provider, we will inform the course provider in writing that the relevant CEF courses will be deregistered from the list on a specified date and request the course provider to cease admission of new students during the period of representation. In parallel, the OCEF will post the news related to the relevant courses, including courses that have been deregistered or temporarily suspended, on its website for public information.

During investigation, the OCEF will determine on a case-by-case basis whether disbursement of funds to the CEF claimants concerned should continue. If initial investigation indicates that

students are suspected of deceiving the CEF or providing false information, the OCEF will suspend the disbursement of funds and report to the relevant law-enforcement agency. Otherwise, the OCEF will continue to process the reimbursement applications.

- (c) Generally speaking, a student who has already enrolled or commenced his course of study will not be affected by the deregistration of the course from the list of CEF-recognized courses. As long as the claimant fully complies with the requirements for making reimbursement claims, including successful completion of the relevant course, the OCEF will arrange to disburse funds after verifying the information provided by the claimant.

Work-related Opinion Survey on Hospital Authority Staff

14. **DR KWOK KA-KI** (in Chinese): *President, it has been reported that last year, the Hospital Authority (HA) commissioned a consultant firm to conduct a work-related staff opinion survey in which the HA staff were invited to give scores to 18 items, including job stability, satisfaction, sense of belonging, remuneration package, workload, corporate image and training, and so on. The results showed that the satisfaction levels of the HA staff in respect of items such as working environment, satisfaction and leadership of supervisors had dropped sharply and fallen below those in the 2004 survey. In this connection, will the Government inform this Council whether it knows the scores given to each item by each of the ranks of health care staff in each hospital in the report of the above survey, and whether the HA will respond to the scores by developing corresponding measures to improve situations such as staff working overtime and being remunerated differently for the same kind of jobs, so as to enhance job satisfaction of its staff?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, the HA commissions regular consultancies to conduct staff opinion surveys so as to gauge staff's concerns on management issues and assess the effectiveness of various management improvement measures. The latest survey was conducted from October to November in 2006. The staff opinion survey is one of the internal communication channels between the HA management and its staff. The findings of the survey are for the HA's internal reference.

The findings of the survey revealed that the HA staff were positive on a number of aspects such as job security, working relationships, job satisfaction, empowerment, and so on. Having analysed the findings, the HA decided to focus on five specific aspects of which the staff were concerned about and implement corresponding management improvement measures. These aspects include workload, career development, staff engagement, performance evaluation and change management.

Improvement measures that have been implemented by the HA include reappointment of contract staff on permanent terms; improved terms of employment for part-time staff; introduction of the five-day week and the Executive Leadership Programme, and so on. The arrangement to reappoint contract staff on permanent terms has been in place since 2006. The HA staff on contract terms with six years of service and good performance may apply for reappointment on permanent terms. In 2006-2007, more than 600 HA contract staff were reappointed on permanent terms. The HA has also introduced the five-day week in phases at the HA Head Office and clusters' hospitals since April 2007. At present, some 900 staff in the HA Head Office have switched to the five-day week. The clusters' hospitals will also introduce the five-day week in phases. These two measures will help improve the working environment and staff engagement of the HA staff. On the other hand, the HA in early 2007, has launched the Executive Leadership Programme which is expected to provide training for 25 to 30 senior executives and health care professionals each year, with a view to enhancing the HA's overall leadership and capacity to manage changes.

The HA is also considering other improvement measures, including the establishment of a clear professional development structure for staff of non-clinical grades, such as staff of the information technology division and finance division; and reviewing the working hours, remuneration package and promotion prospects of front-line doctors, with a view to addressing their concerns on issues related to their career prospects, job security and workload, and so on.

The HA will continue to maintain communication with its staff and review the effectiveness of the measures implemented. It will also seek the views of its staff on future improvement measures to be implemented.

Regulation of Fisheries Industry

15. **MR ALBERT CHAN** (in Chinese): *President, recently, I have received complaints from fishermen of Cheung Chau, Peng Chau, Ma Wan and Mui Wo, alleging that many fishermen have engaged in fishing activities in inshore waters using methods destructive to the seabed and marine ecology, such as clam dredging. It has been learnt that many countries and territories have already banned such activities. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of such complaints received and the prosecutions instituted as a result in each of the past three years; and*
- (b) *whether it will consider strengthening the regulation of the fisheries industry by prohibiting fishermen from using fishing methods destructive to the seabed in inshore waters; if so, of the details; if not, the reasons for that?*

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

- (a) Generally speaking, fishing activities that are destructive to the seabed mainly involve the use of dredging or suction devices. These activities are classified as illegal fishing practices because they have a serious impact on the seabed and the ecology, and will pollute the water. The following are the number of complaints about destructive fishing activities using dredging or suction devices received by the Agriculture, Fisheries and Conservation Department (AFCD), and the number of prosecutions instituted by the AFCD under the Fisheries Protection Ordinance (Cap. 171) against such persons in each of the past three years:

<i>Year</i>	<i>No. of Complaints</i>	<i>No. of Prosecutions</i>
2005	10	2
2006	5	2
2007 (As at 31 May 2007)	2	0 (one case pending)

- (b) At present, the Fisheries Protection Ordinance prohibits any person from engaging in destructive fishing activities, including the use of electricity, explosives, toxic substances, and dredging or suction devices for the purpose of fishing. Offenders are liable to a maximum fine of \$200,000 and imprisonment for six months upon conviction. The AFCD and other departments concerned will further step up patrols and enforcement actions, and will conduct joint operations when necessary to combat these destructive fishing activities.

Liability of Posting Hyperlinks on Internet

16. **MR SIN CHUNG-KAI** (in Chinese): *President, recently, a member of the public was convicted of publishing obscene articles because he had posted on an Internet forum a hyperlink to connect to an overseas website with pornographic photographs. In this connection, will the Government inform this Council:*

- (a) *given that people posting hyperlinks on the Internet usually have no control over the contents of the hyperlinked webpages, and they may not be informed of alterations to such contents, whether it has assessed the liability to be borne by a person for posting a hyperlink to connect to a website which did not contain obscene contents when he posted the hyperlink but such contents were uploaded onto the website subsequently by others; if it has, of the assessment results;*
- (b) *whether it has assessed the liability of Internet search-engine service providers in respect of providing on their websites hyperlinks connecting websites with obscene contents; of the criteria for determining the subject of prosecution; if it has, of the assessment results; and*
- (c) *whether it will issue guidelines to the information technology industry, including companies and websites providing Internet search engine service, to remind them of the matters to which they should pay attention and the actions they should take, so as to avoid infringing the law unknowingly by having, on their websites, hyperlinks connecting other websites with obscene contents; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in the absence of Secretary for Commerce, Industry and Technology) (in Chinese): President, my reply to the above question is as follows:

- (a) A hyperlink is a reference or navigation element in a document on the Internet to another section of the same document, another document, or a specified section of another document, that automatically brings the referred information to the user when the navigation element is selected by the user. As such it is similar to a citation in literature, but with the distinction of automatic instant access.

It is true that generally a person does not have control over a linked site. If the contents of a linked site were changed without the person who posted the link knowing of the change, then that person would not be liable.

In particular cases, whether or not that person would be liable for posting the link and would be prosecuted would depend upon the evidence gathered which would indicate the knowledge of the person to the alteration in the contents at the linked site. The prosecution in making a decision to prosecute would follow the published prosecution policy guidelines (available on the website of the Department of Justice at <www.doj.gov.hk>).

- (b) Generally, Internet search engine providers merely provide a tool for Internet users to search for information. They have no knowledge of the contents of a particular site. Nevertheless, if website hosts have knowledge that their website is linked to a pornographic article, they may be liable as an aider and abettor in publishing an obscene article. Whether or not they would be liable would depend upon the evidence available to indicate their knowledge of the link to the obscene site. The same prosecution policy guidelines apply in deciding whether to prosecute.
- (c) After consulting the public and the industry, the Television and Entertainment Licensing Authority (TELA) and the Hong Kong Internet Service Providers Association (HKISPA) jointly promulgated a self-regulatory code of practice in October 1997, providing guidelines for Internet service providers. The code of practice sets out the procedures Internet service providers should

follow and the actions they should take to handle indecent and obscene contents on the Internet. Such actions include requiring website hosts and information distributors on the Internet should post warning notice for distributing indecent contents and remove obscene contents; blocking access to those websites or databases in breach of the Control of Indecent and Obscene Articles Ordinance (COIAO); cancelling the Internet accounts of those persons in breach of the COIAO; and referring complaints to the TELA for follow-up, and so on. The code of practice is available on the website of the HKISPA at < www.hkisp.org.hk/COP.htm > .

Implementation of Law Reform Commission's Reports on Children's Welfare

17. **MR ALBERT HO** (in Chinese): *President, the Law Reform Commission (LRC) of Hong Kong published between 2002 and 2005 four reports on "Guardianship of Children", "International Parental Child Abduction", "The Family Dispute Resolution Process" and "Child Custody and Access" respectively. Since April 2005, the Administration has repeatedly postponed the date for briefing the Panel on Welfare Services of this Council on how it will implement the recommendations of the reports. In this connection, will the Government inform this Council:*

- (a) *of the efforts made by the authorities to implement the recommendations of the abovementioned reports since their publication, and the reasons for the slow progress;*
- (b) *given that among the abovementioned reports, the first three reports are being studied by the Health, Welfare and Food Bureau, while the fourth one is being studied by the Home Affairs Bureau, whether the two Bureaux have set up an inter-bureau working group to examine, from a holistic perspective, issues relating to the implementation of the recommendations of the reports; if so, of the number of meetings held by the working group so far; if not, how the authorities ensure that the results of the studies conducted by the two Bureaux are compatible with each other; and*
- (c) *upon the reorganization of Policy Bureaux of the Government Secretariat, of the bureau to be responsible for those reports which*

currently fall within the purview of the Health, Welfare and Food Bureau; how the authorities ensure that implementation of the recommendations of the reports will not be delayed further as a result of the reorganization; and whether they will consider immediately setting up an interdepartmental working group under the co-ordination of the Home Affairs Bureau?

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

- (a) At the Legislative Council meeting on 23 May 2007, I reported in detail to Members the progress of work regarding the LRC's reports on Guardianship of Children, International Parental Child Abduction, Family Dispute Resolution Process and Child Custody and Access, and replied to the follow-up questions Members raised. In response to the question raised by Mr Albert HO, I set out again a summary of our earlier reply, together with our latest progress of work as follows.

The Government attaches importance to the well-being of children. In conjunction with relevant bureaux and departments, the Health, Welfare and Food Bureau is closely examining the various recommendations made by the LRC in its reports on Guardianship of Children, International Parental Child Abduction and Child Custody and Access. In tandem, the Home Affairs Bureau is examining with relevant bureaux and departments the recommendations made in the report on the Family Dispute Resolution Process. As the recommendations have far-reaching implications and are interrelated, it is necessary to conduct extensive consultation with relevant departments and consider ways to follow up the recommendations in a holistic manner.

As for the recommendations made by the LRC on the Domestic Violence Ordinance (DVO) in its report on Child Custody and Access, the Government has considered the recommendations in reviewing the DVO and has proposed legislative amendments to the DVO to better protect victims of domestic violence. We have gazetted the Amendment Bill on 15 June 2007 and will introduce the Bill into the Legislative Council on 27 June 2007.

- (b) For government policies that straddle more than one bureau, we have established arrangements and mechanisms to facilitate co-ordination within the Government. These arrangements are working well and provide the flexibility for prompt responses by the Government to meet the changing needs and concerns of the community. Policy Bureaux/departments will continue to work together to follow up the recommendations made by the LRC. The Health, Welfare and Food Bureau and the Home Affairs Bureau are working with relevant Policy Bureaux/departments in considering the recommendations in the reports which fall under their respective policy purview. As the recommendations in the four reports are interrelated, the Health, Welfare and Food Bureau and the Home Affairs Bureau have invited each other to comment on matters under our respective policy purview in studying the recommendations. Upon completion of our study and after we have come up with our preliminary views on the recommendations, we will consider conducting further public consultation on our views and proposals. Once we have drawn up the work plan, we will set up an inter-departmental working group to follow up the implementation.
- (c) Upon the reorganization of the Government Secretariat, the reports on Guardianship of Children, International Parental Child Abduction and Child Custody and Access will be followed up by the Labour and Welfare Bureau. The report on the Family Dispute Resolution Process will continue to be followed up by the Home Affairs Bureau.

Chinese Medicine Clinics Established by Hospital Authority

18. **DR FERNANDO CHEUNG** (in Chinese): *President, regarding the Chinese medicine clinics established by the Hospital Authority (public CMCs), will the Government inform this Council:*

- (a) *whether it knows the average figures of the following for each public CMC at present: daily consultation quota, number of patient attendances, utilization rate and number of patients who fail to obtain consultation slots;*
- (b) *whether it knows the special arrangements made by each public CMC for Comprehensive Social Security Assistance (CSSA)*

recipients, such as the daily consultation quotas designated for them and restriction on their frequency of consultation, and whether arrangements have been made for these recipients to receive treatment at another time when the consultation quotas are exhausted; if there are such arrangements, of the average waiting time required; and

- (c) *given that the number of public CMCs will only be increased from nine at present to 14 in 2009, whether the Government has reviewed the needs of elderly CSSA recipients to receive treatment at public CMCs, and whether the Government will provide subsidies to the elderly CSSA recipients who fail to get consultation slots at public CMCs and thus need to seek treatment at private CMCs?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, CSSA recipients are entitled to free medical services available at all public Western medicine clinics, hospitals and other Western medicine medical service units.

Public Chinese medicine clinics (CMCs) are set up to promote the development of "evidence-based" Chinese medicine through clinical research, systematize the knowledge base of Chinese medicine and provide training opportunities for new graduates. At present, the services of public CMCs have been provided on a tripartite model in which the Hospital Authority (HA) collaborates with a non-governmental organization (NGO) and a local university in each of the CMCs.

- (a) As the senior Chinese medicine practitioners in the public CMCs have to be responsible for providing training and undertaking clinical research and as the consultation ability of the junior Chinese medicine practitioners (Chinese Medicine degree courses graduates receiving training in the clinics) differs, there is no standardized daily consultation quota applicable to all CMCs. The NGOs will set their own daily quota having regard to the conditions of their clinics and make adjustments to the consultation quota in the light of any manpower changes and the daily schedule of the Chinese medicine practitioners.

Of the nine existing CMCs, three came into operation in late 2003 and the remaining six were only commissioned in 2006 and early

2007. On the basis of the first three CMCs which have accumulated operation experience in running the clinics, the average monthly patient attendances for each of the clinics is about 2 500 (the daily patient attendances is in the range of about 80 to 140), and consultation slots were exhausted on most working days. Concerning the number of patients who could not be arranged to receive consultation on the same day, as the NGOs do not maintain such records, we are unable to provide the concerned figures.

- (b) At present, at least 20% of the consultation quotas of CMCs are allocated to CSSA recipients with fees and charges (including consultation fee together with two doses of herbal medicine) waived. As each CMC has different daily consultation quota, the daily quota allocated for CSSA recipients in each clinic also varies. There is no limit on the frequency of consultation for CSSA recipients at these CMCs. In cases where the consultation quota of the clinic for the day has been exhausted, the concerned NGO will normally advise the CSSA recipients to make booking for another day or to seek consultation again on another day. Concerning the number of CSSA patients who could not be arranged to receive consultation on the same day, as mentioned in part (a), we are unable to provide the concerned figures. In addition to CSSA recipients, the Government has also encouraged NGOs to subsidize the medical expenses of low-income elderly by offering concessionary fees.
- (c) We are actively planning to set up five more CMCs and the funding proposal, which was supported by the Public Works Subcommittee at its meeting on 6 June 2007, will be submitted to the Finance Committee on 22 June 2007. Subject to approval, it is expected that three of the CMCs will be set up by mid-2008 while the remaining two by early 2009. These new CMCs will be located in districts with a relatively high proportion of elderly population, including Eastern District, Sha Tin, Sham Shui Po, Wong Tai Sin, and North District. These clinics will be able to cater for the needs of elderly CSSA recipients who choose to seek treatment from Chinese medicine practitioners. In addition, there are a number of other CMCs run by NGOs in various districts offering free or low-cost Chinese medicine services. These clinics have all along been catering for the needs of a large number of elderly patients for

Chinese medicine services. At public general out-patient clinics, apart from pre-booking of follow-up consultations for elderly patients with chronic illnesses, "Elderly Appointment Quota" has been added to the telephone booking service to cater for the needs of those elderly with episodic illnesses. In sum, the existing public health care services together with health care services provided by NGOs have been able to provide suitable health care for elderly CSSA recipients. The Government does not have any plan to provide subsidies for the elderly to seek consultation from private Chinese medicine practitioners.

Election of Chief Executive by Universal Suffrage

19. **MS EMILY LAU** (in Chinese): *President, when he attended radio programmes on several occasions recently, the Convenor of the Executive Council said that the Central Authorities had the substantive power to appoint the Chief Executive, and hence the design of a model for selecting Chief Executive by universal suffrage had to ensure that the person elected was a person whom the Central Authorities were willing to appoint; otherwise, there would be a constitutional crisis. He further commented that the issue of selection of Chief Executive by universal suffrage was even more complicated and difficult than that of election of all Members of the Legislative Council by universal suffrage. It has also been reported that the Central Authorities expect to have "prior communication" with Hong Kong in respect of the selection of Chief Executive by universal suffrage in the future, and the nomination of Chief Executive candidates by the nominating committee must be its "nomination as a whole", as such arrangements can ensure that the Chief Executive to be selected by universal suffrage will be a person whom the Central Authorities are pleased to appoint. In this connection, will the executive authorities inform this Council:*

- (a) *whether they have assessed the likelihood of a constitutional crisis triggered by a Chief Executive selected by universal suffrage being not appointed by the central authorities, and of the ways to deal with such a situation;*
- (b) *whether the Committee on Governance and Political Development of the Commission on Strategic Development (the Commission) has discussed the arrangements for "prior communication" and "nomination as a whole"; and whether it has assessed if these*

arrangements are consistent with the relevant provisions of the Basic Law; and

- (c) *as many members of the Commission have proposed to adopt the approach of "resolving the simple issues before the difficult ones", that is, issues relating to the selection of Chief Executive by universal suffrage, which are comparatively simple, should be resolved first before issues relating to the election of all Members of Legislative Council by universal suffrage should be addressed, will the authorities act in accordance with such a proposal; if not, of the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Chinese): President,

(a) and (b)

In accordance with Article 45 of the Basic Law, there are three stages for electing the Chief Executive by universal suffrage:

- (i) nomination by a broadly representative nominating committee in accordance with democratic procedures;
- (ii) election of the Chief Executive by universal suffrage upon nomination; and
- (iii) the Chief Executive elected from universal suffrage shall be appointed by the Central People's Government.

The key issues that need to be further discussed by the Commission and the community cover two aspects:

- (i) how to form a broadly representative nominating committee: for example, what the size of the nominating committee should be, and how its composition could represent different sectors and strata;
- (ii) how to nominate Chief Executive candidates in accordance with democratic procedures: for example, what the level of nomination threshold should be, and how the nominating committee should operate.

The Commission will further discuss these issues at its meeting on 21 June. The position of the Government of the Hong Kong Special Administrative Region (SAR) is that the model for electing the Chief Executive by universal suffrage must comply with the provisions of the Basic Law and that aside from provisions in the Basic Law, other conditions should not be prescribed. Both the Central Authorities and the SAR Government will deal with the issue in accordance with the Basic Law.

- (c) Quite a number of members of the Commission agree that consideration should be given to the direction of "resolving the simple issues before the difficult ones" in taking forward constitutional development, and that universal suffrage for the Chief Executive should precede that for the Legislative Council. The SAR Government has not taken a position on this issue.

The SAR Government certainly hope that different sectors of the community can reach consensus on both methods for implementing universal suffrage for the Chief Executive and Legislative Council. However, the fact is that the main issues that need to be tackled relating to implementing universal suffrage for the Chief Executive, mainly the composition of the nominating committee and the nomination mechanism, are less complicated. However, regarding the formation of the Legislative Council by universal suffrage, since the Commission and different sectors of the community still have significant differences on how to handle the functional constituencies, it may be difficult for the community to achieve consensus in the short term.

Notwithstanding this, the SAR Government will publish by mid-2007 a green paper on constitutional development. This will set out all universal suffrage options (which are consistent with the Basic Law) for electing the Chief Executive and for forming the Legislative Council put forth by different political parties, organizations and individuals. This will enable the Hong Kong community and the public to engage further and wider discussions on the related issues.

PRH Estate Tenants Causing Nuisance to Neighbours

20. **MR FREDERICK FUNG** (in Chinese): *President, regarding the nuisance caused to neighbours by tenants of public rental housing (PRH) estates, will the Government inform this Council:*

- (a) *of the procedure adopted by the Housing Department (HD) for handling complaints about the nuisance caused to neighbours by PRH tenants, including whether complaints of different natures are handled in different ways, and whether the complainants are informed in writing of the outcome of the complaints;*
- (b) *of the number of complaints in this regard received by the HD in the past three years, and among them, the number of cases in which the persons under complaint were suspected to be psychiatric patients and required to be referred to the Social Welfare Department (SWD) for follow-up actions, and whether the HD will consider recruiting social workers to handle such cases;*
- (c) *of a breakdown, by PRH estates, of the number of noise nuisance complaints received by the HD since the inclusion, on 1 January this year, of "causing noise nuisance" as a misdeed in respect of which points may be allotted under the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme), and the respective numbers of cases in which the persons under complaint were given warning letters and allotted points respectively since the inclusion; and*
- (d) *whether it will consider including "causing nuisance to neighbours" as a misdeed in respect of which points may be allotted under the Marking Scheme; if not, of the reasons for that?*

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

- (a) The tenancy agreements between the HD and PRH tenants provide that the tenants should not "cause any nuisance or create any disturbance". Upon receipt of a complaint from PRH residents about nuisances caused by neighbours, the HD will normally send

two members of the estate management staff to make an on-site investigation. Upon arrival, the staff members will seek information from the parties concerned and, if necessary, take pictures or videotapes for the purpose of evidence collection. If the complaint is substantiated, the HD will, in accordance with the terms of the tenancy agreement, give verbal advice or issue a warning letter to the tenant who has caused the nuisance. If the situation so warrants, the HD will refer the case to other government departments (such as the police) for necessary action. For serious cases of nuisance, the HD may consider terminating the relevant tenancies.

If the nuisance caused by a tenant is confirmed to be a misdeed under the Marking Scheme, the HD will issue a warning letter or notice advising the tenant of the penalty points allotted, in accordance with the procedures under the Marking Scheme. Penalty points allotted will be effective for two years. If a tenant is allotted 16 points or above within two years, his tenancy may be terminated.

In general, complaints of different natures are handled in accordance with the abovementioned procedures. Complainants will be advised of the progress and outcome of actions taken in respect of the complaint cases. If the complaint is made in writing, the complainant will be given a written reply.

- (b) During the past three years, the HD received an average of over 6 000 complaints about nuisances caused by neighbours every year. During this period, more than 50 cases were referred to the SWD for follow-up actions as the nuisances were caused by suspected psychiatric patients. The HD would handle such cases carefully and would take the initiative to liaise closely with the SWD and the medical social workers of the hospitals concerned. As the existing mechanism is operating effectively, the HD has no plan at present to recruit its own social workers to handle such cases.
- (c) With effect from 1 January 2007, the HD included "causing noise nuisance" in the Marking Scheme with a view to regulating noise nuisances during the period between 11 pm and 7 am.

Between 1 January and 7 June 2007, the HD received a total of around 2 400 complaints about noise nuisance. The majority of these cases were minor in nature and were satisfactorily resolved as a result of HD officers' on-site investigations and verbal advice to the tenants concerned. There were 12 noise nuisance cases of a more serious nature, in which warning letters were issued or points allotted. In these cases, two or more households have confirmed that they had been affected by the nuisances. A breakdown of these cases by estates is as follows:

<i>Action</i>	<i>Estate</i>	<i>No. of cases</i>	<i>Total</i>
Written warning	Sun Chui Estate	2	
	Upper Ngau Tau Kok Estate	2	
	Tin Yan Estate	1	
	Yau Tong Estate	1	
	Tin Wan Estate	1	
	Lower Wong Tai Sin (2) Estate	1	
	Sheung Tak Estate	1	
	Cheung Ching Estate	1	
	Lei Yue Mun Estate	1	11
Points allotted ^{Note}	Yau Tong Estate	1	1
Total:			12

Note: Under the Marking Scheme, tenants who cause noise nuisance will be allotted five points.

- (d) Since the implementation of the Marking Scheme, a number of major nuisances or behaviour which affect other tenants have been included, for example, "causing noise nuisance", "putting dripping flower pots or dripping laundry at balconies", "dripping oil from exhaust fan", "littering", "causing mosquito breeding by accumulating stagnant water", "spitting in public areas", "urinating and defecating in public places", "accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance", and so on. The HD will continue to regularly review the Marking Scheme and consider including other misdeeds in the Marking Scheme or raise the penalty levels if necessary.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two proposed resolutions under the Fugitive Offenders Ordinance in relation to extension of the period for amending subsidiary legislation.

As Mr James TO, mover of the first motion, is not in the Chamber at the moment, I would like to juggle the order of business and call upon Ms Margaret NG, mover of the second motion on the extension of the period for amending the Fugitive Offenders (Corruption) Order, to speak and move her motion first.

PROPOSED RESOLUTION UNDER THE FUGITIVE OFFENDERS ORDINANCE

MS MARGARET NG: Madam President, I move the motion standing in my name on the Agenda.

Made under section 3 of the Fugitive Offenders Ordinance, the Fugitive Offenders (Corruption) Order (the Order) seeks to implement the extradition requirements under the United Nations Convention Against Corruption.

A Subcommittee was formed at the House Committee meeting on 1 June 2007 to study, among others, the Order. To allow sufficient time for the Subcommittee to examine in detail the Order, it is necessary to extend the scrutiny period to the first Council meeting of the next Session.

Madam President, I urge Members to support this motion. Thank you.

Ms Margaret NG moved the following motion:

"RESOLVED that in relation to the Fugitive Offenders (Corruption) Order, published in the Gazette as Legal Notice No. 100 of 2007 and laid on the table of the Legislative Council on 30 May 2007, the period for repealing an order referred to in section 3(3) of the Fugitive Offenders Ordinance (Cap. 503) be extended under section 3(5) of that Ordinance to the first sitting (within the meaning of section 3(16) thereof) of the next session of the Legislative Council."

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Margaret NG 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): I now turn to the first motion: Extension of the period for amending the Fugitive Offenders (Malaysia) (Amendment) Order 2007 and the Fugitive Offenders (Suppression of the Financing of Terrorism) Order.

(Mr James TO was entering the Chamber)

PRESIDENT (in Cantonese): Mr James TO, please speak and move your motion.

PROPOSED RESOLUTION UNDER THE FUGITIVE OFFENDERS ORDINANCE

MR JAMES TO (in Cantonese): President, I move that the motion under my name be passed.

President, it is necessary to extend the period for amending the relevant subsidiary legislation in accordance with the past practice due to the need for more meetings so that the Subcommittee can have more time to look into the details.

Mr James TO moved the following motion:

"RESOLVED that in relation to the -

- (a) Fugitive Offenders (Malaysia) (Amendment) Order 2007, published in the Gazette as Legal Notice No. 82 of 2007; and
- (b) Fugitive Offenders (Suppression of the Financing of Terrorism) Order, published in the Gazette as Legal Notice No. 83 of 2007,

and laid on the table of the Legislative Council on 23 May 2007, the period for repealing an order referred to in section 3(3) of the Fugitive Offenders Ordinance (Cap. 503) be extended under section 3(5) of that Ordinance to the meeting of 11 July 2007."

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr James TO 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): Two motions with no legislative effect.

First motion: Policy on nursing manpower. I now call upon Dr Joseph LEE to speak and move his motion.

POLICY ON NURSING MANPOWER

DR JOSEPH LEE (in Cantonese): Madam President, I move that the motion as printed on the Agenda be passed.

Madam President, I have been engaged in nursing for 27 years. I can remember that in 1978, when I was not yet a nurse, I saw on television the news about a social movement launched by nurses. I can remember that the movement was kind of a "wild cat" action, with the theme of voicing grievances for patients. At that time, a patient might have to wear the same pyjama trousers for one week. Bed sheets which had been used for a week were not changed. A patient might be allocated a camp bed, and those allocated a proper hospital bed might suddenly be transferred to a camp bed for one reason or another. Nurses therefore took to the streets to voice their discontent. In 1988, for similar reasons, nurses once again petitioned the Government Secretariat to voice the same discontent and worries. In 1993, there was another action called "Heartbreak". This action came at a time when the Hospital Authority (HA) was just established, when its direction was not yet clear and the workload of staff was heavy. As a result, nurses were extremely worried, especially about the quality of nursing and other services for patients.

In 2007, nurses took to the streets once again. The most important point we want to voice out is that against an acute shortage of nursing staff, we cannot

see any clear direction for nursing services. There is a shortage of nursing staff, both in the public and private health care systems. As a result, the workload of nurses has been increasing incessantly, and so is the demand from patients. We are therefore worried about a decline of quality of nursing services. After reviewing my 27 years of nursing career, Madam President, I can say that I honestly cannot notice any alleviation of the shortage of nurses at any one time.

Early this year, the Hong Kong Association of Nursing Staff conducted a survey. The survey findings show that since 10 years ago, the total number of public hospital beds has increased by roughly 3.5%. This is not a very huge increase. The volume of patients has on the other hand increased by 18.6% since 10 years ago. This is not a very big increase either. In contrast, as indicated by the survey findings, the number of practising nurses has dropped from some 40 000 several years ago to roughly 36 000 now. This highlights a shortage of nurses, and public hospitals, private hospitals and even non-governmental organizations all face a similar shortage. The survey further shows that in the acute wards of public hospitals, one nurse must attend to 10 patients in the early shift. In some convalescent wards or even psychiatric wards, the situation is worse. In acute wards, one nurse may have to attend to 18 patients or more in the night shift. And, in the case of psychiatric or convalescent wards, one nurse may have to look after 28 to 36 patients. All this can show that the ratio of nurses to patients is rather unsatisfactory. At this juncture, the Secretary may wonder just how poor the situation is.

I wish to cite one example here. According to some internationally recognized literature, and in some places where there is legislation on the ratio of nurses to patients, such as certain States in the United States, some provinces of Australia and the country of Singapore, a ratio of one nurse to four patients is recognized as the most desirable ratio. This ratio is considered the most desirable, and it is used as an indicator or benchmark for assessment in the relevant American States and Australian provinces after the enactment of legislation. The survey mentioned in the aforesaid literature also points out that a ratio of one nurse to four patients is more desirable, and that with any increase of two patients in the ratio, the recovery rate of patients will decline by 30%. This shows the truth in the saying that the recovery of a patient depends more on nursing care than on medical treatment.

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

That being the case, and given that one nurse in Hong Kong must now look after at least eight to 10 patients, patients in Hong Kong are in quite a perilous situation, aren't they? But I must of course add that I am totally convinced that all our colleagues at the front line will do their utmost to look after patients. There is always a limit to what each of them can do, and their workload is much too heavy. The survey concerned also points out that the pressure borne by front-line nurses — if zero point stands for no pressure and 10 points stand for the heaviest pressure — is nine points on average. This can show the very heavy pressure they must bear. When it comes to the happiness index — an index measuring their happiness at work, ranging from the lowest of zero point to the maximum of 10 points — the average index among them is just three points. According to this latest survey, nurses are currently faced with immense pressure and there is an acute shortage of nurses.

We of course note the statistics published by the HA, which show that the wastage rate of nurses in public hospitals is roughly 2.2%. Interestingly, however, a paper recently published by the HA projects that while there may be an annual wastage of 500 in the coming 10 years, there will be an extra demand for 550 nurses. In other words, according to this official paper of the HA, just this public organization called the HA will require some 1 000 nurses a year.

How about the situation in private hospitals? The Hong Kong Private Hospitals Association has also published some statistics recently. It is anticipated that there will be a demand for 1 000 nurses in the coming five years. This means that 200 nurses will be required each year, and this does not take account of natural wastage.

We must not forget that there are still many non-governmental organizations such as residential care homes for the elderly, day care centres and other half-way houses. What are the wastage rates of general nurses, psychiatric nurses, registered nurses and enrolled nurses? What is the demand for these nurses? No one knows the answers. With some rough calculations based on the wastage rate of 2.2% mentioned by the HA, we may get a rough idea of the figures. Such computations show that their annual demand for nurses is not small either. About 10 000 nurses are working in all these non-subsidized organizations. Dr Fernando CHEUNG will speak on such a demand in the welfare sector. Actually, nursing services in welfare organizations are no new profession. Nurses working in the welfare sector are also registered nurses and enrolled nurses. Only that their workplaces and working environment are a bit different.

The phenomenon I have mentioned reflects that there is indeed an acute shortage of nurses in Hong Kong. Why is there such a phenomenon? In this connection, I can draw a very simple conclusion: As far as I can observe, in the past 27 years, there was no systematic and integrated nursing manpower planning. Three years ago, when I assumed office as a Legislative Council Member, the first thing I did was to tell the Secretary that I looked forward to a comprehensive manpower review which could enable us to see the long-term development of nursing manpower in Hong Kong over the next five to 10 years. My office as a Legislative Council Member will soon end in a year's time, but I have not yet seen any progress in this respect. The case of the Secretary may be better, for his office will last five years more counting from two weeks later. Can the Secretary offer us any assistance and make more efforts?

In the absence of any sound, long-term and systematic manpower planning, how can we know the number of nurses that we should train up every year? No one knows the answer. We have not set down any benchmark, but should we set any ratio of nurses to patients? In the absence of such a benchmark, in the absence of such an indicator, how can we know how many nurses are required in different kinds of wards and institutions? No one can answer this question.

The existing policy of the Government is to encourage patients to receive nursing care back in the community instead of remaining in hospital. We support this policy totally. Owing to this policy, more nurses are now engaged in the provision of community nursing care. However, given that there is no corresponding increase in the total number of nurses, what is really happening is just the moving of some nurses from hospitals to the community. The result is a manpower shortage both in hospitals and the community.

Apart from the lack of any planning, what is the third cause of the worsening shortage of nurses? All along, public hospitals are basically the major employers of nurses. However, since some two years ago, economic improvements have led private hospitals to expand their services. For this reason, nurses do have many more opportunities now. Nurses working in public hospitals can switch to private organizations. In brief, we have had to make do with the very tight supply of some 30 000 nurses in order to meet the demand for nursing services. But the demand for such services is ever-increasing, so the lack of overall planning and a clear training target have posed very great problems to nursing manpower.

At present, comprehensive planning on nursing manpower must first be formulated before the demand can be met. I hope that the Government can clearly define the different types of demand for nursing services in different institutions. With such information, ratios of nurses to patients must then be set. When a suitable ratio and benchmark are set for every kind of institutions and nursing activities, it will naturally be possible to draw up planning. With proper planning, there will be enough nursing manpower and quality assurance.

As can be expected, after hearing my remarks, the Secretary may think that he already has the answer. Why? Well, he may think that the answer can be found in the HA's reply — the HA has enhanced its review of front-line health care personnel, and very soon, there will be improved employment terms and conditions and brighter promotion prospects. But the question is: Can all this really be achieved? According to the HA, 600 nurses will be recruited this year. But can it really recruit such a number of nurses? At present, there are about 650 nursing graduates in Hong Kong every year. Can the HA really make all these new nurses join its hospitals instead of private hospitals and social welfare organizations? I do not know. Therefore, is it really possible to implement all the measures mentioned by the Secretary in his reply? I hope the Secretary will think twice.

The Secretary may also say that in the past few years, the HA has already employed an extra 123 senior nurses. But we must not forget that according to one survey, during the period from 2001 to 2006, the HA actually deleted 100 senior posts. Nurses working for the HA see no prospects and promotion opportunities. Will they thus choose to join private hospitals? In that case, how can we ease the shortage of manpower?

The HA says that various leave arrangements and exemption will be offered to nurses to induce them to stay with the HA. But the reality is that the salaries offered by private hospitals are even higher. Will nurses really be induced to stay behind? The HA's competitiveness is so weak, so I just wonder whether it can really recruit so many nurses.

The HA also points out that with a view to relieving the work pressure of its existing 19 000 nurses, it will employ some non-professional staff such as clerical assistants and health care assistants to assist nurses in their work. These are just stop-gap measures, and given the shortage of nurses, we have no alternatives but to accept them. But all such personnel cannot be expected to take up any professional duties, so will the quality of nursing services thus

decline? In the future, if there is an adequate supply of nurses, will the HA delete all these non-professional posts and use the resources for employing the number of nurses required? One just cannot be sure, because the salaries of such non-professional personnel are rather low. There is the perspective of cost-effectiveness, and the costs of employing such personnel may be very low. We are therefore rather worried.

To put it simply, the main objective of our motion debate today is to express the hope that the Government can formulate a comprehensive planning target for nursing manpower which can enable all in Hong Kong to know, first, the number of nurses required in the future, that is, in the coming five to 10 years. There must also be a benchmark. In this connection, the authorities may not agree to the ratio of one nurse to four patients, but it should not hoodwink the people and the nursing profession either. It is alright for them to argue that demand will vary from one type of institutions to another. But they must at least set a benchmark for us. We must have a benchmark before we can formulate any overall planning. Without a benchmark, we will never know what is meant by the adequacy or inadequacy of nurses.

Seventeen years ago, the Government incorporated nursing into the university curriculum. But today, 17 years later, confronted by a shortage of nurses, it has desperately administered whatever remedies it can think of, one example being the reopening of training programmes for different institutions. Seventeen years ago, one must first obtain a university degree in nursing or a higher diploma awarded by a nurse training school before one could become a nurse. But now, the HA is even co-operating with providers of associate degree programmes to train up registered nurses. This is truly a desperate administration of remedy, right? It is so desperate that all nurse training schools are suddenly reopened. Three or five years later, there will be a big increase in the number of nurses. Will it suddenly close all the nurse training schools again? This clearly reflects the Government's lack of integrated planning and piecemeal approach, which is most undesirable.

Given the shortage of nurses, we have no alternative but to employ non-professional personnel to assist nurses if we want to maintain the provision of services in public hospitals. But can the HA guarantee that it will certainly employ more nurses to replace all these non-professional personnel once there are enough nurses in the future? If the HA really wants to retain a greater number of experienced and young nurses, should it flexibly adjust the promotion system and terms of employment, so as to induce more nurses to stay?

Let me reiterate my point very simply here. I believe that this is the first time over all these years that nursing manpower or the policy on nursing manpower is debated as a motion topic in the Legislative Council. My only hope is that the Government can squarely address this problem. Since there is now an acute shortage of nurses, no piecemeal approach should continue to be adopted. This morning, many nurses staged a petition outside the Legislative Council Building. And, this is also the first time that I am dressed like this in the Chamber. White as a colour tells of the fact that nurses are fed up and very miserable. Red as a colour stands for our displeasure. It is hoped that the Government can squarely address this problem. Thank you, Deputy President.

Dr Joseph LEE moved the following motion: (Translation)

"That, despite the increasing demand for health care services in Hong Kong in recent years, the Government has failed to work out a long-term plan for nursing human resources, resulting in a significant shortage of nurses over the years, and the lack of promotion prospects in public hospitals has led to low morale and persistent wastage of nurses; moreover, the Hospital Authority has recently projected that the number of nurses would still fall short of the demand in the coming years; in view of the above factors, this Council is worried that the quality of nursing services in public hospitals will decline and therefore urges the Government to expeditiously implement the following measures to maintain the quality of nursing services in Hong Kong:

- (a) devising a comprehensive and long-term plan for human resources for general and psychiatric nursing services;
- (b) formulating an appropriate manpower ratio between nurses and clients of nursing care;
- (c) allocating more resources to the training of nurses and increasing the places for degree programmes on nursing;
- (d) improving the pay and promotion prospects of nurses in public hospitals to curb the wastage of nurses; and
- (e) facing up to the problem of "de-nursing" and ensuring that nursing services are provided by nurses to clients of nursing care."

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

DEPUTY PRESIDENT (in Cantonese): Dr Fernando CHEUNG will move an amendment to this motion. The motion and the amendment will now be debated together in a joint debate.

I now call upon Dr Fernando CHEUNG to speak and move his amendment to the motion.

DR FERNANDO CHEUNG (in Cantonese): I move that Dr Joseph LEE's motion be amended.

I am very grateful to Dr Joseph LEE for moving this motion today, which renews society's concern about the shortage of nurses. I can use only one adjective to describe our present shortage of nurses — acute. People are aware of such shortage in the public health care sector. In contrast, the shortage of nurses in the welfare sector is often overlooked by people. But the impacts on the welfare sector are just equally serious. We are worried that the quality of nursing services in the welfare sector may also decline, and the situation may even be more serious than that in public hospitals. It is particularly worth noting that in recent years, the provision of health care and nursing services has gradually shifted from the "hospital-based" approach to the "community-based" approach. Patients' duration of hospitalization has thus been shortened, and the objective result is a great increase in the demand for nursing services in the community. The difficulties faced by the public health care sector and welfare organizations are basically interrelated, and the shortage of nurses in the welfare sector has become a time bomb planted in the community.

We may sometimes hear stories about how in-patients do not get any attention and care in times of need. We are not saying that nurses are irresponsible. Quite the contrary, I must say that nurses are all very responsible. Deputy President, my mother was also a nurse. She is now dead, so what I am talking about is my personal experience. I do appreciate that nurses are very concerned about their patients. But they are also mortals, and they must hurry here and there every day to attend to numerous tasks. Honestly

speaking, as I have heard, the situation has worsened to such a state that even patients are sorry to see that nurses are so very busy, so they will not dare to bother them even they need assistance. This is a morbid phenomenon.

Before the establishment of the Hospital Authority (HA), the Government would formulate a manpower ratio according to the needs of different specialist wards. In general, the ratio was 1:5. But this ratio is no longer upheld now. The ratio of nurses to patients in hospitals has far exceeded this level. For example, during the night shifts in psychiatric wards, the ratio may even be 1:30. There is simply a total imbalance.

As for social service organizations, the Government used to conduct reviews of five-year plans for the Social Welfare Department, in which clear-cut manpower ratios were set down for elderly homes and homes for people with disabilities. In the Five Year Plan for Social Welfare Development in Hong Kong — Review 1998, for example, it was required that in the case of a care-and-attention home for the elderly with 100 to 149 inmates, there must be two registered nurses and the ratio of enrolled nurses to inmates must be 1:14. As for those with 200 to 249 inmates, there must be three registered nurses and the ratio of enrolled nurses to inmates must be 1:14. However, since the Government introduced the lump sum grant arrangement, all such welfare planning and manpower requirements have been brushed aside. Instead, simple licensing requirements are put in place, whereby only minimum standards on the ratios of nursing manpower and inmates are set down. On the surface, there seems to be flexibility, but in reality, manpower establishments are drastically scaled down. In the end, some duties which used to be performed by nurses are now undertaken by health workers, thus directly affecting the quality of services. The situation in homes for people with disabilities is even more unacceptable, because these homes simply do not need to apply for a licence, and there is just a non-binding code of practice for them. That is why they do not necessarily have to station any nurses on their premises.

The lack of any long-term planning for nursing manpower, coupled with the Government's decision to close its 100 nurse training schools with effect from 1999, has reduced the annual output of nursing graduates from some 1 000 to 300 or so in recent years. According to the information supplied by the Nursing Council of Hong Kong, as at May this year, the numbers of registered nurses and enrolled nurses were just 26 892 and 9 599 respectively, down by respectively 23% and 16.6% comparing with 2004.

Owing to the ageing of our population and in the wake of the SARS outbreak, the demand for nursing personnel has been rising incessantly both in the public health care system and in institutions run by welfare organizations. According to the surveys conducted by the Hong Kong Council of Social Service (HKCSS) in 2005 and early 2006, there is a shortage of 119.25 nurses and 348.64 nurses for rehabilitation and elderly care services respectively. In other words, our welfare sector is short of almost 500 nurses. And, the HKCSS will shortly release the findings of its latest survey. It is expected that the shortage will become more severe.

To nurses, the public health care system may still be attractive in some ways. But as mentioned by Dr Joseph LEE, public organizations and public hospitals are gradually losing their competitiveness. The situation in the welfare sector is even more miserable because there are almost no promotion prospects for the health care personnel working in the welfare sector, especially nurses, whether they are registered or enrolled. They are often the most senior medical personnel in their organizations, having to shoulder very heavy responsibilities. As we often point out metaphorically, a nurse working in an elderly home or rehabilitation centre may have to handle more than a hundred bombs which may go off at any time. Because the inmates may need special care and attention at any time, and nurses must inevitably assume responsibility for this.

The point is that although the shortage of health care personnel is so very acute, our posts are simply not at all attractive and our demand is also increasing incessantly. For example, according to the statistics for May 2006, of all the elderly people applying for long-term care services under the Standardized Care Need Assessment Mechanism for Elderly Services, those with severe physical impairment account for 17% and those with medium physical impairment represent almost 70%. As for those applying for places in homes for people with disabilities and those with the need for very intensive care, they account for almost 80% of all waiting applicants. Large numbers of weak elderly people and people with disabilities are living in care-and-attention homes, but the manpower in these institutions is totally insufficient.

Under the lump sum grant arrangement, there is a very severe drain of nurses from the welfare sector. From 2002-2005, the average resignation rate of nurses working in elderly homes is 22.3%. And, it took an organization an

average of 6.48 months to successfully recruit a replacement nurse. As Members can see, the wastage rate is so high, and the time required for recruiting replacements is very long. What is more, we must offer higher salaries to recruit nurses. But at the same time, we cannot reduce the salaries of other types of manpower (such as health workers, welfare workers and even social workers). In the end, this will create internal conflicts within various organizations and service units, and, not only this, service quality will also be compromised. At present, for the purpose of continuing to employ health care personnel with the limited resources available, many restructuring residential care homes for the elderly have no alternative but to ignore the welfare and family needs of other clients.

As for enrolled nurses, although the Government has recently launched a temporary short-term training programme to provide training to three batches of nurses in the welfare sector, I still wonder whether the enrolled nurses thus trained up can really solve the problem. We have heard that due to heavy work pressure and unattractive salaries, many nurses have indicated the wish to pay compensation for their early release instead of signing a training contract that will bind them to the welfare sector for two years. This shows that the shortage of nurses in the welfare sector cannot possibly be tackled by any single short-term measure.

Deputy President, this debate takes place at this very time when the 10th anniversary of the reunification is drawing near. The colonial administration in the past has been replaced by the present Special Administrative Region Government. In the past, we might say that health care, welfare and social services were inadequate. But today, "Hong Kong people are ruling Hong Kong". We now have our own government. We should really provide Hong Kong people with social and health care services that can meet the minimum standards, shouldn't we? The Government has not formulated any blueprint. There are no standards and planning for manpower. What Dr Joseph LEE said just now is precisely the crux of the problem faced by us today. Therefore, I urge the Government to expeditiously review its present planning. It must formulate long-term planning for welfare services and review the lump sum grant system.

With these remarks, Deputy President, I support Dr Joseph LEE's original motion.

Dr Fernando CHEUNG moved the following amendment: (Translation)

"To add "because of the continuous ageing of the population" after "increasing demand for health care services in Hong Kong in recent years"; to add "and it is even more difficult for the social welfare sector to recruit nursing staff due to the implementation of the Lump Sum Grant (LSG) subvention system, thus seriously affecting the quality of elderly and rehabilitation services;" after "the number of nurses would still fall short of the demand in the coming years;"; to add "and in the social welfare sector" after "this Council is worried that the quality of nursing services in public hospitals"; to add "nursing" after "devising a comprehensive and long-term plan for"; to delete "nursing services;" after "human resources for general and psychiatric" and substitute with "services as well as for the social welfare sector, including a comprehensive survey on the manpower demand for nurses; (b) immediately conducting a comprehensive review of the LSG subvention system implemented in the social welfare sector, and ensuring that sufficient nursing staff can be recruited in the market by organizations providing elderly and rehabilitation services with a view to enhancing service quality;"; to delete the original "(b)" and substitute with "(c)"; to add "for public hospitals as well as for elderly and rehabilitation services" after "manpower ratio between nurses and clients of nursing care"; to delete the original "(c)" and substitute with "(d)"; to delete the original "(d)" and substitute with "(e)"; to add "and in the social welfare sector" after "promotion prospects of nurses in public hospitals"; to delete the original "(e)" and substitute with "(f)"; and to add ", in particular the common practice of assigning health workers to undertake certain nursing duties in the social welfare sector," after "facing up to the problem of 'de-nursing' ". "

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Fernando CHEUNG to Dr Joseph LEE's motion, be passed.

MS LI FUNG-YING (in Cantonese): Deputy President, the insufficient supply of health care services has been vexing the Special Administrative Region Government for a very long time. Early this month, the Bauhinia Foundation Research Centre published a report on health care financing, proposing how

society as a whole should share the costs of health care services, with a view to ensuring the sustainable development of Hong Kong's health care system. This motion debate concerning the policy on nursing manpower moved by Dr Joseph LEE today involves the distribution of health care resources. Health care financing and the distribution of health care resources are intrinsically related, and it is only when resources are able to maintain the required services that we can talk about any reasonable distribution of resources. If the health care system in Hong Kong continues to face the dilemma of having to maintain health care services amidst a perennial shortage of resources, it will be very difficult for us to talk about any reasonable distribution of resources. And, the unreasonable distribution of nursing manpower can aptly reflect the shortage of health care resources.

The ratios of nurses to patients have for a very long time remained on the high side, being 1:10 during the daytime and 1:24 in the night-time, in marked contrast to the ratios in many developed countries or places (where the ratios are respectively 1:4 and 1:6). Hong Kong has been below such standards, and the ever-increasing demand for health care services resulting from its ageing population has compounded the problem.

Given the severe shortage of nursing manpower, the Hospital Authority (HA) has stepped up training and employed additional nursing personnel over the past two years. Besides, more health care assistants have also been employed to relieve the work burden of nurses. However, instead of easing the problem, this has led to new problems. The efficacy of employing additional personnel, for example, has been offset by manpower wastage. In March 2005, there were totally 16 324 registered nurses and enrolled nurses in the public hospitals of Hong Kong. In March 2006, there was a slight increase to 16 342. But in early 2007, due to massive manpower wastage, the number of registered nurses and enrolled nurses dropped to 16 305, which was even lower than that in 2005. The HA intends to employ 600 more nurses this year. But in 2006-2007, the wastage of registered nurses and enrolled nurses alone already amounted to some 500. The addition of 600 nurses is clearly just a drop in the bucket.

Nursing is a profession to which experience is very important. There is a very great difference between the service standards of experienced nursing personnel and fresh nursing graduates. Even if we disregard whether the additional nursing personnel can really make up for manpower wastage, even if this can really achieve the desired purpose, we can at best "stop the bleeding for the moment" only. The severe shortage of nursing manpower cannot thus be

eliminated, and even if we can make up for the wastage of manpower, we cannot possibly make up for the associated loss of experience. The resignation of experienced nursing personnel will inevitably affect the standards of service. Why is the wastage of nursing manpower so serious? Employees do resign for various reasons. But if their employers are good, most of them will choose to stay on unless it is absolutely necessary to resign. However, is the HA a good employer? According to the findings of a three-year survey conducted by the Association of Hong Kong Nursing Staff in 2004, 2005 and 2006, the work pressure index of nursing personnel has always remained at a high level. And, their job satisfaction and happiness indices have been low on the other hand. All these statistics can show clearly that the reasons for the high wastage of nursing manpower are heavy work pressure, low job satisfaction and unhappiness at work. Without any improvements in all these respects, even if the HA continues to recruit additional manpower, it will still be caught in the vicious cycle of recruitment and wastage. And, the quality of nursing services will be severely affected.

Another measure adopted by the HA to relieve the workload of nurses is to assign some of their tasks to health care assistants. Some nursing personnel have criticized that the reduction of nurses' workload is just an excuse invented by the HA for the massive recruitment of health care assistants, and the real intention is just to take on health care assistants with lower salaries to replace nurses in some tasks, with a view to saving resources. Such a direction of "de-nursing" has led to discontent among nurses and health care assistants alike. Many health care assistants have approached my office, complaining that they are required to take up the professional responsibilities of nurses. I believe that such a "de-nursing" approach is unfair to nurses, health care assistants and also patients.

Deputy President, the nursing personnel in public hospitals aside, those working in residential care homes for the elderly are similarly faced with the problems of manpower shortage, heavy work pressure and low job satisfaction. Worse still, the entry salary points offered to them by social welfare organizations are even lower than those for health workers. If such an unreasonable situation is not improved expeditiously, the quality of nursing services in residential care homes for the elderly, which are in great demand in society, will certainly be severely affected.

Thank you, Deputy President.

MR LI KWOK-YING (in Cantonese): Deputy President, with all the advances in medical technology, the life expectancy of man has become increasingly long. And, in terms of development direction, health care systems worldwide have gradually shifted their emphases from in-patient services to primary health care services at the community level. As a result, nurses nowadays are no longer mere assistants to doctors as commonly perceived by people. Instead, they have come to play a significant professional role in the various segments of the health care system, especially in respect of primary health care. There is a great demand for nursing personnel all over the world, as evidenced by the preference accorded to serving nurses by many countries when processing immigration applications. In recent years, there has been an ever-increasing demand for health care personnel in the public-sector and private-sector health care institutions, residential care homes for the elderly and rehabilitation organizations of Hong Kong. Therefore, the shortage of health care personnel has become one major difficulty faced by all nursing service providers.

As Members all know, the shortage of nursing manpower in public hospitals is no new problem. At present, the Hospital Authority (HA) does not adopt any established ratio of nursing personnel to patients. Manpower planning is all based on the usage rates of hospital beds. Admittedly, how a suitable manning ratio should be computed and what computation approaches should be applied are still open to further discussions. But in the past, the Health and Medical Development Advisory Committee already advocated that the ratio of nursing personnel to patients should be 1:5. However, according to the surveys conducted by nursing bodies, the ratio is as high as 1:10 in morning and afternoon shifts. And, it is even 1:20 in night shifts. All these statistics are collected from public-sector health care institutions. The situation in private health care institutions or those operated by non-profit-making bodies may even be more unimaginable.

We may also look at the wastage of nurses in recent years. In 2004-2005, it stood at 635. In 2005-2006, it was 400. And, up to February in the last financial year, it was 572, or roughly 3%. The HA claims that the number of nurses has remained at the level of some 19 200, but when we look at the ranks involved, we will see that in the past two years, the wastage of junior nurses was on the increase. In the year before last, there was a wastage of 341 nurses. Last year, the wastage increased to 507. At the same time, there was also a reduction in recruitment for permanent posts, thus drastically increasing the work burden of front-line nurses. The biggest problem is that salaries are

not commensurate with the toil. Besides, promotion prospects have diminished and nurse training has gradually been upgraded to the degree level, with the result that most graduates will prefer management jobs. All this has led to a perennial shortage of front-line nursing personnel and in turn their low morale. The problem is compounded by the competing demand from private health care institutions, which has induced many senior and experienced front-line nurses to "quit". The quality of public health care services is definitely affected.

Deputy President, it is clear that our nurse training is totally unable to cope with demand. In 2000, the HA started to close all the nurse training schools operated by its hospitals. In place of these schools, degree programmes are offered by three universities to train up nurses. This is a proper direction from the perspective of upgrading the professional standard of nursing trainees. However, as I have mentioned, most nursing graduates will tend to choose management posts instead of front-line jobs. Besides, the Government has also ignored the fact that while nurse training schools could nurture more than 1 000 nurses a year, their full replacement by degree programmes has drastically reduced the number of graduates to just several hundred a year. This is not only unable to make up for the natural wastage of nurses, but it is also lagging behind the increasing demand for public and private medical services. Recently, many private health care institutions have started to co-operate with tertiary institutions to offer courses on training up enrolled nurses, showing that there is an imbalance between training and demand. The Government must as a matter of urgency squarely address the shortage of health care personnel. As a short-term measure, and as proposed by Dr Fernando CHEUNG, the pay and employment conditions of front-line health care personnel must be improved, so as to retain serving nurses. Besides, on the premise of not affecting the professional responsibilities of nurses, studies on work flow should be conducted, so as to enhance the assistance to nurses and lighten the burden imposed on them by non-professional nursing duties.

Deputy President, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) maintains that the Government's planning must not focus only on the manpower demand in hospitals. It must also pay attention to primary health care services in the community. At present, there are many patients of chronic illness in Hong Kong. We do understand that the Government intends to provide health care services to these patients at the community level, instead of retaining them in hospital for treatment. For this reason, there is bound to be a huge increase in the demand for community

nurses. And, as our population ages, the demand for health care personnel in residential care homes for the elderly will also keep increasing. Recently, there have been several cases in which wrong medicines were distributed to inmates of residential care homes for the elderly. The public also hope that more professional nurses can be recruited to enhance the drug management systems in such residential care homes. For all these reasons, if the Government's planning on nursing manpower cannot keep abreast of the times, it will never achieve the people's desired objective of community health care.

Given that the shortage of nurses cannot be effectively tackled in the short run, the Government must, while requiring health workers working in residential care homes for the elderly to pursue courses on upgrading their knowledge of nursing and drug management, also consider the establishment of outreach teams comprising professionals such as nurses and pharmacists to assist the staff of residential care homes for the elderly in improving their work systems and care for the elderly. In the long run, the Government should set up nurse clinics at the community level as a means of looking after chronic patients in stable conditions and the disadvantaged and providing health care assistance to residential care homes for the elderly. That way, we may further prevent the unnecessary demand of these people for residential care.

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

MRS SOPHIE LEUNG (in Cantonese): Deputy President, in recent years, public hospitals in Hong Kong have been facing spates of "exodus" involving front-line health care personnel. The situation has been especially severe since the SARS outbreak in 2003. This, together with the soaring usage rates of public health care services and the expansion of the private health care system, has aggravated the shortage of nursing manpower in the public health care system.

Therefore, in order to relieve the shortage of front-line nurses, the Liberal Party maintains that instead of merely relying on manpower increases, the Government should adopt a multi-pronged approach that can improve the compatibility between the public and private health care systems and change people's inertia and attitude of over-relying on the public health care system. If the Government does not do so, when the ratios of nurses to patients in public hospitals improve, people who are satisfied with the improvements will only

flock to the public health care system that offers goods services at low prices. In that case, despite all increases in health care manpower, it will be difficult to satisfy the infinite demand.

For this reason, the Liberal Party holds that the public health care system should focus on prevention, the treatment of acute diseases and the provision of casualty and specialist services. As for primary medical services, they should be provided by private doctors and hospitals through a satisfactory framework of public-private co-operation. It is only in this way that the pressure on the public health care system can be effectively relieved.

Regarding nurse training, it must be pointed out that since the Government's decision to upgrade nurse training to degree level in 2000, the nurse training schools under the HA have been closed down one by one. In their place, three universities have been offering nursing degree programmes. The number of nursing graduates under these programmes is just some 450 a year, which is far smaller than the 1 000 or so trained up by nursing schools in the past.

Owing to the continual shortage of nurses, many private and public hospitals have recently started to reopen their nursing schools. The Open University started to offer a four-year nursing degree programme in 2005. It is expected that over time, the programme can provide the market with several hundred registered nurses and enrolled nurses. However, as estimated by the Hong Kong Private Hospitals Association, it will be necessary to recruit 1 000 more nurses in the next three years. It therefore advises that unless the Government reopens more nurse training schools, it will be difficult to fill up the vacancies.

We therefore think that it is necessary to increase the number of nurse training places. But we do not think that we should just increase the number of nursing degree places. Rather, training places for enrolled nurses that require lower educational qualifications should also be increased to satisfy market demand. Any sole reliance on the several hundred nursing degree graduates a year will fail to fully satisfy market demand.

As a matter of fact, some representatives of private residential care homes for the elderly have told us that private residential care homes for the elderly participating in the Enhanced Bought Place Scheme must employ a specified

number of registered nurses and enrolled nurses in order to be eligible. However, owing to the continual shortage of nurses in recent years, it has become more difficult for them to recruit enough manpower. The operation of such residential care homes is thus seriously affected. What is more, as they have further pointed out, the salaries of registered nurses are comparatively high, so it is difficult for small or medium residential care homes to cope. And, they have added that not all the tasks in their institutions will necessarily require the professional attention of registered nurses.

However, nurse training will after all take time. Since there is a continual shortage of nursing manpower, nurse training is just a "distant source of water" that cannot extinguish "the fire nearby". The Liberal Party therefore maintains that the authorities should be more flexible with the recruitment of nursing personnel. For example, more part-time staff should be recruited. And, measures should be introduced to encourage professionally qualified nurses who have either resigned or exited the labour market (because of retirement, for example) to rejoin public hospitals. That way, "nearby sources of water" can be channelled to extinguish "the fire nearby".

Naturally, reasonable pay, employment conditions and promotion prospects will also help retain talents. For this reason, the Liberal Party urges the authorities to introduce more rungs on the promotion ladder. That way, nurses can be clear about their promotion prospects and this will reduce the drain of nurses from the public health care system.

Dr Fernando CHEUNG's motion points to the difficulties in recruiting nurses faced by the welfare sector and expresses the worry that the quality of elderly and rehabilitation services may be affected. We agree to these points. The Liberal Party is of course equally concerned about the provision of appropriate assistance to providers of elderly services. But we cannot agree to his argument that the manpower shortage in residential care homes for the elderly is necessarily and solely caused by the lump sum grant system. The Liberal Party maintains that there must be a rationale — one which cannot be negated — behind the lump sum grant system. The rationale is that it can enhance the quality and efficiency of management and give the institutions concerned more recruitment flexibility to provide the public with the most appropriate services. We think that this is the only major rationale, one which must not be ignored.

Deputy President, I so submit.

DR YEUNG SUM (in Cantonese): Deputy President, today's motion is closely related to health care financing and health care reform. It is because the Government's studies of health care financing proposals have remained stagnant without making the slightest progress over the years that the public health care system has not been provided with stable funding, thus making it impossible for plans to be mapped out for the long term. Over the past few years, the Hospital Authority (HA) has recorded serious deficits and since the HA already found it difficult to absorb medical graduates, how can it further redeploy resources for the training of nursing manpower? When the economy is in a bad shape and the Government cuts the funding for public health care services, a shortage of manpower is set to arise due to the lack of resources to provide additional staff. Now, the Government's finance has improved, but as the bed occupancy rate increases in private hospitals, a large number of staff have switched jobs and joined private hospitals. This has aggravated the shortage of manpower in public hospitals and added to the heavy workload on health care staff, resulting in a further decline in the quality of the services provided to the public.

At end March this year, nurses who had hitherto kept a low profile staged a procession for the first time in 27 years to express their discontent towards the Government. They are dissatisfied with the lack of planning on the part of the Government; they are dissatisfied with the shortage of nurses, and they are dissatisfied that the service provided to patients has hence been jeopardized. The shortage of nurses has already reached an unbearable state. According to the information of the Association of Hong Kong Nursing Staff, 509 registered and enrolled nurses left their posts in the last financial year, causing the workload of nurses to increase drastically. The survey also found that each nurse has to take care of eight to 10 patients on average in the morning shift, which is higher than the normal number of six patients per nurse, whereas each emergency nurse in the night shift has to take care of as many as 24 patients, which is three times higher than the normal number of six patients per nurse.

The pressure of manpower shortage on front-line staff does not only come from a substantial increase in workload but more importantly, the failure to provide reasonable care to patients. Patients' dissatisfaction and possible negligence adversely affecting the safety of patients are the real sources of pressure on front-line nurses. In fact, there was indeed a complaint against the HA last year about a patient having a fever and a stroke after undergoing an operation to replace a joint died allegedly because no emergency rescue was performed in time due to manpower shortage.

While increasing the pay of nurses and their promotion prospects are still better than nothing, how effective these measures are in addressing the problem? At present, the entry pay for nurses is about \$18,000 monthly in public hospitals and about \$23,000 monthly in private hospitals, which is already higher than that for other university graduates. Besides, as the Government has proposed a pay rise for civil servants, if the HA will, in accordance with the pay rise arrangements for civil servants, allocate about \$1 billion for salary increase for front-line health care personnel, I believe the salary of nurses will already be higher than that of many other sectors. However, salary alone is not sufficient to retain nurses. The number of nurses continues to fall short of the demand; nurses are overworking night and day while patients remain dissatisfied. Such being the case, however high the salary is, nurses will still think about switching to another job.

Faced with the undersupply of nurses, the HA and private hospitals have employed different means to compete for manpower. The HA has organized large-scale career expos; it has even recruited part-time and retired nurses and provided more promotion prospects, while private hospitals have sought to lure nurses by offering them a high pay, and they have even employed student nurses, assigning administrative duties to them before they become professionally qualified in exchange for their continued service in private hospitals after graduation.

However, to resolve the overall shortage of manpower, the solution lies in increasing the overall supply of manpower. In this connection, the HA and various tertiary institutions have resorted to various weird tactics. There is a plan to relaunch the diploma course in nursing which was discontinued only last year; the HA has organized an associate degree programme jointly with the Hong Kong Institute of Technology and provided attachment opportunities for students in public hospitals, whereas the Hong Kong Polytechnic University has, in collaboration with private hospitals, provided a self-financing degree programme, with training venues and attachment training provided by hospitals. But these measures will take at least three years to yield results. That is, the supply of graduates will be increased only three years later. However, these measures are inadequate to address the pressing problem and therefore, it is also proposed that student nurses in Guangdong Province should be allowed to receive attachment training in hospitals in Hong Kong through professional training programmes.

Deputy President, these measures have shown before our eyes a health care and manpower training system featuring poor manpower planning, a lack of development strategies, a hasty approach and frequent changes. This is so regrettable. Under such circumstances, it will be difficult to upgrade the quality of nurses, and on the service front, nurses can only be deployed to provide service which is urgently required and this is short-sighted. When the number of pregnant women has increased considerably, more midwives are trained hastily. As hospitals cannot just leave the patients behind, nurses are, therefore, pooled together in hospitals, thus making it more difficult for elderly care homes, rehabilitation agencies and primary health care service providers to employ nurses.

In recent years, the HA has promoted day hospital and community care service in order to shorten the period of costly hospitalization. But without sufficient health care staff to provide community care and support services, patients whose conditions have deteriorated will be admitted to hospitals again and this will only further add to the workload of hospitals, resulting in a vicious cycle.

Deputy President, under an unhealthy health care and financing system, it is impossible to map out sound plans on manpower and all that can be done is to take ad hoc measures, always playing it to the ear and in the end, the loser will only be the front-line staff and service users among the general public. The shortage of nurses is just a corner of this bigger problem with the entire health care system. Pay rise and promotion are not solutions to the problem in the long run. The Democratic Party calls on the Government to first formulate long-term plans on manpower. In neighbouring Macao, they have just completed a planning study for the next decade. The overall reform of the health care system must brook no further delay.

With these remarks, I support the original motion and Dr Fernando CHEUNG's amendment. Thank you, Deputy President.

MS AUDREY EU (in Cantonese): Deputy President, in reply to an oral question asked just this morning, Secretary Dr York CHOW told us that the health care personnel in Hong Kong are of a very high quality and so, we can provide training for health care personnel from the Mainland.

That the health care personnel in Hong Kong are of a very high quality and very experienced is, I believe, beyond dispute. As we could see during the outbreak of SARS, our health care personnel are not only experienced. Their integrity is also on a par with their top-notch counterparts in the world. But disregarding how good they are trained and how experienced or how quality they are, each human being has 24 hours only and each health care worker has only two hands and two legs. So, health care manpower is a very important factor and it is closely linked to the quality of health care service.

Recently, during an interview with foreign media, the Chief Executive said that our population policy must also surpass that of Britain and the United States for he hoped that our population could reach 10 million. But do we have sufficient health care personnel to provide the necessary health care service for a continuously ageing society?

I remember that a few years ago Mr Donald TSANG called on the public to give birth to three children. But while he made this appeal to the public asking them to give birth to three children, he nevertheless cut the provision of obstetrics service, prompting local pregnant women to take to the streets to protest the shortage of obstetrics service. As a result, the Hospital Authority (HA) resorted to arbitrarily segregate the already harmonized cross-boundary marriages by defining mainland women who are married to local men as non-local pregnant women. Punitive fees are imposed on these women and what is more, when they make a booking for antenatal examinations, the next appointment even falls on a date after the expected date of confinement. This is obviously to discourage them from giving birth in Hong Kong.

But as I said just now, the fathers of these new born babies are actually Hong Kong people and so, these babies should have the right of abode in Hong Kong and they will become Hong Kong people in future. These examples are proof that on the one hand, we are talking about developing into a financial city and expanding our population but on the other, the Government actually has not carefully and thoroughly considered many issues relating to appropriate matching measures.

Dr Fernando CHEUNG has made several points in his amendment and in particular, he mentioned the ageing of population, the health care manpower required for rehabilitation services in the social welfare sector and elderly care homes, as well as the difficulties that they encountered, and many other

Members have actually encountered these difficulties too. I often have contact with many non-governmental organizations and charity groups, and they have always told us about the difficulty they faced in recruiting staff. This reflects that the training for health care personnel is very inadequate indeed. This is why I kept on asking the Secretary this morning why we can provide opportunities and resources for training health care personnel from the Mainland but refused to give more opportunities to local health care personnel and train up health care personnel who will be serving Hong Kong and who are urgently needed in Hong Kong?

In their speeches today colleagues have actually mentioned the percentage of the manpower shortfall, and I would like to talk about the situation in other international cities. According to the studies conducted by the International Council of Nurses, the ideal ratio of nurses to patients, or the so-called nurses-patients ratio (NPR) should be 1:4, and so long as this ratio is maintained, staff morale can be upheld and mistakes minimized. This NPR has been made mandatory in California of the United States and in Victoria of Australia since 1999 and 2001 respectively.

I also wish to point out that in Japan, where population ageing is the most serious in Asia, for every 100 elderly inmates in an elderly care home, there are 24 health care assistants and 10 nurses. But in Hong Kong, according to the Government's reply on the estimate of expenditure for 2007-2008, every 1 000 elderly inmates aged above 65 are taken care of by about 30 nurses. Members can just compare the figures and they will know that the base used in Japan is 100 but that in Hong Kong is 1 000. Can Hong Kong really develop into an Asian — not to mention world-class — metropolis or cosmopolitan?

As also mentioned by a number of colleagues in their speeches, the cause of the manpower shortage is the discontinuation of the nursing programme by the HA in 1999. Although the relevant programme is now provided in universities, the number of places is far too inadequate to meet the needs of Hong Kong. Added to this is that although we still see new staff joining the health care profession every year, there is at the same time a substantial wastage of manpower. The increase in the number of staff is therefore offset by the wastage, and this reminds me of small-class teaching which has the same problem and that is, while new schools are built on the one hand, old schools are scrapped on the other. This problem has dealt a severe blow to the morale of health care personnel.

In this connection, Deputy President, no matter how we would like our population to develop, it is necessary to provide sufficient health care or other support services first, in order to meet the existing demographical needs. I think we all know very well in what areas there is a shortage of health care personnel, and I particularly hope that the Secretary will understand that given the problem of an ageing population, the demand for health care personnel will only increase rather than decrease. So, I hope that the Secretary will put forward a comprehensive proposal to us in a short time; even if he is unable to give us a reply today, I hope he can do it in a short time.

Thank you, Deputy President.

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

MR ALAN LEONG (in Cantonese): Deputy President, the Bauhinia Foundation Research Centre which has close ties with the Government has recently published a study report on health care financing, and the proposals made in the report on individual medical savings accounts have aroused lots of controversies in various sectors of the community. The motion proposed by Dr Joseph LEE today has put the problem of "de-nursing" on this Council's agenda for discussion, whereas Dr Fernando CHEUNG's amendment has highlighted the problem in the context of the social service sector by presenting the actual situation of the sector. The motion and amendment proposed by two Members with a doctoral degree serve as the best reminder to the community. What does it remind us of? We are reminded that before talking about health care financing, a government which cherishes the life of the people and which accords first priority to the life of the people can actually do a lot of things, just that the Government has failed to do so. We should first find out the thrust of the health care problem.

Deputy President, I remember that a few months ago, through my participation in the Chief Executive election, I had the opportunity to meet with some friends in the health care profession. One of the scenes which deeply impressed me was that of a male nursing officer in his fifties bursting into tears there and then. He asked me to guess the reason why he had burst into tears. Certainly, I thought that he cried because he had made some mistakes while taking care of patients and he felt sorry for the patients. But that was not the

reason. He cried because in his life — or up to that moment in his life — the biggest mistake that he has ever made is to accept his promotion to be a nursing officer.

This sounded rather strange to me at first, but after he had explained it to me, I think that he entirely had the reason to have this feeling. He said that after his promotion to the management of the hospital, he was required to enforce the "de-nursing" policy. But when deploying staff, he had often put his colleagues under so much stress that they could hardly cope with it, thus leaving his colleagues overstrained both physically and mentally. So, he was rather upset, feeling sorry for them with a guilty conscience.

According to him, more and more health care service assistants whose salary and rank are lower have to handle some clinical nursing procedures, while professional nurses have to spend a great deal of effort doing a huge volume of administrative work and this, in his view, is a mismatch of job duties. According to this nursing officer, given the unsatisfactory pay and promotion prospects for nurses in the public health care sector, the wastage of nurses has been constantly on the rise and this has led to a tendency in more hospitals to assign nursing duties to service assistants in hospital wards. This has not only compromised the quality of nursing care, but also adversely affected the health care workers themselves. They told me that given a lack of proper training, many hardworking and devoted ward assistants have suffered sprains or unnecessary infection while performing nursing duties and this is a common phenomenon. He was afraid that the work environment in wards in public hospitals will only deteriorate continuously and a vicious cycle will hence be created.

Deputy President, this nursing officer had cried not only for the work situation of his front-line colleagues, but more for the well-being of patients. In the face of a health care policy which focuses only on financing to the neglect of patients, the tears shed by this nursing officer are the most powerful condemnation. Certainly, we must ensure that the resources of the health care system are well spent, but we must also bear in mind that the greatest objective of health care service is to serve the patients, rather than saying all the time that the failure to secure financing would make it impossible to improve the current service provision. We must clearly understand what kind of service quality the patients deserve before considering how services should be provided and how resources should be utilized.

Both the original motion and the amendment stated that it is necessary for the Government to work out a long-term plan on the demand for nurses in the health care system and the social service sector. This does not only involve simple manpower computation, but also requires the Government to identify a clear professional positioning for its health care policy. In assessing the focus of the health care policy, the Government should also review its established mindset and shift the focus from hospital treatment to disease prevention and community nursing and care services for discharged patients. This way, not only the pressure on the public health care system can be relieved, public health and interest will be given the fullest care.

On the basis of this new mindset, the Government should co-operate with the profession in order to work out the reasonable manpower ratio between nurses and patients and also inject more resources into universities in the light of the demand, with a view to training more quality nurse graduates. It is also necessary to improve the pay and promotion prospects of nurses in public hospitals and the social welfare sector, so that the nursing profession will become more attractive in the job market and hence, more people can be recruited to join the profession.

Deputy President, I think the Government will soon put forward proposals on health care financing for consultation, but we hope the Government will understand that the key to improving the health care policy is far more than financing and lies really in the positioning and direction of the future health care policy. In fact, if the health care policy can be correctly focused in the first place, it would in effect enhance the cost-effectiveness of the overall health care system and facilitate the provision of better health care services. If the issue of health care financing can be tackled on this basis, the controversies to be aroused in society could definitely be reduced.

With these remarks, Deputy President, I support the motion and the amendment.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): Dr Joseph LEE, you may now speak on Dr Fernando CHEUNG's amendment. You have up to five minutes to speak.

DR JOSEPH LEE (in Cantonese): Deputy President, first of all, I wish to thank Dr Fernando CHEUNG for proposing an amendment to the motion on policy on nursing manpower. The most important point in making this amendment, to which I very much agree, is that it has further exposed the tip of the iceberg, highlighting the problem of nursing manpower to show that the policy on nursing manpower is very important and that it is also a problem with great significance. As Dr Fernando CHEUNG has said, the major problem faced by the social welfare sector and the elderly care homes is the difficulty in recruiting nurses. Apart from this, what other problem is there? The problem is that there is no benchmark ratio between nurses and clients of nursing care (namely the elderly or patients) in the social welfare sector. Certainly, the Secretary may say that there is already a benchmark ratio and that is, there are one or two nurses for every 60 patients or elderly persons. But according to Dr Fernando CHEUNG, this benchmark now seems to exist in name only and worse still, it is really the case that an elderly care home with only 30 elderly inmates can operate without one nurse.

Moreover, as the Government has, over the last few years, encouraged elderly or convalescent patients to return to the community and receive community nursing care services, and if there is no benchmark ratio, we would be very concerned about the nursing standard in the social service sector and that of non-subsidized elderly care homes or rehabilitation service providers. Dr Fernando CHEUNG has very clearly explained why the social welfare sector or private elderly care homes have difficulty in recruiting nurses, pointing out that it all boils down to competitiveness. Apart from the salary, their promotion prospects are almost zero and so, how possibly would nurses accept a job with zero promotion prospect? This is the cause of a serious wastage of manpower in the social welfare sector. After the drain of manpower, the relevant organizations would have to make a lot of effort to recruit nurses to fill the vacancies and this is indeed most undesirable.

Certainly, Members have made a point earlier that apart from public hospitals, the social welfare sector or non-governmental organizations also face a very big problem and that is, the problem of "de-nursing" which is caused by a shortage of nurses. If the Government fails to address the problem of "de-nursing" and focuses only on money or ignores the problem entirely, I would be very worried indeed because we will grow old one day sooner or later and by then, it might be the case that in elderly care homes, whether they are publicly-funded or non-government funded, there would be no nurses but only

health care service assistants or welfare workers, and this would be very worrying indeed.

In this connection, we must review one thing and that is, with regard to the problem of the shortage of nursing manpower, we absolutely must not put the blame on the upgrading of nurses to degree level, because it is only a scapegoat. This is actually a reflection of the Government's failure to properly work out plans to increase the number of places accordingly in order to support the upgrading of nurses to degree level. Certainly, there is also the view that, as Dr Fernando CHEUNG has said, different elderly care homes or non-governmental organizations have different nursing needs and under such circumstances, does the Government, in making long-term plans on nursing, have the duty to devise different benchmark ratios according to the different nursing needs of different services, in order to map out suitable plans?

(THE PRESIDENT resumed the Chair)

In fact, Dr Fernando CHEUNG's amendment has made a number of major points to highlight one thing and that is, the Government has never addressed the demand for nursing manpower in the social welfare sector and it has only addressed the problem in a piecemeal manner. Coupled with the existing problems in the public health care sector, the situation has become even more undesirable. We, therefore, expect the Government to do something and we hope that the Secretary can increase the strength of the measures in the next five years and conduct a comprehensive review as well as studies of the current planning of nursing manpower, with a view to identifying a long-term objective, and this will be welcomed by the social welfare sector and members of the public.

Finally, I will support Dr Fernando CHEUNG's amendment. Thank you, President.

SECRETARY FOR HEALTH, WEALTH AND FOOD (in Cantonese): Madam President, to maintain the quality of our health care services and to foster the sound development of our health care system, a sufficient supply of professional human resources is indispensable. For this reason, the

Government has been closely monitoring the trend of the supply and demand of various health care professionals (including nurses) and make manpower planning accordingly. Regarding the manpower planning of nurses, I must emphasize that there are two major goals: first, the supply of nursing manpower is largely commensurate with our long-term demand; and second, in the light of the international development trend of the basic training of nurses before registration, local nursing education should be upgraded to degree level.

According to a health care manpower survey conducted by the Department of Health (DH) in 2005, among the registered nurses who responded, the percentages of nurses working in public medical organizations, the private sector and subvention organizations were 81%, 12% and 7% respectively. As regards the supply of registered nurses, since the suspension of nurse enrolment by the majority of nursing schools of the Hospital Authority (HA) in 1999, University Grants Committee (UGC)-funded institutions have gradually become the major source of nurses, accounting for over 70% of the overall supply of nurses.

For the adjustment of the supply of nursing places, the Government has from time to time invited the DH, the HA, the Social Welfare Department (SWD) and private hospitals to make long-term manpower demand forecasts. As the principal employer of registered nurses, the HA will forecast the long-term manpower needs on the basis of the annual number of retirees, the trend of manpower wastage and through evaluating such factors as the ageing of the population, changes in the demographic structure and special needs of society for services in individual areas. In formulating the overall nursing manpower forecast, the Government will also take into consideration a series of factors including the mode of provision of medical services, the development of management policies, the progress of medical technology and introduction of new medical treatments, the growth in productivity and the changes of the work patterns of health care teams, the development of newly introduced services in the social welfare sector, the transformation or upgrading of services, and so on.

Next, I will briefly introduce the supply and demand situation of existing and future nursing staff. Insofar as the demand is concerned, following the robust economic recovery and the more prosperous development of the private medical market, there has been a rise in the wastage rate of HA nurses. In view of the ageing of the population and the rising public expectation for medical services, the demand for nurses is expected to remain strong. However, the actual circumstances will be determined by such factors as the demand of newly

introduced services, the speed of expansion of hospitals in both the public and private sectors, and conversion of nurses or wastage of nurses who have chosen to leave Hong Kong.

As regards the supply, upon the Government's recommendation, the UGC has in recent years substantially increased the number of places for degree programmes for nurses. In 2007, the number of first-year-first-degree places has been raised to approximately 550, with the number of higher diplomas places remaining at 110, and there are 30 additional senior year places. Regarding the supply of psychiatric nurses, we note that some 40 to 45 psychiatric nursing students will be enrolled annually in a self-financed degree programme for basic nursing training, introduced by The Open University of Hong Kong (OUHK) in 2005. In view of the keen demands for nurses in public and private medical institutions and the social welfare sector, we will propose to the UGC to further increase the number of the relevant places. However, we understand that the implementation will depend on the capacity and enrolment situation of the institutions. As far as I understand it, nursing degrees are quite popular for the time being.

Given the time-consuming process, from planning, actual funding allocation to completion of training, the forecast spanning such a long period will inevitably experience discrepancies due to changes in various factors. When necessary, we will revise our forecast and even implement interim measures to cope with short-term shortfalls. The HA has been allocated funds to operate, on an annual basis, a class of approximately 110 places under a higher diploma programme on nursing in 2004, 2005 and from 2007 to 2009. In response to market demand, OUHK, private hospitals and some educational institutions have run or are preparing to run self-financed nursing programmes.

As for welfare organizations, we understand that it is not easy to recruit and retain health care staff. To cope with the difficulty encountered in this area, we have commissioned the HA to operate five classes for relevant programmes between 2006 and 2009, with each class aiming to train approximately 110 registered nurses. Upon graduation, the trainees will have to work as registered nurses in the social welfare sector for at least two years.

Following the increase in the number of degree places for nurses, the introduction of other programmes and the implementation of short-term initiatives, the shortage of nurses is expected to be gradually alleviated in the years to come.

Dr Joseph LEE's motion has also mentioned the formulation of an appropriate manpower ratio between nurses and clients of nursing care in public hospitals. The types of services provided to patients in hospitals are wide-ranging, including emergency, out-patient and long-term health care services. As there is a distinct difference between the degrees of health care involved in different services, the nursing requirements are also not entirely the same. For instance, given the critical conditions of the vast majority of patients in the intensive care units of acute hospitals, nurses must continually evaluate and observe the vital signs of patients and probably need to assist in and observe such nursing procedures as the use of ventilators, fluid transfer, and so on. As a result, a larger number of nurses is required. As regards patients in long-stay care homes, nurses are required to evaluate the care programmes for patients on a regular basis while implementing rehabilitation programmes for patients jointly with allied health teams. As the degrees of nursing required by patients in their daily lives differ according to the self-care skill of patients, and supportive staff may also serve patients, the actual number of nurses required will thus be smaller. At present, a standardized international ratio between nurses and patients is not available for comparison. Actually, there is a variation in the establishment of medical staff internationally due to different mode of services.

At present, the HA uses a set of specialty-based ward-manpower indicators to assess its nursing manpower demand. On top of the indicators, the HA will also take into account the number of ward beds, occupancy rate, special nature of wards, as well as the conditions of patients and their health care needs. A set of auxiliary tools has also been developed by the HA to assess the health care needs of patients. The tools, a product of scientific research and statistical analysis, have already been fine-tuned. At present, the HA employ the tools to, through evaluating the patients' required items out of 19 nursing activities, divide patients into four groups according to the level of health care required. This will be followed by an assessment of the overall nursing dependency level of the patients of a certain ward, which is to be used as reference for the nursing staff establishment. The HA will review and fine-tune these manpower assessment tools from time to time.

Dr Fernando CHEUNG's amendment also proposes that a ratio between nurses and clients of nursing care be formulated for elderly and rehabilitation services. At present, the manpower ratios of residential care homes for the elderly (RCHEs) are determined on the basis of the minimum manpower requirements for various types of RCHEs as specified in the Residential Care Homes (Elderly Persons) Regulation. It is provided in the Regulation that,

unless a nurse is present, there must be one health worker to every 30 occupants during the period from 7 am to 6 pm. On the contrary, unless a health worker is present, there must be one nurse to every 60 occupants during the same period. As for those providing subvented residential care home services under service contracts or the Enhanced Bought Place Scheme agreements, the manpower ratios between nurses and clients of nursing care are also clearly set out in their contracts or agreements. As to the manpower ratios of the residential care homes for persons with disabilities, reference can be drawn from the Code of Practice for Residential Care Homes for Persons with Disabilities formulated in 2002.

In addition, Dr Joseph LEE's motion also proposes the need to improve the pay and promotion prospects of nurses in public hospitals to curb the wastage of nurses. Actually, the HA has all along kept in view and appreciated the manpower and work pressure borne by nursing staff in public hospitals, kept in view the wastage of nursing staff, and studied and formulated appropriate measures jointly with the staff. In 2006-2007, the HA recorded a wastage rate of nurses of approximately 3.2%, whereas the overall wastage rate of the HA in the same year was approximately 5.2%. The findings of a survey on the meetings between the HA and resigned nurses show that nearly half of the nurses had resigned for family or personal reasons, such as the need to take care of family members, taking a break from work or launching their businesses. Other reasons for resignation include conversion, health reasons, retirement, pursuing studies, and so on.

The HA will follow two major directions in ameliorating the problem of nursing manpower in hospitals by firstly, increasing nursing manpower and secondly, improving the remuneration for nurses and their working environment in order to retain them.

For the purpose of increasing the number of nurses, the HA has set up a working group including front-line nurses to review enhanced vocational development and terms of employment for nursing staff. The 2007-2008 target of the HA is to recruit 600 additional full-time nurses, and the recruitment exercise has already begun. The newly recruited staff is expected to serve patients in end July or early August. In addition to the newly-recruited staff, the HA has also recruited additional part-time nurses to ease the pressure on its nursing manpower. To attract more resigned nurses to rejoin the public hospital workforce to serve the public, the HA will offer more attractive

employment terms based on part-time nurses' seniority. In the past five months, the HA has recruited 44 more registered nurses to provide service on a part-time basis.

As far as improving the remuneration and working environment for nurses are concerned, the HA has launched a series of measures to attract and retain nurses since last year, which include offering eligible nurses permanent appointment (a total of 146 registered nurses on contract terms were offered permanent appointment last year). The HA has also introduced flexible continuous night shift to reduce nurses' frequency of night shifts, and have offered encashment of accrued annual leave.

In addition, the HA will strengthen the professional development and training of nurses, enhance the professional development prospects for nurses and curb the wastage of nurses through improving promotion prospects. The HA will provide a two-year mentorship scheme to newly graduated nurses, as well as subsidized training to registered nurses and enrolled nurses taking conversion courses. The HA will also provide serving nurses with opportunities to pursue advanced or specialty courses.

In the 2006-2007 financial year, the HA has promoted over 160 registered nurses to the rank of Advanced Practice Nurse, and offered a specialty certificate programme and a professional competence enhancement programme to 333 and 6 238 serving nurses respectively. This can also help supplement the remark made by me this morning, that the HA has a comprehensive programme for training nurses, which is completely different from the one for training mainland nurses. These programmes can enhance the clinical nursing knowledge of nurses and upgrade their professional qualifications, and will improve the future promotion prospects for nurses. Each year, the HA will also facilitate some 150 enrolled nurses who have successfully completed the conversion programmes in becoming registered nurses. Upon their conversion to registered nurses, enrolled nurses will also have better promotion prospects.

As regards the remuneration for nurses in the social welfare sector, under the lump sum grant (LSG) system, subvented non-governmental organizations (NGOs) may flexibly allocate their funding among service units to cope with the constantly-changing social needs. The organizations can decide on the service units' staffing arrangements, taking into account such factors as their own human resources management policies and service demands. Upon the implementation

of the LSG system, some organizations have also, with reference to the market circumstances, formulated the pay structure for new staff to, on the one hand, bring about more effective utilization of resources and, on the other, ensure the pay is in line with the actual market situation. The SWD has also reminded all organizations to, in formulating the relevant policies, fully consult their staff and regularly review the pay structure to ensure that outstanding staff can be attracted.

Dr Joseph LEE's motion also mentions the problem of "de-nursing" and proposes the Government must ensure that nursing services are provided by nurses to clients of nursing care. I find the expression "de-nursing" unacceptable because nurses are nurses, and they must perform the tasks nurses are supposed to do. Furthermore, the expression is also incomprehensible to the public. I would like to stress that health care service has all along been provided to patients on a team basis through the cross-discipline co-operation of different professions. With their expertise, doctors, nurses and personnel of allied health grades play significant roles in the treatment process. An important duty of the nursing profession is to provide key nursing services, including nursing evaluation for patients, distribution of medicine, administration of special treatment, observation of vital signs, patient education, formulation of nursing programmes, and so on. Duties under the purview of the nursing profession are performed by nurses with professional qualifications. Senior nurses are also required to supervise and co-ordinate the work of nursing staff and other clinical supporting staff in wards and in the nursing teams. At present, the HA has approximately 5 500 clinical supporting staff. Depending on operational needs, the HA will recruit supporting staff to aid the work of nurses. For instance, in the last financial year, the HA has employed some 170 ward stewards and supporting service assistants to share such duties of nurses as clerical work, inspection and acceptance of supplies, and assisting patients with respect to hygiene needs, feeding and bed-making. This policy enables nurses to focus on their professional nursing work, which in turn alleviates the workload of the front-line nurses and further improves the quality of services provided to patients. These supporting staff will not perform any health care duties which have to be undertaken by professional nursing staff.

Furthermore, in October 2005, the SWD issued an updated version of the Code of Practice for Residential Care Homes for the Elderly, which detailed the duties of health workers. A revised health workers training course was introduced in April 2006 with improvements to the course contents, minimum

entry requirements and performance assessment. While the trained health workers can provide the RCHE residents with general care services, special nursing procedures such as the use of catheters or feeding tubes must still be carried out by nurses.

At present, primary health care services are supplied mainly by the private sector, while the public sector focuses on public health, disease prevention and caring of the disadvantaged. One of our priorities in improving health care is for the private market to enhance primary health care services, especially preventive health care. In formulating detailed proposals in this regard, we will take into account the roles played by nursing staff. At the same time, we will ensure that the public sector can give due regard to the needy in terms of primary health care services and staffing arrangements.

As regards community care, we encourage home care and, under the prerequisite of upgrading the quality of life of the elderly, provide for the elderly with various outreach, home nursing and centre-oriented community care services, including home care services and day-care elderly services provided by subvented organizations and NGOs for frail elders. Furthermore, outreach visit services are provided to elderly in RCHEs by community nurse services operated under the HA and community geriatric assessment teams. We will also suitably increase the number of places for a variety of services according to the needs and continue to monitor the needs for various kinds of services.

Dr Fernando CHEUNG's amendment proposes that the Government conduct a comprehensive review of the LSG subvention system implemented in the social welfare sector, and ensure that sufficient nursing staff can be recruited in the market by organizations providing elderly and rehabilitation services. The merit of the LSG system is that the subvented NGOs may flexibly utilize and deploy resources and, through restructuring of services and reorganization, respond to the needs of society more effectively. In fact, the LSG system is generally welcomed by relevant organizations. The number of organizations which have joined the system voluntarily has increased from 96 in 2000-2001 to 164 at present, accounting for 99% of the entire amount of subventions. Over the past years, the SWD has continued to fine-tune the LSG system, having regard to the needs and the views expressed by the relevant organizations. At the present stage, we consider it unnecessary to review the LSG mechanism. However, the SWD will work closely with NGOs with a view to further perfecting arrangements in every aspect.

Madam President, we have all along been taking great pride in the standard of our health care services. We also understand very well that, in order to allow the public to continue enjoying quality health care services, we must have an outstanding health care team. The planning of nursing manpower is a subject of great concern to us. In the days to come, we will continue to keep in view the problem of the supply of nursing manpower to ensure that proper health care services are offered to the public.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Dr Fernando CHEUNG to Dr Joseph LEE's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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 amendment passed.

At this stage, I am originally supposed to ask Dr Joseph LEE to reply. However, as he has exhausted the 15 minutes allowed for his speech, I will therefore directly put the question to Members and that is: That the motion moved by Dr Joseph LEE, as amended by Dr Fernando CHEUNG, 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.....

MR MARTIN LEE (in Cantonese): I claim a division.

PRESIDENT (in Cantonese): Do you wish to claim a division?

MR MARTIN LEE (in Cantonese): Yes.

PRESIDENT (in Cantonese): Fine. In view of the absence of a quorum in the Chamber now, we will first ring the bell to summon Members back to the Chamber. The division will begin only when a quorum is present.

(After the division bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): A quorum is present. I now put the question to you and that is: That the motion moved by Dr Joseph LEE, as amended by Dr Fernando CHEUNG, be passed.

PRESIDENT (in Cantonese): Mr Martin LEE 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:

Ms Margaret NG, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms LI Fung-ying, Dr Joseph LEE, Mr Daniel

LAM, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted for the motion as amended.

Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming 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, 15 were present, 13 were in favour of the motion as amended and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present and 19 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.

PRESIDENT (in Cantonese): Second motion: Demonstrating the people's power on 1 July. I now invite Mr James TO to speak and move his motion.

DEMONSTRATING THE PEOPLE'S POWER ON 1 JULY

MR JAMES TO (in Cantonese): President, this year marks the 10th anniversary of the reunification and I must say the people of Hong Kong are overwhelmed with mixed feelings on this occasion. This is because they have experienced many ups and downs through the years. Recently, the SAR Government produced a song to celebrate the 10th anniversary of the reunification and the

title of the song is "Just Because You Are Here". The title of the song stirs up many thoughts in the people of Hong Kong. A comic parody of the song with the same tune but different lyrics has become an Internet favourite with a hit rate of close to 500 000, or eight times more than the official version of the song. The lyrics are to the following effect: "Bow-tie gets his job because you are here/ 800 votes are good enough to last a century/ We are the ones who can't vote/ Let your flattering voice be heard a hundred years/ Just because you are here."

President, why have I sung this song? Because as we can all see, despite all the boom and wealth, all these cover-up and whitewash, and no matter how praises are sung of stability and prosperity, a lampooning song like this can puncture this bubble so easily. On the surface it is "Just because you are here", but in reality it is "We are the ones who can't vote". This expresses all the exasperations in the long wait for democracy by Hong Kong people all through these 20 years. May I advise the SAR Government not to produce songs or publicity footages of this sort in future because as long as there is no universal suffrage and as long as social justice is not seen, no matter how many of this kind of songs which heap praises on the Government are produced, it would only inspire more of these lampoon songs on the Internet.

The march on 1 July 2003 is an event in which half a million people demanded democracy from the Central Authorities and the SAR Government. It is unfortunate that the feedback from the Central Authorities in 2004 was that the door was slammed hard on the question of dual elections by universal suffrage in 2007 and 2008. What was seen was this "I got the final say" mentality and a curt reply of "no way" was thrown at face of Hong Kong people.

Then because of the Chief Executive election later on, in March when Donald TSANG ran for a second term of office, he said that he would solve the problem of dual elections by universal suffrage in 2012. As he puts it, he would do something big. And he stated clearly that he would propose three mainstream proposals for public consultations. Such election promise seemed to have won public opinion over to his side. Unfortunately, while this remark of doing something big still rings and in fact just after three days, Secretary Stephen LAM who is sitting here began to change his tune and said that the three proposals should be three kinds of proposals. When seen together with the remarks made of late by the Chairman of the Standing Committee of the National People's Congress WU Bangguo, it makes people worry all the more about the prospects of democracy in Hong Kong.

Why in just a matter of a few months is there such a drastic change from a clear indication of intention to do something big to this kind of vague, noncommittal reference to three kinds of proposals, and finally to this decree now from the Central Authorities that Hong Kong will get as much power as the Central Authorities are prepared to give Hong Kong? It looks like universal suffrage in 2012 is getting farther and farther away from us.

President, if the Chief Executive is really serious about universal suffrage, then 1 July would be an excellent occasion for us to show our support with our feet. What I am worried now is that the Chief Executive may only pretend that he is serious and he would only say that universal suffrage is not a pressing issue. Not only will it not top his agenda but it may even find its way to the bottom. Someone may even make a cynical comment, saying that this has been a torment for many people for many years and on every day of the year and when the festive occasion comes, they would have to take to the streets and wreak havoc. Chief Executive, we are not coming out to wreak havoc on the Government, people who come out to the march are first-rate citizens. They are law-abiding and they are orderly. We want the Chief Executive to know that what matters most to us is democracy in Hong Kong, how it is governed and the human rights we enjoy. We only want to get back what rightfully belongs to Hong Kong people and that is, the right to election which the Central Government has promised.

It has been 10 years, and our Chief Executive remains someone handpicked. The person who shakes hands with the state leader the longest will get the job. The so-called election by a 400-member or 800-member coterie is at most no more than a game with a foregone conclusion and no surprise is in store.

All through these past few months, people have been flying balloons. They say that for there to be an election in 2012 for the Chief Executive, there should at first be dialogue, then the democratic procedures mentioned in the Basic Law would have to be complied with. In name it is an election by "one person, one vote". But in practice it is a sham and bogus universal suffrage in which selections and countless filtering are made. It is a process carefully conducted by the Central Authorities to make sure and be 100% assured that irrespective of which candidate is elected, that person will be and can be put under strict control.

When you are to make your choice first before I make mine, does it mean that I will really have a choice after all? When you vote first before I vote, can this be called universal suffrage?

Therefore, on 1 July, the people should tell our state leaders, the SAR Government and the people of the world, that what we want is an election which is truly universal and truly equal.

LEUNG Chun-ying wrote an article recently in which he pointed out that the hearts of Hong Kong people were not reunited yet with the Motherland. It follows that there should be no universal suffrage. President, I beg to differ. It is because the people of Hong Kong do have a sense of belonging that they make this demand. Hong Kong is no colony of China, but a Special Administrative Region in it. Ours is a place where the highest degree of autonomy is practised, where we should be our own masters. Over the past 10 years, it is because the Central Authorities have not given us any political rights that economic benefits are handed down in a bid to please and pacify. Consequently, Hong Kong people have formed a good impression of the Central Authorities. If only the Central Authorities can really trust the people of Hong Kong and give them the right to universal and equal election, our sense of belonging would be stronger.

Recently, in a seminar on the 10th anniversary of the implementation of the Basic Law, Prof WANG Zhenmin said that the Hong Kong system must "ensure that people from all sectors across the community have the right to equal participation in political activities, that everyone will have the right to take part in and discuss political affairs..... and this applies to the rich, the middle class and the poor alike. They should all have a chance to take part.....". In stark contrast, the political structure here is one which stifles the room for political participation of Hong Kong people. It also stamps out the right to equal election. Ever since election was introduced to the Legislative Council some 20 years ago, the rich have been having greater chances of political participation than the middle class and the poor. It is unfortunate that nothing in this respect has changed 10 years after the reunification. President, what people striving for democracy want is precisely the right to equal participation in political life as Professor WANG says.

Just because you are here. We have been through the Asian financial turmoil. Just because you are here. At the worst times of the economic

downturn, we were willing to pay more taxes and ride out the storm with our government. Just because you are here. When SARS broke out, we fought the epidemic with oneness of mind. On 1 July, just because you are here, we kicked out the inept Chief Executive and the arrogant officials. Just because you are here on 1 July. We have successfully forestalled the introduction of the draconian law on Article 23. Just because you are here on 1 July. We need to fight for universal suffrage in 2012, uphold the rule of law and protect human rights. Just because you are here on 1 July. Our voices will light up a spark of hope and drive Hong Kong forward. Just because you are here and just because we are here, the day for universal suffrage will come. I call upon the people of Hong Kong to come out and join the march on 1 July and together we put the words of the song "Just Because You Are Here" into action.

Mr James TO moved the following motion: (Translation)

"That this Council appeals to all the people of Hong Kong to demonstrate the people's power once again on 1 July this year to fight for the building of a society of democracy, prosperity and social justice for Hong Kong."

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

PRESIDENT (in Cantonese): Mr Martin LEE will move an amendment to this motion. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr Martin LEE to speak and move his amendment to the motion.

MR MARTIN LEE (in Cantonese): I now move that Mr James TO's motion be amended.

Madam President, it has been 10 years after the reunification. We all like to indulge in recollections of things past. These days we see some leaders of the Central Authorities making high-profile remarks to remind us of the talk given

by our supreme leader DENG Xiaoping to the Basic Law Drafting Committee on 16 April 1987. Both SZETO Wah and I were in attendance on that particular occasion. I would recap what he said at that time later.

Many foreign reporters have come to Hong Kong recently to report on the 10th anniversary of our reunification with the Motherland. They asked me what I thought of the occasion. I said to them that if I were asked for positive comments, I would say that things like "one country, two systems", "Hong Kong people ruling Hong Kong" and a "high degree of autonomy" are just one small step away from their full implementation. What is that small step? It is the good system which DENG Xiaoping had talked about. He said if there was a good system, the bad people would never be able to do anything bad. But if there was not a good system, then even the good people would not be able to do good things and they may even be forced to do something bad. Recently, Premier WEN brought this up again while he was in Japan.

When applied to Hong Kong, the good system which DENG Xiaoping talked about is the democratic system. Originally, there was a consensus in Hong Kong on that, and people including those from the Liberal Party and the DAB thought that pursuant to Annex I and Annex II to the Basic Law, there would be dual elections by universal suffrage in 2007 and 2008. This is the common wish of Hong Kong people and it is founded on that consensus. Back then no one said that putting the dual elections by universal suffrage into practice in 2007 and 2008 would be too early or that people were not ready and such things. Unfortunately, this consensus which was so complete was shattered into pieces by the interpretation of the Basic Law by the Standing Committee of the National People's Congress on 26 April 2004 in the absence of any consultation here in Hong Kong. This explains why we have to start the whole thing over again in search of a consensus. But what I see now is that what we will get is not the real democratic system for which the Hong Kong people are craving, that is, the good system which DENG Xiaoping was talking about. It is a sham democratic system which will put the mind of Beijing at rest. The Communists think that in this way a person whom they think is patriotic and loves Hong Kong — which is really patriotic and loves the party but who in the eyes of the majority of Hong Kong people is just a puppet — will be elected to govern Hong Kong. This is where the difference between us really lies. Hence, the Central Authorities are not willing to give and they cannot give a timetable or roadmap for democracy to us.

Madam President, I wish to recap some of the remarks made by DENG Xiaoping on 16 April 1987. He said to us, "We say the standards for people who are in charge of Hong Kong affairs are: that they should love the country and Hong Kong. Being patriotic is loving the country and Hong Kong. Will election by universal suffrage be certainly able to select a person like this?" This was a report found in *Ta Kung Po* at that time,

Madam President, everyone in this Council, including those who are not in attendance, love the country and Hong Kong. What is wrong about electing these people as the Chief Executive or electing all these people as Members of the Legislative Council? Unfortunately, from the perspective of the Communist Party, they would rather not want these people to govern. Recently, we reviewed the remarks made and articles written by people like WU Bangguo, QIAO Xiaoyang, WANG Zhenmin. One of these people said something to this effect: "It is now 10 years after the reunification but the implementation of executive-led government in Hong Kong has not been that satisfactory. The reason is that the legislative and judicial branches are expanding their powers at the expense of executive-led government and imposing restraints on it." As for the Legislative Council, they said, "Without authorization by the Basic Law, the Legislative Council has formed independent committees for conducting inquiries and motions of no confidence have been moved and passed in respect of top officials." In terms of judicial matters, they said that the Courts of Hong Kong "use judicial reviews to challenge the authority of the executive". In other words, the grip on the SAR by the Central Authorities is not complete. These are very serious remarks to make. What should be done? In a workshop jointly organized by the Hong Kong Federation of Journalists and the Tsinghua University School of Law, QIAO Xiaoyang said to this effect, "Taking all factors in Hong Kong into consideration, it would be inevitable to see future interpretations of the Basic Law, but they would be made with greater prudence." Such is a report made in the *Ta Kung Po*. So how is this problem going to be solved? It is very likely that there may be another interpretation of the Basic Law and it will be on a massive scale. This will clarify things concerning the issue of what they consider the Legislative Council and the judicial system of Hong Kong acting in excess of the powers given to them under the Basic Law. Then there would be no more problems.

Some people say that I am being too sensitive. But I wish to ask, "At this time when the 10th anniversary is about to come, should it not be the time to tell

the world that 'one country, two systems' has been implemented so well in Hong Kong? Why are such negative remarks made? Why are such unnerving remarks made by so many persons in Beijing with authority in such a high profile and at this time?" As a matter of fact, we do not have any residual power. No such power is given to us by the Basic Law. This is right. The Basic Law puts it clearly that the Chief Executive to be elected by the SAR shall be appointed by the Central Authorities and the top officials shall be appointed by the Central Authorities on the recommendation of the Chief Executive. So what? This is not enough. There is another story in the *Ta Kung Po* that this person — in fact he was QIAO Xiaoyang — said that "the power to appoint is a substantive power and that is to say, the Central Authorities may or may not appoint."

In the opinion of the Democratic Party, there is nothing wrong about this but it is not enough. The person went on to say, "From another perspective, if the Central Authorities do not appoint the candidate elected in Hong Kong as the Chief Executive, a constitutional crisis will arise and the problem may get more serious. So..... there should be dialogue with the Central Authorities before a candidate is proposed in Hong Kong. A person whom the Central Authorities have made it clear that he or she is not acceptable shall not be appointed by the Central Authorities even if he or she is elected." Then he went to say, "If this person cannot be accountable to the Central Authorities, it is certain that the person will not be accepted. Of course, we believe that Hong Kong people will not elect such a person to be the Chief Executive." What is the point of saying all these if we will not elect such a person to be the Chief Executive? It is actually very simple, that is, no matter what kind of person Hong Kong people may like, be it Alan LEONG or anyone, provided that this person is someone the Central Authorities do not like, then he or she shall not join the game, run and get elected as the Chief Executive. This is totally different from what was said in the past, that is, on being patriotic and had a love for Hong Kong. Is Alan LEONG not patriotic and does he not love Hong Kong? Who among us here does not love the country and Hong Kong? If people do not love the country and Hong Kong, how come they can give up the chances to make more money and spend so much time and work so hard only to get scolded?

Madam President, I would like to read out from a speech I made in Beijing on 17 April, that is, after our state leader made the remarks on 16 April. I said to the following effect: "Without democracy, 'one country, two systems' would

only be empty talks. Only with democracy can the grand vision of 'one country, two systems' become a reality..... Lastly, on the question of patriotism — the state leader said that the standards of a person tasked with governing Hong Kong are that the person should be patriotic and have a love for Hong Kong." But there are people who like to say something nice to please those in power. Most of these people have vested interests. It can rightly be said that they love the country and more so they love money. Do we know how many such remarks are said to our state leaders every day? Or if people who do not say nice words but tell the truth are really patriotic? If they are not patriotic, why do they have to risk offending people to tell the truth? How many people can have the guts to tell the truth to the leaders bravely? So finally, if the people of Hong Kong treasure their own freedom and democracy, they must come out and join the march on 1 July.

Mr Martin LEE moved the following amendment: (Translation)

"To add ", as the remarks made by Mr WU Bangguo, Chairman of the Standing Committee of the National People's Congress, at the Seminar in Commemoration of the 10th Anniversary of the Implementation of the Basic Law of the Hong Kong Special Administrative Region that 'the Hong Kong Special Administrative Region has as much power as that granted by the Central Authorities' have aroused a high level of concern among the people of Hong Kong," after "That"; and to add ", with a view to defending 'one country, two systems', 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy'" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Martin LEE to Mr James TO's motion be passed.

MR LEE WING-TAT (in Cantonese): President, I speak in support of the original motion and the amendment.

President, on the constitutional system of the SAR, we know that ever since talks on the future of Hong Kong were held — if we count from the occasion of Mrs THATCHER in Beijing — it is now exactly 25 years. It is

almost the time for a whole generation. It is 25 years from 1982 to now and the problem remains unsolved throughout the time span of an entire generation.

Would it be like, as the Chief Executive says, the problem can be solved completely within his term of office? I hope our hope will not fall flat for, frankly speaking, if this problem is allowed to drag on and remain unsolved, there would certainly be severe internal attrition in the community. We know that if this problem is not solved, there can be no harmony and stability in society and people will not be able to rally themselves under one common goal for the creation of stability and prosperity.

In these discussions held on numerous occasions, I have already talked about many points of view. Now I would like to talk about one of these briefly. This is about the identity of being a Chinese. In the Commission on Strategic Development (the Commission) and in society, a point has been raised and that is, many Hong Kong people do not identify themselves as Chinese.

I read an article recently and it was written by a well-known writer called Mr WU Guanzhong. I think Members must have heard about him before, he used to be..... Sorry, it should be Mr CHEN Guanzhong. He has lived on the Mainland for a very long period of time — it seems that it was Beijing — he said that it is nothing strange to hear Hong Kong people say that they are Chinese people living in Hong Kong or Hong Kong people, because when he was living in Beijing, as he talked with people from all over China, when they were asked where they came from, those who came from Shanxi would say that they were Shanxi people, those from Anhui would say that they were Anhui people and those from Sichuan would say that they were Sichuan people. His point is, everyone is already sure of their identity as Chinese and they are just pointing out their native place or place of birth, and that is all.

Unfortunately, irrespective of the papers in the Commission or in the public discussions, I find many people who do not want to see any constitutional development in Hong Kong are holding fast onto this point, saying that there is not enough sense of Chinese identity among Hong Kong people. Hong Kong people do not think of themselves as Chinese and so talks on constitutional matters should be put off for the moment. I think that this is jumping too rashly to a conclusion and that should not be used as an excuse to forestall further constitutional development.

Of course, apart from the Chief Executive himself, a very important point is that many political parties in the Legislative Council hold different views on constitutional development. The Democratic Party considers that dual elections by universal suffrage should be held in 2012. However and up to now, we have also heard that the Liberal Party also agrees that there should be universal suffrage in 2012. But their version is an election of the Chief Executive which allows for screening, then in three years separately — sorry, I have just heard the Party Chairman Mr TIEN say that in three terms, the functional constituency seats in the Legislative Council would be abolished. In my opinion, all the parties in this Council should present their own proposals.

However, I am most disappointed that the DAB to date has never presented any specific proposal on constitutional development. They may have four principles, but they are rather vague. It was not until last month when Mr MA Lik briefed the press that he disclosed that the DAB might agree that election of the Chief Executive by universal suffrage might be held in 2022.

But after he had said this, both the DAB itself and its Members in this Council did not say in public that they agree or disagree with that idea. And there was no explanation as to why there could be election by universal suffrage only in 2022. What are the reasons for the DAB to think this way? I heard that they would hold a rally in the middle of July in which 10 000 people would take part to commemorate the founding of the party..... I do not know for how long, it should be more than a decade since the party was founded and they have 10 000 members.

I think that it is rather odd to see the DAB, being the largest party in Hong Kong and with the greatest number of Legislative Council Members, District Council members and party members, should behave in this secretive way and shy away from the constitutional issue. They cannot tell the people what their view on constitutional development is. Is this because, as people say, they would have to wait for Beijing or the Central Government to decide on a proposal before they can take it and claim as their own and put their stakes on it while refusing to fight for universal suffrage with the people?

I think to this date, if there is still a party like it which cannot tell the people what they think of the future constitutional development of Hong Kong in a frank and open manner, this would be unbecoming of its status as the largest party in this Council and in Hong Kong. It can even be said that it is evading its

responsibility. In all kinds of livelihood issues, the DAB has its own position but why in this issue of constitutional development the DAB just dodges altogether, hides itself in a corner and does not utter a word? Does it have to wait until the people ask it more often before it will tell the people its view on the issue?

I therefore agree with what James TO and Martin LEE said earlier. We call upon everyone to take to the streets on 1 July. When people are doing that to voice their opinion, I hope other conservative parties, that is, those which do not agree that there should be elections by universal suffrage in 2012 can hear the voices of the masses. I think it is useful to take to the streets on 1 July. A person as conservative as TUNG Chee-hwa had some change after 1 July 2003. The attempt to pass legislation on Article 23 was shelved. Two of his Secretaries of Departments and Directors of Bureaux stepped down as well. If the people really want to see two big political parties in this Council, that is, the Liberal Party and the DAB, respond to the demands of the people, may I appeal to them to meet at three o'clock in the afternoon on 1 July at the Victoria Park.

Thank you.

MR FREDERICK FUNG (in Cantonese): President, soon it will be the 10th anniversary of the reunification and as we look back on these 10 years past, we see the hard times we have weathered and every footprint left on the thorny path leads us step by step to the 10th return of 1 July after the reunification. As the storms recede and clouds clear up, the situation now is vastly different from that before. Our economy is scaling new heights. The stock market, considered as the barometer of economic performance, has hit all-time highs not just in terms of Hang Seng Index points but also turnover and market value. There is general euphoria and unprecedented elation in society. Added to the inundation of celebrations to mark the 10th anniversary of the reunification launched by the Government, no doubt that there are concord and jubilation in the air. The media are glad to lend a helping hand by churning out a dazzling array of special features on the reunification and *expose*-like exclusive interviews with the rich and powerful.

President, this kind of so-called functions and programmes to commemorate the reunification is not only excessively tilted towards one side, but they are also hastily produced. Rarely do they look ahead with sufficient

vision and foresight. They tend to show the good side of things and hide the bad and the ugly from view. They only report good news but not the bad. I do not know if this is just wishful thinking or an attempt to induce self-intoxication, but for the people, they are used to this kind of stuff and would not mind so much after all.

However, as an overwhelming majority of Hong Kong people are aware, there is danger lurking behind the façade of prosperity. Conflicts in society remain unresolved. On the economic front, in the face of external uncertainties and an excessively unitary economic cum industrial structure, one must never be too optimistic about the prospects of the Hong Kong economy. The anxieties are well-founded, so I do not think I need to discuss them in detail here.

The truth as revealed on 1 July 2003 is that there can be no social harmony in the absence of smooth administration. It does not change with TUNG's bowing out and TSANG's coming onto stage. What is seen seems to be a reversion to the old ways of the colonial times, that is, those in power claim to have achieved the so-called effective governance on strength of the economic upturn which is used to slightly shift public attention or on strength of some temporary surge in popularity ratings which is after all, something as treacherous as the quicksand. There is no progress at all in the nature of the political system and the Government is falling once again into the frail and vicious cycle of relying on economic performance to buttress its recognition.

In the final analysis, this serious lag in our political system accounts for the series of administrative blunders and thickhead moves made by the Government. Even the tearing down of the Star Ferry Pier and construction of the new Government Headquarters can take on unexpected turns and blow up into political events. When coupled with the many cases of judicial review filed to challenge government decisions, it can be said that this has indeed been a difficult time of governance in the territory.

With the spate of blunders made by the Government after the reunification, the unexpected outcome is the maturing of a civil society. The paternalistic top-to-bottom mode of governance is now considered defunct. In its place is a political system that will allow public participation and choice. It can be seen that if the Government tries to solve political problems by resorting to the usual economic or administrative measures, and if there is no change in its

recognition and acceptance, the result will only be worsening social division. The status of the Government and its method of formation will be under attack. The situation of social discord in the absence of smooth administration would only go from bad to worse.

Since the reunification, the disparity between the rich and the poor has evidently widened. The latest Gini Coefficient not subject to deliberate government whitewashing has risen to 0.533 in 2006, and 0.4 is the alert threshold. Experts say that when it reaches 0.6, riots may erupt in society. There has been a constant rise of the Gini Coefficient for so many years and this proves that the wealth gap has widened. The so-called full economic recovery is limited to those at the middle and top social strata. For the grassroots, not only can they not share the fruits of economic prosperity, but they also have to lead a inhuman level of existence marked by low wages and long hours of work. President, I wish to tell you that some of the residents in my district have to work 10 hours a day to make only less than \$5,000. Information from the Census and Statistics Department shows that there are 350 000 people in Hong Kong with a wage income of less than \$5,000. With the economic upturn, prices start to climb and those grassroots have to face mounting pressure as they are powerless to lead a better life. The Government seems to be blind to all these. Is it because the Chief Executive and even this Council are not returned by universal suffrage that we can afford to ignore these people with no votes in their hands? Is it because of this that we can ignore those at the lower strata of society, or those who work 10 hours a day but still do not have enough to feed themselves and their families? Would this not be an insult to them?

The mercantilism of the colonial era still dictates the development of Hong Kong society now and policy formulation is still founded on business facilitation. The interest of the overwhelming majority of lower and middle classes can be given up for the sake of a handful of holders of vested interest. This results in an unequal distribution of social resources. As the grassroots are marginalized by mainstream society, this would fuel further social division. In the end, greater uncertainties will be produced in society. All these latent problems cannot be hoped to go away with a few events held to celebrate the reunification or whitewashing attempts, or inviting the leaders of the Central Authorities to say a few uplifting words. Cosmetics will only cover the wounds for the time being and if no right medication is prescribed, the problem will only deteriorate and what worries people most is that in the end it may become incurable.

President, this 10th anniversary of the reunification offers the best opportunity to ponder over the direction of our way forward, how everyone can taste the fruits of economic prosperity and how there can be a reasonable distribution of people's rights under a reasonable system. Can we draw a conclusion on these 10 years? We cannot afford to commit the same blunders again so that the problems will stay on and get worse, for this is never a good thing for the Government, the public and the country alike.

At this moment in time, I do not think our Government has heard. I think we should come out and tell the Government we have a wish that the fruits of economic prosperity can be shared among all and we want a democratic, prosperous, just and caring society. Let us all come out on 1 July and tell the Government, the Central Government and our national leaders what we want.

With these remarks, I support the original motion and the amendment.

DR KWOK KA-KI (in Cantonese): Madam President, it can be considered a lucky day today because Mr James TO had drawn the lot which allowed him to propose a motion on demonstrating people's power on 1 July and how people can take to the streets on that day to fight for the building of a society of democracy, prosperity and social justice for Hong Kong. The topic of the motion is very clear, for democracy and prosperity have all along been what the people of Hong Kong pursue.

The Government and even Donald TSANG himself have always been trying to smear the motives of the public in their quest for democracy. We see that Donald TSANG, when taking questions from reporters on universal suffrage and how "something big" would be done, he said something that is most offensive to us. He said that he hated and he did not want to see people taking to the streets on every festive occasion of the year. I think it is not that the people of Hong Kong love to take to the streets. It would be great if they can pass 1 July happily. I believe such a day would come. If and only if Hong Kong can have universal suffrage, I think this day would come sooner.

Why do so many people — there are thousands of them — brave the scorching sun and go to a place like Victoria Park which does not have any shades? Why do they have to risk sunstroke and all the unpleasantness? Do they want to suffer and have a bad time? No, of course not. They can join

some celebrations and have fun, or they can stay in an air-conditioned room, go shopping in a mall and do many other things. But they choose not to do them. And they are no fools.

Every person in Hong Kong has had a painful experience. On 1 July 2003, close to 1 million people took to the streets. This is an experience they will never forget. Because the TUNG Chee-hwa Administration did not respond to the needs of the people. TUNG himself knew that his policies were not popular. People would ask, "Has something gone wrong with TUNG Chee-hwa or with the system?" At first the people may think that it has got to do with the person. But as we know, when they think deeper, they will realize that this is not a problem with any person. If a system like this still exists, I am sure there will be more of this kind of pathetic antiheroes like TUNG Chee-hwa.

Now is not yet the time for the final reckoning. In another small circle election, Donald TSANG was selected. We all know that his election does not have the people's mandate. This is the result of voting by a very narrow spectrum of a minority of people in Hong Kong, that is, those who do not represent public opinion. The people know this perfectly well. They are mature enough and they know what they need. They do not want to be smeared by this Government. As Donald TSANG said recently when he badmouthed these people, they would all be fools if they took to the streets again, because what they wanted was ranked lower than the 10th item in his list of priorities.

If he has the guts, he should conduct an opinion poll to ask the people of Hong Kong who do not want to have election by universal suffrage in 2012. Just ask this question. Do not sidetrack or make detours or dig up findings from some dubious polls. In fact, we have commissioned the University of Hong Kong to conduct a survey. It is a tracking survey and the respondents say that they want to see dual elections by universal suffrage at the soonest. Most of them hope to have dual elections by universal suffrage on or before 2012. But the Government and the Central Authorities are acting like some of my colleagues, that is, anaesthetists, and apply anaesthetics on the people. They are putting anaesthetics to numb the brains of the people, hoaxing them that this is no good for them. The most important thing is to make more money, right? Would it not be great if people can speculate on this and that? There is no need to think too much and there is no need to be committed.

If this is the way Hong Kong is, we would have no future at all. Luckily, this is not the way with Hong Kong people. Most of them have a clear head.

They know that a good system is needed to maintain prosperity in Hong Kong, not by relying on one or two people or some good intention, not even that of the Central Authorities. What the Central Authorities and Donald TSANG have been doing nonstop recently is that they are pouring ice-cold water onto the people. This is an act of the clowns — outright disgusting. Not long ago, he asked the people to have "three highs" and he talked about things like a high popularity rating, and so on. At that time, he promised the people that he would try his best to solve the problem of dual elections by universal suffrage within his term of office. He said that he wanted to see that within his lifetime. He even said that he wanted to do something big. All these are empty talks. But the people remember all these very well. He owes the people a debt. Last week, some of the Honourable colleagues of this Council issued some I.O.U. notes on behalf of Donald TSANG and the response was very good. Many people looked at the notes when they were handed out to them and they found out that they were the creditors and the debtor turned out to be none other than Donald TSANG and his Administration.

I believe the most heart-breaking thing for Hong Kong people at this 10th anniversary of the reunification is that universal suffrage is ruled totally out of the question. What we want is a good system and elections that are democratic, universal and equal to return our Chief Executive and all Members of the Legislative Council. This is clear enough and it must not be smeared and allowed to be smeared.

The 1 July to come is a very important day. I call upon the people of Hong Kong to take to the streets and show what they want — their wish and their determination. Our hope is for dual elections by universal suffrage at the soonest. We want to give Donald TSANG enough pressure to make him remember all the promises he has made. So see you all at three o'clock in the afternoon on 1 July at the Victoria Park.

I so submit. Thank you, Madam President.

DR YEUNG SUM (in Cantonese): Madam President, 1 July is really an important day for Hong Kong people, for apart from celebrating the reunification, we want to return the Government and the Chief Executive by "one person, one vote" elections. This is because the principle of a "high degree of autonomy" must be built on the basis of a system of universal suffrage.

Only in this way can a "high degree of autonomy" be called a democratic autonomy, not just autonomy.

Unfortunately, 10 years down the line and now, the Central Government makes us think that it is very resistant to implementing a system of universal suffrage in Hong Kong. It is also very wary about political parties or the ruling coalition that may emerge, and also about any ruling party as well. Some mainland scholars think that since the Constitution of China provides for one-party dictatorship, the party shall be the Communist Party and there is no doubt about it. Since one-party dictatorship is stated in the Constitution of China, how can the SAR have any ruling party? Would this not be a breach of the Constitution of China? They have gone so far as commenting on such states of affairs.

That the Central Government is resistant about universal suffrage in Hong Kong and very chary of political parties or a ruling party explains the moves taken whenever we want consultation, or a decision or discussions on the way forward of our constitutional system. The moves taken are arbitrary and they come unannounced, invoking powers under the Basic Law which it thinks are given to it. Examples are interpretation of the Basic Law or passing a resolution in the National People's Congress to deprive Hong Kong people of their chance of implementing universal suffrage. The root of all these lies in the one-party dictatorship in the Central Government and the mentality associated with that which has never changed even to date and despite the opening up of the national economy.

Another thing which is a source of great regret for me is that the Central Government does not trust Hong Kong people. This is true and as a general rule, they have no trust in Hong Kong people. This insistence on collective power and one-party dictatorship has not changed. Economic reforms do not seem to have made a great impact on this mentality. The root of the problem is this distrust of Hong Kong people.

In circumstances as these, where should democratic development in Hong Kong go? We are really at a crossroads. The SAR Government under the leadership of Chief Executive Donald TSANG is no more than a vassal and puppet of the Central Government. It is a staunch defender of the Central Government's policies on Hong Kong. The situation as seen and analysed from the perspective of "one country, two systems" is that he is only holding onto the

"one country" principle and he does not fight for the Hong Kong people the most important thing in "two systems", that is, a "high degree of autonomy". This explains the great regrets I have in me.

Of course, since he is such a veteran civil servant, he is well-versed in all sorts of political tactics and he shows great prowess in that. The international community has been led to think that he wants to practise democracy in Hong Kong. But, Madam President, I fail to be convinced even to this date. I have a feeling that at the end of the day he would abandon ship when it comes to democracy in Hong Kong. The will of the Central Government shall be done in Hong Kong as it is in Beijing.

Mr WU Bangguo considers the Basic Law a constitution with granted powers. There is nothing novel about this idea. But the way he put it, the tone, the attitude and the timing would leave an impression on the people of Hong Kong that we do have a great cultural gap with the Central Government. I should like to point out three things. First, according to the Communist Party of China, freedom is given by the government to the people. There is no freedom inherent in the people. The people will get as much freedom as the government likes to give them. What is more, the people should be grateful for this. It follows that freedom is granted to the people by those in power. The people by themselves do not have any chance to enjoy freedom.

Second, the relevant international covenants are useless in Hong Kong. Even Secretary Stephen LAM often invokes this argument. He says that the British Hong Kong Government in 1976 did not consolidate the political rights of Hong Kong people. But he is wrong. I hope he will stop invoking this argument from now on because the United Nations has refuted this argument. The meaning of the United Nations is unless Hong Kong does not hold any election by universal suffrage at all, but if universal suffrage is practised, when the British Hong Kong Government did not put this into practice, it is tantamount to abandoning it. In fact, half of the Members of this Council are returned by geographical elections of universal suffrage. So please do not say that there has never been universal suffrage in Hong Kong, only that we have not made any progress with respect to full-scale universal suffrage.

Third, they also say that autonomy is granted by the Basic Law. But this kind of autonomy is subject to change at any time. This is like the ring placed on the head of the Monkey King. If only the Buddha would say the magic spell,

this ring would bind his head very tightly and for the Monkey King, this would mean less autonomy. So this kind of autonomy is basically underlined by directives. They think that the International Covenant on Human Rights is useless because the British Hong Kong Government had never put it into practice, and freedom and human rights are granted by the Central Government not something inborn in the people.

Madam President, I am pleased to see that after these many years Hong Kong has become a mature civil society. There are three cultural differences we have which are not found in the central leaders. First, we think that freedom is inborn and inherent. Every person is born equal. It follows that freedom is inherent in every person since birth. It can be said that we are influenced by Western thinking in this aspect. But this is good influence and it is a global value, not unique to the West. It is a universal value that has been prevalent in mankind ever since the Second World War. Hong Kong people have long accepted that freedom is inherent, all men are born equal and human rights are inborn and inalienable in as much the same way as our flesh and blood and can never be taken away from us by a government.

Also, the Hong Kong people consider the kind of autonomy they want as only being relative. We would of course not want an absolute kind of autonomy. Ours is relative in nature and it means apart from military and foreign affairs, in all other matters it should be considered that Hong Kong people have the right to full participation. I would just want to ask the Central Government what else it is afraid of. The Chief Executive to be elected is one who is actually appointed by the Central Government and the final say still rests with the Central Government.

I earnestly hope that the Central Government can rethink carefully in the light of its centralized collective power system and its view on freedom in Hong Kong and a "high degree of autonomy" here. It should try to see the cultural differences that lie between the two places and respect the adherence to freedom and democracy in Hong Kong people. Let me say it once more: democracy is after all not something granted. It must be made the goal we strive for to the best of our abilities. I hope that the people of Hong Kong can spare the time, bring along their elders and kids, and come to Victoria Park on 1 July for the sake of themselves and their next generation.

Thank you, Madam President.

DR FERNANDO CHEUNG (in Cantonese): President, today, I have put on this T-shirt carrying this slogan of "不到維園非好漢 (He who has not been to the Victoria Park is not a real man)" in support of Mr James TO's motion and response to his appeal. I also hope that all Hong Kong people will take part in the rally, so let us meet in Victoria Park on 1 July.

President, I wish to give a brief explanation and clarification. Some people say that this phrase smacks of gender discrimination because apparently, a "real man" refers to men. In fact, this remark came from MAO Zedong. When he was on the Long March and came to a place called Liu Pan Mountain, he was spurred by his feelings into making this remark. He believed that the Chinese had to resist their external enemies and it was a time fraught with internal troubles and external threats, so he used the Great Wall as an analogy, believing that the Great Wall was a symbol of the Chinese resisting external enemies, standing tall and proud. The Great Wall also carried the meaning of a Long March and many subsequent empirical studies also said that there is such a connotation.

Today, the Victoria Park also carries a similar meaning indeed. The Victoria Park symbolizes the existence of a place in the vast expanse of China where the Chinese can still enjoy the freedom of speech and the freedom of expression on their own soil. In fact, it is only in the Victoria Park in Hong Kong that it is possible for activities commemorating the victims of the June 4 incident to take place openly.

As regards being a "real man" — we invited SZETO Wah to write this phrase comprising several words and the fact that this is the calligraphy of Uncle Wah is in itself highly symbolic — however, more importantly, with his knowledge of Chinese culture, he can further elaborate the meaning of being a "好漢 (real man)". Uncle Wah has given an explanation of the term "好漢 (real man)" to reporters this morning. If we cover the character "漢 (man)", we will only see the character "好 (real)". The word "好 (real)" is obviously made up of the characters for "女 (woman)" and "子 (young man)". If we cover the character "女 (woman)", we can only see the term "子漢", meaning a young chap. In other words, a man without a woman is only a young chap and that will not do. It is necessary for women to play a part before the term "好漢 (real man)" can be formed, so the wisdom of we Chinese is very profound. Of course, most of us have actually heard of the 108 Heroes of the Liang Shan Mountain and there were also women among them. Therefore, the term "real man" does not refer to men in general. People with dignity and ideal who

uphold their own values and abide by their principles can all be called men. I call on all people in Hong Kong and even on the Mainland or in other countries to act as real men this year.

President, on the 10th anniversary of the reunification, sometimes, we experience a host of feelings and thoughts here. Ten years after the reunification, is Hong Kong actually advancing or regressing? In the press conference held by the pan-democratic camp just now, a reporter asked us where we were finding ourselves. A long time has passed since the reunification, so where are we finding ourselves on the road to democracy and in various areas such as economic development and the people's livelihood? Have we advanced or regressed? President, if we talk about the eight years under TUNG Chee-hwa's reign, we can see that initially, the Hong Kong economy was booming, to the extent that it was abnormal. I remember that in 1997, after I came back to Hong Kong after a period of absence, I could see the frenzied state of society at that time and nearly all people considered that speculating on property was the only worthwhile pursuit. Today, we are on the upswing again after going through the trough, however, I do not know if we are still travelling on the same old road and I do not know if Hong Kong should still be dominated by the property sector and allow speculations coupled with high land prices to lead our future economic development. However, if we talk about how much we have accomplished on the economic front, so far, this area is perhaps still characterized by ups and downs whereas these days, we have slightly greater stability and we begin to see hope for steady and robust growth.

On the people's livelihood, although we have experienced economic ups and downs, we can also see that in the past few years, many members of the public at the lower strata of society really had to tighten their belts. Nowadays, the newly published statistics show that the disparity of wealth in society has become increasingly serious in the past decade. Even though the economy is looking up, no improvement can be seen in this regard.

If we talk about politics and human rights, basically, we have not advanced a single inch. If we talk about actual governance, we have abolished the two Municipal Councils and the District Councils have changed from being formed purely by direct elections to having one fifth of their seats appointed. Regarding the advisory framework and the statutory bodies comprising more than 400 people, in the past, they were open or at least, they would take on board the various demands and wishes of the public, however, nowadays, the practice of appointing "one's own people" has prevailed. The original "six-six"

principle — that is, a maximum appointment period of six years and serving a maximum of six bodies — exists only in name but not in reality. Henceforth, where are we actually heading? President, I think the public really have to pause and reflect on this.

We hope that the Government and those in power will really respond to the aspirations of the public and through Hong Kong, set a good example for China, showing that moving towards democracy will only improve the people's life in various areas. Therefore, I hope the public will come out on 1 July and declare to the leaders in the north and the international community that we Hong Kong people are proud of ourselves. Thank you.

MR LEUNG KWOK-HUNG (in Cantonese): I am wearing a garment given to be by a member of the public in 2003 because on that day, I sweated too much. Here, it reads "people's power". Members all know that this power is so stunningly mighty, so much so that even James TIEN said it would not do and he could no longer support the Government, as a result, the legislation on Article 23 could not go ahead, could it? Therefore, if more people take to the streets, public opinion will be adequately conveyed and the two thirds of votes that Secretary Stephen LAM often talks about will be attained. Does he not say all the time that we can go ahead if there are two thirds of votes? I ask him not to say this here anymore because if he does, he will get it.

Another reason that I call on the people to take part in the rally relates to Mr Zunzi. Members can see that this is "fresh from the oven". This person is the Chairman of the NPC, WU Bangguo. This is probably him although I did not ask if it really was him, whereas this one is the guy who has talked about "doing something big", that is, Donald TSANG. We can see that they are bashing others headlong and these people are us humble members of the public and what has been sent flying is dual elections by universal suffrage in 2012. I believe after that many people will wear T-shirts printed with this because it really says it all most vividly. It turns out that the one who decides whether or not we can have universal suffrage is not Donald TSANG. Donald TSANG is deceiving Hong Kong people, saying that he would "do something big" when running against Alan LEONG, however, he only said so furtively and dared not declare publicly that there would be an ultimate timetable. Of course, he scored highly in opinion polls, because Alan LEONG would not tell such lies. He would not say furtively that Chairman WU had in fact told him that there would be universal suffrage. He would not say such a thing.

This is an imprint recording the remarks of WU Bangguo. WU Bangguo is a member of the Communist Party, so I will give him some edification by means of this incident. On 12 June 1944, when fielding questions from local and overseas reporters, MAO Zedong, who engaged in a struggle with the Kuomintang as well as a war of resistance because the Japanese were invading our country, said to this effect, "China has its shortcomings, moreover, very serious ones. These shortcomings can be summed up as the absence of democracy. The Chinese people badly needs democracy because only with democracy can vigour be instilled into the war of resistance. Only by introducing democracy can China move one step forward". Those were the years beset by internal troubles and external threats. MAO Zedong is the forerunner of WU Bangguo and also the forerunner of Secretary Stephen LAM. He answered local and overseas reporters in this way very clearly, so even foreigners know about this.

Next, he also answered questions from readers on 12 February 1945. He said, to this effect, "Now, the most pressing issue in China is the introduction of democracy. With democracy, all problems can be solved right away, without it, everything will just be window-dressing." Members, we have heard it said often in this legislature that democracy is not a panacea. Mate, this is what your forerunner said. At that time, there was a war going on and the Kuomintang was also at war with him, so he was being attacked on two sides.

Next — if I go on quoting, there is no need for the Communist Party to argue with me anymore — when talking about what true democracy is, he talked about the right to vote, that is, he talked about the United Kingdom, which all of us is talking about now and about who had the right to vote. The right to vote does not exist in the United Kingdom anymore, does it? Because a great many systems have been contrived. The editorial of *Xinhua Ribao* says, to this effect, "Any person's right to vote should not be restricted or deprived. Not only should we refrain from deciding this according to the assets, status or power of a person, we also should not decide this according to how learned or knowledgeable a person is. The only standard is whether he can represent the people's opinions and interests and whether he is supported by the people, so only the people themselves can decide this. If a predetermined qualification is prescribed for candidates, or certain people are even designated by the official authorities as candidates, then electors will only become tools for casting votes, even if the right to elect is not restricted."

I thank you all, thank you — we are just tools in casting votes. Next, he was still afraid that people did not understand. I ask Secretary Stephen LAM to listen to this. He said to this effect, "Finally, what I should mention is that we must completely, fully, and effectively implement popular elections, so the people can realistically enjoy 'popular' and 'equal' right to election. With regard to the right to be elected, we must adhere to the words of Dr SUN Yat-sen in that before every election, 'we must guarantee that every person and organization from every locality has the right to vote and has the freedom to propose, publicize and discuss any policy propositions.' This necessarily means that 'we must guarantee that the people have the complete freedom of assembly, of speech, to publish, and to unionize', otherwise, the so-called right to election is merely a right on paper."

What we want now is just to stage a rally on 1 July, however, it has been prescribed that we can only occupy one traffic lane, and the procession must cover the whole route in three and a half hours. On the one hand, tens of thousands of people or hundreds of thousands of people are required to move quickly, and on the other, they are only allowed to occupy one traffic lane. So what does this mean? What sort of Government is this? Is it afraid of other people taking video footages of a sea of people? Even if there are hundreds of thousands of people, are they only allowed to walk in a single file? Members, several decades ago, the comments made by the Communist Party at a time of miseries and rivalries for the country completely denounced this sort of fake elections. I just do not bother to quote anything more. I only want to recommend this book, which is called *Heralds of History — Solemn Promises Over Half a Century Ago*. Everyone can buy one and read it.

It will not be possible for such minor figure as WU Bangguo to reply to this at all. These are the words of the party leader. Does everyone not say that elections are important matters? Had Chairman MAO listened to these people, it really would have been a big problem. The party and the country might have fallen because the Kuomintang would have destroyed them. At least, they had to talk about democracy, pervasive democracy that is general and fair, spelling out clearly that the right to be elected and to vote must be general and fair and not be subject to any restriction.

All of us must by no means listen to his words and our people's power will definitely smash to smithereens the idle talks and words uttered by WU Bangguo to Hong Kong people. I call on everyone who have taken part in the rallies on

1 July before and who have donated money to us to continue to take to the streets on that day, so as to tell WU Bangguo and his boss, HU Jintao, that it is useless to leave. Even if they have left, they will still hear the angry roar of Hong Kong people. I hope everyone will come out and join the rally on 1 July, using their feet to vote on 1 July in support of universal suffrage.

MS MARGARET NG (in Cantonese): President, on 15 June 1215, King John of England assembled his barons at a small place called Runnymede and signed the historical Magna Carta. President, of course, we have all heard of and are well-versed in the Magna Carta and all people consider it to be the origin and model of the rule of law.

However, today, perhaps let us look at that document signed by King John of England from another angle. His tone was unlike that of Dr YEUNG Sum, who talked about inherent human rights just now, but "granted to all free men". He granted a favour in his capacity as the King. What was it about? It was stated that the King of England could not illegally interfere with land rights, the power of religious groups and various freedoms. This is what the document was about. What is its significance? At that time, feudalism was practised and the King had all the powers. The barons were subordinates. Insofar as land was concerned, the King was also the landlord, therefore, the powers exercised by the barons in their fiefdoms were, according to their law, bestowed upon them by the King, so they had the power to collect rents and taxes and require services. The origin of their power was also the same.

Therefore, that document did not acknowledge that people had inherent human rights but stated that the power belonged to the King and the King had the power to let people enjoy certain rights and freedoms. This is the form that the document took. However, although the King said that it was a favour granted by him, he still stated in the document that he was willing to be bound by the law. If something was not permitted by the law, according to the law, he would not interfere with people's rights and freedoms. This is what promulgating a constitution is about. Once a constitution is promulgated, the promises cannot be broken or withdrawn arbitrarily. In talking to everyone about the Magna Carta today, my aim is to let everyone look at its significance in this light.

Mr Martin LEE's amendment today mentions the comments made by the Chairman, Mr WU Bangguo. His original words were, to this effect, "How

much authority the Central Government grants to Hong Kong, is (precisely) how much authority (Hong Kong) will get." . What he said is correct, however, after such power has been conferred by the Basic Law, it cannot be withdrawn at will, and it is subject to restrictions. The Central Authorities have to abide strictly by the promises and cannot withdraw or reduce them arbitrarily. This is a question of whether or not the Central Government is bound by the constitution, and it has nothing to do with sovereignty, authorization or residual power.

We can even say that even if we do not look at the so very interesting promises on democracy and human rights made half a century ago, which were cited by Mr LEUNG Kwok-hung just now, and simply look at the age of feudalism, we can also see that the adage "the king doth not talk lightly" was adhered to. In other words, it is necessary to abide by what one has said and one has to keep one's words. Therefore, it will not do to let the interpretation of the Basic Law become a tool for changing one's promises arbitrarily, nor can one make use of the mechanism for interpreting the Basic Law to exercise sheer power. Of course, if the Central Authorities want to interpret the Basic Law, it is impossible for our Courts of law to resist. People like us who support the rule of law will surely comply with the decisions promulgated by the Court. However, if such actions are taken under the full glare of public attention, this is a breach of promise and a breach of promise is just what it is, obvious to the whole world.

Moreover, in the Basic Law, the vesting of power by the Central Authorities has another level of meaning in the Basic Law. At the level of international treaties, the origin of the Basic Law is the Sino-British Joint Declaration. When resuming the sovereignty, China made some solemn promises, so it cannot strut out plausible arguments and use distorted interpretations to roll back its promises. Of course, the United Kingdom will not come out in our defence, nor will any country in the international community send troops to help us, however, the whole world is the witness to this piece of history.

The Chairman also mentioned the separation of powers in his speech. He said that the Basic Law did not stipulate that we could have the separation of powers. However, the argument has nothing to do with the use of words. The person who put it the best was the French philosopher, Montesquieu, whom we have all heard of in school. He explained what the separation of powers meant. The most important point is that among the three powers, if any two powers are

concentrated in any party, the freedoms cannot be guaranteed. The question is: Has the Basic Law given us any guarantee of our freedoms?

President, concerning the Basic Law, we can see clearly that ultimately, it is a kind of legal protection. Although King John of England violated the Magna Carta repeatedly, the Magna Carta could still stand its ground. Why? Because there was people's power at its back. Therefore, today, if we want to fight for our rights, we must be prepared to pay the price. We must not be afraid of making sacrifices and the sacrifice nowadays is just to walk in the blazing sun for several hours. Let us meet at Victoria Park! Come out! Freedom, democracy and the rule of law is the ideal and dream of Hong Kong people.

MR RONNY TONG (in Cantonese): President, I mentioned the numbers 64-71-2012 this morning. This is not a telephone number in Hong Kong but these numbers are very important to Hong Kong people. 1 July in 2003 changed the culture of Hong Kong society and the lives of many people, including me. In fact, for many years, innumerable matters relating to 1 July were raised and each year, they may be somewhat different, however, there is one constant: Hong Kong people want to campaign for democracy through the rally on 1 July. This issue is present every year and this year, it is also one of the themes. Hong Kong people have staged rallies for so many times but so far, what response has been given?

Today, we can still hear Mr Donald TSANG say that Hong Kong people's pursuit of democracy only ranked at the 14th place, meaning that 13 other matters are more important than democracy. President, obviously, I wonder if Mr Donald TSANG could not hear it, could not understand, did not want to listen or he did not want to understand. This concubine ranking the 14th place is in fact the principal wife and the most important one. Why? May I ask Members which livelihood issue is not affected by democracy? If society nowadays were democratic and there were a democratically elected Chief Executive, would we see such things as the rail merger? Would we see such things as a reduction in the rent of public housing? Would the Legislative Council encounter the issue of legal aid reform? Would it be necessary to debate the issue of minimum wage every year? Which issue of people's livelihood is not affected by the development of democracy? Therefore, it is obvious that by ranking it at 14th place, there is a total lack of understanding of what democracy is.

President, it is a shame that it is not just Donald TSANG who does not understand the culture of 1 July and the aspirations of Hong Kong people, it seems that our national leaders are not very clear about them either. Many Honourable colleagues have mentioned the comments made by NPC Chairman WU Bangguo. Many people told me that the comments were very important and I should by no means overlook them. After he had made those comments, other people such as Mr ZHU Yucheng, former officials of the Liaison Office of the Central People's Government in HKSAR and other so-called patriots all kept reminding us that Hong Kong people had to heed and remember two issues: first, there is no residual power; second, there is no separation of powers. President, I think the Central Authorities and Hong Kong people are not on the same wavelength and they are not talking about the same thing. This must be our fault, not that of the leaders of the Central Authorities. Maybe the leaders of the Central Authorities have been privy to some not at all accurate intelligence or representations.

President, no one in Hong Kong has ever negated the powers of the Central Authorities. This is very simple. The Basic Law, which we uphold as though it were providential, states clearly in Article 159, "The power of amendment of this Law shall be vested in the National People's Congress.". We do not have any chance of amending it and we can only propose bills. Article 159 points out that if Hong Kong people want to propose bills for amendments to the Basic Law, a procedure has to be followed. However, if the State Council or the Standing Committee of the National People's Congress proposes bills, there is no need to go through such a procedure. There are only two restrictions, one being the Committee for the Basic Law must be consulted before a bill for amendment is put on the agenda of the NPC and the other being — this is the most important one — no amendment shall contravene the established basic policies of the People's Republic of China regarding Hong Kong. This basic principle is established according to all the major provisions of the Sino-British Joint Declaration.

Although the Central Authorities have unlimited power; although it has unlimited political power and it has even greater unlimited military power and Hong Kong people would not even dream of challenging the power of the Central Authorities, this power is also subject to the limitations of the Basic Law. The Basic Law can be torn up and new lines can be drawn in it, however, as long as it has not been amended, the Central Government should respect and comply with the restrictions of the Basic Law, so there is no question of any residual power, nor should there be any dispute over the power.

As regards the separation of powers, no matter if it is the separation of powers, the co-existence of the three powers or the independence of the three powers, there are in fact detailed provisions in the Basic Law stating clearly the executive and the legislature shall exercise mutual checks and balances and the judiciary must be independent. Many people have overlooked Article 8, in which it is stipulated that the laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation, and so on, shall be maintained. The laws and systems under the common law such as the administrative law and the power to check unconstitutionality shall also be maintained in Hong Kong.

Therefore, the focus of the campaign for democracy or of the development of democracy is not where the power lies or how the powers are separated, rather, it hinges on Hong Kong people having a strong and united voice. For many years in the past — particular after 1 July — we have spoken with one voice and I very much hope that this voice has been heard and understood by the SAR Government. We hope that the Central Government has also heard and understood it. However, as long as they have not heard it, and as long as they do not understand, we have to continue. This is so on 1 July this year and it will also be like this on 1 July next year. I hope it will also be like this on 1 July 2047, until Hong Kong has got democracy. Of course, I hope I do not have to wait until 2047. *(Laughter)* Thank you, President.

PRESIDENT (in Cantonese): Your speaking time is up.

MS EMILY LAU (in Cantonese): President, I will not live for as long a time as Mr Ronny TONG said and it is possible that I will not live to see that day. President, I speak in support of Mr James TO's motion and Mr Martin LEE's amendment.

President, I thought that we would see such a scene only when the debate on the 4 June incident was conducted, however, it did not occur to us that the same would apply to a debate on 1 July and only people on our side would be here to do the talking. I wonder if other Honourable colleagues are too afraid to speak? I believe that, particularly when the comments of the NPC Chairman are mentioned, Members are even more reticent and this is really strange.

Just now, a reporter asked me if there was the freedom of speech. I said there was, however, some people dared not exercise it and they probably included some Honourable colleagues in the Chamber, President. However, in past debates, some Honourable colleagues did not exercise their freedom of speech either. I once asked them outside the Chamber the reason for this. They said it was because they did not want to tell lies, so they would simply vote, then forget about it, so they did not bother to stand up and argue.

But I believe this subject matter today is very important. We Members in the pan-democratic camp have just held a press conference. President, I am sorry that the time of our press conference clashed with this meeting. What the mass media are most concerned about is that in the rally on 1 July this year..... of course, it is impossible for us to estimate the number of participants because Hong Kong people are difficult to fathom, however, what the mass media are most concerned about is that the authorities may take suppressive measures because for no apparent reason, the authorities asked us to conclude the rally in three hours and assigned only one traffic lane to us. They even restricted the number of wheelchair-bound people to just 10 and we are not allowed to increase the number of people by any margin. All in all, there are many signs of this sort. In addition, each year, various groups would be issued fund-raising licences and allowed to raise funds along the route of the rally. But they are not granted such licences this year. Therefore, we cannot help but ask why things are so special this year. Why are they so scared? Are they even more scared because it is the 10th anniversary? Or is it because the leaders will come, so they are even more scared? Or has the SAR Government changed its basic policy and it is going to tighten its grip in this regard?

I believe we will know very soon actually. I do not know what Secretary Stephen LAM will say later, however, can the rally next week take place peacefully and without oppression? I believe Hong Kong people will watch anxiously. In particular, more and more members of the international mass media have come to Hong Kong, so I believe all of them will watch what would be done on that day or beforehand to suppress or deter Hong Kong people and discourage members of the public, so that they dare not join the rally on this occasion.

I support the amendment moved by Mr Martin LEE because he mentioned the remarks made by Mr WU Bangguo. Many Honourable colleagues have mentioned them and I have also read the whole text of his speech. I think that it is really ridiculous, President. He mentioned the Sino-British Joint

Declaration, and also the Basic Law. He said that what he could see was diametrically opposite to our interpretation after reading these documents. I thought that what was stated in the Sino-British Joint Declaration and the Basic Law is that we could really have a "high degree of autonomy" and the Central Authorities would only deal with national defence and foreign affairs, as well as certain relationships between the SAR and the Central Authorities. However, it turns out that this is not so now. Nowadays, the Central Authorities want to interfere with everything. Even when I ran for the Chairman of the Finance Committee, the Liaison Office also wanted to interfere. It was really ridiculous, yet they still maintained that they had not come into the Legislative Council to intervene. President, had they come to the Legislative Council, I believe you would have chased them out with a broomstick. But they just made telephone calls on everyone and notified the people concerned to go to the Western District to be interrogated, so what does that mean?

Chairman WU Bangguo cannot say that how much authority the Central Authorities grant to the SAR is precisely how much authority the SAR will get. For one thing, just as "Long Hair" said, mate, this is a basic human right and it is inherent, and for another, a promise is made in the Sino-British Joint Declaration and it is also stated in the Basic Law. The Sino-British Joint Declaration was submitted to the United Nations for record, so they cannot talk off their head, talking about granting authority today but withdrawing it the next. If this is the case, how can they converge with the international community? They do not even understand such a basic thing. Therefore, on that day, when I was raising funds in the street and appealing to the public to join the rally on 1 July, one member of the public said to me, "Oh dear, now that even WU Bangguo is talking in this way, what should we do?" I said that the only thing we should do was to take actions actively and campaign very hard. Many Honourable colleagues said that democracy would not fall from the sky, however, if we make the deeper meaning more explicit, it is impossible for democracy not to involve sacrifices and bloodshed either.

I know that Hong Kong people hope to strive for democracy in a peaceful, rational and non-violent way and for many years this is what we in the pro-democracy camp have been doing together with them. One day, it is possible that we would come to a point where even such an approach would not be tolerated. Some people may think that such an approach is only self-deceptive and also deceptive to others. However, President, no matter how, since we are representatives of the public, we will try our best to respect

what the public want us to do. However, we also understand that in campaigning for democracy, we are not waiting for others to grant it to us, nor do we want to buy fighter jets and guns to topple the Communist Party of China. However, I hope they know that after they have made solemn promises, so they cannot talk off their heads. "The Central Authorities can take back whatever they have given you." What sort of talk is this? I think this sort of talk is disgraceful and it also shocks the Hong Kong public, President. Therefore, on account of the comments made by him alone and together with the remarks made by Mr MA Lik, I believe they will be enough to bring many members of the Hong Kong public out onto the streets and make them join the rally, even though they originally may not want to come out in this year's very hot weather.

A rally is organized each year, and I do not know for how many more years we have to organize them. Of course, I hope that we can continue to enjoy the freedom to hold rallies, however, this freedom may also be on the wane. I often say that whenever we have the time, we have to exercise this freedom, otherwise, it will just be like a piece of decoration hanging on a wall. If it is only left on the wall, once it is taken down, it will break into pieces, that is, the freedom will disappear. Therefore, President, here, I call on all members of the public and all people who love democracy and freedom to join the big rally on 1 July.

MR HOWARD YOUNG (in Cantonese): Madam President, although this motion moved by Mr James TO this time requesting the Legislative Council to appeal to the Hong Kong public to demonstrate people's power on 1 July does not use such words as "appeal to people to join the rally", the actual meaning lies in its implication. It simply seeks to follow the pattern of similar motions in the past and take this opportunity to spur the public into taking to the streets.

Of course, since the reunification, whenever 1 July comes, many groups and members of the public will take part in celebrations whereas some members of the public will also stage protests to express their views. This is the sign of a pluralistic society and of the freedom of speech. It also fully reflects people's peaceful co-existence despite their differences. To stage rallies and protests is a right of the public, and we should respect the voluntary exercise of this right by the people. Members of the public can exercise this right of their own accord at any time, be it on 1 July or any other day, so why is it necessary for the Legislative Council to appeal to, urge or mobilize them?

Moreover, the Legislative Council, as the legislature of the SAR, serves the functions of discussing policies, scrutinizing legislation and monitoring the Government's administration. Although there is no explicit provision in the Rules of Procedure of the Legislative Council that restricts Members in proposing this sort of motions, the Liberal Party still has reservations about the Legislative Council making such an appeal formally.

Madam President, as regards the latter half of the motion which calls for a continuation of the campaign to create a society of democracy, prosperity and social justice for Hong Kong, we all support this and I believe no one would oppose it. In fact, the Liberal Party has all along supported endeavours to make Hong Kong more democratic, prosperous and just.

In fact, after the SARS epidemic in 2003, the Hong Kong economy has made a V-shaped rebound from the bottom and the present unemployment rate is the lowest in eight years. "Wage earners" have generally received pay rises this year and the policies of the Central Authorities such as CEPA and the Individual Visit Scheme, designed to support the development of Hong Kong economy, have made Hong Kong society thrive and boom once again.

However, we believe that taking to the streets and staging rallies is not the only way to campaign for a more democratic, prosperous and just society. The Liberal Party does not consider this to be the best approach either. Rather, we think that we should lobby the Government as best as we can through various existing effective channels, for example, in this legislature, and the results will be even better.

Moreover, the SAR Government will soon publish the Green Paper on Constitutional Development and we may as well take the opportunity of this consultation to fully express our views on the agenda of democratization in Hong Kong. If we organize rallies indiscriminately or even deliberately foment discontent, will this not have the adverse effect of causing social instability? In that case, will it not run counter to the goal of building a society of prosperity, as mentioned in Mr James TO's motion? This is something that I must query.

Madam President, concerning the claim made by Mr Martin LEE in his amendment that the remarks made by Mr WU Bangguo, Chairman of the National People's Congress, at the Seminar in Commemoration of the 10th Anniversary of the Implementation of the Basic Law of the Hong Kong Special

Administrative Region have aroused a high level of concern among the public, the Liberal Party does not subscribe to it. We believe that in his remarks, the Chairman only recapped some of the provisions under the mode of "one country, two systems" as laid down in the Basic Law. He did not intend to change the original way of life in Hong Kong, but only wanted to keep our original way of life unchanged for 50 years. This promise is stated clearly in the Basic Law, so we should not be unduly alarmed by the comments made by the Chairman.

Just as Prof Albert CHEN, a professor from the Faculty of Law at the University of Hong Kong and member of the Committee for the Basic Law, pointed out to this effect the other day, "Judging from the comments made by WU Bangguo, it would be difficult to infer that the Central Authorities have the intention of making an interpretation of the Basic Law. I believe the concerns of the pro-democracy camp are attributable to their over-sensitivity to WU Bangguo's comments." This is the comment made by Prof Albert CHEN.

The Liberal Party is also convinced that the majority of members of the public agree that in the 10 years since the reunification, the principles of "one country, two systems", "Hong Kong people ruling Hong Kong" and a "high degree of autonomy" have been implemented smoothly and properly upheld. Concerning the comment made by the Deputy Director of the Hong Kong Macao Affairs Office, CHEN Zuoer, that 10 years after the reunification, the Central Authorities' hope for Hong Kong could be summed up by the words "maintaining prosperity and stability" and nothing else apart from this, we very much welcome it and believe that the Hong Kong public also fully agree with it.

Madam President, I so submit.

MISS TAM HEUNG-MAN (in Cantonese): Madam President, as an old Chinese saying goes, "The people are the base of a nation." The people are the foundation of both a country and its territories. No government can ignore the power of the people when they are united together. On 1 July 2003, Hong Kong people demonstrated the profound power of the people, changed the political ecology in Hong Kong, and directly led to the end of the TUNG Chee-hwa era.

Therefore, I believe Hong Kong people must understand that, as long as we have a common aspiration, and if only we are united together to demonstrate our power in a peaceful and rational way, then we shall have the chance to move

ahead in the direction we pursue. If we overlook our own power, who else will listen to our voice and our aspiration?

By the way, why does the pro-democracy camp have to move this motion today? What are the aspirations we have that warrant their expression through the demonstration of the people's power? I believe we know all too well that the theme of the 1 July march of every year is fighting for the implementation of universal suffrage. This year, we are still fighting for the expeditious implementation of dual elections by universal suffrage in Hong Kong.

Some may say that this year marks the memorable occasion of the 10th anniversary of the reunification of Hong Kong. As such, in organizing the march on 1 July, are we not deliberately at loggerheads with the Government and creating social discord? Just now, Mr Howard YOUNG said that organizing such activities would give rise to unrest in society. Certainly, not only does Mr Howard YOUNG hold such a view, other pro-Government colleagues may also share such a view. However, I have to say that, in organizing the march, we do not intend to undermine harmony; instead, it is intended for demonstrating that Hong Kong society is liberal and open, that the reunification has not affected Hong Kong's core values such as freedom and openness, and that "one country, two systems" and "Hong Kong people ruling Hong Kong" have been smoothly implemented.

In each and every 1 July march, the weather was usually intolerably hot. However, with hundreds of thousands of people taking part in such marches under the cruel hot sun, all the marches were conducted in a most orderly manner without any chaos. Please tell me what it was if this was not harmony?

Earlier on, some colleagues said that after a decade of drastic fluctuations, the economy of Hong Kong has finally become stable and is on an upward swing, and the people's standards of living are gradually improving; under such circumstances, it appears that the implementation of universal suffrage is not the most urgent issue that must be tackled expeditiously. Some other colleagues also said that, since the economy is gradually improving, why should we bother to create so much trouble? However, if we think twice, we would realize that this kind of thinking is absolutely wrong.

According to the latest statistics, the Gini Coefficient, which reflects the extent of disparity between the rich and the poor in Hong Kong, has risen from 0.518 some 10 years ago to 0.533 now. In other words, the disparity between

the rich and the poor in Hong Kong has further worsened when compared with the situation of several years ago. According to some other information, there are more people whose monthly income is less than \$4,000 this year than that of 10 years ago. Uneven distribution of wealth will definitely affect harmony in society.

Uneven distribution of wealth is an inevitable phenomenon that would emerge in the wake of economic restructuring and globalization. However, if the doubts of collusion between business and the Government and the transfer of benefits cannot be removed altogether, and as long as there are certain persons still enjoying political privileges, the public will still attribute all instances of uneven distribution of wealth completely to collusion between business and the Government. Should that happen, even if we really do not have any such collusion, how can we convince others to believe in us?

Madam President, the only way of reducing collusion between business and the Government is the cancellation of all political privileges and the implementation of universal suffrage. For this reason, the expeditious implementation of universal suffrage is the best method to promote social harmony and to properly realize "one country, two systems" and "Hong Kong people ruling Hong Kong". I believe we all hope that "one country, two systems" and "Hong Kong people ruling Hong Kong" can be implemented even better, and enable our next generations to benefit from such an unprecedented and innovative design by our country.

If we also feel that we cannot accept the existence of political privileges, and wish to promote rational exchanges in society through the implementation of universal suffrage, so as to bring about agreement to disagreement, instead of deliberately creating harmony, then we should not remain silent. Instead, we should come forward to fight for our own ideology and our future ideal society. As a Chinese saying goes, "God helps those who help themselves." Will changes take place automatically in the circumstances to benefit people who remain silent?

Madam President, some may say that though the incumbent Chief Executive is not returned by universal suffrage, he still enjoys very high popularity among the people. So in fact whether universal suffrage is implemented is not really such a major issue, because we already have an excellent leader. Therefore, it is not necessary to take to the streets to fight for

universal suffrage. I think there are a lot of people who think in this way. However, what I want to say is we cannot place someone above the system. Hong Kong's success is attributable to its good systems, not to an excellent leader being found. If Chief Executive Donald TSANG is the people's preferred Chief Executive, then even if universal suffrage is introduced, Hong Kong people will still elect the best Chief Executive. On the contrary, it was all because we did not have universal suffrage so we had a kind but incompetent Chief Executive TUNG Chee-hwa some years ago. Do we want to have each and every Chief Executive chosen by a small group of people on our behalf? This is really an insult to the intelligence of Hong Kong people.

Madam President, fighting for universal suffrage and celebrating the reunification are two mutually exclusive events. Ten years ago, we fought for universal suffrage. Today, 10 years down the line, I hope we can still uphold our expectation and ideal for universal suffrage. If we all hope that each of us can select the Chief Executive and Legislative Council Members in a fair manner, let us meet in the Victoria Park at 3.00 pm, 1 July. I so submit. Thank you, Madam President.

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

MR ALBERT HO (in Cantonese): President, it is actually by no means strange for the pro-democracy camp to stage a march on the streets to celebrate the reunification. Twenty-five years ago, the first group of people who came forward to support the end of colonial rule and Hong Kong's reunification with the Motherland were none other than those who support democracy in Hong Kong.

Some 24 or 25 years ago, while many people from the pro-democracy camp supported the reunification — an act against the common taboo in society then, we expressed boldly our demand for implementing "a high degree of autonomy" and "Hong Kong people ruling Hong Kong with democracy", and we also requested the country to formulate a mini constitution for Hong Kong — at that time the term "Basic Law" still had not been coined — so as to lay down all the national policies. Therefore, while witnessing the end of the colonial rule, we were actually fighting for the identity as citizens, as well as the political rights and freedom as national citizens, to which all national citizens should be entitled.

President, this was an explicit expression of our hearts' contents in support of reunification. These hearts of the citizens have their roots vested in this objective, namely, to build up the country for ourselves. Mr LEUNG Chun-ying said that although Hong Kong had already been reunited with the Motherland, the hearts of the people had not. What kind of heart does he have? His heart is still full of the mentality as the slave of the colony. Now, the boss has changed, but his heart of slavery still remains unchanged.

More than two decades ago, when many of us joined together to support the reunification, fight for democracy and "Hong Kong people ruling Hong Kong", we all knew that the Central Government was very positive in its attitude. At that time, Premier ZHAO Ziyang wrote a letter to the Student Union of the University of Hong Kong in his own handwriting, saying that it was only natural and reasonable to implement democracy. The Sino-British Joint Declaration later laid down many principles, and it was explicitly stipulated in the Basic Law that they could not be amended, and this was reiterated by Mr Ronny TONG earlier on. Those principles state very explicitly that there is "a high degree of autonomy". With regard to "a high degree of autonomy" mentioned in the Sino-British Joint Declaration at that time, an average person would interpret it as: With the exception of national defence and foreign affairs, everything should basically fall within the scope of "a high degree of autonomy". Of course, I would not deny that there are certain circumstances that would involve the interpretation and amendment of the Basic Law. The formulation of the Basic Law should fully reflect the spirit and principles of the Sino-British Joint Declaration, and to a certain extent, it should be able to highlight clearly that it would make democratic development its objective. This point is most explicit. Besides, it is also very clear that full-scale elections should be used as the mode of democratic development.

During the first 10 years of implementing the Basic Law, a mode of gradual and orderly progress has emerged. However, we have made it very clear that, with the fast pace of development in society, with the people's acceptance of the democratic system, and with the people's keen participation, the years 2007 and 2008 should be the turning point in the history of Hong Kong, that we should implement universal suffrage. This is logical and reasonable. Yet, what are the obstacles before us?

Up till now, after so much has been said, we are always accused of being unpatriotic. "Long Hair" read out just now a long paragraph of, I believe, not

the Quotations from MAO Zedong, but the editorial of the *Xinhua Ribao* then. However, MAO Zedong did make a lot of comments. He told a democrat, HUANG Peiyan, many times that China would not have any prospects if democracy was not implemented. Therefore, in the political aspect, there should also be "one person, one vote". Well, those remarks were explicitly made, yet what had happened eventually was another matter. I do not know how the Secretary would respond to the remark made earlier. I saw that the Secretary had left the Chamber a moment ago. I do not know whether he is approaching the advisers in the Liaison Office of the Central People's Government in Hong Kong for advice on how he should respond to my earlier remark?

However, it would not be necessary to consult the advisers. Let me tell the Secretary how he should respond. In 1956, Chairman MAO wrote an essay entitled "How should internal conflicts among the people be dealt with?" He said that democracy was the institution used by the people to exercise autocracy over certain class enemies. Therefore, democracy is the right owned by the people. However, class enemies are not considered as the people. In fact, such a mentality has also emerged in Hong Kong today, that is, there should be democracy, but only the patriots are entitled to it. Since you are not patriotic, so you are unable to, not qualified to and even cannot enjoy such a privilege. Is there such an elaboration?

In fact, how much constructive work have those, who love to make a fuss of accusing others of being unpatriotic, done to really enable the country to develop in the direction of becoming democratic, affluent and strong? We have witnessed a lot of people who frequently shift their stances in a bid to please those in power. What they have done would only make others realize how hypocritical and dishonourable they are. Many people are having "patriotic meals", drinking "patriotic milk", playing "patriotic cards" and holding "patriotic batons", are these really patriotic acts? In fact, patriots do not have to say too much. All they have to do is to fulfil their civic responsibilities, observe social ethics, uphold the limits of social justice, people's dignity and freedom, take part in activities with worthy causes, be concerned about politics and monitor the Government.

President, it seems possible now that the National People's Congress may promulgate another interpretation of the Basic Law. I hope Mr Howard

YOUNG's guess is correct. Very often, I do not believe in his political wisdom. But I hope my guess is wrong. Under such circumstances, when the Central Government often intends to turn the authorization process into a mechanism that allows both upward and downward adjustments — I do not know what kind of index it will add to it, perhaps the patriotic index — I am really scared. President, on 1 July, it is the time for us, the people, to exercise our residual power, which is the power to take to the streets. Such a power cannot be denied.

Thank you, President.

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

MR ALBERT CHAN (in Cantonese): President, the 1 July march has already become part of the daily life of Hong Kong people, and it is also the indicator of the political maturity of Hong Kong people. On 1 July 2003, over 500 000 people took to the streets. During the 10 years since the reunification, I believe many people must have chosen the march on 1 July 2003 as one of the major events in these 10 years, and the march on 1 July 2003 also fully reflected the political maturity of Hong Kong people. I believe nowhere in the whole world could have seen something like this happened: Under the hot weather of 37°C, with the bad arrangements made by the police and in such an over-crowded environment, over 500 000 people still managed to tolerate such conditions for several hours without the outbreak of any conflicts. Had such circumstances taken place in other Southeast Asian cities, I believe events such as setting fire on cars and buses, causing disturbances to shops and robberies, and so on, must have already taken place. These are very common events. This had proved that triad members in Hong Kong, especially those in Causeway Bay and North Point, were also in support of that democratic march, and they had not exploited the opportunity to cause trouble.

President, when we organize a march, we must be at loggerheads with the Government. Therefore, some may say that the act of staging a march is tantamount to dealing a blow to the Government. This is true. On the other hand, the act of organizing the 1 July procession is supporting the Government. The DAB, the Liberal Party, the "pro-royalists" and many patriotic

organizations or self-proclaimed patriotic organizations are pretending to be staging a procession. Therefore, as the 1 July march and 1 July procession have become increasingly politicized, this year will see a duel between the two events, which will have great political implications. If there are more participants in the 1 July procession than those in the 1 July march, our patriotic newspapers will feature bold headlines like this: On the 10th anniversary of the reunification, for the first time, the participants in the procession outnumbered those in the march.

Therefore, the pro-democracy camp must act cautiously. We believe that those "non-holy coalition" of many different sources will have more diversified new tricks to attract more people to participate in the 1 July procession and other patriotic activities, and then the resources they would invest in them will escalate too. According to my initial estimation, with a donation of several tens of millions dollars from the Lee Shau Kee Foundation, the Reunification Celebration Football Tournament could possibly absorb 5 000 people to 8 000 or even 10 000 people from the march. I now call on those who will go and watch the football matches on that day to do the following: You may come out at 3.00 pm and take a walk down the Causeway Bay and then go back to watch the next match. In other words, you will be able to take part in activities organized by both sides. I shall not promote complete hostility between the two sides. Even if you want to watch all the three matches, there will be an intermission with a duration of over an hour. So you can walk from the Hong Kong Stadium to Causeway Bay to take part in the march, and after you have marched to Wan Chai, you may then walk back to the Stadium to enjoy the last match. In this way, football fans can satisfy their zest in watching the football matches, and on the other hand, they can also continue fighting for democracy. In the meantime, they can also render support to Radio Television Hong Kong (RTHK) because, apart from our fight for democracy and dual elections by universal suffrage, supporting RTHK is also one of the major objectives of the march this year.

President, regarding the marches promoting democracy, during the past few years, messages conveyed through the 1 July marches have become increasingly diversified. On 1 July 2003, apart from our fight for democracy, there was also the demand for the stepping down of "Old TUNG", and slogans that had been most frequently and most fervently shouted were the ones that demanded the stepping down of TUNG Chee-hwa and certain specified senior officials. In the marches staged during the several ensuing years, there were

also many focus messages, including opposing the collusion between business and the Government, opposing the Government's prejudice in favour of major consortiums, demanding the Government to combat the poverty problem and be concerned about the interests of minority groups (such as the gay people and socially disadvantaged groups), and so on. This year, we may see social workers taking to the streets because the issue of "equal pay for equal work" has triggered a lot of controversies.

Therefore, the 1 July campaign is no longer just targeted at the Government. Of course, people's discontent with the Government is definitely a major element. However, it has also gradually become an expression of people's attitudes towards society, the Government and the policies. Therefore, no matter how dissatisfied our "pro-royalists" and the centralized SAR Government (which does not have any mandate of the people) are with the 1 July campaign, they must still be very cautious and accurate in interpreting the messages conveyed by the 1 July march. Otherwise, if the messages are wrongly interpreted by extreme leftist thinking, it will just lead to escalated and aggravated sentiments of discontent among the people. This is because wrong interpretation, reckless labelling and meaningless accusations would only aggravate the confrontation between the Government and the people. To tackle such problems, the Government must adopt relief measures and it must accept the people's criticisms. As in the case of the 1 July march in 2003 and the situation after the stepping down of "Old TUNG", criticisms made by people from different fractions of various levels of government have improved. Similarly, regarding 1 July that will come very soon, people from different fractions will express their messages through the 1 July march. The Government should not blindly refuse to accept such criticisms.

We shall continue calling on the people: For whatever reasons, they must continue taking to the streets to convey their messages. Thank you, President.

MR TAM YIU-CHUNG (in Cantonese): President, it has been nearly 10 years since Hong Kong's reunification with the Motherland. During these 10 years, we have met a lot of challenges and weathered many ups and downs. However, no matter how bad the circumstances were, and no matter how great the difficulties were, Hong Kong managed to overcome them one after the other, and made its way out of all sorts of hardship. Recently, the *TIME* magazine published a cover story which refuted the erroneous prediction about 1997

featured in its sister publication the *Fortune* magazine. The *TIME* magazine described them as "having disgracefully and erroneously predicted that Hong Kong's reunification to China will bring about its own death". The *TIME* magazine thinks that, 10 years after the reunification with China, Hong Kong has become more dynamic than before. Hong Kong's future is closely related to that of China. The fact that Hong Kong is a part of the flourishing China will almost ensure that it can always remain prosperous.

In taking a retrospective look at the past decade since the reunification, we deeply feel that the present stability and prosperity enjoyed by Hong Kong currently has not come by easily. So, we firmly believe more than ever before that only through tolerant, rational and pragmatic communication can we build up a sound base of communication founded on mutual trust. Only in this way can we effectively build up a democratic, prosperous and just society. Our experience in these 10 years makes us realize that Hong Kong people are tired of irrational confrontation; Hong Kong people yearn for social stability and harmony. In the face of conflicts in society, we must remain pragmatic, respect each other, hold discussions harmoniously; otherwise, the ones who will eventually suffer are none other than ourselves. Only with rationality, dialogue and acceptance can we achieve harmony and stability in Hong Kong society. When there are differences of opinion in society, instead of creating confrontation, responsible political parties or politicians should do more to promote reconciliation among the different fractions in society and resolve conflicts.

The DAB has also adopted such an attitude in dealing with the issue of the future constitutional development in Hong Kong. The DAB is sincere in supporting the development of a democratic political system, and we would grasp every available opportunity of moving forward. Therefore, in 2005, we supported the SAR's constitutional reform package contained in the Fifth Report. Very unfortunately, as far as we understand it, due to the insufficient number of votes, because of a couple of Members, the proposal failed to secure the required support from two thirds of all the Members of the Legislative Council, thus our constitutional system was forced to remain where it was. On the issue of how our constitutional system can make gradual and orderly progress so as to enable Hong Kong to achieve the ultimate goal as stipulated in the Basic Law, the DAB would definitely listen to views from all walks of life, including those from within the DAB, so as to identify pragmatic and feasible opinions, suggestions, proposals and methods.

The reunification of Hong Kong is the concrete realization of the concept of "one country, two systems". As the constitutional law of Hong Kong, the Basic Law provides for the concept of "one country, two systems" and the series of national principles and policies, so as to safeguard in law Hong Kong's stable transition, smooth reunification and long-term stability. On 6 June, WU Bangguo, Chairman of the Standing Committee of the National People's Congress (NPC) delivered a speech in the "Seminar in commemoration of the 10th anniversary of the implementation of the Basic Law in Hong Kong". He mentioned three points of opinions, namely, that we must have a thorough understanding of the great implications of the Basic Law, accurately grasp the essence of the spirit of the Basic Law and implement the Basic Law properly.

President, all powers under "a high degree of autonomy" enjoyed by the Hong Kong Special Administrative Region (SAR) are conferred by the highest authority of the country, the NPC. To recognize the power of the NPC and its Standing Committee is the prime condition for compliance with the Basic Law.

Hong Kong's powers under a "high degree of autonomy" have been stipulated in Article 20 of the Basic Law, and in addition, the Central Authorities may keep conferring further powers on Hong Kong. Last month, a bill on the Hong Kong-Shenzhen Western Corridor was passed in this Council. The SAR Government shall exercise its jurisdiction in designated port areas in the Mainland. Such a power was conferred on Hong Kong most recently by the Standing Committee of the NPC. From this, we can see that, in the interest of promoting the economic and social development of Hong Kong, the Central Authorities would keep conferring new power on the SAR.

The promotion of Hong Kong's development, particularly its constitutional development, would have an impact on the future prospects of Hong Kong. And according to the provisions of the Basic Law, we must secure the approval of the Central Authorities. If sentiments of distrust are preached extensively, and a blackmailing attitude is adopted, they would not help resolve the problem.

Therefore, the DAB shall vote against today's original motion and the amendment.

I so submit. Thank you, President.

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

MR ALAN LEONG (in Cantonese): President, since 2003, the 1 July march has stood for the awakening of the civil society in Hong Kong. From all the marches held on 1 July over the years, we can see there has not been a single participant who wishes to express attitudes that can be described as intolerant, irrational, unpragmatic and no-dialogue, and so on. On the contrary, all Hong Kong people who participate in the march wish to tell the Government through taking to the streets in this manner that they strive for dual elections by universal suffrage simply because they consider this the only way out for the governance problem in Hong Kong. Since they find that they are given the cold shoulder when they use other ways of expressing their views, so probably taking to the streets on 1 July is somehow a solution when there are no better ways out.

President, there are only eight to 10 days before the 10th anniversary of the Reunification. But recently, we have heard statements like: That Hong Kong possesses as much power as granted by the Central Authorities; that the separation of powers does not exist in Hong Kong; that the Legislative Council does not have the power to move no-confidence motions against principal officials; that the Court actually does not have the power to inquire into the constitutionality of laws; that the election of Chief Executive by universal suffrage must first go through a screening or co-ordination process. Such statements could be the viewpoints held by some officials in the Central Authorities or certain bigwigs in the political and business sectors of Hong Kong. However, is there anyone who care about what the Basic Law is in the eyes of Hong Kong people?

If I can speak on behalf of the ordinary Hong Kong people, I can say that, at the very moment of the reunification in 1997, I had only a very simple thought on my mind while holding in my hand a copy of the Basic Law, which was promulgated in April 1990, that is, what I can do before 1997 under the systems in Hong Kong I shall be able to do for at least another 50 years after 1997 — it was only as simple as that. With regard to universal suffrage, when the final version of the Basic Law was released before the eyes of Hong Kong people, we could see Article 45 in which the ultimate goal of electing a Chief Executive by universal suffrage was stipulated. We could also see Article 68, in which the ultimate goal of electing all Legislative Council Members by universal suffrage was stipulated. Hong Kong people could also see that the Basic Law only

stipulates the methods for selecting the Chief Executive and forming the Legislative Council before 2007 through Annexes I and II, and in addition, it also mentions the procedures and steps for amending such methods. Insofar as our reasonable expectation is concerned, we shall have dual elections by universal suffrage in 2007 and 2008.

Of course, with the Standing Committee of the NPC promulgating an interpretation of the Basic Law in 2004, this expectation vanished and lost. At the time of the official reunification of Hong Kong, the representative political system had already undergone 12 years of development in Hong Kong. Before the implementation of the Basic Law, the Legislative Council of Hong Kong was a Council that consisted of elements of direct election, functional constituencies and Election Committee. What the Basic Law had presented before us was a road leading to an increasing proportion of directly elected seats and the further intensification of democracy in the Council. If the trend of increasing the number of directly elected Members has all along been our experience, and if full-scale universal suffrage is the goal stipulated by the Basic Law, then for Hong Kong, a place that has developed this way for 22 years, can you still say that we are progressing too fast if we want to implement universal suffrage now? Examining the actual circumstances from a realistic perspective, what kinds of reasons do you have in asking Hong Kong people to wait for another 10 or 20 years?

President, in my opinion, the next five years shall be five critical years in which we shall see whether or not democracy can emerge in the political system of Hong Kong. The first opportunity for the people to proclaim their stance is undoubtedly the democratic 1 July march which we have participated for many years and which we still insist on participating to date. We shall gather together again in the Victoria Park, walking, sweating and once again boldly expressing our aspiration to universal suffrage. I would like to take this opportunity to ask the people to bear this in mind: You cannot rely on others to walk on your behalf and fight for the vote that you should have.

Besides, if we want to see that in future our Courts can continue to have the power to inquire into the constitutionality of laws, and that the Legislative Council can continue to have the power to move no-confidence motions against principal officials and that our systems shall remain unchanged, then we must express our views, and we must insist on our views. This is another reason for us to participate in this year's 1 July march. We must express our insistence properly, so as to make it seen.

MS AUDREY EU (in Cantonese): First of all, I would like to respond to Mr Howard YOUNG's speech. He said that, though the original motion did not explicitly mention it, it actually called on the people to take to the streets. He said he very much respected the people's right of voluntarily taking to the streets. However, he went on to say that he would oppose this motion.

President, I would like to remind Mr Howard YOUNG that 500 000 people had taken to the streets in 2003, and due to the demonstration of the people's power, even Chairman of his Liberal Party, James TIEN, had to resign from his office as a Member of the Executive Council, and next he told the Government that he had to oppose the enactment of legislation to implement Article 23 of the Basic Law. Since both he and the Liberal Party respected the people's right of voluntarily taking to the streets, why does he oppose Mr James TO's original motion and Mr Martin LEE's amendment today? Next, he also explained that calling on the people to take to the streets was not part of the duties of Legislative Council Members, and he said Members' duties included the discussion of legislation and supervision of the Government. In fact, if Mr YOUNG bothers to look up Article 73 of the Basic Law, he would find out actually the work of the Legislative Council covers many areas, which include debating any issue concerning public interest. Of course, if we mention fighting for the building of a society of democracy, prosperity and social justice for Hong Kong, this is naturally in line with public interest. The themes of this 1 July march include fighting for universal suffrage and demanding the Government to return political power to the people — these are obviously in line with public interest. As Legislative Council Members, why are we considered to have acted in violation of our duties in calling on the people to fight for public interest to which they are entitled?

Besides, he said taking to the streets was not the only, nor the best method; we can fight for our goal in this Chamber. Mr Howard YOUNG, this motion is a message for all Hong Kong people. So unless all the 6 million people are Honourable Members, how can they come to this Chamber to fight for what they want? Since he is a representative of the people, he can certainly fight for any cause in this Chamber. But he should also call on the people to use the method they can adopt to fight for their cause. Of course, demonstrating the people's power is a very effective method. It may not be the only method, but it is absolutely effective. This is the method for the people to demonstrate their own preference, rights and power.

In addition, there was also the fourth point which is even more interesting. He said both he and the Liberal Party oppose this motion because they do not want to create social unrest deliberately. Why does anyone want to create social unrest? Even when 500 000 persons took to the streets in Hong Kong, the international media still featured positive reports on the march. After the march, many people said that they had been deeply touched. I can recall that even a former Chief Justice also said that it was very very touching and he even wept over it. Therefore, this does have a positive impact on the prosperity of Hong Kong. I would like to appeal to the Liberal Party not to say that taking to the streets would create unrest because, not too long ago, they had appealed to the people to take to the streets to protest against the goods and services tax and negative equity assets, and so on. Therefore, they absolutely should not say that appealing to the people to take to the streets is deliberately creating unrest.

Besides, in his last point, he said we in the pro-democracy camp should not be too anxious about the comments made by WU Bangguo, Chairman of the NPC. I find this point somewhat politically incorrect. Regarding comments made by such a national leader, how could they be casual and careless? When he says something, he must want us to listen to it. How can anyone ask us not to be so anxious and not to listen to his words? Is this politically incorrect?

I would like to respond briefly to Mr TAM Yiu-chung's speech. He said while we review what happened during the past 10 years, we must also look beyond the next 10 years: That Hong Kong will continue to prosper as part of China. I certainly agree with him. He said we must be tolerant and we must co-ordinate with each other in a rational and pragmatic manner. On this point, I also very much agree with him. We have no objection. However, he said we must not engage in confrontation. I am not so sure about this. Are you saying that it is an act of creating confrontation or is there anything wrong if the people demonstrate their power and fight for the building of a society of democracy, prosperity and social justice for Hong Kong? Since it is promised in the Basic Law that we shall have dual elections by universal suffrage, that we have "Hong Kong people ruling Hong Kong" and a society with harmony and justice, so this should be in line with our national policies; and fighting for democratic development and building a harmonious society is also our national policy. Therefore, on 1 July, the people can celebrate the 10th anniversary of the reunification of Hong Kong on the one hand and fight for democracy on the

other; these fully comply with the Basic Law and are entirely not creating confrontation. What is more, Hong Kong people — I hope the DAB can have confidence in them because Hong Kong people are always very peaceful in every march. The more participants there are, the more peaceful they are. As such, our marches were covered in international news reports, and this makes everyone know that Hong Kong is a mature society. I believe the DAB needs not worry about this.

I know later on when Secretary Stephen LAM delivers his speech, he would definitely say that actually the SAR Government also wants to take forward the democratic development. However, since some Members of the opposition camp had voted down the Government's motion, so that explains why Hong Kong has to remain where it is and cannot move forward. This has exactly demonstrated the Government's attitude of not showing any tolerance, not allowing any dialogue and being anti-democratic all the time. As Mr TAM Yiu-chung has said, we must be tolerant, rational and pragmatic. We must achieve co-ordination. Therefore, whenever the Government has any new opinions on democratic development, it should hold discussions with all parties concerned. It should not act like what it did last time in releasing the Fifth Report, saying that, this is what we have to offer, so you can either take it or leave it. In the forthcoming Green Paper, I hope that there can be adequate consultation with the people, that there can be discussions and negotiations, and that it would not say you can either take it or leave it; that it would not say that there must be some prior screening and vetting and this is the threshold. If you do not support it, then everything will remain where it is. I believe that would not be the direction that Hong Kong should take in its democratic development. Thank you, President.

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

MR ANDREW CHENG (in Cantonese): President, first of all, I am very grateful to Mr Howard YOUNG and Mr TAM Yiu-chung for putting forward some alternative viewpoints because, as I listened to the debate just now, I found that all along it was we, Members of the pro-democracy camp, who had been speaking all the time.

President, recently, I find the weather very hot, which reminds me of the way we deal with constitutional development or the development in Hong Kong in the past — it is like the situation of "boiling a frog in warm water". What is "boiling a frog in warm water"? We can see that if WU Bangguo, Chairman of the National People's Congress (NPC) made that remark 10 years ago, I believe it would have made the media, the people and even the various political parties very concerned about this issue, instead of what Mr Howard YOUNG has told us just now: That there was no need to be so anxious or so worried. The separation of powers was changed into a division of labour among the three powers. Such an interpretation, and even the future relationship between our Government and the Central Authorities over such issues, are all very sensitive subjects.

Let me mention once again our discussion with the Commissioner of Police on the 1 July march — although I know that the Commissioner of Police did not discuss directly with our relevant people on the arrangements of the march, it is understood that the representatives of the police requested us to finish the 1 July march within three hours; and they strongly oppose the idea of making some elderly people lead the march because they would walk very slowly and slow down the overall pace of the entire march. Such an allegation makes me feel that they did not respect the people's freedoms of speech, assembly, demonstration and protest. Therefore, ever since the Notice of No Objection was first issued, we already expected that such a situation would emerge sooner or later.

Here we have many reasons accounting for our inability to accept this. Why can the elderly not take to the streets? Are they saying that the elderly can only join the processions organized by the DAB and the Hong Kong Federation of Trade Unions (FTU)? Yesterday, we had some elderly aged over 80 taking part in dragon boat races, and they rowed the boats quite fast. Will they necessarily walk very slowly in the march? Even if they do walk very slowly, it is a right to which they are entitled. Why are they required to finish the march within three hours? If such plausible reasons are used to create all sorts of obstacles to hinder our action to demonstrate the people's power on 1 July, then this is what we call the effect of "boiling a frog in warm water" — the frog is heated by warm water very slowly, and gradually it would be completely boiled and could not make noise anymore. If the frog is clever, it would jump out of it and continue staying together with other frogs, so that it can speak and eat whenever it likes, thus continue enjoying prosperity and stability.

We often say that we want to have harmony, and do not intend to create confrontation. Many colleagues have asked earlier: What have we done to create confrontation? We have no guns, nor do we have any cannons. In the 1 July march in 2003, not a pane piece of glass was broken. What great pride we deserved to take! All we were doing was just demonstrating the people's power, telling the Government that, without the formal mandate of the people, in fact no one has the right to act on behalf of the people in administering the Government or Hong Kong.

This is plain common sense of the people or political rights. But things are not so in this Council because some Members returned by functional constituencies always — as some colleagues have mentioned earlier, whenever the interests of their respective sectors are involved, it would be reasonable and correct for them to call on people of their own constituencies to take to the streets. When we directly elected Members, out of public interest and because we think the people should enjoy the political rights and aspirations they deserve, call on the people to come forward to express their viewpoints, we are considered to be creating confrontation. In doing so, in fact they are not tolerating us.

Please bear in mind that: Pro-democracy camp Members won a total of more than 60% in their supporting rate and voting rate in every election. If this is a reasonable Legislative Council returned by "one person, one vote", we have already become the majority party or we may even have the chance of becoming the ruling party. However, whenever they mention the possibility of allowing the pro-democracy camp becoming the ruling party, they would immediately say that Hong Kong would suffer and face "bad luck for at least another 10 years". But on the other hand, they can accept the governance of TUNG Chee-hwa and some Directors of Bureaux who absolutely do not have any ability of governance. This is the effect of "boiling a frog in warm water", and some specious reasons are being cited.

In fact, this is an all-lose situation: The Government loses, the ruling coalition loses and the pro-democracy camp also loses. Why? Because the pro-democracy camp has the support of votes, but it does not have the strength or the real power. Since it has been constantly "bad-mouthed" by you, even the people think that the pro-democracy camp seems to know nothing but creating disturbances and asking people to take to the streets. Honestly, we have also done a lot of pragmatic work actually.

President, two weeks ago, we had a marathon debate on the merger of the two railway corporations. It was really an obvious example. If this is a Council elected by full universal suffrage, why did we have to spend such a long time discussing the construction of toilets in the rail merger debate? It was all because Members from the functional constituencies think that we must take the interests of the business sector into consideration and we need to play safe in dealing with issues related to the Mass Transit Railway; so the issue must be handled from the perspective of the business sector. If we have to be bogged down in a tug-of-war even when dealing with such issues, frankly speaking, the power of the Council will collapse. The ruling coalition will not be any better because the people would feel that the political parties do not have any room for development, and they will not promote healthy competition or positive benefits in the development of democratic government in Hong Kong.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Mr James TO to speak on Mr Martin LEE's amendment. You have up to five minutes to speak.

MR JAMES TO (in Cantonese): President, Mr Martin LEE moved an amendment mainly because he had recently read the text of the speech delivered by WU Bangguo, Chairman of the Standing Committee of the NPC. He felt that the people should come forward to show our concern, in particular, we should uphold "one country, two systems" and a "high degree of autonomy".

Recently, I have read a lot of commentaries, which are the observations made by some so-called pro-Beijing people or other scholars, who have examined issues from different perspectives. In fact, I can roughly see a general trend there, that is, some people hope to achieve the effect of watering down the expectations of the people. However, the worst that had happened was the occasion on which the Chairman of the Standing Committee of the NPC made his appearance. The occasion was really something. First of all, among

those who attended the occasion were Deputy President ZENG Qinghong, two Deputy Chairmen of the Standing Committee of the NPC, a state councillor and the Vice Chairman of the National Committee of the Chinese People's Political Consultative Conference, and so on. As we take a closer look at the standard and the level of the occasion as well as the details of the essays and speeches, in fact, the situation was all too clear. This is especially so after we have read the several articles written by the Chairman of the Standing Committee of the NPC and Prof WANG Zhenmin during the past few years. Let us take a look at the essays published during the past few years. In particular, Prof WANG Zhenmin had already conveyed the message clearly after the 1 July march in 2003, and in fact many of the remarks made by the Chairman of the Standing Committee were just repeating what had been said in the past. But this time the Chairman made the message in even simpler language. The remark that everyone can recall easily to mind is: You can have as much power as you are granted. However, upon analysis, we find that actually this had already been fully mentioned by Prof WANG Zhenmin in the past, and also it was not the first time such a message was struck home.

Therefore, it will definitely arouse concern in several aspects. First, will the Central Authorities honour their promises? For more than 10 years, different parties, including the international community, Hong Kong people and the Central Authorities, have all expressed the hope that there would be smooth transition and all of them have made pacifying remarks. These were promises made; will the Central Authorities still honour them? This is an issue that has a direct implication on "one country, two systems", so do they still promise to implement "one country, two systems"? Is the situation really like what a recent popular speculation in Hong Kong has said, that it is the case of "one country, two systems" and a "high degree of autonomy" with the mechanism that allows both upward and downward adjustments?

Another point that has aroused concern is the comment made by Prof WANG Zhenmin: If Hong Kong goes on developing this way, it may become inevitable for the NPC to promulgate another interpretation of the Basic Law. If there is another interpretation of the Basic Law, then what previously the so-called Beijing authority..... To put it in more explicit terms, this refers to the Deputy Chairman of the Standing Committee of the NPC, QIAO Xiaoyang. He had said that, be it a judicial review, the power of the Court or a select committee set up by the Legislative Council as well as a no-confidence motion moved against certain officials, just as ruled by the President, they are all

motions that are not legally binding. If such circumstances already warrant the moves to take weakening or repealing actions, it would lead to the question of whether the NPC's interpretation of the Basic Law would undermine the autonomy of Hong Kong.

Thirdly, we also worry that, apart from the interpretation of the Basic Law, whether there is the existence of the third item, that is, the so-called major adjustment of policy. It is because someone is already flying some balloons, saying that in fact the Central Authorities have all along felt that officials responsible for handling Hong Kong policies, including those in the Hong Kong and Macao Affairs Office and the Liaison Office of the Central People's Government in Hong Kong, have been too weak and have been too much assimilated by Hong Kong people, thus resulting in the loss of their own stances. Does this mean that, apart from an interpretation of the Basic Law, there would be major adjustment of policy in other administrative aspects? All these are issues about which we cannot help feeling worried.

However, what else can Hong Kong do? Hong Kong people cast their only votes in the election of the Election Committee held several months ago. And now we have the 1 July march. In the past, we knew that the leaders did care a lot about it. The Central Authorities did give responses and make adjustments. At least, they dare not go too far in what they do. Therefore, I can only appeal to Hong Kong people: If they do care about a "high degree of autonomy" for Hong Kong and its judicial independence, please take part in the march for democracy to be held on 1 July, to uphold our systems, to safeguard our way of life and to protect our freedoms as granted by the Basic Law.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, Mr James TO's motion and Mr Martin LEE's amendment today actually involve a wide scope of areas, covering almost all aspects of policies and work over the last decade since the reunification of Hong Kong.

First of all, I must say that having listened to those few lines of lyrics sung by Mr James TO in the beginning of his speech, I do think that many political talents in Hong Kong are very much gifted and versatile. There is certainly hope for constitutional development in Hong Kong, and fruitful results will be achieved.

The motion and the amendment mentioned prosperity, justice and democracy, and also the remarks made by the Chairman of the Standing Committee of the National People's Congress (NPCSC). I would like to respond to these points one by one.

While not many Members mentioned economic prosperity today, with the efforts made over a decade or so during the transition period since 1 July 1997, Hong Kong has achieved a smooth transition and successfully implemented "one country, two systems". The various systems and institutions to which Hong Kong's success in the past few decades is attributed have been maintained and carried forward. All the concerns before the reunification in 1997 about human rights, the rule of law and freedoms in Hong Kong have been allayed.

However, an economic downturn occurred quite shortly after the reunification. The onslaught of the Asian financial turmoil had plunged the economy into the low ebbs for as long as six years from 1997 to 2003. Thanks to the reunification of Hong Kong with the Motherland, the Hong Kong Special Administrative Region (SAR) signed in its capacity as a member of the World Trade Organization with the Central Authorities the "Mainland/Hong Kong Closer Economic Partnership Arrangement" (CEPA) in 2003, which provided an opportunity and vision for economic recovery in Hong Kong. It has enabled us to enjoy zero-tariff concession in exporting our goods to the mainland market, and also promoted the Individual Visit Scheme which boosted consumption and tourism in Hong Kong. The signing of CEPA has made international investors take a different view of Hong Kong. This is why over the past decade, including the six years of economic downturn, the number of foreign enterprises setting up regional headquarters and regional offices in Hong Kong has constantly increased. The number reached 3 800 in 2006, representing a 50% increase over that in 1997.

Therefore, judging from the current situation, the economy is in general quite good. A surplus is registered in the Government, the property and stock markets have turned robust, and there is also improvement in employment as the unemployment rate now stands at 4.3%. We certainly hope that in the next five years, the third term of the Government will make greater efforts to reduce the unemployment rate to below 4%. Therefore, Hong Kong entirely has sufficient ability to maintain economic prosperity.

We must work harder, not by way of mustering forces through processions or rallies, but by properly safeguarding and developing Hong Kong's position as

a free economy, continuously upholding the enterprising spirit of Hong Kong people and continuously injecting resources into education for the next generation, so that under the globalization of the world economy, Hong Kong will have the conditions to develop as a knowledge-based economy. A solid foundation has been laid for the prosperity of Hong Kong, but there is no room for complacency.

Today, Mr Frederick FUNG and other Members said that we must care about the disadvantaged groups in the Hong Kong and that efforts must be made to address the disparity between the rich and the poor. In this connection, the SAR Government is going to take forward a series of policies in respect of the economy, social development and people's livelihood in the next five years.

Now I wish to turn to human rights. The situation of human rights in Hong Kong is actually there for all to see. We are one of the free regions where the rule of law is most respected in the world. We are also a press centre second to none in Asia. Both local and foreign media agencies can operate freely in Hong Kong, which helps promote the work of the SAR Government as a government with a high degree of transparency and accountability. Members of the public can express their views freely in Hong Kong. So, if members of the public choose to express their views on certain issues by processions or demonstrations, the SAR Government will respect them and we will listen to their views carefully.

Dr YEUNG Sum and Ms Margaret NG particularly mentioned the International Covenant on Civil and Political Rights (ICCPR). Under Article 39 of the Basic Law, the ICCPR remains in force in Hong Kong, and according to the arrangement made in 1976 for the application of the ICCPR in Hong Kong, reservation had since been made against Article 25 of the ICCPR. So, up to the present moment, the position of the SAR Government is that Article 25 remains not applicable to Hong Kong. However, there will be universal suffrage in Hong Kong, for the Basic Law clearly provides for the ultimate objective of selecting the Chief Executive and forming the Legislative Council by universal suffrage.

Besides, let me stress once again that the Basic Law has surpassed the Sino-British Joint Declaration in terms of the room provided for and the ultimate objective of the development of democracy in Hong Kong, for the Sino-British Joint Declaration had made only two provisions in this respect, providing that the

Chief Executive shall be returned by election or consultation held locally and the Legislative Council shall be returned by election without specifying the electoral system, let alone reference to universal suffrage. Since the Central Government, when drawing up the Basic Law in 1990, already set out clearly the ultimate objective of universal suffrage, we will achieve this objective.

Over the last decade, the judicial system and the rule of law system have played a very important role indeed in safeguarding freedoms and various institutions in Hong Kong. Members of the public can seek judicial review and the SAR Government will give a response according to the law and the judicial system of Hong Kong. The public may from time to time win in cases of judicial review. An example is a recent case concerning the Public Order Ordinance, in which the SAR Government was subsequently required to introduce legislative amendments. So, we respect human rights and safeguard the rule of law system in Hong Kong according to the Basic Law.

After the smooth transition of Hong Kong and the establishment of the SAR on 1 July 1997, one of the tasks that needed to be carried out was the setting up of the Court of Final Appeal (CFA). The establishment of the CFA actually means that we can continue to develop and reform the common law system of Hong Kong on our own. At present, the CFA handles around 100 cases per year, which is two to three times more than those handled by the Privy Council before the reunification.

Today, a number of Members particularly mentioned the interpretation of the Basic Law. The Basic Law has, in fact, made clear provisions for the interpretation of the Basic Law, and the power of interpretation ultimately rests with the NPCSC, but this power co-exists with the power of final adjudication of the CFA, and the interpretation of the Basic Law shall not affect the judgements already made by the CFA and Hong Kong Courts. Over the past decade, a number of interpretations made of the Basic Law were supported by the people. For instance, with regard to the interpretation of the Basic Law in respect of the right of abode in 1999, the opinion survey conducted at the time indicated a support rate of over 60%. In 2005, while there were still considerable controversies revolving around the term of office of the Chief Executive elected in a by-election, the people still supported holding a by-election to elect a Chief Executive to serve the remaining term. So, since the interpretation of the Basic Law is part of the rule of law system in Hong Kong under the Basic Law, how would it deal a blow to the rule of law in Hong Kong?

Next, I would like to talk about the agenda of democratization. In respect of the development of democracy, progress has been achieved over the past decade. Initially, only one third of the seats in this Council were returned by direct elections initially after the reunification, but now, half of the seats are directly elected.

The Chief Executive Election Committee consisted of 400 members at first, and its membership was later increased to 800. Certainly, some Members consider that more progress should be made. Ms Audrey EU even anticipated that I would mention what happened back in 2005. Regrettably, I may have to disappoint you today because I am going to look forward together with Members, rather than looking back. You may ask friends in the media, for they can see that my script made no mention of 2005.

Why did I say that I would look forward together with Members? It is because during the election of the third Chief Executive in March this year, Chief Executive Donald TSANG already stated expressly that he would start working on universal suffrage in the next five years (from 2007 to 2012), hoping to find an answer to the implementation of universal suffrage jointly with the community of Hong Kong. We had the determination to make public this position during the election because over the past 20 months, we have laid a foundation through discussions in the Commission on Strategic Development and the Legislative Council. The issue of the implementation of universal suffrage has now entered a stage of substantive discussion. Moreover, from the experiences that we have accumulated over the past few years, we know that if we can make greater efforts, there is a chance to reach a consensus.

Speaking of the election of the third Chief Executive, although universal suffrage was not implemented in this election, the two candidates had to appear on television to give a full, thorough account of their election platform to the community of Hong Kong and to all Hong Kong people, and to clearly give their pledges to Hong Kong people as to what they would do and what policies they would promote for Hong Kong in the next five years, disregarding which candidate would be elected. Once this step has been taken, the future path of election, or the path of the election of the Chief Executive, will only become wider and clearer than ever. So, progress has indeed been achieved in democratization in Hong Kong.

Let us come back to the Green Paper. Dr YEUNG Sum and other Members particularly questioned why three proposals were made. Were they

meant to break up the proposal which they favour and would like to take forward? This is, in fact, not true. After 20 months of public discussion, we have the duty to reflect truthfully the original contents and intention of the proposals made by various parties and groupings or organizations. This is why we must put forward three proposals in order to broaden the coverage as far as possible. This will help the public understand this issue and facilitate discussion, and this will also be conducive to reaching a consensus ultimately. I think Members do not have to wait long before the publication of the Green Paper.

As things have developed to the present state, Madam President, what needs further discussion is no longer whether universal suffrage should be implemented or not. Rather, it should be how and when universal suffrage should be implemented. So long as we can work in concert, there is a chance for this objective to be achieved. The SAR Government's determination in this respect is clear.

Next, I would like to talk about the remarks made by the Chairman of the NPCSC. Mr Martin LEE's amendment particularly referred to that speech which mentioned that the powers exercised by the SAR are granted by the Central Authorities. Many Members have also expressed concern about these remarks today. The remarks made by the Chairman of the NPCSC are, in fact, entirely based on the principles and provisions of the Basic Law. Article 2 of the Basic Law clearly provided that the executive, legislative and independent judicial powers, including that of final adjudication, enjoyed by the SAR are granted by the Central Authorities for the SAR to exercise a "high degree of autonomy" in Hong Kong. Since the SAR is not a sovereign entity, the powers exercisable by us are certainly granted by the State.

The basic principles and policies of the Central Authorities in relation to Hong Kong as a SAR were, in fact, already spelt out clearly in the 1984 Sino-British Joint Declaration, and they are also expressly stated and provided for in the Basic Law. Over the past decade after the reunification of Hong Kong, the Central Authorities have fully observed the Basic Law, while respecting the principles of "one country, two systems", "Hong Kong people ruling Hong Kong" and a "high degree of autonomy". Members' concerns in this respect are, therefore, unwarranted.

In his speech earlier, Mr LEE Wing-tat particularly mentioned the identification of Hong Kong people with the Motherland as well as the identity of

Chinese nationals. From my observations in this regard, over the past decade, I think Hong Kong people have shown more and more strongly a sense of identification with the development of the Motherland and their identity as Chinese nationals. First, Hong Kong people very much support the reunification of Hong Kong with the Motherland according to the Basic Law and "one country, two systems". Second, as we can see, the China national Olympic team won many medals in 2000 and 2004, and the gold medalists were widely welcomed when they visited Hong Kong. Moreover, a few years ago, after YANG Liwei's travel in space, YANG visited Hong Kong and various strata and sectors of the community were utterly enthusiastic about his visit. From these we can see that Hong Kong people absolutely have a sense of identification with the Motherland's development and also their identity as Chinese nationals.

Mr Albert HO asked me how I would respond to the remarks made by the state leader in 1940 as mentioned by Mr LEUNG Kwok-hung. My response is simple. In the 21st century, to promote democracy in Hong Kong, we must promote it in accordance with the provisions of the Basic Law. This is also a requirement set by the State for Hong Kong, and an arrangement made for us, so that we can promote constitutional development in Hong Kong within these parameters.

Madam President, I have a feeling as I draw a conclusion on this motion debate today: I feel that Hong Kong is a blessed piece of land. Before 1997, many Hong Kong people had some worries about the future and they, therefore, emigrated to Canada or Australia and lived there for a few years and obtained the immigrant status there. But the closer it was to 1997, the more people chose to return to Hong Kong, because after living abroad for many years, they finally realized and considered that Hong Kong is the best place. Here in Hong Kong they can do business conveniently and give play to their expertise, and they can nurture their next generation.

In fact, not only Hong Kong people have this feeling, many pregnant mainland women wish to give birth in Hong Kong despite all the difficulties involved, and every month many of them come to Hong Kong to give birth. Why? Because Hong Kong is a good place and these women hope to obtain this right for their children, so that their children can obtain a 3-star permanent resident identity card. Moreover, not only individuals or families hold this view, even the Heritage Foundation of the United States has ranked Hong Kong

as the freest economy in the world for 13 years in a row. There are international enterprises coming to make investments in Hong Kong every day and every week.

So, I think that Members in the opposition have made many negative comments about Hong Kong in this debate today, which are unnecessary. The SAR Government does not mind Members from any party or grouping hurling criticisms at us because where there is criticism, there is progress. However, I think such oppression and belittling of Hong Kong by these Members in the opposition are unfair to Hong Kong. Should this become a standing practice, I am afraid that this would take its toll, as the resolve of some Members in the opposition to engage in politics might hence be undermined.

Mr Ronny TONG said last Thursday that he could not make up his mind as to whether or not he should return to the Legislative Council to take part in debates and meetings waking up in the morning. I think this may be due to the occasional depression that he may feel after being a Member for two to three years. But I am glad to see that he has returned today, and what is more, he even made an impassioned speech. Continued discussion and debate is conducive to our exchange of views on universal suffrage, and we hope that one day, a consensus can be reached by two third of the Members in this Council.

It has been 10 years since the reunification and during this past decade, we have had some difficult days. Looking into the next decade, we can actually be very positive. First, Hong Kong has overcome the difficulties brought by the economic downturn and we are now on the track of upward development. Second, in respect of social and education policies and also policies in other areas, we have drawn up a series of measures and we are prepared to take them forward, including the "3-3-4" academic structure, social enterprises and environmental projects. Third, freedoms and the rule of law can certainly be maintained. Finally, it is the implementation of universal suffrage, which is of the utmost concern to Members. The Green Paper on Constitutional Development will be published soon and so long as we are prepared to seek common ground while accommodating differences and to forge a consensus, there is a chance for us to find an answer for Hong Kong.

In brief, I wish to conclude that instead of encouraging the people to take to the streets, Members in the opposition had better make more efforts to create harmony and build a consensus. With these remarks, Madam President, I hope that Members will oppose the motion and the amendment.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr Martin LEE to Mr James TO's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO 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:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr

Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Ronny TONG voted for the amendment.

Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, seven were in favour of the amendment, 18 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 14 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Mr James TO, you may now reply and you have four minutes 34 seconds.

MR JAMES TO (in Cantonese): President, Secretary Stephen LAM stated that universal suffrage would definitely be achieved, and the goal met. Of course, even the Basic Law states that this is the "ultimate" goal. Therefore, if it is said

that universal suffrage will be achieved in 2047, it will certainly. Not only has the Secretary lost his meaning in life by making such a remark, he is not responding to the strong public aspiration for democracy as well.

Actually, Hong Kong people have an incisive view of the matter. They know that the only means for them to influence the SAR Government and the Central Authorities is to vote with their feet. They know only too well that history has told us we have been able to make the Chief Executive not elected by us step down in 2003. Similarly, we have made some domineering government officials responsible for promoting legislation to undermine human rights — though the enactment of the legislation was a matter of great concern to the Central Authorities — to step down, with the legislative proposals withdrawn as well.

Hong Kong people are also aware that those who are eligible to cast a vote in the Election Committee (EC) may exercise their votes to let the EC know the dissatisfaction of Hong Kong people, especially many professionals and members of the middle class, with the governance and performance of the SAR Government in other aspects. This is crystal clear.

What else can be expressed? Actually, many people have asked me what else they can express. If they believe the SAR Government is sincere in "doing something big" this time, they will all the more come forward to lend their support. If they think that the Chief Executive is being pretentious or forced by someone, they will also have to come forward to state their position. If the general public are not given their entitled rights (they have been given such promises), they will from now on continue with their fight and never give up. This is what the people's power mentioned in my motion is all about.

If we have to beg, kneel..... Hong Kong people can tell if the leaders are willing to discuss and communicate with us. However, is this really the case? If the answer is negative, the people are left with no other alternatives. They can only fend for themselves and vote with their feet to express our belief that we are entitled to the relevant rights and demonstrate our determination.

Everyone can take part in the processions or marches on 1 July. If members of the public take their own rights seriously instead of regarding the subject of democracy as unimportant or putting it in the 14th position, they should come forward and tell the whole world that they take it seriously, and they deserve these rights.

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

(Members raised their hands)

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

(Members raised their hands)

Mr James TO rose to claim a division.

PRESIDENT (in Cantonese): Mr James TO 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.

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Functional Constituencies:

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Dr Raymond HO, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr WONG Kwok-hing, Mr Daniel LAM, Mr WONG Ting-kwong, Prof Patrick LAU and Mr KWONG Chi-kin voted against the motion.

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Ronny TONG voted for the motion.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the motion.

Mrs Selina CHOW abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, seven were in favour of the motion, 10 against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 14 were in favour of the motion, eight against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negated.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 27 June 2007.

Adjourned accordingly at twenty-nine minutes to Six o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Home Affairs to Mr Ronny TONG's supplementary question to Question 2

As regards the list of 66 public consultation documents on major policy issues published by Government Bureaux since July 2002, I attached at Annex is a summary table showing the topics and consultation periods of these 66 public consultation documents for Members' information as requested.

Annex

Public consultation documents on major policy issues
published by Government Bureaux since July 2002 (up to 20 June 2007)

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
Home Affairs Bureau		
1	An outline of the topics to be covered in the second report on the HKSAR under the International Covenant on Economic, Social and Cultural Rights (ICESCR)	1 (13.11.2002-13.12.2002)
2	An outline of the topics to be covered in the second report on the HKSAR in the light of the International Covenant on Civil and Political Rights (ICCPR)	1 (17.2.2003-17.3.2003)
3	An outline of the topics to be covered in the second report on the HKSAR under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1.5 (7.5.2004-18.6.2004)
4	An outline of the topics to be covered in the second report on the HKSAR under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1.2 (4.12.2006-12.1.2007)

WRITTEN ANSWER — *Continued*

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
5	Legislating Against Racial Discrimination	4.5 (16.9.2004-8.2.2005)
6	Review of Built Heritage Conservation Policy	3 (18.2.2004-18.5.2004)
7	Review on the Role, Functions and Composition of District Councils	3 (27.4.2006-31.7.2006)
Financial Services and the Treasury Bureau		
8	Estate Duty Review Consultation Document	3 (20.7.2004-20.10.2004)
9	Consultation Paper on Exemption of Offshore Funds from Profits Tax	1 (31.12.2004-31.1.2005)
10	Duty on Alcoholic Beverages — Consultation Document	2 (3.12.2004-2.2.2005)
11	"Broadening the Tax Base, Ensuring our Future Prosperity: What's the Best Option for Hong Kong?" Consultation Document	8.5 (18.7.2006-31.3.2007)
12	Companies Ordinance Rewrite — Consultation Paper on Accounting and Auditing Provisions in the Companies Ordinance	3 (29.3.2007-29.6.2007)
13	Consultation Paper on the Companies (Revision of Accounts and Reports) Regulation	2 (16.10.2006-16.12.2006)
14	Consultation Paper on Legislative Proposals to Establish Financial Reporting Council	1.5 (28.2.2005-15.4.2005)
15	Consultation Paper on the Proposals to – Enhance the Oversight of the Public Interest Activities of Auditors and Establish a Financial Reporting Review Panel	1.5 (19.9.2003-31.10.2003)
16	Consultation Paper on the Review of the Role of the Official Receiver's Office	3 (28.6.2002-31.8.2002)

WRITTEN ANSWER — Continued

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
17	Consultation Paper on Proposed Amendments to the Securities and Futures Ordinance to Give Statutory Backing to Major Listing Requirements	2 (7.1.2005-7.3.2005)
18	Consultation on Exemption of Offshore Funds from Profits Tax	1 (14.1.2004-13.2.2004)
19	Consultation Paper on Proposals to Enhance The Regulation of Listing	3 (3.10.2003-31.12.2003)
20	Consultation paper on the proposal to empower the Securities and Futures Commission to initiate a Derivative Action on behalf of a company	2 (27.5.2003-26.7.2003)
21	Consultation Paper on Proposed Amendments to the Companies Ordinance to Facilitate Offers of Shares and Debentures	0.7 (10.3.2003-31.3.2003)
Constitutional Affairs Bureau		
22	Public discussion on Legislative Process and related Legal Issues relating to Constitutional Development as enshrined in the Basic Law issued by Constitutional Development Task Force	2 (14.1.2004-24.3.2004)
23	The Third Report of the Constitutional Development Task Force	5 (11.5.2004-15.10.2004)
24	The Fourth Report of the Constitutional Development Task Force	5.5 (15.12.2004-31.5.2005)
25	Consultation Document on Further Development of the Political Appointment System	4 (26.7.2006-30.11.2006)
Civil Service Bureau		
26	Proposals on the Methodology of the Pay Level Survey and the Application of the Survey Results	2 (4.11.2004-7.1.2005)

WRITTEN ANSWER — *Continued*

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
Health, Welfare and Food Bureau		
27	Draft Outline of the Second Report under the Convention on the Elimination of All Forms of Discrimination against Women	1 (23.9.2002-26.10.2002)
28	Building A Healthy Tomorrow	3 (19.7.2005-31.10.2005)
29	Public Consultation on the Proposed New Penalties for Repeat Cleanliness Offenders	1 (23.10.2003-23.11.2003)
30	Public Consultation on Labelling Scheme on Nutrition Information	2 (25.11.2003-31.1.2004)
31	Prevention of Avian Influenza: Consultation on Long Term Direction to Minimise the Risk of Human Infection	3 (2.4.2004-2.7.2004)
32	Public Consultation on the Proposed Amendment of the Fisheries Protection Ordinance (Cap. 171) for the Establishment of a Regulatory Framework for Fishing Activities in Hong Kong Waters	2.5 (21.12.2004-6.3.2005)
33	Public Consultation on the Proposed Amendments to the Pesticides Ordinance (Cap. 133)	1 (13.2.2007-5.3.2007)
Housing, Planning and Lands Bureau		
34	Consultation Paper on Landlord and Tenant (Consolidation) Ordinance (LTO) (Cap. 7) — Security of Tenure	2 (22.1.2003-22.3.2003)
35	Consultation Paper on Review of Domestic Rent Policy	3 (9.3.2006-9.6.2006)
36	Public Consultation on Building Management and Maintenance	4.5 (29.12.2003-15.4.2004)
37	Public Consultation on Mandatory Building Inspection	5 (21.10.2005-15.3.2006)
38	Concept Plan for Lantau (大嶼山發展概念計劃) (Published in the name of the Lantau Development Task Force chaired by the Financial Secretary)	3 (29.11.2004-28.2.2005)

WRITTEN ANSWER — *Continued*

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
Economic Development and Labour Bureau		
39	Partial Privatization of Airport Authority	6 (22.11.2004-31.5.2005)
40	A public discussion document on the way forward for competition policy in Hong Kong	3 (6.11.2006-5.2.2007)
41	Consultation Paper on Future Development of the Electricity Market in Hong Kong Stage I Consultation	3 (31.1.2005-30.4.2005)
42	Consultation Paper on Future Development of the Electricity Market in Hong Kong Stage II Consultation	3 (30.12.2005-31.3.2006)
Commerce, Industry and Technology Bureau		
43	Implementation option of "Plan on Advance Reporting of Road Cargo Information"	2 (31.12.2004-24.2.2005)
44	Review of Certain Provisions of Copyright Ordinance	2 (9.12.2004-15.2.2005)
45	Copyright Protection in the Digital Environment	4.5 (19.12.2006-30.4.2007)
46	Consultation on Digital Broadcasting: Mobile TV and Related Issues	3.5 (26.1.2007-11.5.2007)
47	Public Consultation on the Establishment of the Communications Authority	3.5 (3.3.2006-16.6.2006)
48	Second Consultation on Digital Terrestrial Broadcasting in Hong Kong	3 (5.12.2003-5.3.2004)
49	Consultation Paper on Proposed Spectrum Policy Framework	3 (25.10.2006-24.1.2007)
50	Consultation Paper on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages	2 (20.1.2006-20.3.2006)
51	2004 Digital 21 Strategy	2 (10.10.2003-10.12.2003)
52	2007 Digital 21 Strategy	2 (18.10.2006-18.12.2006)

WRITTEN ANSWER — *Continued*

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
53	New Strategy of Innovation and Technology Development	2 (30.6.2004-31.8.2004)
Security Bureau		
54	Proposals to implement Article 23 of the Basic Law Consultation Document	3 (24.9.2002-24.12.2002)
Environment, Transport and Works Bureau		
55	Review of Nature Conservation Policy	3 (17.7.2003-18.10.2003)
56	Consultation Document for the Harbour Area Treatment Scheme Stage 2	5 (21.6.2004-20.11.2004)
57	A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products	2.2 (22.9.2004-31.11.2004)
58	Mandatory Energy Efficiency Labelling Scheme Consultation Document	3 (29.7.2005-31.10.2005)
59	A Draft Comprehensive Plan to Tackle Road Traffic Noise in Hong Kong	3.5 (1.8.2006-mid-11.2006)
60	A Proposal on An Environmental Levy on Plastic Shopping Bags	2 (28.5.2007-27.7.2007)
Education and Manpower Bureau		
61	Consultation Paper on the Proposal to set up a Qualifications Framework (QF) and the Associated Quality Assurance Framework in Hong Kong	3 (10.11.2002-10.2.2003)
62	Information Technology in Education — Way Forward	2 (16.3.2004-15.5.2004)
63	Reforming the Academic Structure for Senior Secondary Education and Higher Education — Actions for Investing in the Future Proposed Core and Elective Subject Frameworks for the New Senior Secondary Curriculum	4 (20.10.2004-19.1.2005)

WRITTEN ANSWER — Continued

	<i>Titles of consultation documents</i>	<i>Length of consultation period (months) (Start and end dates)</i>
64	Guide to the Pre-primary Curriculum	4 (6.2005-9.2005)
65	Action for the Future — Career-oriented Studies and the New Senior Secondary Academic Structure for Special Schools	3 (24.1.2006-24.4.2006)
66	Review of the Post-secondary Education Sector	3 (mid-3.2006-end 5.2006)

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Development to Dr Raymond HO's supplementary question to Question 4**

As regards the planning studies for the proposed Liantang/Heung Yuen Wai control point, we have been undertaking two planning studies on the proposed control point at Liantang/Heung Yuen Wai. The first one is a joint study with the Shenzhen Municipal Government to examine the need, function and benefits of the new control point. Commenced in December last year, the study is expected to complete in late 2007.

Started in January this year, the second one is an internal planning study mainly to examine the relevant planning, environmental and engineering issues relating to the proposed new control point and the connecting roads within Hong Kong, including conservation of heritage. The study is scheduled for completion in early next year.

We will need to consider in detail the findings of the above two preliminary planning studies and incorporate their major proposals in the planning study for the area to be released from the Frontier Closed Area (FCA). Extensive public consultation in respect of the FCA Study will be carried out.

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Development to Prof Patrick LAU's supplementary question to Question 4**

As regards the development of land within the Frontier Closed Area (FCA), in September 2006, the Security Bureau promulgated the proposed reduction of the FCA from about 2 800 hectares to 800 hectares. Many places within the FCA are of high ecological and conservation value. In order to ensure that these valuable assets would not be damaged or subject to adverse impacts from development, we need to carry out site inspections and collect information for detailed assessment. The Planning Department's ongoing FCA Study is to explore the feasibility and extent of development on land to be excised from the FCA. At this stage, we cannot confirm the amount of land which can be provided for development.

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Development to Miss CHOY So-yuk's supplementary question to Question 4**

As regards land to be excised from the Frontier Closed Area (FCA), amongst the 2 000 hectares of land proposed to be released from the FCA, about 500 hectares are under private ownership. The rest is Government land.