

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 December 2007

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

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

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

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., 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 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 CHIM PUI-CHUNG

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

THE HONOURABLE ALBERT JINGHAN CHENG, J.P.

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

THE HONOURABLE MRS ANSON CHAN, G.B.M., J.P.

MEMBERS ABSENT:

THE HONOURABLE LEE CHEUK-YAN

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

THE HONOURABLE WONG KWOK-HING, M.H.

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

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE WONG YAN-LUNG, S.C., J.P.
THE SECRETARY FOR JUSTICE

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

THE HONOURABLE FREDERICK MA SI-HANG, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

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

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

THE HONOURABLE DENISE YUE CHUNG-YEE, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE TSANG TAK-SING, J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

PROF THE HONOURABLE CEAJER CHAN KA-KEUNG, S.B.S., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, J.P.
SECRETARY FOR DEVELOPMENT

THE HONOURABLE EDWARD YAU TANG-WAH, J.P.
SECRETARY FOR THE ENVIRONMENT

THE HONOURABLE EVA CHENG, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

CLERKS IN ATTENDANCE:

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

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments *L.N. No.*

Antiquities and Monuments (Declaration of Historical
Buildings) (No. 2) Notice 2007..... 227/2007

Other Papers

No. 38 — Report by the Commissioner of Correctional Services of Hong Kong Incorporated on the Administration of the Correctional Services Department Welfare Fund for the year ended 31 March 2007

No. 39 — Forty-sixth Annual Report by the Social Work Training Fund Trustee for the year ending on 31 March 2007

No. 40 — Estate Agents Authority
Annual Report 2006-2007

No. 41 — Police Welfare Fund
Annual Report 2006-2007

No. 42 — Annual Report on the Police Children's Education Trust and the Police Education and Welfare Trust for the year 2006-2007

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Determination of Level of Statutory Minimum Wages

1. **MR JEFFREY LAM** (in Cantonese): *Madam President, will the Government inform this Council whether it knows, among the countries which*

have implemented a statutory minimum wage system, the names and number of those which have set the average market wages as the statutory minimum wages, and how the statutory minimum wages set by the other countries compare with the local average market wages?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the Labour Department (LD) is collecting information on statutory minimum wage regimes in other countries. According to the information collected so far, many countries with minimum wage legislation have put in place mechanisms to facilitate the determination of the levels of statutory minimum wage. The mechanisms differ from place to place as each would design a system that best suits its own needs and characteristics. Nevertheless, the nature of the social and economic indicators from which such countries draw reference is broadly similar. These indicators include, among others, the needs and attributes of the workers constituting the intended beneficiary group, the ability of the unemployed and low-paid to secure and remain in sustained employment, the cost of living, levels of social security benefits, labour market situation, wage level and rate of inflation as well as macroeconomic considerations such as the competitiveness of the local economy in a globalized world market, the cost of doing business and the affordability for employers, and so on. We are not aware of any country which has adopted the average market wage as the statutory minimum wage.

As regards the comparison of statutory minimum wages with local average market wages, research findings published in 2007 by the Organization for Economic Co-operation and Development (OECD) made reference to the minimum wages in its 21 member countries as a percentage of their respective gross average wages. Expressed as an across-country overall average, the gross earnings of full-time minimum wage earners in 2006 amounted to nearly 38% of the gross average wages. Amongst the countries, Ireland ranked the highest at 52% while Mexico ranked the lowest at 24%. In countries like France, the United Kingdom and the United States, the respective figures were 47%, 35% and 33%.

MR JEFFREY LAM (in Cantonese): *Madam President, in the main reply, the Secretary mentioned that no country had adopted the average market wage as the statutory minimum wage. However, the average wage is adopted as the minimum wage under the Wage Protection Movement now implemented in Hong Kong. I have pointed out repeatedly that if only the average wage is used in*

determining the minimum wage, the level of minimum wage will definitely increase continuously and rise higher. The Secretary also said that among the countries implementing minimum wage, the comparison of minimum wage and average wage ranged from 24% to 52%. Moreover, in the determination of minimum wage, social and economic indicators will be taken into consideration. May I ask the Secretary whether the existing Wage Protection Movement has not taken into account the actual situation in Hong Kong fully?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I would like to clarify that the Wage Protection Movement is not a so-called minimum wage movement. Actually, the Movement, which participation is voluntary, seeks to induce employers to offer reasonable market wage and to bring about a change in culture. Therefore, when the Movement was introduced, employers were encouraged to pay their employees wages not less than the average wage stated in the Quarterly Report of Wages and Payroll Statistics of the Census and Statistics Department (C&SD). Members also know that in 2004, the Government took the lead to include this requirement in the outsourcing tender for cleansing and security services, hoping that the labour sector, the elementary workers in particular, could share the fruits of economic prosperity. I have to stress that participation in the Movement is voluntary and the situation then prevalent was taken into account at its launch. Certainly, when we have to legislate on minimum wage in actuality, we must reconsider and re-examine the issue in the light of a host of new data.

MR VINCENT FANG (in Cantonese): *President, the Secretary stated in the main reply that no country in the world had adopted the average wage as the statutory minimum wage. If the policy in this respect is found to be impracticable in the course of implementation, will the method of computation for the wage level under the Wage Protection Movement be amended?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I have to thank Mr FANG for his question. In fact, a study has been conducted recently and the Labour Advisory Board (LAB) has also examined this issue. If we really have to adopt a statutory minimum wage, we surely have to reconsider the wage level, for we are only talking about the average market wage at present. However, should we alter our course and change the direction of the Wage

Protection Movement now? We have examined the issue and held discussions with the LAB, and we both consider it inappropriate to change the basis. As the Movement has been implemented for one year, if changes are made to the primary data now, then by next October, when a comprehensive review is carried out, the basis will be extremely confusing and comparison will be impossible. We thus consider it a more practical approach to continue in this direction. For this is after all a voluntary movement. We only wish to bring about changes in culture to the effect that employers will share the fruits of economic prosperity of Hong Kong in a relatively macroscopic manner by paying the average market wage. This is the spirit of the entire Movement.

However, I again stress that, if the Government really has to introduce legislation to implement minimum wage for the cleansing and security service sectors in future, a host of data related to economic indicators must be reconsidered.

MR JAMES TIEN (in Cantonese): *President, in the last paragraph of the main reply, the Secretary said that the relevant percentages for the United Kingdom and the United States were 35% and 33% respectively. When the public heard that the minimum wage is 35% or 33% of the average wage, they will consider it quite reasonable. May I ask the Secretary, if the Hong Kong Government now proposes to adopt the international computation method currently used by the United States and the United Kingdom for the cleansing and security service sectors, what the percentage will be?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, we do not have the actual figures on the average wage in Hong Kong, for it is very difficult for the C&SD to collect such figures. In Hong Kong, employment earning, that is, the median income, is used. The median earning at present is \$10,000. In the case of \$10,000, where the existing wage of a cleansing worker is around \$5,200 according to the quarterly figures provided by the C&SD, the percentage will be 50% to 52% in comparison with the \$10,000 median earning.

MR JAMES TIEN (in Cantonese): *The Secretary has not given an answer on the situation of the security service sector.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Security services are provided on a two-shift and three-shift system and the situation is thus different. Their wages are around \$6,000. Comparing the \$6,000 wage of security guards with the \$10,000 median, the percentage will be around 60%.

MR TOMMY CHEUNG (in Cantonese): *President, the figures cited by the Secretary have inevitably caused great confusion. Though the Secretary often cites the figures from the C&SD, it turns out that the figures are not conclusive. During the trial, the average wage has been raised every few months. I really want to ask the Government: How will the effectiveness of the scheme be assessed eventually? In other words, how will it assess whether or not employers could meet the requirement? How will the Government decide whether a minimum wage will be implemented in future? The Secretary said earlier that if a minimum wage was to be implemented for those two job types, data would have to be submitted again. I hope the Secretary can tell the people of Hong Kong what kind of tricks he is now playing?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the objective of the entire Movement is to promote a culture where employers will pay reasonable wages to cleansing workers and security guards. This is the intention of the Movement. A soft approach employing promotion, advice and advertisement is thus adopted. I understand the present *modus operandi* of providing new figures quarterly is somehow I cannot say it is confusing, but in terms of administration, certain organizations may find it slightly confusing and difficult to handle. However, in actual practice, it is not much of a problem. For we are talking in the context of a contract, in other words, when an employer hires a worker, he or she will be paid the prevailing average market wage. If the wage proposed by a management company or an owners' corporation at the beginning of the year in the tender is \$5,200, the wage paid will be \$5,200. However, when a new recruitment exercise is carried out in the middle of the year, the wage may be \$5,300, but this is merely a reflection of the market situation. Tendering is used to ensure that the latest market situation can be reflected by the wages paid.

If the Movement is successful, it may be carried on, and if it is unsuccessful, next year, we will be working on the legislation on minimum wage. Be it in the former or latter case, we all consider that minimum wage

adopted in the future must be set at a fixed level. There should not be frequent variations and adjustment should be made at particular intervals, say once a year. A consensus on this has been reached.

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

MR TOMMY CHEUNG (in Cantonese): *President, the Secretary has not answered if the situation is being played this way, how can he assess the general data in future to decide whether the Movement is successful or not? What benchmark will he use? As he keeps changing the benchmark every month*

PRESIDENT (in Cantonese): I understand it. You may sit down. Secretary, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, we have just completed the mid-term review and a report was made to the Panel on Manpower last month. Members also know that indicators have been laid down for assessing the effectiveness of the Movement in the mid-term review. As a result, both promising and disappointing figures were recorded. For this reason, we are now using a two-pronged approach. On the one hand, we will step up promotion efforts on the Wage Protection Movement, hoping that more companies and employers will join the Movement and more workers will then benefit. On the other hand, we have kick-started studies of a relatively practical nature. For instance, if the Movement is successful, we have to decide the way forward. If it is unsuccessful and thus we have to introduce legislation for the cleansing and security service sectors, and so on, some preliminary preparation, such as the determination of wage level mentioned earlier, has to be carried out. The LD has started collecting information and conducting studies in this respect, and negotiations between the LD and the LAB has been ongoing in a tacit manner.

MR LAU KONG-WAH (in Cantonese): *President, in view of the recent price hike, where prices of all items have surged, one can hardly make ends meet*

despite earning an average market wage. The Secretary said earlier that if a minimum wage had to be set, it could only be adjusted after a period of time. I do not know the experience overseas. In future, apart from market wage, will inflation be taken into account?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, if we really have to implement a minimum wage in Hong Kong, a mechanism must be established. As I have explained in the main reply, according to overseas experience, the adjustment made varies from country to country with numerous scenarios. Some countries adjust it once a year while others make adjustments on a regular basis. For instance, recently, the United States has just adjusted its minimum wage which has been frozen for some time. Therefore, different country adopts different approaches. If we really have to legislate for minimum wage in future, a clear mechanism must be laid down and a host of economic indicators and macroscopic figures have to be considered. Currently, we have started examining the overall mechanism and considering the practice and direction to be adopted when a minimum wage has to be implemented in actuality.

MR LAU KONG-WAH (in Cantonese): *President, the Secretary has not answered my supplementary question. I asked unequivocally whether inflation was one of the factors for consideration.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the answer is in the affirmative. It will certainly be considered.

MR KWONG CHI-KIN (in Cantonese): *President, the Secretary said in his reply that so far they were not aware of any country which had adopted the average market wage as the minimum wage, but that certain objectives, particularly the need of workers, would be considered. Does the Secretary have anything to add in this respect? From the point of view of the labour sector, the minimum wage paid must enable a worker to maintain a minimum standard of living. What does the Secretary think? Will he use a certain percentage of Comprehensive Social Security Assistance payment as the baseline and use a similar mechanism to ensure that a minimum standard of living can be maintained with the minimum wage?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I have to thank Mr KWONG for his question. This factor will definitely be taken into account. If legislation on minimum wage is to be introduced in Hong Kong in actuality, a host of economic indicators must be taken into account, while factors like the welfare level, employment rate and general income level of low-skilled workers, and so on, must be considered. As for low income, not minimum wage, the OECD and the International Labour Organization (ILO) have laid down the relevant definition. According to the OECD, income at around two thirds of the median wage is regarded as low income, while the ILO regards income around 60% of the median wage as low income. These are international benchmarks. Naturally, each place will have its own characteristics and economic condition, and we will surely draw reference from these data in conducting the study.

DR LUI MING-WAH (in Cantonese): *President, may I ask the Secretary whether the Government have the two figures on gross average wage and median wage?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I have answered this question earlier. It is around \$10,000 at present.

DR KWOK KA-KI (in Cantonese): *Madam President, in the policy address this year, the Government undertook that if the outcome of the Wage Protection Movement was ineffective, it would introduce legislation on minimum wage to protect the livelihood of the grassroots. May I ask the Secretary to state specifically the policy now adopted by the Government in assessing the effectiveness of the Movement? In what way are the daily expenses of the grassroots linked to the minimum level of income? How can the Government assess whether the Movement is effective in the light of this link?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, we have just completed the mid-term review of the Wage Protection Movement, and the final review will be carried out in October next year. With regard to the indicators mentioned earlier, that is, in respect of assessment, discussions will be held with the LAB in the next couple of months to examine

how the final indicator should be determined. This is a crucial factor of the utmost importance. If all of us consider it acceptable to use these data as the basis for assessment, we will assess the effectiveness on this basis.

DR KWOK KA-KI (in Cantonese): *President, the Secretary has not answered my question. Many members of the public, particularly the grassroots, are keenly concerned about this. Though it is only a mid-term review, they want to know what base or reference the Government has adopted in deciding whether they can maintain a minimum standard of living respectfully in future. What base reference has the Government adopted?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I have said earlier, a host of indicators are considered in the mid-term review, which are merely used for assessing the progress in the mid-term review. For instance, first, the number of participating organizations and according to the latest figures, there are about 1 700; second, the number of cleansing workers and security guards benefiting from the Movement as a percentage of the total number of workers. Moreover, as the Movement has been implemented for several months, we would like to understand whether or not the wage level has improved, and whether there are upward or downward adjustments in wages. By looking at the number of complaints, we would know whether organizations participating in the Movement have followed the rules, whether they are only complying in public but opposing in private, and the sanctions we have imposed in practice, and so on.

The LD has a very good thermometer, that is, the free employment service provided. When an employer comes to the LD, he will find out the current wage he has to pay. If employers want to post recruitment advertisements at the LD, the wages they offer must reach the average market wage level, particularly for cleansing and security service posts. Some employers who find out the requirement are willing to follow. The effectiveness of the Movement is assessed in this way. Subsequently, a host of data will be gathered, but these data only reflect the mid-term progress. As to whether or not the Movement is successful or effective, we will discuss the relevant data later. This is a very important task.

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

MRS SELINA CHOW (in Cantonese): *President, actually, we are all concerned about the low-income workers and every society wants to help low-income workers with minimum wages. In the main reply, the Secretary said that among the markets that have adopted minimum wages, the average percentage of minimum wage to average wage stood at 38%, the percentage of the United Kingdom was 35% and that of the United States was 33%. However, according to the concept proposed by the Secretary earlier, if the average wage is adopted as the minimum wage for cleansing workers and security guards in Hong Kong, the percentage will be 52% and 68% respectively. When the Secretary examined the issue, had he considered the affordability of all enterprises and the imbalance in competitiveness of Hong Kong so arises?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I have to thank Mrs Selina CHOW for raising this question.

First, I would like to clarify that the figure I mentioned in my reply to Mr TIEN's question refers to the median wage, not the average wage. In respect of the average wage, the C&SD does not have specific figures on average wages, but only the median wage, that is, \$10,000. According to the current median wage, the existing wage of cleansing workers, which is \$5,200, is around 50% of the median wage. As for the wage of security guards, it is around \$6,000. However, I would like to respond to Mrs Selina CHOW's supplementary question. If legislation on minimum wage has to be introduced in actuality, a level will only be determined after reconsidering all the data and with the support of sufficient justification. We have to work on it, for the quarterly figures provided by the C&SD cannot be used as the benchmark for minimum wage. We know this full well.

MRS SELINA CHOW (in Cantonese): *Actually, the Secretary has not answered the thrust of my question. Regarding the figure he provided earlier, be it the median wage or the average wage, why does he have to adopt an approach that surpasses the United Kingdom and the United States, which will create an imbalance? He has not answered this point.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, we have not adopted any approach to surpass the United Kingdom and

the United States. If Members care to read the main reply, they will see that the percentage for Ireland is 52%. As to whether there are other countries doing the same, the answer is in the affirmative, and that in Ireland, it is around 50%. However, I think we should not look at the issue merely at this point in time today. More studies have to be conducted and followed by objective analyses.

PRESIDENT (in Cantonese): Second question.

Telecommunications Ordinance

2. **MR CHEUNG MAN-KWONG** (in Cantonese): *President, under section 23 of the Telecommunications Ordinance (TO), any person who, knowing or having reason to believe that a means of telecommunications is being maintained in contravention of the Ordinance, transmits or receives any message by such means of telecommunications shall be guilty of an offence. In this connection, will the Government inform this Council:*

- (a) *since 1 July 1997, of the annual number of cases in which the persons involved were prosecuted for attending radio broadcast programmes other than those broadcast by the existing three licensed radio stations, as well as the nature and contents of the programmes involved and the court judgments respectively;*
- (b) *of the authorities' criteria in considering whether any individual person attending the above programmes should be prosecuted; whether the authorities will prosecute all participants or institute prosecutions selectively; if prosecutions are instituted selectively, of the details of the relevant criteria and decision-making process; and*
- (c) *with the popularization of information technology, whether the authorities have assessed if the TO has restricted the public's right to express views through different channels; if the assessment results have indicated such a restriction; whether the authorities have assessed if such restriction contravenes those provisions in the Hong Kong Bill of Rights Ordinance and the Basic Law concerning the safeguard of freedom of speech; if such assessments have been made, of the results; if such assessments have not been made, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, before addressing the questions raised by the Honourable Member, I have to state clearly the position of the Government.

First of all, the freedom of speech is the cornerstone of stability and prosperity in Hong Kong, and it is safeguarded by the Basic Law in express terms. The Government has always kept to the principle that the freedom of speech should be protected. In fact, as new forms of media have become increasingly popular, the room for the freedom of speech in Hong Kong has actually been widened. More channels are now available for the public to express their views. Nonetheless, the rule of law is another important cornerstone of our stability and prosperity, which is accepted by all Hong Kong people. When exercising the freedom of speech, members of the public have to respect and abide by the laws of Hong Kong at the same time.

The provision of radio broadcasting service through the airwaves involves the effective use of spectrum, which is a scarce public resource. In various places of the world, radio broadcasting is regulated by relevant legislation. The broadcasting licensing regime is designed to ensure orderly and responsible use of spectrum allocated to broadcasting. Illegal broadcasting will cause interference to legitimate spectrum users and hence affect both public and private telecommunications and broadcasting services.

All law-enforcement agencies, including the Office of the Telecommunications Authority (OFTA) and the Department of Justice (DOJ), will act impartially in accordance with the law and there is no question of selective enforcement. As for individual cases which are under investigation or being tried in court, it is not appropriate for us to comment at this juncture.

My reply to the questions raised by the Honourable CHEUNG Man-kwong is as follows:

- (a) Under the TO, any person who, knowing or having reason to believe that a means of telecommunications is being maintained in contravention of the TO, transmits or receives any message by such means of telecommunications shall be guilty of an offence. Since July 1997, two cases involving such alleged breaches of the TO have been prosecuted. One case occurred in April 2007 which involves

five accused and another case occurred in May 2007 which involves three accused. Both cases are now before the Courts, and the trials have yet to begin. As judicial proceedings have commenced, it would not be appropriate for me to make any comments.

According to our records, apart from the above two cases, there are other cases of suspected breaches of the concerned provisions under the TO. On 9 December 2006, having consulted the DOJ, the OFTA issued a general warning to the public at large in the form of a press release, as well as a written warning to those suspected of violating the concerned provisions of the TO, explaining in detail the concerned provisions of the TO and the Government's stand on enforcement.

It is the position of the Government that irrespective of the understanding of any member of the public of the provisions concerned prior to 9 December 2006, the warning issued on that day is a specific notice to everyone that after that day, anyone found involved in illegal broadcasting is liable to prosecution upon substantiation with sufficient evidence. In accordance with this enforcement principle, the OFTA will refer any cases suspected of breaching the concerned provisions of the TO or defying the concerned warning to the DOJ for prosecution.

- (b) As explained above, prosecution has been initiated in respect of the two cases referred by the OFTA to the DOJ. In reaching such decision, the DOJ has applied the established prosecution policy guidelines, as contained in The Statement of Prosecution Policy and Practice (2002). Generally speaking, to initiate prosecution under the concerned provisions of the TO, the DOJ has to be satisfied that there is a reasonable prospect of conviction, and that the ingredients of the offence, including that the offender has knowledge or reason to believe that the broadcast was unlawful, can be established. Both cases have led to the prosecutions of all suspects involved, including five suspects in the first case and three in the second. There is no question of a selective element in the decision to institute prosecution.

- (c) With the information boom, the public may express their opinions through various channels, including new forms of media such as on-line radio and YouTube. It is the stance of the Government that the TO is consistent with the Hong Kong Bill of Rights Ordinance and the Basic Law. The TO is formulated to provide for the licensing and control of telecommunications, telecommunications services, and telecommunications apparatus and equipment.

MR CHEUNG MAN-KWONG (in Cantonese): *My main question concerns the Government's selective prosecution policy, so I wonder why it is answered by the Secretary for Commerce and Economic Development but not the Secretary for Justice, who is even absent from today's meeting.*

The so-called selective prosecution has two scenarios: one is instituting prosecution selectively against anyone suspected of violating the law at different periods of time; another is upon setting a date on its own, the Government selectively not to institute prosecution against anyone suspected of violating the law prior to that date, but selectively prosecutes those suspected of violating the law after that date. According to the Secretary's main reply, 9 December 2006 is a critical date. The Government has simply used the press release on 9 December and the written warning issued to people suspected of violating the law prior to that date as the dividing line. Will the Government inform this Council the reason for using 9 December as the dividing line? How will it ensure that all members of the public and the suspects concerned are aware of this prosecution policy? If not, is the Government implementing a selective prosecution policy founded on affinity difference and according to its own dividing line?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Just as I said in the main reply earlier on, there is no question of selective prosecution. Neither is there any provision in the TO requiring the issuance of warnings prior to prosecution. The OFTA issued a general warning to the public at large and specific warnings to particular persons on 9 December 2006, explaining to the people concerned and the general public that any person who, knowing or having reason to believe that a means of telecommunications is being maintained in contravention of the TO, transmits any message by such

means of telecommunications is liable to prosecution upon substantiation with sufficient evidence. Therefore, the general warning issued to the public on 9 December made it clear to all that anyone found involved in illegal broadcasting in contravention of the TO after that date would be liable to prosecution upon substantiation with sufficient evidence. I reiterate that we have never prosecuted anyone selectively, and the advice of the DOJ has been sought on today's reply.

MR CHEUNG MAN-KWONG (in Cantonese): *President, the Secretary has yet to answer the reason and criteria for using 9 December as the critical dividing line and how he will ensure that all members of the public are aware of such dividing line and prosecution criteria. If not, has this policy of adopting selective criteria resulted in the selective prosecution? Earlier, I have clearly said that the critical date is 9 December.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, I have also read the general warning issued to the public on 9 December, which is actually a press release. As far as I can remember, it was covered by all media. Furthermore, I have also said previously that there is no provision in the TO requiring the issuance of warnings prior to prosecution. Nonetheless, on 9 December, the OFTA issued a general warning and also specific warnings to particular persons, that is, written warnings were issued to them.

MR CHEUNG MAN-KWONG (in Cantonese): *The Secretary still has not answered why 9 December was used as the dividing line.*

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, I think I have already answered it but maybe Mr CHEUNG is still not satisfied with it. Nonetheless, his supplementary question has actually been answered.

PRESIDENT (in Cantonese): Honourable Members, there are altogether 12 Members waiting for their turns to ask supplementary questions, so will Members who have the opportunity to ask questions please be as concise as possible in order to enable more Members to ask supplementary questions.

MR JASPER TSANG (in Cantonese): *President, since the Secretary said that the TO has not provided for the issuance of warnings prior to prosecution, so is the issue of warnings an extraordinary approach in this case? Why was such an extraordinary approach adopted whereby prosecution would not be instituted against actions taken prior to the issuance of warnings, but only after the warnings had been issued?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As far as Members can recall, there were not many such cases in the past, that is, conveying messages through illegal broadcasting was rarely found. So, after the incident of illegal broadcasting, the Government was aware that members of the public might not have a good understanding of the TO, and some might even have no idea of it at all. The OFTA therefore issued a warning and a press release on 9 December, reminding members of the public not to violate the law. This is the underlying reason.

MR JAMES TO (in Cantonese): *President, why were prosecution actions taken against some people who were specifically issued with written warnings while some were prosecuted after the general press release? Is this selective enforcement? This is actually selective enforcement as some people received written notices (letters issued specifically to them), but others were prosecuted irrespective of whether they have read the press release. Is this selective prosecution?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): In fact, people who received the relevant letters had actually participated in illegal broadcasting, and this is why the OFTA had issued them the relevant letters. The OFTA did not institute prosecution against them at that time, but merely warned and reminded them not to do so, or else they would be

liable to prosecution. For this reason, it is not surprising that those who had participated in illegal broadcasting received the letters. Not all members of the public had participated in illegal broadcasting. As a result, only those who had attended the radio programmes in question received the letter.

MR JAMES TO (in Cantonese): *The Secretary has not answered if a person suspected of violating the law would only be prosecuted after a special written warning was issued to him. The TO has not provided for the general need to issue a warning, but some people were prosecuted after receiving the relevant letters, while some were prosecuted without receiving any letter.*

PRESIDENT (in Cantonese): Mr TO, please think carefully what you wish to ask before you rise for a question in the future, and then sit down after you have finished with it. Now that you have risen again after sitting down, I am not sure if I should ask the Secretary to reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I do not mind answering him again. Should the OFTA notice that some people had participated in the illegal broadcasting on 9 December and sufficient evidence was available, warning letters would be issued to them.

MR ANDREW LEUNG (in Cantonese): *President, the Secretary said that upon substantiation with sufficient evidence, all people concerned would be liable to prosecution. What is meant by "sufficient evidence"? Does it include the supervisor's instruction or political preference?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Mr LEUNG asked what is meant by "sufficient evidence", and I have stated in the main reply that prosecution can only be instituted upon substantiation with sufficient evidence. Specifically, the prosecutor must prove the following four elements of offence. First, there was a means of telecommunications being maintained in contravention of the TO; second, a message was transmitted using that means of telecommunications; third, the

identity of the party who participated in transmitting the message was established, and fourth, the person identified knows or has reason to believe that a means of telecommunications is being maintained in contravention of the TO, but still insisted on transmitting a message with that means of telecommunications. Once these four elements are all established, it can be said that the case is substantiated with sufficient evidence.

As to Mr LEUNG's question about the presence of political consideration, the answer is "no".

PRESIDENT (in Cantonese): Mr Andrew LEUNG, I wonder if the accessory on you has anything to do with this question.

MR ANDREW LEUNG (in Cantonese): *No relations at all.*

PRESIDENT (in Cantonese): Is it only an accessory but not something like a slogan as I cannot see it clearly?

MR ANDREW LEUNG (in Cantonese): *President, this is the logo of the Hong Kong Design Institute. As I am the Chairman of the Vocational Training Council and this is the Business of Design Week, so I have put it on as a show of support. (Laughter)*

PRESIDENT (in Cantonese): Please sit down. Thank you for your explanation.

MR ALBERT HO (in Cantonese): *President, in the third paragraph of the main reply, the Secretary said that broadcasting through the airwaves must be regulated because "illegal broadcasting will cause interference to legitimate spectrum user and hence affect both public and private telecommunications and broadcasting services". The legislative intent of the Government is therefore to prohibit illegal broadcasting from causing interference. Yet, no regulation*

should be imposed in the absence of interference. The Government may institute prosecution in case of interference, so as to protect the licensed, legitimate spectrum users. However, if the broadcasting in question has not caused any interference and unprotected spectrum has been used, interferences among themselves should be allowed.

May I ask the Secretary why the authorities have to prosecute those so-called illegal broadcasters during enforcement when there is no evidence to prove that interference has been caused?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Just as I have said earlier, the DOJ will only institute prosecution when there is sufficient evidence.

As to the question raised by Mr HO of whether interference has been caused, since there are different forms of broadcasting media at present, including the Internet information currently accessible by all, this should not be any problem. It has been clearly prescribed that enforcement must be carried out in accordance with the TO, and there should not be left turning today and then right turning tomorrow. This is not allowed. Enforcement actions must be taken in accordance with the TO. What is more, the TO has clearly provided that the OFTA will definitely discuss with the DOJ in the course of enforcement, and the DOJ will then decide if prosecution should be instituted. So, there should not be any case of prosecution instituted without sufficient evidence.

MR ALBERT HO (in Cantonese): *The Secretary has not answered my supplementary question at all. Just now, I asked him if prosecution would be instituted only when there was evidence of interference. So, why is it necessary to institute prosecution if there is no evidence of interference? My supplementary question is as simple as that, but the Secretary's reply is completely unrelated.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, just now when I answered Mr LEUNG's supplementary question, I already said that four principles must be complied

with. According to the TO, all law-enforcement actions should adhere to these principles and provisions. I hope that Mr HO will understand this.

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

MR SIN CHUNG-KAI (in Cantonese): *President, the case is that the organization broadcasting radio programmes other than the three licensed radio stations had actually applied to the OFTA for a licence, but was rejected. Recently, the Government submitted a paper to the Panel on Information Technology and Broadcasting on the issuance of a class licence for taxi mobile stations, thereby allowing them to broadcast and respond to calls without application. Will the Government issue similar class licences to enable members of the public to broadcast without application in the light of the existing technological advancements? Certainly, this will only be restricted to a certain spectrum. Is this a possible solution?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, may I ask Mr SIN Chung-kai if this is a suggestion rather than a supplementary question?

MR SIN CHUNG-KAI (in Cantonese): *This is not a suggestion. My supplementary question is whether or not the Government will spare some spectrums for use by these organizations.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, is he asking whether certain spectrums will be allocated to other applicants for the operation of a radio station? I still cannot quite catch what his supplementary question is about.

MR SIN CHUNG-KAI (in Cantonese): *President, my supplementary question is indeed very simple. Why is there a need for some people to engage in illegal*

broadcasting? Because the Government refused to release some spectrum for public use, and this is the crux of the question. So, if the Government can release some spectrums for use by these organizations President, I must explain to you that the residential cordless phones that we are using also belong to the class licence. There is no need to make any application as long as they meet the requirements of the spectrums concerned. This is called a class licence, under which no application is required for its use.

Now, some organizations wish to use certain spectrums for public broadcasting, and it can be addressed if the authorities can release certain spectrums for use by all organizations in a similar way. I believe I have explained myself to the Secretary.

PRESIDENT (in Cantonese): Do you wish to ask if the Government will consider simplifying the application procedure for applicants who wish to broadcast by means of the class licence which you have just mentioned?

MR SIN CHUNG-KAI (in Cantonese): *No application will be required if such kind of licence is used.*

PRESIDENT (in Cantonese): Is application not necessary?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I would like to thank Mr SIN for his suggestion, which is indeed a very big topic. Nonetheless, I wish to reiterate that there are currently a lot of new media, through which members of the public can receive different kinds of messages.

I wonder if Mr SIN also wished to ask under what circumstances the Government will approve applications for the setting up of radio stations. In this connection, I would like to give an explanation. The Chief Executive in Council is authorized to make such a decision, and consideration will be given to the following factors before a decision is made, including whether or not the technological proposal relating to the use of radio spectrum as put forward by the

applicant is feasible, as well as matters relating to facilities and the abilities in maintaining sound broadcasting in terms of management, finance and technology. All these will be taken into consideration when approving any broadcasting service.

MR SIN CHUNG-KAI (in Cantonese): *I think the Secretary is not very well-versed in the current broadcasting policy. In fact, at present*

PRESIDENT (in Cantonese): Mr SIN Chung-kai, as you are raising a follow-up question, so you can only mention the part of your supplementary question that has not been answered, but not explaining something else.

MR SIN CHUNG-KAI (in Cantonese): *OK. The unanswered part is whether the Government will consider introducing a class licence for such broadcasting service.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, since Mr SIN is making a suggestion which is actually a big topic, so I am now making a counter-proposal: If Mr SIN is interested in this matter, we may discuss it again in the relevant panel.

PRESIDENT (in Cantonese): Third question.

Subsidizing Schools and Organizations to Procure Environmental Protection Facilities

3. **MS AUDREY EU** (in Cantonese): *President, the Government has recently proposed to provide subsidy to schools and organizations through the Environment and Conservation Fund (ECF) for the purchase and installation of environmental facilities in their premises in a bid to promote energy efficiency, energy saving and waste reduction. In this connection, will the Government inform this Council:*

- (a) *of the anticipated number of schools and organizations which will be provided with such subsidy;*
- (b) *whether it has set any targets in respect of the average level of energy efficiency attained and the total amount of waste reduced by each school after the procurement of environmental facilities; if it has, of the details; if not, the reasons for that; and*
- (c) *apart from subsidizing non-profit-making organizations in procuring micro-generating facilities using renewable energy, of the assistance, particularly technical assistance, to be offered to these organizations regarding the regular maintenance of such generating facilities and their connection to the power companies' power grids?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I have to thank Ms Audrey EU for her question. Coincidentally, we have just proposed a provision of fund for the ECF. I wish that the public would gain an understanding of the work of the ECF because of this question.

President, to raise the Hong Kong Special Administrative Region's profile as a leading green city being hailed as a quality city with quality life, maintain Hong Kong's status as a metropolis, and promote experience sharing among cities on environmental issues, the Government proposes to inject \$1 billion into the ECF, a statutory trust fund, to support educational, scientific research and technology demonstration projects and activities in relation to environmental and conservation matters. The proposal concerned was put forth in the policy address in October, while the funding proposal will be submitted to the Finance Committee in January.

If the Legislative Council approves the injection of fund into the ECF, the scope of the ECF can be expanded to develop territory-wide education programmes to encourage participation by every stratum of society, from individuals to the whole community. With additional fund, it is hoped that the scope of programmes of the ECF will include the following four areas:

- (a) territory-wide educational and community involvement campaigns on environmental protection, including the school activities mentioned by Ms Audrey EU earlier;

- (b) technology transfer from professional institutions to practitioners to enhance environmental performance of industrial process;
- (c) facilitating minor works projects that promote energy efficiency, nature conservation and waste reduction, which may serve the purpose of demonstration and promotion; and
- (d) holding regional and international policy or technology conferences under the ECF to promote exchanges and mutual learning among professional bodies on the latest developments on environmental and conservation matters.

According to the current funding guidelines of the ECF, more often than not, no subsidy will be granted for works items, except some one-off basic fitting-out works of certain projects. Likewise, the purchase of minor equipment and tools will only be subsidized under certain project categories, subject to a funding ceiling of \$50,000. It is exactly because of such rules that the scope of the supported projects is limited at present. In fact, some minor environmental facilities, such as recycling bins, composting machines and solar panels, are conducive to promoting energy efficiency and saving, as well as waste reduction or recycling. The public will thus understand that changing their daily habits are conducive to environmental protection.

We intend to use part of the enhanced ECF to subsidize schools and non-profit-making organizations to purchase and install minor environmental facilities. Take schools as an example. All local schools, as well as non-profit-making organizations, including elderly services centres, youth centres and various community bodies, may apply for subsidy. As these schools and organizations have different needs and various venue constraints, a specific figure is hardly available at this stage, for it after all depends on how many schools have submitted application. However, we hope that upon the injection of fund to the ECF, more schools and organizations will be encouraged to participate in energy saving and waste reduction activities and to install environmental facilities with the provision from the ECF.

We have started liaison with professional bodies and relevant policy bureaux and government departments, including the Education Bureau, the Electrical and Mechanical Services Department (EMSD) and the Architectural

Services Department, which will offer technical advice and support for the administration of the enhanced ECF. The ECF Committee and its vetting subcommittees will further develop the funding principles and the operation details for administering the ECF, including strengthening the vetting and monitoring mechanism and determining the funding ceiling for minor works project to ensure the proper use of the ECF.

We will also adopt a proactive approach in identifying potential collaborators, including community services or education organizations, professional bodies, green groups, and so on, and will consult potential applicants, so that the enhanced ECF can better meet their needs and bring about maximum effect.

Project proponents are required to set out specific targets and the expected demonstrable outcomes in their funding applications. For instance, the objective of using small-scale food waste composting facilities is to reduce food waste; the objective of installing washing facilities is to reduce the number of foam food containers upon the implementation of green lunch; and the objective of replacing existing fluorescent light tubes of certain organizations with T5 ones is to reduce energy consumption. We hope that these measures and promotion activities will raise the environmental awareness of the public, while these objectives will be used as indicators for assessing the effectiveness of the projects.

Take energy saving facilities as an example. T5 electronic ballast fluorescent lighting system is about 30% more energy efficient than a conventional T8 electromagnetic ballast system. With regard to the green lunch mentioned by me earlier, among the 500-odd primary schools in Hong Kong, it is estimated that at least 100 of them are well-positioned to adopt the centralized lunch distribution practice. With the implementation of such practice, 2.3 tonnes of disposable food containers will be reduced on each school day, which means an annual reduction of about 440 tonnes. Moreover, the daily lunch supply for all primary students throughout the territory is about 100 tonnes in weight. According to a rough estimate, students leave about 30 tonnes of food unfinished. Therefore, if a food waste composter is installed in every school, it is estimated that food waste can be reduced by 15 tonnes per day, which means an annual reduction of about 2 800 tonnes.

Funding applications will be assessed with reference to the targets and expected outcomes of the projects. The recipients are required to submit review reports one year after completion of the projects to help us monitor the outcomes of the projects.

Since most schools and organizations do not have much experience in the purchase, installation and use of environmental facilities, the Government will render various kinds of technical support including the provision of guidelines and successful examples for their reference, so as to facilitate the smooth implementation of worthwhile projects.

In addition, we will invite professional bodies and relevant departments, including government departments like the EMSD, to provide professional advice and assistance to schools or organizations applying for the ECF to ascertain that the feasibility, the actual needs, the budget and the implementation schedule of the projects, and so on, meet the reasonable requirements.

MS AUDREY EU (in Cantonese): *Madam President, in the main reply, the Secretary said that among the some 500 primary schools in the territory, it was estimated that at least 100 of them were well-positioned to adopt the centralized lunch distribution practice. If these schools implement this practice, disposable food containers will be reduced by some 400 tonnes annually. President, may I ask the Secretary how many of the some 500 primary schools are well-positioned to adopt the centralized lunch distribution practice and how many of them are not? For schools lacking the conditions to adopt this practice, what will the authorities do? Does the Secretary have any measures to deal with it? As for the 100 schools, at least, which are well-positioned to adopt the centralized lunch distribution practice, why have they not yet done so? What measures have been put in place to encourage these schools to adopt the centralized lunch distribution practice?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I have to thank Ms EU for her supplementary question. At present, schools in general provide whole-day schooling, and many primary and secondary school students have to have their lunch at schools. The use of disposable food containers is a common practice. However, many schools implement green policies to reduce the use of disposable utensils, which is also regarded as a kind of green

education. At present, only a small number of schools adopt the green lunch practice, where the use of disposable utensils is reduced or reusable utensils are used. This is in fact one of the practice we wish to promote to schools. Promotion work in this respect demands the co-operation of both schools and food suppliers. In some schools, the practice is implemented in a home-school co-operation mode by enlisting the assistance of parents. According to the figures listed by me earlier, we notice that at least about 100 of the 500 primary schools are well-positioned to adopt the centralized lunch distribution practice, where food will be distributed at school and the amount of food left unfinished will be reduced. Certainly, this is only one of the options which can reduce the use of disposable utensils and wastage markedly. Other options that can be implemented concurrently are also available.

It is hoped that with the expanded resource of the ECF, more schools can participate, or that technical support can be provided. For unfinished food or the so-called food waste, waste composters can be installed at schools to treat the food waste. Though the cost-effectiveness of food waste treatment may not be very high, the implementation of such practice at school is good education and conducive to the reduction of food waste. Regarding work in this respect, promotion and publicity efforts have to be made on our part, while co-operation of the Education Bureau is also required. We look forward to the continuous participation of more schools.

MS AUDREY EU (in Cantonese): *President, the Secretary has not answered my supplementary question. He may provide supplementary information in writing later. My question is: Among the 500 schools, how many of them are not well-positioned to implement the centralized lunch distribution practice and reduce the use of disposable utensils? Regarding those schools which are not well-positioned, what measures will the authorities take? Since 100 schools are well-positioned to implement the centralized lunch distribution practice, why do these schools not implement the practice but use disposable utensils instead? How will the authorities encourage schools to do so? The Secretary has not answered this. If he cannot provide an answer now, may I ask him to provide supplementary information in writing later?*

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

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, according to a preliminary survey, 100 out of the 500 schools are well-positioned to adopt the centralized lunch distribution practice. In other words, the remaining 400 schools, owing to the constraints of the environment and insufficient space, can hardly implement measures of centralized lunch distribution. However, does it mean that no environmental protection measures can be implemented in those 400 schools? The answer is in the negative, for those schools may implement the other measures I mentioned earlier.

MS AUDREY EU (in Cantonese): *President, I still think that The Secretary has provided some figures, but it is evident from those figures that he has not done anything. Though he said that 100 schools were well-positioned to implement the practice, he also said that at least 100 schools had not implemented such measures. That means nothing has been done. President, will the Secretary give us a reply in writing? For my focus is on the some 400 tonnes of disposable food containers generated each year. My question is: How many schools may implement measures to discontinue the use of disposable food containers? How many schools can in no way do so? What measures have the authorities put in place to reduce the number of disposable food containers? For schools that should have implemented these measures, what measures do the authorities have to encourage them to discontinue the use of disposable food containers? So, may I ask the Secretary to give a reply in writing?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, as I have explained earlier, in fact, every school can reduce the use of disposable utensils. However, centralized lunch distribution practice, which does not require pre-packing a fixed amount of food in a disposable food container for distribution to students, is a relatively effective option. Another issue is the use of utensils. According to a preliminary estimate, around 100 schools are well-positioned to implement the centralized lunch distribution practice. That means the other 400 schools may not be able to adopt the centralized lunch distribution practice. However, each of these 500 schools, as well as other schools, may achieve the purpose of reducing disposable food containers by other means, which include the use of reusable utensils. Basically, I have by all means tried to answer the question. Therefore, even if a supplementary reply in writing is provided, it may just be a repetition of the general situation.

PRESIDENT (in Cantonese): Secretary, the Member raised this supplementary question mainly because she wished to know, given the existing circumstances, what else would the Government do to further improve the situation? This is the reason she asked the supplementary question. Therefore, if information in this respect is available in future, it is hoped that you will submit the relevant papers to the panels concerned, will you?

DR RAYMOND HO (in Cantonese): *President, in the past, a number of funds set up by the Government, such as funds for fire safety, building maintenance or small and medium enterprises, and so on, granted subsidies at a rather slow pace. This time around, \$1 billion will be injected into the ECF by the Government. Given the 2 200 schools and organizations of all kinds, the ceiling is indeed very low. In part (c) of Ms EU's main question, technical assistance is mentioned in particular, but the Secretary only said that they would rely on professional bodies and government departments, such as the Education Bureau, the EMSD, and so on. How can these departments and bureaux have sufficient manpower to provide assistance to the numerous organizations? How can these schools and organizations meet the requirement of the authorities and apply for the relevant projects to save energy and implement recycling practices? All these involve technical requirements which are rather complicated.*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I have to thank Dr Raymond HO for his supplementary question. Actually, Dr HO is right. At present, the Government is not the only source of technologies on environmental protection, including the treatment and recycling of waste, measures of reducing greenhouse gas emission, and many other technologies. The examples cited by me earlier meant to explain the assistance that can be provided by professional departments under the Government, including the Environmental Protection Department and the EMSD. Take energy saving as an example. We can provide some guidelines and technical information. However, regarding technologies on other fronts, particularly those related to the production process, more often than not, the relevant technologies are held by the community or the trade.

For this reason, we propose to make an injection to expand the ECF. Indeed, one of the purposes is to enlist the participation of more members from the trade or external organizations, for the technologies may bring about business opportunities in the future. The approach adopted currently is an exact complement to Dr HO's suggestion, which aims to enlist the participation of more organizations.

PROF PATRICK LAU (in Cantonese): *President, I support this project which is very good. However, with the \$1 billion injection, why did the Secretary say earlier in his reply that the one-off subsidy provided to schools for fundamental environmental protection facilities were capped at \$50,000? Is that amount not too little? How is that amount determined? As far as I understand it, a solar panel is very expensive. I have used many of them before. Moreover, the replacement of all fluorescent light tubes with environmentally-friendly light tubes definitely cannot be achieved with the \$50,000 budget. Since the ECF has sufficient funds, why is the ceiling set at \$50,000?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): *President, Prof Patrick LAU has pinpointed exactly the existing inadequacies of the ECF. Since the fund of the existing ECF is limited, it has all along been the policy of the fund to avoid allocating money for certain facilities, except those related to technological research. Even if investment is made in this respect, it is subject to a limit, and as I have said in the main reply, the ceiling is set at \$50,000 at present.*

However, since we have to further promote the green projects mentioned earlier, it is necessary to extend the scope of subsidy to small-scale facilities or works, or certain technology transfer items. We thus agree with the proposals of Members, and upon the injection of additional funds, changes may be made to the allocation criteria. For instance, if a school intends to implement the measures mentioned earlier, it will surely be impossible to subject it to the existing ceiling.

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

MISS CHOY SO-YUK (in Cantonese): *President, I have to declare my interest as a member of the ECF.*

I would like to ask the Secretary about the use of the ECF on energy saving and air pollution reduction measures. At present, the development of energy saving lighting systems is mature, and the technique of green-roofing and vertical greening is also well developed. Will the Secretary consider using the ECF to encourage schools to implement at least one of these measures, which should be compulsory? What measures will be put in place to encourage this? If the effect is undesirable, will the mandatory replacement of lighting systems with energy saving systems by all schools be considered?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): *President, I have to thank Miss CHOY So-yuk for her supplementary question.*

First, Members may have noticed from the policy address that in future, it is hoped that all newly built buildings, which certainly include government buildings, will be required by the relevant legislation on energy efficiency in buildings to adopt energy saving measures in construction. At present, newly built government buildings have already adopted this practice. Upon the passage of the legislation, in future, all newly built buildings must adopt the same practice.

What should be done with the existing buildings? As mentioned by Miss CHOY earlier, there is much room for improvement at schools now. In addition to the replacement of florescent light tubes with T5 light tubes mentioned by me in the main reply, we may also consider measures related to other lighted signs, and the installation of photovoltaic panels, solar powered water heaters, on/off devices with motion sensors (where lights will be switched off automatically when one leaves the room) and facilities powered by renewable energy. Truly, there is much room for implementing energy saving initiatives in schools and many organizations.

Certainly, we hope that through the ECF, these organizations will be encouraged to apply for subsidies to improve their environmental protection installations. We may not be able to impose mandatory requirement on the

implementation of the same measure for each organization. However, given the successful examples under this promotion programme, we hope that more schools and organizations will adopt these measures. This will not only be conducive to environmental protection, but can also reduce their electricity bills.

PRESIDENT (in Cantonese): Fourth question.

Licensing Examination for Doctors

4. **MRS SELINA CHOW** (in Cantonese): *President, all medical graduates who wish to register as medical practitioners with the Medical Council of Hong Kong, with the exception of graduates of the University of Hong Kong and The Chinese University of Hong Kong, are required to pass the Council's Licensing Examination. In this connection, will the Government inform this Council:*

- (a) *of the number of candidates who sat for the above Licensing Examination in the past three years, and among them, the respective numbers of the following four types of candidates and their passing rates:*
 - (i) *medical graduates of overseas universities returning to Hong Kong;*
 - (ii) *medical graduates of mainland universities returning to Hong Kong;*
 - (iii) *overseas qualified doctors; and*
 - (iv) *mainland qualified doctors;*
- (b) *in the past three years, of the main countries from which the two types of candidates referred to in (i) and (iii) above obtained their medical degrees, and the passing rates of candidates from those countries; and*

- (c) *whether the authorities will review the existing policy on the licensing examination system for doctors to allow more non-locally trained outstanding doctors to practise in Hong Kong, so as to help develop Hong Kong into a medical tourism centre in the Asia-Pacific Region?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, the Medical Council of Hong Kong (the Medical Council) is an independent statutory body established pursuant to the Medical Registration Ordinance. Under the principle of professional autonomy, it is within the purview of the Medical Council to determine and assess the qualifications of applicants for registration as medical practitioners. According to the Medical Registration Ordinance, with the exception of graduates of the two local faculties of medicine (that is, the faculties of medicine of the University of Hong Kong and The Chinese University of Hong Kong), all medical graduates regardless of where they received their medical training are required to pass the Medical Council's Licensing Examination and successfully complete a 12-month internship training in Hong Kong before they can register as medical practitioners in Hong Kong. Candidates may apply for exemptions from any part of the Licensing Examination or part of the internship training. The Exemptions Sub-Committee under the Licentiate Committee of the Medical Council will consider individual applications on its merits, and according to the established and open guidelines. For instance, a candidate who has satisfactorily completed his internship training in a hospital outside Hong Kong accredited by the Medical Council, or holds a specialist qualification in a particular discipline comparable to a Fellowship of the Hong Kong Academy of Medicine, may apply for exemption from the internship training in that discipline. Besides, if a candidate has at least 10 years of overseas post-registration experience, is an internationally renowned medical practitioner with outstanding qualities, and has not failed in the relevant part of the Licensing Examination, he may apply for exemption from the Examination in Professional Knowledge and the Clinical Examination. My reply to various parts of the question is as follows:

- (a) and (b)

The Licensing Examination is held annually by the Medical Council and it consists of three parts — Part I : Examination in Professional Knowledge; Part II : Proficiency Test in Medical English; and Part

III : Clinical Examination. If a candidate has taken any part of the Licensing Examination five consecutive times and failed each time, the Medical Council may prohibit him from taking the Licensing Examination again. Besides, a pass in Part I : Examination in Professional Knowledge will be valid for five years. Candidates may choose to take and complete all parts of the Licensing Examination within the same year or sit the remaining parts of the Licensing Examination within the five-year validity period of the pass in Part I. The Medical Council has not maintained records of the number of candidates who were medical graduates returning to Hong Kong from other places. Such information as the number of candidates who sat the various parts of the Licensing Examination, the passing rates, and whether the candidates held registration status to practise as a medical practitioner outside Hong Kong in the past three years are set out in the Annex to this reply.

- (c) Under the Medical Registration Ordinance, the Medical Council will recommend and review regularly the standard and structure of undergraduate medical education and medical training provided by the two faculties of medicine in Hong Kong. The Licensing Examination of the Medical Council aims to ensure that those who wish to register as medical practitioners in Hong Kong after receiving medical training outside Hong Kong have attained a professional standard comparable to that of local medical undergraduates, so as to safeguard the quality of our medical services and hence public health. Therefore, the Medical Council will ensure that the standard of the Licensing Examination is consistent with that adopted by the two faculties of medicine in Hong Kong for assessing their medical graduates. Besides, the Medical Council will invite overseas experts to participate in the assessment of candidates for the Clinical Examination. As the statutory body responsible for the registration of medical practitioners, the Medical Council will, within the purview of its professional autonomy, formulate the appropriate arrangements for medical practitioners registration. While the Administration certainly hopes that the supply of medical personnel is sufficient in Hong Kong, we have to ensure the professional standard of medical practitioners in order to provide the public with reliable and professional medical services.

2004 Licensing Examination held by the Medical Council

Places where candidates completed their medical training	Number of candidates																	
	Part I: Examination in Professional Knowledge					Part II: Proficiency Test in Medical English					Part III: Clinical Examination							
	Number of candidates sitting for the examination		Number of candidates passing the examination			Passing rate (%)	Number of candidates sitting for the test		Number of candidates passing the test			Passing rate (%)	Number of candidates sitting for the examination		Number of candidates passing the examination			Passing rate (%)
	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates		Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		
Mainland	41	11	2	0	4.88	13	3	8	2	61.54	11	6	4	2	36.36			
Taiwan	5	3	0	0	0.00	2	1	2	1	100.00	1	1	0	0	0.00			
The United Kingdom	5	5	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
Australia	8	8	2	2	25.00	0	0	0	0	-	1	1	1	1	100.00			
Netherlands	1	1	0	0	0.00	1	0	1	0	100.00	0	0	0	0	0.00			
Canada	3	2	2	1	66.67	0	0	0	0	0.00	6	4	3	2	50.00			
The United States	2	2	1	1	50.00	0	0	0	0	0.00	1	1	0	0	0.00			
Bangladesh	2	2	0	0	0.00	2	2	1	1	50.00	0	0	0	0	-			
South Africa	1	1	0	0	0.00	1	1	1	1	100.00	0	0	0	0	-			
Japan	1	1	0	0	0.00	1	1	0	0	0.00	0	0	0	0	-			
Russia	1	0	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
Nepal	1	1	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
Philippines	6	2	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
New Zealand	0	0	0	0	-	0	0	0	0	-	1	1	1	1	100.00			
Total	77	39	7	4	9.09	20	8	13	5	65.00	21	14	9	6	42.86			

2005 Licensing Examination held by the Medical Council

Places where candidates completed their medical training	Number of candidates																	
	Part I: Examination in Professional Knowledge					Part II: Proficiency Test in Medical English					Part III: Clinical Examination							
	Number of candidates sitting for the examination		Number of candidates passing the examination			Passing rate (%)	Number of candidates sitting for the test		Number of candidates passing the test			Passing rate (%)	Number of candidates sitting for the examination		Number of candidates passing the examination			Passing rate (%)
	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates		Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		
Mainland	44	9	4	1	9.09	23	1	16	1	69.57	11	5	4	2	36.36			
Taiwan	5	4	0	0	0.00	3	3	3	2	100.00	2	2	0	0	0.00			
The United Kingdom	11	10	4	4	36.36	0	0	0	0	-	4	4	0	0	0.00			
Australia	5	5	1	1	20.00	0	0	0	0	-	1	0	0	0	0.00			
Pakistan	1	1	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
Canada	1	1	0	0	0.00	0	0	0	0	-	1	1	0	0	0.00			
The United States	2	1	0	0	0.00	0	0	0	0	-	1	1	0	0	0.00			
Bangladesh	2	2	0	0	0.00	1	1	1	1	100.00	0	0	0	0	-			
Japan	1	1	0	0	0.00	1	1	1	1	100.00	0	0	0	0	-			
New Zealand	3	3	1	1	33.33	0	0	0	0	-	1	1	0	0	0.00			
India	1	1	0	0	0.00	0	0	0	0	-	0	0	0	0	-			
Nepal	1	1	1	1	100.00	0	0	0	0	-	1	1	1	1	100.00			
Philippines	4	1	0	0	0.00	1	0	1	0	100.00	0	0	0	0	-			
Total	81	40	11	8	13.58	29	6	22	5	75.86	22	15	5	3	22.73			

2006 Licensing Examination held by the Medical Council

Places where candidates completed their medical training	Number of candidates														
	Part I: Examination in Professional Knowledge					Part II: Proficiency Test in Medical English					Part III: Clinical Examination				
	Number of candidates sitting for the examination		Number of candidates passing the examination		Passing rate (%)	Number of candidates sitting for the test		Number of candidates passing the test		Passing rate (%)	Number of candidates sitting for the examination		Number of candidates passing the examination		Passing rate (%)
	Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong		Total number of candidates	Number of candidates who have registered outside Hong Kong	Total number of candidates	Number of candidates who have registered outside Hong Kong	
Mainland	40	7	1	1	2.50	24	3	17	3	70.83	5	3	3	2	60.00
Taiwan	8	4	1	1	12.50	6	3	6	3	100.00	1	1	0	0	0.00
The United Kingdom	19	19	7	7	36.84	0	0	0	0	-	6	6	3	3	50.00
Australia	11	10	4	3	36.36	0	0	0	0	-	4	3	2	2	50.00
Canada	3	3	2	2	66.67	0	0	0	0	-	2	2	0	0	0.00
The United States	5	4	1	0	20.00	1	1	1	1	100.00	2	1	0	0	0.00
Bangladesh	3	3	0	0	0.00	0	0	0	0	-	0	0	0	0	-
India	2	2	1	1	50.00	1	1	1	1	100.00	1	1	0	0	0.00
Czech	1	0	0	0	0.00	1	0	1	0	100.00	0	0	0	0	-
Myanmar	1	1	0	0	0.00	1	1	1	1	100.00	0	0	0	0	-
New Zealand	1	1	0	0	0.00	0	0	0	0	-	1	1	1	1	100.00
Pakistan	1	1	1	1	100.00	0	0	0	0	-	1	1	0	0	0.00
Ukraine	1	1	0	0	0.00	1	1	1	1	100.00	0	0	0	0	-
Japan	1	1	0	0	0.00	0	0	0	0	-	0	0	0	0	-
Ireland	2	2	2	2	100.00	0	0	0	0	-	2	2	0	0	0.00
Russia	1	0	0	0	0.00	1	0	1	0	100.00	0	0	0	0	-
Philippines	5	2	1	0	20.00	0	0	0	0	-	1	0	0	0	0.00
Total	105	61	21	18	20.00	36	10	29	10	80.56	26	21	9	8	34.62

MRS SELINA CHOW (in Cantonese): *The Secretary has provided us some astonishing figures. The Annex shows that in 2004, 2005 and 2006, the candidates who sat for the examinations were 77, 81 and 105 respectively, indicating an increasing trend year on year. However, the number of candidates who passed is extremely small. There were only nine among 77, five among 81 and nine among 105. During these three years, more than half of the candidates have registered outside Hong Kong.*

May I ask the Secretary whether he is really satisfied with such a situation? Now we in Hong Kong say that we have to absorb all quality talents, talents and experts from overseas in order to alleviate our burden of training expertise which we lack. On such a premise and under the long-standing policy of the Hong Kong Government, is he satisfied with these figures? If not, what work will he do?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, first of all, Members should understand that figures cannot fully represent the standards of the candidates because the medical standards of different parts of the world and the standards of different universities are quite different. It is difficult to comment who will pass and who will fail the examinations. In every part of the world, examination systems have been set up and foreigners have to sit for the examination before being qualified as professionals in that particular place. Take medical practitioners as an example. The passing rates are very low in many examinations in foreign countries. This is inevitable because some medical practitioners will sit for the examinations of different places in the hope that they can practise there even though their standards may not be very high.

Regarding the standard in Hong Kong, I have to declare my interest first. Madam President, I am a medical graduate and a registered medical practitioner in Hong Kong. The standard of Hong Kong has been relatively high and overseas experts who come here to sit for examinations have a high opinion on our medical standard. If we compare the standard in Hong Kong with that of other places, our ranking is higher. So, only those who have attained a certain level can meet the standards of the Medical Council. We consider this a normal practice.

We can also see that the passing rates of Hong Kong doctors in overseas examinations are higher than that of candidates from other countries. From

this, we can see that our standard is really quite high. Unless we lower the standard of the medical practitioners in Hong Kong, otherwise it will be difficult for more people to acquire the qualification of licensed medical practitioners in Hong Kong. However, we can see that there are already a certain number of medical graduates in Hong Kong and we will also absorb qualified and outstanding doctors from overseas in order to help our development in this aspect. We have put in place such a mechanism and are capable to do so.

So, I hope Members can understand that we have repeatedly studied the relevant system and consider this a healthy system.

MR ANDREW LEUNG (in Cantonese): *President, in order that Hong Kong can become a medical centre in the Asia-Pacific Region, we have to adopt an open attitude to absorb talents. But we can see that the Medical Council has implemented a lot of protective measures. In the first paragraph of the main reply, the Secretary said that the Exemptions Sub-Committee under the Licentiate Committee of the Medical Council will consider individual applications on its merits. May I ask the Secretary how many applications for exemption have been accepted by the Sub-Committee in the past few years and how many people have been granted exemption for parts or all of the examinations?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I do not have any figures on hand in respect of exemption and if an exemption is granted, it should be an exemption for parts of the examination. I think relatively very few people will be granted full exemption because, as I just said, if the person concerned is a specialist, only examination on his specialty or the relevant clinical examination will be exempted, instead of all the examinations. So, I believe the number of people being granted full exemption is very small. Having said that, I will try my best to provide the relevant figures to Members. (Appendix I)

MR JEFFREY LAM (in Cantonese): *I think we all support the policy of attracting quality talents to Hong Kong. However, does the Secretary know that the Medical Council has now set this barrier which will become a major obstacle to doctors who wish to return to Hong Kong or practise in Hong Kong? Recently many outstanding doctors have swarmed into Singapore or Australia to*

practise there because there is no such barrier in these two places. The situation will be worsening and many excellent doctors will not come to practise in Hong Kong. May I ask the Government whether measures will be formulated to improve such a situation?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, first of all, I would like to emphasize that our existing mechanism allows the cream of the medical profession to practise in Hong Kong after sitting for the relevant examinations.

Take specialists as an example. Two possible scenarios have been provided by the Medical Council. The first one is the so-called limited registration, which allows them to practise for a short time in our education institutes or the Hospital Authority (HA), apart from taking up other employment on their own in Hong Kong. Another is temporary registration. If they wish to perform some medical demonstration or take up some teaching jobs in Hong Kong, they can practise in Hong Kong for a period of time by application of our specialty colleges, the two universities and the HA. This will enable the elites, specialists and renowned doctors from around the world to practise here for a period of time. If they wish to continue to provide service here or start their own business, they have to sit for the examinations.

MR JAMES TIEN (in Cantonese): *President, professional autonomy will enable us to have the best doctors. We fully agree to this. However, we now see that the HA always says that there is a lack of manpower in respect of doctors and the working hours are too long. From the perspective of demand and supply, the more the population in Hong Kong, the more ill people will suffer. If the number of doctors does not increase, the problem cannot be solved. Even though I agree with you that doctors should score 100 marks, it does not mean that those who have scored 95 cannot be admitted.*

President, regarding Mrs Selina CHOW's supplementary question just now, the Annex shows that there were 105 candidates last year but only nine of them passed the examination. By looking at the details, we can see that there were 19 candidates in the United Kingdom but only three of them passed. There were 11 candidates in Australia but only two passed. There were three

candidates in Canada but no one passed. Similarly, there were five candidates in the United States and none of them passed. The United Kingdom, the United States, Australia and Canada are countries we are all familiar with. I do not believe the professional standards of their doctors are much lower than that in Hong Kong. President, regarding this question, will the Government, after wide consultation and discussions in this Council, really consider amending the legislation so that the relevant power can be returned to the Government and decisions will be made by the Secretary instead of the Medical Council?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I will certainly convey the views of Members today to the Medical Council for its consideration. But I think the Medical Council, like many other professional bodies, enjoys professional autonomy. Meanwhile, they also have the power and responsibility to uphold the medical standards in Hong Kong. I will reflect Members' views.

However, I think the most important thing is that doctors who come to practise in Hong Kong, regardless of their place of graduation, should have attained the basic standard. We certainly think that the standard of some advanced countries will be higher than that of some developing countries but it does not mean that doctors trained in the advanced countries must have attained a certain standard. So, it is necessary for them to sit for our examinations. Besides, some doctors may have practised in some places for a very long time and need to acquire the knowledge in some examinations or knowledge in all the subjects of their discipline. If they sit for the examination without doing revision or preparation, their passing rates will certainly be low. In this respect, I think all governments should uphold the relevant standard and system.

MR JAMES TIEN (in Cantonese): *President, the Secretary has not answered my supplementary question. My question is: In view of the undesirable situation at present, will the Secretary consider retrieving the power for vetting qualified doctors from the Medical Council?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, as I just said, the Medical Council, as a body which enjoys professional

autonomy, has to determine its own professional standard. The only thing I can do is to reflect Members' views to them.

MR TOMMY CHEUNG (in Cantonese): *In the main reply, the Secretary said that the Medical Council does not have any record on medical graduates returning to Hong Kong. This is really unthinkable because candidates are required to provide information on their educational background and training received. May I ask the Secretary whether he can ask for the relevant information from the relevant party and provide a written reply to the Legislative Council? If the Secretary is told that such information is not available, he should, in my opinion, follow up the matter and find out whether it is because there is no such category of candidates or record is deliberately omitted.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, the information I have provided includes the places where the candidates received education or were registered. It is very difficult for us to differentiate whether the candidates are Hong Kong people, whether they possess Hong Kong identity cards and whether they have applied for entry to Hong Kong with foreign passports. I think a survey has to be conducted again if such an analysis is made. I can tell Members that I will ask the Medical Council to pay more attention to this issue, but I may not be able to provide the figures in a comprehensive manner.

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

MR TOMMY CHEUNG (in Cantonese): *President, the Secretary has not answered my question. I think information about candidates returning to Hong Kong can be obtained easily. I think the Secretary should request such figures from them because we are now talking about Hong Kong people, those who have returned to Hong Kong, not only about the places where the candidates received education and training, but those candidates who have returned to Hong Kong. To get such figures should not be difficult. Nor do I think that there is any justification for the Secretary to say that such information is not available or not accessible.*

PRESIDENT (in Cantonese): You need not give any comments. You should just point out which part of the supplementary question has not been answered. Secretary, do you have anything to add?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): No, President.

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

MISS CHOY SO-YUK (in Cantonese): *President, now graduates from the Western medicine discipline are exempted from part of the licensing examination while graduates from the Chinese medicine discipline are not. May I ask the Secretary why there is such a difference in treatment between graduates from the Chinese medicine discipline and graduates from the Western medicine discipline? Will the Government align the two systems?*

PRESIDENT (in Cantonese): Miss CHOY, I suggest that you ask for such information by raising another question because I do not see any relationship between your supplementary question and the main question which only deals with Western medicine.

MISS CHOY SO-YUK (in Cantonese): *President, we are now discussing the figures and demand for doctors in Hong Kong, perhaps*

PRESIDENT (in Cantonese): Perhaps you can ask another supplementary question.

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

I would like to ask a supplementary question about the exemption of examination system for medical practitioners in Hong Kong. Of course, I also

agree with the concern of colleagues, that is, whether it is particularly stringent in respect of the requirements on overseas doctors. As we have an exemption system in Hong Kong, I would like to know whether doctors of different fields in Hong Kong will also be entitled to the same exemption.

PRESIDENT (in Cantonese): Your rephrased question is not allowed either. I know you hope that I will allow your question but I cannot because the main question is clearly about Western medicine practitioners only. I cannot say that Chinese medicine practitioners are not doctors, but the main question is about the registration of Western medicine practitioners and you should ask a question about this issue. If you wish to ask a question about the exemption system of Chinese medicine practitioners, you can raise another main question. Do you agree?

MISS CHOY SO-YUK (in Cantonese): *Fine.*

PRESIDENT (in Cantonese): Fifth question.

Health Care Services for Yuen Long, Including Tin Shui Wai

5. **MR LEE WING-TAT** (in Cantonese): *President, regarding the health care services for Yuen Long (including Tin Shui Wai), will the Government inform this Council:*

- (a) *although the Government indicated in a paper submitted to this Council in 2002 that Pok Oi Hospital (POH) would have a complement of 742 beds (including 622 acute in-patient beds) upon completion of the redevelopment project for POH, only 200 additional beds have been provided in POH since the completion of the project this year, when the remaining planned beds will be commissioned, of the estimated additional health care staff and funding required for the full commissioning of such beds, as well as the additional health care staff and funding the Government will provide to POH in the next two years;*

- (b) *whether it has assessed if the number of beds currently provided in POH can cope with the demand of the population of Yuen Long district, which exceeds 560 000, for public health care services; and*
- (c) *given that the Secretary for Food and Health indicated last month that hopefully a hospital would be provided in Tin Shui Wai within 10 years, and priority would be accorded to setting up a 24-hour out-patient clinic in Tin Shui Wai, of the preliminary work being undertaken for the construction of a hospital in Tin Shui Wai, when the 24-hour out-patient clinic will be set up, and the manpower and funding to be committed for such plans?*

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

- (a) The New Territories West Cluster (NTWC) comprises Tuen Mun Hospital (TMH), POH, Castle Peak Hospital and Siu Lam Hospital, providing health care services for a population of over a million in Tuen Mun and Yuen Long districts. Through the cluster-based service arrangements, the Hospital Authority (HA) strives to utilize the strengths of each hospital to complement the services among different hospitals within the cluster so as to ensure there is no service duplication or resources mismatch in its service planning.

The NTWC has been granted an additional allocation of about \$140 million in 2007-2008 to recruit more than 400 people for opening new services including those provided by POH and TMH Rehabilitation Block. Of the 622 acute beds provided under POH's redevelopment project, 200 beds are already in service and the remaining 422 acute beds would be put into service in phases. The number of convalescent beds has also been increased to 135 in recent years to address the service demand.

The HA will increase the allocation for the NTWC for the coming year to facilitate the redeveloped POH to commission more facilities and services in phases. Based on the service demand in the coming years, the NTWC will work out the schedule of commissioning of beds and services of POH, including the provision of additional operating theatre and acute wards, and an increase in the number of

beds for the surgery specialty and convalescent beds. If there is a continual increase in the local demand for in-patient services in future, the NTWC will make corresponding planning to cope with the needs.

- (b) The districts being served by POH include Tuen Mun, Yuen Long and Tin Shui Wai. After the commissioning of 200 acute beds in POH, there has already been some relief to the shortage of in-patient services (particularly in the medicine specialty) and the workload of accident and emergency (A&E) service (especially that in TMH) under the NTWC. The NTWC is also strengthening its ambulatory services and rolling out various rehabilitation programmes to prevent avoidable hospitalization and shorten patients' unnecessary hospital stay. The ambulatory services that have been launched by POH in its various centres include ambulatory surgery, diabetes treatment, ambulatory gynaecological service, family medicine and rheumatism treatment and so on. As the mode of services is gradually shifting from in-patient care to community care, it is anticipated that the demand for in-patient beds will continue to be relieved.

In sum, the redeveloped POH will emphasize the development of ambulatory care through optimum utilization of its advanced facilities whereas TMH will provide a full range of specialist A&E and integrated rehabilitation services. It is believed that the services provided by the two hospitals will complement with each other to ensure that suitable and sufficient medical services are provided for residents within the cluster area (including Yuen Long and Tin Shui Wai districts). The HA will review the utilization level of the new services, their effectiveness and the health care needs of the New Territories West region for the long-term development of services. It will continue to improve its services and facilities according to the priority of service demand.

- (c) We have planned to build a new general out-patient clinic (GOPC) in Area 109, Tin Shui Wai North and are currently working with the HA and other government departments on the planning and preparatory work, which involves discussion on the construction, the future operation and financial arrangement of the new GOPC as

well as its interface with other community facilities projects and services. Under the current plan, the clinic is expected to be completed and in service by 2012 at the earliest. As for the middle and long-term planning, we will explore the construction of a hospital in Tin Shui Wai. We are carrying out the preliminary preparatory work on site selection and project planning in conjunction with other government departments.

MR LEE WING-TAT (in Cantonese): *President, there are now almost 280 000 people living in Tin Shui Wai where there is only one primary clinic. The clinic in Tin Shui Wai North only operates from 2 pm to 5 pm (one session), Monday to Friday. President, I have this supplementary question for the Secretary. The GOPC in Tin Shui Wai North will not come into service until 2012, but people will get sick, and in the five years from now to 2012, over 100 000 people in the district are deprived of health care services. What planning does the Government have in mind to allow these poorest people — they are indeed the poorest who cannot afford private health care services — access to the primary out-patient clinic services provided by the Government?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, we reckon that primary health care services in Tin Shui Wai now are indeed insufficient. We are also aware that many residents in Tin Shui Wai North have to travel to Tin Shui Wai South for out-patient clinic services. Thus, we hope that the construction of the GOPC in Area 109, Tin Shui Wai North, can be completed as soon as possible. Moreover, we also notice that there is a considerable number of patients with chronic illnesses living in Tin Shui Wai North who need to frequently access primary health care services. Thus, we have indicated in the past that the HA would reach a consensus in the near future with private doctors in the district on taking care of these patients, that is, by allowing these chronically-ill patients to receive private medical services in Tin Shui Wai North at the charge level of GOPC. We hope that this programme can be implemented within six months. We will construct the GOPC in Tin Shui Wai North as soon as possible, hoping that its services can be made available to local residents as soon as possible.

We also know that Tin Shui Wai has a population of about 280 000 at present. We hold that there is a need to set up a local hospital for a district of

such scale. However, as I stated just now, POH still has considerable unused capacity and the hospital was planned with, among others, the residents in Tin Shui Wai in mind, we thus hope that the services of POH can be fully utilized before we establish a new hospital in Tin Shui Wai. This is the status now.

MR LEE WING-TAT (in Cantonese): *The Secretary has not answered my supplementary question. In fact, the Secretary has already admitted that Tin Shui Wai North does not have a clinic. My supplementary question is very simple. President, you should have heard it very clearly, which is, from now (2007) to 2012, regarding these 100 000-odd residents in Tin Shui Wai North — dividing the district into the northern and southern parts, each part should have a population of about 140 000, do they not need to see a general practitioner? Because there is no GOPC in the area. The Secretary did not answer this part of the question. I was not asking about POH, but about what doctors these 100 000-odd residents in Tin Shui Wai North should seek help from in case they catch a cold or suffer from coughing?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, at present, there are some 10 to 20 private medical practitioners in Tin Shui Wai North. It is certainly not very convenient for residents in the district to see a doctor, but the majority of the patients will travel to Tin Shui Wai South to seek medical services.

MR CHEUNG HOK-MING (in Cantonese): *President, the Secretary mentioned just now in replying Mr LEE Wing-tat that based on the population development of Tin Shui Wai, it should have a district hospital. The Secretary said in the last sentence of part (c) of the main question that "we will explore the construction of a hospital in Tin Shui Wai. We are carrying out the preliminary preparatory work on site selection and project planning in conjunction with other government departments." May I ask the Secretary, according to his timetable, whether this exploration — I am referring to the study — has started? If it has, when will it be completed?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, we certainly have started the study on site selection and planning of the hospital.

As to the completion date, we need to reconsider the overall planning of Tin Shui Wai. We will expeditiously hold discussion with relevant departments and then make an announcement.

DR YEUNG SUM (in Cantonese): *Madam President, the Secretary pointed out in part (b) of the main reply that POH is actively developing its ambulatory services, which has led to the delay in the full commissioning of its beds and rendered residents in the district no option but having to rely on the specialist A&E clinic of TMH. The 200 beds of POH cannot meet the demand of Tin Shui Wai residents for health care services. They have to travel all the way to TMH for consultations, rendering the A&E Department of TMH swarmed with patients. This indeed is very inconvenient to the residents in Tin Shui Wai. May I ask the Secretary whether he will, granting sufficient finance or a surplus, expedite the full commissioning of beds in POH — instead of in phases — as it is uncertain how much longer it will be delayed if it is commissioned in phases?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *Madam President, we certainly wish to commission all services in the nearest future, but generally speaking, the development of a hospital takes time to mature. Based on past experience in setting up a new hospital, such as Tseung Kwan O Hospital or North District Hospital which are relatively new district hospitals, they took five to seven years to reach their full capacity. The main reasons are that public recognition of and confidence in a hospital need time to build up, and that it also depends on the package of a hospital, especially the training of its professionals or the combination of its staff teams. Hence, in this connection, we wish to commission them as soon as possible, but they are also subject to the HA's decision on growth each year. We hope that all the space and facilities of the hospital can be fully utilized as soon as possible.*

DR FERNANDO CHEUNG (in Cantonese): *There is indeed a major problem with the health care services in Tin Shui Wai. The Secretary indicated that the number of beds in POH has been increased, but there is no direct shuttle from Tin Shui Wai North to POH. Other than taking a taxi, people have to take more than one transport means to get there. Moreover, the district basically does not have night-time out-patient service and A&E service. The situation in Tin Shui*

Wai North is therefore the most acute. The Secretary now said that according to the plan the new clinic will not come into service until 2012. May I ask the Secretary whether this can be expedited? As of now, that is, 2007, the situation is already so acute. Do we need to wait for four or five more years? Can this be done more quickly? Do not answer that it will be done as soon as possible. Please give me a reply that it will be commissioned soon. 2012 is too distant in the future.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I also hope that it can be expedited, but I believe many works projects have to follow established procedures. I wish we can work at full steam, but 2012 has all along been our target. Certainly, it is commissioned the sooner the better.

MR ANDREW CHENG (in Cantonese): *President, in relation to the Secretary's main reply and several Members' supplementary questions, I believe the Secretary will not deny and is basically aware that health care services in Northwest New Territories (NTNW), that is, the area around Tin Shui Wai and Yuen Long, are indeed very tight. In fact, the Government allocates \$30-odd billion to the HA every year. Despite the situation in NTNW being so acute, the couple hundreds of beds of POH still have to be commissioned in phases, the clinic has to take five more years to be ready for service, and the hospital has to undergo a long period of planning. Under such an acute situation and on the premise of the one line vote the Government makes to the HA, whether the Secretary will seriously consider, in relation to the population and poverty problem of NTNW, the policy on the health care funding mechanism and give special consideration to allocating more resources to NTNW so as to expedite the construction of the hospital and the commissioning of the clinic and beds?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I believe the simple answer is yes. In this regard, work has been in progress. I hope that more information will be released in the Budget next year.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Secretary stated in part (b) of the main reply that after the commissioning of the 200 acute beds in*

POH, there has already been some relief to the shortage of health care services in the NTWC. President, the increase of acute beds will certainly relieve the situation, but the question is, to what extent it is relieved. This is the crux that we are concerned about. Moreover, the public need to know whether the extent of the relief can meet and satisfy public demand. Thus, may I ask the Secretary whether he has assessed, in relation to public demand, the service gap after the commissioning of the 200 beds and the extent of the so-called relief so achieved?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, the A&E service and acute in-patient service of POH was introduced only in September, so it has only accumulated several months of experience. In the past, all Yuen Long residents have to travel to TMH to seek services. In particular concerning the queuing time of A&E services, I believe TMH has already provided triage for category III, IV and V patients. In other words, improvements have been made to urgent, semi-urgent and non-urgent cases. For example, the waiting time for urgent cases has been reduced from 15 to 17 minutes in the past to 13 to 14 minutes now; for semi-urgent cases, the waiting time has dropped from almost 100 minutes to 70 to 85 minutes; and non-urgent cases (Category V patients) which had to wait for almost 110 minutes are now treated in 76 to 84 minutes. For POH, the number of attendance of its A&E service has also surged from 2 800 in September when the service was introduced on a limited scale to 7 300 in October. I believe the number will continue to rise.

As for in-patient services, in particular medical wards, there has all along been a great demand for beds in TMH. For a very long time its occupancy has exceeded 100%. Additional beds are thus required. However, since August this year, its occupancy has dropped to 95%, or even 89%. In other words, there has been some relief to the situation. Certainly, we also wish to continue to commit more resources to POH to enhance its service capacity, so that residents in Yuen Long and Tin Shui Wai can opt for POH rather than having to travel to TMH.

We hold that some improvement has been made, but if you ask whether there is a figure specifying the extent to which everyone will be satisfied, it will be rather difficult. However, the service has to fare better after each increase in resources before it can reach our service goal.

MR LEUNG YIU-CHUNG (in Cantonese): *President, I thank the Secretary for replying in great detail and providing us with many figures, but he has not answered my supplementary question, that is, whether there is a standard specifying the level of expectation to be reached and how far the present level is from the original expectation.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *Madam President, our expectation of the HA on its service is that it can strive to serve the people in the district as far as possible; especially in relation to its positioning, such as on the A&E service, we anticipate that it can provide service to the disadvantaged groups and acute patients in the district. I believe it can meet the target of several major service areas.*

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

Clearance of Unauthorized Building Works

6. **MR ALBERT HO** (in Cantonese): *President, the Court of Final Appeal recently ruled, in respect of a compensation claim arising from an accident involving unauthorized building works (UBWs) fallen from a building, that the owners' corporation (OC) of the building concerned was liable for compensation. In this connection, will the Government inform this Council:*

- (a) *of the current total number of buildings with UBWs in Hong Kong, and among them, the number of buildings for which OCs have been formed and which have third party insurance taken out for their common parts (including the parts with UBWs);*
- (b) *when individual owners ignore the requests of OCs or the Buildings Department (BD) for the removal of UBWs, what powers OCs may exercise and duties OCs must discharge to protect themselves against the liability for compensation for accidents caused by those UBWs; and*

- (c) *of the progress of removing UBWs from buildings by BD (including the numbers of warning letters and removal orders issued as well as the number of UBWs removed in each of the past three years), and whether it will expedite the removal of certain UBWs next year; if so, of the details?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, UBWs in buildings is a rather complex issue, involving two major policy areas, namely building management and building safety. The Home Affairs Bureau and the Home Affairs Department under the Bureau are responsible for Hong Kong's building management policies, formulating legislation relating to building management, and providing advice on and assistance in building management for owners. The Development Bureau and the BD under our Bureau are responsible for building safety policies, formulating the related legislation and taking enforcement actions to remove UBWs.

The following is the reply of the two policy bureaux to the three-part question:

- (a) Given the prevalence of UBWs in Hong Kong, the Government does not have the exact statistics of existing private buildings with UBWs in the territory. According to the estimate of 2000, there were about 800 000 UBWs in Hong Kong at that time. Since the launch of strengthened and systematic enforcement action against UBWs in 2001, the BD has endeavoured to curb the emergence of new UBWs and removes about 40 000 UBWs every year. We estimate that at present there are still about 520 000 UBWs in Hong Kong.

Currently, there are about 40 500 private buildings in Hong Kong. According to the statistics of the Home Affairs Bureau, 15 578 buildings have formed OCs. Among these 15 000-odd buildings, 13 806 buildings (that is, 88%) have taken out third party insurance. Nevertheless, as the scope, items and terms covered by insurance policies are agreements between the insurance companies and the relevant OCs, the authorities does not have the statistics on whether the parts of buildings with UBWs are covered in those third party insurance policies.

- (b) An OC is a body corporate with independent corporate status and power. The Building Management Ordinance empowers an OC to

act on behalf of the owners in managing the common parts of the buildings. At a meeting of an OC, any resolution may be passed with respect to the control, management and administration of the common parts or the renovation, improvement or decoration of those parts and any such resolution shall be binding on the management committee and all the owners.

In addition, a member of a management committee and any other authorized person may, on reasonable notice to the owner or occupier thereof, enter a flat at any reasonable time for the purpose of inspecting, repairing, maintaining or renewing any common parts in the flat, or any other objects in the flat which may affect adversely the common parts or other owners, and abating any hazard or nuisance which may adversely affect the common parts or other owners.

The Ordinance also provides that any costs incurred by the management committee in connection with the exercise by it of the above powers conferred shall be recoverable by the corporation as a civil debt from the owner of the flat in respect of which such costs were incurred.

- (c) After extensive consultation, the BD announced in 2001 the "Enforcement Policy against UBWs" to handle UBWs in Hong Kong. For UBWs that are of high priority, including UBWs constituting obvious or imminent danger to life or property, new UBWs and UBWs constituting a serious hazard or environmental nuisance, the BD will issue to the owner a removal order requiring him to remove the UBWs in question or he is liable to prosecution.

As for the types of UBWs which do not belong to the category of priority demolition, the BD will issue a "warning notice" (WN) to the owner as appropriate. Should the owner fail to remove the UBWs before the specified period of time, the BD will register the WN against the title of the subject premises in the Land Registry and will deregister it only after the UBWs in question are completely removed.

The progress of enforcement actions taken by the BD over the past three years is as follows:

The BD issued 25 007 and 32 711 removal orders in 2005 and 2006 respectively. In the first 10 months of this year, a total of 28 984 removal orders were issued.

As for WNs, the number stood at 2 184 in 2005, 8 498 in 2006 and 7 098 in the first 10 months of this year.

Through the BD's enforcement actions against UBWs, a total of 40 365, 48 479 and 44 197 UBWs were removed in 2005, 2006 and the first 10 months of 2007 respectively.

Since the implementation of the current enforcement policy in 2001-2002, the Government has further allocated more than \$1.3 billion to the BD for taking enforcement actions against UBWs and enhancing building safety. In the light of its past enforcement experience and manpower requirements, the BD will maintain the annual target of removing not less than 40 000 UBWs in future. The BD will be provided with adequate resources to continue with its multi-pronged approach in handling UBWs, including immediate removal of dangerous and new UBWs, annual large-scale operations to remove existing UBWs, and enhancing the public's awareness of problems of UBWs and their responsibilities as owners through publicity and education programmes.

Following the existing enforcement policies, the BD will conduct reviews from time to time to step up enforcement actions for specific types of UBWs. For example, the BD has, since 2006, intensified the demolition of unauthorized mounting of large glass panels on the external walls of buildings and large signboards to ensure public safety. The BD will continue to take vigorous enforcement actions next year.

MR ALBERT HO (in Cantonese): *Regarding the recent ruling on UBWs handed down by the Court of Final Appeal, I believe the Government also realizes that its impact on the OCs is even greater than that of the Albert House ruling because it does not only apply to the common parts, but also UBWs within private flats if they affect the safety of the common parts; if so, the OC will also have the responsibility to remove them. Otherwise, the entire OC will be held responsible. Given this precedent, I can say in very plain terms that the*

members of many OCs will become very frightened. Whenever there are some problems with UBWs that may lead to legal proceedings, or whenever legal liability comes to their minds, many people will no longer be willing to stand in OC elections. I have recently heard that some people have even thought of dissolving the OCs. I have a question for the Secretary — I am not sure whether the Secretary for Home Affairs or the Secretary for Development would answer my question — part (c) of the main reply seems to suggest that, if it is a case that warrants emergency handling, that is, if an owner finds that certain UBWs are dangerous, he may notify the Government of the situation, and then the Government will remove the UBWs with priority. May I ask the Secretary to explain explicitly what the relevant procedure should be? Are there any performance pledges? In this way, the owners would not have to wait indefinitely after reporting the case to you. While waiting, they would be very frightened because they fear that the UBWs could fall any time, causing damage to others, and they might have to pay a very huge amount of money in compensation. Once legal proceedings have started, they will not be able to know how much money they will have to pay and what consequences it will bring. Can the Secretary explain clearly the opening section of part (c) of the main reply?

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

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I wish to thank Mr Albert HO for raising the question.

I would like to first point out that building safety must be the individual responsibility of an owner or the joint responsibility of owners. Therefore, in performing our law-enforcement work in respect of building safety, we must insist on upholding this principle, though we must also be mindful of public safety. Therefore, in the case mentioned by Mr Albert HO just now, that under certain specific circumstances, if the owner fails to comply with the BD's removal order to remove the UBW in question within the deadline specified in the removal order, then once we detect that there is imminent danger, we shall make the decision of first removing it and then pursuing the reimbursement of the expenses incurred later. But the major consideration must be the imminent danger posed by this UBW to the public, instead of the intention of resolving disputes among individual owners by way of government intervention in the adoption of this method.

MR ALBERT HO (in Cantonese): *The Secretary has only reiterated the policy. In fact, I was asking about the procedure of implementing the policy. For example, someone has lodged a complaint to the Government, expressing the worry that a UBW may pose a danger. Then is there any procedure for the Government to follow in dealing with it? How long does the Government take before it can tell the owner that it finds that there is no problem after inspection, and that according to the normal procedure, it will address the issue at the rate of removing 40 000 UBWs a year? Can the Secretary tell us the relevant work procedure as well as the performance pledge? I demand the Secretary to give us a more concrete answer.*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): We do have very concrete targets regarding our enforcement procedure and performance pledge. For example, the 24-hour emergency service target of the BD is, for emergency incidents that must be dealt with during office hours, urban area cases have to be dealt with within 1.5 hours; new town cases in the New Territories within two hours; and non-new towns cases in the New Territories within three hours. For emergency incidents that are dealt with outside office hours, the same targets are: both urban area cases and new towns cases have to be dealt with within two hours, and cases in other parts of the New Territories have to be dealt with within three hours. If the case is related to unauthorized buildings under construction, but not a non-emergency case, the BD undertakes to deal with the report within 48 hours.

With regard to the procedure, generally speaking, after a complainant has lodged a complaint about UBWs, the BD will first conduct an investigation according to the above performance pledge. If necessary, it will conduct an inspection. If the UBW is of high priority, the first step is to issue a letter to the owner to ask him to take actions. If he fails to take actions as stated in the letter, we shall then issue a removal order, which would require that removal actions be taken within two months. If the removal order is not implemented, we shall then take prosecution actions. At this stage, if the BD decides that the UBW in question does constitute imminent danger, it will carry out the procedure of first removing it and then pursuing the reimbursement of the expenses incurred later.

For cases that do not belong to the priority category, the procedure also involves the conduct of an investigation upon the receipt of a complaint as stated in the earlier performance pledge. Since the UBWs in such cases do not belong to the priority category, that is, they do not constitute any imminent danger, so what comes next would be the issuance of a WN, which requires the owners to take actions within 30 days. Should the owner fail to take actions within 30 days after the issuance of the WN, a statutory WN will be issued. If even the statutory WN is ignored, we shall proceed to register the WN against the title of the subject premises.

MR ALBERT HO (in Cantonese): *President, the Secretary still has not answered the most crucial part of the question, that is, how long it will take before an investigation can be conducted. The owners are precisely waiting for the Government to conduct investigations.*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): I can only add some brief information. Since there are too many types of UBWs, so the lead time for conducting an investigation would depend very much on the actual circumstances.

MR FRED LI (in Cantonese): *Secretary, I wish to use the case of the balconies of some buildings in Yuet Wah Street, Kwun Tong, as an example. Over 300 owners have received removal orders of UBWs, which shows that a problem has emerged. The problem is, these owners kept receiving removal orders in respect of different UBWs from the BD during the past decade or more. This time they are asked to remove this UBW, and next time, they are asked to remove that UBW. Even after the entire building has just completed its maintenance works, it still received removal orders. Does the BD have a system at all in issuing such removal orders? If there are three UBWs in a flat, they should be dealt with altogether, instead of having them dealt with separately over the span of several years because this would cause great disturbances to the owners.*

Does the BD has such a policy? Or does it still issue a removal order just for certain conditions, while ignoring whether the owner in question has already received another removal order previously? Does the BD have some co-ordinated practices, so as to prevent the owners from being subject to such disturbances?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, regarding the case of Yuet Ming Building at Yuet Wah Street, Kwun Tong, the reports on it in fact differ slightly from what actually happened. Mr Fred LI is personally involved in it, so I believe he should have a good grasp of the situation.

In fact, Yuet Ming Building is one of the so-called 1 000 target buildings picked out by the BD each year because there are lots of UBWs on its external walls. In 2006, the BD issued letters to all the owners to inform them that their building had become a target building which would have to undergo large-scale removal activities. But in the same letter to the owners, the BD had already reminded owners that, apart from the UBWs on the external walls, it had come to the BD's attention that there were also some other UBWs in individual flats that might also constitute danger. By this, the BD was basically referring to the conversion of originally open balconies into enclosed ones. Therefore, we had already reminded owners that follow-up actions would be taken and we might issue removal orders again in respect of UBWs in individual flats. Since we had to prove that such UBWs were dangerous, so we had to, as mentioned earlier, conduct the investigations in 2007. In October 2007, we issued letters to owners again to ask them to remove UBWs that structurally warrant immediate actions.

However, at the time when the owners first received the letter, they had already voluntarily commenced large-scale maintenance and renovation works, so when they received the removal orders again, it seemed there had not been any co-ordination at all. In fact, generally speaking, for a building among these 1 000 target buildings, if owners have received notification from the BD, usually they would contact the BD and discuss what has to be done next. The BD will provide assistance by all means in order to prevent the emergence of such confusion over the orders of events.

MS MIRIAM LAU (in Cantonese): *Madam President, it is mentioned in part (c) of the main reply that, for UBWs that are of high priority for removal, they would include "UBWs constituting obvious or imminent danger to life or property". We all know that, in the busy parts of the urban area of Hong Kong, there are a lot of advertising signboards, many of which have been put up without authorization and would pose very great danger or threat to passers-by. May I ask whether such advertising signboards fall into the category of high priority for removal? If they do not fall within that category, why not?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, it depends on certain factors before we can decide whether such advertising signboards should fall into the category that warrants high priority for removal. Since in the category of UBWs that must be removed, there are also some UBWs that constitute obvious or imminent danger to life or property or some UBWs that are exceedingly large in size. Therefore, if such advertising signboards are very large in size or constitute imminent danger, we would take actions against them with high priority.

Besides, we have formulated two policies or measures in recent years. First, as I said just now in the last part of the main reply, we have started to notice that, since 2006, a type of buildings have emerged in Hong Kong, that is, those with large glass panels. In other words, the whole piece of an external wall of an above grade flat was replaced by a piece of glass. Very often, some shops or fashion shops would convert an external wall in this way for the purpose of displaying their goods. Therefore, since 2006, under the policy of priority removal buildings, we have regarded such large glass panels mounted on the external walls of buildings and large signboards as targets for priority actions to ensure public safety.

Secondly, there are also some discarded advertising signboards in Hong Kong. We did take specific actions against such discarded large signboards. For example, we are working in conjunction with the Hong Kong Housing Society to take clearance actions.

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

MS MIRIAM LAU (in Cantonese): *Madam President, the Secretary has not provided any response in relation to certain parts of the requested information.*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, please allow me to provide such information in writing. (Appendix II)

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

MR CHAN KAM-LAM (in Cantonese): *President, it is mentioned in part (b) of the main reply that the management committee may enter some UBWs to carry out maintenance works. But what usually happens in reality is that the UBWs themselves are actually causing obstruction, which prevents the conduct of lots of works. Therefore, on such issues, we must have the co-operation of all the three sides, namely, the small owners, the OCs and the BD. When an OC requests the BD to issue removal orders to clear UBWs on the rooftop, the BD would usually say that insofar as safety is concerned, the UBWs do not constitute any imminent danger, so it is unwilling to issue the removal orders.*

Can the Secretary further consider that, when an OC proceeds to carry out maintenance works on the building, and if the OC does make the above request, can the Government accede to its request, so that when comprehensive repairs and maintenance is carried out on the building, the OC can remove all the UBWs, thereby enabling all the maintenance work items of the building can be implemented once and for all?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as I have just said, in tackling such UBWs, the BD would make public safety its first priority in taking enforcement actions, which at the same time must ensure that fair treatment is accorded to all. As such, in dealing with individual cases, we hope that, after the BD has issued removal orders, it would encourage the relevant owners to reach a consensus on the conduct of such works. This would be a more desirable approach.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Improvements to Urban Planning, Land Administration and Approval Procedures for Building Construction**

7. **MR ABRAHAM SHEK:** *President, in his 2007-2008 policy address, the Chief Executive announced that the Government would examine if further improvements could be made to urban planning, land administration and approval procedures for building construction. In this connection, will the Government inform this Council of the details of the above examination (including the expected commencement time and time taken to complete it, as well as the targets)?*

SECRETARY FOR DEVELOPMENT: President, the Government is committed to speeding up the approval procedures for private works, and reviews from time to time the procedures and processes for handling such applications with a view to moving with the times. As pointed out by the Chief Executive in his 2007-2008 policy address, the Government is not only a regulator, but also a service provider. We are responsible for enhancing the efficiency of the building construction industry and the property development market, promoting a business-friendly environment and maintaining the competitiveness of Hong Kong.

In line with the above objectives, the Development Bureau is working together with the departments concerned to examine if further improvements can be made to urban planning, land administration and approval procedures for building construction.

The work has commenced. At the meeting of the Land and Buildings Advisory Committee (LBAC) in mid-October, Members noted a flow chart for a typical development approval process, the concerns of the industry, the discussion held and the feedback made by the LBAC's Subcommittees and the Government previously in response to such concerns.

Regarding the targets and direction of our work, we will follow up the following issues, including:

- (i) the Planning Department, the Lands Department and the Buildings Department examining the possibility of adopting more aligned definitions of the development parameters commonly used by them.

Should the differences in interpreting the definitions need to be retained due to statutory requirements and the terms of land leases, a clearer account of the differences will be given. This will help improve the processing of applications for development;

- (ii) examining how to strengthen liaison with other departments concerned, for example, the Transport Department, the Highways Department, the Environmental Protection Department, and so on, and work on shortening the time required to obtain their respective agreement or advice;
- (iii) examining how to enhance communication with the project proponents of the developments, so that the project proponents could provide the required information in a better and more timely manner; and
- (iv) exploring other proposals that can help streamline, expedite and enhance the effectiveness of the process.

Souvenirs and Tickets of Celebration Activities of 10th Anniversary of Reunification Used in Electioneering Activities

8. **MR LEUNG KWOK-HUNG** (in Chinese): *President, a member of the public has reflected to me that prior to the 2007 District Council (DC) Election, some candidates and the political bodies to which they belong had given out souvenirs and tickets of government-funded celebration activities of the 10th anniversary of reunification to the public free of charge. The member of the public has commented that such a practice may arouse suspicion that public money was used to assist in the electioneering activities of those candidates. In this connection, will the Government inform this Council:*

- (a) *whether it knows the names of the political bodies involved in the above practice;*
- (b) *of the details of the expenditures on the above celebration activities funded by various government departments; and*
- (c) *of a breakdown, by political parties and bodies, of the quantities of souvenirs and tickets of the above celebration activities distributed by various government departments to such organizations, as well as the types of the activities involved?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, my replies to the three parts of Mr LEUNG Kwok-hung's question are as follows:

- (a) The Government does not have information showing that candidates of the 2007 DC Election and the political bodies to which they belong had given out souvenirs and tickets of activities held to celebrate the 10th anniversary of the establishment of the Hong Kong Special Administrative Region (HKSAR) to the public free of charge for electioneering purpose.
- (b) The Government spent about \$69,245,000 (not including expenditure on personal emoluments) on organization of activities to celebrate the 10th anniversary of the establishment of the HKSAR in the 2007-2008 financial year. Details of the additional provision used by various departments to fund celebration activities are as follows:

Former Celebrations Co-ordination Office of the Home Affairs Bureau	about \$4,800,000
Home Affairs Department	about \$16,986,000
Leisure and Cultural Services Department	about \$38,994,000
Constitutional and Mainland Affairs Bureau	about \$8,465,000
	Total: \$69,245,000

The above figures exclude the expenditures on activities held in relation to the 10th anniversary of the establishment of the HKSAR funded by various departments through redeployment of their existing resources. Furthermore, the 18 DCs also allocated \$13,405,482.25 to subsidize celebration activities for the 10th anniversary of the establishment of the HKSAR.

- (c) The Government set up the Celebration Co-ordination Office early this year to co-ordinate activities organized by various departments to celebrate the 10th anniversary of the establishment of the HKSAR, as well as to co-ordinate the production of souvenirs for distribution at the celebration activities. Such souvenirs were also provided to local organizations for distribution at the relevant 10th anniversary celebration activities organized by them. Details of the local organizations concerned and the quantities of souvenirs distributed to them are at Annex.

Annex

	<i>Name of organization</i>	<i>Name of activity</i>	<i>Types of souvenirs in celebration of the establishment of the 10th anniversary of the HKSAR and approximate quantities</i>
1	中西區慶祝香港特別行政區成立十周年統籌委員會	中西區七人足球賽	A total of: 500 towels 500 caps 500 badges 7 800 fans 1 200 bangles
2	中西區慶祝香港特別行政區成立十周年統籌委員會	中西區慶祝香港特別行政區成立十周年綜合晚會	
3	中西區慶祝香港特別行政區成立十周年統籌委員會	中西區慶祝香港特別行政區成立十周年活動開展禮暨十周年燈飾亮燈儀式	
4	中西區慶祝香港特別行政區成立十周年統籌委員會	慶祝香港特別行政區成立十周年龍獅武術大匯演	
5	中西區慶祝香港特別行政區成立十周年統籌委員會	中西區錦繡香江慶回歸十周年巡遊大匯演暨嘉年華	
6	中西區慶祝香港特別行政區成立十周年統籌委員會	時間囊	
7	中西區慶祝香港特別行政區成立十周年統籌委員會	古蹟巴士遊	
8	中西區慶祝香港特別行政區成立十周年統籌委員會	老店街 展覽、講座、設置檔位	
9	東區康樂體育促進會	慶回歸十周年東區粵劇欣賞晚會	500 fans
10	南區慶祝香港特別行政區成立十周年籌備委員會	南區十載情沙灘音樂會	250 badges 250 luggage tags
11	南區慶祝香港特別行政區成立十周年籌備委員會	南區漁港婚 FUN 情	100 caps 100 towels 100 luggage tags 100 fans
12	南區慶祝香港特別行政區成立十周年籌備委員會	"成功 10 載"南區慶祝香港特別行政區成立十周年大匯演	400 caps 1 200 bangles 500 badges 700 towels 400 luggage tags 1 700 fans
13	灣仔區文娛康樂體育會、灣仔民政事務處	和諧圓融中秋夜	600 luggage tags 600 fans 400 towels 200 bangles 150 badges 1 000 umbrellas
14	灣仔區青少年暑期活動統籌委員會、灣仔民政事務處	慶祝香港回歸十周年"香港特色競繽紛"青少年活動：問答及競技遊戲日	500 luggage tags 730 fans 100 towels 700 bangles 370 T-shirts 500 badges 850 fans
15	灣仔西分區委員會、灣仔民政事務處	十載回歸樂共鳴	2 000 fans
16	聖雅各福群會	慶祝國慶暨香港特別行政區成立十周年活動 — 社區共融建和諧 綜合表演晚會	100 T-shirts
17	循道衛理中心	灣仔區慶祝香港特別行政區成立十周年 — "同證回歸十載情、互建社群樂共融"系列計劃	150 T-shirts
18	香港島各界聯合會有限公司	港島歡騰賀回歸十周年 — 香港邁向新里程嘉年華	50 T-shirts

	<i>Name of organization</i>	<i>Name of activity</i>	<i>Types of souvenirs in celebration of the establishment of the 10th anniversary of the HKSAR and approximate quantities</i>
19	離島區議會慶祝香港特別行政區成立十周年紀念活動籌備委員會、離島八區鄉事委員會、寶蓮禪寺、東涌各界節慶籌備委員會、離島民政事務處	佛光照耀香港、離島區全民舞動慶祝回歸十周年	120 luggage tags 210 badges 150 towels 1 200 fans 450 bangles
20	離島區議會慶祝香港特別行政區成立十周年紀念活動籌備委員會、離島區體育會、康樂及文化事務署、離島民政事務處	慶祝香港回歸十周年全港彩艇大賽	200 caps 250 luggage tags 250 badges 250 towels 250 fans
21	離島區議會慶祝香港特別行政區成立十周年紀念活動籌備委員會、離島區體育會、康樂及文化事務署、離島民政事務處	離島區慶祝香港回歸十周年五人足球賽	55 caps 240 luggage tags 240 badges 250 towels 1 530 fans 500 bangles
22	北區青少年暑期活動統籌委員會	慶祝香港特別行政區成立十周暨 2007 北區青少年暑期活動開幕典禮	500 fans
23	北區文藝協進會	精英薈萃慶回歸	800 fans
24	北區民政事務處、香港宣教會白普理上水家庭中心	北區家庭歡樂日營	400 caps
25	北區民政事務處、香港宣教會白普理上水家庭中心	北區家庭歡樂遊	400 caps
26	西貢民政事務處、西貢區各界慶祝香港回歸祖國十周年籌備委員會	和諧西貢嘉年華開幕禮	2 000 towels
27	2006/2007 沙田節統籌委員會	沙田節十公里長跑比賽慶回歸十週年	300 bangles 300 towels
28	沙田區議會公共關係工作小組	慶祝香港回歸十周年龍舟競渡(參賽)	430 caps 400 fans 100 T-shirts
29	2006/2007 沙田節統籌委員會	沙田節沙田萬人紫荊操暨香港回歸十周年慶典	230 caps 1 200 badges 850 luggage tags 220 fans
30	馬鞍山民康促進會	香港特別行政區成立十周年慶祝活動特區十載繞樑三日儷影笙歌今晚夜 2007	500 bangles
31	荃灣區議會	荃灣區慶回歸十周年江蘇省藝術團大匯演暨酒會	1 000 luggage tags
32	荃灣區議會	荃灣區慶回歸十周年青少年歌唱比賽	1 100 bangles
33	聲韻飄揚曲藝社	慶祝香港回歸 10 週年聲韻戲曲欣賞晚會	350 fans
34	荃灣各界慶祝香港回歸祖國十周年籌備委員會	圓玄繽紛煙火耀荃城	2 000 luggage tags
35	荃灣各界慶祝香港回歸祖國十周年籌備委員會	荃灣區慶回歸十周年江蘇省藝術團大匯演	1 000 luggage tags
36	荃灣各界慶祝香港回歸祖國十周年籌備委員會	荃灣區慶回歸十周年巡遊大匯演	300 towels 500 caps 500 T-shirts
37	元朗區慶祝香港特別行政區成立十周年統籌委員會及元朗民政事務處	元朗藝墟暨觀光巴士遊	760 towels 740 luggage tags 660 fans 700 caps 300 T-shirts

	<i>Name of organization</i>	<i>Name of activity</i>	<i>Types of souvenirs in celebration of the establishment of the 10th anniversary of the HKSAR and approximate quantities</i>
38	元朗區慶祝香港特別行政區成立十周年統籌委員會及元朗民政事務處	體藝晚會	770 badges 900 fans 900 bangles
39	元朗區慶祝香港特別行政區成立十周年統籌委員會及元朗民政事務處	2008年北京奧運巡禮	140 caps 190 luggage tags 200 fans 200 bangles
40	元朗區慶祝香港特別行政區成立十周年統籌委員會	元朗區慶祝香港特別行政區成立十周年文藝綜合表演	40 towels 60 luggage tags 300 bangles 30 fans
41	元朗區慶祝香港特別行政區成立十周年統籌委員會	元朗區慶祝香港特別行政區成立十周年酒會	30 caps
42	元朗民政事務處、康樂及文化事務署、建築署及元朗區慶祝香港特別行政區成立十周年統籌委員會	元朗區慶祝香港特別行政區成立十周年活動啟動禮暨植樹日	100 caps

* The above figures do not include additional souvenirs produced by individual government departments on their own for distribution at celebration activities. The Celebrations Co-ordination Office had not distributed tickets of government-funded celebration activities of the 10th anniversary of the establishment of the HKSAR to political parties or bodies.

Management of Nullahs

9. **MR MARTIN LEE** (in Chinese): *President, regarding the management of nullahs, will the Government inform this Council:*

- (a) *in each of the past three years, of the number of complaints received by the Government concerning illegal discharge of sewage, as well as the respective numbers of warnings issued and prosecutions instituted against illegal discharge of sewage; and among them, the respective numbers of complaints, warnings and prosecutions concerning illegal connection of sewers to nullahs; and*
- (b) *whether it will make reference to the greening approach adopted for the Yuen Long Nullah and carry out similar greening projects for the nullahs in other districts; if so, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): *President,*

- (a) The Environmental Protection Department (EPD) will regulate wastewater discharge in accordance with the Water Pollution

Control Ordinance, including illegal connection of sewers made to nullahs. Illegal discharge and connections are liable on conviction to a maximum fine of \$200,000 and imprisonment for six months. In the past three years, the EPD received the following wastewater discharge complaints, illegal wastewater discharge to nullah complaints, and successful prosecutions against wastewater discharges (including discharges made to nullahs):

	2005	2006	2007 (till September)
Wastewater discharge complaints	1 745	1 734	1 261
Illegal wastewater discharge to nullah complaints	246	205	151
Successful prosecutions against wastewater discharges	40	21	22

- (b) Regarding the beautification works for the Yuen Long Nullah, a study is being conducted at the moment. The consultant responsible for the study will submit a report in the middle of 2008. The report will include various practicable options for improving and beautifying the Yuen Long Nullah, which will assist the Government in formulating improvement strategies. Upon completion of the improvement works of the Yuen Long Nullah, the Government will, based on the experience gained, formulate strategies for improvement of other nullahs that were constructed in the past.

Use of Pirated Software by Private Companies

10. **MR WONG TING-KWONG** (in Chinese): *President, regarding the problem of the use of pirated computer software, will the Government inform this Council:*

- (a) *of the number of cases handled by the Customs and Excise Department (C&ED) each year from 2005 to November this year involving the use of pirated software by private companies, the total value of seizures and the number of persons arrested in such cases; and whether there is an upward trend in the use of pirated software by private companies; if so, of the reasons for that;*

- (b) *given that it has been reported that, as revealed by a survey conducted by the Hong Kong Productivity Council (HKPC) and the Business Software Alliance in August this year, only 20% of the 400 small and medium enterprises (SMEs) surveyed indicated that they had carried out software asset management and used genuine software, of the plans or methods the authorities will adopt to encourage more SMEs to use genuine software;*
- (c) *of the total up-to-date number of SMEs which have participated in the "Genuine Business Software Campaign" launched by the relevant authorities to provide SMEs with free advisory services on the use of genuine software; and*
- (d) *given that some provisions of the Copyright (Amendment) Ordinance 2007 will be in operation later, whether the authorities, in producing advertisements to publicize the contents of such provisions, will stress that according to the Ordinance's requirement, directors or partners responsible for their companies' internal management are criminally liable for the use of pirated software by the companies concerned, so as to enhance the awareness of the use of genuine software among SMEs?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the Administration has all along adopted a multi-pronged approach in promoting respect for intellectual property rights in the community, by way of legislation, law enforcement and public education. Such efforts include active co-operation with the trade in encouraging the use of genuine software in business.

Our replies to parts (a) to (d) of the question are as follows:

- (a) For cases involving the use of pirated software by companies, the relevant enforcement figures are tabulated below:

<i>Year</i>	<i>No. of cases that the C&ED acted upon</i>	<i>No. of persons arrested</i>	<i>Total value of seizures (\$)</i>
2005	11	21	1,380,000
2006	24	60	1,530,000
2007 (January to November)	2	6	180,000

The above figures do not indicate an upward trend in recent years.

- (b) The Administration, in collaboration with the Business Software Alliance and various trade associations, launched the "Genuine Business Software Campaign" last year to promote the use of genuine software in business. Through the provision of free advisory and support services under the programme, we disseminated messages about the benefits that proper management of software assets offered. These include enhancing computer system and network security, preventing the inadvertent use of pirated software, and facilitating the selection of suitable software licences thereby reducing cost and improving productivity.

Separately, the Business Software Alliance commissioned the HKPC to conduct a survey in August this year, for the purpose of finding out how receptive were local enterprises to Software Asset Management (SAM) as a tool; and the extent to which SAM was being practised. The survey did not raise questions as to whether the respondents had used genuine software. The result of the survey shows that about 40% of the respondents had implemented some form of SAM whereas about 20% had implemented software audit. This does not mean that all those enterprises which had not implemented SAM or software audit were not using genuine software. Nevertheless, the Administration will continue to promote SAM and the use of genuine software among enterprises.

- (c) Since we started the "Genuine Business Software Campaign" last year, two phases had been rolled out. The first phase was a pilot entitled the "Business Software Certification Programme". We disseminated messages about the benefits of proper management of software assets among about 30 000 organizations through various channels including leaflets, e-newsletters and telemarketing. Furthermore, our contractor had provided on-site computer software audit and related advisory services to 160 organizations. The feedback from these participating organizations suggests that the programme was of practical value to them.

We launched the second phase of the "Genuine Business Software Campaign" in October this year, with a view to increasing the number of organizations that may benefit from it. The emphasis is on helping organizations (in particular SMEs) to build up SAM capability through the provision of professional advisory and training services, thus enabling them to implement SAM in-house

on a long-term basis. As at the end of November, we have offered this free programme to over 20 000 organizations through various channels, including telemarketing, emails and leaflets. So far, about 50 organizations have applied for the relevant training services. The programme will run till April 2008. Meanwhile, we will continue with our outreaching efforts in addition to following up outstanding cases, with a view to encouraging more organizations to join the programme.

- (d) To prevent the use of pirated copies in business and in the interest of promoting corporate accountability and responsible governance, the Copyright (Amendment) Ordinance 2007 imposes certain responsibilities on directors and partners who are responsible for the internal management of their organizations. We are publicizing the new criminal provisions against company directors and partners through multiple channels, including Announcements of Public Interest on television and radio, advertisements at MTR stations and in the newspapers, seminars, publicity leaflets, websites and e-newsletters.

In the next few months, in addition to publicizing the new legal provisions, the Administration will publish a guidance note with useful reference materials for directors and senior managers, in particular those of SMEs. The reference materials will include some suggested good practices that would help businesses manage their copyright asset and guard against business end-user piracy. This should help facilitate the business sector in getting prepared before the relevant provisions come into effect, including the avoidance of inadvertent breaches of the law.

Co-operation Arrangement on Control of Waste Movements Between the Mainland and HKSAR

11. **MISS CHOY SO-YUK** (in Chinese): *President, officials of the Environmental Protection Department (EPD) and the Pollution Control Department of the State Environmental Protection Administration signed the Co-operation Arrangement on Control of Waste Movements between the Mainland and HKSAR (Co-operation Arrangement) on 15 November in Shenzhen. The aim was to better reflect the nature of co-operation by renaming the Memorandum of Understanding — Co-operation on Control of Waste*

Movements between the Mainland and HKSAR (MOU) as the Co-operation Arrangement, and to include supplementary provisions on application and approval procedures regarding waste shipments to overseas countries via ports on the Mainland or the Hong Kong Special Administrative Region (HKSAR). In this connection, will the Government inform this Council:

- (a) of the number of vessels intercepted by the relevant authorities in each of the past three years to combat illegal waste movements between the Mainland and the HKSAR, the details of the cases involving such movements, the number of convicted cases and the penalties imposed on the convicted persons;*
- (b) of the reasons for including supplementary provisions in the MOU;*
- (c) of the difference between the application and approval procedures regarding waste shipments to overseas countries via ports on the Mainland or the HKSAR before and after the implementation of the Co-operation Arrangement, and the relevant details; and*
- (d) whether it has assessed if the inclusion of supplementary provisions in the MOU will render Hong Kong becoming a transfer station for foreign refuse and the Mainland becoming a reception centre for international refuse; if it is assessed so, how the authorities will curb such movements; if it is assessed otherwise, of the justifications for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, since the EPD and the State Environmental Protection Administration signed the MOU in 2000, both sides, as agreed under the MOU, have maintained liaison through regular meetings and exchange visits to strengthen communication. As for collaboration on enforcement, both sides have been working with other relevant departments, mainly the customs authorities of both places and the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ), to combat illegal waste movements. Both sides signed the Co-operation Arrangement on 15 November this year in Shenzhen to include supplementary provisions to the MOU and to rename the MOU as Co-operation Arrangement.

- (a) The EPD controls the export or transshipment of controlled waste, such as glass waste of cathode ray tubes, used batteries and waste

oil, to the Mainland in accordance with the Waste Disposal Ordinance. The number of intercepted cases of suspected contraventions in the past three years (some cases involved more than one vessels) is listed by port or place of interception in the table below:

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007 (as at end October)</i>
No. of suspected cases of illegal export from piers/public cargo handling areas	4	2	7
No. of suspected cases of illegal export intercepted at Hong Kong's sea boundary	1	9	6
No. of convicted cases#	2	10	4@
Penalty (\$)	3,000 - 6,000	0 - 5,000*	0 - 6,000*

@ Not including cases under prosecution

Some cases involved more than one summons

* For cases where "0" fine was imposed, the penalty was either imprisonment or community service order

- (b) The original MOU did not include specific provisions on the application, control and approval procedures regarding export of controlled waste to overseas countries via ports on the Mainland or the HKSAR. With the rapid development of ports in both places, it is inevitable that the number of ships that stop over at each other's ports for outbound routes will increase. To properly control the aforementioned movements of controlled waste, both sides, after negotiation, agreed to include supplementary provisions in the MOU.

According to existing information, it is not common for illegal waste movements between the Mainland and the HKSAR to make use of stop-over at each other's ports as cover up. Nevertheless, the new agreement can help plug the potential loophole.

- (c) Prior to implementing the new agreement, both sides had to negotiate on every case and discuss the control measures with the relevant departments, such as the customs authorities of both places, the Ministry of Communications and the AQSIQ. With the implementation of the Co-operation Arrangement, relevant applications would be processed according to the advance notification and consent mechanism stipulated in the agreement. In addition, the control over stop-over at each other's ports such as the details of notification, contact points and return shipment

arrangement has to comply with the new agreement as well. As the new agreement sets out the control measures in detail, both sides and the trade can follow the established procedures. This in turn helps to speed up the application and approval processes.

- (d) The supplementary provisions of the MOU mainly stipulate in detail the control measures for the export of waste by both sides to overseas countries, the route of which involves stop-over at each other's ports. This new agreement imposes more comprehensive and stringent control on the export of waste via Hong Kong or mainland ports. As a standing practice to curb illegal movements of waste, the EPD exercises stringent control under the Waste Disposal Ordinance on waste to be imported into Hong Kong or transhipped via Hong Kong to other places including the Mainland. To this end, the EPD has fostered partnership with the control authorities of major exporting countries, the shipping industry and other control authorities in Hong Kong such as the Customs and Excise Department for intelligence exchange and joint operations to intercept dubious waste shipments. Offenders will be prosecuted and illegally imported waste will be returned to places of origin.

Development of New Private Hospitals

12. **DR KWOK KA-KI** (in Chinese): *President, it has been reported that both public and private hospitals face the problem of shortage in bed spaces, resulting in some patients of private hospitals having to wait for treatment at public hospitals. Regarding the development of private hospitals, will the Government inform this Council:*

- (a) *as the Government advised in its reply to my question in July last year that where an application for running private hospitals fulfilled established government policies and public interest considerations, it would offer appropriate assistance, of the meaning of "public interest" and "appropriate assistance" mentioned above;*
- (b) *given that the Chief Executive mentioned in his policy address this year that the Government would make available a number of greenfield sites at nominal premium for the development of new international schools or the expansion of existing schools with interest-free capital works assistance loans, whether the*

Government will apply the same policy to the construction of private hospitals; if it will not, of the reasons for that; and

- (c) *whether it has assessed if its long-term health care policies are capable of assisting voluntary bodies and private organizations in building private hospitals, thereby facilitating Hong Kong's competition with places such as Singapore and Shanghai in the strive to become the medical centre in Asia?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, according to the statistics from the Hospital Authority and the Department of Health, public hospitals provided a total of 27 633 beds which had an average occupancy rate of about 81.7% as at 31 March 2007. As at June 2007, private hospitals provided a total of 3 217 beds which had an average occupancy rate of about 67%. There are however variations of different degree in the actual occupancy rate between individual private hospitals. In the private sector, it is for doctors and their patients to decide on the choice of private hospitals for services. Thus, based on their personal conditions and considerations, individual patients of private hospitals may choose to wait for treatment at public hospitals.

- (a) and (b)

In general, an interested party may purchase land from private landowners or the Government for private development. The Government usually sells land by open bidding (public auction or tender). If an organization applies for a private treaty grant from the Government, the Administration would examine the application having regard to relevant government policies and public interest considerations, which include the overall benefits for the community, strategic importance of the application, and so on. We would also consider the feasibility of the proposal, the nature and background of the organization, as well as its capacity to implement the proposed construction project. During the vetting process, the Administration would maintain close communication with the applicants.

Education and health care service are two distinctly different kinds of services. In considering direct land grant for building either schools or hospitals, the Administration would also give regard to

the relevant considerations mentioned in the second paragraph above.

- (c) At present, the majority of hospital services are provided by public hospitals. This has resulted in an imbalance between the public and private hospital services. In its consultation document published in July 2005, the Health and Medical Development Advisory Committee (HMDAC) pointed out that it is important to re-align the roles of the public and private sectors in developing our future health care model. The HMDAC recommended that our public health care service sector should prioritize its services for the following four target areas: acute and emergency care; provision of services for low-income and underprivileged groups; illnesses that entail high cost, advanced technology and multi-disciplinary professional team work; and training of health care professionals. We would develop our public health care services along this direction as recommended by the HMDAC.

At the same time, we would continue to explore various ways to encourage the private sector to play a greater role in health care provision. For instance, as the first step to redress the imbalance between the public and private sectors, we will launch a one-off programme in the coming year to provide subsidies for patients in public hospitals to undertake cataract surgeries in the private sector, conduct a pilot project to purchase private general out-patient services in Tin Shui Wai, and explore the establishment of medical centres of excellence in the specialties of paediatrics and neuroscience in order to encourage multi-partite collaboration. Besides, we would consider introducing public-private-partnership for the development of new or existing hospitals, so that we can foster the co-operation between public and private sectors, enhance the quality and professional standard of services and offer more choices to the public. We would continue to monitor the actual public demand for health care services and the development of local health care services, with a view to creating more opportunities for exchanges and co-operation between the public and private sectors. Meanwhile, we understand that some non-governmental organizations are interested in the development or expansion of private hospitals. We would look at their needs and actively consider the appropriate approach.

Remuneration Level of Principal Officials

13. **MS EMILY LAU** (in Chinese): *President, in response to my comments that the remuneration for principal officials (POs) in Hong Kong was much higher than that for POs in overseas countries and that for Members of this Council during the motion debate at the meeting of this Council on 28 November, the Secretary for Constitutional and Mainland Affairs said that "the remuneration for Secretaries of Departments and Directors of Bureaux should be compared to that in the private market of Hong Kong. As the economy of Hong Kong is more developed, the remuneration in the private sector is usually higher than that in European and American countries". In this connection, will the executive authorities inform this Council:*

- (a) *of the respective details of the remuneration in the private sector in Hong Kong and that in European and American countries;*
- (b) *what evidence indicates that the economy of Hong Kong is more developed than the economies of European and American countries, hence, the remuneration for POs in Hong Kong should be higher than that for cabinet members in those countries; and*
- (c) *given that, as shown by the following table, the remuneration for cabinet members in the United States, the United Kingdom, Canada and New South Wales, Australia is at most only 2.2 times that for members of their respective legislatures, why the remuneration for POs in Hong Kong is 4.8 times that for Members of this Council?*

	<i>Hong Kong</i>	<i>The United States</i>	<i>The United Kingdom</i>	<i>Canada</i>	<i>New South Wales, Australia</i>
Monthly remuneration for members of legislatures (HK\$)	56,750	106,666	70,833	86,250	54,166
Monthly remuneration for POs/cabinet members (HK\$)	298,115	116,000	160,000	128,000	85,000
Ratio of remuneration for POs to that for members of legislatures	4.8 times	1.09 times	2.2 times	1.47 times	1.57 times

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President, the Hong Kong economy has experienced strong growth. In the past two decades, Hong Kong's Gross Domestic Product (GDP) has grown at an average annual rate of 4.7% in real terms. This surpasses both the global

economic growth of 3.7% and the 2.8% growth recorded by the Organization for Economic Co-operation and Development economies.

In 2006, Hong Kong's *per capita* GDP was US\$27,680. This is one of the highest in Asia.

The remuneration package for officials under the Political Appointment System has to be competitive and should reflect the level of responsibility for these positions. The remuneration package for POs under the Political Appointment System was drawn up in 2002 with reference to the level of responsibilities that POs were expected to discharge. The pay range recommended by a consultancy study was based on a survey of remuneration of 56 Chief Executive Officers (CEOs) in Hong Kong. The package recommended to and approved by the Legislative Council in 2002 had incorporated an element of discount from the median market remuneration package for the CEOs. According to the approved package, the cash remuneration for each Director of Bureau currently stands at \$298,115 per month.

Different communities have their own systems and characteristics. It is not appropriate to make a direct comparison on the ratio of remuneration between cabinet members and legislators in overseas jurisdictions with that in Hong Kong.

Level of Fiscal Reserves

14. **DR DAVID LI:** *President, in his 2007-2008 Budget speech, the former Financial Secretary said that the International Monetary Fund (IMF) had suggested that the levels of Hong Kong's fiscal reserves needed to anticipate fluctuations in revenue could be around 30% to 50% of the Gross Domestic Product (GDP), while those aimed at anticipating fiscal pressures arising from population ageing could mean putting in an additional 30% of the GDP by 2030. He added that the Government needed to listen to more views from the community on such suggestions. In this connection, will the Government inform this Council:*

- (a) *whether it has consulted the community on the above suggestions; if so, of the outcome of the consultation; and*
- (b) *given that the fiscal reserves currently stand at less than 26% of the GDP and the Government will need to accumulate large fiscal*

surpluses between now and 2030 to reach the levels referred to in the above suggestions, whether the Government has assessed if such suggestions are consistent with Article 107 of the Basic Law that the Government should strive to achieve a fiscal balance; if such an assessment has been made, of the results and the basis on which such results were arrived at?

FINANCIAL SECRETARY: President,

- (a) We are now conducting a consultation exercise for the 2008-2009 Budget and welcome views from the community on various subjects, including the appropriate level of fiscal reserves.
- (b) Article 107 of the Basic Law stipulates that "The Hong Kong Special Administrative Region shall follow the principle of keeping expenditure within the limits of revenues in drawing up its budget, and strive to achieve a fiscal balance, avoid deficits and keep the budget commensurate with the growth rate of its gross domestic product". Keeping expenditure within the limits of revenue is the long established budgetary strategy of the Government. We must maintain an appropriate level of fiscal reserves to ensure that the Government has adequate resources to cope with fiscal pressure arising from economic downturn, unforeseen events or structural changes in the community.

The suggestions on the desirable levels of reserves made by the IMF in its report last year were made in the context of the policies in force at the time. The IMF also made other suggestions, such as stabilizing investment income, to help reduce the desirable fiscal reserves levels.

Effective from 1 April this year, the return on the fiscal reserves is calculated on the basis of the average rate of return of the Exchange Fund's investment portfolio over the past six years. We will also conduct a public consultation on the reform of the health care system and related financing arrangements. These policy changes may affect the levels of fiscal reserves needed. The Government will continue to make reference to the IMF's report and listen to more views from the community in determining the appropriate level of fiscal reserves.

Nuisance Caused by Faxed Advertisements

15. **MR ALBERT CHAN** (in Chinese): *President, some members of the public have recently reflected to me that faxed advertisements incessantly cause nuisance to them, and the situation has not improved even after they have their fax numbers registered on the "Not-to-Call" list kept by the Office of the Telecommunications Authority (OFTA). In this connection, will the Government inform this Council:*

- (a) *of the number of complaints about junk fax received by the Government and fixed telecommunications network services (FTNS) operators in each of the past three years and, among such complaints, the number of those involving fax numbers on the "Not-to-Call" list;*
- (b) *of the number of fax numbers added to the "Not-to-Call" list in each of the past three years; and*
- (c) *whether it knows the number of cases in each of the past three years in which FTNS operators disconnected the fax lines of their subscribers who had been found to have sent junk fax?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): *President, the Unsolicited Electronic Messages Ordinance (the Ordinance) was passed by the Legislative Council in May 2007 to regulate unsolicited electronic messages, including unsolicited commercial fax messages. The Ordinance will be implemented in two phases. The first phase, starting from 1 June 2007, tackles fraud and other illicit activities related to the sending of multiple commercial electronic messages, such as using harvested-address lists and hacking into computers to send commercial electronic messages, whereas the second phase, which will come into force on 22 December 2007, will establish the rules for sending commercial electronic messages.*

In the absence of statutory regulation before the enactment of the Ordinance, the OFTA issued to FTNS operators in 2005 the "Code of Practice on the Procedures for Handling Complaints against Senders of Unsolicited Fax Advertisements" (the Code) to serve as a transitional measure for implementation by the industry to tackle junk fax. Although the Code is for voluntary compliance and has no legal effect, it has been followed and implemented by all FTNS operators.

According to the established arrangements, members of the public can request their FTNS operators to put their fax numbers on the "Not-to-Call" list. Senders of fax advertisements should observe the list and should not send any message to the listed numbers. Members of the public who still receive junk fax after registration can report to or file complaints with their operators. After investigation, the operator can disconnect all the lines provided to a subscriber at a registered address according to the contractual terms if there are two established complaints against the subscriber for sending out junk fax.

With the full implementation of the Ordinance on 22 December 2007, the above transitional measure will be replaced by the newly enacted rules about sending commercial electronic messages prescribed in Part 2 of the Ordinance. By then, all the commercial electronic messages sent in the form of fax have to provide "unsubscribe facility" to allow the recipient to opt out from receiving further messages by sending an unsubscribe request to the sender. The sender must cease sending fax advertisements within 10 working days from the day on which the unsubscribe request is sent. In addition, a sender is not allowed to send fax advertisements to those fax numbers listed on the Do-Not-Call Registers established by the Telecommunications Authority (TA) under the Ordinance, unless consent has been obtained from the recipient. The TA may issue enforcement notice to those senders who contravene the above rules to request for a remedy. Failure to comply with the enforcement notice is an offence liable to a fine up to \$100,000 for the first conviction, and up to \$500,000 for subsequent convictions. In the case of a continuing offence, there will be a further fine of \$1,000 for every day during which the offence continues. Since the Ordinance provides for rules with legal effect as well as deterrent sanctions, we consider that it will be more effective than the transitional measure in combating the problem of junk fax.

My reply to the questions raised by the Honourable Albert CHAN is as follows:

- (a) Prior to the commencement of the Ordinance in June this year, there was no legislation in Hong Kong that regulated the promotion of products or services through fax messages. The number of public enquiries on junk fax received by the OFTA in the past three years is set out as follows:

<i>Year</i>	<i>Total</i>
2005	1 274
2006	1 350
2007 (January to May)	1 075

From June to the end of November this year, the OFTA received about 550 reports on junk fax.

On the other hand, according to the information provided by the operators, the number of complaints they received about junk fax and the number of those complaints involving fax numbers on the "Not-to-Call" list in the past three years are as follows:

<i>Year</i>	<i>Complaints about junk fax</i>	<i>Complaints involving fax numbers on the "Not-to-Call" list</i>	<i>Total no. of fax numbers on the "Not-to-Call" list</i>
2005	42 462	13 949 (8.2%)*	170 936
2006	20 653	11 021 (6.1%)*	179 587
2007 (as at July)	47 124	4 102 (1.8%)*	233 960

*Note: Figures in brackets represent the percentage of complaint cases against the total number of fax numbers on the "Not-to-Call" list.

- (b) The number of fax numbers added to the "Not-to-Call" list in each of the past three years is as follows:

<i>Year</i>	<i>No. of newly added fax numbers</i>
2005	28 756
2006	8 651
2007 (as at mid-November)	54 373

- (c) According to the information provided by the operators, the number of fax lines disconnected over the past three years due to two established complaints against their subscribers for sending out junk fax is as follows:

<i>Year</i>	<i>No. of fax lines disconnected</i>
2005	159
2006	402
2007 (as at end July)	16

Digital Trade and Transportation Network System

16. **MR SIN CHUNG-KAI** (in Chinese): *President, the Digital Trade and Transportation Network (DTTN) System, which has been in operation since December 2005, provides a neutral and open e-platform for the logistics sector to interconnect various information systems along various supply chains. In this connection, will the Government inform this Council whether it knows:*

- (a) *the total number of registered clients to date since the introduction of the DTTN System, with a breakdown by trade, as well as the respective percentages of these figures in the number of institutions in the trade concerned; and*
- (b) *the utilization of the DTTN System at present, including the number and value of transactions processed each day, as well as the respective percentages of these figures in all the transactions concerned?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

- (a) The DTTN was launched on 1 January 2006 in a pilot stage until 30 September 2006. It has been in operation since 1 October 2006. As at the end of November 2007, there were 1 118 customers registered with the Digital Trade and Transportation Network Limited (DTTNCo). A breakdown of customers by industry type is listed below:

Banking/Finance/Insurance	3
Carrier/Forwarder	123
Electronics/Automobile/Electrical Appliance/Computer hardware	243
Garment/Textiles	286
General trading	139
Household items	50
Retail/Fashion accessories	94
Software vendors/solution providers	16
Toys	34
Trade Associations	3
Others	127
Total:	1 118

In addition to the above 1 118 customers registered directly with the DTTNCo, there is a total of 2 117 indirect customers who are connected to the DTTN through the DTTN interconnected service providers. As at the end of November 2007, the total number of direct and indirect DTTNCo customers is 3 235. According to the latest statistics of the Census and Statistics Department, there are 305 436 establishments in Hong Kong, and so about 1% of these establishments are customers of the DTTNCo.

- (b) The number of transactions processed through the DTTN is increasing steadily. The DTTN processed 3 398 transactions in 2006. In the first 11 months of 2007, the total number of transactions rose to 34 046. This is more than 10 times of the full-year figure of 2006. The number of transactions processed since the launch of service is 37 444.

As regard the utilization of the DTTN System at present, taking November 2007 as an example, the DTTN processed a total of 9 413 transactions, equivalent to a daily average of 314 transactions.

The scope of the DTTN service is to transform the document structure from the sender's format to the recipient's format. For information security reason, the DTTN does not access the content, including the transaction value, of the document during the transformation process. Hence, it is not possible for us to provide information in this respect.

As to the respective percentages of these figures in all the transactions concerned, given that operators in the logistics industry are predominantly private enterprises, and their total number of transactions is not public information, it is not possible for us to provide the percentages of the abovementioned figures in all the transactions concerned.

Supply of Dongjiang Water to Hong Kong

17. **MR FREDERICK FUNG** (in Chinese): *President, it has been reported that the Guangdong authorities will soon implement the Dongjiang River Basin Water Resources Allocation Scheme to limit the quantity of water to be drawn by*

cities along the Dongjiang River. In this connection, will the Government inform this Council:

- (a) whether it has communicated with the Guangdong authorities about the aforesaid measure; if it has, of the details, and whether it has assessed the impact of such a measure on the quantity of potable water supply to Hong Kong in the short term;*
- (b) given that the provisions on the quantity and price of water supply in the water supply arrangements signed between the Government and Guangdong authorities are valid for the period up to 2008 only, whether it has assessed the impact of the aforesaid measure on the price and mode of potable water supply to Hong Kong after 2008; and*
- (c) what it has done and will do to explore other water resources?*

SECRETARY FOR DEVELOPMENT (in Chinese): President,

- (a) The Guangdong and Hong Kong authorities meet regularly on Dongjiang water supply. At the meeting held in October 2007, the Guangdong authorities advised that the "Dongjiang Water Resource Allocation Scheme" (the Scheme) was being drafted. However, they did not reveal any details of the Scheme, nor indicate that the Scheme would directly affect the Dongjiang water supply to Hong Kong.
- (b) The current Dongjiang Water Supply Agreement will expire by the end of 2008. We have started negotiation with the Guangdong authorities for a new water supply agreement. Since the Scheme is still being drafted, we are not able to evaluate at this stage what effect it would bring on the negotiation of the new water supply agreement.
- (c) We have just completed a pilot desalination plant study using reverse osmosis technology. We are also conducting pilot schemes on the use of reclaimed water at Ngong Ping and Shek Wu Hui. Under the pilot schemes, treated effluent after further processing would be put to non-potable use such as flushing and irrigation.

Separately, we are proceeding with a study on the total water management. We will take into account major factors such as environment, cost-effectiveness and sustainability, as well as information and data collected through the foregoing pilot schemes to formulate a long-term strategy for the total water management. The study is expected to be completed in 2008.

Health of Elderly Residents in Residential Homes for Elderly

18. **MR LAU KONG-WAH** (in Chinese): *President, regarding the health of elderly residents in residential care homes for the elderly (RCHEs), will the Government inform this Council whether:*

- (a) it knows the number of cases of elderly residents in RCHEs contracting diseases in the past two years, broken down by type of disease contracted;*
- (b) it has assessed if the occurrence of such cases was related to the hygiene conditions of RCHEs; if it is assessed so, of the number of licensed RCHEs involved in such cases last year, as well as the follow-up actions taken by the department(s) concerned on the hygiene problems of RCHEs; and*
- (c) additional manpower will be deployed to combat RCHEs operating illegally with poor hygiene conditions, in order to safeguard the health of the elderly?*

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

- (a) In accordance with section 18 of the Residential Care Homes (Elderly Persons) Regulation (Subsidiary Legislation A of Cap. 459 of the Laws of Hong Kong), if a home manager suspects or knows of a case of statutorily notifiable infectious disease amongst the residents or staff of a RCHE or suspects or knows that any such person has been in contact with a case of relevant infectious disease, he shall immediately so report to the Centre for Health Protection (CHP) in accordance with the Prevention of the Spread of Infectious Diseases Regulations (Subsidiary Legislation B of Cap. 141 of the Laws of Hong Kong) and report to the Licensing Office of*

Residential Care Homes for the Elderly (LORCHE) of the Social Welfare Department (SWD). At present, there are 32 statutorily notifiable infectious diseases.

Apart from the aforesaid statutorily notifiable diseases, in the event of an outbreak or suspected outbreak of an infectious disease, for example, acute respiratory tract infection or scabies, among staff or residents, which by the nature of communal living in the RCHE warrants special attention of the CHP, the home manager/Infection Control Officer should, in accordance with the Code of Practice for Residential Care Homes (Elderly Persons) (October 2005 Revised Edition), report the case to the CHP as well as the LORCHE.

According to the information provided by the CHP, the number of elderly residents in RCHEs who contracted the aforesaid infectious diseases in the past two years is as follows:

<i>Infectious Diseases</i>	<i>Year of Notification</i>			
	<i>2006</i>		<i>2007</i> <i>(As of end November 2007)</i>	
	<i>No. of Cases in RCHEs</i>	<i>No. of Elders Affected</i>	<i>No. of Cases in RCHEs</i>	<i>No. of Elders Affected</i>
Statutorily Notifiable Diseases				
Community-associated methicillin-resistant staphylococcus aureus infection	0	0	1	1
Tuberculosis	360	360	356	356
Viral hepatitis	1	1	0	0
Food poisoning*	2	34	0	0
Other Infectious Diseases				
Human myiasis	11	11	5	5
Acute respiratory tract infection*	49	355	173	999
Acute gastroenteritis*	218	2 231	73	681
Scabies*	105	467	73	263
Others*	3	28	7	44
Total	749	3 487	688	2 349

* The number of cases refers to the number of outbreaks; others refer to individual cases.

The SWD and CHP do not have relevant information on other diseases contracted by RCHE residents or staff.

- (b) RCHEs are places of communal living. If stringent infection control measures are not in place, the spread of infectious diseases within RCHEs is possible when there is infection in the homes. It

is therefore essential to ensure the personal hygiene of elderly residents and staff members as well as the environmental hygiene in order to minimize the outbreak of infectious diseases in RCHEs.

The Administration attaches great importance to the ability of RCHEs in controlling infectious diseases and requires that all RCHEs must have an Infection Control Officer to co-ordinate and oversee matters related to infection control and the prevention of infectious diseases. Besides, the Department of Health (DH) has issued Guidelines on the Prevention of Communicable Diseases in RCHEs for reference by RCHEs. The DH's Visiting Health Teams (VHTs) will pay regular visits to RCHEs to provide on-site training and guidance. Apart from that, the VHTs have since 2003 conducted annual infection control assessments in RCHEs. If any room for improvement is identified in respect of infection control, the DH will provide on-site guidance and will work closely with the LORCHE to follow up the progress of enhancement work.

When the LORCHE notes any outbreak of infectious diseases in a RCHE, it will urge the RCHE to make immediate and corresponding improvements to its environmental hygiene. Besides, the LORCHE will issue advice or warning to the relevant RCHE depending on the seriousness of the hygienic problems.

As mentioned in part (a) above, the number of cases of infectious diseases recorded in RCHEs in 2006 was 749 and a total of 3 487 elderly residents were affected. We are not able to provide figures on the number of RCHEs involved as we have not kept record of such information.

- (c) The SWD has been making strenuous efforts in combating the illegal operation of RCHEs. Apart from reporting by the public, the Social Welfare Offices in various districts and the VHTs of the DH will inform the LORCHE if they suspect that a RCHE is unlicensed.

If the LORCHE is aware of any operation of unlicensed RCHEs, its Social Work Inspectorate Team will conduct surprised visits to the concerned RCHEs. If the case is substantiated, the LORCHE will request the RCHE to decant all residents within a certain period of time. If necessary, the SWD will assist the RCHE in decanting the

residents to ensure the latter's well-being. If the home operator is found to continue operating the RCHE illegally, the LORCHE will consult the Department of Justice whether to prosecute the RCHE in accordance with the Residential Care Homes (Elderly Persons) Ordinance.

Assisting Students with Special Educational Needs

19. **MR ABRAHAM SHEK** (in Chinese): *President, on assisting students with special educational needs (SEN), will the Government inform this Council:*

- (a) *in addition to implementing the existing and known measures, how the Government will further enhance the standard of local special education and provide appropriate assistance to the above students;*
- (b) *whether the Task Force on Integrated Education in Mainstream Schools had, since its meeting on 20 March until November this year, held meetings on matters relating to the review of special education and the implementation of integrated education (IE) in mainstream schools; if so, when the summary of the relevant discussions will be published; if not, why the Task Group has stopped holding such meetings; and*
- (c) *whether the authorities will, following last year's review, conduct another comprehensive review on IE (including reviewing the integration of such students in schools, the effectiveness of professional/specialist support and the utilization of school resources), so that further improvements can be made to upgrade the standard of local special education?*

SECRETARY FOR EDUCATION (in Chinese): *President,*

- (a) The Education Bureau provides various services to support students with SEN. Apart from the provision of special schools, we also implement IE in ordinary schools to cater for their needs. Our principal strategy is to provide these students with additional resources and support appropriate to their actual needs. In other words, greater support and more resources will go to those students

with greater SEN. It is necessary for schools to merge the basic and additional resources and render appropriate school-based support for students with diverse needs in accordance with the five basic principles: early identification, early intervention, whole school approach, home-school co-operation and cross-sector collaboration. Starting from the 2007-2008 school year, we have embarked on a Teacher Professional Development Framework on Integrated Education to offer basic, advanced and thematic courses for teachers. Following the implementation of the new senior secondary (NSS) academic structure, students with SEN, whether studying in special schools or ordinary schools, are entitled to extend their learning and receive three-year free senior secondary education. To prepare for this as well as to enhance the quality of teaching in special education, the Education Bureau is undertaking a research and development project to work out the NSS curriculum for intellectually disabled children, and the relevant assessment guidelines and learning outcomes framework. We will strengthen our professional support, teacher training as well as parent and public education, and keep exploring possible measures to further improve the quality of special education.

- (b) The ninth and 10th meetings of the Task Force on Integrated Education in Mainstream Schools (the Task Force) were held on 20 March and 26 November 2007 respectively. While the notes of the ninth meeting have been uploaded onto the Education Bureau's website, those for the 10th meeting are still under preparation. Up to date, we have implemented various measures, such as strengthening school-based support, teacher training and parent education, and setting up arrangements for the early transfer of students' information among schools when students with SEN are transferred or promoted from one school to another. At the 10th meeting of the Task Force held recently, we received positive feedback from schools and parents for some of the measures that we have put in place. We will continue to collect views from the education sector and various stakeholders through this platform.
- (c) The Education Bureau completed a review on IE in mid-2006 and had reported the updated progress and proposals to the Subcommittee to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities

for Children with Special Educational Needs set up under the House Committee of the Legislative Council throughout the period from April 2006 to February 2007. On 21 July 2006, we submitted to the Subcommittee a document entitled "Update on the Review of Implementation of Integrated Education" (LC Paper No. CB(2)2773/05-06(01)), in which our direction and strategy for implementation of IE, as well as the arrangements and measures on funding model, teacher training, professional support and promotion of an inclusive culture were set out. We also reported to the Subcommittee on the progress of these measures at its meeting on 22 January 2007 (LC Paper No. CB(2)876/06-07(01)). We will continue to implement these measures and will keep reviewing their operation to ensure that timely and appropriate support services are rendered to students with SEN.

Worsening Traffic Congestion

20. **MR CHEUNG HOK-MING** (in Chinese): *President, it has been reported that the car journey speed in the urban areas of Hong Kong had continued to slow down over the past four years from an average of 24.9 km/h in 2002 to only 24 km/h last year, reflecting that the problem of traffic congestion in Hong Kong had worsened. In this connection, will the Government inform this Council:*

- (a) *of the traffic congestion data for the major trunk roads in the urban areas (for example, Nathan Road, Princess Margaret Road, Gloucester Road, Hennessy Road, Des Voeux Road Central, Connaught Road Central, Harcourt Road, Queen's Road Central, the Eastern Corridor, and so on) during peak hours and off-peak hours in the past four years;*
- (b) *of the reasons for the worsening traffic congestion in the urban areas, and whether any improvement measures have been formulated to address the problem; if so, of the progress; and*
- (c) *whether the worsening traffic congestion in the urban areas has affected the car journey speed in the three road-harbour crossings; if so, how the crossings have been affected and of the authorities' strategies to address the problem; if not, whether the authorities have analysed why those crossings have not been affected?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

- (a) The Transport Department (TD)'s survey on vehicle speed shows that there is a trend of reduced vehicle speed on some roads in the urban areas during the morning peak hours. Comparing the 2002 and 2006 situations, between 8.00 am to 9.30 am, vehicle speed of the major roads approaching the business district in Central such as Gloucester Road, Harcourt Road, Hennessy Road and Queen's Road Central approaching Central has reduced by 10%, 4%, 8% and 37% respectively. In the same period, vehicle speed of Princess Margaret Road approaching Tsim Sha Tsui and the Cross-Harbour Tunnel has reduced by 57%. The actual figures on vehicle speed are as follows:

<i>Road</i>	<i>Average Vehicle Speed in the Morning Peak Hours (km/h)</i>		<i>Reduction Rate</i>
	<i>2002</i>	<i>2006</i>	
Gloucester Road (approaching Central)	27.1	24.5	-9.6%
Harcourt Road (approaching Central)	36.3	34.7	-4.4%
Hennessy Road (approaching Central)	17.3	16.0	-7.6%
Queen's Road Central (approaching Central)	23.3	14.6	-37.0%
Princess Margaret Road (approaching Tsim Sha Tsui and Cross-Harbour Tunnel)	20.7	8.9	-57.0%

We cannot provide vehicle speed data during off-peak hours because the TD does not conduct separate surveys for this.

- (b) The decrease in vehicle speed in some roads in the urban areas in 2006, as compared to that in 2002, is probably due to more journeys to and from urban areas made in tandem with the economic upturn in recent years. We have been taking measures on various fronts to improve traffic conditions in urban areas:
- (i) We will continue to promote the use of mass transit systems. Railway is the backbone of our public passenger transport system and we are expanding the major railway projects.

Among them, the Kowloon Southern Link which links the Nam Cheong Station of the West Rail Line and the East Tsim Sha Tsui Station of the East Rail Line is expected to commence operation by end 2009 to improve the rail link between the New Territories and urban areas. As for the West Island Line, we are now seeking funding from the Legislative Council for the detailed design. This railway proposal has also been gazetted for public consultation. In addition, the planning work for South Island Line and Shatin to Central Link is also in progress. With the implementation and completion of these railway projects, road congestion will be significantly relieved.

- (ii) On bus services, the TD, in collaboration with the franchised bus operators, has rationalized bus routes, particularly those routes with low utilization rates and operating along busy roads in the urban areas, so as to enhance the efficiency of the bus service network and alleviate traffic congestion. Since 1999 and up to 2006, through the TD's bus route rationalization including frequency adjustments, daily bus trips going in and out of Central had been reduced by over 2 800 trips (about 18%). Bus trips via Yee Wo Street at Causeway Bay had been reduced by 1 900 trips (about 22%), and those via Nathan Road had been reduced by 1 100 trips (about 7%).
- (iii) We will continue to plan for the implementation of major road facilities, including the Road P2, Central-Wan Chai Bypass, Central Kowloon Route, and so on, with a view to further improving the traffic conditions in busy areas. These road projects are in pressing need and have gone through rounds of consultation and examination. We hope that the planning work, as well as the statutory and funding process, can be completed as soon as possible for the early commencement of the road construction. If the Central-Wan Chai Bypass is not in place by 2016, vehicular traffic along the existing Connaught Road Central/Harcourt Road/Gloucester Road corridor would exceed its capacity by about 30%. During peak hours, the vehicle journey time from Rumsey Street to Causeway Bay would sharply increase from 15 minutes to

about 45 minutes. Regarding the Central Kowloon Route, as most of the existing east-west trunk roads in Central Kowloon are saturated during peak hours, if the Central Kowloon Route is not in place by 2016, traffic flow at Lung Cheung Road, Boundary Street, Prince Edward Road, Argyle Street, Waterloo Road, Gascoign Road Flyover, Chatham Road North, and so on, would exceed their capacities by about 30%.

- (iv) Regarding daily traffic management, the TD monitors traffic conditions across the territory on a continual basis, and reviews traffic situations at major roads from time to time. Moreover, they also consult and listen to the views of the local community and will implement suitable traffic management measures, such as road diversion, erection of additional road signs, designation of no-stopping restriction zones and lay-bys, as necessary.
- (c) The growth in traffic flow puts pressure on the traffic conditions of all cross-harbour tunnels. To improve traffic conditions in these tunnels, we actively encourage the use of the mass transit system. According to the statistics from the TD, the daily number of cross-harbour passenger trips on the railway has increased through the years, from 760 000 in 2002 to 850 000 in 2006.

Moreover, the TD has also installed the Journey Time Indication System (JTIS) on Hong Kong Island to provide journey time information to motorists, so as to facilitate motorists travelling on the major approach roads to the three cross-harbour tunnels to choose suitable routes on the basis of latest traffic information, and to alleviate traffic congestion in the tunnels. Extension of the JTIS to Kowloon will be completed in 2009.

The construction of the Central-Wan Chai Bypass will help divert the east-west traffic along the Connaught Road/Harcourt Road/Gloucester Road corridor away from the central business district, and alleviate traffic congestion along this corridor and the existing local road networks in the area. It will also further improve the traffic conditions of major approach roads to the three cross-harbour tunnels.

STATEMENTS

PRESIDENT (in Cantonese): Statement. The Chief Secretary for Administration will make a statement on the "Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress".

In accordance with Rule 28(2) of the Rules of Procedure, no debate may arise on the statement but I may in my discretion allow short questions to be put to the Chief Secretary for Administration for the purpose of elucidating its contents. As Members may be aware, I have indicated my wish to amend the Rules of Procedure to the Committee on Rules of Procedure on my own initiative. In case there is another statement of this kind in the future, I may allow Members to put short questions but not necessarily for the purpose of elucidation. As far as I understand it, the Committee on Rules of Procedure also agreed to this arrangement. However, as this proposed amendment has yet to be discussed at the Legislative Council meeting, it still remains at the proposal stage. For this reason, today I will still act in accordance with the provisions of the Rules of Procedure, that is, I may in my discretion allow short questions to be put by Members, but merely for the purpose of elucidating the content of the statement.

Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, this morning the Chief Executive submitted a report to the Standing Committee of the National People's Congress (NPCSC) to request confirmation that the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 may be amended. Today, the SAR Government also publishes the Report on Public Consultation on the Green Paper on Constitutional Development (Green Paper).

In July this year, we issued the Green Paper to consult widely the public on the models, roadmap and timetable for implementing universal suffrage for the Chief Executive and the Legislative Council. The SAR Government consulted the public on Hong Kong's constitutional development through the release of Green Paper, which is the first time such a vehicle was adopted on the

issue of universal suffrage. We hope to forge consensus within the community to attain the aim of universal suffrage as early as possible in accordance with the Basic Law.

During the public consultation, we consulted the community widely and systematically through a variety of channels to gauge feedback on the Green Paper from among the Legislative Council, District Councils (DCs), organizations and individuals of different sectors of society, as well as members of the public. During the public consultation, we received views reflected through about 18 200 written submissions, as well as more than 150 000 signatures.

To promote in-depth discussions on the issue of universal suffrage among various sectors of the community, the SAR Government organized a number of open and regional forums to listen to the views of the public and district personalities direct. We attended special meetings of the Legislative Council Panel on Constitutional Affairs and the meetings of all 18 DCs. We also attended public hearings of the Legislative Council to listen to the views of over 150 organizations and individuals on the issue of universal suffrage. Moreover, we attended meetings with the Legislative Council functional constituency sectors and the Election Committee Subsectors, as well as forums and meetings organized by different organizations.

We have paid close attention to different opinion polls conducted by various academic, non-governmental and media organizations on the issue of universal suffrage, and consider them as one of the important means in reflecting public opinion.

In the Report on the Public Consultation on the Green Paper released today, we have summarized and analyzed the views received within the public consultation period. We have assessed whether differences in opinions have narrowed sufficiently to provide a basis for consensus on implementation of universal suffrage to be formed. In doing so, we have taken into account the following two objective criteria:

First, whether the option will stand a reasonable chance of securing the endorsement of a two-thirds majority of all the Members of the Legislative Council (that is, not less than 40 Legislative Council Members). To this end, our assessment is based on the written submissions put forth by the

political parties and groupings in the Legislative Council and independent Members; and

Second, whether the option is likely to attract majority support among Hong Kong people. To this end, we have made reference to the opinion polls conducted by various academic, non-governmental and media organizations during the public consultation period. We have also made reference to the views expressed through various means by the Legislative Council, DCs, as well as organizations and individuals of different sectors of society.

Regarding the models, roadmap and timetable for implementing universal suffrage for the Chief Executive and the Legislative Council, the views received during the Green Paper public consultation period are summarized below:

In general, the people of Hong Kong have keen expectation for attaining the aim of universal suffrage in accordance with the Basic Law. Members of the public, political parties, Legislative Council Members, DCs and different sectors of the community support that the plan for implementing universal suffrage, particularly the universal suffrage timetable, should be determined at an early date. This can help minimize internal debates on constitutional development and will be conducive to the long-term stability and development of Hong Kong.

Regarding the models for electing the Chief Executive by universal suffrage, there are relatively more views that the formation of the nominating committee for nominating Chief Executive candidates may make reference to the existing Election Committee for electing the Chief Executive.

Various political parties and groupings in the Legislative Council and independent Members support the formation of the Chief Executive nominating committee by 800 or more than 800 members (for example, by increasing the number of members to 1 200 or 1 600). Opinion polls have indicated that more respondents consider that the nominating committee should be formed by more than 800 members.

There are relatively more views that it would be appropriate to have two to four Chief Executive candidates at most.

Furthermore, the community generally agrees that, after the Chief Executive candidates have been nominated in accordance with democratic procedures, the Chief Executive should be elected by universal suffrage on the basis of one-person, one-vote. As to whether one or more rounds of election should be held, and whether the election proceedings should continue if there is only one candidate, further discussions will be necessary.

As for the models, roadmap and timetable for implementing universal suffrage for the Legislative Council, the Legislative Council, various sectors of the community and the public hold diverse views, and no mainstream view can be formed at this stage.

As I have just mentioned, the community generally hopes that progress can be made at an early date regarding the implementation of universal suffrage. Under the circumstances that consensus has not yet been formed on the implementation of universal suffrage for the Legislative Council, different opinion polls have indicated that more than half of the respondents hope that universal suffrage for the Chief Executive can precede that for the Legislative Council.

Currently, in the Legislative Council, less than half of the Members support the implementation of universal suffrage for the Chief Executive and the Legislative Council in 2012. Half of all Legislative Council Members support that universal suffrage for the Chief Executive should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for the Legislative Council should follow thereafter.

Also, motions have been passed in more than two thirds of all DCs, supporting that universal suffrage for the Chief Executive should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for the Legislative Council should follow thereafter.

What is more, opinion polls have indicated that more than half of the respondents support the implementation of universal suffrage for the Chief Executive and the Legislative Council in 2012. Among about 18 200 written submissions received, about 12 600 submissions with the same content support universal suffrage in 2012.

At the same time, about 60% of the respondents accept the implementation of universal suffrage for the Chief Executive in 2017, if this cannot be attained in 2012.

As for the timetable for implementing universal suffrage for the Legislative Council, different opinion polls have indicated that more than half of the respondents accept the implementation of universal suffrage for the Legislative Council in 2016 or thereafter, if this cannot be attained in 2012.

Lastly, more than 150 000 signatures received from the public have indicated support for implementing universal suffrage for the Chief Executive by no later than 2017, in 2017 or after 2017; and among these signatures, more than 130 000 have indicated support that universal suffrage for the Chief Executive should precede that for the Legislative Council.

The Chief Executive's report to the NPCSC is submitted together with the Report on Public Consultation on Green Paper. The views of the Legislative Council, DCs, organizations and individuals of various sectors of the community, as well as the opinion polls conducted by universities and think tanks are all provided in the Report, which faithfully reflects the views received from the community on the issue of universal suffrage during the public consultation period.

In the light of the results of the public consultation, the Chief Executive considers that the people of Hong Kong adopt a pragmatic attitude towards the issue of universal suffrage. He also notes that there is a general expectation within the community that the electoral system of the SAR can be further democratized and that the ultimate aim of universal suffrage can be attained as early as possible in accordance with the Basic Law.

Having considered the views of the Legislative Council, DCs, organizations and individuals from various sectors, as well as members of the public in totality and, after thorough deliberation, the Chief Executive has made the following conclusion and recommendations in his Report to the NPCSC.

The community generally hopes that the universal suffrage timetable can be determined early, so as to set the course for Hong Kong's constitutional development.

Implementing universal suffrage for the Chief Executive first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration.

At the same time, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community.

Although there are still diverse views on the models for implementing universal suffrage for the Chief Executive within the community, consensus has begun to emerge on taking forward universal suffrage towards the direction of implementing universal suffrage for the Chief Executive first, to be followed by that for the Legislative Council.

As for the models for forming the Legislative Council by universal suffrage and how the functional constituencies should be dealt with, views are still very diverse. However, setting the timetable for implementing universal suffrage for the Chief Executive and the Legislative Council can help promote the ultimate resolution of the issues involved.

On the basis of the above conclusion, the Chief Executive considers that, in order to realize the aim of universal suffrage as provided for in the Basic Law, there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012. Accordingly, the Chief Executive has decided to make a report to the NPCSC in accordance with Articles 45 and 68 of the Basic Law, Annexes I and II to the Basic Law, and the NPCSC's Interpretation of Annex I and Annex II to the Basic Law adopted on 6 April 2004 to request confirmation that the methods for selecting the Chief Executive of the SAR and for forming the Legislative Council of the SAR in 2012 may be amended.

If the NPCSC confirms that the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 may be amended, the SAR Government will study how these two electoral methods can be amended, and the community will definitely have a further opportunity to discuss these issues.

Madam President, today marks a significant milestone for Hong Kong's constitutional development. The Chief Executive has already made a request to the NPCSC, proposing to embark on a review of the methods for selecting the

Chief Executive and for forming the Legislative Council in 2012. This represents the utmost sincerity of the Chief Executive and the SAR Government to take forward Hong Kong's democratic development.

The Legislative Council, DCs, organizations and individuals of various sectors of the community, as well as members of the public have all provided invaluable advice during the consultation on the Green Paper. This has laid down a solid foundation for us to take forward our constitutional development. On behalf of the SAR Government, I would like to express our appreciation for their contribution. We hope that the community will continue to adopt a pragmatic approach and seek common ground with a view to reaching consensus on the early implementation of universal suffrage.

Thank you, Madam President.

PRESIDENT (in Cantonese): I will now allow Members to put short questions to the Chief Secretary for Administration for the purpose of elucidating the content of the statement. Will Members who have the opportunity to put questions please state which part of the statement an elucidation is being sought from the Secretary?

MR FRED LI (in Cantonese): *Very simple, President, I am seeking an elucidation on the second subparagraph of the two objective criteria in the sixth paragraph in page 2. I think that the Chief Secretary should be very familiar with it, that is, "whether the option is likely to attract majority support among Hong Kong people". May I ask the Chief Secretary to elucidate the word "majority" and can he quantify it? What is the SAR Government's view on this?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the Chief Executive once mentioned that all political reforms should obtain the general support of the community, and he translated such support into a quantifiable value of 60%.

MR LAU KONG-WAH (in Cantonese): *President, it seems that the Chief Secretary's statement has quite accurately summarized certain public views and*

the fact that all parties can promote democratic development. However, I wish to ask the Chief Secretary to elucidate one point in the second subparagraph in page 6, which sets out the views summarized by the Government, that is, the Chief Executive. While this subparagraph clearly specified the year 2012 together with some descriptions, he stated in the third subparagraph that "At the same time, implementing universal suffrage for the Chief Executive by no later than 2017 will stand a better chance of being accepted by the majority in our community." The year 2012 was clearly highlighted in the second subparagraph, but it seems that the year 2017 was not so clearly highlighted in the subparagraph that follows. May I ask the Chief Secretary to elucidate if he was talking about 2017, and the justification of his remarks that the option was accepted by the majority in our community?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, there are two points in that subparagraph. First, a lot of views were received during the consultation period and reference had been made to different opinion polls. The summarized views indicated that more than half of the public supported the implementation of dual elections by universal suffrage in 2012, and this opinion should be taken seriously and given consideration.

Why did we point out at the same time that implementing dual elections by universal suffrage in 2017 will stand a better chance of being accepted? We have justifications for this. Firstly, more than half of the Members of the Legislative Council support that universal suffrage for the Chief Executive should be implemented first by no later than 2017, in 2017 or after 2017, and that universal suffrage for the Legislative Council should follow thereafter. After consulting all 18 DCs, we learnt that motions had been passed in more than two thirds of all DCs, supporting that universal suffrage for the Chief Executive should be implemented first by no later than 2017 or in 2017, to be followed by that for the Legislative Council. Furthermore, reference has also been made to the opinion polls conducted by a number of community organizations, including media groups, which indicated that about 60% of the respondents accept the implementation of universal suffrage for the Chief Executive in 2017, if this cannot be attained in 2012. It can also be seen that there are 150 000 signatures from the public. Information from all sectors would surely be taken seriously. The 150 000 signatures received from the public support the implementation of universal suffrage for the Chief Executive no later than 2017, in or after 2017.

MS AUDREY EU (in Cantonese): *President, I wish to ask about the first subparagraph in page 3 of the Chief Secretary's statement, which sets out the most important summarized views. It reads, "In general, the people of Hong Kong have keen expectation for attaining the aim of universal suffrage Members of the public, political parties, Legislative Council Members, DCs and different sectors of the community support that the plan for implementing universal suffrage, (President, the plan is not as simple as a timetable, but a proposal) particularly a timetable (a timetable is also included). This can help minimize internal debates and will be conducive to the long-term stability and development of Hong Kong".*

However, not only has this report postponed the timetable for the Chief Executive election to 2017 or even later but also indefinitely shelved the implementation of universal suffrage for the Legislative Council, and there is no mention of any proposal at all. May I ask the Chief Secretary to elucidate if he thinks that this will increase internal debates, actually turning a blind eye to the long-term stability and development of Hong Kong?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the issue of constitutional development has been discussed in the community for a very long time, and the people of Hong Kong have keen expectation for attaining the aim of universal suffrage. This message is very clear. When members of the public, political parties, the Legislative Council, DCs and different sectors were consulted, they all thought that a proposal, a timetable in particular, for universal suffrage should be formulated early. Why did we say that? Why did the Chief Executive arrive at this conclusion?

First of all, we have promised time and again that the views would be faithfully reflected, and that subparagraph does faithfully reflect the public views. Secondly, why did we think that this can help minimize internal debates? This is also a summary of public views and the views received during the consultation period. We have stated time and again that the views would be faithfully reflected, and now the collected views have been faithfully reflected.

MS AUDREY EU (in Cantonese): *He has failed to answer my question. I have no objection to the first part of the subparagraph beginning with "In general", but the Chief Secretary has just expressed agreement with what I said earlier.*

As to my request for a proposal (including a timetable) to achieve universal suffrage early, he merely pointed out in his speech that this can help minimize internal debates and will be conducive to the long-term stability and development of Hong Kong. I agree with this point.

However, after reading the whole report, Members should have noted that the timetable has been greatly extended. Not only is there an absence of a timetable for the implementation of universal suffrage for the Legislative Council, but there is also no mention of any implementation proposal. So, I asked the Chief Secretary to elucidate if this report "can do nothing to help" minimize internal debates and "is not conducive" to the long-term stability and development of Hong Kong. This is the question I raised.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, this is precisely what I was trying to elucidate. Let me read out the seventh paragraph again: "Regarding the models, roadmap and timetable for implementing universal suffrage for the Chief Executive and the Legislative Council, the views received during the Green Paper public consultation period are summarized below", and the views given by members of the public and different organizations to the Government during the consultation period were precisely summarized in the first subparagraph — the Government has just summarized their views and faithfully reflected the views received.

MR JAMES TIEN (in Cantonese): *President, we are concerned about the Chief Executive election. Apart from the timetable, we are also very concerned about the so-called "threshold". In this connection, will the Chief Secretary elucidate the second subparagraph of the seventh paragraph: "..... there are relatively more views that the formation of the nominating committee may make reference to the existing Election Committee"? May I ask the Chief Secretary to elucidate if these views suggest that the nominating committee should maintain the four sectors of the Election Committee?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, among the views received during the consultation period, there are relatively more views that the formation of the nominating committee may make

reference to the existing Election Committee, which will then evolve into the nominating committee. For this reason, we have faithfully reflected the public views. As for the specific composition, I consider that further discussion can be held as there is still room to do so.

MS EMILY LAU (in Cantonese): *President, the Chief Secretary mentioned in the 12th paragraph that "If the NPCSC confirms that the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 may be amended", the SAR Government will study it. I wish to ask the Chief Secretary to make an elucidation. Given that the Chief Executive has indicated to the Central Authorities that there would definitely not be any dual elections by universal suffrage in 2012 and the study concerned is merely a means of procrastination, so the Chief Executive's proclamation on that day to "play a big game" and draw up an ultimate proposal was nothing but a load of nonsense only, right?*

PRESIDENT (in Cantonese): Ms LAU, your question puzzles me.

MS EMILY LAU (in Cantonese): *President, I wish to ask the Chief Secretary to elucidate if there will not be dual elections by universal suffrage in 2012. Even if there is a study, it will only be conducted to examine how procrastination can be made.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the NPCSC made an interpretation in April 2004, and now I quote the NPCSC Interpretation adopted on 6 April 2004: "The Chief Executive of the Hong Kong Special Administrative Region shall make a report to the Standing Committee of the National People's Congress as regards whether there is a need to make an amendment; and the Standing Committee of the National People's Congress shall, in accordance with the provisions of Articles 45 and 68 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, make a determination in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress." In other words, in case there is a need to

make an amendment to the methods for selecting the Chief Executive and for forming the Legislative Council in 2012, the Chief Executive shall make a report to the NPCSC for a determination, after which an amendment can be made. This is precisely the reason why the Chief Executive submitted this report.

MS EMILY LAU (in Cantonese): *He has not answered my question at all. My question is very simple indeed. The report did not propose to the NPCSC that the Chief Executive of the SAR has suggested the implementation of dual elections by universal suffrage in 2012. The report has not done that, has it?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I suggest that Ms Emily LAU look at the original text of the Interpretation made by the NPCSC. It reads that a report should be made for approval when there is a need to initiate amendments to the forming methods for either election in 2012. That is why we submitted the report to the NPCSC to seek approval for initiating amendments in respect of the 2012 elections.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki.

MISS TAM HEUNG-MAN (in Cantonese): *He is not in the Chamber now.*

PRESIDENT (in Cantonese): I did not notice that he is not in the Chamber. Mr Albert HO.

MR ALBERT HO (in Cantonese): *President, among the few recommendations made in the report to the NPCSC, while the first and second subparagraphs highlighted the timing of the Chief Executive election, other subparagraphs stated that more than half of the public support the implementation of dual elections by universal suffrage in 2012. However, another subparagraph also stated, to put it briefly, that 2017 will stand a better chance of being accepted by the community. Let me leave them aside and look at the two subparagraphs that follow. Not only was there no mention of the timing of implementing universal*

suffrage for the Legislative Council, the SAR Government merely indicated the wish to formulate a timetable without giving any advice or putting forward any specific proposals. Can you elucidate if the SAR Government has given up requesting the NPCSC to provide a specific timetable for implementing universal suffrage for the Legislative Council in the report?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I have stated very clearly in the relevant subparagraphs that more than half of the public wish to attain dual elections by universal suffrage in 2012, and this opinion merits serious attention and consideration. However, at the same time, about 60% of the respondents accept the implementation of universal suffrage for the Chief Executive in 2017, if this cannot be attained in 2012. I have faithfully reflected the views collected during the consultation period.

MR ALBERT HO (in Cantonese): *The Chief Secretary has not answered my question at all. Has the SAR Government not requested specifically for, at least, a timetable or a date for the full implementation of universal suffrage for the Legislative Council? Do none of those five subparagraphs contain such a request or carry that meaning?*

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the submission of this report carries two purposes. First, we have to make a report to the NPCSC in accordance with the Interpretation adopted by the NPCSC in 2004 for making a determination that review or amendment in relation to the 2012 election can be initiated should a need for amendment arises. Second, we must reflect to the Central People's Government public views on the Report on Public Consultation on the Green Paper and that on the important topic of constitutional development. In summarizing the collected views, the Chief Executive has actually summarized all the views received during the whole consultation period, and a number of conclusions and recommendations were made. Just now, I have talked about those five-point conclusions and recommendations, so there is no need to repeat them here.

MR TAM YIU-CHUNG (in Cantonese): *President, I would like to ask the Chief Secretary to elucidate the third subparagraph in page 6: "At the same time, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community." I hope that the Chief Secretary will elucidate the meaning of this subparagraph as it is written quite briefly. Will the Chief Secretary please elucidate its meaning?*

PRESIDENT (in Cantonese): Are you asking the Chief Secretary for Administration to further elaborate the meaning of this subparagraph?

(The Chief Secretary for Administration leafed through the statement)

PRESIDENT (in Cantonese): It is in page 6, the third subparagraph.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Is it the subparagraph beginning with "At the same time"?

PRESIDENT (in Cantonese): Yes.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, this subparagraph sets out the conclusions and recommendations made after summarizing the views received during the consultation period. Highlighted in this subparagraph are four points drawn from the collected views that merit our attention, which were then summarized into the conclusion that the implementation of universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community.

Firstly, half of the Members of the Legislative Council support the implementation of universal suffrage for the Chief Executive first by no later than 2017, in 2017 or after 2017, to be followed by that of the Legislative Council.

Secondly, after consulting all 18 DCs, we noted that motions had been passed in more than two thirds of all 18 DCs, supporting that universal suffrage for the Chief Executive should be implemented first by no later than 2017 or in 2017, and that universal suffrage for the Legislative Council should follow thereafter.

Thirdly, reference has been made to the different opinion polls conducted by a number of community organizations, which indicated that about 60% of the public accept the implementation of universal suffrage for the Chief Executive in 2017, if this cannot be attained in 2012.

Finally, reference has also been made to more than 150 000 signatures received from the public, supporting the implementation of universal suffrage for the Chief Executive by no later than 2017, in or after 2017.

We therefore drew the conclusion that implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community.

MS MARGARET NG (in Cantonese): *President, it is pointed out in the 10th subparagraph in page 4 that opinion polls have indicated that more than half of the respondents support implementation of universal suffrage for dual elections in 2012. In view of this, how can it be consistent with the second and third subparagraphs in page 6? They are actually contradictory. The second subparagraph stated that universal suffrage for the Chief Executive should be implemented first in 2012, which is certainly inconsistent with the implementation of universal suffrage for dual elections in 2012. Again, the third subparagraph stated that the implementation of universal suffrage for the Chief Executive should be no later than 2017, which is also inconsistent with the 10th subparagraph. Is it because the 13th subparagraph in page 5 pointed out that there are 150 000 signatures from the public supporting the implementation of universal suffrage for the Chief Executive by no later than 2017 and after 2017 that the Administration has used this opinion to take precedence over the public views supporting dual elections by universal suffrage in 2012, thereby drawing the conclusions in the second and third subparagraphs in page 6? Can he elucidate if this is the case? The 10th subparagraph has pointed out very clearly that the implementation of dual elections by 2012 was supported by the majority of the public, which is inconsistent with the second and third subparagraphs.*

PRESIDENT (in Cantonese): Chief Secretary, Ms Margaret NG wished to have an elucidation on whether or not those few subparagraphs have any inconsistencies.

MS MARGARET NG (in Cantonese): *Apparently, sorry, President. Apparently, it is inconsistent with the conclusions set out in the second and third subparagraphs. How does the Chief Secretary explain this?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the former part of my speech summarized the views received during the consultation period which, as I have said time and again, have been faithfully reflected. This time, I am saying again that the summarized views have been faithfully reflected.

The second part concerns the Chief Executive's report, in which a number of conclusions and recommendations have been made. I believe I need not remind Members that when there is a need to amend Annexes I and II, the prime consideration is whether or not it can be endorsed by two thirds of Legislative Council Members, that is, endorsed by 40 Members. Therefore, the Chief Executive has arrived at these conclusion and recommendations only after considering the actual situation, and we consider this an appropriate proposal.

MS MARGARET NG (in Cantonese): *President, the Secretary has failed to answer my question. I surely understand that the second and third subparagraphs set out the Chief Executive's conclusions, but the thrust of his conclusions runs counter to public views and hence gives rise to inconsistencies.*

PRESIDENT (in Cantonese): Ms Margaret NG, since we have yet to amend the Rules of Procedure, your question cannot be regarded as seeking an elucidation. Can you try to rephrase your question to make it a request for elucidation?

MS MARGARET NG (in Cantonese): *President, my question concerns the inconsistencies among those few points, right? Although the Chief Secretary has answered my question, but I still do not understand why the second and third*

subparagraphs are inconsistent with the public views which he claimed earlier to have been faithfully reflected. Are there any inconsistencies? Can he elucidate if the Chief Executive's conclusions are inconsistent with the public views? This is exactly the same question that I put right at the beginning, but only shortened.

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, let me repeat what I have said. Since Ms Margaret NG has repeated her question, perhaps I should repeat my answer too.

During the three-month consultation period, views of different sectors have been collected. Since members of the public have keen expectation for implementing universal suffrage for both the Legislative Council and the Chief Executive, so reference has been made to a number of opinion polls, which also indicated that more than half of the public wish to attain universal suffrage for the Chief Executive and the Legislative Council in 2012. We have faithfully reflected this point and stated that it should be taken seriously and given consideration.

However, implementing universal suffrage for the Chief Executive by no later than 2017 will stand a better chance of being accepted by the majority in our community. This also has its basis on the same opinion polls we had previously referred to, which indicated that more than or about 60% of the public consider it acceptable to implement universal suffrage in 2017, if it cannot be attained in 2012. However, I wish to remind Members that while public view is a major consideration, any amendment to Annexes I and II to the Basic Law must be endorsed by two thirds of Legislative Council Members, obtain the consent of the Chief Executive and must also be reported to the NPCSC for approval or record. For this reason, while our administration must abide by the law under the constitutional framework, the Basic Law being the most fundamental framework also provides that consideration should be given to the views expressed by the Legislative Council, which is an important organization. Now that half of the Members of this organization support the implementation of dual elections by universal suffrage by no later than 2017, in 2017 or after 2017, but

only less than half of the Members support the implementation of dual elections by universal suffrage, so the conclusion has been drawn in consideration of this and other factors relating to members of the public.

MS MIRIAM LAU (in Cantonese): *Madam President, the fourth subparagraph in the seventh paragraph of the statement states that, "There are relatively more views that it would be appropriate to have two to four Chief Executive candidates at most." May I ask the Chief Secretary to elucidate if public views suggested that a higher threshold must be adopted for nominating Chief Executive candidates?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, this point is a summary of the views received from different parties.

During the three-month consultation period, it is evident from the summarized views of the Legislative Council, opinion polls and submissions that there are relatively more views that the election of the Chief Executive by universal suffrage should have two to four candidates at most.

MRS ANSON CHAN (in Cantonese): *President, the fifth subparagraph in page 3 of the statement states that "The community generally agrees that, after the Chief Executive candidates have been nominated in accordance with democratic procedures", so can the Chief Secretary elucidate what is meant by the "democratic procedures"?*

PRESIDENT (in Cantonese): Chief Secretary for Administration, would you please just make a brief elucidation as this might involve the whole report?
(Laughter)

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, in respect of the term "democratic procedures", Articles 45 and 68 of the Basic Law provide that the Chief Executive candidates must be returned by democratic procedures. Hence, I believe there must be thorough discussions in the community in order to satisfy the meaning of "democratic procedures".

Surely, insofar as "democratic procedures" are concerned, the power of interpreting the Basic Law does not rest with the SAR Government or the Legislative Council. Only the Basic Law can explain what is meant by "democratic procedures".

However, we are eagerly looking forward to seeing that further in-depth studies will be carried out in the community should the NPCSC approve of the SAR Government initiating amendments to the methods for selecting the Chief Executive and forming the Legislative Council in 2012. By that time, issues concerning the "democratic procedures" as raised by Mrs Anson CHAN earlier, the "formation of the nominating committee" or "the requirement of having two to four Chief Executive candidates" will be further studied and discussed in depth.

I am so glad to see from this three-month consultation exercise that, in general, the community has discussed this important topic in a pragmatic and rational manner. I sincerely hope that the community will continue to adopt a pragmatic and rational approach and reach consensus on issues similar to those mentioned by us just now in the spirit of seeking common ground while reserving differences.

MRS ANSON CHAN (in Cantonese): *The Chief Secretary has not answered my question. Perhaps I should put it in another way. Will the Chief Secretary confirm that there is no selection mechanism in the "democratic procedures"?*

PRESIDENT (in Cantonese): Chief Secretary for Administration, do you have anything to add in this regard? Is there not any so-called "selection mechanism" in the "democratic procedures"? As to what a "selection mechanism" is, it may warrant another interpretation. So, I would like to ask the Chief Secretary to try to answer this by all means.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I recall that I might have sat in Mrs Anson CHAN's present seat when I was a Member of the Legislative Council. (*Laughter*) Even if it is not that seat, it should be somewhere in the same row. Now, Mrs Anson CHAN and I have swapped positions. Insofar as that seat is concerned, I have had the same

feeling time and again, which Mrs CHAN should understand very well, that the seat may become pretty hot when it comes to a certain time. In other words, sometimes the seat may become pretty hot after the person who sits in that seat has raised very sharp questions.

The answer to this question is, however, very simple. It is the main objective of this report to urge the NPCSC to confirm that amendments can be made to the methods for selecting the Chief Executive and forming the Legislative Council in 2012, that is, to initiate the amendment procedure. By that time, the community should carry out thorough discussions on the procedures stipulated in Articles 45 and 68 of the Basic Law. I strongly believe we would be able to narrow our difference as long as we discuss the matter in a rational, pragmatic and progressive manner in the spirit of seeking common ground while reserving differences.

PRESIDENT (in Cantonese): Members have spent 30 minutes asking questions to seek elucidation on this statement. I noticed that while the Chief Secretary for Administration had used only 11 minutes and 25 seconds to read out his statement, double time had been used by Members to seek elucidation from him. In fact, altogether 20 Members have indicated their wish to seek elucidation, but I will have to let the other 10 Members down. And yet, I believe Members should be able to put their questions directly through other channels instead of seeking elucidation in this way.

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Legal Aid Ordinance.

I now call upon the Secretary for Home Affairs to speak and move his motion.

PROPOSED RESOLUTION UNDER THE LEGAL AID ORDINANCE

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I move that the motion, as set out under my name on the Agenda, be passed.

In accordance with sections 5 and 5A of the Legal Aid Ordinance, a person whose disposable financial resources do not exceed \$162,300 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (the Ordinary Scheme). The corresponding limit for the Supplementary Legal Aid Scheme (the Supplementary Scheme) is \$450,800. The abovementioned limit for the Ordinary Scheme also applies to criminal legal aid. The Government reviews the limits annually to take into account movements in consumer prices, so as to maintain the real value of the limits.

We last increased the limits by 2.5% early this year to reflect the increase in Consumer Price Index (CPI) (C) recorded during the reference period of the 2006 annual review.

We have recently completed the 2007 annual review. The increase in CPI (C) between July 2006 and July 2007 is 2.1%. We now propose the motion to adjust upward the limit for the Ordinary Scheme from \$162,300 to \$165,700, which will also apply to criminal legal aid and that for the Supplementary Scheme from \$450,800 to \$460,300, in accordance with the 2.1% increase in CPI.

I urge Members to support the motion.

The Secretary for Home Affairs moved the following motion:

"RESOLVED that the Legal Aid Ordinance (Cap. 91) be amended –

- (a) in section 5(1), by repealing "\$162,300" and substituting "\$165,700";
- (b) in section 5A(b) –
 - (i) by repealing "\$162,300" and substituting "\$165,700";
 - (ii) by repealing "\$450,800" and substituting "\$460,300"."

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

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

MR LEUNG YIU-CHUNG (in Cantonese): President, similar adjustments are proposed every year. The Secretary has said clearly just now that the adjustments this time around are made in accordance with the movements of the CPI (C). However, the level is only increased from \$162,300 to \$165,700, an increase of only \$3,400. To average this amount over a period of 12 months, it will mean only a hundred or two dollars per month, which is not actually a large amount. Therefore, the increase, or say the impact on the beneficiary, is not substantial. Besides, the CPI reflects only the average increase over the past year. But, as we all know, there is an enormous surge in inflation rate recently, and the adjustment made cannot catch up with such an increase after all.

We can hardly oppose this legislation, but I hope the Secretary will think twice, for if the same practice is applied continuously, it will not bring about any marked effect. I hope that upon the passage of this legislation, the Secretary will conduct a review to re-examine whether only adjustments in accordance with the CPI (C) movements can be made under the relevant mechanism, and whether necessary changes taking into account the actual situation of recipients or applicants at present will be considered.

Actually, a lot of views have been voiced by various organizations which consider the existing practice has utterly failed to cater for the actual demand of society. For instance, some clients of those organizations consider that the increase can hardly meet the demand. They may easily exceed the limit and be denied legal aid. Eventually, we have no way to provide assistance that may do them justice or process certain cases.

I thus hope that the Secretary will really heed our views, so that upon the passage of the legislation today, a review of the entire mechanism instead of mere adjustments will be carried out. President, I so submit.

MS MARGARET NG (in Cantonese): President, this resolution is merely a routine procedure. So, we naturally have no objection to the upward adjustment of legal aid level made under the present mechanism in accordance with the movements of price index.

However, we have repeatedly told the Policy Bureau that we consider the existing mechanism unsatisfactory. President, I would like to put forth four points. First, a broad-brush approach is adopted in the granting of legal aid which focuses mainly on the maximum asset limit. I am referring to the general case definitely. For cases where the asset of the applicant is below the limit, the legal fees granted will practically have no limit, or say unlimited. However, if the asset value of an applicant exceeds that limit, he or she will get nothing. This is thus a broad-brush approach. However, many people whose total asset value exceeds the limit are also facing expensive litigation fees. If they are not granted legal aid, their rights under the law will receive no protection. For this reason, we have said repeatedly that this broad-brush approach should be discontinued.

In respect of legal aid, sometimes when we asked if people with an asset value exceeding the limit could in no way receive assistance, more often than not the Legal Aid Department would give us some utterly ridiculous opinions like asking the applicant to spend the excess. If the applicants can spend all the excess money, their asset value will come under the limit when they apply for legal aid. President, I think this remark is not at all tenable, particularly when most people's savings do not come from any surplus but are made as protection for the family and themselves in times of illness and in their old age. So, the remark is really unrealistic.

Second, even without amending the legislation, legal aid can be granted on a phase by phase basis. In other words, at the initial stage, that is, during the merit test, should legal aid be granted in a lump sum when the applicant's asset value is within limit? Should an applicant be denied legal aid at the outset when his or her case is considered not standing a good chance of success? Should legal aid be granted in phases? That is to say, certain part of legal aid should be granted at the beginning, so that the applicant can carry out investigation to examine his or her chance of success before deciding the next step to take. In that case, more people will benefit. I hope the Secretary will consider this point.

Third, at present, all legal aid granted involves proceedings. That means applicant will only receive legal aid after he or she has decided to initiate legal proceedings. For applicants who wish to obtain legal aid for the purpose of seeking legal advice to examine whether they should take or defend a legal

action, legal aid of this kind is not available at present. Actually, the fees for seeking legal advice are far lower than that of initiating proceedings. If legal aid for seeking legal advice is provided, it may result in substantial savings in legal aid expenses. We have put forth this point a number of times, and I thus hope that the authorities will consider it.

The last point is about the Supplementary Legal Aid Scheme (the Supplementary Scheme). Today, the limit has been raised, but actually, assistance provided under the Supplementary Scheme is not paid by taxpayers. For this reason, I see no point that the limit of the Supplementary Scheme should be set at such a low level and that the scope of the scheme has not been expanded. The Department told us that granting any lack of prudence, even in the slightest measure, the Supplementary Scheme would end up in the reds. However, the scope of the existing scheme is really too small. For instance, in many cases where insurance companies are involved, there is utterly no reason to worry that the cost cannot be recovered after winning the case. Under such circumstance, why is the scope of the Supplementary Scheme not expanded?

President, I think the authorities must respond to these four points. If they are only carrying out a routine procedure according to the mechanism, such as raising the legal aid level in accordance with price index movements proposed today, we of course will not oppose it, but we think such action can in no way meet the demand for legal aid.

Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I will now call upon the Secretary for Home Affairs to reply.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I have to thank Members for their support for the adjustment in financial resource

limits and their opinions. The review of the financial resource limits for applicants of legal aid to take into account movements in CPI seeks to maintain the real value of the limits. In view of the movements in CPI (C) under this review, we propose to adjust upward the relevant limits. We hope that the Legislative Council will support the relevant resolution. I will now respond briefly to the views expressed by Members.

Mr LEUNG pointed out that it was inadequate to merely consider the CPI in the review. The annual review of the financial resource limits is made with reference to the movements of the CPI (C), and the objective of the review is to maintain the real value of the limits. The annual review comprises only part of the review of legal aid. The limits are also subject to a biannual review to take into account the movements of litigation fees. Moreover, the criteria for assessing the financial eligibility of legal aid applicants are reviewed every five years. We hope that by means of various reviews, the means test will be kept closely in line with the economic condition of society. Actually, we are now conducting the five-year review of 2007, and the scope of review was introduced to the Panel on Administration of Justice and Legal Services earlier this year. We plan to report the result of the review to the Panel in the middle of next year.

The objective of the legal aid policy is to ensure that any person who has reasonable grounds for taking or defending a legal action is not prevented from doing so by lack of means. Therefore, the financial status of legal aid applicants and the merits of cases are two crucial factors to be considered in granting legal aid. Regarding the suggestion made by Ms NG earlier on to adopt a more flexible approach in handling the relationship between economic condition and the merits of cases, which includes giving serious consideration to changing the broad-brush approach and adopting a phase-by-phase approach, we will further consider it.

With regard to the expansion of the Supplementary Legal Aid Scheme, as we said at a meeting of the Panel in March this year, though it is not directly related to the assessment of financial eligibility, in conducting the five-year review, we will take the opportunity to examine whether there is room to enable more people to benefit on the premise that the financial stability of the scheme will not be undermined or damaged.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Home Affairs, 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 of the Members present. I declare the motion passed.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions: two motions with no legislative effect. First motion: Legislating for the provision of baby-sitting rooms.

I now invite Mr LEE Wing-tat to speak and move his motion.

LEGISLATING FOR THE PROVISION OF BABY-SITTING ROOMS

MR LEE WING-TAT (in Cantonese): President, I move the following motion proposed under my name.

President, many people know the benefits of breastfeeding to infants. Not only does breast milk offer protection from diarrhoea and infection in infants but it can also reduce uneasiness in infants after their detachment from the mother's body. Breastfeeding can also speed up the recovery of women after childbirth. However, most mothers in Hong Kong find breastfeeding most difficult and many working women even think that it is not possible to practise breastfeeding. No baby-sitting rooms are provided in many shopping malls, public places and workplaces in Hong Kong. The social culture in Hong Kong poses obstacles and exerts a burden on mothers hoping to practise breastfeeding.

Therefore, I propose a motion today to urge the Government to study introducing or amending legislation to make the provision of baby-sitting rooms and breastfeeding facilities a mandatory requirement for new and existing government and public sector buildings, large shopping centres, department stores and large restaurants.

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

In June, the < www.healthlink.hk > interviewed 500 mothers who had breastfed their babies and the findings show that only 36% of the mothers could follow the recommendation on exclusive breastfeeding for the first six months after childbirth as made by the World Health Organization (WHO); 28% of the interviewees said that they could only breastfeed their babies during the first month after birth. Information from the Department of Health (DH) shows that the breastfeeding rate for newborns in Hong Kong has made a slow progress from 50% in 1997 to 70% this year. The rate of mothers who breastfeed their babies up to four to six months after birth only rose from 6% to 13.5%. However, this breastfeeding rate lags far behind the 80% breastfeeding rate in the United States and it is also way behind the relevant figures in the United States, that is, 60% of the mothers breastfeed their babies up to four to six months after childbirth. There is also a great disparity with the average 41% obtained by the United Nations Children's Fund (UNICEF). Also, with respect to the period of continued breastfeeding, the Hong Kong average is only four months and one week. This is actually a slight increase when compared with the figures in 1999, but the difference is still very marked when compared to at least six months of breastfeeding by mothers on the Mainland and in South Korea.

Deputy President, the causes of this are the insufficient publicity on breastfeeding and the lack of related facilities provided on the hardware side. Breastfeeding is a basic right of the infants and the benefits of breastfeeding are commonly known and recognized by parents. However, does the community attach enough importance to this right of mothers to breastfeed their babies? Many people still regard breastfeeding as odd and they even discriminate against breastfeeding mothers. This causes fear among mothers for breastfeeding. Over the years, there have been numerous farces caused by this lack of public awareness of breastfeeding. In 2002, a five-star hotel asked a woman to

breastfeed her baby in a toilet. The fact that it was a five-star hotel caused a public uproar and the case was widely reported in the newspapers. Also, a young woman was stopped by staff in the Central Library as she tried to breastfeed her baby. There are also cases of mothers who breastfeed their babies inside the toilets for the handicapped in the shopping malls being also discriminated against and asked to go away. Is this the kind of treatment and right that breastfeeding mothers and their babies can expect? The kind of discrimination and misunderstanding demonstrated in these cases do not disappear with the passage of time and on the contrary, they keep on cropping up every day. When we look at the media we come into contact every day, like the TV, newspapers and radio, can we see any advertisements on the benefits of breastfeeding? What the Government is doing is that it only gives away leaflets in the maternal and child health centres once in a while. Does it mean that publicity on breastfeeding is done well enough? In our opinion, the Government should enhance public education and awareness in this respect, as well as playing a more active role to change the social mores and eradicate antiquated values.

Apart from this, the Government should step up regulation of the advertising practices of milk formulas and the sponsorship given by these milk formula companies to private clinics. In May this year, I asked the Government a question in writing in my capacity as a Member of the Legislative Council. I asked the Government if anything had been done in accordance with the "Ten Steps to Successful Breastfeeding" issued by the WHO and requested private hospitals to decline the offer of donation or sponsorship of free or low-priced milk substitutes. According to the reply given by the Government, there is presently no policy regulating the giving of milk formulas by private hospitals and clinics to pregnant women. Actually, many of the milk formula advertisements shown on the TV claim to be comparable to breast milk. The public is even misled into believing that milk formulas are even better than breast milk. This is clearly a breach of the International Code of Marketing of Breastmilk Substitutes. But such things are not regulated in Hong Kong. There is a so-called premium milk formula which claims in its advertisements that lutein together with DHA can promote the development of visual perception in children and this has been found by the Broadcasting Authority (BA) — not the DH, to be unsubstantiated by scientific evidence and is hence misleading. I am very surprised that this query is raised by the BA and not by the DH. Many countries in the world have tightened up their control of milk formulas. The Food Standards Agency of the United Kingdom imposed stricter regulation on

milk formulas this April and wordings like "helps growth and the immune system" are prohibited on the labels and advertisements of infant formulas. On 22 November, the United Kingdom stepped up the relevant regulation on infant formulas, labelling and advertising. If the SAR Government still thinks that milk formulas are substitutes for breast milk and stands aloof in the matter, it is like an accomplice in depriving infants of the enjoyment of breast milk.

Deputy President, the lack of support in terms of hardware facilities is a factor which directly makes women unable to breastfeed their babies for a longer period of time. According to a survey conducted by the < www.healthlink.hk >, the low breastfeeding rate in Hong Kong is mainly due to inconvenience experienced in the workplace. Such is a cause for 66% of the mothers. And 24% of the mothers say that there is a lack of support at the community level and this means there are no baby-sitting rooms and so they find breastfeeding inconvenient.

According to estimates made by the Hong Kong Breastfeeding Mothers' Association, there are some 10 000 active breastfeeding mothers in Hong Kong. However, the Association finds that only 19 major shopping malls in Hong Kong are fitted with independent baby-sitting rooms. And such rooms are rarely found in government facilities and public places. This shows a severe shortage of baby-sitting rooms in Hong Kong. Given such a shortage, if women want to breastfeed their babies when they go out, they have to hide in a toilet. Just imagine this. When adults or Secretary Dr York CHOW go out to eat in a restaurant, the waiter asks the Secretary to eat in the toilet, will he agree to it? Or if the waiter asks the Secretary to sit near the toilet, the Secretary may want to be seated in a better place. This is just common sense. No one will want to eat inside a toilet and no one wants to sit next to a toilet. Then why should infants be fed in a toilet where the hygiene is totally unacceptable or is even filled with germs? The Democratic Party has conducted a survey and of the 380 respondents who have taken babies or children to public places, 64% say that they cannot find a suitable place to change diapers; 40% of the mothers have fed their babies in a toilet because they cannot find a baby-sitting room; and some of them even have given up feeding. Of the 961 respondents in total, more than 50% think that there are not enough baby-sitting facilities in the shopping centres and restaurants in Hong Kong and 65% support the idea of enacting legislation to require that government buildings, shopping centres and restaurants be fitted with independent baby-sitting rooms to provide more convenience to breastfeeding mothers.

Deputy President, lastly, I wish to lodge a formal complaint and protest to the Government on behalf of these infants and breastfeeding mothers and urge the Government to stop pretending to be deaf and dumb in this matter. On 30 June 1999, that is, eight years ago, Mr Michael HO of the Democratic Party — now he has returned to his former job — proposed a motion on promoting breastfeeding in this Council. At that time, Members including me spoke on the necessity of adding more baby-sitting rooms to promote breastfeeding. The then Secretary for Health and Welfare, Mrs Katherine FOK, pledged to this Council and I quote: "to foster a public awareness of breastfeeding and to cultivate a respect for it". May I ask the public officers and Secretary Dr York CHOW, do you think this has already been done now?

Deputy President, how many baby-sitting rooms are found in the government and public sector buildings now? The answer is that the number is miserably minimal. Maybe the Secretary has to respond to this. Even in colossal buildings like the Convention and Exhibition Centre in Wan Chai, the Space Museum and the major public libraries, no baby-sitting rooms are found. I do not think I need to cite other government offices or government office complexes as examples, for the fact is that such facilities are seldom found there.

If the Government really wants to help these infants and their mothers, it could have added baby-sitting rooms in government buildings, libraries, parks, MTR stations, community centres, civic centres and such like large buildings at its own initiative and before the passage of any relevant legislation. The amount of expenditure involved is very small and I believe Honourable colleagues in this Council will not oppose such an idea. Deputy President, after the Government has taken the lead, of course we hope that legislation can be enacted to regulate the private sector shopping centres, restaurants and department stores so that such rooms which show a respect for the mothers and infants can be provided.

Deputy President, the Hong Kong Breastfeeding Mothers' Association has printed a poster with a photograph that simply shows a toilet bowl with knife and fork placed next to it. May I ask the Secretary, would you like to have your lunch or dinner in such conditions? Now every week or even every day a certain number of breastfeeding mothers have to do breastfeeding in such places when they go out. Do you think it is humane? Do you think the Government can afford to go on being callous and do not do anything?

When I came here this morning, there was this young child, I think he must be very small and should be less than one year old. He did not know how to speak yet. His mouth was watering when he saw Fred LI. Actually, I was not sure if his mouth was watering. He gave us a picture with the words on it saying, "Dear aunties and uncles of the Legislative Council, this is our ideal baby-sitting room. We hope that you can support legislating so that our dream can become true. Thank you. Sincerely yours, breastfed baby. 12 December 2007." What is that baby-sitting room like? It is rather simple, just a roomy place, with no faucet and sink and such like facilities. The colours are very attractive and there are chairs and even a place to facilitate feeding.

I hope that this motion and all the amendments can be passed, and I also hope that the Secretary will not pretend not to see this problem. But he should try his best to make sure that baby-sitting facilities are added to all the government buildings. Thank you, Deputy President.

Mr LEE Wing-tat moved the following motion: (Translation)

"That, as government and public sector buildings, large shopping centres and restaurants in Hong Kong at present generally do not provide baby-sitting rooms, thus causing great inconvenience to women who are breastfeeding, and resulting in some mothers having to breastfeed in toilets, which may affect the health of the babies, this Council urges the Government to face up to women's right to breastfeed, and to study introducing or amending legislation to make the provision of baby-sitting rooms and breastfeeding facilities a mandatory requirement for new and existing government and public sector buildings, large shopping centres, department stores and large restaurants."

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

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

I will call upon Mrs Selina CHOW to speak first, to be followed by Dr Joseph LEE, but no amendments are to be moved at this stage.

MRS SELINA CHOW (in Cantonese): Deputy President, there are numerous benefits of feeding a baby with breast milk both to the baby and the mother. The first milk or colostrum contains antibodies and immunoproteins and can protect the baby against diseases. It is 100% natural, hygienic, good for digestion and easily absorbed by the body. Of greater importance is that the baby feels warm and safe in the mother's bosom and the intimacy between the mother and the child can be promoted and strengthened. This is a live experience I have in my family because my daughter has just given birth to a child. I am glad to find her choosing to breastfeed her baby.

For mothers, breastfeeding may speed up postpartum recovery, help mothers regain a slim figure, and reduce the risk of breast and ovarian cancer. Of course, breastfeeding saves the money for milk formulas and breastfeeding is the most environmentally-friendly way to raise a child.

Deputy President, given that the number of breastfeeding mothers is rising and that breastfeeding has got so many merits, breastfeeding should therefore be promoted and more convenience and support should be given to breastfeeding mothers. However, there is a serious shortage of baby-sitting facilities and places for feeding infants in the public and private-sector buildings alike. According to estimates made by the Hong Kong Breastfeeding Mothers' Association, now one out of three mothers chooses to breastfeed her child. In other words, there are some 10 000 breastfeeding mothers in Hong Kong now. They breastfeed their children during the first six months after the birth of their children. The Association finds out, however, only 19 independent baby-sitting rooms are provided by the major shopping malls in Hong Kong. This is obviously not enough to meet such a huge demand. There are some baby-sitting facilities in some shopping malls, but these facilities are crude. Often one only sees a platform placed casually somewhere in the toilet for parents to change the diapers of the infants. Even in some places with a large flow of people, such as the Convention and Exhibition Centre mentioned by Mr LEE Wing-tat earlier, as well as other places like the Ocean Park, the Ngong Ping 360 station and so on, there are no baby-sitting facilities at all.

Many breastfeeding mothers have had unpleasant experiences like being forced to feed their babies inside a toilet. The hygiene there is terrible and this affects the health of the mother and the baby alike. There are some mothers who have been scolded for occupying a toilet compartment for too long because they feed their babies there. Some are frowned on by other people after they

have finished breastfeeding. Hence they are very upset and feel being wronged. Since it is very hard to find baby-sitting rooms in a public place, so many breastfeeding mothers just choose not to go outside. Nowadays we often encourage young parents to bring their children outside more often. This is actually a good thing because it can enable the babies to interact with more people from infancy on and they can take part in more family activities. But the shortage of baby-sitting rooms is posing an obstacle to this.

Deputy President, not only are shopping malls and department stores in serious shortage of baby-sitting rooms but also very few government venues are fitted with baby-sitting rooms. Apart from public hospitals and maternity and child clinics which have more such facilities, of the many public facilities and venues in Hong Kong, only two civic centres, two museums, two border control points, two birth registration offices, one immigration office, the Wetland Park and the airport are fitted with baby-sitting rooms. In other words, all other public venues do not have such baby-sitting rooms.

So why do I have to propose such an amendment specifically? Because I wish to make the provision of baby-sitting rooms a mandatory requirement in public venues and to include venues like immigration control points, parks, cultural and leisure facilities, public bathing beaches and stations of the mass transit systems. We should certainly consider setting up baby-sitting rooms in such places.

In our opinion, there is heavy passenger flow in the mass transit systems and immigration control points and since the waiting time is long and when there are no baby-sitting rooms, it would mean that the babies have to remain hungry or be forced to go inside the toilets. This is not satisfactory. Moreover, many people would use other cultural and leisure facilities such as the Space Museum, the Science Museum, the Central Library or the municipal services buildings, and so on. But these places do not have any baby-sitting rooms. The Liberal Party thinks this is totally unacceptable. Although the Chief Executive urges the people to have more children, the lack of relevant facilities runs counter to this policy. When even the Government is like this, how can we expect the private sector to follow suit, comply with government policy and add such facilities?

Deputy President, there are many new commercial buildings which have barrier-free toilets for people with disabilities. We consider that since the

baby-sitting rooms would just occupy about the same space as the toilets for the disabled, large public venues run by the Government and the private sector should model on the policy direction of installing toilets for the disabled and provide baby-sitting facilities for the convenience of mothers. This would make people feel that Hong Kong is a fair society and that efforts are made to assist in the promotion of policies beneficial to the public. I hope the Government can consider this.

Apart from hardware considerations in setting up baby-sitting rooms, the Liberal Party thinks that public awareness and understanding of the breastfeeding culture is still left to be desired. Despite improvements made, incidents which took place in hotel lobbies as mentioned by Mr LEE Wing-tat earlier are something we do not want to see. These incidents happened because some commercial organizations are not quite used to the breastfeeding culture when the breastfeeding trend begins to take shape. This accounts for the occurrence of some events which are embarrassing to mothers or make them feel uncomfortable.

We therefore think that the authorities should promote breastfeeding and it should not be confined to public hospitals and maternal and child clinics. Figures from the Food and Health Bureau show that of the babies born in Hong Kong from 2003 to 2006, the ever breastfeeding rate on discharge from hospital has risen from about 60% to about 70% now. As there are more relevant facilities in the private hospitals than in public hospitals, the percentage of babies breastfed in the private hospitals since birth is more than 70% and it is about 72% in 2006. The Government should therefore redouble efforts and step up the publicity work and install more relevant facilities in the public venues in order to promote the breastfeeding culture which is beneficial to mothers and babies alike.

Thank you, Deputy President.

DR JOSEPH LEE (in Cantonese): Deputy President, I wish to thank Mr LEE Wing-tat for proposing this motion debate today. When I saw the topic of this motion, that is, "Legislating for the provision of baby-sitting rooms", my first query was: Is it because there is a large number of mothers who breastfeed their babies that the existing baby-sitting rooms cannot cope with the demand, or is because such facilities have all along been insufficient and so we hope to make

the provision of these baby-sitting rooms a mandatory requirement in order to help and assure women in breastfeeding their babies?

It is precisely because of that query that I propose an amendment to Mr LEE Wing-tat's original motion in the hope that more organizations, businesses and employers can know what women need in breastfeeding their babies, hence more baby-sitting rooms and breastfeeding facilities can be provided. Also, the mothers' right to breastfeed their babies and the babies' right to be breastfed should be protected. Of course, I also hope that breastfeeding can be promoted through publicity and education efforts.

According to information from the Baby Friendly Hospital Initiative Hong Kong Association, there was a steady rise in the breastfeeding rate on discharge from maternity units in Hong Kong during the period from 1992 to 2005. The breastfeeding rate was 19% in 1992, but it rose to more than 64% in 2005. Also, the exclusive breastfeeding rate during the first few days after childbirth or at the initiation of breastfeeding has shown a year-on-year increase. The exclusive breastfeeding rate has risen from 6% among newborns in 1997 to 12% in 2004. Mr LEE Wing-tat has mentioned earlier that evidence shows that the breastfeeding trend seems to be on the rise. However, an interesting thing is, in general, there is no increase in the continued breastfeeding rate for six months or more. As compared to figures in other countries, figures for 2004 from the Department of Health show that about 17% of the babies are breastfed for a continuous period of six months or more. This rate is far behind the average rate of 36% obtained by the UNICEF. Why is that so? Can the addition of some public facilities alone in places like immigration control points, the Ocean Park or the other parks promote continued breastfeeding? In my opinion, this may not be enough. Why do I have this view?

We know that breastfeeding is a right of every mother and the right to be breastfed is the right of every child. But a very important thing is that when mothers breastfeed their babies, as mentioned by some Honourable colleagues earlier, they may be discriminated against or treated unfairly in one way or another on different occasions.

Besides, we can see that many women return to their work after their maternity leave is over. So after the 10 weeks of maternity leave, many women are forced to abandon breastfeeding or they may feed their babies with a mixture of breast milk and infant formula. Therefore, I agree with Mr LEE Wing-tat's

motion to require government and public sector buildings, large shopping centres, and so on, be provided with baby-sitting rooms. I also agree with Mrs Selina CHOW's amendment which proposes to add breastfeeding facilities in the Ocean Park, immigration control points, and so on. However, all this cannot lead to an enormous increase in the number of mothers who breastfeed their babies continuously or give any encouragement to them to do so. So I also hope that baby-sitting rooms and breastfeeding facilities be set up in the workplaces in order that mothers can be given a great boost to practise continued breastfeeding. By being continued, I would mean a period of breastfeeding for four to six months or even more.

Under the Employment Ordinance of the SAR, a female employee is entitled to 10 weeks of maternity leave, that is, four weeks before and six weeks after childbirth. After the baby is discharged from hospital for six weeks, that is, after one to two months, the mother will have to return to her job. After she has returned to her job, will she be able to breastfeed her baby? Some mothers may use a breast pump to express their milk, then keep it in the refrigerator before they go to work. In this way, the baby at home can still be fed with breast milk. Some other mothers may have to feed their babies before going to work and for the rest of the time before they return from work, the babies are fed with infant formula. All these happen in Hong Kong because of the maternity leave provisions in the Employment Ordinance which do not allow mothers here to breastfeed their babies for half a year or more as the case in some other places or countries.

In addition, there is no law in Hong Kong which allows working mothers to take a short break or even an hour so that they can breastfeed their babies or express breast milk. As we do not have such laws in Hong Kong — we are not encouraging mothers to bring their babies to work, this is not possible here, but there is one thing we can do. After the mothers have gone to work, can they adopt some means so that they can breastfeed their babies during working hours?

I would like Members to know something about the physiological changes that take place in the mother during the process of breastfeeding. Generally speaking, when a mother starts breastfeeding, milk will be produced in her breasts. This is a continuous process and it lasts for about two to three hours. When a mother starts to feed her child, the milk stored in her breasts can be expressed. This is a normal physiological process. The process continues

after the mother has initiated breastfeeding. Such a process will go on until it is finished in about six to eight months' time.

When mothers have to go to work and when they cannot engage in any normal breastfeeding and if their companies do not have any facilities or room so that they can express their milk, then the milk inside their bodies will be stored up. This is not healthy for the mothers. If this goes on for a long time, it may affect the health of the mothers and the lactation process will also be affected.

If breastfeeding facilities can be set up in the workplace or if baby-sitting rooms are provided, then the mothers may go to these baby-sitting rooms or rooms with such facilities at certain periods of time and express breast milk. This will enable breast milk to be produced continuously, which is good for lactation in the mother. When milk is expressed, the situation is like babies sucking breast milk. This helps the mother lose weight after childbirth. Some studies have shown that breastfeeding leads to fat consumption and figure trimming and it also helps the uterus to become normal again. So this is helpful. Therefore, if breastfeeding can continue, that is, if breastfeeding and the associated physiological process can go on after the mother has returned to work, it would be helpful to the mother. Of course, the breast milk expressed can be put inside a refrigerator for use by the baby at home afterwards.

I once talked with some women and they told me that the greatest problem they came across in breastfeeding after they had gone back to work was there was no suitable place in the company for them to express their milk. There is no room, refrigerator or even a sink for them to wash hands. And there are no breaks for them to do such activities. These are all rather basic requirements actually.

If we are to promote breastfeeding, we would not only hope that breastfeeding can be done during the maternity leave alone but also after the mother has returned to her job. This would allow the babies to be breastfed for four to six months or even longer periods.

As far as I know, setting up a baby-sitting room in the workplace will also have potential benefits to the employers. First, when the company can understand and satisfy the needs of its female employees, this would be helpful to recruiting staff and reduce brain drain. Second, when employees feel a sense of

satisfaction, it would boost their morale, sense of responsibility and productivity. Third, breast milk can make the mother healthy and the baby healthy as well because of this continuous supply of breast milk. This is a win-win situation for mother and child. Fourth, setting up baby-sitting rooms will have a positive effect on society and on building up a favourable corporate image. Lastly, when working women have a sense of satisfaction at home and at work, that is, they would not have to worry about their babies as they work or quit their jobs to care for their babies, this will make them more committed to work, thus raising their productivity. I just cannot see from this all-win idea that there is any reason not to provide such facilities in workplaces.

Of course, I am not saying that every company should have such baby-sitting rooms or facilities. Actually, such facilities can be shared among different companies to facilitate mothers in expressing their milk. Therefore, I propose to amend Mr LEE Wing-tat's original motion by adding that baby-sitting rooms and breastfeeding facilities be provided in the workplaces so that mothers can carry out continuing breastfeeding.

Having said that, it is also important to publicize breastfeeding. We hope that mothers themselves can see how important that is. When this is supplemented with hardware and other kinds of support, we can expect more mothers to breastfeed their babies continuously. This is good for child development. We hope that something can be done, not necessarily by way of legislation, but that the Government and private sector organizations should take the lead to set up baby-sitting rooms in workplace so that breastfeeding can be carried out. This will have a positive effect on society.

Thank you, Deputy President.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, the motion proposed by Mr LEE Wing-tat and the amendments proposed by Mrs Selina CHOW and Dr Joseph LEE today have one point in common, which is also the objective of the Government's existing policy, that is, to recognize the women's right to breastfeed and encourage various sectors of the community to support breastfeeding. I am very pleased with this meaningful subject being brought into the Council for discussion. I hope Members' valuable opinions can help the Government's further action to promote breastfeeding.

First of all, I will briefly introduce breastfeeding in the context of Hong Kong, the Government's efforts in promoting breastfeeding, and the factors to be taken into account in considering the need to enact legislation requiring the provision of baby-sitting rooms in individual buildings, public places or workplaces. After the delivery of speeches by Honourable Members, I will respond to Members' views again.

Scientific studies have confirmed that breast milk is the best food for babies. This is because a wide variety of enzymes and antibodies contained in breast milk which are suitable for human beings can still not be replicated by technology. The special protein, anti-infective factors and other substances in it can protect children against diarrhoea and reduce their chances of suffering from otitis media or respiratory tract infection. What is more, breastfeeding is vital to the development of the neurological system. Some studies have even revealed that the intelligence quotient of breastfed babies will be three to five points higher than that of non-breastfed babies. Breastfed babies will also stand a less chance of becoming obese and suffering from diabetes when they grow up. Furthermore, the intimate relationship fostered between mothers and babies during breastfeeding is extremely vital to the emotional and intelligent development of babies. Insofar as mothers are concerned, breastfeeding women have a lower risk of breast cancer and ovarian cancer before menopause. It is also easier for them to bring their body weight back to the level before pregnancy.

Given its numerous benefits, we have along been supporting and promoting breastfeeding. Through publicity and education, the Department of Health (DH), the Hospital Authority (HA), relevant professional bodies and non-governmental organizations (NGOs) have brought home to members of the public the benefits of breastfeeding with a view to giving pregnant women and their family members a full understanding of breastfeeding so that they can choose an appropriate way to breastfeed their babies. At the same time, support will be offered to women to help them breastfeed their babies.

A breastfeeding policy was formulated by the DH in 2002 as part of its commitment to supporting a breastfeeding environment. Specialized training is provided to medical practitioners and nurses of Maternal and Child Health Centres (MCHCs) operated under the DH to give them adequate knowledge and training to promote breastfeeding to expectant mothers and mothers, as well as providing assistance and counselling. Furthermore, prenatal and post-natal

breastfeeding talks are organized by MCHCs. Through various means such as video recordings, workshops, practical demonstrations and personal counselling, mothers are fully equipped with knowledge and psychologically prepared to breastfeed their babies. To give these mothers better support, MCHCs will help them set up support groups for sharing of breastfeeding experience among themselves. In addition, a hotline has also been set up by the DH to answer queries encountered in the course of breastfeeding and provide appropriate guidance. The DH will continue to implement these initiatives and encourage and support more mothers to opt for breastfeeding.

All obstetrics and gynaecology departments under the HA will provide pregnant women with programmes aimed at encouraging breastfeeding. Furthermore, a committee for promoting breastfeeding set up by the HA has even compiled a manual on breastfeeding for distribution to various hospitals as reference materials for training purposes and for reference by expectant mothers. Furthermore, a policy of putting mothers and babies in the same room is being actively implemented in public hospitals to facilitate mothers in starting breastfeeding their babies within half an hour after delivery. Of course, this has to depend on the health conditions of individual babies and the availability of adequate space in the hospitals at that time. Some hospitals, such as Queen Elizabeth Hospital, even have breastfeeding experts to provide assistance to mothers with special needs. Similarly, the HA has also sponsored its health care personnel to attend breastfeeding programmes. In-service training is also provided to enable health care personnel to provide breastfeeding mothers with professional support and guidance.

Through the efforts of the DH, the HA, relevant professional bodies and NGOs, more and more women in Hong Kong have opted for breastfeeding. According to the figures reported to the DH regularly by public and private hospitals in Hong Kong, the ratio of breastfeeding recorded on discharge of babies rose by 26%, from 55% in 2000 to nearly 70% in 2006. The surveys conducted in all MCHCs under the DH have also revealed a rising trend of breastfeeding. Between 2000 and 2006, the ratios of breastfeeding babies for four and six months continuously rose from 19% and 14% to 30% and 23% respectively. The trend is indeed encouraging.

Although the rate of breastfeeding for a continuous period of six months in Hong Kong is still a long way from that in the Mainland, Australia and the United States, it is comparable with that in Singapore and Britain. It is evident

from the abovementioned data that the efforts made by the Government and various relevant organizations over the years have gradually borne results. Like other health education initiatives, breastfeeding promotion requires continuous efforts over a long period before the public can acquire correct knowledge and gradually put it into practice. Therefore, in the long run, continuous education and publicity is still required to enhance the public's recognition of and attention to breastfeeding.

As more and more mothers opt for breastfeeding, their demand for the provision of baby-sitting rooms in public places will naturally rise. The so-called baby-sitting rooms mainly refer to places for use by mothers to breastfeed, collect milk and change diapers for their babies. In recent years, baby-sitting rooms are provided in some shopping centres, department stores, large household goods chain shops and supermarkets to meet customers' needs. We are also aware that some shopping centres and shops, in which baby-sitting rooms cannot be provided due to limited conditions, will also be willing to assign some suitable places, such as fitting rooms, for breastfeeding purposes.

In a telephone survey conducted by the DH in January this year on some shopping centres, department stores and supermarkets of greater scale, 46, or 27%, of the 172 public places successfully interviewed indicated that baby-sitting rooms were provided. The provision of baby-sitting rooms can not only help build up a good corporate image, but also attract a certain number of customers. We believe baby-sitting rooms will be provided in more newly completed shopping centres and public places in the future.

Noting the public demand for baby-sitting rooms, the Government will also strive to provide a suitable environment for breastfeeding. Baby-sitting rooms or nursery facilities are already provided in places frequented by breastfeeding mothers, such as MCHCs, hospitals, clinics, and cultural, entertainment and recreational venues, where there are relevant demands and complementary facilities and equipment are available. A simple survey conducted in 2006 on the provision of baby-sitting rooms in government and public buildings reported a total of 91 places where nursery facilities were provided. In 2007, the number of such places rose to 98.

In deciding whether legislation should be enacted to promote a policy, a host of factors have to be taken into consideration by the Administration.

With these remarks, Deputy President, I will listen carefully to the views expressed by other Members on the motion and amendments in the hope that the views can help us develop the policy in this area. I will make another response later in the meeting.

Thank you, Deputy President.

MISS TAM HEUNG-MAN (in Cantonese): Deputy President, first of all, I would like to thank Mr LEE Wing-tat for proposing the motion today. As Honourable colleagues have talked about the advantages of breastfeeding, I would not repeat them here.

Last year, I conducted a survey and visited 30 large shopping malls and public venues in Hong Kong in order to find out if baby-sitting facilities were provided in these places managed by the Government and the private sector, if these facilities were sufficient and what their quality was. Now I would like to share with Members the findings.

In August 2006, our staff inspected 15 large shopping malls and 13 public facilities in Hong Kong and it was found that only nine, that is, 60%, out of the shopping malls had baby-sitting rooms. Most surprisingly, however, some of those shopping malls drawing big crowds and regarded as belonging to the higher end, such as the Taikoo Shing Plaza, the Pacific Place in Admiralty, the Harbour City in Tsim Sha Tsui, and so on, do not have any baby-sitting rooms. This shows that such facilities are not yet popular in Hong Kong.

Fortunately, those shopping malls which have baby-sitting rooms are very good. Members can just look at the photographs I got here. This is a baby-sitting room in IFC. It is fitted with the latest facilities. We can see that this is the place to wash babies. And here is the place to dispose of the garbage produced after washing the babies. This is very convenient. And also this is the best, a place for changing diapers. It is clean and handy. The most important thing is this chair. It allows the mother to sit comfortably to breastfeed her baby. It has got a very modern design too. Besides, the room is spacious and it allows things like milk formula and other articles needed for breastfeeding to be placed there. These two photographs can prove that

excellent facilities can be found in the large shopping malls. But why do we say that these facilities are not enough? We shall look into this later on in detail.

Hong Kong has all along enjoyed the reputation of being a shopping paradise. I hope this is still the case now. If this shopping paradise still sticks to the "customer first" principle, then it must keep abreast of the times and enhance its service quality. It should take care of those mothers who need to breastfeed their babies so that they can have a decent place to do so. In this way, mothers would not have to hunt for a proper place or to hide themselves behind their husbands to breastfeed their babies. If shopping malls are fitted with baby-sitting facilities, it would please the consumers and attract them to bring along their family for spending. However, baby-sitting rooms are not yet very popular. From the perspective of the shopping mall management, should serious thoughts not be given to setting up baby-sitting rooms so that the needs of the shopping mall patrons can be addressed while the image of the malls can be enhanced?

In contrast, the situation in the public venues managed by the Government and quasi-official agencies is not as good, and they are far worse off than the shopping malls. Apart from MCHCs and a very small number of museums, some of these big exhibition venues and concert venues like the Convention and Exhibition Centre in Wan Chai, as well as the large parks like the Hong Kong Park nearby, do not have any baby-sitting facilities at all. While the Government calls for breastfeeding and urges the people to raise three kids, we cannot see any matching action by the authorities which enables mothers to carry out breastfeeding. So what should be done about this?

We can take a look at these photographs. There are mothers who are forced to breastfeed their babies inside a toilet. The toilet shown in this photograph is very small. As there are people waiting, only one person can go through. It is very crowded. We can also see a garbage scoop and bags of garbage lying on the floor. Can this be said to be a clean place? Let us look at another photograph. The place is even more terrible. The floor is wet. There is no chair here. It is filled with garbage and there is nowhere to change diapers or place articles. This is a toilet and so there is no chair there. Just imagine the mother having to sit in such a place, endure all the unpleasantness and breastfeed her baby for as long as 30 to 45 minutes. How can anyone stand it? I do not think anyone can stay there for 30 minutes, let alone breastfeeding a

baby. All the Government knows is to ask mothers to practise breastfeeding. But it is saying one thing but doing another. In the end, mothers and babies have to cram inside a toilet cubicle and put up an eating show. Secretary, is this what the Government wants to see?

I agree that the Government should consider requiring new public buildings run by the Government or the private sector to set up baby-sitting rooms in phases. This is the first step to be taken. I would think that the environment and maintenance of these baby-sitting rooms are equally important. A baby-sitting room that is not properly maintained, messy and filthy will only put people off.

I have another suggestion to make. I once got a telephone call from a breastfeeding mother. She said that even if shopping malls had baby-sitting facilities, most of them were not so user-friendly. They did not have any power socket to enable mothers to turn on a breast pump.

Deputy President, apart from adding baby-sitting rooms to public venues, we need to change people's view on breastfeeding. Many mothers have been told by staff of shopping malls to go away, for the reason that they carry out breastfeeding in the shopping malls. Breastfeeding is never a disgraceful thing and these mothers often use a shawl to cover up their vital parts, so what is wrong about it?

Deputy President, to take forward the policy and achieve the objective of encouraging breastfeeding, work must be done on providing facilities and publicizing the culture in society. I hope every breastfeeding mother can carry out breastfeeding comfortably and with peace of mind. I also hope that every baby who is breastfed can be fed well and to their heart's content. With these remarks, I support the motion. Thank you, Deputy President.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, I would like to thank the Secretary first for teaching us a lesson on the merits of breastfeeding to babies and mothers. I listened very carefully to the Secretary's speech and I found that there is nothing harmful about breastfeeding to babies and mothers. In other words, as proved by the Secretary, there are only merits associated with breastfeeding. Since this is the case, we must promote and make breastfeeding

popular. It is a pity that, as pointed out by many Honourable colleagues and even the Secretary himself admitted it, there is room for improvement in breastfeeding because many mothers do not breastfeed their babies. What are the reasons?

I think there are a few reasons for that. First, maybe, as the Secretary has said earlier, some mothers are not aware of the benefits of breastfeeding. So the Government should engage in more publicity and education efforts. Many mothers may think that breastfeeding is a chore and they do not want to do it. For them, infant formulas are more convenient. Therefore, many of them opt for infant formulas. However, as the Secretary has said, if the Government makes more efforts in education and publicity and points out the advantages of breastfeeding, I believe it can cause a change in the mindset of mothers and make them willing to take up breastfeeding.

The second reason is, as pointed out by Dr Joseph LEE, the number of working women is increasing all the time. For these working women, the existing labour laws offer them the protection of 10 weeks of maternity leave, however, there is no hard and fast rule that four weeks should be taken before childbirth and six weeks after it. The timing of the maternity leave is up to the pregnant women. Are 10 weeks enough at all? Many countries have acted according to the relevant International Labour Organization convention and stipulated that at least 12 weeks of maternity leave should be provided. In some cases, even more than 12 weeks of maternity leave are provided. Of the countries and places in Asia, the length of maternity leave is in Hong Kong the shortest. So to encourage more working women to adopt breastfeeding, I think there must be a review of the maternity leave and if it can be made longer, more women would be willing to take up breastfeeding.

As Dr Joseph LEE has said, the mother does not have to breastfeed her baby at once, for the milk can be stored and refrigerated for feeding later. At present not many companies offer a suitable place for working women to breastfeed their babies. So unless we step up promotion and provide working women with this kind of work environment and place, I think a review must be conducted of the 10-week maternity leave.

The third reason is about facilities. The situation with respect to this is serious and the effect on mothers is that they are often hesitant about

breastfeeding. As mentioned by many Honourable colleagues earlier, baby-sitting rooms are seldom found in shopping malls and public venues. Since this is the case, how can women have the confidence to breastfeed when they go out with their babies? Leaving aside private sector venues, I am sure we would encourage mothers to bring their babies to places like parks, the reason is not to have fun but to breathe fresh air, enjoy the space and sunshine. This is normal and people can have a good time with their families. But why are baby-sitting rooms not found in the parks?

Deputy President, last week a group of mothers invited some Members of this Council to attend a press conference about fighting for baby-sitting rooms. They led us to some places nearby and, that is, the toilet in Chater Garden. We found that only a board was placed there for them to change diapers. I do not know what kind of baby-sitting room the Secretary has in his mind, is it just a toilet with a board? It would be most inconvenient for the mothers if they can only make use of that board as they breastfeed their babies after going inside a toilet. This is very inconvenient and not hygienic at all. I do not know if the cleansing workers knew beforehand that we were to go to Chater Garden, for we found that the toilet there was spotless. But the question is, even if the place is remarkably clean, it is cramped and people do not feel at ease inside.

Moreover, as we all know, female toilets are not enough in many places. That is why in the motion on gender equality to be moved by Ms Audrey EU later in the meeting, part (e) of the motion is about providing more women-friendly facilities in the community such as more water closet cubicles for the female. This shows that water closet cubicles for the female are not enough. Since there are not enough water closet cubicles for the female, they should be increased. If women have to use these water closet cubicles to feed their babies, as we know, and as mentioned by many Members, the mothers may feel embarrassed because it takes a long time to feed babies. When women face so much trouble and great embarrassment, would they still want to breastfeed their babies? All these are adverse factors which discourage women from taking up breastfeeding.

The Secretary is saying everything so nicely and well. He says that the number of breastfeeding mothers is on the rise. But the fact is that women may choose to do that reluctantly and they would have to do it within a very short time. They may be able to do it at home when they are on leave, but they cannot do it when they go out. I therefore think that the Government must

engage in more education and publicity work to encourage mothers to adopt breastfeeding. The most important thing is that relevant facilities must be provided so that women will find it convenient and not embarrassing. Only by doing so can the breastfeeding rate increase. For if not, I cannot think of any more effective way to achieve that. Moreover, even if the rate increases, the situation of continued breastfeeding would not be satisfactory. Even if continued breastfeeding is done, it may not be done regularly and babies are fed with breast milk only once or twice a day and infant formula for the rest of the day. This may happen as well. Now that the Secretary has affirmed the benefits of breastfeeding, I hope he can do more to enable women to opt for breastfeeding as the main way to nurse their babies.

Deputy President, I so submit.

MR JASPER TSANG (in Cantonese): Deputy President, the DAB supports the motion proposed by Mr LEE Wing-tat and the two amendments proposed by Mrs Selina CHOW and Dr Joseph LEE respectively.

My daughter gave birth to a baby at the end of last year. She belongs to the kind of mothers whom Dr Joseph LEE has talked about and that is, those who have to go to work after taking the maternity leave. She could not bring her baby to office and that is for sure. But as she wanted to feed her baby with breast milk, she had to try to find some way to express the milk and bring it home to feed the baby. In view of this, I would like to say a few words for this kind of mothers.

Someone has recommended the website Baby-Kingdom to me which is very popular with mothers in Hong Kong. I find some discussions made under the title of "Days of Pumping Milk in a Toilet". This shows the fact that many working mothers have to hide inside toilet cubicles to pump milk to bring it home to feed their babies. These mothers call themselves "the toilet pumps". This self-derogatory term shows that there is no place in the office for them to collect breast milk and so they are forced to pump milk inside a toilet.

As Honourable colleagues have pointed out, water closet cubicles for the female are not enough and some mothers say that they have to go to another floor before they can find a toilet. The toilet there is often packed with people. So it is not easy for them just to find a place.

A mother says that she has to pump milk in the toilet every day during the lunch hour and every time it takes up at least half an hour. So for a very long time, she has not sat down and enjoyed a proper lunch.

Another mother says that it is very tiresome to pump milk inside a toilet, for she has to stand up. There is no place for her to sit down and her feet would just get numb and she will be sweating all over as she has to do it non-stop for almost an hour. The place is hot and stuffy during the summer and it is just like coming out from a sauna bath each time the pumping is finished. When it is winter, the toilet is freezing cold because the air-conditioning indoors is very bad. She has to wrap herself in a down jacket to do the pumping. It is most inconvenient. As the toilet does not have enough facilities, she is worried that the milk bottle may drop onto the floor or into the toilet bowl.

Some other mothers say that they have to hold their breath and remain silent. Why do they have to hold their breath? If there are people doing what people would normally do in a toilet, the air quality is so bad that no one would want to stay there. But they can do nothing and cannot come out and so they have to hold their breath and go on pumping milk. Why do they have to remain silent? Because some of these toilets are very crowded and many people think that they are taking up the cubicles for too long, doing something that ordinary people are not doing. So these mothers are often frowned upon. They say that they do not dare let other people know what they are doing inside the cubicles and so they do not dare make any sound, for fear that the persons nearby would hear what they are doing. They say that this kind of life is exerting great mental stress on them. A mother says that she feels terribly lonely and isolated when she hides inside a toilet cubicle to pump milk.

Some mothers even have to buy a small refrigerator at their own expense and place it next to their desk. This is because no refrigerator is available in the office and milk will turn bad if it is not refrigerated. If that happens, all pumping efforts will be wasted.

In this way these mothers have shared their experience. They say that even as they may have the experience, it may not work too well. An example is someone suggesting using the toilet for the disabled, for it may be better in that it is roomy and offers greater privacy. Of course, once found out, they may be scolded for depriving the right of the disabled to use these toilets.

Some mothers say that their boss is very kind in letting them use the conference room to pump milk if the room is not occupied. However, there are also some mothers who say that not every boss is so kind.

Some gives an advice that mothers should avoid catching a cold in winter. The best thing to do is to turn their back and face the hand dryer in the toilet and activate it. This can make the body warmer. However, other people may criticize them for wasting resources and being not friendly to the environment.

There is a brilliant suggestion from a mother who says that she brings the ipod to the toilet every time so that she can flick through photos of her baby as she pumps milk. At times she can even watch a drama series. She says that she pumps milk twice a day and she can finish watching an episode of a Japanese drama series. However, her advice is that great care should be exercised to avoid dropping the ipod into the toilet bowl.

After reading about all these attempts to make heaven out of hell and hearing the life experience of many mothers as so eloquently depicted by Honourable colleagues earlier, we cannot help but share the feelings of these mothers. For me, I do not think I can ever have that chance, but can things not be changed at all?

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supports the motion today and we think that mothers should be provided the relevant facilities for their convenience. Also, we notice that apart from providing the facilities, we should also foster a culture among co-workers in the workplace to encourage and support mothers in their midst to breastfeed their babies.

We can picture the helplessness and loneliness experienced by these mothers as mentioned earlier and if co-workers can show more sympathy, encouragement and help, many of these problems can be solved. Even if facilities cannot be provided in a short time, the mental strain on the mothers can hopefully be mitigated.

These are the few comments I wish to add and I hope we can work together to make breastfeeding a success.

MR ALAN LEONG (in Cantonese): Mr LEE Wing-tat showed us a poster earlier on and it was a latrine with fork and knife placed next to it. Actually, I have seen that poster before. I think that poster is shocking, for the reason that no one would want to eat by the side of a latrine. Then why do we have to force our children and babies to be fed milk in a place like that?

Deputy President, the Secretary has described to us the numerous benefits of breastfeeding, saying that great efforts should be put on promoting it. The Buildings Department recommended in 2004 that baby-sitting facilities and breastfeeding rooms should be set up in public venues, however, according to statistics collected by the Hong Kong Breastfeeding Mothers' Association, only 19 of the large shopping malls in Hong Kong are fitted with independent baby-sitting rooms. There are very few independent baby-sitting rooms in facilities and public venues managed by the Government. It can be seen that the recommendation made by the Buildings Department has failed to cause any marked effect.

Many mothers are put off by the shortage of baby-sitting facilities in the public venues in Hong Kong. As newborn babies need to be fed milk every two to three hours, if mothers want to breastfeed their babies, they have to hide in a cramped and unhygienic toilet cubicle. Without adequate matching facilities, even if the mothers may understand perfectly the benefits of breastfeeding and insist that their children be breastfed, there is little they can do.

Deputy President, the Department of Health has since 2002 implemented the breastfeeding policy with the aim of promoting the benefits of breastfeeding. Some achievements have been made in this respect. According to figures from the Department of Health, for the five-year period up to 2007, 13.5% of the babies are exclusively breastfed for four to six months. This breastfeeding rate is lower than that in places like the United Kingdom and Australia. Hence there is still great room for actively promoting breastfeeding in Hong Kong. As a matter of fact, breast milk is the most natural food for infants. Breastfeeding has numerous benefits for the mother and baby alike. It can strengthen the bond between mother and child. Therefore, the Government should spare no efforts in promoting the benefits of breastfeeding. However, if publicity efforts are not supported by matching facilities in breastfeeding, their effects would be undermined even though these publicity efforts are finely executed. The reason is that although mothers may get the message that breastfeeding is good, they may not put it into action. Then this is not satisfactory.

Deputy President, besides setting up baby-sitting rooms in public places, we cannot force babies to stop being fed with milk when their mothers have to go to work. So if baby-sitting rooms are also set up in workplace, this would help promote the breastfeeding policy. In Hong Kong, many mothers have to go back to work after their maternity leave is over, so if babies are to be breastfed for a longer period of time, we must first take care of the working mothers. If working mothers want to breastfeed their babies, they have to express milk before they go to work. This allows babies to be fed while the mothers are in the office. Now baby-sitting rooms are not found in many workplaces. As a result, many working mothers have to stop feeding babies with breast milk, hence the breastfeeding rate will drop as mothers return to their workplace. For mothers who insist on breastfeeding, what they can do is to express milk inside the toilets of their workplaces. Mr Jasper TSANG has just described the difficulties of doing that in a most lively manner and I do not think I need to talk any more about them. When we are to discuss legislating for the provision of baby-sitting rooms, we should also cover baby-sitting rooms in workplaces. Only by doing so can the needs of breastfeeding mothers be fully addressed and mothers enabled to express milk for their babies while at work.

Deputy President, the Government supports breastfeeding. It must not just engage in promotion while doing nothing to provide the matching facilities, for it would only undermine the effects of these promotional efforts. Setting up baby-sitting rooms is to provide basic facilities to care for the babies. It is the Government's responsibility to provide baby-sitting rooms fitted with comprehensive facilities so that parents may take good care of their babies. It is a meaningful task to promote breastfeeding, so I think it is necessary to legislate on the provision of baby-sitting rooms. This would enable mothers to find a place in a public venue to feed their babies with peace of mind. Moreover, baby-sitting rooms should be set up in workplaces so that mothers may express milk in advance. This will enable parents and infants to enjoy barrier-free baby-sitting facilities in the community.

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

MR TOMMY CHEUNG (in Cantonese): Deputy President, breastfeeding is getting wider public attention and with promotion made by all sectors across the community, there are more and more mothers who choose to breastfeed their

babies. The demand for the provision of baby-sitting rooms in public places is becoming greater than ever. As Mrs Selina CHOW made it clear in presenting her amendment, the Liberal Party supports setting up baby-sitting rooms in public places to encourage more mothers to opt for breastfeeding. We also hope that the Government can take the lead to provide greater convenience to breastfeeding mothers by adding baby-sitting rooms in the public facilities under its management.

The Hong Kong Breastfeeding Mothers' Association is formed by ladies who have for so many years been fighting for legislation on the provision of baby-sitting rooms. The Association held a rally in Chater Garden in Central on 1 December. They reiterated their demand and accused the Government of engaging in empty talks on promoting breastfeeding. We all hope that the Government can put in its best efforts to set up more baby-sitting rooms in public facilities.

(THE PRESIDENT resumed the Chair)

The original motion proposes that baby-sitting rooms be set up in large restaurants as a mandatory requirement, as a Member of this Council from the food and catering industry, I agree to this proposal in principle. But I would like Members to know that Chinese restaurants can, as a general rule, hold banquets of a few dozen tables and so the place cannot be said to be large, nor can it be said to be small. However, if it is made a mandatory requirement for all large restaurants to be fitted with baby-sitting rooms, I am afraid some problems may arise.

In addition, Dr Joseph LEE proposes in his amendment that baby-sitting rooms be set up in workplaces. The meaning of a workplace needs a clear definition. An example is that the anti-smoking law passed earlier on regards all enclosed places of work, including construction sites, as workplaces. By extension, if we hire a domestic helper, then our home is regarded as a workplace. Then should all workplaces be fitted with baby-sitting rooms? There seems to be much room for discussion here. Also, many places like construction sites, kitchens in restaurants, workshops in factories, and so on, are not suitable for entry by children, for the reason that these places carry potential risks. It is hard to imagine how infants can be fed there. In a small place like Hong Kong where the price of land is so high, many companies, especially small

and medium enterprises, do not have enough office space. It follows that it is a big question whether or not there is still any extra room that can be set aside as a baby-sitting room. Should a small store or shop be required to set up a baby-sitting room as well?

Madam President, the Liberal Party believes that a more practical way is to encourage companies of a certain size to set up baby-sitting rooms at their own initiative. As a matter of fact, some big companies like the HSBC have set up baby-sitting rooms in their offices and these are well received by their staff.

With these remarks, Madam President, I support the original motion and the two amendments.

MS AUDREY EU (in Cantonese): President, many Members and also the Secretary have talked about the benefits of breastfeeding and for me, I have heard some people say that breast milk is the premium food for infants. If it is asked how mothers can be encouraged to breastfeed infants, I think the most effective way is to refer to a recent study done by a British professor on 3 200 children. It is pointed out that breastfed children have higher intelligent quotient (IQ) scores and they are more intelligent than those who are not breastfed. It turns out that a specific variant of the FADS2 gene is found in 90% of the infants and they demonstrate an average of nearly six to seven IQ points higher if breastfed. The World Health Organization also advocates the breastfeeding of infants for a period of no less than six months and it also encourages extended breastfeeding of six-month-old infants up to the age of two.

The Secretary mentioned earlier that breast milk contains many nutrients that cannot be found in formula milk. Breast milk contains natural antibodies and anti-allergic factors which can enhance the infant immune system and give protection from allergic effects. Proteins in breast milk are easily digestible and the fat contents in it are mainly unsaturated fatty acids which are beneficial to cardiovascular health. Besides, breast milk has low sodium content and the minerals in it can be easily taken up by infants and these contribute to their health.

Breastfeeding is good for mothers in that it induces contraction in the uterus and prevents postpartum haemorrhage and reduces congestion in the pelvis. Breastfeeding consumes 400 to 600 calories of energy daily for the mother, thus speeding up postpartum recovery and helping mothers lose weight.

Breastfeeding is beneficial to maintaining bone mineral density, thus reducing the risks of bone fractures in the leg joints and the spine after menopause. In addition, breast milk can reduce the risks of breast cancer.

The most important thing, as mentioned by Mrs Selina CHOW, is that the physical contact between mother and child contributes to greater emotional bonding between both.

Infants born in Hong Kong in 2006 had an ever breastfeeding rate on discharge as high as 70%. However, the continued breastfeeding rates for four months and six months were only 30% and 23% respectively. The figures are far lower than the worldwide average of 45% and 36% respectively. Since breastfeeding has so many advantages, why can mothers in Hong Kong not be able to continue breastfeeding?

The Hong Kong Breastfeeding Mothers' Association undertook an on-line survey from 30 October to 10 November and interviewed 380 people. The findings show that nearly 98% of the respondents think that baby-sitting facilities in public venues in Hong Kong are insufficient and as there is a lack of suitable places for breastfeeding, some women can only breastfeed in toilets. With respect to this, Mr Alan LEONG and many Members have referred to that shocking poster earlier on.

Although the Buildings Department issued guidelines in 2004 recommending the provision of baby-sitting facilities and breastfeeding rooms in public venues, we can see that progress in this respect during the three years up to now has been very limited. Many Honourable colleagues have mentioned that only 19 large shopping malls are fitted with baby-sitting rooms independent of toilets. In addition, there are only a total of just 100 public venues with baby-sitting and breastfeeding facilities, most of which are found in public hospitals and clinics. Only two civic centres have such facilities and the Wetland Park has only one baby-sitting room. And most of the shopping malls in the housing estates, sitting-out areas and playgrounds do not have any baby-sitting rooms.

Facilities in a cosmopolitan city like Hong Kong should be very advanced, but when it comes to the provision of baby-sitting rooms, we are lagging far behind other places. In Taiwan, every underground station has got a baby-sitting room for use by breastfeeding mothers. But no facilities of this sort are found in the Hong Kong MTR stations.

I agree very much with the original motion and the two amendments. Their thrust is not only the benefits of breastfeeding and so breastfeeding should be promoted, but also looking into introducing or amending legislation to make the provision of the relevant facilities a mandatory requirement for certain venues. This is the most important point. I took part in the rally held recently in Chater Garden mentioned by some Honourable colleagues earlier. I spoke on that occasion. In my opinion, the problem is not that we do not know the benefits of breast milk or breastfeeding, but that something has gone wrong with our value judgment. We can see that as land is scarce and high-priced, as Mr Tommy CHEUNG has said, those who run a business will not provide baby-sitting rooms at their own initiative because their business is run according to commercial principles.

Every time when the issue is raised in this Council, we can see that the situation is invariably the same. There is no decision to legislate, nothing is made mandatory and no uniform standards are drawn up to compel compliance from everyone. Speaking from the perspective of fair competition, the Government should have the responsibility to draw up mandatory and uniform standards so that the large organizations, public venues or government facilities can provide baby-sitting rooms.

I therefore hope that when the Secretary replies later, he will not only talk about the benefits of breastfeeding or the importance of baby-sitting rooms or how these rooms can be made more attractive. He should talk about whether consideration will be made to make the provision of such facilities a mandatory requirement and also such details as where these facilities should be provided, what standards are to be adopted and how a piece of legislation on that can be introduced to this Council for deliberation. This is very important. Because most Members have only talked about the basics such as the benefits of breastfeeding, the existing difficulties, the need to set up baby-sitting rooms for breastfeeding mothers or the conditions that should be fulfilled, and so on. I do not think anyone will dispute these at all. I hope when the Secretary responds later, he can come to the crux of the matter and, that is, when a piece of legislation can be introduced to this Council and what kind of standards should be adopted, such as the provision of standard baby-sitting rooms in what kinds of buildings and by what kinds of organizations. I hope the Government can respond to these. The Civic Party supports the original motion and the two amendments.

DR KWOK KA-KI (in Cantonese): I would like to thank Mr LEE Wing-tat for proposing this motion today. As far as I know, Mr LEE has yet to have a child. However, he has not let his personal experience influence his sponsoring of a popular motion generally supported by the public and this Council.

Last week, I joined some friends from the Hong Kong Breastfeeding Mothers' Association to conduct some visits and activities in Chater Garden. Actually, I have some personal experience too. I have three children, and my wife had the experience of breastfeeding our two youngest children for over a year. Hence, I do have personal experience of the difficulties mentioned by many members of the Association and some mothers. Whenever I went out with my wife and children to shopping centres or elsewhere, it was a hard time when it came to breastfeeding because, very often, we could not find a suitable place. As a result, my wife had more than once been forced to breastfeed in public places, such as restaurants or waiting areas, by merely covering herself with a towel. Actually, she did not really mind doing so. However, a large number of mothers find it very uneasy to do so, probably because they think that after all they should enjoy some privacy. Actually, such places as shopping centres and restaurants are very noisy. And they are not ideal places for children, too.

The first speech delivered by the Secretary just now is no different from what all doctors say. It is known to all doctors that breastfeeding is the best gift a mother can ever give her child. All studies point to the same fact that breastfeeding brings many benefits to mothers, including a lower body weight. This is an opportunity a mother should not miss after giving birth. Very often, we will even find that mothers can improve their physique through breastfeeding.

It is a great pity that only Secretary Dr York CHOW is present in the Chamber today, as the introduction of legislative amendments definitely involves more than the Food and Health Bureau. Actually, if legislation is to be studied, the staff of the Transport and Housing Bureau and the Development Bureau must also be present. But none of them is present at the moment. I wonder if the Government has basically no intention to do so. We can see from the figures that the efforts of the Government are actually not consistent with what it has claimed. For instance, more efforts were probably made over the past several years in such areas as publicity, education, and so on. As a result, we can see that more and more mothers were willing to breastfeed their children,

at least during the initial period. The relevant figure has even reached 69% recently. However, the number of mothers insisting on breastfeeding after six months has dropped to 12%. This shows that a lot of problems have actually arisen. Certainly, one of the problems is the practical issue. For instance, the maternity leave is not long enough for most of the women to breastfeed their children for a long period. Given the serious inadequacy of the maternity leave, I think that the Government must resolve this issue: How can postnatal leave be extended to give mothers more time to breastfeed their babies?

Second, I believe the most important point raised in today's motion and amendments is the need to amend the existing legislation to ensure the provision of baby-sitting rooms in government and public sector buildings, large shopping centres, department stores, and so on. The Government has previously answered numerous questions on this in this Council. The Secretary also mentioned this earlier. For instance, the Government has so far What I mean is, of all the government facilities, except for a small number of parks and newly completed cultural centres which can be used as reference for answering the questions (it was reported in 25 October 2000 that 31 MCHCs operated under the Government were provided with breast-feeding rooms), insofar as other government departments are concerned, the Government is merely considering, discussing and exploring the issue.

Hence, there is no need for us to mention other private organizations if baby-sitting rooms are absent in government facilities, including Government Offices Buildings and offices open to the public. If the Government considers this very important — certainly, a study must be conducted before legislation is enacted — why does the Government not take the lead in providing baby-sitting rooms in some of its buildings? It is inexcusable for the Government not to do so. Certainly, the provision of baby-sitting rooms is not necessarily related solely to the portfolio of the Secretary. If other Policy Bureaux do not listen to the Secretary, there is nothing he can do. However, the Government should at least take the lead. Baby-sitting rooms should be provided in all government buildings so long as space is available.

In addition to the requests for enacting or amending legislation, it should be clearly stated that not all as asked by Mr Tommy CHEUNG earlier, is it necessary for some small shops to provide baby-sitting rooms, too? I believe this is not what the legislation requires. The original motion has explicitly

stated that the mandatory requirement will be targeted on large shopping centres, department stores and large restaurants only. I believe not only women will be helped. It will also benefit the shopping centres, department stores and restaurants. They will certainly not want to drive away their customers.

In fact, these baby-sitting rooms can directly help or attract more breastfeeding women, for they will find it more convenient or feel more at ease to work or spend in these places. If the Government merely relies on warning without amending the legislation, I believe the requirement will hardly be implemented. The Secretary should know it better than we do. Let me cite food safety as an example. Very often, the Government hopes that food safety measures can be implemented voluntarily. However, can the Secretary tell me on which occasion satisfactory results have been achieved through voluntary participation? The answer is seldom or rarely. We do understand that the Government cannot easily resort to amending legislation. However, the present situation is so appalling. As our colleagues described earlier, some women just keep silent, and some are forced to breastfeed in most unsatisfactory circumstances as if they were refugees. It is inexcusable for the Government not to study the feasibility of introducing legislative amendments.

I hope the Government can be turned as a result of this speech. I so submit. Thank you, Madam President.

MISS CHOY SO-YUK (in Cantonese): President, while mankind is conferred by God the ability of natural pregnancy, it is also capable of reproduction in an endless succession thanks to breastfeeding.

Imagine this. Why can only a mother who has just delivered produce milk? Why are the breasts the milk-producing organs? This is because, according to the design of Mother Nature, a mother can thus hold her fragile new-born baby in her arms full of warmth, and a warm cuddle facilitates the baby's sucking.

Breast milk is the best natural food a mother can ever feed her baby. Not only does it contain the nutrition essential to baby growth, it can also boost the baby's resistance against diseases and promote its intellectual development. It is a great pity that the more civilized mankind is, and the more knowledge we

acquire, the less importance will be attached to this valuable gift bestowed upon us by Mother Nature.

In some economically developed places, such as Hong Kong where we are living, formula milk is commonly used as a breast-milk substitute over the past decades and, what is more, education on breastfeeding is neglected. As a result, many in the community lack knowledge in breastfeeding. All formula milk available on the market claims to be close to breast milk. Is the claim made by formula milk of having nutritional value close to breast milk not precisely a manifestation of the value and preciousness of breast milk?

As we have already had the best, why should we opt for the second-rate substitute? Perhaps the personal experience of one of the staff in our office can illustrate her helplessness.

This colleague of mine, who gave birth six months ago, is a breastfeeding mother. However, when she returned to work after maternity leave, she found that it was quite difficult for her to keep breastfeeding her baby because no room was available in her office where she could do milk pumping. Furthermore, she could not regularly do the pumping because of her work arrangement and schedule. In addition, there is at present a shortage of baby-sitting rooms in many public venues. Therefore, whenever she goes out, she will try not to bring her baby along, and so she cannot go out for too long. All these problems have indeed caused her a serious headache.

Therefore, the provision of baby-sitting rooms allows breastfeeding anytime, anywhere or pumping of milk by mothers in need. This will not only help them participate in society, but also encourage continued breastfeeding so that our next generation will become even healthier.

In fact, there is a rising trend of breastfeeding in Hong Kong. A study conducted by the Hong Kong office of the World Health Organization (WHO) has found that the breastfeeding rate was a mere 41.1% in 1997, but rose to 56.8% in 2001 and 64.2% in 2005. Although I have not obtained the information for the past two years for the time being, I was told by my colleague who gave birth in Prince of Wales Hospital six months ago that some 70% of the mothers in the postnatal care ward, except for some mothers who had health problems, opted for breastfeeding, which was greatly encouraged by the hospital. Furthermore, nurses and care workers were very willing to offer assistance. This is why I believe, with the vigorous promotion by local

hospitals, breastfeeding will become increasingly popular in Hong Kong, and the demand for baby-sitting rooms will only grow stronger and stronger.

Actually, it is not a difficult task to provide a baby-sitting room. What is needed is an undisturbed room built on a premises. The facilities provided therein can be as simple as just a chair. Except for some appropriate matching security and sanitation measures, there is no need for large-scale construction such as a lift or a low platform.

At present, the governments of a number of overseas places are not only actively promoting baby-sitting rooms, but also protecting the rights to breastfeeding through legislative provisions. For instance, in such advanced places as some countries in the United States and Scotland, in addition to the requirement of providing baby-sitting rooms in some public places, legislation has been introduced to assure that mothers can breastfeed in public places.

Certainly, it is difficult for Chinese society to accept breastfeeding in public places. However, in Taiwan, which is also inhabited by Chinese people, legislation was passed by the Taipei City Government in April this year providing for the provision of breastfeeding facilities in public places managed by the City Government. Furthermore, new buildings to be built in the future and large department stores where there are relatively large numbers of shoppers must also be provided with breastfeeding facilities. At the same time, the Mayor of Taipei City has made it clear that the City Government will take the lead in vigorously promoting and encouraging female employees to breastfeed their babies.

Looking back at Hong Kong, there is a lack of nursery facilities even in most of the government buildings. On the contrary, some shopping centres and department stores of considerable scale, which are well aware of parents' willingness to spend money on their children, have specially provided in shopping centres some well-equipped baby-sitting rooms where children's chairs and tables are provided to facilitate parents in feeding their babies baby food, and so on. Because they are well-equipped, these baby-sitting rooms are extremely popular among parents, who often post relevant information on websites or magazines to share their experience in using these facilities. Of course, these shopping centres will be directly benefited with the increase in the number of shoppers. Recently, these shopping centres have, besides introducing more baby products, continued to introduce shops selling other relevant products in a bid to develop peripheral products to attract more shoppers.

President, I believe it takes more than 10 fingers to count all the benefits of breast milk. If the Government is determined to encourage giving birth and promote breastfeeding, a comprehensive study on certain complementary facilities should also be conducted at the same time. I so submit.

PROF PATRICK LAU (in Cantonese): President, in order to counter the ageing population, the Government has started encouraging the people to give birth in recent years. Such initiatives as tax concessions and kindergarten education vouchers are all aimed at lifting the birth rate and consolidating the manpower resources of the territory. Though the burden of raising a child can be quite heavy, for it was once said that it took \$4 million to bring up a child, it is still inadequate if only financial assistance is offered without complementary measures.

The motion proposed by Mr LEE Wing-tat today serves as a most simple example. Owing to the absence of baby-sitting rooms, families cannot bring their babies to places originally designed for families. Let us imagine this. If there is a lack of places suitable for all family members, including babies, people will find it very inconvenient to go out with their babies. Naturally, their desire to give birth will be reduced.

At present, the provision of baby-sitting rooms is purely voluntary. Neither is it regulated by legislation nor governed by guidelines. Although I know that decent nursery facilities are available in some places mentioned by the Secretary and a number of Members earlier, such as children-playing areas inside clubs, baby-sitting rooms are still absent in many buildings, such as shopping centres, parks and, in particular, public places. Many people choose not to go out with their babies to avoid trouble.

Actually, more and more mothers have come to realize the benefits of breastfeeding to their babies. For instance, breast milk is more nutritious and can boost the immunity of babies and make them smarter. Miss CHOY has already provided a lot of information just now. As more mothers elect breastfeeding, the demand for baby-sitting rooms in the community will also grow. Baby-sitting rooms are already very common aboard. Many public places are fitted with comfortable baby-sitting rooms to facilitate breastfeeding. Furthermore, clean beds are available to facilitate changing of diapers.

Information has shown that buildings in such countries as Singapore, Japan, Britain, Australia and Scotland are already governed either by legislation or guidelines to provide baby-sitting rooms.

In 2002, a guideline for providing barrier-free access in buildings was formulated in Singapore requiring the provision of separate baby-sitting rooms near the toilets in shopping centres, and leisure, cultural and entertainment facilities.

In Japan, it is required by law that at least one baby-sitting room with cribs and baby chairs must be provided in venues measuring in excess of 50 000 sq ft in area where babies will stay.

Starting from 2006, it is required in Australia that nursery equipment must be provided in all newly constructed buildings or buildings with revised use. For instance, a 200 sq ft baby-sitting room must be provided in a shop measuring between 10 000 sq ft and 20 000 sq ft; a 100 sq ft baby-sitting room must be provided in public facilities or community centres exceeding 3 000 sq ft in area. In addition to a separate space for breastfeeding and changing of diapers, the baby-sitting rooms must also be equipped with a working table for food preparation and a washing basin, and properly ventilated. I note that Miss TAM Heung-man has earlier presented Members with some pictures showing the relevant designs.

In 2004, legislation was enacted in Scotland requiring the provision of a separate baby-sitting room of no less than 15 sq ft and ancillary equipment in all buildings open to the public, including shopping centres exceeding 10 000 sq ft, food premises for at least 200 persons and entertainment or meeting venues.

In Britain, an approach in the form of planning guidelines is adopted, requiring the provision of baby-sitting rooms of not less than 75 sq ft in small developments, such as libraries, government offices, small hotels and food premises. Furthermore, separate baby-sitting rooms of 120 sq ft to 250 sq ft must be provided in large developments, such as shopping centres, stadiums, central libraries and conventional and exhibition venues.

In Hong Kong, however, baby-sitting rooms are not yet popular, with baby-sitting rooms still absent in many places, including shopping centres and

hotels. Some hotels have even used the changing rooms of their gymnasiums as substitutes. It is very inconvenient for their diners who have to go up or down several floors to access the baby-sitting rooms.

Therefore, for the purpose of achieving results in encouraging people to give birth, it is imperative for the Government to allocate more resources and improve community facilities for the enjoyment of going-out by families with babies. The Government must take the lead to improve the nursery facilities in existing public buildings and other places. Most importantly, baby-sitting rooms must be provided in document-issuing offices because mothers will definitely go there with their babies. In addition, well-equipped nursery facilities must be provided in places designated specifically for families, such as parks and playgrounds, for promotion of family harmony. On the contrary, discord may arise in families refraining from going out with their babies to avoid trouble.

The Government should encourage the participation of the private market while playing the leading role by, for instance, providing incentives or formulating codes of practice or guidelines for compliance by the building and construction sector. For instance, it may consider consulting the professionals and the public for the compilation of a baby-friendly manual catering to public needs, like the universal design manual for people with disabilities, to ensure that mothers will feel at ease when they go out with their babies and the babies are properly taken care of.

President, I agree with the Secretary who stated earlier that extensive consultation must be expeditiously conducted before enacting legislation, and studies be conducted jointly with the professional sectors. At the present stage, effective codes of practice should be expeditiously formulated. Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): President, mothers should be highly respected by everyone, whereas children represent the future of mankind.

The Government or the business sector's neglect of the provision of baby-sitting rooms is actually related to one of the characteristics of Hong Kong, namely, a lack of space and expensive land. Let us not talk about baby-sitting.

If one goes to a bistro cafe for a meal, he or she can only go to its toilet to change diapers for his or her baby. The point is the value we are discussing here today is actually like a castle in the air. Without specification laid down by the Government regarding a public place of a certain size to be fitted with a baby-sitting room or a place for changing diapers, this is not going to happen.

Actually, breastfeeding — I was breastfed not by my mother when I was small because I was breastfed by a wet nurse employed by my mother. I do not know the reason; probably she did not have enough breast milk. The problem confronting many women nowadays is not whether or not they should elect breastfeeding. Instead, their problem is attributed to not having enough to eat. Let us imagine this. A woman who has stayed in Hong Kong for less than seven years will have to use a portion of the money paid out to her child to support herself, before she can raise her children. As a result, she will end up either not having enough money to buy formula milk or not having enough breast milk to support the healthy growth of her child, because the money is shared by two persons.

Let us also look at the child care problem in our society. We are talking about reform. If women cannot make money from labour and employ Filipino maids to take care of their children, merely taking care of their children will have already given them a serious headache. Most low-income women simply dare not indulge in the extravagant hope that they will have enough time to discipline their children, not to mention breastfeeding them.

Our neglect of the importance of breastfeeding has actually reflected that the Hong Kong community at large looks down upon the grassroots and worships the high land price policy. I have no idea if there is a baby-sitting room in the Government Offices (the place where I work every day). As far as I can see, there is no baby-sitting room, except for a pantry, in the Government Offices. What else can we say? Actually, we also describe ourselves as relying on breast milk for our growth. When one drinks water, one must not forget where it comes from. Insofar as low-income women or women who cannot discipline their children because they have to work every day or have inadequate resources to allow their children to lead an ordinary life are concerned, are we depriving many Comprehensive Social Security Assistance (CSSA) families of their opportunities to enjoy a healthy family life while we are counting the benefits of breastfeeding?

We have seen that the amount of CSSA has been slashed twice. Under the existing CSSA system, most recipients are the elderly and single-parent women, who are unable to find someone to take care of their children. Frankly speaking, breastfeeding is not the most crucial issue. So long as women are given better opportunities so that they can earn enough money to buy formula milk, their problems will be solved. I wonder if it has come to the attention of Members that some minor crimes involve women stealing formula milk. Unless the formula milk stolen by them is for re-sale, it must be stolen to feed their own babies. Therefore, compared to those women who cannot freely breastfeed their children because of a lack of facilities, the experiences of those women who are forced to steal formula milk are even more miserable.

All these problems can be traced back to the fact that our society acts in the interest of the wealthy minorities. Our Government certainly dares not legislate on the provision of such facilities in buildings. This is not even required in government buildings. This reminds me of several well-known maxims which are some of the famous lines of Chief Executive Donald TSANG: "You can rest assured that I am drinking Hong Kong water and having Hong Kong blood in my veins. I will ensure the implementation of universal suffrage in Hong Kong." Despite his remark that he is drinking Hong Kong water, he is actually drinking Hong Kong milk. Hong Kong's prosperity is jointly created by millions of people. However, the "fruit grant" issued to such a large number of elderly people has seen no increases. Whose milk did he drink when he grew up? It was the milk of the Hong Kong people that he drank. However, he has failed to respect the elderly, increase the "fruit grant" and provide universal retirement protection. He has even deprived the future elderly people of their right to universal suffrage. It can thus be seen that his appealing words might be merely artful rhetoric.

There was a recent remark that one should be shameless if he was to criticize others. In my opinion, an eloquent person is not necessarily generous, for if he is really generous, he does not have to speak eloquently. Donald TSANG grew up drinking Hong Kong milk, and yet he allows Hong Kong to bleed. What is announced today includes depriving us of our right to universal suffrage, the decision not to increase the "fruit grant" for the elderly, and the decision not to raise the amount of CSSA for single-parent families. All of these are wrong. *(The buzzer sounded)*

MRS SOPHIE LEUNG (in Cantonese): Excuse me, President, I have to apologize to Mr LEUNG Kwok-hung. As he would raise his voice to an exceedingly high level every time he spoke, I had to cover my ears. This is why I could not hear you when you called upon me just now. Sorry. I must protect my ear drums.

President, I have listened very attentively to the speeches delivered by Members today. Not only am I deeply impressed, their speeches have also touched a chord deep in my heart. However, there are several points I still wish to make. First, I hope to appeal to Honourable colleagues to re-examine if it is really necessary for legislation to be enacted in our community on such a wide range of matters. This is a relatively major subject.

I recall a report published by the media not long ago, claiming that many Hong Kong people have no idea how to act in many areas, unless there are guidelines to follow. At present, the creativity of ordinary people is already seriously suppressed without any room for development. Everyone awaits directions or guidance before taking actions. Whenever we discuss on what issue we should legislate, we should actually spend more time examining whether there is really a great need to do so. Otherwise, the public will rely only on legislation, but not act on the basis of the mutual respect with which we should treat each other. In this regard, I hope that we can set an example for others and play the leading role.

Furthermore, in connection with the point just mentioned, I think more vigorous efforts should be made in the community in promoting gender mainstreaming. This book I have in my hand tells of Hong Kong's present experience. It was published by the Government, probably in 2005 or 2006, but it reached me only recently. It contains a brief list of topics relating to gender mainstreaming, as well as its introduction and implementation. President, the question today is actually related to the differences between men and women and their needs in their daily life in the community. For instance, women should enjoy the right to breastfeeding and feeding their babies. They are entitled to such rights, whether they are at work or in their daily life. At the same time, the community should take care of their natural needs. If we can consider the matter from the angle of the needs of human nature, we will find that there is no need to legislate on everything. Problems cannot be resolved merely by enacting legislation.

This is the same as the case of the tobacco control legislation discussed by us. Even now, many people still ask me why people standing on a large rock on a beach are not regulated. Very often, legislation can be enacted only in a one-sided manner. It might not be possible for legislation to be enacted in a comprehensive manner. Most importantly, we must not rely on legislation in everything. When there is excessive legislation, we will rely entirely on legislation and forget about treating each other with mutual respect in accordance with our human nature. In this way, the creativity of our community as a whole will definitely be trampled on.

President, I so submit.

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

MR SIN CHUNG-KAI (in Cantonese): President, the Democratic Party has proposed this motion after careful consideration. We think that legislation is necessary. If we choose not to enact legislation but rely on an organization to take the initiative to implement the proposals — in brief, through the reaching of a consensus as mentioned by Mrs Sophie LEUNG just now — I believe a very long period of time will be required.

Mr LEE Wing-tat has cited some examples at the beginning of the debate by pointing out that even some customers of five-star hotels are forced to breastfeed in washrooms. How much longer will it take before the concept of our entire community can be changed? I believe it will take a very long time. Actually, universal value has it that breastfeeding is best for both mothers and babies.

President, I am also worried though it is not difficult for this motion to pass, relevant organizations or women will have higher expectations for the Government after the passage of the motion. It was a different matter in the past when there was no expectation. It is very likely for this motion to be supported by this Council. But then, Members will expect the Government to formulate a timetable and roadmap to implement the proposals. Actually, I am worried about the consultation — concrete consultation will be required even for the mere sake of enacting legislation. Those who have a good knowledge of the

work of the Legislative Council will understand that, even if a motion debate is held today — let me be so bold as to say this — we will probably have to wait until 2010 or 2011 for the entire process, from the enactment of legislation to its passage and implementation, to be completed. Even if the Government is determined to get this done, it will probably take four to five years.

President, the Government must set a priority for its entire strategy. In terms of priority, both the Democratic Party and I consider that the Government should assume a moral obligation rather than a legal obligation. This is because legal provisions regulate not only government buildings, but also private buildings. The Government is morally obligated to start implementing the proposal in numerous facilities operated by the Government, particularly places for family entertainment, such as parks, museums, cultural centres, and so on. President, I think there should be scope for the proposals to be implemented here. On the premise of not enacting legislation, relevant departments should come up with certain programmes to, for instance, carry out additions or alterations to all facilities. There are many parks in Hong Kong. Some large parks, such as the Victoria Park and the park on the Peak, are very popular among families. Hence, can the Government start by installing the relevant facilities in these places?

President, we believe legislation is not required for addition of facilities. Despite our earlier explicit indication of our support and request for legislation, a balanced approach must be adopted. Before the enactment of legislation, the Government should give priority to handling the facilities under its jurisdiction.

President, I believe today's motion can benefit families intent on practising breastfeeding — not only women, but also their family members. Actually, breastfeeding can reduce the chances of babies contracting diseases and bring their fathers more happiness.

President, we hope the Government can spearhead this initiative.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no other Member wishes to speak, I will now call upon LEE Wing-tat to speak on the two amendments. You have up to five minutes to speak.

MR LEE WING-TAT (in Cantonese): First of all, President, I am very grateful to the many colleagues for their speeches. Today, it seems that a major consensus has been reached among us. The Democratic Party basically supports the two amendments because they all propose to extend the places to facilitate breastfeeding. On the contrary, I hope the Government, after listening to today's debate, will come up with a clearer action plan. This is because the colleagues who have proposed either the motion or amendments are worried that, after the passage of the motion, it will still take a very long time before results can be seen.

Certainly, we are aware that legislation is time-consuming. However, as pointed out by Mr SIN Chung-kai, if the Government has clearly heard the views expressed and the scope proposed by the community with regard to the original motion or the amendments, should it come up with a clearer action plan for the formulation of a timetable and the efforts to be made? I know that a report will be submitted to us by this Council after the passage of the motion and the amendments. However, even the clerk responsible for the task knows that very often it will still take months before the report is submitted. Furthermore, the report is but some sort of "perfunctory" account.

I hope the Secretary will clarify in his response later whether the Government will, as stated in the motion and amendments, expeditiously pinpoint all venues managed and controlled by the Government and formulate a timetable for every department, all sorts of venues and various control points one by one to inform the public of the date of implementation. If the task is not to be carried out by the Government, should the heads of various departments explain to the public and account for the difficulties involved? Only in doing so will the Government not give us an impression that it is resorting to procrastination again in dealing with this issue.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I would like to thank the many Honourable Members for expressing valuable

opinions on the motion and amendments. I will now respond to some of their major points.

I pointed out in my previous speech that baby-sitting rooms are already provided in some government and privately-run public places. This phenomenon does reflect that, even without any binding legislation, the market and a responsible government can still respond actively to a social need. I am convinced that government departments and the market will continue to respond positively so long as there is still a need for baby-sitting rooms.

At present, though it is not provided in law that baby-sitting rooms must be provided in government properties, it is proposed in the Universal Accessibility: Best Practices and Guidelines compiled in 2004 by the Architectural Services Department (ASD) that nursery equipment should be provided in places open to the public in planning public buildings and community facilities. Furthermore, breastfeeding rooms should be built in places far away from toilets. I must emphasize that it is not hygienic for breastfeeding to be performed inside toilets. The Practices and Guidelines have even set out the factors to be considered during the design process for reference by designers and relevant parties. Apart from this, the Department of Health (DH) in 2003 also encouraged relevant government departments to provide baby-sitting rooms in their properties and provide professional input on the facilities and equipment required for the provision of baby-sitting rooms. At present, baby-sitting rooms have already been provided in 31 Maternal and Child Health Centres (MCHCs) under the DH and in public hospitals and clinics according to need and the conditions of the premises. Furthermore, baby-sitting rooms have been provided in some of the government premises more likely to be visited by breastfeeding mothers.

To support and encourage women to breastfeed their babies, the Housing Department (HD) will take into account the residents' need for separate baby-sitting rooms and facilities facilitating breastfeeding in designing new shopping centres to be built in housing estates or carrying out improvement programmes for shopping centres. The HD will also consult the Estate Management Advisory Committee in studying the need and feasibility of providing the relevant facilities. If conditions permit, the Leisure and Cultural Services Department will also provide baby-sitting rooms in its newly planned and conversion projects. A total of seven baby-sitting rooms will be built in five capital works projects which are now in progress. At least 30 additional baby-sitting rooms will be built in another 25 capital works projects under

planning at the moment. During the past three years, 25 of the projects completed by the ASD were provided with nursery facilities. In different organizations where employees have the need to breastfeed, some employers are willing to exercise flexibility, and even designate rooms temporarily for their employees to breastfeed their babies or collect milk.

Likewise, there is also a rise in the number of privately-run public places equipped with baby-sitting rooms, even in the absence of mandatory regulation through legislation. We can see that there is growing awareness and acceptance of breastfeeding in the community. Social and cultural recognition, coupled with the need for breastfeeding, will bring more room for breastfeeding. This proves that a good result can be achieved not necessarily by legislation. At present, not all buildings open to the public have suitable space and complementary installations, such as water and electricity, for baby-sitting rooms to be provided. Therefore, a consensus must be reached with the operators of the relevant properties or premises before legislation is really enacted to make it mandatory for baby-sitting rooms to be provided in certain buildings or premises.

A host of factors must be considered in determining the necessity of legislation, such as the comparison of the results achieved through legislation with market force and industry guidelines in promoting the provision of baby-sitting rooms, and how best the ever-changing aspirations of the community can be met in a flexible, practical and effective manner, and so on.

If legislation is to be introduced to make the provision of baby-sitting rooms a mandatory requirement for different premises in accordance with the proposals made in the original motion and the amendments, certain problems must be resolved first. For instance, we must clearly define which types of buildings must be provided with baby-sitting rooms; how a reasonable ratio between the visitor flow and the number of baby-sitting rooms can be determined; how a balance between facilitating mothers in breastfeeding their babies and avoiding affecting other users of the buildings can be struck, and so on. In-depth discussions must be held with various stakeholders and, what is more, support from all parties must be secured before the proposals can be implemented smoothly.

Furthermore, existing buildings or public premises can hardly comply with the requirement of the relevant legislation because of the constraints

imposed by their original design. Therefore, despite the proposal of introducing legislation, the Government still needs to consider whether exemption arrangements should be made for these buildings. However, I am afraid it will not be very meaningful should the legislation apply only to new buildings, as baby-sitting rooms are already provided in many newly completed shopping centres and hotels to meet the aspirations of the community. The need to provide baby-sitting rooms in a certain place, the size of the baby-sitting rooms, and the equipment provided therein involve different considerations in the light of the location, usage, clientele, categories of users and the estimated number of visitors of the relevant properties. To introduce legislation on mandatory regulation may not be able to meet the actual needs. On the contrary, if the owners of buildings are allowed to introduce suitable design and arrangements in accordance with the actual circumstances, it might be easier to satisfy public needs. The Government will take an open attitude towards the proposal of introducing legislation to make the provision of baby-sitting rooms and breastfeeding facilities a mandatory requirement for buildings.

In addition to the above-mentioned practical considerations, we still have to explore a most fundamental issue to ascertain whether the provision of baby-sitting rooms is the best way to raise the rates of breastfeeding and continued breastfeeding. The data collected by us revealed that the approaches adopted in different places in addressing the necessity of introducing legislation to require the provision of baby-sitting rooms in public places are not entirely the same. Legislation is clearly not the only solution. In Scotland, New South Wales of Australia, and Tokyo of Japan, there are statutory or mandatory provisions requiring the provision of baby-sitting rooms on specific premises. However, such statutory provisions are absent in other places, such as the Mainland, Korea and Singapore. Yet, the rates of breastfeeding for a continuous period of six months in these places, where there is no statutory regulation, are not lower than that in Japan. The breastfeeding rates of the Mainland and Korea have even reached 51% and 65% respectively. It can thus be seen that the mandatory requirement of providing baby-sitting rooms solely through legislation is not the most effective way to promote breastfeeding. Other complementary policies are even more important. Actually, it is more important for the community as a whole to give greater recognition to breastfeeding so that the operators of public venues will be willing to provide places for women to breastfeed their babies, and people will be more ready to assist mothers in breastfeeding their babies in public places with greater respect and acceptance, thus encouraging more mothers to elect breastfeeding.

Encouraging more mothers to elect breastfeeding involves efforts in many different areas, including publicity and education; nurturing the overall understanding, acceptance and support of breastfeeding in the community; and encouraging their employers, the management, and their family members (particularly their husbands) to take the initiative in offering care, support and assistance, particularly assistance in daily life. At the same time, professional input and assistance should be offered to breastfeeding mothers, and a breastfeeding-friendly environment be created too. While providing baby-sitting rooms in public venues might offer a certain degree of assistance, remarkable results might not be achieved by relying merely on this measure. There is a greater need for a comprehensive measure that can better meet public needs.

I think more efforts should be made in education, publicity and promotion. For instance, we may promote the provision of baby-sitting rooms in public places through encouragement. We are also planning to introduce an award scheme to commend organizations or venues which are willing to offer assistance to breastfeeding mothers or provide nursery facilities in a bid to enhance public acceptance of breastfeeding while encouraging more organizations and venues to provide baby-sitting rooms. At present, many baby-sitting rooms are well equipped. This applies not only to the MCHCs of the DH or public hospitals, but also to some relatively large shopping centres, such as IFC, MegaBox, Elements, APM, and so on. Through encouraging organizations in active support of breastfeeding, I hope more companies and organizations will follow suit.

Breastfeeding merits the recognition and encouragement of the community because it is not only natural, but also beneficial to both mothers and babies. In order to foster a social culture encouraging breastfeeding, various parties must work in collaboration and education must be strengthened too.

I sincerely hope that more mothers will elect breastfeeding in the future so that our next generation will become even more physically fit.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mrs Selina CHOW to move her amendment to the motion.

MRS SELINA CHOW (in Cantonese): President, I move that Mr LEE Wing-tat's motion be amended.

Mrs Selina CHOW moved the following motion: (Translation)

"To add "the number of breastfeeding women in Hong Kong is on the rise, but" after "That, as"; to delete "and" after "women's right to breastfeed,"; to add "immigration control points, parks, cultural and leisure facilities, public bathing beaches with lifeguards, stations of the mass transit systems," after "existing government and public sector buildings,"; and to add ", and to enhance public awareness of the breastfeeding culture, thereby arousing public concern and support for the provision of baby-sitting rooms" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mrs Selina CHOW to Mr LEE Wing-tat's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(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.

PRESIDENT (in Cantonese): Dr Joseph LEE, as Mrs Selina CHOW's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to

Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

DR JOSEPH LEE (in Cantonese): Madam President, I move that Mr LEE Wing-tat's motion, as amended by Mrs Selina CHOW, be further amended by my revised amendment.

Madam President, I would like to thank Honourable Members for pointing out in their speeches earlier the importance of providing nursery facilities and baby-sitting rooms in workplaces. I have nothing special to add. While I hope Members will support this amendment, I also hope that the authorities can strive to spearhead this task. Thank you.

Dr Joseph LEE moved the following further amendment to Mr LEE Wing-tat's motion as amended by Mrs Selina CHOW: (Translation)

"To add "; the Government should also study introducing or amending legislation to make the provision of baby-sitting rooms and breastfeeding facilities a mandatory requirement for workplaces, so as to enable more women to breastfeed after childbirth and safeguard babies' right to be breastfed" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr Joseph LEE's amendment to Mr LEE Wing-tat's motion as amended by Mrs Selina CHOW, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(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.

PRESIDENT (in Cantonese): Mr LEE Wing-tat, you may now reply and you have 21 seconds.

MR LEE WING-TAT (in Cantonese): President, I would like to thank Honourable colleagues for their speeches. The Secretary indicated in his reply that consideration had to be made in various areas with respect to legislation. I certainly agree that consideration has to be made in various areas. However, I hope the Secretary can set an indicator first. While he said that private buildings or private companies would implement the proposals, what suggestions will he make to ensure the implementation of the proposals? Next, he should initiate a relevant debate to prepare for legislation if the proposals are not implemented, as in the case of the wage protection movement. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEE Wing-tat, as amended by Mrs Selina CHOW and Dr Joseph LEE, 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)

Mr LEE Wing-tat rose to claim a division.

PRESIDENT (in Cantonese): Mr LEE Wing-tat has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Vincent FANG, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Prof Patrick LAU, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the motion.

Dr Philip WONG abstained.

Geographical Constituencies:

Mr James TIEN, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mrs Selina CHOW, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mrs Anson CHAN voted for the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 23 were present, 22 were in favour of the motion as amended and one abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present and 23 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: Gender Equality.

I now call upon Ms Audrey EU to speak and move her motion.

GENDER EQUALITY

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

I have read some newspaper commentaries which said that the motion I proposed on "gender equality" today is a century-old subject. President, this has exactly illustrated that, although the subject has been discussed for many years, it still remains unresolved. Of course, we can say that the status of Hong Kong women has kept rising all the time. However, the needs of women are still often ignored, also evident in the previous motion. Sometimes they are even subject to discrimination.

Today, we have several amendments. Even though the amendments are proposed by Members from different political parties and groupings, such as the Liberal Party, the Democratic Party, the DAB and the League of Social Democrats, they all agree with the central theme of my motion, that is, we can see that inequality does exist between the two genders. Honourable colleagues have not deleted and amended the most crucial point in my motion, that is, "as women in Hong Kong at present still face many barriers politically, economically and socially, etc, and are denied equal opportunities for development, this Council urges the Government to adopt more proactive measures to cater for their needs, so that both sexes can enjoy equal opportunities for development". These wordings are agreed by all the amendments, which also put forward more suggestions and, through various enriched ways, strive to improve the status of the two sexes, in particular, that of the female.

During the past few years, the Government has implemented gender mainstreaming in respect of certain policies, that is, the difference in the needs between the two sexes must be taken into consideration in the formulation of any social policies. I believe today's debate in this Council will give us the opportunity to review the situation, enabling us to find out whether we can fulfil this point.

In fact, as early as 1995, in the Platform for Action passed by the United Nations' Fourth World Conference on Women held in Beijing, it had already been affirmed that gender mainstreaming would be the global strategy for achieving gender equality. Hong Kong had also introduced the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996. But the Government established the Women's Commission only in 2001 to review the gender equality policies. The Women's Commission has accepted gender mainstreaming as one of the major strategies for promoting women's rights and gender equality.

To put it in more specific terms, this means that in all the scopes and at all levels of legislation, policies and plans, the viewpoints and needs of both sexes must be included. In designing, implementing and assessing all the legislation, policies and plans, the authorities must take the concerns and experience of both sexes into consideration. Through the decision-making process that has taken the viewpoints of both genders into consideration, the Government's adoption of gender mainstreaming will then be able to ensure that people of both genders can have access to and enjoy the resources and opportunities in society in a fair and reasonable manner, so as to facilitate the development of women and achieve gender equality.

I believe later on when the Secretary speaks on behalf of the Government, he will definitely say that the Government has already done a lot during the past few years. However, we can look at this question: Are the many measures adopted by the Government adequate in attaining gender equality in society and eliminating direct and indirect discrimination? Today, I would like to examine in particular the issue in relation to the following aspects *seriatim*: women's participation in advisory and statutory bodies; the Government's provision of support to grass-roots women; the Government's blind spots in curbing domestic violence and sexual violence and its provision of women-friendly facilities.

At the end of last year, in reply to a question raised in the Legislative Council by Miss TAM Heung-man, the Government disclosed that among the 5 021 persons appointed to advisory and statutory bodies, 1 294 were women, accounting for 25.77% of the total number of appointees. It was just slightly higher than the gender ratio benchmark specified by the Government, which is 25%.

However, we can see that the benchmark set by the Government on the ratio between the two sexes is 3:1. From this minor detail, we can tell that, at the political, governance or advisory levels, men are still playing the dominating role. In fact, nowadays in Hong Kong, we can see that there are already more women than men. Therefore, the Civic Party proposes that the Government should adjust its existing benchmark and adopt the ratio of 1:1 as a more desirable ratio.

According to *Men and Women in Hong Kong — Key Statistics* published by the Census and Statistics Department in July this year, the monthly median employment income of working women in 2006 was \$8,000; if overseas domestic workers were excluded, the figure was \$9,000, which was lower than \$11,500, the corresponding figure for men. If the calculation only included women working in non-skilled positions, their monthly median employment income was \$3,400, whereas the corresponding figure for men was \$6,800. Even if all the overseas domestic workers were excluded, the median incomes for women and men were \$5,000 and \$7,000 respectively — we can also see that the difference was quite substantial. Among people earning less than \$7,000 a month, 631 600 were women and only 313 800 were men. Therefore, if \$7,000 was adopted as the division line, the number of low-income women was twice as many as that of men. Among people earning less than \$4,000 a month, 333 200 were women, and only 70 300 were men. The number of women in this category was nearly five times as many as that of men. Even after excluding overseas domestic workers, there were 426 000 women earning \$7,000 or less a month, which exceeded the figure for men by more than 100 000 persons. In the case of those earning less than \$4,000 a month, then, after excluding overseas domestic workers, there were 138 000 women, which was nearly twice as many as the number of men, at 69 000, earning that income. Therefore, we can see that there was a very substantial difference in the incomes between men and women. The Government should face this fact squarely.

In this year's policy address, though the Chief Executive had adopted the theme of "Investing for a caring society" in highlighting the future direction of alleviating poverty, the main emphasis was on reducing inter-generational poverty, and major initiatives would be launched in the scopes of education, retraining, increasing employment opportunities for the young people, establishing a Child Development Fund and strengthening elderly services, and so on. Regarding the grass-roots women who are the most needy group, the Chief Executive had only said the following in the 80th paragraph of the policy

address, "Hong Kong is a community with the family as its core value. The Government should strengthen the family by formulating social policy and providing welfare services relating to the family that meet the needs of women, children, youngsters and the elderly From now on, supporting and consolidating the family will be the primary consideration of our social policy and social services planning, and the family will be promoted as a core social value."

The concept of administration as reflected in the policy address reveals that the Government has absolutely not formulated any poverty alleviation policy with an emphasis on women from the grassroots. All that the Government has been talking about is the reduction of inter-generational poverty, whereas women who have toiled so hard for their families and children are overlooked. The Government's stance is "saving the kids, but not their mothers", absolutely turning a blind eye to the predicaments faced by these socially disadvantaged women, in particular, the new arrivals and even single mothers.

In the aspect of curbing domestic violence and sexual violence, the present seven-year residence requirement for applying Comprehensive Social Security Assistance (CSSA) makes many woman victims of domestic violence, who are new arrivals, cannot have immediate access to assistance. It is necessary for the Government to review this seven-year residence requirement, and it should also clarify the guidelines for exercising discretion. In the meantime, internal guidelines should be drawn up to ensure that the mechanism can be operated in a consistent manner, so as to prevent the occurrence of more tragedies caused by domestic violence. Besides, the Government should also review the procedures of handling cases of domestic violence and sexual violence by law-enforcement departments and the Judiciary, so as to provide victims with gender-sensitive legal assistance.

Furthermore, the Civic Party also requests the Government to create the post of "Commissioner for Prevention of Domestic Violence", who will be responsible for co-ordinating the handling of domestic violence cases as well as conducting studies on long-term policies. On the other hand, the Working Group on Combating Violence should be upgraded to become a Central Co-ordinating Group for the Prevention of Domestic Violence to organize and oversee the work of different government departments. In addition, we also request that a review of the Domestic Violence Ordinance be conducted with a view to including people of the same gender in cohabitation into the scope of protection.

With regard to the provision of support to victims of sexual violence, the Government has recently established a new Multi-purpose Crisis Intervention and Support Centre, and it has been allocated \$20 million as operating costs for the first three years. It is established to render assistance to victims of domestic violence, including victims of sexual violence. However, can this new centre operate like the NGO RainLily in providing sexual victims with one-stop services, so as to enable the victims to receive specialized services with a sense of security?

As a common saying goes, "Prevention is better than cure." Education is definitely the key to an ultimate solution. We should incorporate gender equality education into our normal school curriculum, so as to enable our younger generation to absorb the message of gender equality as early as possible. This will remove discrimination from their sensibilities, thus making it possible for the concept of gender equality to be deeply implanted in their minds. In the meantime, we should also step up the publicity on the channels that provide support to victims of sexual violence, and improve the environments unfavourable to women in the community, such as unlit streets or dark street corners, and so on.

With regard to the provision of more women-friendly facilities, the Buildings Department had commissioned a survey company to verify the ratio of men to women in the customer flow in shopping arcades and entertainment venues, issued a code of practice in May 2006 and eventually changed the ratio of water closet cubicles for women to those for men to 1:1.25. However, as pointed out in the research report "Gender Equality — Starting from Toilets" released in the beginning of this year by the Civic Party, the design on the gender ratio of toilet requirement should not be determined by the customer flow. Instead, we should work out the standard according to the biological requirements or differences of the two sexes. Only after taking these into consideration can we accurately work out the biological differences of the two sexes in using such facilities, thus enabling us to introduce appropriate designs to eliminate the indirect discrimination involved.

According to section 5(b) of the Sex Discrimination Ordinance, indirect discrimination is also a form of discrimination. By indirect discrimination, it refers to some seemingly equal and neutral situations such as imposing uniform age and height restrictions on everyone, but due to the differences between men and women, some people (women in particular) may find it more difficult to

attain the standard. This would constitute indirect discrimination. So, the gender ratio of toilet requirement is a very good example illustrating that although uniform practices appear to be fair, in fact some hidden elements of indirect discrimination are present.

So, what sort of ratio shall we adopt in achieving real equality? The Hong Kong Toilet Association pointed out in 2006 that the toilet usage time of women was about 1.4 times of that of men. In 2003, a survey conducted by a market research company also revealed that the toilet usage times of men and women were 118 seconds and 161 seconds respectively. So the time women spend on using toilet is about 1.37 times of that of men.

President, gender equality is a complex issue. The problems mentioned by me just now are just the tip of the iceberg, and the Civic Party and other Members will put forward all sorts of measures and suggestions in the context of their amendments. I am very grateful to the many Members who propose amendments to enrich today's subject and I hope my humble proposition can achieve the purpose of inducing more inspiring thoughts.

In fact, everyone is born equal. Everyone has the right to freely pursue his or her happiness in life according to his or her own aspirations, and should not be hindered by gender differences. Moving a motion on gender equality is by no means an attempt to start any gender struggle. Instead, in doing so, I hope we can build up a civil society with gender equality, in which people of the two sexes can shoulder common responsibility and build up a partnership relationship that could achieve a model city with unity, mutual assistance and co-existence and integration. Thank you, Madam President.

Ms Audrey EU moved the following motion: (Translation)

"That, as women in Hong Kong at present still face many barriers politically, economically and socially, etc, and are denied equal opportunities for development, this Council urges the Government to adopt more proactive measures to cater for their needs, so that both sexes can enjoy equal opportunities for development; such measures should include:

- (a) appointing more women to advisory and statutory bodies to encourage their participation in community affairs;

- (b) increasing resources to support women from the grassroots, including new arrivals and single mothers;
- (c) allocating more resources to curb domestic violence and support the victims of such violence;
- (d) allocating more resources to support victims of sexual violence; and
- (e) providing more women-friendly facilities in the community, such as more water closet cubicles for female."

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

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

I will call upon Miss TAM Heung-man to speak first, to be followed by Ms Miriam LAU, Miss CHOY So-yuk, Mr LEUNG Kwok-hung and Mr Albert HO; but no amendments are to be moved at this stage.

MISS TAM HEUNG-MAN (in Cantonese): Just now, Ms Audrey EU has talked about many issues of gender equality. The amendment I propose today is to add some supplementary points specifically on the needs of working women and the encouragement for women to re-join the labour market.

In a society of justice and care, we should uphold the principle that "all are born equal". In other words, every member of society, be they men or women, and regardless of their age, race and economic background, should be accorded the same recognition, respect and rights in society. However, I believe we all agree that there are still many people in the community of Hong Kong being subject to unequal treatment. Otherwise, it would not have been necessary for us to discuss this topic in this Chamber today.

Nowadays, Hong Kong is still a society primarily dominated by financial considerations. The status of a person in his family or in society depends on the financial contribution he can make to his family or society. To put it in most explicit terms, whoever makes the most money can speak louder, call the shots.

For example, in many family violence cases, the persons who use violence on others are usually the sole bread-winners of the families. They think that, since they provide the money to support the family, family members should heed his words in all affairs. Not only can he speak louder, he can even beat up others. This has led to the occurrence of some of the family tragedies.

As an advocate of gender equality, I certainly believe that using the income as the criterion for determining a person's status in the family or in society is indeed an undesirable phenomenon. Even women who take up the role of a housewife and have no income at all should still deserve proper respect. Having said that, we still have to face the harsh reality. Therefore, we must create an environment in society that is favourable to women who are interested in re-joining the labour market, thus making it possible for them to resume work in society.

Madam President, since traditionally women are responsible for taking care of the children, even if they wish to work again, the current situation is that many jobs have long working hours, making it impossible for women to take care of their children. This is because employers have no obligation to take special care of employees who have to take care of their children. In view of this, we must promote an employment policy that can facilitate family members in going out to work, that is, a family-friendly employment policy. This refers to policies that would help the employees (women in particular) to strike a balance between working and taking care of the family.

We conducted a questionnaire survey on this policy recently, and I would like to take this opportunity to inform Members of the findings of this survey. The survey focused on interviewees' responses on matters in relation to employment policies, such as flexi-hours, working at home, part-time work, and so on.

Let me begin with flexi-hours. Flexi-hours allow women to go to work after their children have gone to school. According to the findings of the

survey, over 80% of the interviewees found it acceptable to adopt flexi-hours in their work, and the majority of the interviewees believed this policy would have no adverse effect on their work efficiency. The findings of the survey revealed that flexi-hours are a generally accepted measure.

For those women who must stay home to take care of their children, working at home will be a way of enabling them to return to the labour market, thereby earning an income and improving their social status. Advanced information technologies nowadays make it possible for many to work through computers and communication technologies. Our survey revealed that more than 75% of the interviewees found it acceptable to work at home, and the majority of the interviewees believed that working at home would have no adverse effect on work efficiency.

In short, employers should consider introducing more arrangements which enable employees to work at home. On the one hand, it will enable more women who need to take care of children to re-join the workforce, and on the other, it would also encourage men to work at home, thus enabling them to have more time to share the burden of taking care of the children and manifesting the equal opportunities between the genders.

Furthermore, our survey showed that more than 55% of the interviewees agreed employers should provide more positions on a part-time basis in order to absorb women who want to join the labour market on the one hand but have to take care of their families on the other. However, part-time jobs may involve labour relation and employment issues that are more complicated than those of full-time positions, and the protection given to part-time employees may not be very good. Therefore, in promoting the related policies, the Government must at the same time improve the protection for part-time employees.

Madam President, next, I would like to talk about another issue, that is, policies related to the employment of women, including the provision of menstruation leave for women, paternity leave for men and additional child care services.

A society which values justice should respect the physiological differences between the two sexes. Menstruation is a physiological condition unique to

women. Very often it brings about a lot of discomfort and affects work performance. The provision of menstruation leave can relieve women of the need of going to work at a time when they are suffering from discomfort caused by menstruation. Some women even have to consult a doctor at their own expenses in order to obtain a certificate for sick leave. Taiwan, our neighbour in the region, has introduced a statutory menstruation leave for a very long time, which gives women a day of leave every month. Hong Kong should consider doing the same to create a better working environment for working women.

In fact, paternity leave for men is also a measure promoting gender equality. Traditionally, taking care of the family and the children has been the responsibility of women. The rationale of providing paternity leave for men is that this will give a man the time to take care of his wife and family members when his wife is giving birth to a child. This practice will actually enable men to take part in family work and let them play a role in taking care of the family, which is an important concept in the promotion of gender equality. From this perspective, it is necessary to provide paternity leave for men.

Another issue is the provision of more child care services. Many female accountants have to give up their jobs because of the need of taking care of their families. They have shared their experience with me. In the face of shortage of talents and rising salaries in the accountancy sector, these women would very much like to resume work in the accounting profession. However, the accounting profession generally requires longer working hours, and the culture of working at home still has not been established in this profession. Therefore, they need to have adequate child care services before they can resume work in their profession. Unfortunately, such conditions are still unavailable in Hong Kong.

At present, child care centres rarely open till eight or nine o'clock in the evening. As we all know, the working culture in Hong Kong is such that overtime work is almost a daily routine, and it is not uncommon for workers having to work until eight or nine o'clock in the evening. With such excessively long working hours, how can working women be able to attend to their jobs and take care of their children at the same time? I suggest that the Government should provide more child care centres, extend their opening hours, or appeal to large corporations to provide child care services and facilities for women, so that more mothers will be able to work with peace of mind.

Lastly, Madam President, one of the ways of manifesting gender equality is breaking the stereotype of "men for the external world, and women for the home", so that everyone can enjoy the same opportunities and conditions of making choices, and women can also have their own choices. If they wish to stay home, they can stay home. If they wish to work, they can also find a way of striking a right balance between work and taking care of the families. I so submit. Thank you, Madam President.

MS MIRIAM LAU (in Cantonese): Madam President. I said "Madam President" just now. There seems to be nothing so special about this title, but it can actually reflect the rising status of women in recent years. An important post like the President of the Legislative Council is no longer exclusive to males. As a matter of fact, according to the statistics published by the Census and Statistics Department, the median income of working women living alone has reached \$13,000, which is higher than the \$12,500 of their male counterparts. The latest survey conducted by the Citibank also indicates that there were 274 000 millionaires in Hong Kong last year, and women accounted for 51% of them, a rate slightly higher than that of men.

However, it will be a bit one-sided for anyone to claim that the problem of gender equality has already been solved, or that satisfactory results have been achieved. In the case of the Legislative Council, for example, only 20% of its Members (12 Members) are currently women. Although this is already a slight increase over the 10 female Members in the first two terms following the establishment of the Special Administrative Region (that is, 17%), the number is still far smaller than that of male Members. Of the 4 900 or so non-official appointees, only 25.6% are women. This is substantially lower than the international standard of 30% to 35%.

I have therefore put forward an amendment today in the hope of alerting the public that they must strive to eliminate discrimination and prejudices which are based on sex or stereotyped roles for men and women, and give full respect and development opportunities to women. Rather than leaving women who are already "holding up half of the sky" to "hold up the other half", we must assist them in breaking the various invisible shackles and exploring their own horizons.

The labour participation rate of Hong Kong women is only 52.6%, far lower than the 71% of Hong Kong men and the 67% of G7 countries.

Disregarding foreign domestic helpers, the monthly median wage of women in Hong Kong is about \$9,000, 21% lower than the \$11,500 of men.

When it comes to the professions and management posts, men are also dominant. According to a report published by an organization dedicated to gender equality, 92% of all university professors are men; 95% of medical consultants are males; and, in the case of managerial executives, women only account for 25%.

As for working women, because of their sexual stereotyped role in traditional Chinese culture, they must look after their families in addition to working. Consequently, after a whole day's work, they must still buy food from markets despite their fatigue and then rush back home to prepare dinner, do the family laundry and help their children with their homework. Their burden can be described as twice or thrice as heavy. Influenced by social expectations and sexual stereotyped roles, many working women even think that once they have reached a certain age in life, they should no longer spend too much time on their career. They therefore think that they must make a choice between their careers and families. Why must it be women, rather than men, who must make that choice? I must also ask, "Why is it necessary to make that choice in the very first place?" Why can't men share the household chores and responsibilities? Why must women be made to bear all the heavy family responsibilities? If men can share some of the family responsibilities, it will not be necessary for anyone to make a choice because all responsibilities can then be shared.

Therefore, besides stepping up education and striving to eliminate the discrimination and prejudice against women, the Government should also appoint more women to advisory and statutory bodies, so that the needs and viewpoints of women can be fully considered in the course of formulating social policies. And, in this way, the constraints imposed by sex stereotyping can be shattered, thus ensuring equal opportunities and mutual respect between the two sexes.

Madam President, the problems faced by grass-roots women may even be more serious. We may look at people coming to Hong Kong on One-way Exit Permits as an example. Last year, 34 000 such persons were women, and only 20 000 of the newly arrived citizens were men. But the educational

qualifications of women are invariably lower. According to a survey conducted by the Census and Statistics Department between 2002 and 2003, 64.7% of the women who arrived during this period were secondary school graduates, but the corresponding percentage for men was 78.5%. Some 25% of all the newly-arrived women were only of primary school level or had never received any education, but the corresponding percentage for men was merely 3%. As for women of the ethnic minorities, mainly South Asians, their level of education was generally not very high, and they did not know any Chinese. We must also offer them assistance.

The Liberal Party maintains that the authorities should inject additional resources or redeploy existing resources to provide women in need with more appropriate assistance, including the holding of more integration courses for newly arrived women aimed at familiarizing them with Hong Kong society, government institutions, health care system, economy and legal system. Even language courses should be organized for them, so that they can integrate into life in Hong Kong as soon as possible.

The Liberal Party thinks that the stepping up of training for women to upgrade their vocational skills and overall quality and to help them develop their personal potentials will certainly enhance grass-roots women's working ability. Mrs Selina CHOW will give a more in-depth analysis on this later on.

However, in order to enable more women to enter the labour market, there must be satisfactory support services. Childminding service is indispensable. We agree that the authorities should operate a greater number of low-priced childminding centres at the community level that can respond flexibly to the needs of parents. The only 24-hour childminding service in Hong Kong, operated by the Hong Kong Society for the Protection of Children, provides only eight places for urgent cases. This is totally unable to satisfy demand. At present, some child care centres funded by the Social Welfare Department already operate extended hours or provide occasional child care service. But usually, service hours are just extended from 6 pm to 7 pm or 8 pm Monday to Friday, and from 1 pm to 3 pm or 8 pm on Saturdays. The extended hours are very short in duration. To a certain extent, such arrangements can reduce the worries of working women. However, those grass-roots women who must work night shifts or go to work on Saturdays, Sundays and holidays will still find that there is no service for them during the hours when they are in the greatest

need. I think we must make further improvements and greater efforts in this respect. I very much hope that the authorities can really do some serious thinking, so as to find methods to help such grass-roots women.

In this connection, the authorities should give vigorous support to community organizations in operating mutual-aid childminding service at the community level or even in individual housing estates. Flexible childminding service should be provided to residents, and lessons should be drawn from some successful examples such as the Joyful and Harmonious Home Project in Fu Cheong Estate, Sham Shui Po, and the Outstanding After School Care Project run by the Tuen Mun District Women's Association Limited. These projects all involve kai fongs serving as voluntary workers to look after children. They can foster a caring spirit in the community and also upgrade the ability and confidence of newly arrived children in coping with their learning and problems in life. They should thus be recommended to Members.

Finally, since the commencement of the Capacity Building Mileage Programme in 2004, responses have been quite satisfactory and some 20 000 enrolments have been recorded. However, we also note that the participation rates of female CSSA recipients and low-income women have not been very high. I strongly hope that the authorities can assist the Women's Commission in stepping up publicity efforts among grass-roots women, with a view to fully meeting their needs and enabling them to upgrade themselves and enjoy equal opportunities of development just like other women. Madam President, I so submit.

MISS CHOY SO-YUK (in Cantonese): Madam President, due to historical reasons, whenever we talk of gender equality, to a large extent, it means ensuring that women can enjoy the same development opportunities as those of men. On the surface, the mechanism of protecting women's rights has seen many years of development. The Government had established the Equal Opportunities Commission as early as 1996. In the same year, the Government also adopted the Convention on the Elimination of All Forms of Discrimination against Women of the United Nations, and more than 10 years have passed since. In 2001, we also established the Women's Commission, to advise the Government specifically on ways of improving women's well-being and rights. It seems beyond dispute that women's status has kept on rising.

However, there is always another side of the coin. Among family violence cases, those with women victims account for 90% of them. Besides, men's monthly median income is still about 20% higher than that of women, and this is also a prevalent reality, which shows that traditional gender concepts still firmly dominate society of Hong Kong. As such, while we cannot overlook the Government's efforts in promoting gender equality, we must also urge the Government to work harder in many aspects in order to strive to bring about a society with real gender equality.

Madam President, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supports all the proposals on improving gender equality as contained in the original motion. We put forward an amendment only with the intention of filling up the gaps in order to make the relevant policies better cater to the needs in reality.

Let me first discuss the issue of women's participation in public affairs. In order to promote women's participation in public affairs, the Government has stipulated the standard that there should be a 25% women membership in advisory and statutory bodies and such an objective has basically been achieved. The effort deserves our recognition. Regarding the transitional target of 25%, we do not have any objection. However, in order to introduce women's viewpoints more comprehensively into the various policy portfolios, so as to ensure that the policies can fully take care of the needs of both genders, the DAB hopes that the target rate of women's participation in public affairs can be increased to at least 30%, for in some Northern European countries, women's participation rate in public affairs has long been elevated to 40%.

Madam President, it is of course good for women to make contribution to society through participation in public services. However, in reality, the vast majority of grass-roots women are still struggling for their own survival every day. They are already exhausted both physically and mentally. However, some people still insist on pursuing absolute fairness, and hold that we should not provide any special support for certain women. This kind of thinking is definitely outdated because gender differences do exist on the issue of poverty. It is highly likely that the working opportunities and rights of women in Hong Kong are exploited or rejected due to the limitations imposed by the social environment and conditions.

Most unfortunately, in view of such unfairness, the authorities have not devised a package of tailor-made support plans for new arrival women, single mother and ethnic minorities. Instead, they passed all the support services to community centres for co-ordination.

The DAB thinks that many new arrival women find the place unfamiliar and make few acquaintances after arriving in Hong Kong, and some even do not speak Cantonese, thus making them unable to integrate into their respective communities, not to mention striving to achieve self-reliance. Therefore, we would like to urge the Government to strengthen the support services for new arrival women and assist them in building up their social circles and adapting to the way of life here, so as to prevent them from feeling isolated and helpless. Besides, the cultural exchange and integrated learning programmes for the youth of ethnic minorities are just intended for the young people. We suggest that the Government should allocate additional resources for the provision of cultural exchange and integrated learning programmes specifically for ethnic minorities women. In addition, Cantonese and English training classes should be specifically provided for them, so as to assist these women in integrating into the communities. In the meantime, the DAB appeals to the Government to co-operate with the business sector and continuing education institutes in designing systematic employment training courses for women with such needs.

In contrast to the "rice bowl" issue, family violence poses as a threat to women and there is an even greater need for good co-operation from various parties in different aspects, so that we can prevent such tragedies from happening again. In responding to the report presented by the SAR Government, the United Nations Committee on the Elimination of Discrimination against Women specifically appealed to the Government to work harder and allocate adequate resources for combating any acts taken against women, including family violence. However, as I had pointed out in a relevant motion last year, this problem could not be solved simply by adopting one or two simple measures. In order to prescribe the right measures to tackle specific problems, we must look at the problem from different angles in order to deal with it with specific considerations of the Government, the police, the Social Welfare Department (SWD), welfare agencies and even the public, before a comprehensive package of improvement proposals can be put forward. In fact, the series of suggestions put forward by the Review Panel on Family Services in Tin Shui Wai and the Coroner's Court some years ago have basically covered the actual needs in all

aspects. The Government must grasp the opportunity to act in a timely fashion to initiate studies and formulate specific proposals and relevant targets, so as to enable Hong Kong to implement the proposals as soon as possible.

Madam President, the concept of gender equality should not and cannot remain at the level of absolute fairness in that to whatever men are entitled, women should be entitled as well. Instead, with reference to the different needs of the two genders, we should strive to provide a suitable environment and formulate policies that can cater for the different needs of the two genders.

One of the tasks is definitely the provision of more water closet cubicles for women and various kinds of children facilities. However, in order to really reduce the burden of women in taking care of children, DAB urges the Government to establish community occasional child care services in the various districts. In more specific terms, the SWD should provide the funding to non-governmental organizations (NGOs) which should offer special training to parents who are interested in joining the project, so that in conjunction with the referral network in each district, women with the need, such as single mothers and parents working long hours, night shifts and rotation shifts, may identify occasional child care services in the district or in nearby communities. Besides, a round-the-clock service hotline should also be provided to assist parents in emergency needs to obtain information on community occasional child care services in different districts or emergency foster care services.

Meanwhile, the well women service currently provided by the Department of Health provides physical and mental check-ups for women as well as counselling services. It is very popular with women. However, there are at present only three well women centres. Besides, in some relatively poor or more remote districts, such as Tin Shui Wai and Tung Chung, and so on, such services are not available. As such, we urge the Government to first provide well women service in such districts, and study the feasibility of extending well women centres to all the 10 districts.

Apart from the physical health of women which requires protection, their mental health is also very important. The train compartments of the MTR are very crowded during peak hours. The police received at least scores of reports of sexual harassment in train compartments every year. Besides, there must be many unreported cases in which the victims are too shy to lodge any complaint.

This really makes women worry a lot. In this connection, the DAB urges the Government to follow the practice of the railway authorities of Taiwan in providing female compartments in the evenings and introduce such compartments in the MTR specifically reserved for women.

Lastly, the DAB urges the Government to draw reference from advanced practices adopted by other countries and enhance women-friendly employment policies and measures, including studying the extension of statutory maternity leave for pregnant women. Besides, small families are prevalent in Hong Kong nowadays. After the birth of a child, the father usually, to a certain extent, has to play the role of a mother in addition to his own role as a father in taking care of the baby. Therefore, the DAB proposes that the Government should actively consider, while not affecting the economic development and with adequate discussion and study with the employers, allowing the father to take paternity leave in order to take care of his wife who will give birth to or who has already given birth to the baby, as well as the baby.

Madam President, I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): On behalf of the League of Social Democrats, I wish to move an amendment to Ms Audrey EU's motion. To begin, I wish to thank Ms Audrey EU for moving the motion to enable us to give our views. Since I agree to most of the views expressed by Members, I will speak only on the issues related to my amendment.

I have heard many discussions on gender mainstreaming in this legislature. Honestly speaking, the Government of the Special Administrative Region (SAR) has done a very poor job in this regard. What is gender mainstreaming? It actually means that during the process of policy formulation and planning in all political, economic or societal spheres, the Government must take two steps, namely, the assessment and evaluation of the implications for both sexes, so as to ensure equal benefit for both men and women and achieve gender equality.

But what efforts has our Government made so far? In 1996, it adopted the United Nations convention, and in 2001, it said in the Legislative Council — I was a demonstrator up there at that time, and I am speaking down here now — that it would not oppose the amendment of the Sex Discrimination Ordinance by

the Equal Opportunities Commission and would give a further reply within three months. But it is now 2007 and we have waited for six years. I think if the Government is to be held accountable if there is a Secretary for Women's Affairs, he or she will surely have to step down. But it is a pity that we do not have such a Secretary. There is not even such a policy bureau in the Government, right? Therefore, the Government must be held responsible. I do not know how the Secretary will respond later on. Secretary TSANG Tak-sing is responsible for home affairs, so he should attend this meeting to respond to the motion.

The second point I wish to raise is about the deprivation of women's voting right. We know that there is no functional sector for women, nor is there any for the elderly. Many elderly persons are women because they live longer than men. Some women work very hard day and night, doing household chores with no pay. They are not entitled to any retirement pension, and not only this, they are not included in any functional sectors and allotted votes according to their proportion of representation. Even if the existence of functional constituencies can be justified, such deprivation is still not acceptable. There are two seats even for the business sector. Are they saying that all those women we exalt, all the mothers we greatly respect, should not be entitled to vote? Therefore, when it comes to this problem, I must say that we should abolish all functional constituencies immediately. The problem also indirectly reflects the unfair nature of functional constituencies because no matter how they are delineated, some people are bound to be forgotten. The reason is very simple. As once pointed out by a philosopher, Baruch SINOZA, determination is negation. The right to universal suffrage is therefore very important to women. They are now deprived of their right, so the discrimination against them will not disappear even if more women are appointed to public offices. This also explains why this legislature of ours is still dominated by men.

As for the establishment of a comprehensive gender differentiation database, it is actually related directly to my first point on gender mainstreaming. Without such data, all will be empty talks. The Government has set up the Women's Commission and stated that it will enact legislation on eliminating all forms discrimination against women. But it has never collected any data. All data are now collected by non-government bodies. But when non-government bodies present the data they have collected, they are questioned how they have come up with such data. It is really shameless, isn't it? This is an institution

possessing public resources and authority. It behaves so very obsequiously before the United Nations, undertaking to make efforts. But then, it has delayed the matter for many years, refusing to establish a database. This is very irresponsible behaviour.

The third issue is universal retirement protection, a problem which we have been discussing. On the Human Rights Day, I saw many women (and many elderly men too) "beating the villain". The "villain" is our Chief Executive. People must be very angry when they find it necessary to beat the head of government as a "villain", right? Why do they want to "beat the villain"? Because we have been fighting for the establishment of a central provident fund with tripartite contributions for some 30 years and now, we want to reform the mandatory provident funds system, in the hope that all retired elderly persons, including elderly women, can receive \$3,000 a month. But the Government still says "no". In that case, how can it still claim that it respects people and women? Can the Government see that many women who used to eke out a living by scavenging cardboard are no longer able to do so due to the emergence of young and unemployed scavengers? Does the Government know that in Kai Yip Estate, many elderly men and women are taking turns to search the litter bins there? Does the Government know that all these elderly men and women do not wear any face masks when searching the litter bins? They will contract diseases when doing so. Who wants to do so when there is an alternative? All this is caused by the Government's refusal to introduce universal retirement protection.

We may look at another amendment. Seven out of 10 poor workers (that is, those earning less than the monthly median wage of \$5,000, or \$5,500 now) are women. The ratio is 7:3. We can often see all these women. Whenever we eat in a bistro cafe, we will see them washing plates in the back alley. Whenever we visit a construction site, we see many middle-aged women carrying baskets of earth around. They work day in, day out, earning very low wages. But our Chief Executive simply tells us that he will not invoke the Trade Boards Ordinance to fix minimum rates of wages for their protection. He has also flatly refused to set a minimum wage and any standard working hours. We can thus see that the Chief Executive is never aware of the difficulties of these poor women, is never aware that the setting of a minimum wage and standard working hours can protect the sex we respect so much, the fair sex which we always say must be respected.

Another point is that as the saying goes, even a fierce tiger will not harm its cubs. But our SAR Government has taken the lead in discriminating against women who have lived in Hong Kong for less than seven years, denying them CSSA. As a result, they are forced to live on the assistance allocated to their children. As I have said, this is a totally unscrupulous policy.

Honourable Members, when it comes to childminding service, I must say that such service is a possible type of business for social enterprises in Hong Kong. But as far as I can observe, the Government does not have any intention of developing this type of service. As for public housing, the assets of the Housing Department have been sold to The Link REIT at cheap prices, thus making it impossible to operate any low-priced childminding service in the public housing estates of Hong Kong. There are now 240 000 foreign domestic helpers in Hong Kong. All of them are women, but their minimum wage has been reduced.

Has my speaking time run out?

PRESIDENT (in Cantonese): You still have several dozen seconds left.

MR LEUNG KWOK-HUNG (in Cantonese): I hope Members can support my amendment. I hope all Members who support universal suffrage and women's rights can render me their support. Thank you, President.

MR ALBERT HO (in Cantonese): Madam President, nowadays in Hong Kong, from business to politics and from the professions to administration, there are many women with outstanding achievements. But we should not thus harbour any misconception that gender equality is no longer a social problem.

If we examine and analyse the many social phenomena and realities carefully, we will notice that many women are actually unable to enjoy equal protection and development opportunities in terms of their living, employment and family status. Therefore, as pointed out in Ms Audrey EU's original motion today, the problem currently faced by Hong Kong is how we can promote equal development opportunities for both sexes.

The Democratic Party supports the original motion, agreeing that more resources and services should be provided to women in their different areas of development. Besides, we have also put forward an amendment, requesting the allocation of additional resources to support female indigenous inhabitants in the New Territories and women of ethnic minorities and the provision of sufficient power and abundant resources to the Women's Commission for co-ordinating measures to alleviate the problem of women in poverty.

In our response to the recommendations of the Report on Women in Poverty, we propose to establish an alimony council to ensure that both the husband and the wife will share the responsibility of maintaining their children after divorce. On the financial side, we request the introduction of territory-wide retirement protection, so as to give housewives adequate livelihood protection. And, finally, we also ask for the application of the Convention on the Elimination of All Forms of Discrimination against Women, including gender mainstreaming, to eliminate discrimination against women.

To begin with, we hope that the Government can allocate additional resources to support female indigenous inhabitants in the New Territories and women of ethnic minorities because they are the most vulnerable of the underprivileged in our society. In 1994, Ms Christine LOH, a Member of the then Legislative Council, proposed an amendment to the New Territories Land (Exemption) Ordinance. The amendment was subsequently passed, thus giving female indigenous inhabitants in the New Territories equal intestate inheritance to land. This is a great progress in the upholding of women's rights.

However, women are still discriminated against under many village customs and conventions. Some Members may not agree to this. For instance, women are still not entitled to any "tso tong" benefits, and many of them are even forced to leave their ancestral homes as they do not enjoy any right to live there.

Furthermore, the voting right of female indigenous inhabitants in the New Territories is also subjected to various restrictions. In the past, women in traditional villages were forbidden to serve as village representatives. Then, in 2006, there were female village representatives for the first time, but they were still in the minority, and very few of them have managed to enter the Heung Yee Kuk.

In walled villages, there are also various customs which forbid the participation of women in many events, such as the Bun Festival. I can of course appreciate that there are bound to be various customs in villages. But now that the new century has already arrived, should all these customs be modernized to show respect for the fair sex?

While indigenous inhabitants in walled villages encounter various problems, women of ethnic minorities, such as Nepalese, Indian and Pakistani women, also face social marginalization, failing to receive the recognition of mainstream society. According to one survey, domestic violence is especially serious in families of ethnic minorities. Most of the victims are women, but they generally choose to remain silent, not daring to seek outside assistance. We maintain that the authorities should offer greater assistance to these underprivileged women of ethnic minorities. Besides stepping up civic education, the authorities should also increase the number of social workers dedicated to helping women of ethnic minorities, so as to relieve their family pressure and the danger of domestic violence.

We are of the view that in order to ease the poverty and employment problems faced by women, the Women's Commission should be given adequate power to deal with the problem of women in poverty. Society as a whole should fight for the enactment of legislation, so as to protect woman workers in respect of job-seeking and employment terms, make sure that they will not be subjected to age discrimination and also support the implementation of equal pay for equal work to eliminate any unreasonable wage discrepancies between male and female employees for reasons of gender difference.

Besides, the Government should take more active steps to promote the elimination of society's sexual stereotyping concerning the selection of academic streams and jobs by males and females, so as not to hinder the opportunities for girls to develop their potentials.

To address women's needs, the Labour Bureau should seek to improve the Employees Retraining Scheme, with a view to facilitating the re-entry into the labour market of unemployed women and women who have temporarily exited the labour market to look after their families. We also request that while promoting continuing education, we must at the same time pay heed to women, especially housewives, and provide them with various training courses at the community level.

In addition, the Democratic Party also proposes to introduce universal retirement protection to supplement the Mandatory Provident Fund System, which is unable to provide housewives and part-time employees with any protection, so as to ensure that housewives can maintain a reasonable living standard when they go into retirement.

The authorities should expeditiously explore the establishment of an alimony council for collecting, distributing and dunning for alimony. At present, some divorced women must still approach their former husbands every month in order to get the maintenance for themselves and their children. This is a very great mental torture for them, especially when their former husbands are extremely unreasonable and even violence-prone. Furthermore, regarding contraventions of the maintenance orders issued by the Court, a mechanism should be set up to assist women in dunning for the maintenance due to them. Women who are already tortured by broken families should not be made to file petitions to Court together with their small children. This will only add to their miseries.

For this reason, the Democratic Party strongly requests the Government to consider the establishment of an alimony council for the protection of divorcees, especially divorced women and their children. That way, they can receive their legitimate protection, particularly in respect of maintenance payments.

In regard to protecting the physical safety of women, we urge the Government to adopt measures of protecting victims of domestic violence, some examples being amendment of the existing legislation, the establishment of more women's shelters and the provision of assistance services to victims of abuse. I of course understand that over the past couple of years, the Government has put in place many improvement measures to prevent the occurrence of domestic violence. But I still feel very strongly that while the man may appear to be the stronger party in the family due to his physical strength, the woman is by no means weak when it comes to survival abilities; she may even be stronger the man in that sense. When a woman must maintain her broken family despite all the miseries, she will be under immense mental pressure. She may thus suffer from acute depression and even nervous breakdown. When she tries to maintain the family, all family members, including the small children she must bring up, will also be plunged into an immense plight. I therefore maintain that counselling for single-parent families is very important.

We still propose the Government to reconsider the establishment of single-parent centres and new immigrant centres, where this kind of disadvantaged members of society can receive appropriate counselling from specialized organizations and enjoy mutual support. With a view to promoting gender equality, we maintain that the Government should promote and fully apply the Convention on the Elimination of All Forms of Discrimination against Women, in addition to implementing gender mainstreaming. Thank you.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I must thank Ms Audrey EU for proposing a motion on promoting gender equality. I am also grateful to Miss TAM Heung-man, Ms Miriam LAU, Miss CHOY So-yuk, Mr LEUNG Kwok-hung and Mr Albert HO (who has just spoken) for proposing their respective amendments.

The Government has always been doing its utmost to promote the well-being and rights of women in Hong Kong, with a view to ensuring that politically, economically and socially, they can enjoy the same development opportunities as those for men. For this reason, the authorities introduced the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996. Then, in 2001, the Women's Commission was set up to make recommendations on macro strategies and to formulate long-term policy goals, with a view to ensuring that women can give full play to their abilities. At the same time, the Women's Commission also advises the Government on policies and measures related to women's concerns. On the advice of the Women's Commission and with its assistance, the Government has adopted a three-pronged strategy: first, the creation of a favourable environment; second, the enhancement of women's capacity; and, third, the conduct of public education. The Government also maintains close contact and co-operation with local women's organizations, joining hands with them to promote the well-being and rights of women in Hong Kong. And, satisfactory progress has been achieved.

In the following part my speech, I shall give a concise reply to the major points of interest contained in Ms Audrey EU's original motion and the respective amendments proposed by Members.

Madam President, since the introduction of the CEDAW to Hong Kong in 1996, the Government has always abided by its provisions and discharged the

related obligations, striving to promote the well-being and rights of women in Hong Kong. In August 2006, after scrutinizing the second report submitted by Hong Kong on the implementation of the CEDAW, the United Nations CEDAW Committee expressed recognition of the SAR Government's work of promoting the development of women in Hong Kong. In its concluding remarks, the CEDAW Committee highly commended the Hong Kong deputation for its detailed responses to all the questions asked by committee members both before and during the hearing. The CEDAW Committee also welcomed the civil society of Hong Kong, especially non-government women's organizations, to participate actively in the protection of women's rights.

The CEDAW Committee stated its concerns and recommendations in relation to several areas mentioned in the SAR Government's report. At the meeting of the Legislative Council Panel on Home Affairs on 9 February 2007, the Government already explained to Members its responses to the views of the CEDAW Committee. The Government will continue to enhance public understanding of the CEDAW by organizing different activities and through various channels, such as roving exhibitions, leaflets, APIs and topic seminars.

In order to enable women to give full play to their abilities, it is necessary to create a favourable environment where both sexes can have equal access to social resources and enjoy equal opportunities. With the assistance of the Women's Commission, the Government introduced the policy of gender mainstreaming in 2002, thus ensuring that gender perspectives are taken into consideration in the formulation of laws, public policies and various measures. In other words, the concerns and experiences of both sexes are adopted as the basic considerations in designing, implementing, monitoring and assessing our legislation and public policies and measures.

With the assistance of the Women's Commission, the Government has adopted a Gender Mainstreaming Checklist in 24 policy or work areas. The Checklist is an analytical tool designed by the Women's Commission to assist government officials in systematically adopting gender perspectives in the course of formulating policies and drawing up work flows. The proposal of Ms Audrey EU's motion to provide more water closet cubicles for females is precisely one of the items in the Checklist. The Food and Environmental Hygiene Department has adopted the Checklist for the design of public toilets, and in view of the fact that women usually need more time for the toilet than

men, it started to increase the ratio of water closet cubicles for females to those for men from 1.5:1 to 2:1 with effect from April 2004. Besides, in May 2005, the Buildings Department also issued a code of practice requiring the provision of more female toilets in shopping arcades, cinemas and places of public entertainment.

Another example of gender mainstreaming is about the topic of the first motion debate today: breastfeeding. In view of the rising public awareness of the advantages of breastfeeding and the increasing demand for breastfeeding rooms in public venues, the Leisure and Cultural Services Department (LCSD) has included breastfeeding rooms as standard provisions in large-scale leisure facilities, so as to cater for the realistic need of women. Besides, where circumstances permit, the LCSD will also provide breastfeeding rooms in existing leisure and sports facilities undergoing maintenance and improvements. The LCSD has already provided breastfeeding rooms in six leisure and cultural venues. In the coming three years, the LCSD plans to construct breastfeeding rooms in 11 new leisure and cultural venues and 14 such venues scheduled for maintenance and improvements.

In the supplementary information paper submitted last month to the Panel on Home Affairs concerning its special meeting on 15 October 2007, the Government already set out many more examples of gender mainstreaming for Members' reference. Members may also refer the booklet entitled *Gender Mainstreaming: Hong Kong Experience* published by the Women's Commission in January 2006, in which the Government's experience of implementing gender mainstreaming is set out, complete with examples and their effectiveness. In the coming year, the Government will continue to adopt gender mainstreaming in many more policy areas, while seeking to further promote the concept internally and in the wider community by way of training and through other channels.

Regarding appointments to advisory and statutory bodies, one of the aims is to increase women's participation in policymaking, and for this reason, on the recommendation of the Woman's Commission, the Government set down a practical target in January 2004, whereby the proportion of female members and male members in advisory and statutory bodies shall not be smaller than 25% each. This is meant to make sure that gender perspectives and concerns can be fully reflected. As a result of the Government's active efforts in recent years to identify and nurture capable women intent on serving the public, the authorities

managed to achieve the target of 25% in December 2005. As at October this year, 26.5% of all government-appointed non-official members of such bodies were women.

The Government will continue to encourage the various appointment authorities to actively identify and nurture women who are both interested in and capable of serving the public for appointment to advisory and statutory bodies. In this way, the rate of women's participation in such bodies can be further increased.

Next, I wish to talk about the various support services covering employment, training, family assistance, childminding, health care and even medical care provided by different government departments to grass-roots women, including new arrivals and single-parent women.

First, I wish to mention employment services. Through its 12 Job Centres, Telephone Employment Service and Interactive Employment Service website, the Labour Department provides a comprehensive and free range of employment assistance services to all job-seekers, including women who intend to enter the labour market. The Labour Department also operates a number of employment schemes, such as the Job Matching Programme, the Employment Programme for the Middle-aged, and the Work Trial Scheme, with a view to helping job-seekers with different needs to secure employment.

In regard to training and retraining, the Employees Retraining Board is responsible for providing retraining programmes and related services under the Employees Retraining Scheme, with the aim of helping local employees to upgrade their vocational skills and acquire new skills for the purpose of meeting market needs and employers' requirements. As Members are aware, the eligibility requirements of the Employees Retraining Scheme have been relaxed since 1 December. The scope is now extended to youngsters aged 15 to 29 and those with associate degrees or lower qualifications. Since the inception of the scheme, the Employees Retraining Board has provided retraining to more than 1 million participants, 76% of whom are women.

Furthermore, in 2001, the Government also launched the Skills Upgrading Scheme to assist employed workers in upgrading their skills. This scheme has provided close to 200 000 training places, and female trainees account for 65%

of this total. In 2002, the Continuing Education Fund was set up to provide training subsidy to Hong Kong residents aged 18 to 65, in the hope of encouraging them to pursue continuing education. As at the end of November this year, the Fund received a total of more than 410 000 applications, and close to 60% of the applicants were women.

In March 2004, the Women's Commission launched the Capacity Building Programme. Tailored to suit the needs and interests of women and marked by flexibility of learning, this programme is jointly run by The Open University of Hong Kong, the Commercial Radio and nearly 80 women's organizations and non-governmental organizations (NGOs). The main forms of teaching are radio lessons and lectures, supplemented by elective learning activities and face-to-face courses run by NGOs. The programme covers a wide range of topics, including inter-personal relationship, management of personal finances, health and other practical daily life issues.

Since its inception, the Capacity Building Programme has encouraged many women of different backgrounds and education levels to pursue lifelong learning and upgrade their individual capacity. As at November this year, the accumulated enrolments stood at 20 000, and the radio lessons also attract a very large audience. The views collected from participants show that they are able to benefit immensely from the programme, because while it can arouse their interest in learning, it can also deepen their understanding of various daily-life issues and make them more confident in tackling the related problems. Funded initially by the Lottery Fund, the programme was originally scheduled to operate for three years on a trial basis. But since the Government fully recognizes the great effectiveness of the programme, it has been providing funding for the continued operation of the programme since March 2007.

The abovementioned services aside, the 16 integrated family service centres under the Social Welfare Department (SWD) also operate a series of one-stop preventive, support and curative services for people in need, including new arrivals and single-parent women. The services cover family life education, parent-child activities, advisory service, voluntary worker training, outreach service, activity groups, intensive counselling and case referrals. Through NGOs, the SWD also provides needy families with a diversified range of child care services, including child care centres, occasional child care service, extended child care service and mutual help child care service.

In respect of women's health, the three woman health centres and the 10 Maternal and Child Health Centres (MCHCs) operating woman health service under the Department of Health provide women with health promotion and disease prevention services, including physical checkups, personal counselling and various types of health education. Moreover, all the 31 MCHCs in Hong Kong also join hands with the Obstetrics and Gynaecology Departments of public hospitals to provide pregnant women with comprehensive antenatal care services, including regular checkups, blood tests and health education. Postnatal physical checkups and family planning service are also available.

The Government has spared no efforts in combating domestic violence. Over the past three years, we have taken many active measures and invested huge resources to enhance the support for victims of domestic violence and families in need. The funding for the purpose exceeds \$1.4 billion this financial year. In the coming year, we will continue to invest more resources to enhance the direct support for victims of domestic violence, such as the provision of more places in refuge centres for women and the strengthening of the SWD hotline service. The SWD will also continue to conduct publicity and civic education, with a view to enhancing people's awareness and understanding of domestic violence, building up social capital and fostering mutual concern and people's ability to cope with adversities. It is hoped that all this can improve the situation. At the same time, the SWD will also step up the training of front-line professional staff, so as to further promote multi-disciplinary co-operation.

The SWD started to implement the Batterer Intervention Programme in January last year, under which batterers ordered to be on probation by the Court and batterers volunteering to participate in the programme are provided with counselling treatment. Besides, the Government has also proposed in the Domestic Violence (Amendment) Bill to introduce a new anti-violence mechanism, with a view to altering the attitudes and behaviour of different types of batterers. The SWD will also launch the Pilot Project on Child Fatality Review early next year. The review mechanism aims to review the work and services related to child fatality cases, so that the modes and trends of such cases can be identified for the formulation of preventive strategies. It is hoped that this can promote multi-disciplinary and cross-organization co-operation in the prevention of child fatality. The whole mechanism will be reviewed after two years.

Regarding the support for victims of sexual violence, the SWD worked with other government departments in 2006 to review the services for victims of sexual violence as well as the inter-departmental and multi-disciplinary co-ordination in this respect. A new service model was devised. An important feature of the new service model is the designation of the same social worker as a "case manager" to render assistance. The designated social worker will provide immediate support and follow-up service such as emotional support and counselling to the victim. He or she will also escort and accompany the victim to go through all necessary procedures such as reporting to the police, receiving medical treatment and forensic examination. The new service model consists of a support network covering different regions of the territory with the aim of providing victims with easily accessible services according to their wish, irrespective of their physical locations. The SWD will also step up the co-ordination of services among different departments and units to provide victims with a customer-oriented and one-stop service. Victims can receive services and complete all relevant procedures in a convenient, safe, confidential and supportive environment which minimizes the need to repeat their unpleasant experience.

Also, with funding from the Lottery Fund, the Tung Wah Group of Hospitals has been commissioned to operate a new crisis intervention and support centre called the CEASE Crisis Centre for three years on a trial basis. The CEASE Crisis Centre provides round-the-clock immediate intervention and support services and has been in operation since 26 March this year. The Centre operates a 24-hour crisis hotline numbered 18281 and manned by a registered social worker, with the aim of making it easy for victims of sexual violence to make direct requests for assistance at any time. There is also another 24-hour professional referral hotline through which relevant professional personnel (such as police officers, medical personnel and social workers) can directly get in touch with social workers for the immediate referral of cases.

The new service model has been operating well, and the SWD will continue to enhance its co-ordination with relevant social service units, the Hospital Authority, the police and the Forensic Pathology Service of the Department of Health, so as to ensure that victims of sexual violence are always given timely and appropriate support.

Madam President, the promotion of women's status and legitimate rights is a process. All social sectors must join hands to change and transform the old

concepts and culture in society and to eliminate sexual prejudices and sexual stereotyping, with a view to achieving the aim of bringing forth equal development opportunities for both sexes. The Government and the Women's Commission will continue to co-operate closely to create a favourable environment, enhance women's capacity and conduct public education, with the aim of promoting their well-being and rights.

Madam President, I so submit. After listening to Members' views on the motion, I shall give another reply.

Thank you, Madam President.

MR HOWARD YOUNG (in Cantonese): Madam President, there are five amendments to the original motion today. This reflects that Members do have many views on and are very concerned about the promotion of gender equality and elevating the status of women. However, in terms of concrete policies, I believe Members may still need to hold further discussions.

For example, the extension of the statutory maternity leave for pregnant women and the provision of menstruation leave for women and paternity leave for men are proposed in the amendments. All these proposals are certainly well-intentioned, but they will cause quite an impact on the operation of enterprises. We think that no actions should be taken lightly until all the pros and cons are ascertained.

Actually, the leave benefits of Hong Kong workers are already quite satisfactory when compared with those enjoyed by their foreign counterparts. For instance, female employees in Hong Kong are entitled to paid maternity leave. In contrast, the 12-week maternity leave in the United States is a kind of no-pay leave. Paternity leave for men is not quite so common, and even in countries where this kind of leave is available, there are great divergences in terms of practices and arrangements. In the case of Sweden and the United Kingdom, for example, all the expenses incurred by paid paternity leave are met by social insurance. In Hong Kong, since there is no such insurance, it will be very difficult for us to follow suit. In the United States, paternity leave is available in only some of the states, such as California. What is more, only part of the paternity leave carries any pay. In Australia and New Zealand, paternity

leave is given on a no-pay basis. Another point is that the enterprises in all these places are mainly large ones, but in Hong Kong, small and medium enterprises (SMEs) account for over 90% of all the businesses, so there is a great difference in economic structure.

Since the bulk of Hong Kong businesses are SMEs, we maintain that the various industries should adopt family-friendly policies in the light of their actual business situations. For example, the CLP Power Hong Kong Limited (CLP) has recently announced that all its male employees will be entitled to three days of paid paternity leave and even a big cash reward of \$1,000. But not all businesses can compare with the CLP in terms of scale. Well, I must add that we totally agree that large businesses with the means should do more.

Regarding alimony, there is already a law on the attachment of income. It is therefore more appropriate to streamline the administrative measures and legal procedures for collecting maintenance fees in arrears and to enhance the support for people in financial difficulties. That way, people in difficulties can be given assistance.

As for the proposal on providing female compartments on the MTR, we must say that while the proposal is well-intentioned, there may be practical difficulties in the course of implementation, so it warrants careful studies.

On the proposal to abolish the seven-year residency requirement for Comprehensive Social Security Assistance (CSSA) applicants, the Liberal Party must point out that while social resources are limited, the expenditure on CSSA has imposed an ever-increasing burden on the Government. For example, the expenditure on CSSA was only \$3.7 billion in 1994-1995, but in 2007-2008, the expenditure will amount to much as \$18.2 billion as projected by the Government. Any relaxation of the residency requirement by the Government as requested will only add to the welfare bill.

The measures on forcing single parents to secure employment can help them keep abreast of the labour market, thus enhancing their self-reliance. What is more, the required number of hours is by no means large. Participants can actually take up an appropriate amount of work during the school hours of their children. But the Government should of course provide satisfactory child care services and actively develop the local community economy, so as to make it possible for parents to look for jobs.

Madam President, we also note with concern that some Members have once again raised the issues of introducing universal retirement protection and a minimum wage level. Actually, the protracted discussions on these issues both in the wider community and the Legislative Council can already show their complexity. All such issues involve not only gender equality but also other stakeholders in society. Therefore, progress cannot be achieved overnight.

Years ago, we already decided not to introduce universal retirement protection; one major reason was that we did not want to follow the examples of Western welfare states, which must all bear a very heavy financial burden. What is more, at present, roughly six persons aged 15 to 65 must support one elderly person over the age of 65. But by 2033, 2.4 working adults will have to support one elderly person. It is doubtful whether the young people at that time can bear the heavy burden of providing the large elderly population with comprehensive retirement protection. We think that resources should be channelled to help those in greatest need. This is the most effective way of helping these people.

As for the setting of a minimum wage level, we have actually held many debates before. Many different economists, including Nobel Laureate in Economics Edmund PHELPS, have explained very clearly that a minimum wage level will only do a disservice. We must reiterate that we do not think that such a controversial measure can tackle the problems of poverty and unemployment. In France, for example, a minimum wage level was set a long time ago, but the average unemployment rate in the past 10 years was as high as 10%, and the average unemployment rate of people aged under 25 was even as high as 25%.

One of the amendments proposes to abolish the functional constituency election of the Legislative Council. In fact, this is hardly relevant to the motion debate today. But since the proposal has been put forward, I must make a brief analysis here. Article 68 of the Basic Law provides that the ultimate aim is to implement universal suffrage in the light of the actual situation and in accordance with the principle of gradual and orderly progress. This means that sooner or later, functional sectors will be abolished. At present, our disagreement lies only in how functional sectors should be abolished. It is only with sufficient discussions that there can be a greater chance of forging a consensus on the future of functional sectors.

Madam President, I so submit.

MS LI FUNG-YING (in Cantonese): Madam President, the number of incidents of domestic violence this year has increased by many folds over that of last year, and women are always the first to bear the brunt of domestic misfortune. The topic of our debate today is gender equality, and the some 30 proposals made in the original motion and the amendments mainly focus on how social resources can be utilized to enhance women's participation in society as well as their resilience against adversities.

There are views in the community that there is already equality between men and women and that there is no sexual discrimination in Hong Kong. The reason is that females have equal opportunities to receive education in the course of their development, and it is not uncommon for women to take up important positions in the job market and in the Government as well. However, this is just one side of society, a very superficial side of it. Just take a look at the breakdown of the working population by employment income compiled by the Census and Statistics Department and we will see that the number of female employees with a low income is consistently many times higher than that of male employees with a low income. Take the range of monthly income between \$2,000 and \$3,999 as an example. In 2006 there were 59 772 male employees making an income in this range, accounting for 3.3% of the total male working population, while the number of females was 264 662, accounting for 17.1% of the total female working population. This has more explicitly reflected the general situation of women in society.

In this debate today, I would like to discuss the problems faced by three categories of women: Firstly, the working women; secondly, women in part-time employment, and finally, housewives who are not engaged in employment. If the problems faced by these three categories of women can be mitigated, I think the destiny of women in Hong Kong society will not be so miserable as it is now.

At present, a large number of elementary-level jobs with a meagre income and long working hours is taken up by women. On the one hand, they have to consistently put up with undesirable terms of employment, working long hours for a very meagre income, while on the other hand, they have to fulfill their duties as a mother after working for more than 10 hours. The heavy burden so imposed on them is often the root of family tragedies. The labour sector has all

along demanded the setting of standard working hours and a minimum wage. The objective is to protect the rights and interests of elementary workers, of whom grass-roots women will be the main beneficiaries.

Even other working women often have to choose between work and family. Those who have the means can hire domestic helpers to discharge for them the caring duties in their family, while those who do not have the means to do so still have to perform their dual roles of caring for the family and taking up employment. Over the past few years, I have consistently proposed to the Government that resources should be ploughed in to promote family-friendly employment policies. Miss TAM Heung-man's amendment considers that these policies can enable more women to participate in economic activities. But I will look at the other side of the policies and that is, family-friendly policies can enable more women who are already engaged in economic activities to have time to take care of their families, thereby reducing social tragedies.

Besides, I would like to talk about women who engage in part-time employment. Many grass-roots women who have to choose between family and work will prefer to work on a part-time basis. Although part-time jobs are remunerated with meagre wages, the income is still indispensable to making ends meet for their family and part-time jobs can also give women the flexibility to take care of their families. The existing employment legislation, however, has completely neglected the existence of part-time jobs and so, the rights and interests of these women workers are not in the least protected. The labour sector has called on the Government to review the labour legislation and incorporate part-time jobs into the scope of protection under the Employment Ordinance. Indeed, this is essential to protecting the rights and interests of women.

Finally, I have to talk about housewives who are not engaged in employment. Both Mr LEUNG Kwok-hung and Mr Albert HO have mentioned the introduction of universal retirement protection. I think the existing policies of the Government have completely ignored the contribution made by housewives who have to take care of their families as it has entirely omitted housewives in its consideration of the retirement policies.

Madam President, to alleviate the plights faced by women, especially grass-roots women, I think the most effective and best method is to improve the

conditions of the labour market. Certainly, the motion and the amendments have put forward a lot of opinions in this connection and I am not going to repeat them. I think these opinions are conducive to enhancing the status of women in society.

Thank you, Madam President.

MR LAU WONG-FAT (in Cantonese): Madam President, I support gender equality. But with regard to Mr Albert HO's amendment in which he includes female indigenous inhabitants in the New Territories as women from the grassroots for whom he called on the Government to increase resources to provide support, lumping female indigenous inhabitants in the New Territories with new arrivals, single-parent women and women from ethnic minorities, I deeply regret this approach of Mr Albert HO of rashly drawing a conclusion and making a purely reflexive move once hearing "gender equality" and acting unilaterally to portray a tragic, pitiful picture of female indigenous inhabitants in the New Territories.

How much does Mr HO understand the traditions in the New Territories, the clan system of the indigenous villagers, their customs and habits as well as their rights and interests? Has he conducted surveys and studies on all these? As far as I know, at least Mr HO has not approached the Heung Yee Kuk in the New Territories and listened to its views on issues which he considers unfair.

In treating female indigenous inhabitants as the aggrieved, Mr HO obviously thinks that indigenous inhabitants must be feudalistic, backward and unenlightened, and female indigenous inhabitants are a group of innocent, vulnerable women subject to bullying and suppression. I must solemnly tell Mr HO that his induction is purely presumptive and totally unrealistic. Female indigenous inhabitants in the New Territories receive the same education and the same information as all the other people of Hong Kong do. Many female indigenous inhabitants have made remarkable academic accomplishments and become professionals, and like Mr HO, many have become lawyers. If they consider that they have been subject to discrimination and unfair treatment, could it be that they do not have the intelligence and ability to know about their rights? Could it be that they do not have the determination or courage to organize themselves, in order to do themselves justice and speak up against inequality?

Mr HO suggested that resources be increased to support female indigenous inhabitants in the New Territories and promotional and publicity efforts be stepped up and this, he said, could help avert inequality between the two sexes. In so saying, is he really treating our female indigenous inhabitants in the New Territories as fools? This is an extreme instance of mud-slinging. As a common saying goes, "There is nothing wrong with the world, only the ignorant people make a fuss over nothing." As I said just now, while it is obvious that nobody feels aggrieved, those people with an ulterior motive are saying that there are people who feel aggrieved and that the aggrieved themselves are too ignorant to know that they are the aggrieved, and suggesting that promotional and publicity efforts be enhanced to target these women.

Madam President, what is the case in reality? The reality is that female indigenous inhabitants in the New Territories in general fully appreciate that rural customs, such as the offering of sacrifices to ancestors, are essential to maintaining the clans system and traditions and have nothing to do with the question of gender equality.

There is a phenomenon which I have long considered weird and satirical. Why does the Democratic Party which categorically preaches equality between males and females and vehemently vows to promote gender equality never have a female in its leadership over the past decade or so since its establishment? In fact, their representatives in this Chamber are all men. In this connection, they are certainly no match to the Civic Party, and they even compare far less favourably than the Liberal Party. Why is it so? Where exactly does the problem lie?

Madam President, Mr Albert HO, the Chairman of a political party, must really think about ways to obtain some resources to conduct publicity and public education or studies.

With these remarks, Madam President, I will vote against Mr Albert HO's amendment.

MRS ANSON CHAN (in Cantonese): Madam President, when it comes to gender equality, it is natural to think of fighting for equal status and treatment for women in society. In this regard, I was actively involved in fighting for female

civil servants equal pay and equal welfare and treatment for equal work from the 1960s to early 1980s.

Today, women's rights appear on the surface to be quite substantially protected and developed, but if we look at the situation of grass-roots women in greater depth, we will find that inequality is still very obvious in the treatment accorded to men and women. Let me cite employment as an example. According to the Report on Women in Poverty of the Subcommittee to Study the Subject of Combating Poverty of the Legislative Council, in the fourth quarter of 2005, women who were engaged in part-time employment or were underemployed accounted for 6% of the total working population, which was 2% higher than that of men; the median monthly earning of women was \$9,000, which was \$2,000 less than that of men; the number of women with a monthly income below \$5,000 was 224 500, which exceeded the number of men with a monthly income below \$5,000 by 97 700. These figures aside, we can note from our daily observation that low-paid or low-skilled jobs, such as waitresses in fast-food shops and cleansing workers, are mostly taken up by women.

From this we know that employment protection is still lacking for grass-roots women, and there is inequality between men and women in jobs with low, unstable income. With regard to specific measures for improving the employment and living of grass-roots women, sponsors of the amendments and colleagues who have spoken already put forth a lot of very good opinions for reference by the Government, such as improving child care services and providing women with opportunities to upgrade their skills, so I am not going to repeat them. However, I hope that the Government can give the Women's Commission sufficient powers and adequate resources to thoroughly ameliorate the plights of women in poverty.

The second point that I wish to make is that in order to promote gender equality, it is necessary for us to understand and improve the problem of inequality in the treatment of women and in respect of their opportunities in society from the family angle.

Chief Executive Donald TSANG said that supporting and consolidating the family will be the primary consideration of social policy and social services planning. Traditionally, women have to assume the inherent role of a family carer. They take care of their husband, give birth to children and take care of

the elderly members of the family. Women face tremendous pressure and obstacles and even unfair treatment in fulfilling their dual roles in the family and at work. This has caused distress not only to grass-roots women. Many middle-class or professional women also face the same dilemma. To improve the situation, family support service must be enhanced by, among other things, providing subsidized child care and elderly care service for the lower class and encouraging the provision of quality service in the market. More importantly, efforts must be made to encourage and promote a family-friendly work environment and culture, provide working women with family-friendly working hours, flexible leave for them to attend to family affairs, temporary job-sharing arrangement, retraining, as well as support and opportunities for re-employment, so that women can truly make a choice between pursuing personal career development and caring for their family and be provided with support and protection. This will be conducive to enlarging the pool of talents and labour in society, considering that women's participation rate in the labour force is 59% only, which is lower than that in many developed economies (such as Europe).

Madam President, when we propose this well-intentioned objective of gender equality, we do not mean that women must recover from men the rights that they have been deprived of, for our purpose is not to seek gains for ourselves at other people's expense, but to enjoy the rights together with them. I notice that the amendments have made proposals which can benefit both sexes and even help men and women to get along with each other harmoniously, such as universal retirement protection, paternity leave, and so on. These proposals are effective means to achieve this objective which is proposed in good faith.

I, therefore, support the original motion and all the amendments today. I so submit. Thank you, Madam President.

MR LEUNG YIU-CHUNG (in Cantonese): President, in his speech earlier on the Secretary said that the status of women has already been significantly improved. In fact, after decades of economic development, there is no denying that progress has been made in respect of women's status in society as a whole.

However, is the true picture as rosy as that described by the Secretary? I think the Secretary should know that this is certainly not the case in reality, or else the amendments today would not have made as many as some 20 proposals. So, there is still a lot of work which requires ongoing efforts of the Government.

That said, the most important point made by the Secretary in his speech earlier is that the key lies in the need for us to change our traditional concepts and cultural values. Certainly, we must work hard to this end but more importantly, if the Government does not change its concepts, I think the problems would remain, and improvement may not necessarily be made in areas requiring improvement. For instance, we can observe that there are many issues concerning women that the Government is still unable to address in a fair and equal manner. The first is the issue of retirement.

As we all know, the existing Mandatory Provident Fund (MPF) scheme has completely neglected women. Particularly, women retiring from their homemaking role are completely disregarded. This shows that the Government cannot break free from the conventional perception of women and if even the Government cannot break free from it, how can it make the public break free from it? So, the Government must first ensure that women (especially women playing a homemaking role) will be protected when they retire. The existing MPF scheme is a complete failure, for it cannot take care of these women at all. Therefore, the introduction of universal retirement protection as proposed by colleagues can brook no delay. The Government must address this issue expeditiously, in order to solve the problem.

Besides, there is the question of maternity leave mentioned in the previous motion debate, and I have also spoken on it earlier on. In fact, a problem faced by women is giving birth to and taking care of their children, which is considered a duty or vocation of women. When women are performing this vocation, and if we cannot provide them with better care, they may not be able to do any better in this respect. We also heard earlier on the view that women have to breastfeed their babies and if they can have a longer maternity leave, it can actually facilitate their recovery and enable them to take better care of their babies. Since this is so important, I hope that the Government can seriously consider extending the maternity leave for women.

While Mr Howard YOUNG cited many examples earlier, telling us that the maternity leave for women is unpaid in many places in the United States and that Hong Kong already compares more favourably than other places, he had only chosen the bad examples but not the good examples. For instance, if we look at the Southeast Asian countries, the maternity leave in Hong Kong

nonetheless compares less favourably than others, as ours is the shortest. Other places provide women with maternity leave of at least 12 weeks, while ours is 10 weeks only. So, I hope that other colleagues can pay attention to the areas in which we are lagging behind and particularly, I hope that the Government can pay attention to this.

Moreover, a colleague has made a very good point and that is, the proposal of menstruation leave. President, I remember that about a year ago in an interview with my organization, the Neighbourhood and Workers Service Centre, we were asked by a reporter whether we had provided menstruation leave to our colleagues and I said, "Yes.". When this was reported in the press, the community had very strong reaction, and we received many telephone calls from both men and women. The women said that providing menstruation leave to employees is very good indeed. They said that they do need menstruation leave because menstruation will cause great pain to them and they will suffer badly if they have to go to work. So, they hoped to have menstruation leave, saying that it is because in reality President, I think you will understand that under the labour laws, an employee can enjoy sickness allowance only when he has taken sick leave for four consecutive days, and no allowance is given if sick leave is taken for just one day. So, insofar as the sickness allowance is concerned, menstruation leave will never be compensated and for this reason, it is very necessary to provide menstruation leave for women. I, therefore, hope that the Secretary can really listen to this view of women, that menstruation leave is very important.

However, when we advocate menstruation leave, some men asked us why we have to fight for menstruation leave for women and what we will do for men. I said that physiologically speaking, it was impossible for men to be provided with menstruation leave, but what I wish to fight for them instead is paternity leave. In fact, in a family, paternity leave is very important. As we all know, women are very weak after giving birth and this, we all understand, because taking care of babies is a strenuous task. If paternity leave is provided, men can help women, and this is very important. When I explained this to the workers, they expressed support and considered that paternity leave could also serve to show respect for men. So, in this discussion today, menstruation leave and paternity leave are equally important. The Secretary used to be in charge of the Labour Department, and I believe he has a good understanding of these

problems. Now that he has become a Director of Bureau, I hope he can do more in this regard, so as to provide protection to our workers in various aspects.

Another problem was sown by the Secretary himself, as he had deleted in one go the legal provision on long working hours for the protection of women and children when he was the Commissioner for Labour. President, before 1997, under the legislation on the protection of women and children, women must obtain the permission of the Commissioner for Labour before they could work overtime but then, the Commissioner removed this safeguard on the ground of ensuring equality for men and women, and that since men were not subject to any limit on their working hours, there should not be any such limit for women. This is why not even women are subject to any limit on their working hours now.

However, we all know nowadays that, as repeatedly pointed out by the labour sector, long working hours can do harm to health and are unfavourable to socio-economic development. For this reason, I hope that apart from expeditiously setting a minimum wage to protect workers, the Secretary will also set the maximum working hours. Not only can this provide greater protection for the health of workers. It will also be conducive to the economic development of Hong Kong.

President, I so submit.

MR JAMES TO (in Cantonese): President, the Democratic Party supports the motion on gender equality today.

I just wish to say a few words on the amendment proposed by Mr LEUNG Kwok-hung. We support the abolition of the functional constituency election which protects privileges and deprives female homemakers of their election rights, and we agree to the need for introducing universal suffrage and the other suggestions made to provide support to women. However, we have reservations about Mr LEUNG Kwok-hung's proposals of removing the seven-year residence requirement for the application of CSSA and abolishing measures which require single parents on CSSA to work. There is at present much controversy and rather diverse views in the community on the retention of these measures or otherwise. We consider it necessary to allow room for the public to understand and explore this issue further. For this reason, we will abstain in the vote on Mr LEUNG Kwok-hung's amendment.

MISS CHAN YUEN-HAN (in Cantonese): Gender equality is an issue that has been discussed in this Council for many years. When I returned to this Chamber just now, I heard that the Secretary seemed to be saying that Hong Kong has done a lot of work in this respect and this, I beg to differ.

Today, a number of Members of the Legislative Council have proposed amendments to the motion, adding in many different views. They have put forward as many as dozens of proposals but, honestly speaking, many of them are not proposed just today, for they have long been discussed in the community. So, I absolutely take exception to the comment made by the Secretary earlier that Hong Kong has already done a lot in this respect.

Perhaps let me talk about the most basic thing. For instance, I think in such an advanced city as Hong Kong, when it comes to gender equality (in our country, gender equality is a state policy) upon the signing of the CEDAW with the United Nations, we should have known very well that in this respect, there is a lot to be done to achieve gender equality.

But let us look at the time scale, and if we count from the signing of the CEDAW, over a decade has passed, and if we count from the beginning of public discussion, this issue has already been discussed for decades. In the community, our forefathers had been discussing this issue and they had discussed it for a very long time. Even in the more recent past, what has the Government done? What is the latest position? Very often, as I would say to my colleagues, I wonder why the Equal Opportunities Commission cannot invoke the Sex Discrimination Ordinance to deal with the situation of unequal pay for equal work (which is becoming increasingly serious)? Has the Government addressed this problem? What has it done to deal with it? I hope that the Government will address these issues and it cannot say that it has already done a lot of work. I think insofar as women's rights are concerned, Members have basically been approaching different Policy Bureaux, and the picture has become clearer as the issue is now brought before the Labour and Welfare Bureau. I hope that the Secretary will give us a more positive response later.

In respect of income, the number of women on low income is far higher than that of men, as the number of women is more than double that of men. Let me cite an example that I have often mentioned. There are now 224 500 women with a monthly salary below \$5,000, while 126 600 men are earning a monthly income below \$5,000. I am not commenting on whether or not this is right or

wrong. I am only saying that if we look at the numbers alone, one being over 220 000 and the other over 120 000, it is obvious that the number of women is higher than that of men.

In recent years, as the economy has turned the corner, we will see that insofar as those engaged in such elementary jobs as cleansing workers and security guards are concerned, (according to the numbers provided to us by the Government in the Panel on Manpower last month), while the total number of cleansing workers and security guards has increased by 8 100, the numbers of male cleansing workers and male security guards have nevertheless dropped. Such being the case, what does the increase represent? It means that female cleansing workers and female security guards have increased considerably. Female cleansing workers have increased by 9%, while female security guards have increased by 27%, and this has contributed to an increase in the number of women working in the cleansing and guarding service industries. Obviously, as the economy has turned the corner and following the development of society, men may have the conditions to take up other jobs and make more income, while women may not have these conditions and worse still, their wages have even dropped continuously.

In fact, judging from this situation, the Government cannot Particularly, the Secretary who was formerly the Commissioner for Labour should know this only too well. If the Government has done a lot of work, why has the situation become more and more serious? I have cited these numbers and I urge the Government to look at them. Besides, I can also see that the phenomenon of women earning a lower income generally boils down to unequal pay for equal work. I was referring to women on low income earlier on and now, I am going to talk about women in general. Take 2006 as an example. The median income of women was \$9,000, whereas that of men was \$11,000, which means that the median income of women only accounted for 80% of that of men, and in the low-income group earning less than 50% of the monthly median income, the percentage of women is also far higher than that of men. These figures are provided by the Government. The Women's Affairs Committee of the Hong Kong Federation of Trade Unions also conducted a survey last year. Results showed that women were only able to compete with men for professional posts, particularly those in professions with a keen demand for talents and in these professions, the situation of women tends to be better. But in all the other posts taken up by women, their income is lower than that of men in all cases, and the differential in income is more serious especially in elementary jobs.

Given this situation, I think the Government cannot simply say that legislation was already enacted on gender equality in 1996 and that the Sex Discrimination Ordinance was also enacted, as if saying that all the problems have been solved. In fact, this is not the case in reality. The actual figures are here. What has the Government done? Has it made greater effort in this respect? Has it conducted any studies? For example, Miriam LAU, who proposed an amendment, mentioned child care service. We certainly support this, but as Members all know, I have been talking about child care service since I was in my 20s and I am in my 50s 60 years old this year. Madam President, we have talked about child care service for decades and yet, we are still talking about it. Our working hours are long, and women who live in the remote areas have to entrust their children to the care of others. But it is very difficult for them to access the general services currently provided because it is very difficult for these women to bring their children to those centres before going to work and it is also very difficult for them to pick up their children after work. We have proposed the idea of "community nannies", as this can address the unemployment problem among women in the district while providing assistance to grass-roots women. I have talked about this proposal here time and again. What has the Government done?

Sometimes I would sigh with regret that I have been involved in women labour campaigns for decades and yet, I am still talking about the "ABCs" — child care service. Child care service is a problem. The Government should target the situation after the reunification where the grassroots (especially women workers) have to take care of their family while at the same time taking up employment. Their situation is very distressful. It is meaningless if, in respect of child care service, the Government is still playing the trick of adding or subtracting the numbers. The Government must make changes according to these numbers.

Madam President, I was late for the meeting today because I had been to Beijing to attend a national women's conference. The Mainland has targeted actions at the difficulties faced by working women in taking care of their children and studies have been conducted to identify ways to provide street-level child care service. I have studied their proposal. Whether or not they can resolve their problem is another matter, but at least they have raised the problem and mapped out a series of schemes to address the existing situation of unemployed women with a low income and make plans on the employment of women in the coming year. More often than not, I think our Government (as I heard the

Secretary say when I returned to the Chamber from the Mainland just now) seems to think that there is no problem now, only that people like us are busy bodies stirring up troubles. I feel very regrettable indeed and so, I will give these figures to the Secretary and I urge him to identify a solution. I can also give him the papers at the meeting of the All-China Women's Federation for his reference if he is interested, so that he can take a look at how others have addressed the problems faced by women.

Speaking of this issue, Madam President, I would also like to mention one thing. Earlier on we talked about retirement protection, and frankly speaking, people who are employed in Hong Kong have the MPF but the low-income earners do not have to make contributions to retirement schemes and so, their future will be very miserable, let alone women who have contributed their physical labour but are not paid any wages. We must think for them in any case. There are now some changes in the concepts in society and the divorce rate is high. How can women maintain their living in future if they do not have financial support? The Government must think about this and examine how the problems faced by women and low-income workers can be resolved in the context of retirement protection.

Moreover, Madam President, I would like to say that the Secretary, who started as the Commissioner for Labour, must understand that in fact, employment is very difficult for grass-roots women and in the districts, we also find that they are facing great hardships. Why are they always willing to take up jobs with a meagre income? They do so in the hope that their income can help meet the family expenses and earn dignity for themselves.

Madam President, I so submit.

MR DANIEL LAM (in Cantonese): Madam President, the Heung Yee Kuk and I support the motion on gender equality proposed by Ms Audrey EU today. We hope that the Government will, through a diversity of measures, enhance the awareness of gender equality among Hong Kong people.

However, with regard to Mr Albert HO's amendment which suggests that female indigenous inhabitants in the New Territories are subject to discrimination in Hong Kong, I must take exception to it. The people of the New Territories are actually like an ethnic minority in Hong Kong, and in all the

countries and places in the world, there are specific policies on their ethnic minorities, and it does not constitute discrimination. Take such countries as the United States and Canada as examples. The rights of the indigenous inhabitants in these countries are protected, and there is no question of discrimination against females in these policies. Article 40 of the Basic Law provides that "The lawful traditional rights and interests of the indigenous inhabitants of the New Territories shall be protected by the Hong Kong Special Administrative Region." This shows that the lawful traditional rights of the people of the New Territories should be expressly protected in law.

Madam President, the concern that the people of the New Territories consider males as superior to females is, in fact, unwarranted. At present, many parents in the New Territories attach equal importance to the education of their children, disregarding their sex. As far as I know, many females, under their parents' cultivation, have made achievements on a par with those of males. Nowadays, in the legal and accountancy professions, many females have made very remarkable achievements. We, therefore, hope that members of the community can understand the history of the New Territories, in order not to be misled.

Mr Albert HO mentioned that female representatives are banned in the Bun Festival, and this is also unfounded. Under some sacrificial systems each household is required to send a representative and as a matter of fact, many families have chosen to be represented by their female family members in the ceremony.

Finally, I wish to respond to Mr Albert HO who said that females cannot take up the post of village representative. I must clarify that his remark is incorrect. In fact, as far as I understand it, women began to take up the role of village head in the Lamma Island (South) Rural Committee of the Islands District as early as a few decades ago. This proves that the people of the New Territories have not discriminated against females since many years ago.

With these remarks, I oppose Mr Albert HO's amendment.

MR TAM YIU-CHUNG (in Cantonese): President, although a number of international covenants have been brought into force in Hong Kong and local legislation has been enacted for their implementation in an effort to eliminate sex

discrimination, women in Hong Kong have been facing obstacles after obstacles in trying to pursue all-round development and give full play to their talents. Hong Kong is a place where economic development is robust. Facing the dual responsibilities of having to work and taking care of their family, women are subject to tremendous pressure but the Government has made no further efforts to extensively promote policies to address the needs of women. For instance, the Government and enterprises can, among other things, increase the provision of child care service, provide funding for child care service, and introduce paternity leave and paid leave for employees to attend to their family affairs, with a view to taking care of the needs of women.

In the middle of this year, a tragedy happened in Tuen Mun where two young children, a brother and a younger sister, were left alone at home by their working parents and killed by a fire. This incident exposed a serious shortage of child care service. As to how various child care facilities can be increased and community-based occasional child care service enhanced to alleviate the burden on women in taking care of their children, the DAB considers that in addition to the existing mode of service delivery, emergency occasional child care service should be developed in the districts. The Social Welfare Department (SWD) can make provisions to NGOs for them to provide special training to participating parents, and through the district referral networks, women in need can access emergency occasional child care service in their district or in nearby communities, and with the support of a 24-hour hotline service, assistance can be immediately provided to these parents.

Moreover, the Government should increase the number of places for the service and extend the service hours. Take Tin Shui Wai as an example. At present, the usage of independent child care service centres specifically for toddlers below the age of three has already exceeded the quota, while the take-up rates of occasional child care service and after-school care service for school children are as high as 80% and 85% respectively. Coupled with uneven distribution of the services in the districts, it is not easy for parents to access the service that they need.

Recently, a working single mother who lives in Kwai Fong came to me. Her child, aged seven, is in primary school and school ends at 3.30 pm every day but she finishes work only at 6 pm. So, her child is not taken care of during the interim. There is an after-school care class funded by the SWD nearby which

charges \$900 a month but, despite having submitted an application for more than a year, she has not yet been allocated a place. So, it is not the case that a place can be secured when one pays. Private tutorial classes will cost at least \$1,500 and with an income of \$10,000, she cannot possibly afford it. While she can still go to work by using child care service at an hourly rate of \$13 so long as her child is below six, she still feels very worried in the office for fear that if something happens to her child, it would be too late to regret and this feeling has been a torment to her. This mother told us that in order to provide additional support to child care service, the Government should make assessments and plan the provision of service according to the characteristics of different districts, or make available more resources for schools to provide relevant support. Moreover, the level of fees for child care service should not be too high and it is necessary to take care of the low income earners. These very basic demands are precisely the voices of many, many parents.

In view of these demands in society, the DAB suggests that the Government should make full use of the vacant units or vacant car parks in public housing estates and provide spaces for social enterprises at low rents to operate night-time child care service and education centres for children aged six to 12 for the convenience of working parents who can come home only very late at night, and this will also help encourage women and family carers to become self-reliant.

In respect of the policy on human resources, the DAB urges the Government again to implement and promote family-friendly employment measures, so as to help employees strike a balance between the needs of work and family life, and also promote and enhance equal opportunities for women in employment. A survey conducted by the Women's Commission in 2003 showed that 72% of the companies have not implemented any policy which takes care of the needs of female employees, and this backward phenomenon is to a very large extent attributed to the passive attitude of the Government.

To implement family-friendly and women-friendly policies, the DAB suggests that the Government should study the introduction of paternity leave for men, so that women can be provided with better care after giving birth. At present, many families in Hong Kong are small core families and when their children are born, most parents have to take up the most important role of nurturing their children. As women are usually weak after childbirth and if

they have to take care of the baby and do the housework, it would further drain their physical strength. In this connection, the Government should actively consider allowing working fathers more time to take care of their wives who will give birth soon or have just given birth as well as their newborn babies. Some private companies have already implemented some family-friendly policies. For example, the CLP Power Hong Kong Limited has since April this year introduced paternity leave, so that male employees who have newborn babies can enjoy a three-day leave plus a red packet of \$1,000. Male employees of Goldman Sachs can even enjoy paid paternity leave for two weeks, while female employees can enjoy paid maternity leave for four months. This shows that private enterprises have also adopted these practices which are worthy of reference for the Government. In Britain, legislation was enacted in 2003 to provide for a two-week paternity leave for male employees. Therefore, the Government should think along this line as to how the pressure on women in taking care of their families can be eased.

On the other hand, concerning the protection and welfare for pregnant women, the DAB proposes that the Government should extend the statutory maternity leave for women. Currently, the maternity leave for female employees in Hong Kong is 10 weeks only, which lags far behind that of some developed economies. In Britain, for instance, women enjoy paid maternity leave for 18 weeks; in Japan, it is 14 weeks; and in France, employees can have a 16-week maternity leave for the first and second child and a 26-week maternity leave for the third child plus 100% of the salary. To improve women's rights, the Government should seriously consider speeding up work in these areas.

MR FREDERICK FUNG (in Cantonese): President, the Hong Kong Association for Democracy and People's Livelihood (ADPL) supports the original motion and the amendments. Given the continuous development of society, many people think that in this modern society of Hong Kong there is already equality between the two sexes. But this is, in fact, a misconception, and a blind spot in our policies.

Earlier on Members have cited some examples to prove that the development of women compares less favourably than that of men. According to the statistics released by the Census and Statistics Department in the middle of this year, the labour force participation rate of men is over 70%, while that of

women is only some 50%, while the participation rate of women who have never married is close to 70%, which is far higher than the 46% for women who have ever married. This has reflected that many women have not been able to make an income through taking up employment, and some women have to give up their jobs after getting married in order to take care of their children. The case of men is just the opposite, as their labour force participation rate after marriage is higher than that before they are married.

However, working women are not necessarily accorded equal treatment. The median employment earning of women is only \$8,000, which is \$3,500 less than that of men. The reason is that only 30% of working women are managers, administrators, professionals and associate professionals, while as many as 40% of men are in these posts, showing that the promotion prospects for working women also compare less favourably than that for men.

In fact, the level of education of women is also lower than that of men. For females aged above 15, only 72% have attained secondary education, compared to close to 80% among males. It is because many of the older women have not received any education. Nor did they have the opportunity to receive education.

From this we can see why the income gap between men and women is most significant in the age bracket of 40 to 59. The income of men is \$5,000 higher than that of women on average. In respect of elementary workers, the median employment earning of non-skilled female workers (excluding foreign domestic helpers) is \$5,000 only, while that of men is \$7,000 or more, reflecting that unequal pay for equal work still persists and that this situation is more common among elementary and middle-aged workers.

The Government has not actively promoted gender equality. Let us look at the proportions of men and women among government officials. Of the 19 Principal Officials, only three are women, and only four of the 29 Members of the Executive Council are women. As for non-official members of advisory and statutory bodies in the public sector, there are only 967 women, and how many men are there? I think even the Secretary may not know it. There are 3 176 of them, three times of the number of women.

All these statistics show that women are often put in a disadvantageous position. Is it because women are born to be stupid and foolish that they have

received less favourable treatment than men? This is certainly not true. In tertiary institutions, for instance, there are more female students than male students.

The Subcommittee to Study the Subject of Combating Poverty of the Legislative Council published the Report on Women in Poverty in the middle of last year. This report, which has incorporated the views of various political parties and groupings in this Council, represents the consensus of the Legislative Council. The Subcommittee considers that the causes of women in poverty include globalization, economic restructuring, gender prejudice and stereotyping, lack of educational opportunities, discrimination in employment, difference in earnings, insufficient social security and retirement protection for women, and inadequate assistance to single parents and new arrivals. Obviously, poverty among women is a result of policy blunders or traditional beliefs, not because women are lazier or less intelligent than men.

According to the International Monetary Fund, gender difference causes an economic loss to the tune of US\$100 billion globally each year. A study which targeted 40 impoverished and wealthy countries showed that the economic and social status of women is very strongly linked to the overall economic growth. The lack of opportunities in education and also in medical, economic and social aspects, whether in the absolute sense or relatively speaking when compared to men, will hinder economic development. But on the contrary, economic development can improve the subordinate status of women.

I have repeatedly put questions to government officials in the Legislative Council, mentioning the experience of Britain in promoting gender equality. As pointed out in the study report published by the British Women and Work Commission early last year, helping women join the labour market can generate additional economic benefits of £15 billion to £23 billion a year.

The British Government has implemented a number of measures in accordance with the recommendations of the report, for example, providing women with job sharing information through online registers, recruiting women for managerial positions through mentoring schemes, offering female apprenticeship schemes in engineering and construction industries, establishing a fund to help employers recruit consultants to create more senior part-time posts for women, as well as allocating funds to train women for jobs traditionally undertaken by men.

The ADPL proposes that the Government should study the practices adopted in Britain and expeditiously incorporate into its policies those practices which are correct and practicable and introduce similar measures to encourage women who are willing to take up employment after giving birth to rejoin the labour market. The Government should take the lead to recruit women to take up managerial posts and create more senior part-time posts for women. Can the Secretary give consideration to these measures? Moreover, efforts can be made to encourage and assist women to join industries marked by a male dominance by, for instance, asking the Vocational Training Council or the Employees Retraining Board to organize specifically for women apprenticeship schemes or training programmes in respect of those industries.

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

MRS SELINA CHOW (in Cantonese): President, in a column article, YU Yeuk-mui, a writer who is concerned about the problems faced by grass-roots women in Tin Shui Wai, wrote this: There are two boulders on the shoulder of grass-roots women — finance on the left and family on the right, worrying about money and their children. This has completely spelt out the miseries of grass-roots women.

The Liberal Party has always held that a more practical way to support grass-roots women is to upgrade their competitiveness through various kinds of training programmes.

President, I remember that before the Liberal Party was founded I had also proposed this issue for discussion in the then Legislative Council. At first, I had hoped to help grass-roots women by creating the job of community home helpers and providing them with the relevant training, so that they could join the labour market. Finally, the Employees Retraining Board has implemented this proposal, and with great success.

In recent months, some new jobs have been created, such as post-natal mentors, for which the demand is keen. Experienced post-natal mentors who are willing to stay overnight in employers' residence can make a monthly income of \$20,000. Many of them require prior bookings before the expected date of

confinement. Bookings even have to be made six months in advance for reputed post-natal mentors, and pregnant women even have to compete with each other for hiring their service.

The Government has recently set up a seed fund of \$550,000 to provide training to 660 carers for the elderly. This job is also very suitable for grass-roots women. We hope that apart from enhancing these training programmes, the authorities will also promote these services extensively to make it convenient for members of the public to use the services.

Moreover, Macao has been vigorously developing its tourism industry, with large-scale hotels being completed one after another. Even laundry workers have become targets of head hunting. According to the Laundry Association of Hong Kong Ltd, 1 000 vacancies are expected to arise in the industry in the coming year. In this connection, the authorities have recently organized a Laundry Assistant Retraining Course, which is the right direction. We must always take account of the changes in the market and make continuous efforts to train and supply talents for the industries through retraining. This can address the shortage of manpower in the industries on the one hand and increase the employment opportunities for grass-roots women on the other.

Furthermore, some women may have left the employment market for a long time in order to take care of their family or for other reasons and their job skills may, therefore, become rusty, or they may need to readapt themselves before re-entering the job market. The authorities should organize adaptation programmes or provide pre-employment training opportunities to help them rejoin the labour market.

To encourage women to join the labour market, as my colleague Ms Miriam LAU mentioned in her amendment, it is necessary to provide adequate and suitable child care service, which is crucial. I do not wish to dwell too much on this, because I already mentioned this point in the motion on "Strengthening support for Tin Shui Wai". Grass-roots women have drawn our attention to this point almost in every meeting with us. Take Yuen Long and Tuen Mun as examples. The extended hours child care service in these two districts only provide 84 and 78 places respectively, which are far less than the number of places in the urban area. The difference is huge, for they account for

only half of the number of places provided in the urban area. Besides, many of these centres provide service until 8.00 pm only, and they absolutely cannot meet the demand.

President, I would like to turn to the abuse of women. According to government statistics, in the first half of the year there were 2 733 reported cases of domestic violence and sexual violence in Hong Kong, an increase of 32% over the same period last year. Over 80% of the victims were women, and Yuen Long and Kwai Ching were the districts where most victims lived, while Tuen Mun ranked the fifth and Tsuen Wan the 10th. It means that of the 10 districts where the problem is most acute, four are in New Territories West.

This is partly because the authorities have neglected the need to inject resources in these districts, and I am not going to repeat this point. I think the Secretary must address this problem immediately.

According to the latest survey conducted by the Suicide Prevention Services, following the spate of tragedies in Tin Shui Wai, the Suicide Prevention Services, the objective of which is to prevent suicide, has received a large number of telephone calls seeking help. Members may guess how many telephone calls were received between April and September this year. There were 12 280 calls, 30% of which involved problems relating to family and human relationship, while others involved employment and financial problems. I hope that the authorities can expeditiously enhance the 24-hour hotline service and step up the provision of person-to-person hotline service, so that the hotline can genuinely be a "life-saving" hotline to provide assistance to people in need.

Meanwhile, I also hope that the authorities can suitably deploy resources to strengthen residents' organizations, mutual aid committees, women's associations, and so on, enabling them to maintain closer contact with the residents while making an effort to improve co-ordination, so that these organizations can give greater play to the spirit of mutual support and assistance. I believe this can also provide immediate assistance to many women in need.

As for the refuge centres for women, there are now four such centres in Hong Kong providing a total of 160 places. In the Harmony House alone, as many as 7 509 women and children were admitted between April and September last year, representing an increase of 4.9% over the same period in the year

before last. Given that the places in the refuge centres were fully taken up, 741 cases were rejected last year, showing an obvious shortage of places to meet the demand.

I also hope that the Housing Department will provide more assistance to women with housing problems in the course of the divorce proceedings. Otherwise, they would be easily subject to violence while waiting for the divorce proceedings to complete.

Thank you, President.

MS EMILY LAU (in Cantonese): President, I speak in support of Ms Audrey EU's original motion and the amendments proposed by other colleagues, because we are all in harmony for we have all expressed our support. But what will we achieve after expressing our support? This, I am not too sure, President. But as we are here to discuss it, I think this issue, which is very important, is still worthy of support.

The Secretary mentioned earlier the hearings of the Committee on CEDAW. I think I may know a bit more than the Secretary does in this respect, because I have attended many of these hearings. I wonder if the Secretary can recall that while the performance of the SAR, as he has pointed out, was highly commended by the Committee on CEDAW, the Committee also mentioned that the functional constituency (FC) election was an institutional obstacle which made it difficult for women to participate in politics, because the Committee found that most of the Members returned in the FC election are men, but the Secretary was completely silent on this comment. So, I very much support Mr LEUNG Kwok-hung's amendment which proposes to abolish the FC and implement "dual elections by universal suffrage" as soon as possible.

However, President, as you have also heard from the Chief Secretary for Administration and the Chief Executive — the Chief Executive even had his speech recorded earlier, rather than coming to the Legislative Council in person to deliver it. Do you not consider this infuriating? He must be thinking that he is like the President of the United States who would have his speech recorded for broadcast on television and so, he simply sent Chief Secretary Henry TANG to the Legislative Council. If he would like to make a speech, he could tell the

President and the President would certainly allow him to make a speech here, even though what he has said amounted to nothing. But what happens now has got on my nerves, President. According to what he has said, we do not know for how much longer we have to wait before universal suffrage will be introduced. Which will be realized earlier, gender equality or universal suffrage? We really have to ask the Secretary for an answer.

President, the Secretary also mentioned this report earlier and fortunately, I have brought it with me here, and I think Members have also brought it with them. But honestly, for this report titled Gender Mainstreaming, I think if I or the Secretary or the President goes out and stops 100 people in the street asking them about this title, none would say that they know anything about it. If there is anyone who knows what it is about, I would immediately treat him or her to 10 meals (perhaps Café de Coral, not Fook Lam Moon).

What does "gender mainstreaming" mean? I remember that a few years ago Secretary Dr York CHOW invited us to a forum in which he was one of the speakers. I do not know if you, President, were also invited, but he had invited all Members of the Legislative Council. Nobody had gone there except me, and only two Members had sent their assistants to attend it on their behalf. I think Members must be frightened into not knowing what to do at hearing the title of the report. What exactly is it according to what is written here? It says, "Gender mainstreaming, as a comprehensive decision-making framework, aims to ensure that important social indicators on different conditions of women and men are considered when conducting day-to-day work and making policies. It also helps decision-makers balance the needs of both women and men."

This is further elaborated at great length. The Secretary was very good. What actually had he done? Oh, it was about toilets; all that had been said was about toilets. But he said that there were more than just toilets, as he also mentioned one more thing, which seemed to be the baby-sitting rooms mentioned by Mr LEE Wing-tat earlier. So, there should be two things that they had done. Then he talked about one more thing and that is, in these committees women used to account for 20% and now, a stipulation would be made to provide that men and women should each take up 25% of membership. What a favour he had given us, President, because the majority would still be men. In fact, what have we called on the committee to do? We called on them to follow the practice in Nordic countries, and one of their stipulations is 40%, that is, the

percentage of men or women must be no less than 40%. We had been making this point to them over and over again. The committee said at first that the percentage would be close to 30%, although it had not yet been achieved at the moment. Just now it was said that the percentage was 26 point something, but they are now proposing that the percentage of both men and women should be no less than 25% each. Is this not a laughing stock?

Apart from these three areas of work, nothing else has been done. But there is still an interesting point about "gender mainstreaming" that we can notice from the report. I have really read the whole report and in fact, I do not know why I would do so. It is mentioned that from 2002 to 2006, the 19 policy areas involved included health care reform by the Health, Welfare and Food Bureau, family education services by the Social Welfare Department, home and community care services for the elderly, secondary school places allocation, District Council reviews, IT education Oh dear, what is it talking about?

President, I am not going to read out all the 19 areas, in order not to waste your time. One of them is about toilets. Yes, this is it, and it seems that we have not yet benefitted from it. Recently I have been to Tung Chung and I spent 20 to 25 minutes waiting for my turn to use the toilet in a shopping mall. I have written to the MTR Corporation Limited and the Government on this issue, but it is useless. Alas, we have already talked about this for ages.

So, President, I think the Secretary's situation is really pitiable, as this issue has now been put under his purview for no reason at all. In fact, what is the reason for putting "gender mainstreaming" under the purview of the Labour and Welfare Bureau? This is really outrageous. But I think women do feel very deeply that the policies of the authorities are very lopsided.

President, I will not just take the authorities to task, as I think that the political parties are also partly to blame. Although we are in no position to elect the Chief Executive, I hope that when political parties select candidates to serve in this Council — I do not see a need to set a quota because women are doing not bad and it is not the case that women can secure a seat only through a quota system — and when they groom, train and recommend candidates, it is fine if the political parties have adopted a quota system in the first place, that is, the party will tell its members that it hopes that half of the representatives are women. This can be achieved particularly under the existing list system by putting a

female candidate at the top of the list and it will be very likely for women to join this Council. I think some major political parties which never have female members in this Council must work hard to catch up.

I think women must be placed in the high echelons of the political and economic arenas before they can truly and deeply feel the problems faced by women. It is because even in the existing Government, while there are a number of women officials to serve a window-dressing purpose, most of the work is carried out by men who just do not understand and are not interested in understanding the problems of women.

So, when it comes to gender mainstreaming, well, it is actually a good thing but in Hong Kong, it has never been realized, and a great majority of the people do not know what it is all about. Today, we are discussing Ms EU's original motion in this Council, and I think her motion will definitely be passed. But what will happen after its passage? I can guarantee that Ms EU may have to propose this motion again next year, or to put forward all these proposals again, because nobody has any idea about what it is. The authorities are handling the issue of gender equality by preaching things that nobody understands, and I think this is really infuriating, and worse still, they are even putting it under the purview of the Labour and Welfare Bureau. This is, in fact, a cross-sector, multi-discipline issue. I wonder how many people the Bureau can represent.

So, President, I support Ms EU, and I also hope that we women will stand up ourselves, without waiting for the men to do something for us.

MS MARGARET NG (in Cantonese): President, speaking of gender equality, the biggest problem is that thematic studies on the situation of women are sorely lacking. I earnestly recommend to Members the study titled "The Status of Women and Girls in Hong Kong 2006" conducted by the Women's Foundation. In the report it is particularly mentioned that similar thematic studies are indeed lacking. Ms Emily LAU also has a copy with her. Ms Audrey EU suggested that I should talk about some softer issues but after reading the report, I think I cannot go soft on this issue. This report mentions the status of middle-aged and elderly women. While Members always mention young women who feed and take care of their babies, it is also necessary to look at the situation of middle-aged and elderly women.

In this report it is particularly mentioned that firstly, with regard to senior women, the greying population in Hong Kong also represents a feminization of the elderly population. According to the statistics of the Census and Statistics Department, among people aged 85 or above, there are twice as many women as men (48 700 women compared to 22 400 men). Why do elderly women warrant attention in the community? The elderly suicide rate in Hong Kong is the highest in the world, and the elderly female suicide rate is also higher than that in other places. The Women's Foundation questioned why the elderly suicide rate is so high and the elderly female suicide rate is also particularly high.

We can look at the gendered characteristics of the elderly. We can observe that there is actually very limited information on the living of elderly women in Hong Kong. But there is one point worthy of our attention and that is, how single-parent elderly women take care of themselves, and this is indeed a major problem. As the life expectancy of women is generally longer, many elderly women live alone after they became widowed, and this issue should be further studied. Besides, many widowers tend to get married again and may even marry younger women, but seldom do elderly widows get married again. Therefore, for senior citizens who live alone, it is not only a question of life expectancy, but also due to the fact that many elderly women live alone after they became widowed, there are more women than men among the elderly population.

The report also shows that there are differences between elderly men and women. In 2003, more men than women aged 65 or above were married; the gap was very serious as there were 295 300 men, compared to 184 100 women. Given the lack of retirement benefits for the elderly, in a traditional society the care of the elderly still heavily relies on the family and children. How can these elderly women who live alone take care of themselves? How can we understand the situation of elderly women if we simply talk about labour and welfare, as Ms Emily LAU has said? They are, after all, hugely different from men and so, how can assistance be provided to them and how can there be adequate policies for their protection? In this respect, the Secretary must still conduct studies.

Concerning middle-aged women, "middle age" refers to the age from 35 to 64 and so, it is very appropriate for Members of this Council to find out by themselves what the situation is. It is pointed out in the report that there has been no focused study of women aged 35 to 64 in Hong Kong, and their

distinctive characteristics and experiences have not been singled out for examination. While they constitute 44% of the workforce, no studies on this "sandwich" class can be found. They are a sandwich class because of the double burden on middle-aged working women who have to take care of their family, the elderly and children and at the same time taking up employment. As the time they spend on the paid work is less than that spent on their unpaid work, even though they may enjoy pension from their paid employment, it is only minimal to them. As most of their work is unpaid, their life after retirement will be affected.

The report has repeatedly stated that there has been no official study of this issue and so, we can only see part of the picture about the many unique difficulties that middle-aged women may face in Hong Kong. A figure which warrants attention is that of all the people with employment, the suicidal tendency among full-time housewives is the second highest. We occasionally heard of cases of suicide committed by women in Tin Shui Wai and thought that this is part of the problem in this tragic town of Tin Shui Wai, but the report pointed out that this is not the case. The suicide rate among housewives is very high because they have a strong desire for further education but this desire has not been met for various reasons. Since the Central Policy Unit is studying the population policy, why has it completely neglected these issues in the study?

Therefore, President, I think if the authorities agree with us that thematic studies are indeed lacking, all we have to do is to work hard and catch up and we will be able to improve the situation. Thank you, President.

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

DR FERNANDO CHEUNG (in Cantonese): I would like to thank Ms Audrey EU for proposing this motion on "gender equality".

Gender equality involves not only the so-called welfare or labour issues, as mentioned by a number of Members just now, it is basically a human rights issue, as maintained by Ms Emily LAU earlier. I do not know why Secretary Matthew CHEUNG is alone today, as he is the only Bureau Director who is present at this motion debate. Actually, human rights involve a lot of basic concerns.

For some unknown reasons, Hong Kong has a so-called population policy formulated by the Task Force on Population Policy when it was led by the then Chief Secretary for Administration, Donald TSANG. What policy has actually been formulated? First, a levy on foreign domestic helpers was introduced under the population policy — though I have no idea how this levy is related to the policy. President, I am not cheating you, for I have some reports to support me. What impact has been caused? Of course, foreign women with the lowest income are affected. What other people are also affected? People who have lived in Hong Kong for less than seven years are ineligible to enjoy our public services, with CSSA being top on the list. As a result, many new arrivals, mainly women and children, are denied assistance despite their need. They are not eligible for any assistance when they have the basic needs to maintain a basic living. The Government has even failed entirely in helping them. Their status as Hong Kong residents has obviously been recognized. As Chinese citizens who can officially and legitimately live in Hong Kong, they are given an identity by Hong Kong. However, they can still not acquire a status as permanent Hong Kong residents because they have not met the seven-year residence requirement. As a result, they are put in a separate category, which means that they have to take care of themselves even when it is evident to us that they cannot even maintain their basic living, unless they have children or other family members. Hence, there are cases in which CSSA payments granted to two recipients are shared by three people. In doing so, we are obviously bullying these new arrivals, who are predominately female.

I do not understand why the Democratic Party can hardly accept or has reservations about Mr LEUNG Kwok-hung's amendment. It is really the case that new arrivals in overseas countries are required to meet a certain residence requirement before they are eligible for welfare. However, the most basic needs are usually not subject to any residence restrictions. In the United States, for instance, its residents must meet a residence requirement of a certain number of years before they can obtain general benefits. However, they are entitled to the food stamps issued by the government to meet their basic needs. This is perfectly clear. Health care, food and education are the most fundamental needs of human beings. Even housing is a basic need. It cannot be said that legitimate residents can be neglected because of their inferior status. Hence, to treat gender inequality as a so-called population policy is actually tantamount to discriminating against women.

In referring to some elderly women just now, Ms Margaret NG stated that the number of women is twice that of men. Therefore, when women grow old without retirement protection, very serious problems will arise. A couple of days ago, many elderly people were found "beating the villain". Actually, similar systems are implemented throughout the world. I do not understand why our problem could have developed to such a state. Similarly, women are seriously affected by minimum wages and working hours.

It is noted that low-income jobs are predominately taken up by women. As regards jobs requiring long working hours, both men and women are already working long hours because of gender equality nowadays. Actually, much of the most elementary jobs taken up by women. While there is a lack of adequate child care services, these women are expected to, on the one hand, take care of their families and, on the other, help meet household expenses when something happens to their families. Even if they are caught in such hardship as being single mothers who need CSSA, it is still insisted that they have to go out to work when their children reach the age of 12. If they do not do so, they will be penalized with a deduction of \$200. I really do not understand these systems. Instead of offering more incentives, we prefer punitive measures.

President, in a tragedy occurred just recently, a young man aged 18 jumped to his death. With his death and the death of his father a long time ago, only two female members, one is mentally handicapped and the other is a minor, are left in his family. I wonder how the taking care of these poor families and gender equality are perceived under our systems. Last year, in a study jointly conducted by a women's disabilities organization, the Association of Women with Disabilities Hong Kong, and the Equal Opportunities Commission, it was found that not a single bed allowing wheelchair-bound or physically handicapped persons to undergo health examination was available in the Maternal and Child Health Centres throughout Hong Kong. Subsequently, only one Maternal and Child Health Centre succeeded with its campaign for the provision of such beds.

When it comes to domestic violence, female victims are still being rejected by many sheltered workshops today on such grounds as they are wheelchair-bound or they cannot take care of themselves because of their psychiatric problems. Last year, four major concerns were raised by the United

Nations Committee on Elimination of Discrimination against Women. They include relatively low prosecution rates and calls for the Government to strengthen legal protection for domestic violence victims, improve the awareness of judicial, legal and health care personnel and social workers of gender, and allocate adequate resources. However, we are still faced with the problem of inadequate basic family services. Even RainLily, the only centre providing sex violence victims with one-stop services, is ineligible for assistance.

With these remarks, President, I support the motion.

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 Ms Audrey EU to speak on the five amendments. The speaking time limit is five minutes.

MS AUDREY EU (in Cantonese): President, I am very grateful to colleagues for proposing amendments to my original motion, which has enriched our discussion of this topic today. In fact, from the speeches of Members, we can see that gender equality is actually a very common issue which involves the entire society. Whether from the perspective of human rights or purely from a welfare or labour angle, we can see that this is a broad and far-reaching issue. The Secretary said that this is a process requiring the effort of various sectors of the community. But we can see that Members have indeed made an effort for this cause. For instance, they have provided a lot of input on the support measures required for working women or women who engage in part-time employment, and on certain policy changes; they have proposed that housewives should be provided with adequate retirement protection and put forward views particularly on disadvantaged women, including new arrival women or women of ethnic minorities. Moreover, one of the amendments mentions the setting up of a database and promoting education on gender equality at the community level to enhance public understanding, and it is also proposed that support measures be implemented in respect of participation in politics. Indeed, these are all

proposals put forward by Members to improve gender equality in various aspects.

Having listened to Members' speeches, I found that a major consensus has been reached among many Members on this issue, only that some colleagues from the Liberal Party are opposed to Albert HO's amendment. With regard to female indigenous inhabitants in the New Territories, Mr LAU Wong-fat said that the amendment is slinging mud at female indigenous inhabitants in the New Territories. I believe this is not the intention of Albert HO who proposes this amendment. He only hopes that some changes can be made to certain policies.

In general, President, I think the purpose of all the amendments today is to upgrade and improve the position of women. I hope that while we have a very thorough discussion of this issue today, we can also upgrade the overall status of women in Hong Kong. Besides, on the part of the Government, in addition to truly implementing improvement measures in respect of, say, toilets, I hope the Government will also take forward the many other proposals made today, especially the incorporation of women into advisory and statutory bodies, for this is absolutely what the Government is able to do. Thank you, President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I am very grateful to Members for their valuable input and suggestions on promoting gender equality just now. In fact, the views expressed today are fairly extensive, which we could describe as diverse, multi-dimensional and exuberant. Many of these views are in-depth and constructive, so may I thank them again for their input.

As I pointed out at the beginning of the motion debate, with the assistance of the Women's Commission, the Government has adopted a gender mainstreaming checklist for use in 24 different policy areas and work areas. In addition to these 24 specific areas, colleagues working in different Policy Bureaux and government departments have incorporated the concept of gender mainstreaming into their everyday workflow and given consideration to the needs and viewpoints of both sexes. The provision of breastfeeding rooms by the Leisure and Cultural Services Department is one of such examples. The provision of toilets is another example. I wish to cite one more example to respond to Ms Emily LAU. In sourcing uniforms and certain types of

equipment (such as bullet-proof vests) for police officers of the Hong Kong Police Force, the views of front-line officers have been consulted, and appropriate changes have been made to the material and design of the uniforms, having taken into consideration the differences in the body shapes of men and women; and in this way, the different needs of police officers of different sexes can be taken care of.

We believe that in order to achieve concrete results, we must not only rely on slogans or instructions. Instead, both policymakers and enforcement staff must understand the importance of gender mainstreaming and apply this concept to their daily work. In this regard, the strategy we have adopted is to initiate the work from a multi-dimensional perspective, so as to enhance the relevant staff's understanding of the issue of gender differences. Let me cite a few examples:

- Since 2001, the Census and Statistics Department has started compiling an annual statistical publication called *Men and Women in Hong Kong — Key Statistics*, providing objective figures to facilitate people's understanding of the circumstances and needs of both sexes in different areas.
- With the advice and assistance of the Women's Commission, the Government set up an internal "Gender Focal Point" in 2003 comprising representatives from Policy Bureaux and government departments, whose job is to assist staff members to have a better understanding of gender-related issues and to promote the concept of gender mainstreaming in their respective departments.
- Training programmes have been provided to civil servants at all levels to enhance their understanding of and sensitivity to gender-related issues; to assist them in grasping the knowledge of gender mainstreaming and the actual techniques for applying them to their everyday work. As of today, more than 2 700 civil servants from different grades and ranks have participated in these programmes, including colleagues from the Administrative Officer grade, staff members from the Social Welfare Department, Auxiliary Medical Service, as well as many front-line officers from different departments.

- Principal Officials and Heads of Departments have been briefed on the Government's initiatives on gender mainstreaming. A symposium jointly organized by the Government and the Women's Commission was held for Members of the Legislative Council and their assistants with a view to enhancing Members' understanding of gender mainstreaming.
- Planning is underway for launching a portal site on gender awareness and gender mainstreaming. Leaflets will be produced to provide reference for all civil servants.
- On the other hand, to further promote the concept of gender mainstreaming at the community level, we assisted the Women's Commission last year in conducting several exchange sessions with Members of the District Councils and organized visits to the districts during which we shared the Government's experience in this regard.

Promoting gender mainstreaming is a long-term task. We will continue to promote training and public education in this regard consistently and unswervingly.

Madam President, just now, some Members talked about family-friendly employment policies and measures, to which I wish to respond briefly. I very much agree with Members on the need of creating a working environment that can provide convenience to employees in taking care of their families, so that the people can strike a balance between their work and family life. From the perspective of fostering women's development, promoting family-friendly employment policies can help both sexes to become committed in sharing family responsibilities and to provide enough room for women to take part in different areas of work, such as economic affairs, decision-making and community affairs, and so on. This is very important and this is the work the Women's Commission has been promoting proactively during the past two years.

As a former Commissioner for Labour and Permanent Secretary, I fully agree to these new directions. At present, the Employment Ordinance has provided the basic conditions for a family-friendly working environment, including various types of holidays, such as rest days, statutory holidays, annual leave, maternity leave, as well as employment protection for pregnant

employees. If an employee is absent from work with the agreement of the employer, for example, when an employee takes no-pay leave in order to attend to certain family businesses, the continuity of the period of employment will not be affected by such absence. Through the Human Resources Managers' Club which covers different trades and industries (and we have 18 such clubs), the Labour Department will continue to organize roadshows and activities in different districts to promote the idea of family-friendly employment measures to employers, employees and the public. With regard to Member's proposal for the introduction of statutory menstruation leave for women and paternity leave for male employees, the Government will consider this in the light of the actual circumstances. If we can ensure that labour legislation can strike a balance between employees' benefits and employers' affordability, we shall be glad to conduct detailed studies on the proposals. But it is necessary for us to balance the interests and the level of affordability between both the employers and the employees.

We need to have the full co-operation of society as a whole before a family-friendly working environment can be created. Depending on the sizes, resources and corporate cultures of their respective companies, employers may flexibly introduce different forms of family-friendly employment measures in the best interest of both the company and the employees. The Labour Department will continue working with the Women's Commission and other stakeholders to propagate the message.

I would like to respond briefly to several specific suggestions that have been made. The first one is about universal retirement protection. Madam President, at present, the financial assistance provided to the elderly in Hong Kong consists of three major pillars, namely CSSA or old age allowance, the Mandatory Provident Fund, and personal voluntary savings. The authorities have built up a gigantic safety net. In terms of health care and housing policy, special care and enormous subsidies are provided to the elderly. Various types of transport concessions are also in place. The Government is studying if there can be further development in this aspect in addition to the three existing pillars. Apart from the findings of the study, other important factors will be taken into consideration as well. Such factors include how family traditions can be safeguarded, how our economic competitiveness and our simple taxation system can be maintained, as well as ensuring the stable and sustainable development of the existing social security system. After taking all these factors into account, we shall then decide how we should follow up this issue.

Secondly, I would like to respond to the suggestion for the establishment of an alimony council. The Home Affairs Bureau has studied this suggestion carefully, and the inter-departmental working group has concluded that improving the existing system for payment of maintenance and enforcement of maintenance order would be more effective than establishing an alimony council. As such, at the current stage, the Home Affairs Bureau believes there is no need to set up an alimony council for the time being.

Just now, a Member asked if the seven-year residence requirement of CSSA should be relaxed. As we all know, the Government had considered this very carefully before the policy was introduced. The seven-year residence requirement enables reasonable allocation of social resources and this non-contributory social security system to go on operating and meeting the ever-increasing demand. This requirement helps encourage new arrivals to work and make a living on their own instead of relying on social assistance. It also reminds prospective new arrivals of the need to make careful planning before coming to Hong Kong, and to ensure that they are financially capable in sustaining their living.

Just now Mr LEUNG Kwok-hung suggested abolishing the functional constituency election. I would like to respond by saying that both women and men of Hong Kong have the right to vote and the right to take part in elections, and their rights are protected by the Basic Law. Article 26 of the Basic Law stipulates that permanent residents of the Hong Kong Special Administrative Region (SAR) shall have the right to vote and the right to stand for election in accordance with law. The 28 functional constituencies of Hong Kong are delineated clearly in accordance with a set of established criteria, and they represent the major sectors of Hong Kong. In the functional constituencies, both men and women enjoy the equal right to take part in elections and the right to vote. In fact, there are at present 12 female Members in the Legislative Council, with five of them being returned by functional constituency elections and another seven by geographical elections.

At the beginning of the debate, I mentioned that advocating the idea that females should be able to fully enjoy their rightful status and rights is a process that requires the joint efforts of different sectors of society. It requires changing and transforming the old concepts and culture in society. During the past few years, the Women's Commission and the Government have jointly

organized a number of educational functions, including public forums and symposiums. We have produced three series of television drama on the theme of women empowerment called "What an easy life women can enjoy" (女人多自在). We have produced video footages and audio clips for television and radio broadcasting for promotion purposes. We have also produced many publicity posters, organized a writing competition and a game design competition in the orientation camps of universities. Furthermore, we have organized activities to celebrate the International Women's Day on 8 March each year. These are activities designed to reduce prejudice and stereotyping based on gender differences and to enhance public awareness of women issues.

This year marks the 10th anniversary of the establishment of the SAR. We supported the Women's Commission in organizing a major event called Colourful Lives of Women in recognition of the contribution made by the various sectors of society, the local women's groups in particular, in helping with the empowerment of women. The event includes the production of a television series to showcase the achievement and contribution of local women's groups and NGOs in helping women to build up self-confidence and independence. The television programme will be broadcast once a week for six consecutive months from March to September this year.

A week ago, the Women's Commission organized an "Exhibition on Women of Hong Kong — A Century of Contribution and Development". With themes related to work, family, education and social participation, the exhibition showcases the history of development of women in Hong Kong in different areas, in different periods of time, and how our society has been transformed from a men-dominated society in the past to a new society with emphasis on gender equality.

From the exhibition, we can see that Hong Kong women have made remarkable achievement in different areas, from education to the economy, and from community involvement to political participation. During the past 20 to 30 years in particular, a number of outstanding women have emerged as leaders in different trades and industries. Among influential opinion leaders in government departments, the Legislative Council and the media, many of them are women. In private corporations, more and more women are taking up senior management posts and holding professional titles; and the number of female entrepreneurs has kept increasing too.

I would like to take the Civil Service as an example and cite some figures to illustrate the fact that the ratio of female staff members has kept increasing. As at June this year, women make up 34% of the total number of civil servants, representing an increase of more than 30% when compared to the figure of 1981. The number of female directorate officers has increased from 35 in 1981 to 349 in June this year, which accounted for almost 30% of the total number of directorate grade officers. As at November this year, of the 17 Permanent Secretaries, the highest ranking officers in the civil service system, seven of them, or 41%, were female. Women fare as well in terms of participation in the business of the Legislative Council. Among the 60 Members of the Legislative Council, 12 of them, or 20%, are female. The posts of both the Chairman of the Legislative Council and the Chairman of the House Committee are currently taken up by Members of the fair sex. In the Legislative Council by-election held just recently, four out of a total of eight candidates were women, including Mrs Anson CHAN. In the District Council elections held in the middle of last month, 78 female candidates had won in the elections, occupying 19.3% of the total number of seats, which was an increase over the 71 seats, or 17.8% in the previous District Council elections.

Madam President, the level of education of women in Hong Kong has kept on rising. Among the female population aged 15 or above, women with secondary education or above had increased from 50% in 1986 to approximately 70% last year. In recent years, of the total number of students for school curricula funded by the University Grants Committee, the number of female students has exceeded the number of male students. In the 2006-2007 academic year, the number of female students accounted for 54% of the total number of students, and the number of female students enrolled in postgraduate courses has increased to 49%, which is almost half of the total number of students. An increasing number of female students are taking science subjects, engineering subjects and medical subjects in particular.

These examples and all these figures illustrate that during the past 20 to 30 years, women in Hong Kong have made fairly remarkable achievement in many different areas such as education, the economy and community participation. The social status of women has been elevated remarkably. Generally speaking, here in Hong Kong, both women and men can enjoy good development opportunities, so that they can fully give play to their individual potentials and make their fair share of contribution to society.

Naturally, there are all sorts of problems and challenges that women still have to face, such as the generally lower level of income when compared to that of men. This we all know. It is not easy to find a job either, and women with a lower level of education in particular have considerable difficulties in finding jobs. In this regard, we will step up our efforts and provide them with assistance as far as possible. Meanwhile, we have to understand that ethnic minorities families women have problems in finding employment as well as a host of other problems, and we have to offer them assistance. The Government will keep working with the Women's Commission and other related parties to provide a favourable environment for the empowerment of women and to launch public education to promote the well-being and rights of women.

Madam President, I so submit. Thank you.

PRESIDENT (in Cantonese): I now call upon Miss TAM Heung-man to move her amendment to the motion.

MISS TAM HEUNG-MAN (in Cantonese): President, I move that Ms Audrey EU's motion be amended.

Miss TAM Heung-man moved the following amendment: (Translation)

"To delete ", " after "That" and substitute with "justice and equality are important core values of Hong Kong and women in Hong Kong should enjoy the right to equality in all aspects;"; to delete "and" after "victims of sexual violence;"; and to add "; (f) providing menstruation leave for women and paternity leave for men; and (g) encouraging employers to implement more family-friendly employment policies, so that more women can participate in economic activities" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss TAM Heung-man to Ms Audrey EU's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Miriam LAU rose to claim a division.

PRESIDENT (in Cantonese): Ms Miriam LAU 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, Mr WONG Yung-kan, Ms LI Fung-ying, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Prof Patrick LAU voted against the amendment.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mrs Anson CHAN voted for the amendment.

Mr James TIEN and Mrs Selina CHOW 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, 24 were present, 10 were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections, 21 were present, 18 were in favour of the amendment and two against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Gender Equality" or any amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Gender Equality" or any amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Ms Miriam LAU, you may now move your amendment.

MS MIRIAM LAU (in Cantonese): President, I move that Ms Audrey EU's motion be amended.

Ms Miriam LAU moved the following amendment: (Translation)

"To delete ", " after "That" and substitute with "the Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations specifically requires States parties to take all appropriate measures to ensure the full development and advancement of women in political, social, economic and cultural aspects for the purpose of guaranteeing women the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men; however, "; to add "eliminating discrimination and prejudices which are based on sex or stereotyped roles for men and women, and giving full respect and development opportunities to women; (b)" after "(a)"; to delete the

original "(b)" and substitute with "(c)"; to add "(d) enhancing training to help women in need to upgrade their skills, and launching adaptation programmes to help women who have left the employment market to re-enter it; (e) improving child care services to encourage women to go out for work; (f) actively promoting the Capacity Building Mileage Programme to help women equip themselves in different aspects, so that they can meet different challenges;" after "single mothers;"; to delete the original "(c)" and substitute with "(g)"; to delete the original "(d)" and substitute with "(h)"; and to delete the original "(e)" and substitute with "(i)".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Miriam LAU to Ms Audrey EU's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(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.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, as the amendment by Ms Miriam LAU has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MISS CHOY SO-YUK (in Cantonese): President, I move that Ms Audrey EU's motion as amended by Ms Miriam LAU be further amended by my revised amendment.

President, as I have already explained the DAB's arguments in respect of our amendment, I shall make no repetition here.

Miss CHOY So-yuk moved the following further amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU: (Translation)

"To add "; (j) increasing resources to encourage new arrival women, single mothers and women of ethnic minorities to participate in community integration programmes and different kinds of community activities, as well as providing emotional support services; (k) providing various kinds of additional children facilities in public places, large shopping centres and government premises, so as to relieve women's burden from taking care of their children; setting up more woman health centres; and studying the provision of female compartments in the MTR; (l) enhancing women-friendly employment policies and measures, including studying the extension of statutory maternity leave for pregnant women; and (m) studying the provision of paternity leave for men, so that women will receive better care after childbirth; furthermore, in appointing more women to advisory and statutory bodies, the purpose of raising their participation rate in these bodies should be achieved" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Miss CHOY So-yuk's amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr James TIEN rose to claim a division.

PRESIDENT (in Cantonese): Mr James TIEN has claimed a division. The division bell will ring for one minute, 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, Mr WONG Yung-kan, Ms LI Fung-ying, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Prof Patrick LAU voted against the amendment.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mrs Anson CHAN voted for the amendment.

Mr James TIEN and Mrs Selina CHOW 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, 24 were present, 10 were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections, 20 were present, 17 were in favour of the amendment and two against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, as the amendment by Ms Miriam LAU has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR LEUNG KWOK-HUNG (in Cantonese): My amendment should merit Members' support. Secretary Matthew CHEUNG criticized me in his reply, saying that both men and women could each have one vote. This is true, but it is only half of the truth. According to statistics, there are currently 800 000 full-time housewives in Hong Kong. They do not belong to any functional sector. There is thus a kind of indirect discrimination. And, it can also be seen that with respect to egalitarianism, functional constituencies

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, how is your present address related to your revised amendment? Or, do you actually want to repeat your old arguments, in different wording, though?

MR LEUNG KWOK-HUNG (in Cantonese): This has something to do with my wording because I think functional sectors must be abolished as early as possible.

PRESIDENT (in Cantonese): Such wording is already found in your original amendment. There is no difference in content. But since you are not permitted to make any amendment to any part of the amended motion, you must

add your amendment at the end of it. Therefore, you must amend your wording and expressions. I must remind you that you need only explain the changes in text and wording. You must not repeat the points you already mentioned in the debate just now.

MR LEUNG KWOK-HUNG (in Cantonese): I thought that since the Secretary had responded to my points, I could also respond to his. Anyway, it does not matter.

My revised amendment can actually show clearly that women's rights are not upheld in Hong Kong. I hope Honourable colleagues can support my revised amendment. When I spoke just now, I already called upon all those who supported universal suffrage to support me. I also hope Members can understand why I propose in my revised amendment to abolish the seven-year residency requirement for CSSA applicants. I think many people will disagree with me. But I wish to remind Members that although there is indeed a seven-year residency requirement for welfare assistance in other countries, the situation in Hong Kong is

MRS SELINA CHOW (in Cantonese): President.

PRESIDENT (in Cantonese): Yes, Mrs Selina CHOW. Do you have a point of order?

MRS SELINA CHOW (in Cantonese): The debate now is on the motion moved by a Member. We are not supposed to start another debate.

PRESIDENT (in Cantonese): I must once again remind Mr LEUNG Kwok-hung that you already mentioned all these points in the debate just now. You are not giving a reply, so you may only explain the different wording used in your revised amendment. There is actually not much difference. You have just put the several sentences together and appended them to the amended motion. This is the only difference.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. I cannot (*The buzzer sounded*)

MR LEUNG KWOK-HUNG (in Cantonese): Time is up?

PRESIDENT (in Cantonese): No, you still have 50 seconds.

MR LEUNG KWOK-HUNG (in Cantonese): President, I respect your ruling very much, but I also think that debates in this legislature should be freer, and that we must discharge, (*Laughter*)

MRS SELINA CHOW (in Cantonese): President, point of order.

PRESIDENT (in Cantonese): Mrs Selina CHOW, I see.

MR LEUNG KWOK-HUNG (in Cantonese): The whole world is watching this debate. Since you have already made a ruling, I shall move that Ms Audrey EU's motion as amended by Ms Miriam LAU, be further amended by my revised amendment.

Mr LEUNG Kwok-hung moved the following further amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU: (Translation)

"To add "; (j) abolishing the functional constituency election which protects privileges and deprives female homemakers of their election rights, and introducing universal suffrage; (k) formulating a women policy and giving regard to the needs of women, especially those from the grassroots; and affirming gender mainstreaming, and reviewing the policies implemented by various government departments on the basis of gender equality and women's development needs, etc, for example, the Government must include resolving the problem of women in poverty in its poverty alleviation policy, in the light of the trends of a growing population of women in poverty and the worsening of this problem; (l) setting up a comprehensive gender differentiation database to facilitate policy-makers to include the viewpoints of different genders in policy

considerations and analyses; (m) establishing a 'universal retirement protection system' to provide the most basic pension for women with no or low income, so as to ensure that they may enjoy dignified living in their twilight years; (n) given that seven out of 10 workers in poverty (i.e. those with income below the median wage) are women, the Government should expeditiously legislate for a minimum wage to safeguard the basic salaries for female workers; (o) allocating resources for women groups to establish partnership with community organizations, and implementing diversified gender education in schools and at community level, with a view to eliminating the deep-rooted discrimination and prejudice against women in the community; (p) facing up to the problem of women in poverty; the relevant measures include removing the seven-year residence requirement for the application of Comprehensive Social Security Assistance (CSSA) and abolishing the punitive measures which force single parents on CSSA to work; and (q) providing more inexpensive child care services and women centres, etc" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr LEUNG Kwok-hung's amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise your hands?

(Members raised their hands)

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

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for one minute, 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, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Prof Patrick LAU voted against the amendment.

Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Dr Joseph LEE and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Ms Audrey EU, Mr LEUNG Kwok-hung and Mrs Anson CHAN voted for the amendment.

Mr James TIEN, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the amendment.

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Miss CHAN Yuen-han and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, four were in favour of the amendment, 15 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, six were in favour of the amendment, eight against it and five abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Mr Albert HO, as the amendment by Ms Miriam LAU has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR ALBERT HO (in Cantonese): President, I move that Ms Audrey EU's motion as amended by Miss TAM Heung-man, Ms Miriam LAU and Miss CHOY So-yuk, be further amended by my revised amendment

PRESIDENT (in Cantonese): Mr HO, all the amendments except the one moved by Ms Miriam LAU have been negated.

MR ALBERT HO (in Cantonese): President, the best way to explain everything is to read the whole amendment aloud. But I do not think that I can finish that within three minutes. Therefore, Members are advised to refer to page 19 of LC Paper CB(3)223/07-08. Members may read this page, and they will see, Is it page 16?

PRESIDENT (in Cantonese): It is page 15 of the Chinese version.

MR ALBERT HO (in Cantonese): Page 15? Thank you, President.

Mr Albert HO moved the following further amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU: (Translation)

"To add "; (j) increasing resources to support female indigenous inhabitants in the New Territories and women of ethnic minorities; (k) providing sufficient power and abundant resources to the Women's Commission for co-ordinating measures to alleviate the problem of poverty among women; (l) responding to the recommendations set out in the Report on Women in Poverty, including the establishment of an alimony council to ensure that divorced couples will share the responsibility of raising their children; (m) providing universal retirement protection to provide sufficient retirement protection to housewives; and (n) applying the Convention on the Elimination of All Forms of Discrimination against Women, including gender mainstreaming, to eliminate discrimination against women" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Albert HO's amendment to Ms Audrey EU's motion as amended by Ms Miriam LAU, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for one minute, 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 display.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Prof Patrick LAU voted against the amendment.

Mr WONG Yung-kan and Dr Joseph LEE abstained.

Geographical Constituencies:

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Miss CHAN Yuen-han, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LEUNG Kwok-hung and Mrs Anson CHAN voted for the amendment.

Mr James TIEN and Mrs Selina CHOW voted against the amendment.

Mr CHAN Kam-lam, Mr LI Kwok-ying and Mr CHEUNG Hok-ming abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, eight were in favour of the amendment, 14 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 14 were in favour of the amendment, two against it and three abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Ms Audrey EU, you may now give your reply. You have up to two minutes and 52 seconds.

MS AUDREY EU (in Cantonese): President, usually, during motion debates of such nature, Bureau Directors and Members will simply express their own views without any interaction. Usually, they cannot come to any agreement. Members will describe the actual situation to a Bureau Director, asking him to look at certain statistics and examples and telling him that there are many problems. But instead of responding to the examples and statistics, the Bureau Director will only answer that the Government has made many efforts.

The Secretary has replied that it will take a long time to solve this problem. I hope he will not use this as an excuse for inaction. Members have all heard how sincere the Secretary was when he remarked that he also strongly supported all those family-friendly measures and flexi-time arrangements. But has the Government ever made any real efforts? Mere lip-service is useless at all. The Secretary says that many of these measures are desirable. For instance, he agrees that paternity leave for men and menstruation leave for women are all desirable. But he also says that all must depend on the affordability of employers and other financial considerations.

If we look at the voting results of the amendments, we will see that those in favour actually number more than those against. But owing to the system of separate voting, the amendments cannot be passed. Members can in fact imagine that not all women will have to take menstruation leave. And, if any women do need to take such leave, forcing them to go to work will not serve any useful purpose anyway. I fail to see how such leave will adversely affect employers' financial situations or the business environment.

This is also the case with paternity leave for men. The Government's population policy also encourages people to give birth to three children. What is more, men do not actually need to take paternity leave every month. They will apply for such leave only when necessary. How many times does a man need to apply for such leave in his whole lifetime anyway? Why does the Secretary still say that he needs to consider whether there will be any adverse impacts on the business environment?

President, whenever the issue of gender equality is discussed, the Secretary will certainly mention you and the House Committee Chairperson. And, this time, he even mentions Mrs Anson CHAN, remarking that all these examples can show that there are many outstanding women in our society. But to him, I must say that we are not discussing this issue today. What we talk about today is the fact that grass-roots women still face many common problems.

I hope that the Government can really listen to our views on these problems and then take serious actions to tackle them, rather than thinking that after passing the motion, everybody can then go home happily. I hope the Secretary and the Government can really study and adopt the consensus reached by this legislature.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Audrey EU, as amended by Ms Miriam LAU, 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 as amended passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 19 December 2007.

Adjourned accordingly at twenty-one minutes to Eight o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Food and Health to Mr Andrew LEUNG's supplementary question to Question 4

As regards the number of people who applied to the Medical Council of Hong Kong for exemptions from taking the licensing examination, the number of applications and approvals in the years 2004 to 2006 are hereby set out in Annex for Members' reference.

Annex

Licensing Examination of the Medical Council — Applications for Exemption

Year	<i>Part I — Examination in Professional Knowledge</i>		<i>Part II — Proficiency Test in Medical English</i>		<i>Part III — Clinical Examination</i>		<i>Internship Training</i>	
	<i>Number of application</i>	<i>Number of approval</i>	<i>Number of application</i>	<i>Number of approval</i>	<i>Number of application</i>	<i>Number of approval</i>	<i>Number of application</i>	<i>Number of approval</i>
2004	3	0	25	24	1	0	0	0
2005	4	0	27	25	0	0	4	0
2006	2	0	36	35	1	1 (partial exemption)	1	1 (partial exemption)

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Development to Ms Miriam LAU's supplementary question to Question 6**

As regards the number of advertisement signboards removed through government actions since 2001, during the period from 2001 to November 2007, a total of 12 610 unauthorized, dangerous or abandoned advertisement signboards were removed through the operations of the Buildings Department.