

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 7 January 2009

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, 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 LEE CHEUK-YAN

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 MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

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 ANDREW CHENG KAR-FOO

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, 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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

THE HONOURABLE TANYA CHAN

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

**MEMBER ABSENT:**

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

**PUBLIC OFFICERS ATTENDING:**

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

THE CHIEF SECRETARY FOR ADMINISTRATION

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 TSANG TAK-SING, J.P.

SECRETARY FOR HOME AFFAIRS

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:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber?

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

**PRESIDENT** (in Cantonese): This is the first Council meeting held in 2009. I take this opportunity to wish every public officer and Member a fruitful New Year.

### **TABLING OF PAPERS**

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Admission and Registration (Amendment) Rules 2008 .....	277/2008
Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 .....	278/2008
Employees Retraining Ordinance (Amendment of Schedule 2) (No. 3) Notice 2008 .....	279/2008
Domicile Ordinance (Commencement) Notice.....	280/2008
Pawnbrokers Ordinance (Amendment of Schedules) Order 2009 .....	1/2009
Tax Reserve Certificates (Rate of Interest) Notice 2009 .....	2/2009
Fugitive Offenders (Ireland) Order (Commencement) Notice .....	3/2009

## Other Paper

- No. 53 — The Audited Financial Statements together with the Report of the Director of Audit on the Immigration Service Welfare Fund and the Report by the Director of Immigration Incorporated on the Administration of the Fund

## ORAL ANSWERS TO QUESTIONS

**PRESIDENT** (in Cantonese): Questions. Question time normally does not exceed one and a half hours. After a Member has asked a main question and the relevant official has given reply, the Member who asks a question has priority to ask the first supplementary question. Other Members who wish to ask supplementary questions will please indicate their wish by pressing the "Request to speak" button and wait for their turn.

Members can raise only one question in asking supplementary questions. Supplementary questions should be as concise as possible so that more Members may ask supplementaries. Members should not make statements when asking supplementaries.

**PRESIDENT** (in Cantonese): First question.

### Light Pollution

1. **MR IP KWOK-HIM** (in Cantonese): *President, a green group has found that as most of the 1 300 wall bracket-mounted street lights installed on the external walls of buildings are close to the windows of residential flats, they seriously affect the quality of sleep of the residents concerned. Furthermore, the Highways Department (HyD) indicated in December last year that with the completion of energy saving pilot schemes, it planned to install, in the next four years, dimmable electronic ballasts (ballasts) in order to save energy, in*

*conjunction with the replacement of 12 000 street lights by new lighting installations. Regarding the problem of light pollution, will the Government inform this Council:*

- (a) whether it will phase out wall bracket-mounted street lights; if so, of the relevant timetable; if not, the reasons for that;*
- (b) of the specific reasons why four years is needed to complete the installation of ballasts for 12 000 street lights; and*
- (c) as there have been comments that the light pollution problem in Hong Kong is becoming more serious and, in addition to street lights, there are light pollution sources such as advertisement signboards and large outdoor television screens, whether the Government will formulate long-term policies to solve the light pollution problem; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):  
President,

- (a) There are currently about 133 000 street lights in the territory installed by the HyD. The majority of them are vertical street lights which are light poles (column lights) erected along roads. A small number of street lights have to be mounted onto external walls and structures of buildings (wall lights) due to the site conditions and some 1 100 of which are mounted onto the external walls of residential structures. The majority of them were installed before the 1980s. Since the 1980s, due to the continuous improvement in town and road planning, the HyD has largely been able to avoid mounting wall lights on external walls of buildings. Only when column lights cannot be placed due to environmental constraints will installing wall lights be considered.

The HyD has been taking measures to reduce the impact of wall lights on residential units in the vicinity. When wall lights have been installed at locations close to the windows of residential units, the HyD will make use of cut-off lanterns when practicable.



Cut-off lanterns have the merits of better illumination effect and energy saving. They can also prevent the exposure of bulbs so as to reduce the nuisances created by the diffusion of light from source. Taking into consideration the location and the actual needs, light shields will also be installed to avoid the diffusion of light from source to the external walls of buildings.

In response to the public concern about the nuisances caused by wall lights, the HyD completed a preliminary review of wall lights mounted outside the residential units throughout the territory in December 2008. According to the results of the review, about 400 wall lights are relatively distant from the windows of residential units and about 720 are close to the windows of residential units. Regarding the latter, as at December 2008, about 350 of them have had cut-off lanterns or light shields installed. The HyD will further study and implement other feasible mitigation measures for the remaining 370 or so wall lights. In addition to the installation of cut-off lanterns or light shields, the mitigation measures also include adjusting the location of wall lights on the external walls, and replacing them with column lights on pedestrian walkways in view of changes in the road conditions. The implementation of these mitigation measures are expected to be completed in one year.

Since there are practical difficulties in installing column lights in narrow streets or pedestrian walkways with a large number of underground utilities, the HyD does not have any plan to replace all wall lights.

- (b) Ballasts work to tune down the illumination level of street lights at night-time to appropriate levels so as to save energy. According to the HyD's estimate, there are about 15 000 street lights suitable for being equipped with ballasts and the illumination level of them can be tuned down. The HyD installed ballasts for some 3 000 street lights in 2008 and will do so for the remaining 12 000 or so street lights in phases in the coming four years. Since ballasts are a relatively new product, it will be prudent to inspect, assess and design the illumination level of street lights of each road section based on the actual site condition before the installation of the ballasts, so as to ascertain the degree of adjustment and the

installation method. After installation, site inspection and assessment have to be conducted again at night-time to ensure that the ballasts operate properly. Installation of the ballasts needs to be implemented in phases, taking into account factors such as the large number of street lights, the need for a comprehensive assessment and a review of the installation works, the manpower deployment at night-time and to ensure that the illumination level is up to the standard.

- (c) In view of the energy wastage arising from the excessive use of external lighting, the Government announced in last year's policy address that we would conduct a consultancy study on this issue, including making reference to the experience of metropolises that are similar to Hong Kong, and assess the feasibility of regulating external lighting through legislation. Furthermore, the Administration will continue to exchange views on this issue with environmental protection groups.

**MR IP KWOK-HIM** (in Cantonese): *President, it is mentioned in the last paragraph of part (a) of the main reply that the HyD does not have any plan to replace all wall lights with column lights or substitute column lights for wall lights. In fact, the residents concerned have very strong reactions towards the problems caused by wall lights. At present, the illumination levels of ordinary street lights are mostly 150W and some of them are even as high as 200W. According to my understanding, the original reason for installing wall lights was that it was too dark in the street. However, at present, some lights are too bright. Some academics are of the view that this will have an impact on the health of residents and they have also mentioned the issue of melatonin. Of course, this is still under research. However, if it is really not possible to replace wall lights with column lights, in view of the fact that signboards in the urban area already emit bright light, can these wall lights be phased out instead of substituting column lights at some places for wall lights? Will the Government give consideration to this?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, this involves two areas. As I said just now, a review of the remaining 370 wall lights will be conducted within one year or mitigation measures,

including adjusting their locations and installing cut-off lanterns or light shields, will be implemented in due course. In addition, I wish to say that there is a need for some of the wall lights. Most of the wall lights were installed along roads in or before the 1980s. Because the roads were narrow and they comprised carriageways and pedestrian walkways, since there were no other alternatives, we had to install lighting facilities to ensure road safety and meet a series of requirements for road lighting, that is, there are different requirements for different roads. In these circumstances, we cannot phase out all wall lights completely.

In like manner, since some streets, particularly pedestrian walkways, are narrow and a large number of utilities have been laid underground, it is not possible to install column lights in these streets. In order to ensure the safety of members of the public, there are no other alternatives and these wall lights cannot be phased out completely. Nevertheless, we will implement mitigation measures for the remaining 370 wall lights within a year.

**MR LEE WING-TAT** (in Cantonese): *President, when it comes to light pollution, in fact, the problems caused by large signboards are more serious than those by street lights. However, it is mentioned in part (c) of the main reply that the Environmental Protection Department (EPD) will only conduct a consultancy study on this issue. May I ask the Secretary what progress the Government has achieved on this matter? In addition, does the Government have any timetable for regulating the problem of light pollution caused by large signboards by means of legislation?*

**PRESIDENT** (in Cantonese): Which Secretary will answer? Secretary for the Environment.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr LEE Wing-tat for his supplementary. After the delivery of the policy address, we also mentioned the problem of light pollution at a meeting of the relevant committee. In particular, in recent years, the problem of light pollution caused by signboards has aroused the concern of many people. In relation to this problem, the Electrical and Mechanical Services Department has written to many relevant business associations and organized seminars to encourage them to

adjust the illumination level of signboards as far as possible to avoid affecting residents. It has also conveyed the strong message that although the illumination level of signboards is intended to attract people's attention and patronage, these signboards can backfire if they cause nuisance to residents.

Insofar as the problem of light pollution is concerned, an issue is brought up in the policy address for discussion: It is indeed no easy task to lay down a definition of light pollution in cities. For one thing, people on the street may wish to have sufficient lighting to ensure their safety and law and order. Therefore, apart from illumination, the issue of safety in our city is also involved. For this reason, how a definition of nuisance can be drawn up is also a matter for consideration. In addition, we have also mentioned in the policy address that the problem of light pollution can perhaps be examined from the perspective of energy wastage. For example, even though roads require sufficient lighting, do they still need it late at night? As a starting point for regulation, can we exercise control on the time? All these issues are covered in the consultancy study mentioned in part (c) of the main reply. We also hope to explore whether or not we can make reference to legislation in other cities dealing with light pollution. We will conduct research in this area this year. Granting the identification of a specific way of regulation, we will submit a proposal to the Legislative Council to request tightening of the relevant law.

**MR LEE WING-TAT** (in Cantonese): *My supplementary is very specific. Is there any timetable? What I mean is: When will the Government start regulating light pollution caused by signboards?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I said just now that research would commence this year. When there is a result, we will submit a proposal to the Legislative Council, so as to examine whether any work in relation to legislation needs to be undertaken.

**MS AUDREY EU** (in Cantonese): *President, may I ask whether or not there is a dedicated department in the Government responsible for collecting information on and receiving complaints about light pollution? If yes, which one is it? Can the Government provide the figures on complaints about light pollution*

*received in the past three years? In addition, has the department concerned or any other department provided guidance to members of the public on how to alleviate the problem of light pollution?*

**PRESIDENT** (in Cantonese): Ms Audrey EU, it seems that your supplementary covers many aspects. Is it intended for the Secretary for the Environment?

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I have some figures on hand. With the indulgence of Secretary Eva CHENG, I can provide Members with some figures. As Ms Audrey EU and other Members have mentioned, at present, various departments, including the Housing Department, the Fire Services Department, the Marine Department, the Hong Kong Police Force, the Civil Aviation Department and the Food and Environmental Hygiene Department, are involved in regulating the extensive problem of light pollution. Of course, the EPD also handles work in this regard. In the past four years, the numbers of complaints about the problem of light pollution received by the EPD in 2005, 2006, 2007 and 2008 were 33, 35, 40 and 82 respectively. Judging from these figures, although the numbers of cases are not high, the figure for last year, for example, has risen significantly. To a great extent, this reflects the fact that members of the public are concerned about this problem. Therefore, we hold that it requires further consideration in the policy address, so as to examine whether or not any other ways of regulation can be adopted.

**MS AUDREY EU** (in Cantonese): *President, my supplementary focuses on the number of complaints received by those departments. However, what the Secretary said in his reply just now is only about the number of complaints received by the EPD. Still, six or seven other departments have also received complaints. Can the Government provide us with the number of complaints about the problem of light pollution received by various departments after this meeting? President, I have also asked whether or not the Government has provided any guidance for members of public on how to alleviate the problem of light pollution. Can the Secretary give me an answer to this part of my supplementary?*

**PRESIDENT** (in Cantonese): Ms Audrey EU, it seems that you have raised more than one supplementary. Let me see if the Secretary has anything to add.

**MS AUDREY EU** (in Cantonese): *Thank you, President.*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, in relation to the first part of the supplementary, I can go back to my office and check if other departments have such figures (Appendix I). Just now, I have provided a breakdown of the numbers of complaints received by the departments within my jurisdiction. Insofar as the EPD is concerned, upon receiving this kind of complaints, we will take actions according to the specific situation. If a complaint is related to other departments, we will refer it to them. I believe Secretary Eva CHENG also mentioned in the main reply just now the approaches to be taken upon receipt of complaints about street lights. At present, it is indeed difficult to take follow-up actions on every case because there is no clear definition of light pollution. As I said just now, can we explore an approach to deal with this problem? In recent years, the Government, with the co-operation of many green groups, has repeatedly reminded and encouraged members of the public to ponder the issue of lighting, especially on whether or not there is any need for excessive lighting in shops.

In last year's policy address, we also pointed out in particular that on reducing energy consumption and enhancing energy efficiency, there were also ways to reduce the consumption of energy by the lighting in shops and residential flats, for example, by adjusting the illumination level of lights when strong lighting was not needed or by implementing other energy-efficient measures to reduce the heat generated when there was a need for lighting. All these measures are helpful to the environment.

**PROF PATRICK LAU** (in Cantonese): *President, I would like to follow up the questions concerning light pollution raised by Mr IP Kwok-him and Mr LEE Wing-tat in relation to part (c) of the main reply. In Hong Kong, the light emitted from advertising light boxes consists of a kaleidoscopic range of colours, which makes Hong Kong an attractive city. When the Government conducts a preliminary study, will it examine the problem of light pollution in commercial areas and residential areas separately? I have received many complaints from*

*members of the public, especially those who live in the residential areas, saying that some of the lighting is, in their view, not necessary. Will the Government consider these two areas?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Prof Patrick LAU for his suggestion. Of course, we will give consideration to this area, but a practical issue is actually involved. In Hong Kong, a residential area is often only a block away from a commercial area. Therefore, if we look at it solely from the viewpoint of illumination level, often, this will indeed pose some difficulties. Hong Kong is a dense city. Even if bright signboards are located several blocks away, they may still affect the residential areas. Therefore, it may not be possible to delineate the areas according to land use. For this reason, another line of our thinking is whether or not any regulation can be imposed on energy wastage. It is precisely because of this that we will pay attention to whether or not there are any modes of regulation in cities similar to Hong Kong for our reference. However, I will still take into account the suggestion made by Prof Patrick LAU just now.

**MR IP KWOK-HIM** (in Cantonese): *President, I find part (b) of the main reply given by the Secretary regrettable. If it takes four years to install ballasts on 12 000 street lights, does it mean that it takes 40 years to install ballasts on 130 000 street lights? In addition, according to the reply given by the Bureau, installing ballasts can save energy. My supplementary is: Is it possible for the installation of ballasts on existing street lights to be speeded up, so as to save energy and alleviate the problem of light pollution?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, we understand this. Of course, we will strive to speed up the work but we have already explained in part (b) of the main reply that first, a procedure is in place for the installation of ballasts. The reason for installing ballasts is that the illumination level of the light bulbs in some of the existing street lights is higher than our standard while no light bulbs which just meet our standard on illumination level are available in the market. Therefore, installing ballasts can lower the illumination level while the requirements for road lighting can still be met. For that reason, adjustments have to be made to every single street light according to the site condition. Adopting a universal approach will not work.

Therefore, there must be a procedure for conducting inspection and assessment. Second, installation works on some roads cannot be undertaken in daytime because the work will have an impact on the use of those roads, to such an extent that traffic diversion or limitation of road use may be required. Of course, having heard the views put forward by Mr IP Kwok-him, we will strive to speed up the works. However, we cannot dispense with the procedure mentioned just now. In addition, there are also some practical limitations.

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

### **Assistance to Young Applicants of Public Rental Housing**

2. **MR CHAN HAK-KAN** (in Cantonese): *President, some young applicants for public rental housing (PRH) have relayed to me that since the implementation of the Quota and Points System (QPS) for non-elderly one-person applicants of PRH by the Hong Kong Housing Authority (HA) in 2005, their waiting time for PRH units has become longer and their chances of being allocated PRH units have been reduced. Under the QPS, the allocation of PRH units is prioritized according to the ages of the applicants, whether they are PRH tenants and how long they have been on the Waiting List (WL). These young applicants have also pointed out that the WL income and asset limits are too low, which covertly discourages them from saving and owning assets while waiting for the allocation of PRH units. In this connection, will the Government inform this Council:*

- (a) *of the average and the longest cumulative waiting time of non-elderly one-person applicants currently on the PRH WL, broken down by age groups each covering 10 years;*
- (b) *whether it will consider building more one-person PRH units to cope with the demand; if so, of the details; if not, the reasons for that; and whether the Government will introduce other measures to assist such young people who have housing needs; and*
- (c) *whether the authorities will consider raising the above income and asset limits?*



**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the HA introduced the Quota and Points System for Non-elderly One-Person Applicants (QPS) in September 2005 to rationalize and re-prioritize the allocation of PRH units to non-elderly one-person applicants so that the HA can focus its resources on assisting those applicants with the most pressing needs for housing.

The relative priorities for PRH allocation to applicants under the QPS are determined by the points the applicants receive according to the points system. Points are assigned to the applicants on the basis of their age at the time of submitting the PRH applications, their waiting time and whether they are PRH tenants. The higher the number of points accumulated, the earlier an applicant will be offered a PRH flat.

Currently, the annual allocation quota under the QPS, which is based on the average percentage of flats allocated to non-elderly one-person applicants against the total number of flats allocated in the decade before the implementation of the QPS, is set at 8% of the total number of flats allocated to the WL applicants, subject to a ceiling of 2 000 units.

My reply to the three parts of the question is as follows:

- (a) Details of the waiting period of non-elderly one-person applicants currently on the WL based on the statistics as at end of November 2008 are given at Annex.
- (b) In determining the flat mix of PRH to be constructed, we have taken into consideration a number of factors including the household size of the applicants, the flat mix of recovered PRH flats, and the implementation of the QPS, and so on.

The HA introduced the QPS with the aim of allocating limited public housing resources in an objective and effective manner to those with the most pressing housing needs. An annual allocation quota is set on the basis of the average percentage of flats allocated to non-elderly one-person applicants over the past years. Such an arrangement has enabled the HA to give due regard to and to balance the housing needs of all applicants.

In fact, under the current system, apart from applying under the QPS, non-elderly one-person applicants can also apply for PRH as general families together with his/her family members. In fact, in 2008-2009, on average 335 non-elderly one-person applicants switch to family applications per month. In addition, to encourage the younger generation to live together with their elderly members, the HA has also introduced a number of enhanced housing arrangements to foster family harmony. Under the Harmonious Families Addition Scheme, eligible adult offspring (including singleton or those with family members) may apply for addition to the PRH tenancy of elderly tenants. Under the Harmonious Families Priority Scheme, young people (including singleton) may apply with their elderly member(s) for a PRH flat of any district of their choice and enjoy a six-month credit waiting time.

For eligible non-elderly one-person applicants with a pressing need for housing, they may apply for the Express Flat Allocation Scheme, or compassionate rehousing through recommendations by the Social Welfare Department (SWD) for early rehousing.

- (c) Mr CHAN Hak-kan had relayed the view that the WL income and asset limits were too low and asked if the limits would be raised. I must point out that the objective of the Government's subsidized housing policy is to provide PRH to low-income families who cannot afford private rental accommodation. Under the principles of fairness and effective use of limited housing resources to help those with genuine housing needs, the HA determines the eligibility of PRH applicants by setting up the WL income and asset limits.

Under the existing mechanism, the WL income and asset limits are calculated on the basis of the total household expenditure, which include housing expenditure and various non-housing expenditure items. These limits are adjusted annually with reference to the latest housing expenditure figures and changes in Consumer Price Index (A).

Each year, the HA reviews the WL income and asset limits according to the established mechanism to meet the latest socio-economic changes. In line with previous practice, we will

report the findings to the Legislative Council Panel on Housing and submit the Legislative Council Members' comments to the Subsidized Housing Committee of the HA. The next review will be conducted in March 2009.

Annex

Waiting Period of Non-elderly One-person Applicants  
Currently on the WL<sup>Note</sup>  
(as at end of November 2008)

Waiting Period on the WL (years)	Age Groups			
	Below 30	30-39	40-49	50 or above
Average Waiting Period	2.4	2.2	1.6	1.0
Case of Longest Cumulative Waiting Period	6.0	6.2	5.9 <sup>#</sup>	5.5 <sup>#</sup>

Notes:

The waiting period refers to the time between the date of first registration until the end of November 2008, but excluding any frozen time during the application period, for example, when the applicant has not yet fulfilled the requirement of the residence rule, as well as the period between cancellation of the application and its subsequent reinstatement within the specified time frame.

# Processing of the non-elderly one-person applications is in the allocation stage and the applicants concerned will be offered PRH units shortly.

**MR CHAN HAK-KAN** (in Cantonese): *President, from the figures in the Annex provided by the Secretary, the average wait for PRH allocation for applicants below 30 years of age is 2.4 years, which seems to be rather short. However, upon checking the documents provided by the Government to the Panel on Housing last year, only one applicant below 40 years of age was allocated a PRH unit last year. Meanwhile, certain figures also lately indicate that 30% of those applicants below 35 years of age are graduates of university level or above. They are capable of quitting the queue of PRH applicants as early as they could. May I ask the Government whether consideration would be given to re-launching the Home Purchase Scheme (HPS) so that those young people who can afford buying their own flats could dispense with applying and waiting for the allocation of PRH units?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I understand Mr CHAN is asking mainly about the HPS; and the waiting time he mentioned earlier is just some data. Currently, we would not consider re-launching the HPS, one of the reasons being that under the adjusted housing policy, the HA will at present focus its resources on providing PRH units to the group of people who need PRH units. The overall circumstance for launching the HPS at that time was quite different. At present, there are different products available in the market, including an insurance scheme under which loans up to 90% to 95% are available. In light of this and the earlier adjustments made to the policy on PRH, there is at present no policy for re-launching the HPS.

**DR JOSEPH LEE** (in Cantonese): *President, I believe that resources in public housing should be allocated in a way that people with the most pressing need could get rental housing. The Secretary has pointed out in the main reply that the waiting period for those below 30 years of age is six years, while the average waiting period is 2.4 years. May I ask the Secretary whether there is any figure to show the number of these young applicants as well as their needs, education level, family background, and average income for the past five years? Will there be an indication of the needs of these people?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, from the data in the past few years, the ratio of applicants below 30 years of age to the non-elderly one-person applicants has remained more or less the same, that is, rather stable. In the year 2007-2008, their ratio to all the non-elderly one-person applicants is about 34% (Appendix 1), which is also the ratio maintained in the past few years.

**DR JOSEPH LEE** (in Cantonese): *President, I beg your pardon; there was in fact another question in my supplementary. The Secretary may have some data to add.*

**PRESIDENT** (in Cantonese): You only have to point out the part that the Secretary has not replied.

**DR JOSEPH LEE** (in Cantonese): *The Secretary has not answered my supplementary question. I would like to have the data for the past five years, that is, the number of applicants below 35 years of age, their education level, family background, and average income. Can the Secretary provide us with the relevant data for the past five years?*

**PRESIDENT** (in Cantonese): Mr LEE is asking about the data relating to education level, family background and average income.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): We would try our best to provide the data. I believe the family background mentioned refers to family mix, and so on. The scope of the "background" mentioned may be a bit wide in nature, but we would check our data and try our best to provide them. (Appendix II)

**MR TOMMY CHEUNG** (in Cantonese): *President, as a committee member of the HA, I understand and support the Administration's rationale in establishing the QPS in the light of limited resources. Since I could not hear it very clearly, I would like to ask the question which Mr Joseph LEE has asked earlier on, that is, whether the Secretary has the actual data of the group of youngest applicants on the WL. The Secretary only said that for the year 2007-2008, there was not any change in percentage regarding this data. But is there any increase or decrease in the actual number of applicants? Is the figure rising or dropping? Apart from the percentage, I would like to know the data in this aspect.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, to facilitate Members in understanding the issue better, perhaps I could furnish the Council with a list later on. (Appendix III) Nevertheless, I will now reply Mr CHEUNG as to whether we have the specific data on this group of young applicants. The several core data below may serve as reference to Members. According to our statistical data, applicants below 30 years of age are regarded as the youngster group that makes up 39% of the non-elderly one-person applicants. Among them, 26% are PRH occupants who may be living with their family members and benefiting from our housing subsidies. Research

information of the HA also indicates that 34% of this group of applicants are tertiary or university graduates. Therefore, I agree entirely with Mr Tommy CHEUNG that by maintaining the QPS, a more objective and impartial order of priorities could be established. This is the ground for adopting the existing practice.

**MR TOMMY CHEUNG** (in Cantonese): *The Secretary has only replied about the percentage, however, is the actual number of applicants rising or dropping?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, please allow me to talk about the number of applicants. In the year 2008-2009, there are 41 200 cases of non-elderly one-person applicants which represent 37% of the total, among which 15 900 applicants are non-elderly one-person applicants below 30 years of age, making up 39% of the non-elderly one-person applicants.

**PRESIDENT** (in Cantonese): Just now Mr CHEUNG asked about the trend, that is, whether the number of applicants is rising or dropping.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, just now in my reply to Dr Joseph LEE's question, I said that the trend has been rather stable. There were about 13 400 applicants in the year 2006-2007, 14 500 in the year 2007-2008, and 15 900 in 2008-2009 (as at November), amounting to nearly 37% to 39% of the non-elderly one-person applicants. There is a small rise in number, but the percentage is largely stable.

**MR LEE CHEUK-YAN** (in Cantonese): *President, let us look at the number of applicants. Just now the Secretary said that the number is 40 000, but the actual number of units allocated is capped at 2 000, which is just about 5% of the number of applicants, rendering the waiting period extremely long. It occurs to me that those who join the queue late ..... if calculated this way, I have a query about the average waiting period to be two point something years. The only*

*explanation is that the applicants have become no longer eligible when it comes to their turn, rendering those who fail to have their turn always outnumber those who succeed in being allocated units.*

*President, the question I would like to ask is that given the demand is that great — I would not comment on the QPS for the time being — it would be better that we make the pie bigger, that is, to have more flats for allocation. How could more flats be allocated? The answer is constructing more PRH. Given that there is a current demand both from single applicants and family applicants, would the Secretary ....., especially when now the Government stated that career opportunities have to be created, take one more step forward in increasing the PRH, increasing the 2 000 units that could be allocated?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):

President, perhaps let me first talk about the rationale of these 2 000 units and explain why there is such a quota. We had made reference to the data in the past 10 years prior to the establishment of the QPS, the relevant average figure of which represents 8% of our PRH quota, from which the quota of 2 000 units was established. Therefore, even though there is another queue for non-elderly one-person applicants, it does not mean that there is a shrink in quota, for the 2 000 quota is established according to historical record, that is, the average figure for the past decade.

With regard to Mr LEE's suggestion on construction of more PRH, certainly we have a rather aggressive scheme of PRH construction with the objective of maintaining a three-year waiting period prior to flat allocation. There has certainly been better progress in the last few years, with the average waiting time ranging from 1.8 to 1.9 years. The Annex provided just now is in response to the issue of the average waiting period, that is, how long the applicants have waited for, raised in Mr CHAN's main question. In recent years, the number of young applicants may have increased. It can be seen that the average waiting period for applicants below 30 years of age is 2.4 years, but this is not the figure of the waiting period for flat allocation. Perhaps I would hereby provide the Council with information in this aspect. In the year 2006-2007, the average waiting period for non-elderly one-person applicants below 30 years of age is (Appendix 1) 2.3 years; that for the year 2007-2008 is 1.9 years; and that for the year 2008-2009 is 1.8 years. That is to say, these figures indicate how long they had waited before flats were allocated to them.

Undeniably, the younger the applicant is ..... since according to our points system, a calculation has to be done in accordance with the age at the time of submitting the application and the period the applicant has waited. Certainly, the elder non-elderly one-person applicants would be allocated more quickly by order of priority, but the order of priority is a fair arrangement devised after our deliberation over a long period of time.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary said that the 8% ceiling had been set basing on the number of young applicants in the past; however now the clear fact is that since the applicants largely outnumber the said ceiling, the number of applicants could not be satisfied by the ceiling. That being the case, may I ask the Secretary if there is any detailed analysis of the reasons for more young singletons applying for PRH and whether this would be incorporated into her review in the future?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, perhaps let me make a clarification. The quota of 2 000 units was calculated from the data derived from non-elderly one-person applicants — not the young applicants, but all the non-elderly applicants — at the time prior to the establishment of the QPS. At that time, there was still one system and one queue, with 8% of the units available to them.

Of course, with the younger generation starting to join the applications now, the HA would be monitoring the reasons. As regards Mr Tommy CHEUNG's question about this and Dr Joseph LEE's request for us to provide more information, we would certainly be pleased to provide more information. However, the applicants may feel that they have the need for PRH, as there may be different considerations for different people. Regarding the issue of their education level that I was asked earlier by some Members, I could see that 34% of them are indeed of tertiary education level. Hence, we need to have a good system for setting the priorities. Data in general show that if they have good education, they could be exceeding the income and asset limit in a few years. As to the reason for them starting to queue up now, there may be different reasons for different applicants, but we have a highly effective system to ensure that PRH unit would be allocated to those with the most pressing needs.



**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary has not answered if this would be included in the future review. I asked this question because the poverty issue among the young people has become more serious, resulting in a great demand for PRH. May I ask the Secretary if this would be included in the review .....*

**PRESIDENT** (in Cantonese): Your follow-up question is very clear. Secretary, please answer.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, we do not have a policy specifically designed to cater for the younger generation. As I have said in my main reply earlier, if they have the need for housing, living with the family is certainly one of the alternatives. There would be a different queue and a different points system for those living with their families; however, there are two avenues of application for those with special needs, one is by express allocation, and the other is by compassionate rehousing through the SWD. Let me provide the Council with some figures regarding express allocation. In the year 2006-2007, there were about 1 153 non-elderly one-person applicants cases, and the figure for that in 2007-2008 was 767 cases. This system could help those with specific needs.

**MR ABRAHAM SHEK** (in Cantonese): *Has the Government considered resolving the housing problem of the non-elderly-youngsters by building more modernized hostels for them?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, we would determine the housing mix, such as the number of family units and one-person units to be built, according to the current number of applicants. Currently, there are 111 000 applicants on the WL, and decisions would be made according to their mix. Certainly, as changes in the population structure take place, relevant researches would be conducted by the HA to ensure that the units provided meet the current needs of society.

**MR ABRAHAM SHEK** (in Cantonese): *President, I would like to ask the Secretary if she has considered building hostels which are different from the housing units currently built by the HA.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *President, I do not think hostels would be supplied at this stage. Hostels would be required not just for PRH, but also for other social welfare demands. Currently, there is no such plan under the HA; on the contrary, we would try our best to provide matches of our family units and one-person units with the composition mix of those on the WL.*

**PRESIDENT** (in Cantonese): *Third question.*

### **Transforming Greater Pearl River Delta Region into Green Quality Living Sphere**

3. **DR RAYMOND HO** (in Cantonese): *President, in August last year, the Government of the Hong Kong Special Administrative Region (HKSARG) and the Guangdong Provincial Government (GPG) agreed to jointly map out a strategy to transform "the Greater Pearl River Delta (PRD) Region into a green quality living sphere" on the basis of environmental protection and sustainable development. To this end, the mode of co-operation between Guangdong and Hong Kong on environmental protection will be changed from focusing on collaboration in individual projects in the past to regional environmental co-operation. In this connection, will the Government inform this Council:*

- (a) of the specific differences between the old and new modes of co-operation between Guangdong and Hong Kong on environmental protection;*
- (b) of the details of the areas which will be covered by regional environmental co-operation; and*
- (c) what Hong Kong's role in regional environmental co-operation will be?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): I thank Dr Raymond HO for this question.

- (a) Environmental problem is trans-boundary in nature, and it is not practicable for either Hong Kong or Guangdong to deal with the problem on their own. To effectively tackle the environmental issues of the nearby PRD Region including Hong Kong, it calls for close regional collaboration and co-ordination. Hong Kong and Guangdong have a long history and solid foundation in environmental collaboration. Environmental protection has been made a regular and important discussion item of co-operation at the Hong Kong-Guangdong Cooperation Joint Conference (HKGDCJC). To foster closer collaboration on environmental protection, the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection (JWGSDEP), co-chaired by the Environment Bureau of the HKSARG and the Environmental Protection Bureau of Guangdong Province (GDEPB), has been jointly and proactively taking forward various regional environmental protection initiatives.

Over the years, both sides have continuously deepened and widened co-operation on environmental protection, by implementing environmental initiatives, carrying out studies and research, technical exchanges, as well as sharing work experience and information. The two Governments have also established common targets and co-operation platforms. These include the consensus reached by both sides to work towards reducing the emissions of four major air pollutants by 20% to 55% in the region by 2010; development of the PRD Regional Air Quality Management Plan (RAQMP); establishment of the PRD Regional Air Quality Monitoring Network; launching of a five-year Cleaner Production Partnership Programme (CPPP) to facilitate the trades in pursuing cleaner production technologies and practices, and so on.

On the basis of the existing co-operation platform, both sides agreed last year to further deepen and enhance co-operation on the environmental front. At the 11th Plenary of the HKGDCJC held on 5 August 2008, the Chief Executive and the Governor of Guangdong Province announced that the HKSARG and the GPG would jointly

draw up strategies to transform the PRD Region into a green and quality living area. The new co-operation strategies will be underpinned by the principle of promoting environmental protection and sustainable development. Building on the past collaborative efforts, we have developed a more comprehensive and forward looking approach in taking forward regional environmental co-operation. The focus is to develop the PRD Region into a low-carbon, high-technology and low-pollution city cluster of quality living.

In order to bring Hong Kong-Guangdong environmental co-operation to the next higher level, and to dovetail our regional environmental protection efforts with those at the national level, it was agreed at the 9th meeting of JWGSDEP held in December 2008 and co-chaired by the Director-General of GDEPB and myself that both sides should strive to include the proposal for transforming the PRD Region into a green and quality living area in the upcoming National 12th Five-year Plan. This would help underline the strategic role of both places in the National 12th Five-year Plan and raise the overall competitiveness of the Greater PRD Region.

Simply put, as pointed out by Dr Raymond HO in the introduction of his main question, the co-operation between Guangdong and Hong Kong on environmental protection has evolved from focusing on collaboration in individual aspects in the past to a more comprehensive approach of developing a living sphere, which is based on low-carbon economy, high technology and low pollution.

- (b) At the 9th JWGSDEP meeting held in December last year, both sides agreed to swiftly set in train discussions on details of the co-operation areas and associated arrangement.

Under the proposed new mode of regional environmental co-operation, both sides will continue to take forward current initiatives under the JWGSDEP. These include continuing to implement emission reduction measures under the RAQMP, jointly working towards achievement of the 2010 emission reduction targets, and actively promoting energy efficiency and cleaner production to industrial enterprises at both places. Both sides will

also seek to extend co-operation to other areas in our quest for deepening regional environment co-operation, and to integrate environmental protection into economic development. Initial ideas being explored for enhanced co-operation under this new framework include drawing up the post-2010 arrangements for improving regional air quality; looking into the feasibility of joint development of cleaner energy and renewable energy on the basis of the Memorandum of Understanding in respect of the supply of stable and long-term nuclear energy and natural gas from the Mainland to Hong Kong; facilitating the development of a regional circular economy which provides for green business opportunities; promoting co-operation between enterprises in Hong Kong and Guangdong in optimal utilization of resources as well as in developing environmental protection industries, and promoting cleaner production with a view to jointly upgrading the quality of enterprises in the region; strengthening co-operation in scientific research on environmental matters, enhancing co-operation in water resources management in the Pearl River catchment and nature conservation, and so on.

- (c) We believe Hong Kong and Guangdong will continue to usefully draw on their respective competitive edge and jointly work towards developing the PRD Region into a green and quality living area. As an international financial centre, we can play a facilitating role in bringing in capital investment and developing related trading platforms, and so on. Furthermore, by introducing advanced technologies, transferring management expertise and systems, facilitating scientific research, and leveraging on the production base in the Greater PRD Region, environmental protection will be integrated into the economic development and industrial structure of both places. Hong Kong will also play a role in introducing internationally recognized targets and emission standards, providing support to industries and factories in the PRD Region in adopting cleaner production, and assisting Hong Kong-owned enterprises in their upgrading and restructuring processes.

**DR RAYMOND HO** (in Cantonese): *The concept of a green and quality living area in the PRD Region was mentioned in the Chief Executive's latest policy*

*address. It is also mentioned in part (a) of the Secretary's main reply that a consensus has been reached with the GDEPB on jointly striving for the inclusion of this concept in the National 12th Five-year Plan. May I ask the Secretary in what forms this concept and task are to be included in the overall strategy of the National 12th Five-year Plan for the purpose of positioning? For instance, will the Secretary make specific proposals on renewable energy, waste recovery and recycling, development of clean energy, solar energy, wind power, geothermal energy and wave power, in a bid to create more business opportunities for enterprises in Hong Kong?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, the areas mentioned just now by Dr Raymond HO in the latter half of his supplementary question, including energy sources and circular economy, are the topics we hope to include in the work of realizing the concept of a green and quality living area in the Greater PRD Region. As also mentioned in my main reply, both the Chief Executive and the Environment Bureau hope that these discussion topics can be covered more comprehensively in the national development strategy. The HKSARG has already submitted its proposals in respect of the upcoming 12th Five-year Plan, just as what it did for the 11th Five-year Plan, and we intend to seek more room for putting forward our proposals. We will raise this concept in our discussions with Guangdong Province and even at the level of ministries and commissions. We will seize every opportunity to conduct in-depth discussions on this major concept or the areas mentioned by Dr Raymond HO just now. We hope that in 2009, a very important year for the formulation of the 12th Five-year Plan, we can have more opportunities of exchange and discussion, so that Hong Kong-Guangdong co-operation in this regard can be included in the finalized 12th Five-year Plan. I believe this is also what Dr Raymond HO would like to see.

**MR ANDREW LEUNG** (in Cantonese): *It is mentioned at the end of part (c) of Secretary's main reply that Hong Kong can help introduce international standards, providing support to industries and factories in the PRD Region to adopt clean production and assisting Hong Kong-owned enterprises in upgrading and restructuring processes. In fact, the sector has repeatedly mentioned to the Secretary their hope of establishing a green industrial park in Guangdong Province. The proposal is meant precisely for introducing the best international standards. In the meeting convened in December, the Chief Executive discussed*

*the issue of a green and quality living area in the Greater PRD Region. But how can we realize this idea? I met the Vice Minister of Industry and Information Technology in Beijing on Monday. He expressed great interest in a green industrial park because the park is indispensable to some industries such as the electroplating and tanning industries. May I ask the HKSARG whether it has come up with any idea to materialize the establishment of a green industrial park after its discussions with Guangdong Province in December?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, many thanks to Mr Andrew LEUNG for his suggestions. Hong Kong-Guangdong co-operation on environmental protection has indeed expanded in scope, from mere environmental regulation and management in the past to the proposal of establishing a green and quality living area in the PRD Region, which we put forward to Guangdong Province in March last year. This proposal involves efforts in many new areas, such as industrial and commercial development which is basically outside the scope of environmental protection. In the meeting co-chaired by the Director-General of GDEPB and myself in December, we expressed the view that this issue might entail both environment-related and non-environment-related tasks. Regarding those tasks related to environmental protection, we intend to set up a working group for undertaking actual work on establishing a green PRD Region.

In respect of the proposals mentioned by Mr Andrew LEUNG just now, such as the building of a new environmental industrial park, we are of the view that with the CPPP, which encourages Hong Kong entrepreneurs to engage in clean production, we can at the same time help enhance their standards of clean production. Regarding further initiatives, I must say that a green industrial park enabling Hong Kong to adopt international environmental protection standards will be conducive to the restructuring of industries.

I also notice that some chambers of commerce are now joining hands with mainland enterprises to build a world-class green industrial park. If they need the Hong Kong Environment Bureau to offer any assistance in this project, I will be delighted to do so.

**MS AUDREY EU** (in Cantonese): *President, all along, the co-operation between Guangdong and Hong Kong, especially in respect of the establishment of a green and quality living area in the Greater PRD Region under discussion today, is mainly between the Governments of both sides. Many areas are mentioned in part (b) of the main reply, such as creating green business opportunities, promoting co-operation between enterprises in optimal utilization of resources and in developing environmental protection industries and strengthening co-operation in scientific research and nature conservation. If there can be exchanges between the two sides at the non-government level, such as exchanges between the Legislative Council and mainland enterprises in particular, it should be very helpful. Thus, may I ask the Secretary whether Hong Kong-Guangdong co-operation will involve the participation of non-government bodies or the Legislative Council? If yes, how will the Secretary proceed?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I very much agree to Ms Audrey EU's remark. If a green and quality living area is to be established in the PRD Region, we may have to deal with many more issues outside the scope of the environment or air quality which we originally focused on a few years ago. The Governments of both sides constitute an important platform for Hong Kong-Guangdong co-operation. This is even more so in the Mainland, where the government plays a bigger role than we do in industries and industrial policies. Thus, we are prepared to take the lead in inter-government co-operation. Nevertheless, we at the same time believe that co-operation in many other areas, especially those areas of concern expressed by Members just now, such as the recycling industry and future co-operation on the use of energy, will invariably require the participation of enterprises. In fact, the specific ideas put forth by Mr Andrew LEUNG just now all go beyond the scope of inter-government co-operation.

However, we often find that in regard to environmental protection, the Governments of both sides must first make some efforts in order to induce enterprises to follow suit. For example, Members may well remember that we managed to conclude a new Memorandum of Understanding with the involvement of the Central Authorities in August last year, and this marks a good beginning of the use of clean energy by enterprises in both places. In this connection, what we have done is just the beginning. In other words, when it comes to the inclusion of the concept in the 12th Five-year Plan, or the ways of bringing forth more platforms of co-operation between Hong Kong and



Guangdong, the co-operation of many enterprises, organizations and institutions is invariably required. I believe Members will agree that we should encourage all to discuss the matter in this direction, be they the Legislative Council, civil organizations and enterprises or academic institutions. That way, more advice can be provided to us, and the understanding of the concept can be consolidated and deepened.

**MR LAU KONG-WAH** (in Cantonese): *President, in the face of global warming, inter-regional co-operation is very important. The Secretary mentioned in part (a) of the main reply that environmental co-operation needs to be brought to the next higher level, in order to dovetail our regional environmental protection efforts with those at the national level. May I ask specifically how regional and national efforts will be dovetailed? Moreover, the Secretary also mentioned just now the possibility of developing cleaner energy and renewable energy. I am more interested in these areas. Is there now any specific .....*

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you have asked two supplementary questions.

**MR LAU KONG-WAH** (in Cantonese): *No. The two questions are related, in the sense that they are both related to the call for tackling the issue of global warming. Regarding renewable energy, has any specific project been proposed for our consideration?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, regarding general environmental improvement, we can see that all places in the PRD Region, including Guangdong and Hong Kong, are actually one single entity. In regard to industrial structure, one prominent feature is that many industrial production plants in the PRD Region are operated by Hong Kong investors. Members will thus agree that there is close co-operation between both sides. In the Mainland, environmental planning is often guided by a central policy. For instance, the Central Authorities specifically pointed out in the 11th Five-year Plan the need for gradually bringing forth an economic

development model based on low energy consumption and low pollution. To this end, some specific measures have been formulated. As for the upcoming 12th Five-year Plan, we hope that on the basis of the policy framework set out in the 11th Five-year Plan, further progress can be made in different areas, including the areas Hong Kong has been working on. One example is the issue of Air Quality Objectives, which will be discussed in a motion debate of this Council at a later time. Furthermore, regarding the use of clean energy, I already cited an example just now. We made a big stride forward in August last year in respect of the energy used for power generation. On this foundation, more co-operation efforts are needed among the governments of the two places and enterprises, so as to dovetail our regional standards with the central policy. Hence, the 12th Five-year Plan can indeed provide an excellent framework for us to tie in with the overall development needs of our country.

Certainly, the HKSARG has its own measures on the planning of Hong Kong. But precisely because of the close geographical tie between Hong Kong and Guangdong, we hope that both sides can proceed in the same direction, so as to bring forth co-operation and increase the vigour. In the long run, those areas mentioned by Mr LAU Kong-wah, such as the use of renewable energy, will certainly be covered. As I have mentioned on different occasions, if the use of renewable energy is promoted in Hong Kong only, it may be hard to make a major breakthrough in terms of usage ratio. However, from the regional perspective, the idea may work if we can, for example, match the power shortage in Guangdong Province with the capacity of Hong Kong to introduce technology and capitals. We wish to look for more opportunities in this regard and intensify discussions and co-operation between both sides. Many examples in the past, such as the use of energy and clean fuel, showed co-operation between governments and between enterprises is feasible at the regional level. We have witnessed that the supply of natural gases from western China to Shenzhen can really serve to provide a new source of clean gas to Guangdong Province and Hong Kong. Can this approach be applied to other areas, including the issue of renewable energy mentioned by Mr LAU just now? I believe this is a topic we can discuss in the future.

**PRESIDENT** (in Cantonese): We have spent 18 minutes and 30 seconds on this question. Last supplementary question.

**DR RAYMOND HO** (in Cantonese): *As I already pointed in the past, in Europe and the United States the environmental industry is an industry which often involves business opportunities worth over US\$1,000 billion. On our part, the relevant policy cannot possibly be formulated by the Environment Bureau alone. President, the formulation of such a policy may also involve the Constitutional and Mainland Affairs Bureau, Commerce and Economic Development Bureau, and so on. As I have mentioned many times, many projects cannot be launched because of a lack of co-ordination among government departments. And, The Ombudsman also commented upon retirement that government departments are each guided by their individual policies. Can the Secretary inform us of his view on this? Will these factors slow down the development in this regard?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): Dr Raymond HO has raised a very good question. In fact, co-operation in environmental protection, which I mentioned just now, often concerns more than environmental protection itself. I agree with Dr HO that if we want to establish a green zone, we really need to go beyond environmental protection. In fact, the HKGDCJC is jointly led by the Chief Executive and the Governor of Guangdong. Under the HKGDCJC, there are many different working groups, involving the participation of many Bureau Directors of the HKSARG. A practical example of Hong Kong-Guangdong co-operation is that ..... Our portfolio, for example ..... The Environment Bureau deals not only with environmental protection; it also deals with areas such as energy. Thus, the mainland departments we deal with are not limited to authorities in charge of the environment. We will continue to adopt this approach in the future.

Another actual example is that the Commerce and Economic Development Bureau has introduced certain environmental protection projects to the Science Park through the Innovation and Technology Commission. Insofar as energy efficiency is concerned, the work of the Bureau is complementary to what we have been doing on energy efficiency. Hence, there are some actual examples where different Policy Bureaux of the Government need to join hands to work in the same direction. The main point is that, as clearly stated by the Chief Executive in the policy address last year, the development of Hong Kong will be focused on the establishment of a green and low-carbon economy. I believe this is the guiding principle; and I also believe that other related Bureau Directors and I will all work in this direction.

**PRESIDENT** (in Cantonese): Fourth question.

### **Caring of Trees**

4. **MISS TANYA CHAN** (in Cantonese): *President, at present, more than 500 trees in Hong Kong with cultural, historic or conservation value have been included in the Register of Old and Valuable Trees (OVTs). However, no specific legislation has been enacted for the conservation of trees in Hong Kong. In this connection, will the Government inform this Council:*

- (a) *whether presently, there is any conservation plan specifically made for the Register of OVTs to ensure the preservation and healthy growth of the trees listed therein; if so, of the details of the plan, and whether the Government will review the plan; if there is no such plan, whether the Government will consider initiating the relevant study and work out a conservation plan in the near future;*
- (b) *whether presently, it has plans to introduce specific legislation for caring trees; if so, of the details and present progress of such work; if not, whether the Government will initiate the relevant study in the near future; if it will not, of the reasons for that; and*
- (c) *what measures are presently adopted by the Government to ensure that trees with conservation value (such as the wall trees in the Wan Chai and Central and Western Districts, as well as the trees outside the country parks in the rural areas of the New Territories) will not be felled indiscriminately?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, the Government is paying considerable attention to greening and protection of trees. The concerned departments have been taking forward conservation of trees in their respective ambits. My main reply to the three parts of the question is as follows:

- (a) The Government established a Register of OVTs in 2004 to strengthen the protection of trees with special value and issued a

technical circular in the same year to promulgate a comprehensive scheme to conserve the trees on the register (Registered Trees). The scope of the conservation plan includes:

- (i) on nomination and registration procedures, tree maintenance departments should draw up proper procedures to identify from the trees under their maintenance the ones likely to meet the criteria for registration as OVTs and should submit nominations to the Leisure and Cultural Services Department (LCSD) or the Agriculture, Fisheries and Conservation Department (AFCD) so that the LCSD and the AFCD may assess their suitability for inclusion on the Register of OVTs based on established criteria;
- (ii) on tree inspection, the relevant departments should, according to the conservation scheme, conduct regular inspections and monitor the health conditions of the Registered Trees within their maintenance responsibilities. The LCSD or the AFCD will conduct regular audit inspections at least once every year to appraise the health conditions of Registered Trees and may advise the maintenance departments to take follow-up actions when necessary;
- (iii) on tree maintenance, the LCSD or the AFCD will provide expert advice and guidance on site to tree maintenance departments and their contractors when necessary;
- (iv) on reporting the death of Registered Trees, tree maintenance departments should, according to the conservation scheme, report the death of Registered Trees to the LCSD or the AFCD providing relevant information for investigation. If it is established that the concerned trees cannot be cured, the LCSD will include a brief remark on the cause of the death on the Register of OVTs. The LCSD or the AFCD may also advise the tree maintenance departments to carry out compensatory planting on the original sites;
- (v) on removal of Registered Trees, unless Registered Trees pose imminent danger to the public, their removal is prohibited.

Under exceptional circumstances, the concerned departments may apply to the Lands Department (LandsD) for removal of Registered Trees affected by public works projects, subject to justifying that removal is the best and the only practicable option while giving necessary consideration to the feasibility of transplanting;

- (vi) on public works projects, it is clearly stated in the conservation scheme that relevant public works contracts should include provisions requiring contractors to conserve the Registered Tree within their sites. If contractors damage or remove the Registered Trees within their sites without approval, their performance may be rated as poor thus affecting tendering opportunities for public works contracts. In accordance with the terms of the contracts, these contractors will also have to carry out compensatory planting at their own cost and to compensate the Government for the cost incurred in conserving, protecting and nurturing the Registered Trees;
- (vii) on leasing of land, where Government land with Registered Tree is leased, the LandsD will seek advice from the AFCD or the LCSD and formulate appropriate clauses for inclusion in the lease to ensure that the Registered Trees will be adequately conserved and nurtured. If Registered Trees on leased land are removed without approval, the LandsD may request the owner to carry out compensatory planting and take lease enforcement actions in accordance with the terms of the lease.

The Government will closely monitor the protection and nurturing of Registered Trees and review the conservation plan when necessary. Furthermore, in 2007, the LCSD set up a tree expert group comprising arborists, academics and professional tree maintenance personnel to advise the department on raising the standards on management and maintenance of OVTs and consider tree maintenance problems and solutions when necessary. Other maintenance departments will seek advice from and share their experience with the LCSD on a need basis.

(b) As regards tree protection, at present, there are several relevant ordinances for protection of trees with conservation value on Government land or private land, including:

- Forests and Countryside Ordinance (Cap. 96)
- Country Parks Ordinance (Cap. 208)
- Public Health and Municipal Services Ordinance (Cap. 132)
- Crimes Ordinance (Cap. 200)
- Theft Ordinance (Cap. 210)
- Antiquities and Monuments Ordinance (Cap. 53)

Apart from legislation, the Government has adopted a series of administrative measures to ensure appropriate protection of trees on Government land. Furthermore, as regards private land, the Government has included tree preservation clauses in land leased since the 1970s. For land leased before the 1970s, when modifications of their leases are applied as a result of redevelopment, the LandsD will take these opportunities to incorporate tree preservation clauses insofar as possible. Generally speaking, these clauses stipulate that land owners need to apply to the LandsD before felling any trees on their land. After seeking advice from the concerned departments, the LandsD will process the applications in accordance with rigorous criteria, including whether there are sufficient justifications for tree removal and acceptable compensatory planting plan. If trees protected by lease conditions are felled in contravention of these conditions, the LandsD may request the owner to carry out compensatory planting and take lease enforcement actions in accordance with the relevant terms of the lease.

Having considered relevant legislation and administrative measures in place to protect trees of conservation value, the Government has no plan to enact specific legislation for tree protection.

(c) I have explained the present legislation and administrative measures for protecting trees with conservation value in parts (a) and (b) of the main reply. These measures are also applicable to wall trees and trees in country side with conservation value.

**MISS TANYA CHAN** (in Cantonese): *President, we can tell from the Secretary's main reply that tree inspections are carried out at least once a year and a tree expert group has been set up. However, regarding inspections and the expert group, will the Secretary adopt reinforcement measures through, for instance, enhancing transparency and public participation? Given that old trees are as valuable as old buildings, will the Secretary consider increasing the frequency of the inspections and uploading the health conditions and progress of trees onto the Internet, or even setting up a committee similar to the Antiquities Advisory Board, as the tree expert group is relatively technical, for the purpose of advising on and monitoring the overall conservation of valuable trees and processing of applications or arrangements for removal of old trees?*

**PRESIDENT** (in Cantonese): Which Secretary will reply? Secretary for Development.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Perhaps I will try to respond first and see if Secretary TSANG Tak-sing has anything to add later. This is because the conservation of the vast majority of Registered Trees is undertaken by the LCSD, and there are many experts in the LCSD. In this respect, the Secretary may provide additional information later.

I believe the Government and Honourable Members share the same goal of enhancing transparency in greening at the community level for greater public participation in tree conservation. In this connection, a Steering Committee on Greening, led by my Permanent Secretary and comprising representatives from various departments, has been set up by the Works Branch of the Development Bureau.

Later, Secretary TSANG Tak-sing may confirm that when I was Permanent Secretary for Home Affairs — under the Community Involvement Committee on Greening which was led by the Permanent Secretary for Home Affairs at that time, a lot of tree conservation work was carried out by experts as well as major enterprises in their own properties, and with the participation of some non-governmental organizations, for the joint promotion of community greening for protection of trees.



With the President's permission, I will defer to Secretary TSANG Tak-sing for additional information.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the LCSD has already uploaded the information on Registered Trees, including their photographs and species, onto its webpage. In the event of removals of Registered Trees, the LCSD will update the information on its webpage to inform the public of the causes and dates of the removals. I hope this can answer the question raised by Miss CHAN regarding transparency.

**MISS TANYA CHAN** (in Cantonese): *President, I also asked in the question raised just now, given that inspections have been carried out, whether the Government will consider conducting more inspections and, in addition to the information mentioned by the Secretary just now, consider uploading the health conditions of the relevant trees onto the relevant webpage.*

**PRESIDENT** (in Cantonese): Which Secretary will reply? Secretary for Home Affairs.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, we will consider this suggestion.

**MR CHEUNG HOK-MING** (in Cantonese): *President, about 500 OVTs have been registered in Hong Kong since 2004. But actually, the number of OVTs in Hong Kong is definitely larger. Regarding the Secretary's main reply, I consider that some work can be carried out more proactively. I also hope the Secretary can clarify this.*

*President, regarding the registration procedure, I would like to ask the Secretary a question as it is pointed out in part (a)(i) of the main reply that tree maintenance departments may nominate trees for inclusion on the Register of OVTs. May I ask what departments the Secretary was referring to when she mentioned tree maintenance departments? Can trees not included by tree maintenance departments be nominated for inclusion on the Register of OVTs?*

*I hope the Secretary can clarify this part because nominations have to be made by tree maintenance departments to the LCS D or the AFCD. So, what do these tree maintenance departments refer to?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): At present, tree conservation is taken charge of primarily by several government departments, namely, the AFCD and LCS D of course, as well as other tree maintenance departments, including the Highways Department, Housing Department, Architectural Services Department, Drainage Services Department and Water Supplies Department. We have adopted the most effective method by dividing the tree maintenance responsibility among relevant departments in a comprehensive manner.

Although the nomination procedure for the conservation scheme must go through tree maintenance departments, members of the public are welcome to contact the relevant departments to express their views on nomination if they consider certain trees are worthy of inclusion on the Register of OVTs.

But why is it necessary to go through tree maintenance departments? Because, after all, certain criteria must be met for the inclusion of trees onto the Register of OVTs. Simply put, according to the evaluation criteria for OVTs set years ago subsequent to discussions among experts and consideration of various departments, the trees to be included should reach a certain diameter, belong to rare species, and consideration should also be given to their age and shape, as well as their cultural, historical or memorial value. This is why the nomination procedure and confirmation by relevant departments are required.

**MR CHEUNG HOK-MING** (in Cantonese): *President, I want to ask the Government precisely .....*

**PRESIDENT** (in Cantonese): Mr CHEUNG, you only need to repeat the part of the supplementary question that you just raised but has not been answered by the Secretary.

**MR CHEUNG HOK-MING** (in Cantonese): *Although the Secretary replied that there are several tree maintenance departments, I consider that there is something missing in her reply, and I hope she can clarify it further. As none of the departments mentioned by her just now is responsible for handling trees similar to the Wishing Tree in Lam Tsuen, how can those trees be nominated?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I have already explained in the reply I gave just now to Mr CHEUNG's supplementary question that, although nominations by tree maintenance departments are required, the general public can liaise with District Officers regarding such a widely-known tree as the Wishing Tree in Lam Tsuen for notification to one of the tree maintenance departments, such as the LCSD, which is also under the Home Affairs Bureau. I think this procedure should be very easy to complete.

**MRS SOPHIE LEUNG** (in Cantonese): *President, we agree with the remark made by the Secretary in the last paragraph of part (b) of the main reply that "Having considered relevant legislation and administrative measures in place to protect trees of conservation value, the Government has no plan to enact specific legislation for tree protection". However, I believe trees with conservation value can be found everywhere. We can simply not look at the Register of OVTs or reputable trees. Otherwise, we would be promoting a concept of fishing for fame among students. All trees should be protected, actually.*

*May I ask if the Government can, from the angle of education, introduce some local species and trees with strong vitality for the better understanding of the public, especially students and young people, to foster better protection of these trees? This is because Aquilaria Sinensis, commonly known as Heung tree or Incense tree, have been felled to such an extent that not many of them can be found now. Camellia japonica, which is in full bloom at present, is a beautiful plant, too. All these species are unique to Hong Kong. From the perspective of education, can more information be introduced to the public for our better understanding of these species?*

**PRESIDENT** (in Cantonese): Which Secretary will reply? Secretary for Development.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I fully agree with Mrs LEUNG's proposal.

Actually, the applicability of the law today is far beyond the protection rendered to these 500-odd Registered Trees. For instance, the relevant provisions in the Forests and Countryside Ordinance offer protection of Government land which has been planted with trees or sown with the seeds of trees. However, apart from law enforcement and legislative control, education is also crucial. I trust that our tree maintenance departments, particularly the AFCD, will actively undertake work on this front.

**MR KAM NAI-WAI** (in Cantonese): *President, in the first sentence of her main reply, the Secretary stated that "the Government is paying considerable attention to greening and protection of trees". Just now, Mrs Sophie LEUNG also mentioned that the Government had no plan to enact specific legislation for tree protection. I cannot see in the Secretary's main reply today any specific proposals to ameliorate the dissatisfaction felt by so many people with the Government's tree conservation method.*

*Recently, a passer-by was crushed to death by a falling tree. Some Members also mentioned earlier that the Wishing Tree in Lam Tsuen and the trees beside the Central Police Station had been felled one after another. Owing to unclear demarcation of responsibilities, there are one, two, three, four, five, six, six pieces of relevant legislation. Even two Bureau Directors are required to come to answer this main question today. Is there anything wrong? May I ask if the Secretary has considered adopting your previous approach of "handling special tasks with special means" in studying the formulation of a standardized set of policies and measures to give the public the impression that the Government is taking tree conservation seriously, instead of "acting randomly"?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I disagree with Mr KAM's remark that we are "acting randomly".

The most effective way of conservation, whether for monuments, trees, air or the environment, is for every government department to recognize the value of promoting conservation and protection work in their daily duties.

Therefore, currently, we have adopted the so-called "comprehensive measures" for tree conservation and protection in the hope that all relevant departments will follow our standardized guidelines and procedures commensurate with resources available in undertaking the relevant work. As pointed out in the main reply given by me earlier, relevant laws are already in place for tree protection. This is why the Government considers that there is no need to establish a new system for the time being, which would otherwise lead to duplication and redundancy.

**PROF PATRICK LAU** (in Cantonese): *I would like to thank the Secretary for giving us a detailed account of the effort made by the Government regarding the Register of OVTs. I have now realized that the Government has made so much effort and issued a relevant technical circular. However, I do not entirely understand why the Secretary indicated in the last part of the main reply that she would not consider enacting specific legislation for tree protection. Actually, should the technical circular be developed and enacted as law? May I ask the Secretary why the Government cannot do so?*

**PRESIDENT** (in Cantonese): Which Secretary will reply? Secretary for Development.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I believe that each time when the Government considers enactment of legislation, it must consider such factors as the actual need and urgency, as well as priorities, given that there are so many laws that need to be amended and updated.

Therefore, our present view is, given that a considerable number of laws are already in place for tree protection and a series of administrative measures are also available, as stated in the reply I just gave, and if Prof LAU has been following the matter, he will find that at present, we — I am referring to the Government — has no plan to formulate specific legislation for tree protection.

**PRESIDENT** (in Cantonese): We have spent more than 19 minutes 30 seconds on this question. Fifth question.

**Registration of Construction Workers**

5. **MS LI FUNG-YING** (in Cantonese): *President, at present, all construction workers carrying out construction works on construction sites must be registered workers. When the relevant provisions of the Construction Workers Registration Ordinance (the Ordinance) are implemented in future, certain works may be carried out only by registered skilled workers for the relevant designated trades. To facilitate the implementation of the Ordinance, the Construction Workers Registration Authority (CWRA) has been registering construction workers since the end of 2005. In this connection, will the Government inform this Council whether it knows:*

- (a) the causes for the situation that among the 230 000 registered workers as at the end of March last year, only about 80 000 (that is, about one third of them) were registered skilled workers;*
- (b) what measures are in place to assist registered general workers and registered semi-skilled workers in acquiring the required qualifications in order to be registered as skilled workers; and*
- (c) given that the registration cards of construction workers have been expiring one after another since the beginning of this month, and that quite a number of workers have indicated that they are unaware of the renewal procedure for their registration cards, whether the CWRA will step up relevant publicity to remind the workers to renew their registration cards before expiry; if it will, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): *President, before answering Ms LI Fung-ying's question, I would like to provide some latest figures on the registration of construction workers.*

Under the Ordinance, registered construction workers are divided into five categories, that is, skilled worker, provisional skilled worker, semi-skilled worker, provisional semi-skilled worker and general worker. Since 29 December 2005, the CWRA has been handling the applications for registration of construction workers. As at late December 2008, more than 260 000 workers, including about 87 000 registered skilled workers, 7 800 provisional registered

skilled workers, 14 000 registered semi-skilled workers, 1 800 provisional registered semi-skilled workers and 153 000 registered general workers, have been registered.

My reply to the three-part question of Ms LI is as follows:

- (a) In accordance with the requirements of the Ordinance and the implementation of the prohibition provisions in phases after our earlier deliberation with the industry, any registered construction worker can carry out on a construction site construction work at present. The requirement for specific types of construction work to be carried out only by particular types of registered construction workers, that is, the so-called "designated workers for designated trades", will be implemented in the next phase. As such, there is no urgency for workers to strive for being registered as skilled workers in accordance with their skills. According to the workers' responses to the CWRA's survey, this is also attributable to the facts that workers may consider themselves not yet attained the skill level required for registration in specific trades; or workers still hold a wait-and-see attitude as they are not affected by the first phase implementation of the prohibition provisions at all; or some workers are approaching their retirement age.
- (b) We believe that among the registered general workers, some may have already possessed the technical skills for meeting the qualification requirements for registration in more specialized trades. In this light, the CWRA has been promoting and introducing various categories of registration among registered general workers and how they can be registered as skilled workers or semi-skilled workers.

Also, to assist registered workers in acquiring the required qualifications in order to be registered in more specialized trades, we have taken the following measures:

- (i) The Construction Industry Council Training Academy conducts full-time adult short courses for general workers and semi-skilled workers who newly join or are currently working in the construction industry, and with the aim of upgrading their technical skills to the required levels of registered skilled

workers or registered semi-skilled workers. These are condensed courses so that trainees can grasp a specific operative and craft skill within a short period of time. Over the past three years, some 1 800 persons have completed the full-time adult short courses and successfully acquired the qualifications of registered skilled workers or registered semi-skilled workers.

- (ii) Seasoned workers who do not have the qualifications specified by the Ordinance but possess more than six years of relevant working experience may first register as provisional skilled workers for designated trades, and by completing specified training courses arranged by the CWRA in accordance with the Ordinance and passing practical assessments of these courses within three years from the date of their provisional registrations, they can apply for registration as registered skilled workers for designated trades. The duration of specified training courses ranges from half day to two days, covering both theoretical and practical parts. Some courses are held in the evening for the convenience of workers who have to work in daytime. As at December 2008, the CWRA has organized over 500 training courses, turning approximately 2 400 provisional registered skilled workers into registered skilled workers.
- (iii) Workers who do not have the qualifications specified by the Ordinance but possess more than two years of relevant working experience may also register as provisional semi-skilled workers for related designated trades.

The CWRA will from time to time review the qualification requirements for different designated trades listed in Schedule 1 of the Ordinance so as to meet the practical needs of the industry and ensure the smooth registration of workers with relevant skills.

- (c) The registrations of construction workers are generally valid for three years. Under the Ordinance, workers may apply for renewal with the Registrar three months before the expiry date of their registrations. There were about 130 000, 95 000 and 35 000



workers successfully registered as construction workers in 2006, 2007 and 2008 respectively. We expect most of these registered workers will apply to the Registrar for the renewal of their registrations. In fact, the Registrar has been receiving applications for renewal from workers.

The CWRA has made corresponding arrangements to cope with the anticipated upsurge in applications for renewal and assist workers in applying for renewing their registrations. Since October 2008, the CWRA has been undertaking a series of promotional and publicity efforts to enable the industry to understand the renewal procedures and encourage workers to early submit their applications for renewal. These efforts include sending SMS reminders to workers' mobile phones; issuing promotional emails and letters to contractors; distributing promotional banners and posters to responsible persons of construction sites, trade unions, trade associations and government departments for display on construction sites and in public housing estates; disseminating detailed information regarding registration renewal on the CWRA website; as well as promoting via radio broadcasts as well as MTR station and train compartment advertisements. To reach out to the ethnic minority workers, the CWRA has also advertised in newspapers, publications and radio stations (AM567) serving the South Asian audience. Moreover, on construction sites befitted with card reading device, workers will also be alerted of the impending expiry of their registrations by the system.

Apart from submitting renewal application in person at the four Workers Registration Offices (WROs) situated in Aberdeen, Kowloon Bay, Kwai Chung and Sheung Shui, the CWRA also accepts submissions by post to facilitate workers in renewing their registrations. Workers are only required to send in a duly completed application form for registration renewal, together with copies of supporting documents and a crossed cheque. The application forms are available at all WROs and for download on CWRA website. We have also secured the assistance of trade unions and trade associations in distributing the application forms.

The CWRA has arranged additional counters and manpower for the WROs to cope with the demand for registration renewal during the peak period in 2009. The WROs also accept block renewal applications so that contractors can renew the registrations of their employees collectively. Moreover, the CWRA has set up a hotline to answer enquiries on registration renewal application from workers. The CWRA will continue to closely monitor the registration renewal exercise and make proper arrangements whenever necessary.

**MS LI FUNG-YING** (in Cantonese): *President, the Secretary said that the "designated workers for designated trades" prohibition requirement would be implemented in the next phase, so there is no urgency for workers to strive for being registered as skilled workers. May I ask the Secretary whether there is a specific timetable insofar as the next phase is concerned? At present, the underemployment and unemployment situations of construction workers are very serious. Will there be any special arrangement in this phase to assist general workers in acquiring the required qualifications in order to be registered as skilled workers?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): *President, I have actually said on various occasions that we will be very careful in implementing the "designated workers for designated trades" prohibition requirement in the next phase. The prime consideration is that the workers' means of living (rice bowls) must not be affected as we must protect workers. Therefore, in drawing up a timetable, the CWRA and the Bureau will hold sufficient discussions with the relevant trades, including the trade unions and trade associations before implementing the requirement. However, regardless of when the next phase of implementation is, ever since the commencement of registration in 2005, our objective has all along been enabling workers already registered as general workers to acquire the required qualifications in order to be registered as skilled workers or semi-skilled workers as soon as possible. Thus, our work now is focused on assist them in acquiring the required qualifications. When we think the time is ripe, we will put into effect the next phase of the prohibition requirement.*

**MR IP WAI-MING** (in Cantonese): *President, in case a lift worker no longer works for a lift contractor, he can only register as a general worker, which will affect his status as a skilled worker or the so-called master status as well as his income. How is the Administration going to solve the problem?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, this is exactly why I said just now that we must handle the matter very carefully before putting into effect the next phase of the prohibition requirement. I said last year in response to Mr IP's question about the registration of lift and escalator workers that, under the current Ordinance, insofar as registration was concerned, construction workers could only acquire the qualifications of skilled workers through recognition under the Lifts and Escalators (Safety) Ordinance. As to a Type B lift worker under the Lifts and Escalators (Safety) Ordinance, he did not have the qualification for registration in his personal capacity and his qualification was just recognized by the registered contractor who employed him. We agree that this issue must be handled so as to straighten out the relevant skills and qualifications of the workers.

On this point, I have some latest figures in which Mr IP may be interested. In respect of lifts, we hope that the current Type B workers can become Type A workers by means of the training courses arranged by us, so as to enable them to be registered in their personal capacity. We had organized the first training course, and these workers completed the course in late December. I am very pleased to tell Honourable Members that 100% of them passed the examination, and these workers have already become Type A registered lift workers and they can thereby be registered as skilled workers under the Ordinance. Now, we hope that training efforts would continue to be made but, just as I said when I answered Mr IP's question then, if it is necessary to update and improve the law, we would consider doing so.

**MR LEE CHEUK-YAN** (in Cantonese): *President, regarding undertaking publicity efforts for these workers, the Administration has also told us that it has also reached out to the ethnic minority workers, which is of course very important. It is mentioned in the main reply that the CWRA has organized 500 training courses, turning approximately 2 400 provisional registered skilled workers into registered skilled workers. How is the participation of the ethnic minority workers in these courses? Are there courses specially designed for the*

*ethnic minority workers to assist them in acquiring the required qualifications in order to be registered as skilled workers; if not, will such courses be immediately introduced in 2009 (this year)?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, there are such courses at present. I believe Mr LEE will also remember that we are very much concerned about the employment situation of the ethnic minorities, and the construction sector also wants to recruit new blood. That is why the Construction Industry Council Training Academy is conducting these courses. Furthermore, based on the current population distribution, quite a number of ethnic minorities live in the Northwest New Territories, hence, we are now striving to open the fifth Construction Industry Council training centre in Tin Shui Wai in the next three months, and particular efforts will be made to attract the ethnic minority workers and arrange for them suitable courses.

**MS LI FUNG-YING** (in Cantonese): *President, the Secretary has not answered part of my follow-up question earlier. Will there be any special arrangement to assist general workers in acquiring the required qualifications in order to be registered as skilled worker now that the underemployment and unemployment rates of construction workers are at the peak levels?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, since the registration criteria have been specified in the Ordinance, there is no leeway for relaxing the registration criteria or making special arrangements for their successful registration in the light of the employment situation. Nevertheless, perhaps I have not responded in adequate detail. I can tell Ms LI that, in the past few years, we have made great efforts to promote further study by the registered general workers. Actually, these courses are not in any way complicated; if they are already provisional semi-skilled workers, they only need to attend a specified half-day or two-day course, and then they can be registered as skilled workers. For general workers, they only need to attend the full-time adult short courses organized by us; the course on a specified trade can be completed in 13 days. Certainly, some courses may have a longer duration of three months. Nonetheless, a daily allowance is given to the workers. As a matter of fact, some colleagues have told me that they have been keeping in touch with these

workers and they have even rung up some general workers, hoping that they would attend courses when they are out of a job, to enable them to acquire the required qualifications in order to be registered as quickly as possible.

**PRESIDENT** (in Cantonese): Last question seeking an oral reply.

### **Smuggling of Food into Hong Kong**

6. **MR LEUNG YIU-CHUNG** (in Cantonese): *President, it has been reported that vegetables not originating from farms or collection stations registered for supplying vegetables to Hong Kong, as well as uninspected chilled chickens, other types of meat and hairy crabs are being smuggled from the Mainland into Hong Kong. In this connection, will the Government inform this Council:*

- (a) *whether it has investigated if activities of merchants smuggling food from the Mainland into Hong Kong by such ways as using labels with false information on the source of vegetables and hiding chilled chickens in vegetables are rampant;*
- (b) *whether it will enhance the co-ordination with vegetable traders in Hong Kong, in order to eradicate the smuggling of vegetables from the Mainland; and*
- (c) *in view of the above smuggling activities, what new measures are in place to eradicate the problem of smuggling food into Hong Kong and selling smuggled food in the market, including whether it will enhance communication with the relevant mainland authorities, and step up the work of border inspection as well as inspection of retail outlets?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, some vegetable wholesalers staged a slow drive protest yesterday and the action has raised public concern. I wish to explain in detail on how the Government of the Hong Kong Special Administrative Region (SAR) ensures the food safety of vegetables before replying to the question from the Honourable Member.

These wholesalers requested the Government to make it mandatory for all vegetables imported from the Mainland to be distributed through local wholesalers on the grounds of enhancing food safety. I must point out that vegetables can be distributed through direct sale or wholesalers. Both are proper channels operated on commercial basis in a free market environment and the distribution channel of vegetables has nothing to do with food safety.

What is essential for ensuring the safety of vegetables is a holistic safety management system. In the late 1980s and the early 1990s, there were food incidents caused by excessive pesticide residues in vegetables. The SAR Government therefore in collaboration with the mainland authorities implemented a series of measures and developed a safety management system which has safeguarded food safety of mainland vegetables supplied to Hong Kong. In more than a decade, food poisoning incidents caused by vegetables were rare. According to the Department of Health, no food poisoning caused by the consumption of vegetables has been reported since June 2005. The safety management system covers the following aspects:

- (i) A registration system has been established for vegetable farms that supply vegetables to Hong Kong in order to facilitate management at source. Under the registration system, more stringent requirements on the use of pesticides are imposed, and non-registered vegetable farms are not allowed to supply vegetables to Hong Kong.
- (ii) Each consignment of vegetables imported from the Mainland must be accompanied with a certificate of pesticide usage for vegetables supplied to Hong Kong and Macao (供港澳蔬菜農藥使用報告單) and an inspection card of vegetables supplied to Hong Kong and Macao (供港澳蔬菜檢驗檢疫監管卡) issued by the mainland authorities. All delivery vehicles will be sealed up to prevent the vegetables from being mixed with vegetables or other articles from unknown sources in the course of transportation.
- (iii) In order to strengthen the inspection and quarantine management of vegetables supplied to Hong Kong, the mainland authorities established the Nanshan Centre for processing and distribution of agricultural products to Hong Kong (南山供港農產品加工配送中心) in Shenzhen (the Centre). The Centre began operation in April 2007 and adopts a closed management approach. Entry permit is

required for relevant personnel to enter the premises and trespassers are not allowed. Vegetable consignments entering the Centre must be accompanied by certificates issued to the Centre by the provincial quarantine departments of the place of origin. After entering the premises, the consignments will be tested at random by the Centre; and only consignments that pass the examination can be transacted. The vegetables have to bear labels on the packages after processing, with the packaging process monitored by the Centre. The consignments can be delivered only after being sealed by the Shenzhen Entry-Exit Inspection and Quarantine Bureau (SZCIQ).

- (iv) Vegetables supplied to Hong Kong must be imported via the designated Man Kam To Control Point (MKTCP). The SZCIQ would check the seals of the vehicles at Man Kam To and inspect the vehicles on a computer-generated random basis, by unpacking the consignments to verify the type and quantity of the vegetables. On the Hong Kong side, the Centre for Food Safety (CFS) would check the certificate of pesticide usage for vegetables supplied to Hong Kong and Macao (供港澳蔬菜農藥使用報告單) and inspection card of vegetables supplied to Hong Kong and Macao (供港澳蔬菜檢驗檢疫監管卡), and again take samples on a random basis, to ensure safety of the vegetables.
- (v) In 2007 and 2008, a total of about 57 000 vegetable vehicles were inspected at the MKTCP, and there was no report of cases involving vegetable source not tallying with accompanying documents. The passing rate of test results of over 37 000 vegetable samples collected at import, wholesale and retail levels from 2007 up till now is 99.9%.

President, it is clear that the existing source management and border monitoring system are offering the local vegetables an extremely high level of protection, in terms of its hygiene and safety. Therefore, there is only a very small chance of vegetables supplied to Hong Kong containing excessive amounts of pesticides unless there are individuals who are bent on creating troubles.

I am going to answer the three parts of the main question one by one.

- (a) In view of the report on smuggling of chilled chicken and other foodstuffs into Hong Kong by mixing them with vegetables and applying bogus labels of vegetable source, the CFS of the Food and Environmental Hygiene Department (FEHD) has taken follow-up actions and contacted the relevant mainland authorities for details and requested them to investigate. The CFS has also enhanced collaboration with the Customs and Excise Department (C&ED) to conduct joint inspections on vegetable vehicles at the MKTCP to guard against the entry of problem vegetables into Hong Kong and combat smuggling of food. In December 2008, there are 260 to 280 vegetable vehicles entering Hong Kong via Man Kam To daily. About 15% of the vehicles would be inspected by the C&ED, and among which 70% would go through X-ray scanning examination, with the remaining 30% subject to examination by unpacking the consignments. In 2008, the C&ED has discovered only two cases of vegetable vehicles transporting un-manifested goods. The situation of using vegetable vehicles to smuggle other food is not serious.
- (b) The Government has been maintaining close liaison with the vegetable traders and has met with them on many occasions to discuss the monitoring of the safety of food imported from the Mainland. The Food and Health Bureau, the Agriculture, Fisheries and Conservation Department and the FEHD had held seven meetings with the vegetable traders in the past two years to discuss suggestions on control of vegetables imported from the Mainland and combating the smuggling of other foodstuffs by means of vegetable vehicles. The mainland authorities, including the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) and the SZCIQ, have also met with the vegetable traders from Hong Kong on many occasions.

We note that some vegetable traders hope that all imported vegetables should be distributed through wholesalers in the wholesale markets. However, as I have already explained, this proposal is based purely on commercial considerations, and bears no relationship with the promotion of food safety. Under the free market policy, it is inappropriate for the Government to interfere with the arrangements for distributing vegetables imported into Hong Kong, which should be determined by market demand. In



order to enhance food safety control, the Government is formulating the Food Safety Bill under which a mandatory registration scheme for food importers and distributors will be launched and food businesses will be required to keep proper records on the movement of food to enhance food traceability, so that the Authority can trace the source of the problem food based on such information in the event of a food incident.

Regarding the allegation by the trade that unscrupulous traders smuggle other foodstuffs by means of vegetable vehicles, since the traders indicate that they are aware of the details of the situation, we have appealed again to the trade to provide the CFS or the C&ED with information so that investigation can be made. The Government will continue to keep in contact with the trade with a view to tackling the problem of vegetable and meat smuggling.

- (c) The CFS has been maintaining close liaison with the relevant mainland authorities to explore ways to enhance safety of food imported into Hong Kong. Since April 2007, the Mainland has stepped up control measures on vegetables supplied to Hong Kong. These measures include the management of farms and collection stations that supply vegetables to Hong Kong, labelling requirements and supervision of the whole loading process, marking of vegetable consignments and sealing of vegetable vehicles.

As I have mentioned just now, all fresh food (including fresh vegetables) supplied to Hong Kong that is transported by land must be imported via the MKTCP. The information provided by the Mainland indicates that the SZCIQ inspects daily the seals of all vegetable vehicles at the border crossing and inspect the vehicles on a random basis, by unpacking the consignments to verify the type and quantity of the vegetables. SZCIQ also takes random samples for testing of pesticide residues. When vegetable vehicles arrive at the MKTCP in Hong Kong, officers of the CFS will also check the relevant documents of 30% of the vegetable vehicles, and would examine at random whether the seal on vegetable vehicles remains intact, check whether the vegetable consignment tallies with the accompanying documents, inspect vegetables and take vegetable samples for quick tests for pesticide residues and comprehensive

chemical analysis. In 2007 and 2008, a total of about 57 000 vegetable vehicles were inspected at the MKTCP, and there was no report of cases involving vegetable source not tallying with accompanying documents. The passing rate of test results of over 37 000 vegetable samples collected at import, wholesale and retail levels, as I have mentioned, is 99.9%.

Regarding the samples with unsatisfactory results, the CFS will take follow-up actions which include destroying the vegetables, tracing of the source, putting on record the information of the farms and informing the respective Entry-Exit Inspection and Quarantine Bureau for follow-up actions. For future vegetable consignments from the relevant farms, they will be detained for testing and will be released only when satisfactory results are obtained.

In addition, the CFS has been working closely with the C&ED in exchanging intelligence and conducting joint operations at the MKTCP to combat smuggling of other foodstuffs by means of vegetable vehicles. In 2007 and 2008, a total of about 12 500 vegetable vehicles were inspected during the joint operations conducted by the CFS and the C&ED.

The C&ED has adopted a number of measures at the various land border control points to combat food smuggling activities, including enhanced inspection of consignments based on risk management and intelligence-led strategy. Moreover, the C&ED has also strengthened co-operation with the customs authorities of the Mainland, including the exchange of intelligence and undertaking joint operations, in order to counter the inflow of the problem meat, poultry and food into Hong Kong. The CFS would continue to work with the C&ED and other relevant government departments to combat any illegal activities and to ensure food safety.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, in answering the question, the Secretary quoted the report by the Hong Kong media about some traders using bogus labels of vegetable source and smuggling chilled chicken and other foodstuffs into Hong Kong by mixing the foodstuffs with vegetables in vegetable vehicles. As far as I know, the footage was shot by the media*

*arbitrarily, but the Secretary concluded that the situation was not serious. May I ask the Secretary whether or not he considers that the situation reported by the local news media is true or fictitious? If the report is true, does he feel that this labelling system of vegetable source is a failure and it should be reviewed and remedied? If he considers that the media report is fictitious, does he think the media have made the people of Hong Kong lose confidence in the system, and thus he still needs to find a remedy, so as to restore public confidence in Hong Kong?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, regarding the media report, we have handed over to mainland authorities the details of the part that the mainland authorities should follow, and we will follow up the part on our side. As I said earlier, after looking into all the circumstances, we have submitted the results of inspections performed in recent years to Members. For that reason, we know that the current situation in Hong Kong is not so serious.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary has not answered my supplementary question at all. I asked him whether the media report was true or fictitious; he has not answered whether it was true or fictitious. If it is true, what will he do? If it is not true, what will he do? He has not answered my supplementary at all. I hope he will answer my supplementary once again.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, on the part about Hong Kong, we cannot confirm it. With regard to the part about the Mainland, we have already handed it over to the mainland authorities to follow up.

**MR FRED LI** (in Cantonese): *President, the Secretary said 260 to 280 vegetables vehicles would enter Hong Kong daily. He said in the main reply that the CFS would check the "certificate of pesticide usage for vegetables supplied to Hong Kong and Macao" (the certificate) and "inspection card of vegetables supplied to Hong Kong and Macao" (inspection card). May I ask*

*whether or not the CFS would inspect each and every certificate and inspection card of more than 200 vehicles daily? That is, whether the two documents of each vehicle will be examined?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as I have said just now, when the consignments reached the Shenzhen side for export, these documents would be examined, while we would conduct random checks on the Hong Kong side. Just now I have said that we would conduct random checks on 30% of the consignments, and of these 30%, some will be followed up by taking samples directly. Therefore, in this regard, no serious problem has been found over the years, in particular in the past two years, the situation was actually in fairly good order.

**MR FRED LI** (in Cantonese): *I wish to raise a supplementary question to follow up the management system issue in (iv), because in the Government's main reply, it was stated that the CFS would check the certificate and the inspection card. My question is not about the subsequent sampling inspection, as the process has been written very clearly. My question is: As far as these 200-odd vehicles are concerned, will the CFS inspect the two documents of each and every vehicle? I do understand the subsequent sampling inspection and the rest, President.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, the data show that if the vegetable vehicles carry these documents, the CFS will of course let them through. If there is any problem, such vehicles will be required to pull over and receive a thorough inspection.

**MR FRED LI** (in Cantonese): *President, have you heard the answer? I really do not understand it. Have they been verified? My supplementary question was as simple as that. With regard to the 200-odd vehicles, will the documents of each vehicle be inspected?*

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

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): In this regard, I will seek confirmation from the relevant department before giving a further answer. (Appendix III)

**MR ALAN LEONG** (in Cantonese): *President, I wish to follow up Mr Fred LI's supplementary question. If the two documents of each and every vehicle are inspected, why is there smuggling of chilled chicken by using bogus documents as reported by the media? Will the Secretary explain that?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, just now I said that we were unable to confirm the case in the media report. If the trade has any clues, I hope they can provide them to us so that the relevant government department may follow up the case. As I have said just now, no evidence from the past was available for us to follow up and verify.

**MS STARRY LEE** (in Cantonese): *President, according to the Secretary's reply just now, at present, vegetables supplied to Hong Kong are in fact rather safe, and someone is possibly trying to "fabricate" news to make people worried. I wish to understand the matter from the actual number of random checks conducted, so as to let the people of Hong Kong know the gatekeeping performance of the Government.*

*In part (c) of the main reply, it was pointed out that over 37 000 vegetable samples were collected and tested at import, wholesale and retail levels from 2007 up till now, I would like to know what percentage of this represents in the total quantity of imported vegetables? Comparing Hong Kong with other places, is the percentage of Hong Kong on the high or low side? Does the Secretary consider that the percentage of samples collected adequate? As far as I understand it, one of the reasons why the percentage of samples is not too high is that MKTCP is perhaps unable to deal with so much sampling work. Will the authorities consider other methods, including upgrading the functions of the wholesale market, with a view to ensuring the safety of food supplied to Hong Kong?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, we have all along been taking samples for tests at the retail and wholesale levels, rather than simply conducting them at the wholesale level. As for inspections, just now I have said that, for example, about 57 000 vegetable vehicles in total were inspected at MKTCP in 2007 and 2008, and 26 000 vegetable samples in total were taken, which showed that a considerable number of random sampling had been conducted. Of the 26 000 samples taken by the FEHD at MKTCP for tests, only five samples had failed, so the figure in this aspect was rather small.

**MS STARRY LEE** (in Cantonese): *President, the Secretary has not answered my supplementary. In fact, my question is, insofar as I understand it, the authorities have taken samples from 57 000 vehicles, but it will not conduct tests of all vegetables of these 57 000 vehicles. Actually, what percentage does this sampling size represent in the total tonnage of imported vegetables? Does the Secretary consider the percentage of sampling adequate? Compared with other parts of the world, is the percentage of Hong Kong on the high or low side?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as far as I know, Hong Kong attaches greater importance to food safety than other places, specifically because most of our foodstuffs are imported from foreign places and the Mainland, therefore, the figure of food samples taken for testing in Hong Kong is very high, no matter they are vegetables or other foodstuffs. Control points or retail points should not be the sole responsible places for food safety; the issue should also be dealt with at source. With regard to vegetables, we have been making significant efforts in this respect with mainland authorities since 1980s and 1990s to ensure that vegetables can be supplied to Hong Kong only after they have been verified the place of origin. Therefore the certificate, the manifest, the inspection card and other documents are devised. In this regard, we found that the most important link lies in source management. We can only say that Hong Kong has done what it ought to do regarding vegetable management. Specific examples over the past few years proved that we could guarantee the safety of these vegetables.

**MS STARRY LEE** (in Cantonese): *President, will the Secretary provide us the figures after the meeting? It is because he has not answered my supplementary on the percentage.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I can provide all the figures, and Members can certainly calculate the percentage by themselves. (Appendix IV)

**PRESIDENT** (in Cantonese): We have already spent more than 21 minutes and 30 seconds on this question, but as the Secretary has spent some time in giving the main reply, I will allow one more Member to ask a supplementary question.

**DR PRISCILLA LEUNG** (in Cantonese): *In fact, what the major concern of everyone is that the smuggled vegetables has been affecting food safety and market order. As far as we know, a lot of vegetable traders said that it was very easy to obtain the labels. They could buy labels at a rather cheap price and they might even be able to buy genuine labels. Most of the time, bogus labels are also available in the Mainland. Therefore, in this regard, given that there are so many problems and the media have found some real problems, and now we have found great discrepancies between the Government's data and the report by the media, has the Government put in place any specific measures to tackle the problem of excessive issuance or over-production of labels which is likely to help the smuggling of vegetables? Can the Secretary give us a reply?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I believe the label mentioned by Dr Priscilla LEUNG was the document in the photo taken by the media which only proved the place of origin. The Shenzhen authorities remained skeptical about it being a label; they said that the label was proof of origin of the vegetables, but not proof of safety. The most important thing is that, particularly in the Nanshan Centre, each batch of vegetables is inspected and sealed before shipping to Hong Kong. Therefore, the papers issued, that is, the two documents I have mentioned just now, namely the certificate and the inspection card, are the official proof of safety, also known as the "labels".

**DR PRISCILLA LEUNG** (in Cantonese): *I wish to ask a follow-up, just now the Secretary .....*

**PRESIDENT** (in Cantonese): Dr LEUNG, which part of your supplementary question has not been answered by the Secretary?

**DR PRISCILLA LEUNG** (in Cantonese): *With regard to the labels, just now the Secretary said that .....*

**PRESIDENT** (in Cantonese): Dr LEUNG, it is not necessary to repeat the Secretary's reply; you need only repeat the part which has not been answered.

**DR PRISCILLA LEUNG** (in Cantonese): *With regard to the label of origin, Secretary, may I ask you to reply whether many labels of smuggled vegetables are in fact incompatible with the Mainland's food safety standards?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): No, President, I have to explain clearly that the so-called label as mentioned by Dr LEUNG earlier was in fact the documents for the trade to specify the origin of every batch of vegetables, rather than proof of safety. It will only show the origin to facilitate our tracking work in case of any problem. There is no need to purchase such forms, they are given to the trade free of charge, so that they may fill in the information, just like we fill in our identity card numbers on declaration forms at immigration clearance. It is not a label of safety or health, instead, in case any problem arises, they can help us to track down the location of these farms or processing centres. This is also an enhanced safety measure for vegetables supplied to Hong Kong devised by the Shenzhen authorities.

**PRESIDENT** (in Cantonese): Oral questions end here.



**WRITTEN ANSWERS TO QUESTIONS****Public Rental Housing Tenants with Rent Arrears**

7. **MR WONG YUNG-KAN** (in Chinese): *President, regarding the situation of rent arrears among public rental housing (PRH) tenants, will the Government inform this Council:*

- (a) *of the monthly rent arrears rate (in terms of the amount of rent arrears), the monthly number of PRH tenants with rent arrears, the annual number of notices-to-quit issued by the authorities to tenants on grounds of rent arrears as well as the annual number of PRH units recovered, in the past three years, together with a breakdown of such figures by whether tenants concerned were recipients of Comprehensive Social Security Assistance (CSSA); and*
- (b) *given the recent economic downturn of Hong Kong, whether the situation of rent arrears among PRH tenants has deteriorated; if so, of the measures in place to assist such tenants?*

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

- (a) The figures regarding the rent arrears situation among PRH tenants, the number of notices-to-quit issued and the number of PRH units recovered on grounds of rent arrears in the past three years are as follows:

<i>Year</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008</i>	<i>2008 (April to June)</i>
Monthly average rent arrears rate (in terms of amount of rent arrears)	5.70%	4.65%	3.67%	2.78%
Monthly average number of PRH tenants with rent arrears	25 983	19 383	17 044	16 094
Number of notice-to-quit issued on grounds of rent arrears	9 589	8 395	6 305	1 491
Number of PRH units recovered on grounds of rent arrears	1 084	1 225	897	153

At present, the Housing Department (HD) does not keep separate figures on rent arrears cases involving tenants on CSSA.

As regards the 6 305 notices-to-quit issued in 2007-2008, most tenants concerned managed to pay all rent arrears before their units were to be recovered and hence the notices-to-quit issued to them were cancelled or their tenancies reinstated. Under the existing mechanism, the tenants concerned may also appeal to the Appeal Panel (Housing). Subject to the provision of adequate justifications from the tenants concerned, the notices-to-quit issued may be cancelled.

- (b) To ease the financial burden of PRH tenants, the Housing Authority (HA) and the Government adopted a number of rent and rates concession measures in the past two years, including:
  - (i) In February 2007, the HA waived one month's rent for low-income PRH tenants;
  - (ii) In August 2007, the HA implemented an across-the-board rent reduction by 11.6% for PRH flats;
  - (iii) The Government paid three months' rents for low-income PRH households from August to October 2008;
  - (iv) Following the Government's move to waive three quarters of rates for 2007-2008 and for the whole year of 2008-2009, the HA deducted the amount of rates concession from PRH rents accordingly.

All along, the staff of management offices of PRH estates have made use of various means such as written notices, phone calls and home visits to maintain communication with PRH tenants with rent arrears. Apart from reminding the tenants to pay rents on time, the staff will also try to understand the reasons for rent arrears and provide appropriate assistance or referral service if necessary.

The HA introduced the rent assistance scheme in 1992 and have since revised and relaxed the scheme on several occasions. The

scheme, which was last revised in August 2007, aims at granting relief to tenants to help them tide over temporary financial hardship. Tenants are eligible for the scheme if their household income is below 70% of the Waiting List Income Limit or their rent-to-income ratio exceeds 18.5%. They may be given either 50% or 25% rent reduction.

The HD will continue to publicize the scheme through various channels such as posters, pamphlets, publicity on television and newsletters of the Estate Management Advisory Committees, so that such scheme is made known to the tenants. This would enable those tenants facing financial hardship to seek timely assistance.

PRH tenants beset with long-term financial problems may apply for CSSA administered by the Social Welfare Department (SWD). The SWD would pay the rent directly to the HD for the PRH tenants on CSSA.

### **Installation of Radar Facilities on Rooftop of North Point Government Offices**

8. **PROF PATRICK LAU** (in Chinese): *President, the Civil Engineering and Development Department (CEDD) will soon commence works to install a supplementary radar and an equipment room on the rooftop of the North Point Government Offices (NPGO) to enable the Marine Department to keep surveillance of the sea conditions. Given the huge size of the facilities (3 m to 5 m wide and some 10 m high) and that they will be located right in front of the rooms, which have seaview, on the top three floors of a nearby hotel, concerns and objections have been raised by the affected parties in the vicinity. In this connection, will the Government inform this Council:*

- (a) *whether, prior to deciding to provide such facilities, it had thoroughly consulted the management of the hotel concerned as well as the people who live or work in the neighbourhood, and disclosed to them, the Town Planning Board and the Eastern District Council the actual size of the facilities, their visual impact and the possible effect of the radiation released on a person's health; if it had not, of the reasons for that;*

- (b) *of the population within 500 m of NPGO; whether similar facilities in Hong Kong are all located far away from residential buildings and at least 200 m away from commercial buildings, and which of these facilities were installed before 1997;*
- (c) *whether, prior to deciding to provide the above facilities, it had made reference to examples of similar large-scale facilities installed on the rooftop of commercial or residential buildings in other developed regions; if so, of the details; if not, whether the reason of not making reference is that Hong Kong is the first international city which will have such large-scale radar facilities installed in such a location;*
- (d) *whether the authorities have conducted risk assessments on the installation of such facilities, as well as formulated close surveillance procedure and contingency measures in the event of radar system failure; if so, of the details;*
- (e) *whether it has compared the selected location and radiation level of the above facilities against the safety standards recommended by the World Health Organization (WHO), and conducted public consultation in accordance with the procedure recommended by WHO; if it has, of the details; if not, the reasons for that;*
- (f) *whether it has considered installing the above facilities at locations far away from the densely populated urban areas, and conducted feasibility studies in this regard; if it has, of the details; if not, the reasons for that; and*
- (g) *whether it has assessed if international criticism and radical protesting actions will be aroused, and if both the international image of Hong Kong and the image of the Government will be tarnished, should the Government insist on its original plan to install such facilities; if it has not conducted such an assessment, of the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the CEDD is going to install a supplementary radar at the rooftop of the NPGO to re-provision an existing similar one located at the old Kai Tak Airport. This kind of radar

emits low-dosage Electromagnetic Field (EMF) radiations. According to the advice given by independent expert, emissions from such installation have no adverse effect on human health. Apart from the radar at Kai Tak, a similar radar has been installed at the rooftop of Shun Tak Centre, Sheung Wan. All on-site measurements conducted by the CEDD at these two radars indicate that the radiations emitted by the radars are far below the standard level established by the International Commission on Non-ionizing Radiation Protection (ICNIRP). The WHO considers that there is no evidence at present to show that human health will be adversely affected by EMF exposure below the ICNIRP standard level.

I provide below replies to the seven questions raised:

- (a) Please refer to Annex on the consultations carried out in respect of the installation of the supplementary radar. In the planning application submitted by the CEDD to the Town Planning Board in April 2007, detailed information including the actual size, appearance and radiation levels of the supplementary radar had been included. In accordance with the Town Planning Ordinance, notices had been published in the newspapers and letters had been sent to adjacent buildings (including a hotel) and concerned District Council members. In the information paper submitted to the Eastern District Council in July 2007, the CEDD had provided information on radiation levels together with a photomontage of the supplementary radar for reference. The CEDD had improved the appearance of the radar by replacing the sphere-shaped radome to one with architectural features after receiving the approval of the Town Planning Board to its planning application.
- (b) There are about 30 000 people residing within a 500-m zone from NPGO. The radiations emitted from the supplementary radar are only directed towards the waters of the Victoria Harbour where nobody resides. The existing radars at the Shun Tak Centre, Sheung Wan and Kai Tak, which are located within densely populated and busy industrial and commercial areas, have been in safe operation for surveillance of the vessels in the harbour for about 20 years.
- (c) The CEDD has taken into account Hong Kong's unique topographical conditions including the existing and planned developments along the northern shore of Hong Kong Island and the visual impact of the supplementary radar in deciding its location.

The design of the radar complies with the standards established by ICNIRP, which are applicable to all developed countries and international cities. Besides, the Marine Department has long experience in installing and operating similar radars at rooftop of buildings. This will ensure the safe operation of the supplementary radar.

- (d) There are currently 11 similar radars at different locations in Hong Kong, including the three installed at Shun Tak Centre, Container Terminal No. 8 and Kai Tak. These three radars are all located at densely populated and busy industrial and commercial areas. All the 11 radars are connected to the Marine Department's Vessel Traffic Control Centre at Shun Tak Centre in which they are monitored round the clock. All the radars have been operated safely in the past years with very low risk. The supplementary radar is an installation that emits low-dosage EMF radiations and therefore the emissions will not become high-dosage even when the radar malfunctions. Should the radars malfunction, the Vessel Traffic Control Centre will immediately be aware of and will arrange urgent repair.
- (e) As mentioned above, the radiations emitted by the supplementary radar will be restricted to the waters of the Victoria Harbour. They will not affect nearby residents and the staff who work in the NPGO. The radiation levels are far below that established by ICNIRP. With regard to public consultation, please refer to part (a) above.
- (f) The CEDD in association with relevant departments have carefully considered the site to be selected for the supplementary radar, taking into account various factors including surveillance coverage, visual intrusion, security reason and the provision of the Protection of the Harbour Ordinance. The rooftop of NPGO is confirmed to be the most suitable site taking into account all the factors mentioned above.
- (g) The supplementary radar is designed and will be operated in accordance with the ICNIRP standards. It will not impair the image of Hong Kong as an international city. The CEDD will continue to explain to the concerned people where necessary based on objective information in order to alleviate their concerns on the installation of the supplementary radar.

## Annex

Consultations carried out by the CEDD on the installation of the supplementary radar are given below.

<i>Date</i>	<i>Consultation</i>
April 2007	The CEDD submitted a planning application under section 16 of the Town Planning Ordinance for the installation of the supplementary radar. In accordance with the Ordinance, notices were published in the newspapers and letters were sent to buildings in the vicinity and concerned District Council members.
July 2007	The CEDD submitted to the Works and Development Committee of the Eastern District Council an information paper on the installation of the supplementary radar. No objections to the works were received.
September 2007	The CEDD, together with the Marine Department and Electrical and Mechanical Services Department, briefed the Building Management Committee (BMC) of NPGO and addressed their concerns on the installation of the supplementary radar. Representative from the Department of Health also attended the briefing and explained the effect of radar radiations on human health. The Department of Health pointed out that according to present scientific knowledge on EMF radiations, the WHO considers that there is no evidence at present to show that human health will be adversely affected by EMF exposure below the ICNIRP standard level. The representative of the Office of Telecommunications Authority also pointed out that the supplementary radar must comply with the "Code of Practice for the Protection of Workers and Members of Public Against Non-ionizing Radiation Hazard from Radio Transmitting Equipment", which followed the ICNIRP standards. Subsequently, the CEDD circulated in January 2008 an information paper, through the BMC, to all staff in NPGO providing detailed information on the safety of the supplementary radar. A written reply was also made in February 2008 to the questions raised on the information paper.
December 2007	The CEDD submitted an information paper to the Legislative Council Panel on Development regarding the funding

<i>Date</i>	<i>Consultation</i>
	application for the installation of the supplementary radar. Members raised no objection to the installation of the supplementary radar.
May 2008	The CEDD together with representatives from the Department of Health, Marine Department, Office of Telecommunications Authority and Electrical and Mechanical Services Department conducted a special briefing to the staff of NPGO, mainly from the Lands Department, on the installation of the supplementary radar.
August 2008	The CEDD provided a summary on site selection for the supplementary radar to the staff of the Lands Department. The sites that had been considered included NPGO, ICAC Headquarters, North Point Ferry Pier, Sai Wan Ho Marine Police Pier and Quarry Bay waterfront.
October 2008	The CEDD arranged for the staff of the Lands Department to visit the Marine Department's Vessel Traffic Control Centre at Shun Tak Centre, Sheung Wan to see the actual operation of an existing similar radar and to share experience with the staff of the Marine Department. Measurements of radiation emissions were made on the spot in the presence of the staff of the Lands Department. The results indicated that the radiation levels were far below the ICNIRP standard level.
November 2008	The Lands Department invited an independent specialist from HKUST to hold a seminar to give advice to the staff of the Lands Department. The specialist described that the effect of radiations due to the supplementary radar on the staff working nine hours in NPGO was equivalent to that resulting from making a mobile phone call for about one and a half minutes.

### **Exercise of Voting Right by Persons who have just Reached 18 Years of Age**

9. **MR ALBERT HO** (in Chinese): *President, according to existing legislation, a permanent resident of Hong Kong holding an identity document and ordinarily residing in Hong Kong was eligible to be registered as an elector and to vote in the Legislative Council (LegCo) election held on 7 September last year only if he had reached 18 years of age on or before 25 July last year (which was*



also the statutory deadline for publishing the final register for last year). Persons who reached 18 years of age during the period from 26 July to the election day were therefore unable to exercise their voting right in the election. In this connection, will the Government inform this Council:

- (a) of the estimated number of aforesaid persons who were unable to exercise their voting right in last year's election;
- (b) whether the authorities will, in future, consider making other arrangements for persons under similar circumstances, so as to enable them to exercise their voting right; if not, of the reasons for that; and
- (c) whether it has assessed if the arrangement, which had rendered the above persons unable to exercise their voting right, has violated the provisions of the Basic Law and the Hong Kong Bill of Rights Ordinance (Cap. 383); if the assessment result is in the affirmative, of the remedial measures; if the assessment result is in the negative, the reasons for that?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Chinese): President, pursuant to the Legislative Council Ordinance, a person is eligible to be registered as an elector if he has reached the age of 18. The Ordinance stipulates that if a person's eighteenth birthday falls on or before 25 July (for Legislative Council election year and non-election year) or 25 September (for District Council (DC) election year) next following the person's application for registration, he is eligible to be registered as an elector. The above dates coincide with the statutory deadline for the publication of the Final Register (FR) in the respective years. A person is entitled to vote at elections held afterwards only if his name has been included in the FR.

Our reply to the three parts of the question is set out below respectively:

- (a) In accordance with relevant electoral legislation, the FR for 2008 was required to be published on or before 25 July 2008. Thus, only permanent residents who reached the age of 18 on 25 July 2008 or before were eligible to be registered and could vote during the

general election of the fourth term Legislative Council. As for permanent residents who turned 18 during the period between 26 July 2008 and 7 September 2008, as these persons had not yet reached the age of 18 as at 25 July 2008, in accordance with the law, they were not eligible to be registered in the FR for 2008 as electors and had no right to vote under the legislation.

- (b) When stipulating the "cut-off date" for determining whether a person applying for voter registration has reached the age of 18, the electoral law makes reference to the deadline for the publication of the FR, instead of the deadline for voter registration (that is, 16 May for Legislative Council election year and non-election year, and 16 July for DC election year). This arrangement can allow more people turning 18 during the year to meet the age qualification for voter registration and to vote at elections held after the publication of the FR for that year.

The Administration considers that the relevant provisions in the existing electoral law are appropriate. The central consideration is to provide certainty to electoral arrangements. The relevant factors include the following:

- (i) The electoral law provides that the date for holding Legislative Council general election or DC ordinary election is to be specified by the Chief Executive. Normally, Legislative Council general election is held in September and DC ordinary election is held in November. To allow time for candidates to canvass support from electors and for the printing and delivering of poll cards, there is a need for the existing law to stipulate the date by which the FR should be published to ascertain who are eligible to vote.
- (ii) The poll may be postponed, in case there are occurrences prescribed by the law (for example, typhoon or other climatic condition of a serious nature). As such, if we take the polling day of elections as the cut-off date, it will bring about greater uncertainty.

- (iii) After the publication of an FR, persons whose names have been registered in it can vote at elections held thereafter. However, if we take the polling day of elections as the cut-off date, it will mean that the FR will have to carry the names of some who have yet to reach 18 for a certain period after its publication. In a Legislative Council election year, in case there is a need to conduct any DC by-election before the polling day of the Legislative Council general election, the FR may contain the names of some who have not reached 18 on the polling day of the by-election and thus cannot meet the age qualification to vote in any such by-election. This will give rise to confusion.
- (c) The arrangement in electoral law making provision for the registration as electors of persons who will reach their eighteenth birthday, with the deadline for publication of the FR as the cut-off date, is in compliance with the requirements of Article 26 of the Basic Law that permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law. The Registration and Electoral Office is acting in full compliance with electoral law when determining whether an applicant for registration as an elector meets the age qualification.

### **Property Projects at Tsuen Wan West Station of West Rail**

10. **MR TAM YIU-CHUNG** (in Chinese): *President, regarding the property development projects at the TW5, TW6 and TW7 sites at the West Rail Tsuen Wan West Station which are under planning by the MTR Corporation Limited (MTRCL), will the Government inform this Council:*

- (a) *whether it knows the updated details of the above development projects, including the numbers of blocks to be built, their height, orientation and disposition, the numbers of floors, level of podiums and numbers of residential flats of the proposed buildings, the numbers and width of breezeways, the respective residential and non-residential gross floor areas, together with the permitted site-coverage percentages and the plot ratios of these development projects;*

- (b) *whether it knows if MTRCL has carried out air ventilation assessments for the above development projects; if so, of the assessment results; if not, the reasons for that;*
- (c) *as the Government announced in November last year the lowering of the development densities of the above-station property development projects at the Nam Cheong Station and the Yuen Long Station of the West Rail, whether the primary considerations in reaching such a decision are also applicable to the above-station development projects at the Tsuen Wan West Station; if not, the reasons for that; and*
- (d) *among the above development projects, whether it has plans to lower the development densities of those which have not yet been put to tender, so as to improve the air ventilation and the living environment in the district; if so, of the details of such plans; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my reply to the four-part question is as follows:

- (a) The three property development projects located at the TW5, TW6 and TW7 sites of the West Rail Tsuen Wan West Station fall within the "Comprehensive Development Area". The Master Layout Plans (MLPs) for these developments were submitted by the applicant (the Kowloon-Canton Railway Corporation) to the Town Planning Board for approval and were granted planning permissions between 2000 and 2001. The major development parameters for the approved MLPs are tabulated below:

	<i>TW5</i>	<i>TW6</i>	<i>TW7</i>
Number of blocks	Residential: 11 Hotel: 2	Residential: 2	Residential: 7
Number of residential floors	39 to 52	46 and 48	40 to 44
Number of residential flats	3 250	752	1 776

	<i>TW5</i>	<i>TW6</i>	<i>TW7</i>
Maximum building height (mPD)	Residential: 193.85m Hotel: 75.0m	184.5m	151.6m
Maximum podium level (mPD)	33.15m	23.5m	20.5m
Domestic Gross Floor Area (GFA)	226 600m <sup>2</sup>	64 217m <sup>2</sup>	113 064m <sup>2</sup>
Non-domestic GFA	101 840m <sup>2</sup>	9 800m <sup>2</sup>	10 727m <sup>2</sup>
Plot ratio	5.8608	5.334	5.2113

The orientation and disposition of the buildings can be found in the approved MLPs. As for the layout of buildings, breezeways are retained and indicated in the MLPs. The site-coverage percentages are not shown in the MLPs. The developer is required to comply with the Buildings Ordinance when drawing up the detailed building design. The public can view the relevant MLPs in the Land Registry.

- (b) As the three development projects to be carried out at the TW5, TW6 and TW7 sites had already been approved before the promulgation of the "Technical Circular on Air Ventilation Assessment" and the incorporation of the Qualitative Guidelines on Air Ventilation in the "Hong Kong Planning Standards and Guidelines" in 2006, the applicant does not need to submit air ventilation assessment reports for the projects.

- (c) and (d)

After detailed consideration, apart from reviewing and revising the above-station property development projects at the Nam Cheong Station and the Yuen Long Station as pledged by the Chief Executive in the 2007-2008 Policy Address, the Government has no plan to lower the development densities of other above-station property development projects along the West Rail which have not yet been put to tender. The development projects will continue to proceed under the existing mechanism. For projects with approved planning scheme, the detailed design stage will endeavour to

enhance the design as far as possible. For those without approved planning scheme, the MTRCL will carry out the planning and design work following the latest planning standards and design guidelines, including the undertaking of air ventilation assessments where required. The projects to be carried out at the TW5, TW6 and TW7 sites are amongst those with approved planning scheme, and the MTRCL has already awarded the development contract of the TW7 site to a developer.

### **Development of Cantonese Opera in Hong Kong**

11. **DR PRISCILLA LEUNG** (in Chinese): *President, with the joint effort of Guangdong, Hong Kong and Macao, the Chinese Ministry of Culture, in September last year, applied to the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the inscription of Cantonese opera onto the Representative List of the Intangible Cultural Heritage of Humanity (the inscription). Furthermore, as an agreement on tenancy renewal has yet to be reached between the tenant and landlord of the Sunbeam Theatre in North Point, this large-scale performance venue for Cantonese opera may soon disappear. In this connection, will the Government inform this Council:*

- (a) *of the current policies to support the work of inscription by the Chinese Ministry of Culture, and to facilitate the sustainable development of Cantonese opera;*
- (b) *whether it will consider proposing options to the landlord and tenant concerned in respect of tenancy renewal for the Sunbeam Theatre, so as to preserve this performance venue for Cantonese opera with historic value; if not, of the reasons for that;*
- (c) *whether it will consider converting the Yau Ma Tei Fruit Market into a world-class large-scale Cantonese opera theatre, as well as converting the Yau Ma Tei Theatre into an academy of Cantonese opera, so as to nurture professionals and talents in the field; if not, of the reasons for that; and*

- (d) *given that many amateur artists and audience of Cantonese opera gather around Temple Street and the "Banyan Tree" in Yau Ma Tei, whether the Government will study the adoption of a targeted approach to promote and develop the culture of Cantonese opera in the area; if not, of the reasons for that?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President,

- (a) Cantonese Opera is an emblem of Hong Kong's local culture and its preservation and development are very important. In collaboration with the Guangdong and Macao cultural authorities, we successfully enlisted the Central People's Government's support in September 2008 for applying to the UNESCO for inscription of Cantonese Opera on the Representative List of the Intangible Cultural Heritage of Humanity. The application is being vetted by the UNESCO and the result is expected to be announced before the end of 2009.

To support the preservation and development of Cantonese Opera, the Government has set the following directions and targets: (a) to develop performing venues for Cantonese Opera; (b) to promote Cantonese Opera education, audience building and community participation; (c) to provide training to Cantonese Opera professionals, preserve the tradition and promote creative works; (d) to foster co-operation among Guangdong, Hong Kong and Macao, and promote cultural exchange; (e) to preserve the essence of Cantonese Opera and showcase treasures of our cultural heritage; and (f) to promote Cantonese Opera as a major tourist attraction.

In May 2004, the Home Affairs Bureau (the Bureau) set up the Cantonese Opera Advisory Committee (COAC) to advise the Government on issues related to the promotion, preservation, study and development of Cantonese Opera. We also established the Cantonese Opera Development Fund (CODF) in November 2005. So far, about HK\$17 million has been approved to support over 210 applications, including a three-year grant scheme for the Hong Kong Cantonese Opera Troupe for New Talents.

To provide performance venues for Cantonese Opera in the long run, the Government will develop venues of different scales to meet the development needs of Cantonese Opera. The relevant projects include conversion of the Yau Ma Tei Theatre and the Red Brick Building into a Xiqu Activity Centre with a small theatre (about 300 seats and scheduled for completion in 2011); construction of an Annex Building of the Ko Shan Theatre (scheduled for completion in 2012) comprising a medium-sized theatre (about 600 seats), large-scale rehearsal rooms and audio-recording studios; and building a large-scale theatre (about 1 200 to 1 400 seats), a small-sized theatre (about 400 seats) and practising facilities in the Xiqu Centre (scheduled for completion in 2014-2015) in the West Kowloon Cultural District (WKCD).

In the short run, we will provide more time slots for Cantonese Opera performances at the major performing arts venues of the Leisure and Cultural Services Department (LCSD). These include (a) supporting the Cantonese Opera sector to take part in the "Venue Partnership Scheme" in the Sha Tin Town Hall and the Tuen Mun Town Hall from 2008-2009 to 2011-2012; (b) continuing the implementation of priority venue hiring policy for Cantonese Opera performances in Ko Shan Theatre; and (c) planning to implement priority venue hiring policy in phases starting from 2009-2010 for Cantonese Opera troupes at several major LCSD venues. We are consulting with the COAC and the Chinese Artists Association of Hong Kong (CAAHK) on the proposed item (c).

The Hong Kong Heritage Museum is also committed to collecting and preserving the artifacts and archival materials in relation to Cantonese Opera. The Museum has developed a collection of over 20 000 items of artifacts regarding Cantonese Opera. A Cantonese Opera Heritage Hall has been set up in the Museum since its opening in 2000. In addition, the Museum has been documenting systematically traditional Paichang Xi of Cantonese Opera since 2001.

We shall continue to support the development of Cantonese Opera through different forms and channels. For example, the LCSD supports about 500 Cantonese Opera performances each year; the



Hong Kong Arts Development Council (HKADC) continues to fund Cantonese Opera projects; and the Bureau provides funding support to the Hong Kong Academy for Performing Arts (HKAPA) in support of its Cantonese Opera training programmes. Overall, the amount of resources deployed for developing Cantonese Opera for 2008-2009 is around \$30 million.

- (b) Since early last year, the Bureau has initiated to discuss with the landlord on the tenancy renewal of the Sunbeam Theatre and has requested the landlord to give consideration to renewing the tenancy. The Government appreciates the landlord's continuous contribution to the development of Cantonese Opera in the past and will consider seeking sponsorship and devising appropriate subsidy schemes to assist the Sunbeam Theatre to continue to operate at a reasonable market rental level.
- (c) Regarding Dr Priscilla LEUNG's proposed conversion of the Yau Ma Tei Fruit Market into a world-class large-scale Cantonese Opera theatre, the Government has planned to construct a Xiqu Centre of international standards and scale in the neighbouring WKCD. The Xiqu Centre will house a large-scale theatre (about 1 200 to 1 400 seats) and is scheduled for completion in 2014-2015.

Concerning the suggestion of converting the Yau Ma Tei Theatre into a Cantonese Opera academy, we will turn the Yau Ma Tei Theatre into a small-sized theatre to be used mainly by budding Cantonese Opera artists having considered such factors as the structures, designs and scales of the two historic buildings (that is, the Yau Ma Tei Theatre and the Red Brick Building) of the project. We have consulted with the COAC, the CAAHK and the Community Building Committee of the Yau Tsim Mong District Council about the scope and design of this works project. In fact, both the converted theatre and the multi-purpose activity rooms inside the neighbouring Red Brick Building can be used for training purpose. The conversion works were supported by the Home Affairs Panel of the Legislative Council at its meeting on 12 December 2008.

Furthermore, the HKAPA offered early in 1999 a two-year full-time diploma programme in Cantonese Opera. It has also offered a two-year full-time advanced diploma programme in Cantonese Opera since 2001. Starting from 2007-2008, the Bureau has allocated funds to the HKAPA to support its full-time and part-time evening programmes on Cantonese Opera including performance, music accompaniment, creative writing and research. In addition, the HKADC has subsidised the Cantonese Opera Academy of Hong Kong's part-time evening courses in performance and other short courses since 1996. In short, the Government has provided support to formal professional training on Cantonese Opera through the established mechanism.

- (d) The Chief Executive has stated in the 2007 policy address that the Government will provide a permanent performance venue for the Cantonese Opera sector in Yau Ma Tei. Our present plan is to convert the two historic buildings (that is, the Yau Ma Tei Theatre and the Red Brick Building) into a Xiqu Activity Centre. We shall consult the sector and the relevant local organizations to see how the Xiqu Activity Centre can, upon its completion, complement with the community and the cultural and arts activities taking place in the vicinity, such as the WKCD and the open areas in Temple Street and "Banyan Tree" in Yau Ma Tei where we can find traditional Cantonese operatic singing performances, in order to further promote the overall development of Cantonese Opera.

### **Impact of Northeast New Territories New Development Areas on Residents**

12. **MR LEUNG KWOK-HUNG** (in Chinese): *President, I have received complaints from the residents of Ma Shi Po Village in Fanling, pointing out that as soon as some developers knew, during the Government's commencement of the Northeast New Territories (NENT) New Development Areas (NDAs) Planning and Engineering Study, that the Government would consider adopting a public-private partnership approach for this development plan, they began to acquire land in the areas concerned. As land acquisition was carried out by private developers, the residents affected (most of them being elderly persons) could only apply for public rental housing (PRH) units on their own. At present, there are still more than 20 households which have not yet been allocated PRH*

*units, and there are some others which have been allocated units in unfamiliar districts which are far away from where they currently reside, such as Tuen Mun and Tin Shui Wai. In this connection, will the Government inform this Council:*

- (a) whether it will arrange for the residents affected by the above development plan to be rehoused in situ in PRH units; if not, of the reasons for that;*
- (b) of the number of the residents who will be affected by the above development plan and, among them, the respective numbers of residential premises situated within the areas of government land and private land;*
- (c) whether it will include the rehousing needs of the affected residents in the study for the above development plan; if not, of the reasons for that; and*
- (d) whether it will review the rehousing policy applicable to residents affected by land acquisition by private developers (especially for the development projects which involve public-private partnership); if not, of the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, first of all, I have to point out that "land acquisition by private developers" as mentioned in Mr LEUNG Kwok-hung's question is entirely different in nature from "resumption of private land" by the Government for public purpose.

All landowners may develop their land in accordance with land leases, the Town Planning Ordinance, the Buildings Ordinance and other relevant legislation. "Land acquisition by private developers" mentioned in Mr LEUNG's question relates to a private agreement between landowners and tenants in which the Government plays no part. Neither is it appropriate for the Government to interfere in the matter.

A study on the proposed NENT NDAs is underway and the process of private land resumption for public purpose has not yet started. It will be inevitable for the Government to resume some private land upon the

implementation of the NDAs Plan. The Administration will, as a usual practice, compensate the eligible persons affected and rehouse them properly in accordance with the relevant prevailing legislation and policies.

My reply to Mr LEUNG's four-part question is as follows:

- (a) At present, the Housing Department (HD) will make rehousing arrangements for squatter residents if the Lands Department confirms that their squatters need to be cleared. These projects generally involve government clearance operations only. If public housing resources are available, residents affected by government clearance operations will be rehoused in the same district as far as possible.

Persons affected by private housing development can register on the Waiting List for allocation if they are eligible for public housing. Should they have any medical reasons or social needs to support accelerated allocation, they may consider applying to the Social Welfare Department (SWD) for Compassionate Rehousing. In addition, if public housing applicants have individual special grounds to support their applications for flats at a specified district with the recommendations from the relevant departments (for example, the SWD) or institutions (for example, the Hospital Authority), the HD will entertain their requests as far as possible if public housing resources are available. Eligible persons who have registered on the Waiting List may also be allocated a public housing flat of their own choice earlier through the annual Express Flat Allocation Scheme.

- (b) and (c)

The Civil Engineering and Development Department and the Planning Department have jointly commissioned consultants to conduct the Planning and Engineering Study on the NENT NDAs with a view to formulating planning and development frameworks for the Kwu Tung North, Fanling North and Ping Che/Ta Kwu Ling NDAs. As no development option is in hand at this stage, the exact number of residents who will be affected by demolition upon development is still not known. When formulating the Preliminary

Outline Development Plans for the NDAs in mid-2009, we will conduct detailed surveys on the number of residents who will be affected and collect the relevant land information. According to the current time-table, the entire study is expected to be completed in mid-2011 and the relevant construction works may commence in 2014 the earliest.

Whilst the works for developing the NDAs will inevitably involve land resumption and clearance, we will carefully address the issues concerned, such as the compensation and rehousing of residents affected. The Development Bureau and related government departments will further examine the land resumption, compensation and rehousing arrangements. We will also consider public opinions on the issues carefully.

- (d) As I have mentioned above, the Government will neither take part nor interfere in land acquisition by private developers. Therefore, we do not consider it necessary to formulate a rehousing policy for "land acquisition by private developers". However, if residents affected by land acquisition have any special housing or other social service needs, government departments will consider and handle their cases according to the relevant prevailing policies.

### **Accidents of Buses Catching Fire**

13. **MS MIRIAM LAU** (in Chinese): *President, it was reported that within one day on 10 December last year three buses caught fire or emitted smoke while in motion and such a situation has given rise to public concern. In this connection, will the Government inform this Council:*

- (a) *of the number of accidents of buses catching fire in each of the past five years and their respective causes;*
- (b) *whether it has recently discussed with franchised bus companies how to step up regular maintenance and inspection of buses, with a view to reducing accidents of buses catching fire;*

- (c) *whether it knows the respective numbers of buses in the existing fleets of Kowloon Motor Bus Company (1933) Limited (KMB), Citybus Limited (Citybus) and New World First Bus Services Limited (NWFB), together with a breakdown of these buses by their age (under three years, three to under six years, six to under 10 years, and over 10 years) and their respective percentages; and*
- (d) *whether it knows the details of the bus replacement programmes of the above franchised bus companies for the next five years; and whether it will urge franchised bus companies to make reference to the practice in some European countries and install automatic foam fire extinguishing systems on buses, so as to strengthen the protection for passengers' safety?*

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

- (a) The number of bus fire incidents in each of the past five years is as follows:

2004	2005	2006	2007	2008
11	9	16	9	19

The major cause of bus fire incidents is oil hose leakage (34%). Other causes include short circuit (20%), engine failure (13%), alternator failure (11%), air-conditioning system breakdown (5%) and others (17%).

- (b) The Transport Department (TD) has all along been requiring franchised bus companies to comply with safety requirements and monitoring regularly the quality and maintenance standards of their buses. Apart from monthly routine checks conducted by the bus companies, every bus has to pass the TD's annual comprehensive examination before its licence is renewed. To monitor the maintenance work of the bus companies, the TD deploys Vehicle Examiners to conduct bus inspections and carry out random checks on serving buses at bus depots on every working day. The TD also holds regular meetings with the bus operators to discuss bus examination results and, where appropriate, to formulate measures to enhance bus safety.

In the light of the recent bus smoke/fire incidents, the TD has instructed the franchised bus companies concerned to submit investigation reports. The TD also met with their Engineering Heads immediately and asked the companies to carry out thorough checks on buses of the same model to ensure safety. In parallel, the TD has stepped up spot checks on buses which have just gone through monthly routine inspection to ensure that they are maintained properly and meet safety standards.

- (c) The respective numbers of buses in the existing fleets of the KMB, Citybus and NWFB with a breakdown of these buses by age and their respective percentages in the fleets are as follows:

<i>Bus Age</i>	<i>KMB</i>		<i>Citybus</i>		<i>NWFB</i>	
	<i>Number of buses</i>	<i>% in fleet</i>	<i>Number of buses</i>	<i>% in fleet</i>	<i>Number of buses</i>	<i>% in fleet</i>
Under three years	184	4.7%	10	1.1%	18	2.6%
Three years to under six years	478	12.2%	0	0%	8	1.2%
Six years to under 10 years	1 190	30.2%	78	8.5%	464	67.1%
10 years or above	2 082	52.9%	827	90.4%	202	29.1%
Total	3 934	100%	915	100%	692	100%

(As at October 2008)

- (d) The TD is now discussing the Five Year Forward Planning Programmes (which include plans and proposals regarding the retirement of older buses and purchase of new ones) with the franchised bus companies, and adjustments may be made to the Programmes. We therefore cannot provide at this stage the specific number of buses that will be replaced. In general, the TD will discuss with the franchised bus companies to determine the numbers of buses to be purchased and retired yearly, taking into account factors such as passenger demand as well as improvements to roadside air quality, bus safety and the public transport network, and so on.

The TD attaches great importance to the fire-fighting system on franchised buses. The Department is now working with the bus companies on a number of options, such as the automatic fire extinguishing system, automatic shutdown of air-conditioning

ventilation system in case of fire and enhancement of the fire protection zone, in order to further safeguard the safety of bus passengers.

### **Sightseeing Facilities at Aberdeen Typhoon Shelter Area**

14. **MR PAUL TSE** (in Chinese): *President, as the Aberdeen Typhoon Shelter is a popular tourist attraction, will the Government inform this Council:*

- (a) *whether it knows the number of tourists who took sampan rides for sightseeing at the Aberdeen Typhoon Shelter in each of the past three years;*
- (b) *of the existing measures and plans to preserve the scenic attractions with traditional features at the Aberdeen Typhoon Shelter and to keep the sea in the area clean; and*
- (c) *whether it will provide additional facilities at the Aberdeen Promenade, such as building a cover for and providing seats at the pier, so that tourists will not be tormented by the scorching sun and lashing rain while waiting to board the vessels; if it will, of the details; if not, the reasons for that?*

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

- (a) We have not conducted any formal survey on the number of tourists who took sampan rides for sightseeing at the Aberdeen Typhoon Shelter. However, according to the departing passenger surveys conducted by the Hong Kong Tourism Board, sampan rides for sightseeing at the Aberdeen Typhoon Shelter are more popular among visitors from long-haul markets such as America, Europe, Australia and New Zealand.
- (b) The Aberdeen Typhoon Shelter retains some features of a traditional fishing port, and the Government has all along supported the local community in organizing traditional activities relevant to this status.



For instance, the dragon boat races at the Aberdeen Typhoon Shelter during the Dragon Boat Festival attract more than 1 000 participants and spectators every year. In 2007, the local community organized an event called "Wedding FUN at Southern District Fishing Port" to introduce the lifestyle and marriage customs of fishing folks. Apart from assisting in organizing the activities, relevant government departments will also provide free venues to facilitate their smooth operation.

Meanwhile, the government departments concerned have taken various measures to keep the Aberdeen Typhoon Shelter clean. For instance, the Marine Department has employed cleansing contractors to collect marine refuse at the typhoon shelter, conducted regular cleansing operations jointly with the Food and Environmental Hygiene Department to clean up garbage washed up onto the shore, prosecuted offenders of marine littering, provided free refuse collection service to vessels at the typhoon shelter as well as promoted the message of keeping the sea clean to the floating community. In parallel, the Environmental Protection Department has regularly monitored the water quality of the Aberdeen Typhoon Shelter and provided sewage disposal facilities in Aberdeen to prevent sewage inflow to the waters of the typhoon shelter.

- (c) For the convenience of tourists who take sampan rides for sightseeing at the Aberdeen Typhoon Shelter, the Southern District Office has erected visitor signage at different spots to show visitors locations where they can take sampan rides for sightseeing, and built a cover and provided seats along Kwun Hoi Path, Aberdeen so that visitors to the place or tourists waiting to board the sampans can take a rest. In addition, the Leisure and Cultural Services Department (LCSD) is making arrangements to provide more seats in the Aberdeen Promenade and Kwun Hoi Path Sitting-out Area for visitors who go sightseeing in the vicinity or wait to board the sampans at the embarking/disembarking points. To further enhance the facilities, the LCSD also plans to obtain funding approval from the District Council in 2009 for additional pergolas at the Sitting-out Area.

**Making Public List of Credit Risk Ratings Assigned to Countries and Markets by Hong Kong Export Credit Insurance Corporation**

15. **DR LAM TAI-FAI** (in Chinese): *President, in reply to my question on 3 December last year, the Government said that the Hong Kong Export Credit Insurance Corporation (ECIC) had compiled a list of credit risk ratings on different countries or markets, of which they were classified into four grades from A to D (A being the highest rating), and the list was an internal document solely for use in the assessment of credit risks involved in insurance policies, and thus releasing such information to the public would have an impact on the ECIC's competitiveness in the market, and as a general practice, other insurance companies would not make public their lists either. In this connection, will the Government inform this Council whether it knows:*

- (a) *the number of countries or markets in each of the grades and the total insured business paid, set out in a table, for each of the grades last year;*
- (b) *given that quite a number of small and medium enterprise (SME) operators have relayed to me that in the absence of information on credit risk ratings assigned to different countries or markets by the ECIC, they are concerned about making wrong investment choices, whether ECIC will make public the above list to address the SMEs' concern; if it will not, the reasons for that; and*
- (c) *as the ECIC, being a public organization wholly-owned by the Government, has all its contingent liability guaranteed and undertaken by the latter, why the ECIC is concerned about its competitiveness in the market, who its competitors are, as well as the justifications for it to make reference to the practice of private insurance companies and not to make public the aforesaid list?*

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

- (a) Requested information on the credit risk ratings adopted by the ECIC and the related insured business in 2008 is set out at Annex.

- (b) The ECIC is conscious of the risks faced by Hong Kong exporters when they are entering new markets and has been providing them with export credit insurance coverage and credit management services. For example, the ECIC advises exporters on the extent of credit it considers prudent for them to grant their buyers.

Moreover, to assist exporters in assessing country/market risks, apart from providing necessary information to its policyholders and credit limit applicants, the ECIC now offers each Hong Kong exporter three free advisory sessions to help them evaluate their overseas buyers' credit standing and the risks involved in extending trade credits to these buyers (additional services are available at below market prices). Exporters may also obtain relevant information about individual countries/markets and their credit ratings through other channels such as e-mail enquiries. The ECIC would be ready to provide the information.

- (c) The ECIC's mission is to promote Hong Kong's export trade and to support exporters for such purpose, rather than to compete for profits with the private-sector insurance companies. In particular, under the current difficult economic conditions, the ECIC has introduced a number of measures in the past few months to strengthen its support to Hong Kong exporters. For example, while credit risks in overseas markets have been increasing, the ECIC has decided not to raise its insurance premium. For the period from 1 January to 31 December 2009, the ECIC would also waive the annual policy fee for both existing and new policyholders for one year. In addition, the ECIC's standard policies would continue to cover the risks associated with buyers' refusal to take delivery of goods and country risks. The ECIC has also not set any minimum requirements for insured business despite the increasing risks. Such services are generally not available in the market. It could be seen from the above that maximization of profits is not the ECIC's objective.

Although the ECIC's operation has a different objective from that of private-sector insurance companies, in order to ensure efficient and effective use of public resources and taking into account the fact that the Hong Kong Export Credit Insurance Corporation Ordinance requires the ECIC to secure sufficient revenue for meeting its

expenditure, the ECIC's services and operations have to be generally self-sufficient and financially sustainable. The ECIC therefore needs to maintain a basic level of market competitiveness to provide services to exporters in a cost-effective manner and, where necessary, to enhance existing measures or introduce services that are generally not provided by private-sector agencies.

Annex

#### Insured Business by Country/Market Rating

<i>Country/Market Rating</i>	<i>Total number of Countries/Markets</i>	<i>Insured Business in 2008 (\$ million)</i>
A	39	44,321
B	50	1,802
C	67	287
D	58	0
Total	214	46,410

#### Permit for Removal and Burial of Dead Body

16. **MS CYD HO** (in Chinese): *President, according to the Births and Deaths Registration Ordinance (Cap. 174), save for a permit for the removal and burial of a dead body (permit) issued by an officer in charge of a police station, no person shall remove any permit before the issuance of a certificate of registration of death (death certificate). It is learnt that owing to certain religious reasons, some members of the public wish to transfer from hospitals the dead bodies of their relatives, right after the deaths of the latter due to illness, to funeral parlours for conducting religious funeral ceremonies thereat. However, when their relatives' deaths fall outside the office hours of the Deaths Registry, they will have to wait until the following day to apply for death certificates. On the other hand, if the deceased persons are not Muslims, the Police will refuse to issue a permit. In this connection, will the Government inform this Council:*

- (a) *of the details of the guidelines for the Police to issue permits;*
- (b) *whether the Police will approve the applications for permits submitted on religious grounds in respect of deceased persons who are not Muslims; if not, of the reasons for that;*

- (c) *of the respective numbers of applications for permits which were received, approved and rejected by the Police last year, with a breakdown of the applications concerned by the reason for rejection; and*
- (d) *whether the authorities will consider authorizing, apart from an officer in charge of a police station, officers in charge of a hospital to issue such permits, so as to enable the relatives of the deceased to obtain the dead bodies directly from hospitals for conducting funeral ceremonies, as well as to reduce the demand for dead bodies storage facilities in mortuaries?*

**SECRETARY FOR SECURITY** (in Chinese): President, our specific reply to the question raised by the Ms Cyd HO is as follows:

- (a) and (b)

Under section 16(1) of the Births and Deaths Registration Ordinance (Cap. 174) (the Ordinance), provided that where interment is urgent and it is not possible to procure promptly a death certificate issued under section 17 of the Ordinance or a Coroner's order authorizing burial or cremation under the same provision, the inspector or other officer in charge at the nearest police station (that is, the Divisional police station for the Division where the hospital certifying the death is located) may issue a Permit for the Removal and Burial of the Permit upon the receipt of a report.

The sole purpose of issuing such Permits is to meet the requests made by members of the public outside the opening hours of the births and deaths registries in various districts for interment. According to the Police's guidelines for the issue of the Permit, applicants are normally referred to an appropriate births and deaths registry. However, for urgent cases which cannot wait until the registry opens, an Inspectorate Officer from the police station or, in the absence of any Inspectorate Officer inside the police station at the material time, the Duty Officer will interview the applicant to ascertain the relationship between the applicant and the deceased, the reasons for urgent interment (for example, religious reason) and the

interment arrangements, and request the applicant to produce the Medical Certificate of the Cause of Death. The police will then make an enquiry with the hospital concerned to confirm that there are no suspicious circumstances in respect of the death of the person. If the police are satisfied with the validity of, and the reasons for, the application after considering the above factors, they will issue a Permit.

Based on the police's experience in handling applications for the Permit, such applications usually relate to deceased persons who are followers of religions (for example, Muslims) the creeds of which require the bodies of followers to be disposed of promptly after death. When handling applications for the Permit, the police will take into account the specific circumstances of each application and decide whether to approve the application after considering the afore-mentioned factors.

- (c) The police have maintained relevant statistics since May 2008. As at 31 December 2008, the police have received a total of six applications for such Permit, all of which were approved.
- (d) The legislation and arrangements currently in place are capable of handling the small number of cases where urgent interment of the deceased is applied for outside the working hours of births and deaths registries. The Administration is of the view that presently there is no imminent need to make legislative amendments to authorize persons other than officers in charge at police stations to issue the Permits.

### **Provision of Restaurants on Podiums of Housing Estates**

17. **MR KAM NAI-WAI** (in Chinese): *President, some residents of Taikoo Shing Phase 5 (TKS5) have told me that when they purchased their existing units, there were only open space and non-restaurant shops on the podium of the estate. The lease of the land concerned also contained provisions on "restrictions on such operations as food supply and lodging house" in the estate, but the leaseholder could be exempted from the restriction of the provisions concerned temporarily after obtaining a waiver from the Lands Department (LandsD). As*

*the developer of the estate has planned to convert the open space and shops on the podium of TKS5 into restaurants, the residents are worried that the developer will further develop the podium into a restaurant zone, so as to attract customers from the nearby One Island East and outside the estate, and thus may have negative impact on the environmental hygiene and the health of the residents of the estate, as well as on the community as a whole. In this connection, will the Government inform this Council:*

- (a) whether the Government has received complaints from the residents about the restaurants in the estate in the past two years; if so, of the number and contents of the complaints;*
- (b) of the current land use and restrictions stipulated for the podiums of the estate, and whether restaurants are permitted on the podiums; if so, of the permissible number of restaurants and their total area;*
- (c) of the progress of the application by the developer for a waiver to temporarily relax the restrictions in the lease of land concerned and the Government's procedure for handling the application;*
- (d) given that more than 1 000 residents of the estate have signed a petition against the application, whether the Government will reject the application on the basis of the residents' views;*
- (e) of the gross floor area of One Island East and its usage distribution, and among them, of the respective areas for which applications for providing restaurants and clubs had been submitted and approved;*
- (f) of the number of applications received for providing restaurants in One Island East so far and the progress of such applications; and*
- (g) how the Government will safeguard the interests of the residents of private housing estates in the light of the above case and prevent developers from converting the open space and shops on the podiums of the estates concerned into restaurants after selling the residential units?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, some Government leases in the old days contain an offensive trades clause. Under

this clause, the lessee shall not, during the continuance of its term, operate certain nuisance-generating or offensive trade or business on such premises. Given changing circumstances and coupled with the gradual establishment of independent licensing mechanisms (such as food and beverage supply) governing various business activities, restrictions on such trade or business through leases have become archaic. Hence, the lessee may apply to the LandsD for a licence to remove such restrictions, to avoid such obsolete clauses from hampering normal business activities.

My reply to the seven-part question is as follows:

- (a) In the past two years, the Government received a total of 2 complaints about the restaurants in the Taikoo Shing Phase 5 development (the TKS5 development), also known as "On Shing Terrace". One complaint alleged infestation of cockroaches in a restaurant, while the other complaint concerned two restaurants, where the allegations included the emission of oily fumes, restaurant staff discarding cigarette butts, defecating and urinating in staircases, and the infestation of rodents and mosquitoes in the vicinity due to the improper disposal of refuse by the restaurants in the TKS5 development. Following investigation, none of these problems were spotted. Nevertheless, officers of the Food and Environmental Hygiene Department (FEHD) already reminded the persons in charge of the restaurants concerned to take appropriate action and required the Taikoo Shing (Management) Limited to step up pest control within the development.
- (b) The TKS5 development falls within the "Residential (Group A)" zone on the draft Quarry Bay Outline Zoning Plan (OZP) No. S/H21/25. According to the Notes of the OZP, "Eating Place" is one of the uses which are always permitted on the lowest three floors of a building within the "Residential (Group A)" zone. As such, it is not necessary to apply to the Town Planning Board for planning permission for using the shops on the podium on the second floor of On Shing Terrace as restaurants.

Nevertheless, such uses still have to conform to any other relevant legislation and the conditions of the government lease concerned. The shops in the TKS5 development (the properties) are regulated by



the land lease for the Quarry Bay Marine Lot No. 2. The land lease is an old Government lease with no restrictions on uses. Nevertheless, trades such as food supply and tavern operation are restricted by the offensive trades clause contained in the land lease as mentioned above. As a result, if the properties on the lot are to be used as restaurants and hotels, and so on, the owners concerned are still required to apply to the LandsD for a licence to remove such restrictions.

According to the building plans approved by the Buildings Department (BD) under the Buildings Ordinance (the Ordinance), the gross floor area of the non-domestic parts for shops in the TKS5 development is 3 384.88 m<sup>2</sup>. There is no provision in the Ordinance restricting the total area and the number of restaurants in a building as long as the restaurants are designed and constructed in compliance with the requirements of the Ordinance and its subsidiary legislation, including plot ratio, structural stability, fire escape, fire resisting construction, and so on.

FEHD has received two applications for restaurant licences in respect of the TKS5 development and is seeking the views of BD, the Fire Services Department (FSD), the Planning Department (PlanD) and LandsD.

(c) and (d)

After receiving the licence application from the property owner (that is, the Swire Properties Ltd.), the LandsD submitted the application together with the views of the residents and other parties to the District Lands Conference (DLC) for consideration on 12 December in accordance with the established processing procedures. The factors considered by the DLC include the following: the restaurant use was always permitted under the OZP and was no longer considered offensive nowadays; the restaurant operators had to comply with the prevailing statutory requirements and obtain and comply with all necessary licences or permissions that might be required; and the owners had to ensure that the restaurant use of the properties complied with the relevant Deed of Mutual Covenant. Having considered the above factors, the DLC approved the licence

application in respect of the properties. It is worthy to note that, in processing such applications for licences in respect of the offensive trades clause in old Government leases, having regard to the above-mentioned historical background, the LandsD cannot recklessly or unreasonably deny such applications, and shall ensure that each case be considered in a fair and consistent manner.

(e) and (f)

As for One Island East, according to the building plans approved by the BD under the Ordinance, its uses include offices and ancillary facilities and the gross floor area of One Island East is 142 791.8 m<sup>2</sup>. As regards its land leases, these are also old Government leases, and the LandsD has already approved similar licence applications in respect of the offensive trades clause. Up to now, the FEHD has not received any applications for restaurant licences from One Island East nor issued any restaurant licences in respect of any restaurants there. The Office of the Licensing Authority under the Home Affairs Department has not received any applications for Certificates of Compliance for club use in One Island East either.

(g) Owners and operators must use their shops within their premises in accordance with the terms and conditions of the Deed of Mutual Covenant. They may use their shops as restaurants in accordance with the land lease conditions including having obtained a licence from the LandsD, and the conditions for the restaurant licences as required by the FEHD. Regarding the environmental and hygiene concerns as raised by the residents, this will be followed up by the relevant departments including the FEHD.

### **Crisis Intervention and Support Centre**

18. **MR CHEUNG KWOK-CHE** (in Chinese): *President, the CEASE Crisis Centre (the Centre), which is a crisis intervention and support centre operating on a pilot basis commissioned by the Social Welfare Department (SWD), provides crisis support and shelter service for victims of domestic violence (DV) or sexual violence (SV). In this connection, will the Government inform this Council:*

(a) *whether it knows the respective numbers of cases involving domestic violence and sexual violence received by the Centre since*

*commencement of services in March 2007, and in respect of each category:*

- (i) the respective quarterly numbers of cases broken down by gender and age, type of referring agents and the type of violence;*
  - (ii) the quarterly numbers of victims who received outreaching service; and*
  - (iii) the quarterly numbers of victims who were offered accommodation;*
- (b) as the Labour and Welfare Bureau stated in its paper submitted to the Panel on Welfare Services of this Council in October last year that the services of the Centre "have proven to be essential, and the mode of delivery was considered effective", of the justifications for such a statement; and*
- (c) whether it will study the effectiveness of the services provided by the Centre; if it will, of the details; if not, the reasons for that?*

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

- (a) The SWD commissioned the Tung Wah Group of Hospitals (TWGHs) to operate the Multi-purpose Crisis Intervention and Support Centre, that is, the Centre, on a three-year pilot basis with funding support of \$20 million from the Lotteries Fund. The Centre provides comprehensive support to victims of SV and individuals/families facing DV or in crisis.

The Centre commenced operation on 26 March 2007, providing a 24-hour hotline and crisis intervention/immediate outreaching service for SV victims. It also handles elder abuse cases after the SWD's office hours and links the victims to the relevant health care or social service units for suitable services and follow-up. Since 19 May 2008, the Centre started to provide short-term residential services (with a capacity of 80 places) for SV and DV victims who need temporary accommodation, as well as individuals or families in crisis.

The requested statistics are set out below:

(i) Breakdown of the number of service users

The Centre has only maintained detailed statistics on SV cases handled. The relevant statistics of SV service users are as below:

No. of SV service users by age and by gender

Age	Gender	2007			2008			Total
		Q2*	Q3	Q4	Q1	Q2	Q3	
18 – 25	Male	0	0	0	0	0	0	0
	Female	15	10	9	6	11	13	64
26 – 35	Male	0	1	1	0	0	0	2
	Female	8	6	10	3	5	11	43
36 – 45	Male	0	1	1	0	0	0	2
	Female	9	3	3	4	2	2	23
46 – 59	Male	0	0	0	0	0	0	0
	Female	1	4	2	0	1	1	9
60 or above	Male	0	0	0	0	0	0	0
	Female	0	0	0	0	2	0	2
Total		33	25	26	13	21	27	145

\* From 26 March to 30 June 2007

No. of SV service users by source of referral

	2007			2008			Total
	Q2*	Q3	Q4	Q1	Q2	Q3	
SWD	0	0	1	1	0	2	4
Police	10	8	8	3	7	12	48
Hospital	2	3	3	2	2	3	15
School	0	0	1	0	0	0	1
Self-approach	19	14	12	6	10	6	67
Others	2	0	1	1	2	4	10
Total	33	25	26	13	21	27	145

\* From 26 March to 30 June 2007

- (ii) Number of victims who have received outreaching services

The Centre provides outreaching service for SV victims and handles elder abuse cases after the SWD's office hours. Breakdown is as follows:

	2007			2008			Total
	Q2*	Q3	Q4	Q1	Q2	Q3	
SV victims	17	11	13	5	13	21	80
Elder abuse victims	0	2	1	0	7	5	15
Total	17	13	14	5	20	26	95

\* From 26 March to 30 June 2007

- (iii) Number of individuals provided with short-term residential services (commenced since 19 May 2008) is as follows:

	19 May – 30 Sep 2008
SV cases	18
DV cases (including spouse battering and elder abuse)	161
Others (individuals/families in crisis)	8
Total	187

- (b) Through close collaboration with related professionals and service units, the operation of the Centre has been smooth since its inception in March 2007.

Under the new service model, a designated social worker will be assigned as "case manager" to provide immediate support and follow-up service for the SV victims, including emotional support, counselling, reporting to the police, arrangement of medical treatment and forensic examination, as well as escorting and accompanying the victims to go through all necessary procedures. There is also a wide coverage of support network throughout the territory. Irrespective of the contact points of the victims, designated social workers can provide 24-hour outreaching service. With enhanced coordination of service and co-operation by different

departments and service units, the new service model provides the victims with a customer-oriented and one-stop service. It enables victims to receive service and go through all relevant procedures in a convenient, safe, confidential and supportive environment, thus minimizing the need for the victims to repeat their unpleasant experience.

The Centre is required under the service agreement to collect feedbacks from its service users. As at 30 September 2008, 100% of the service users indicated satisfaction upon receiving live-in/crisis intervention or support services provided by the Centre. 94% of live-in service users showed enhanced resilience in face of immediate crisis/adversity upon leaving the Centre. The positive feedback from service users reflects that the implementation of the new service model and the establishment of the Centre have enhanced the service provision for the targeted users.

Besides, SWD organized two sharing sessions in June 2007 and December 2008 respectively to collect stakeholders' views on the implementation of the new service model and the operation of the Centre, including the Police, Hospital Authority, Department of Health, designated social workers of the SWD and the Centre itself. Professionals involved in support services for SV victims considered that the new service model and the services provided by the Centre could effectively address the need of the victims.

- (c) Based on the output and outcome indicators under the service agreement, the SWD will continue to closely monitor the performance and effectiveness of the Centre. A review will be conducted upon the completion of the pilot project by end-2009.

### **Day Pass and Monthly Pass Concessionary Schemes Offered by MTR Corporation Limited**

19. **MR ANDREW CHENG** (in Chinese): *President, when this Council resumed the Second Reading debate on the Rail Merger Bill on 6 June 2007, the then Secretary for the Environment, Transport and Works said that after the rail merger, the MTR Corporation Limited (MTRCL) would maintain the East Rail*

*Line Monthly Pass, West Rail Line Monthly Pass and West Rail Line Day Pass concessionary schemes until June this year. In this connection, will the Government inform this Council whether it knows:*

- (a) the respective monthly average numbers of passengers who benefited from the above three concessionary schemes since their launch; and*
- (b) if MTRCL will extend the above concessionary schemes; if it will, of the details; if not, whether MTRCL will offer new concessions?*

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

- (a) To tie in with the opening of West Rail (now known as West Rail Line) and Ma On Shan Rail (now known as Ma On Shan Line), pre-merger Kowloon-Canton Railway Corporation introduced the West Rail and East Rail 'Monthly Passes' and West Rail 'Day Pass' promotion schemes to attract passengers to use the new rail service. Holders of the 'West Rail Line Monthly Pass' and 'East Rail Line Monthly Pass' can take unlimited rides on West Rail Line or East Rail Line respectively within the month of ticket issue. As for the passengers using 'West Rail Line Day Pass', they can enjoy unlimited rides on West Rail Line, Light Rail and designated MTR bus service on the day of purchase.

The average numbers of passengers using the Monthly Pass and Day Pass by individual rail line during January — November 2008 are as follows:

"East Rail Monthly Pass" — about 37 300 monthly  
"West Rail Monthly Pass" — about 46 300 monthly  
"West Rail Day Pass" — about 7 700 daily

- (b) According to the commitment made under the rail merger and effective from the day of merger on 2 December 2007, in addition to immediate fare reductions, the MTRCL also extended its 'West Rail Line Monthly Pass', 'East Rail Line Monthly Pass' and the 'West Rail Line Day Pass' promotional schemes until June 2009.

Following the rail merger, the MTRCL will adjust its fares according to a fare adjustment mechanism which is transparent and based on objective indicators. The offer of promotional schemes and the details of the schemes are commercial decisions of the MTRCL. The MTRCL will consider providing suitable promotional schemes having regard to relevant factors including its operations, the market situation and the passenger demand. We understand that the MTRCL will take into account the above factors when considering whether to extend the promotional schemes mentioned above.

The Government will continue to encourage public transport operators, including railway corporation, to provide fare concessions taking into account their respective operations, to reduce the travel expenses of the public.

### **Repair and Maintenance of Country Trails and Hiking Trails**

20. **MR LEE WING-TAT** (in Chinese): *President, in June last year, the Agriculture, Fisheries and Conservation Department (AFCD) diverted or permanently closed the Keung Shan Country Trail, Nei Lak Shan Country Trail, Shek Pik Country Trail and Section 4 of the Lantau Trail, which had been damaged by landslides. Regarding the repair and maintenance of country trails and hiking trails, will the Government inform this Council:*

- (a) *whether it will repair the above trails expeditiously; if it will, of the details; if not, whether it has plans to construct alternative hiking trails; if it has, of the details of the plans; if not, the reasons for that;*
- (b) *whether, upon confirming that the above trails cannot be repaired, the Lands Department will update the rural maps published by its Survey and Mapping Office (SMO) expeditiously besides publication of notices by the AFCD, so as to avoid endangering hikers who enter those trails mistakenly; if it will, of the details; and*



- (c) *apart from the above permanently closed trails, which country trails, hiking trails and other trails in various country parks under the AFCD are permanently closed at present because of landslides or other reasons; whether it has evaluated the possibility of repairing such trails; if it has, of the evaluation results; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): President, my reply to the three parts of the question is as follows:

- (a) As the rainstorms in June 2008 caused serious landslides, some hiking trails in the Lantau country parks were affected. After repairs by the AFCD, most of the affected trails have been reopened. However, some trails within the Lantau country parks, namely Nei Lak Shan Country Trail, Shek Pik Country Trail, Keung Shan Country Trail and stage 4 of Lantau Trail, were severely damaged. The AFCD found after detailed studies that large areas of certain sections of the above four trails had been affected by landslides, while some sections are very steep and covered with loose mud and big rocks, and are thus very insecure. The AFCD considers that these sections cannot be repaired and some trails have to be closed in whole permanently while some sections have to be diverted.

Trails which have to be closed in whole permanently include Nei Lak Shan Country Trail and Shek Pik Country Trail. The hillsides near these two trails are very steep and there are no suitable routes for diversion. Hence, they have to be closed permanently.

Trails which have to be diverted include Keung Shan Country Trail and stage 4 of Lantau Trail. After diversion, stage 4 of Lantau Trail links with stage 5 by passing through Nei Lak Shan, Ngong Ping Village and Ngong Ping Road (see attached map 1). As regards Keung Shan Country Trail, the section between its original starting point at Kwun Yam Shan and Keung Shan was seriously damaged. After diversion, Keung Shan Country Trail begins at Tai O Road and connects with its existing section not affected by landslides by

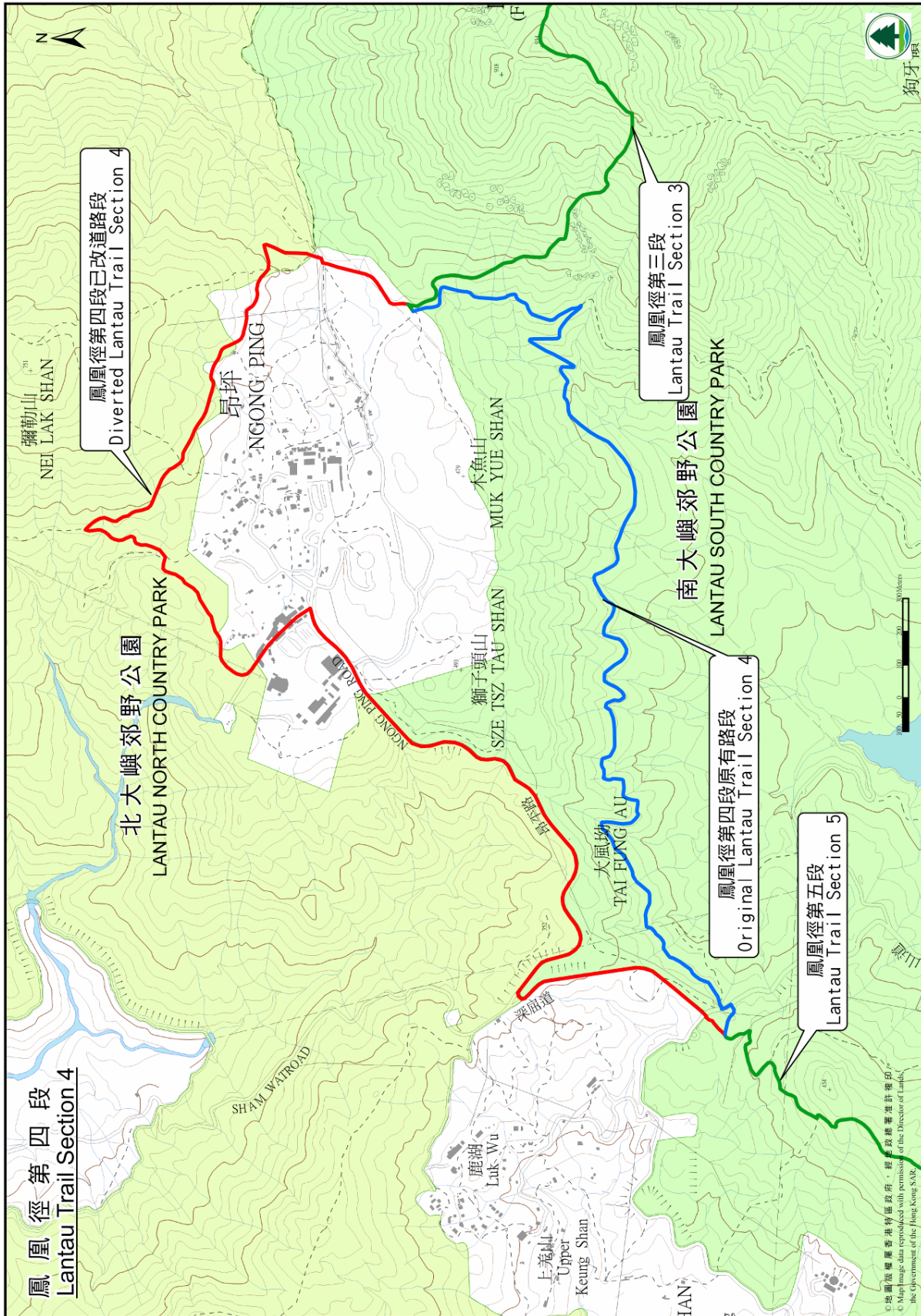
passing through the Keung Shan catch-water, Lung Tsai Ng Yuen and Man Cheung Po (see attached map 2). The above diversion arrangements came into effect in November 2008.

- (b) After the abovementioned trails had been damaged by landslides, the AFCD erected barrier blocks and warning signs at the entrances of the trails to prevent hikers from passing through. The AFCD had also put updated maps of the trails concerned on all notice boards in the Lantau country parks to inform the public of the closure and diversion arrangement. The information had also been uploaded to the AFCD website. Hikers heading for Lantau Island can refer to the location of the hiking trails concerned and the diversion at <<http://www.hkwalkers.net/pathinfo/announcement.php>>.

Besides, the AFCD had informed the SMO of the Lands Department of the closure and diversion arrangement of the trails. Apart from updating the information of the trails on the Countryside Map which will be issued in late 2009, the SMO had also provided a hyperlink to the above AFCD website at its webpage for easy reference by members of the public.

- (c) In the past years, the only trail closed permanently by the AFCD due to landslides or other reasons is the one linking Ng Tung Chai Waterfalls main fall and the Stragglings-hair Falls in the Tai Mo Shan Country Park. This trail was damaged by a landslide in 1993. The AFCD has studied the feasibility of reconstructing the trail after the landslide. However, the area concerned is too steep and covered with a large amount of gravel, and it has become insecure after the landslide. Besides, under the perpetual erosion of water and gravel, loose pieces of rocks would fall down and the condition is very difficult to improve. Thus the AFCD considers that the trail cannot be recovered. In addition, the topography of the area is steep and narrow. Thus, after evaluation, the AFCD considered that there was insufficient space for constructing a safe hiking trail. Since 1993, signs of "no through road ahead" have been erected at the two ends of the trail, and hikers have been advised not to proceed further. For years, the said section has not been shown on the Countryside Maps issued by the SMO of the Lands Department.

Attached Map 1





**MOTIONS**

**PRESIDENT** (in Cantonese): Motion. Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Hong Kong Court of Final Appeal Ordinance.

I now call upon the Chief Secretary for Administration to speak and move his motion.

**PROPOSED RESOLUTION UNDER THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA AND THE HONG KONG COURT OF FINAL APPEAL ORDINANCE**

**CHIEF SECRETARY FOR ADMINISTRATION:** President, I move that the appointment of Mr Murray GLEESON, The Right Honourable The Lord Walker of Gestingthorpe and The Right Honourable The Lord Neuberger of Abbotsbury to the Court of Final Appeal as non-permanent judges from other common law jurisdictions (non-permanent common law judges) be endorsed by the Legislative Council.

The Court of Final Appeal is the final appellate court in Hong Kong, hearing both civil and criminal appeals. It consists of the Chief Justice and the permanent judges. Non-permanent judges may be invited to sit. At present, there are 16 non-permanent judges. Six of them come from Hong Kong and 10 come from other common law jurisdictions.

When hearing and determining appeals, the Court of Final Appeal is constituted by five judges, which include the Chief Justice, three permanent judges, and one non-permanent Hong Kong judge or one non-permanent common law judge.

Pursuant to Article 88 of the Basic Law and the Judicial Officers Recommendation Commission Ordinance, judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of the Judicial Officers Recommendation Commission.

Article 90 of the Basic Law provides that in the case of the appointment of judges of the Court of Final Appeal and the Chief Judge of the High Court, the Chief Executive shall, in addition to following the procedures prescribed in Article 88 of the Basic Law, obtain the endorsement of the Legislative Council.

The Judicial Officers Recommendation Commission has recommended to the Chief Executive the appointment of Mr Murray GLEESON, The Right Honourable The Lord Walker of Gestingthorpe and The Right Honourable The Lord Neuberger of Abbotsbury as non-permanent common law judges to the Court of Final Appeal.

The curriculum vitae of the three judges have been set out in our paper issued on 7 November 2008. Mr GLEESON was appointed Chief Justice of the High Court of Australia in May 1998. In accordance with the Australian Constitution, he retired from that office on 30 August 2008 when he reached the age of 70. Lord Walker was appointed Lord of Appeal in Ordinary in the United Kingdom in 2002. Lord Neuberger was promoted to the House of Lords and appointed Lord of Appeal in Ordinary in the United Kingdom in January 2007.

The three judges have eminent standing and reputation in the legal sector. The Chief Executive is pleased to accept the recommendation of the Judicial Officers Recommendation Commission on their appointment as non-permanent common law judges to the Court of Final Appeal. Subject to the endorsement of the Legislative Council, the appointment would take effect in early 2009.

In accordance with the procedures previously endorsed by the House Committee, the Administration informed the House Committee of the recommended appointments on 7 November 2008. At the House Committee meeting on 14 November, Members agreed that it was not necessary to form a subcommittee to consider the recommended appointments.

I now invite Members to endorse the appointment.

Thank you, President.

**The Chief Secretary for Administration moved the following motion:**

"RESOLVED that the appointment of –

- (a) Mr Murray Gleeson;
- (b) the Right Honourable The Lord Walker of Gestingthorpe; and
- (c) the Right Honourable The Lord Neuberger of Abbotsbury,

as judges of the Hong Kong Court of Final Appeal from other common law jurisdictions pursuant to section 9 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) be endorsed."

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

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by the Chief Secretary for Administration 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): Motion for adjournment.

**PRESIDENT** (in Cantonese): I have, under Rule 16(2) of the Rules of Procedure, given permission for Mr LEUNG Kwok-hung to move, at today's Council meeting, a motion for adjournment for the purpose of debating the following issue: The Israeli Government's attack on the Gaza Strip.

**PRESIDENT** (in Cantonese): The mover of the motion and other Members each may speak up to 15 minutes.

Members who wish to speak will please press the "Request to speak" button to indicate their wish.

I now call upon Mr LEUNG Kwok-hung to speak and move his motion.

**MOTION FOR THE ADJOURNMENT OF THE COUNCIL**

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I thank you for giving permission for me to move a motion for adjournment. I now move the motion. And I will speak on the Israeli Government's attack on Gaza. President, I have to thank you again.

We always call Hong Kong an international city, but the majority of us only have a keen interest in making money. On the contrary, it is apparent that as an international city, Hong Kong should have an international vision, especially in terms of attaching importance to the value of human beings, and it should therefore do something to uphold the value of justice and that of peace. In fact, as I am speaking, I believe a demonstration is underway outside the Consulate General of Israel in Admiralty. But some of the protestors may not have arrived there yet. I have been punished for this kind of demonstration. In 2006, when Israeli troops invaded Lebanon, I went to the Consulate General of Israel and the Consulate General of the United States together with my friends to stage demonstrations. After that, when I applied for a visa to visit the United States, I met a great deal of obstruction before the visa was issued to me.



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

In fact, while discussing in this Council issues relating to the Gaza Strip, we have to note one important point, as mentioned by the President, that every minute witnesses changes in that region. When we watch a live broadcast on television, we will notice that the number of casualties shown at the bottom of the screen keeps on increasing. When I was at home last night, I watched the most recent incident in which the Israeli troops attacked an area in the vicinity of a school — in fact, it was the school itself that was attacked, and this caused 40 deaths, many of whom were children. A relevant organization of the United Nations immediately pointed out that a global-positioning-system-generated photo image of that school had already been delivered to the Israeli Government and the Israeli military forces. It showed that the school was used by the United Nations as a temporary shelter.

We can feel the pain that the people in the Gaza Strip are suffering. In fact, it is a tragedy in history. About 66 years ago, that is, January 1943, when the Second World War was still going on, the Jews in Warsaw were besieged by Nazi troops in a dwelling area, that is, the so-called ghetto. They knew that they would all be killed very soon and so, they revolted against the Nazi troops on the 18th. On 19 April, the Nazi troops eventually broke down their resistance. It only took five days for the Nazi troops to seize the dwelling area and the Jews' revolt was crushed. According to an official report published afterwards, 56 065 Jews were killed or transferred to concentration camps. Some of them were even executed.

Members, I have no intention to condemn the Jews in this Council. In fact, many Jews have made great contribution to the civilization of man. What I wish to criticize is the racial bias founded on Zionism. It is not the first time that Gaza has been blood-washed. In my recollection, in 1982, a high-ranking official of Israel, alias butcher, who was the then defence minister, sent troops to invade the southern part of Lebanon. The Israeli troops launched attacks on the members of the Palestine Liberation Front (PLF) who inhabited Beirut in southern Lebanon. After the PLF was defeated, a bloodshed massacre got underway in a Palestinian refugee camp in Lebanon. It was known as "Dark September" at that time.

I am aware that there are large-scale demonstrations in motion around the world today because what has been done to Gaza has already gone beyond what a human being who follows his conscience will do. It is a massacre. It resembles the suppression that took place in April 1943. Come to imagine this: Gaza is a small region inhabited by 1.5 million people. If what is happening there lives up to the Israeli military forces' claim that battles have to be launched in a densely populated region so as to achieve their strategic objectives, their reckless bombardment from the sea, air and land is precisely conducted for this purpose. I appeal to Honourable colleagues to watch the programmes of the Middle East television stations when you are free. Yesterday, I heard a person say in a television programme that what was happening there had lost control. This is a consequence of political failure and every international leader has to assume the responsibility for that. At present, Gaza is a living hell and there is nowhere for people to flee. The person who said these words is not a leader of Hamas or that of Fatah. He is not an anti-war activist either. In fact, he is a United Nations delegate to the Gaza Strip to observe the damages caused by the bombardment there.

I could not help but applaud in the front of the television set. In fact, I seemed to have taken leave of my senses. I was watching television alone and so, whom was my applause intended for? I applauded him, an official who could have stayed aloof from the incident, for his solemn statement. He was not biased in support of either side. He only told us what was going on in the Gaza Strip at present. Electricity supply in 75% of that region has broken down. Worse still, after an 18-month blockade resulting from the invasion and occupation by the Israeli troops, no relief materials can be delivered there. Imagine this: There are thousands of injured people in hospitals which are short of electricity supply. They are waiting for death, are they not? How many children have been killed just because they are Palestinians? We do not have to agree with the proposition of Hamas, but we have to agree that this invasion and attack amount to war crimes. Reckless bombardment and killing are crimes. No matter in what name they are carried out, they are still crimes.

I have moved this motion debate in this Council only in the hope of providing a platform for every Honourable colleague to express views on this incident. They do not have to agree with me, but they should follow their

conscience when they speak in this Council. They may think that speaking on this incident is useless because of this question: Will Israel listen to us? Members, this Council has dignity. When an incident that political figures in various countries have to face has happened and the government of our Motherland has the right to vote in the Security Council, that this Council expresses its concern for this incident can bring to the fore the peace, the justice and the compassion for the weak we have. This is our honour. Members, this incident is a matter of life and death insofar as Gaza is concerned. I hope Members can express their concern for the incident in this Council.

I have been supporting the PLF cause all along. I did so when I was young; so do I now. Therefore, let me spend some time explaining why I support their cause. In 1948, that is, some time after the massacre in Warsaw had happened, the nation of Israel was founded under a United Nations' agreement. However, Zionism drove the Israelis to expel the Palestinians from the territory demarcated by the United Nations. In 1967, Israeli troops invaded Gaza and West Bank and set up occupied zones there. This accounts for the conflicts happening in Gaza and West Bank of the Jordan River now. In fact, in November 1967, the United Nations had already endorsed that the Israeli troops be required to withdraw from Gaza and West Bank and to surrender the territories they occupied during the Six-Day War. However, the Israeli troops have not done so all along. This explains why the Palestinians became homeless and had to drift around. This is also the reason for the outbreak of the revolt led by the Palestinians in West Bank in 2001, despite the fact that the Camp David Accords had been put into effect for a long time. Hamas gained the support of its compatriots from these oppressions. Members, the Israeli troops must withdraw from the regions they have occupied. Zionism will not bring lasting peace or stability to the Israelis. In like manner, extreme anti-zionism in the Palestinian liberation movement will not gain world recognition. Nevertheless, I must point out today that the Israeli Government, as a sovereign government, must stop those bloodshed massacres.

Members, "people will never forget". The T-shirt I am wearing today also carries these words. I have seen tanks and military operations. I remember the massacres I have witnessed and the ones happened 19 to 20 years ago; I remember the 228 Massacre; I also remember the Nanjing Massacre. As members of a nation that has been oppressed by imperialism, we will never forget

those massacres. I hope that the Chinese Government can be brave and urge the United States to stop being biased in favour of Israel. I condemn the Bush Government for having forestalled Iraq by starting an invasion first, thereby making the Israeli invasion justified.

Members, I hope that a ceasefire can be put in place immediately or soon after I have spoken. Only when Israel stops its blood-washing military operations can peace be expected in West Bank and the Gaza Strip, especially in the latter, and parties can then be brought back to the negotiating table. I hope Honourable colleagues can be frank in expressing their views. At 12 o'clock tomorrow, I will assemble with others at the Admiralty Mass Transit Railway Station and head for the Consulate General of Israel. I may also go to the Consulate General of the United States. I hope that Hong Kong people can come forth to condemn Israel for its invasion and express their views on the humanitarian crisis that the Palestinians are facing. Thank you, Deputy President.

**Mr LEUNG Kwok-hung moved the following motion: (Translation)**

"That this Council do now adjourn for the purpose of debating the following issue: The Israeli Government's attack on the Gaza Strip."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That this Council do now adjourn.

**MR ALBERT HO** (in Cantonese): Deputy President, first of all, I would like to thank Mr LEUNG Kwok-hung for proposing an adjournment debate on the issue of the bloody rivalry arising from the Israeli invasion of Gaza. Members would be able to express their views on this incident that has attracted worldwide attention and aroused our concern using the Legislative Council platform.

Though not many Members are now present, it does not mean that Honourable colleagues are not concerned about this world event. This is because many Honourable colleagues, especially the pan-democrats, are now protesting and staging a demonstration outside the Israeli Consulate. I believe they would soon return to this Council to express their views.

Deputy President, I believe that today we have all learnt from the news reports that the facilities (including schools) of the United Nations in the Gaza Strip have been bombed by the Israeli army, causing the death of dozens of people, including children. I feel extremely sorry for this, and I strongly condemn the Israeli army's acts which pay no heed to the lives of the ordinary people.

If from the viewpoint of safeguarding the safety of Israel, we regard the Israeli army's invasion of Gaza up till today as not necessary at all and disproportionate. The Israeli forces cannot explain away the casualties caused by violence on whatever excuses.

We are taking part in the adjournment debate, though all of us are well aware that there is not any specific motion content, but it is not really necessary, Deputy President, because I trust those who speak feel the same about this. We all sincerely and strongly request Israel and Hamas to unconditionally cease fire immediately, cease immediately all military and violent acts that would endanger and harm the lives and safety of the others, adopt immediately measures for the avoidance of further outbursts of military conflicts between the parties, and cease immediately all forms of terrorist acts, be them the rocket launchers from the Hamas targeted at the Israeli people or government facilities, or — of course there is no need for me to repeat — the attacks by the Israeli forces on the ordinary people and all the facilities in the Gaza Strip, the wanton and discriminate bombing or even the killing of the innocent.

Since it would be rather difficult to seek a peaceful solution under the present circumstances, we have to immediately call upon the Israeli forces to withdraw at once from Gaza unconditionally; otherwise, it would be difficult and impossible to prevent the violence from spreading. Therefore, the withdrawal of troops is urgently needed and this must be carried out immediately.

Besides, we all know that one of the remote causes for the present Hamas attack on Israel is the unreasonable blockade of the Gaza Strip for a long time. Of course, in taking this point, I do not agree that the Hamas' use of violence is an effective or reasonable solution. But I must point out that people living in the Gaza Strip today are just like living in hell for they can by no means lead a normal life. Israel has long been defying the terms and regulations of the

Cease-Fire Agreement of the United Nations, and the blockade has made the people of the Gaza strip extremely disgruntled, and they almost prefer death to life. Being utterly disgruntled, they think that they have no alternative but to put all their bets in one go in rendering support to the most extreme organization so that it would voice their concerns and fight for them. That being the case, this remote cause has to be resolved.

Given the present situation, I also think that the United Nations cannot look on unconcerned. The Security Council has to pass a resolution for the deployment of peacekeeping troops to station in the buffer zone between Gaza and Israel to ensure that the blockade of the Gaza Strip would be lifted immediately and permanently.

We absolutely believe that the Palestinian and Israeli people should have mutual respect for each other's right to survival, including respect for the other party's fundamental right of being established as a sovereign state. If this premise could be achieved — I think this should be feasible — there is no reason why the Israelis and Palestinians cannot endorse a satisfactory proposal for peace at the negotiation table.

At this juncture, I have to emphasize that the rightist policy or the extreme-right hegemony of Mr George BUSH, the current President of the United States, is a crucial factor contributing to the persistent conflicts in Israel and Palestine in the Middle East today. Undeniably, the United States is a powerful nation in political, economic and military terms. Its policy on the Middle East has a decisive impact on peace in the Middle East. Today, the blatant Israeli invasion of Gaza and the taking of totally unreasonable or disproportionate actions for the sake of protecting the safety of its own people, as we certainly know, must have the support of President BUSH. Therefore, I am of the view that President BUSH and the United States Government should be blamed for bringing about the present situation and I strongly denounce them for this.

Today, we hope that the new United States President elect OBAMA would take over the reins of government and bring changes and hope to the Middle East situation after assuming presidency. I have to reiterate that the Hamas organization proposed eradicating Israeli by means of violence is also unacceptable, and I also denounce it. However, I emphasize again and again

that the Hamas organization can exercise control in the Gaza Strip today also reflects that the policies all along adopted by the Israeli Government have been inhumane and have turned things upside down. Therefore, the Hamas phenomenon reflects precisely the injustice done jointly by the United States and Israel and also the social policy that oppresses the Palestinians. I hope that all those concerned can do some soul-searching about all this.

Today, in the 21st century, we all know that believing in an eye for an eye and returning evil for evil would only bring about endless conflicts and bloodshed. We certainly identify with the core value of resolving conflicts among nations and even religious groups through civilized dialogue. In the past, we witnessed that the Irish Republican Army in Northern Ireland successfully signed a peace agreement with the British Government through mediation, and as a result, the military activities were stopped and hostilities turned into friendship. We think that the United Nations Security Council today should assume this important role of a mediator. I also hope that our Government would exert more effort in this connection to facilitate reasonable and peaceful dialogues between Israel and Palestine at the negotiation table.

Today, we have the first motion debate in the new year. I believe we all have the same wish for the New Year, that is, the war and conflicts in the Middle East could cease at once and forever, and the hostility between the Israeli and Palestinian people could be resolved comprehensively, making a breakthrough for world peace. Thank you, Deputy President.

**DR MARGARET NG:** Deputy President, my teacher, Professor Joseph AGASSI, is an Israeli, and a peace-loving philosopher. He has devoted his life to the development of critical rationality and its application to the fundamental problems facing the Israeli nation. That he had not been listened to as much as he should be is another question. Because of my profound ignorance in the Israeli question, I have been in correspondence with him. All humanity must be horrified by such inhumanity. Violence is always a failure of reason. But in dealing with violence, condemnation is never enough if what we want is to stop the violence and not just vent our justified indignation. Rationality is always more demanding than condemnation, but all sincere peace lovers must at least try.

Yesterday, I told Professor AGASSI that the Legislative Council in Hong Kong is going to debate on Israel's attack on Gaza, and asked him for his views. This is the message he sent me, and I wish to share it with you in this meaningful debate:

"My dear Margaret,

You honour me.

There are different questions here, mainly two. Is the Israeli current conduct legal or legitimate? Is it wise?

The only way to prove Israel's current conduct illegal or illegitimate is to show that she has at her disposal better, less inhumane, means for self-defense, alternative means that are not too inadequate for self-defense by any accepted reasonable standard. No one can do this but me, and so my view does not count, and so the inescapable conclusion is that Israel's action is legal or legitimate.

Is it wise? This question applies not only to Israel's last moves but to a series of moves, to a policy in practice. And in my view Israel is anything but wise. Indeed, as a true patriot I fear for Israel. We need peace and our governments have no idea as to how to achieve it. They have all very good excuses for their ignorance, but to write excuses on the tombstones is of no use for the dead and the buried."

Deputy President, I hope that this debate will achieve at least this: that we desire the wisdom which is required to achieve peace. Thank you.

**MR WONG YUK-MAN** (in Cantonese): Deputy President, Gandhi once said, "An eye for an eye makes the whole world blind", which I would translate as "An eye for an eye makes the world go blind." When the whole world is welcoming the arrival of the year 2009 with praises and prayers, only the Israelis and the Palestinians are at battles in the Gaza Corridor. There would certainly be no winner to this battle; the only issue is which party loses more. However, as could be witnessed from history in the past few decades, it is a rule that the Jews would be at a more advantageous position due to the tolerance and indulgence of



the Western camp towards Israel in the international circumstances as a whole. Though the Palestinians have been at a relatively less advantageous position, they would definitely fight till the very end, thereby continuing the suffering of their own accord.

I am really grateful to LEUNG kwok-hung from my party for proposing this motion for adjournment for debate today, thus enabling certain global mindsets to be seen in the present desolate Legislative Council Chamber apart from the mere concerns for the economy of Hong Kong. One elderly once mentioned caring for what comes next after we are full. If that is the case, we could be full by taking feces as well. What we need is a global outlook. The world seems to be very far from us, but in fact it is very near. For this debate on the motion for adjournment of Mr LEUNG kwok-hung, I have just read a book entitled "To An Ancient People: The Autobiography of Dr Leopold Cohn", which was a New Year gift among the many gifts of religious readings from Mr HUI Chiu-ying, director of China Alliance Press. He reminded me in particular to read this book which is not much in volume, written 100 years ago. In it was written how a Jewish Rabbi got transformed into believing Jesus and insisted on spreading the Gospel, peace and love to the Jews in spite of the hardship experienced. This is precisely what the Middle East is in lack of. We learn from history that after six days of battle, the Israeli occupied the West Bank of the Jordan River and the Gaza Corridor up to 2 200 sq m for 42 years. During this period, over 200 000 Jewish emigrants from Russia and other overseas regions returned to their homeland, and among them, 90% lived in the West Bank of the Jordan River which does not belong to Israel originally or currently and which Israel has repeatedly declared of abandoning upon the signing of a peace agreement. This stretch of land has all along been forcefully occupied.

Why would the Jews state that Palestine is their home country? It is because in fact in "Exodus" of the Old Testament, Moses led the Jews out of Egypt, travelled for a long distance and reached this piece of land which they regarded as their homeland for no good reason. Israel occupied the land by force, rendering the 4 000 000 Palestinians refugees. If we read the history and review what happened in the past few decades, we could find the moving tragedies of the so-called "the world in chaos" that this piece of land had experienced. What is even more agitating is that those Western countries that flaunt democracy and human rights have all along tolerated the recurrence of these tragedies which plunge the world into chaos.

Therefore, just now Mr LEUNG kwok-hung and Mr Albert HO have mentioned a certain kind of moral responsibility of the international community for preventing these tragedies of the world in chaos from recurring. Since 27 December, on the ground of the expiration of the mutual Cease-fire Agreement, the Hamas who got hold of the Palestinian Parliament kept on shooting rockets into Southern Israel. Over 60 air-attack alarms were sounded on the day of the most intensive attacks. At that time President BUSH said that that was an act of terror. However, Israel was giving an eye for an eye in returning the massacre by a thousand times. Therefore, the extent of severity of the Israeli retaliation, the intensity of the spellings and their killing power far exceed the rockets of the Palestinians.

However, we have to be clear that the Hamas managed to occupy the Parliament because the Palestinians were not able to get united among themselves, while the self-government of Abbas belongs to another faction. Apart from the Palestinians who were not united from within, the Arabian camp was also not united; otherwise, how could Israel, such a small country with a population of merely several millions and surrounded by all the Arabian countries, not only survive and develop, but also kill often like its "big brother", the United States?

The effect of our discussion on this issue today is in fact not great, other than letting us know that the so-called "peace" needs to be attained with the joint effort of the world. Given that the small places of the world, including Hong Kong, or even a small island, claim to be part of the international community, they should contribute certain efforts towards attaining peace. In this regard, no matter how small the contribution is, just like the proposal by Mr LEUNG kwok-hung for the adjournment debate today, it is a voice to be heard. We could not turn a blind eye to this. Therefore, today's adjournment debate is just a platform for Legislative Council Members to contemplate about the current Middle East issue, hoping that they would not treat it as a piece of news on television and just express casual feelings. Instead, we should think carefully why this chaos in the Middle East could last for decades? Who should bear the responsibility most? The Palestinians and Israelis are innocent. It is known that there are too many political factors involved. Certainly, there are also a lot of religious factors and power struggles. We should draw a lesson and be wary of it. Israel is a democratic country whose actions are empowered by its people.

But could the tragedies caused by this popular mandate be avoided? Does it have a causal relationship with democracy? Under this circumstance, Israel has but to take the current action to defend itself; but this kind of action has gone too far.

Therefore, today I have to reiterate that though the Legislative Council of Hong Kong does not have much power in preventing these tragedies from recurring, we have at least a platform for voicing and expressing our views. Thank you, Deputy President.

**MR TAM YIU-CHUNG** (in Cantonese): Deputy President, I wish, on behalf of the few Legislative Council Members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) to express our views and stand on this motion of adjournment. The bloody attack by the Israeli army on the Gaza Strip has been going on for nearly two weeks. As at 5 January, at least 524 Palestinians died and over 2 600 were injured as a result. The majority among them were ordinary people, including the elderly, women and children. Having been under the long economic blockade and having gone through the torn of war, the Gaza Strip is currently caught in a serious humanitarian crisis.

The rocket attacks initiated by the Palestinian Hamas organization on Israel upon the expiration of the six-month Cease-Fire Agreement between both parties are of course the direct cause of this bloody conflict. The Israeli army then launched a large-scale air attack and a ground attack on 3 January. However, as pointed out by public commentaries worldwide, there are far more remote causes for the current conflict. In the year 2006, through democratic election, the Hamas defeated the Fatah faction which was regarded as corruptive and rotten by the Palestinians and gained control of the Gaza Strip. In an attempt to bring the Hamas organization under containment, Israel launched the economic blockade in the Gaza Strip, which was not only directed against the Hamas regime, but also brought about profound sufferings to the local Palestinians, rendering their survival being threatened. Even during the Cease-Fire Agreement period in the past six months, Israel only allowed resources of the most basic humanitarian aids to get into Gaza. According to the statistics by some international humanitarian organizations in March last year, under the economic blockade, the economy of

the Gaza Strip has reached a collapsing point, where over 90% of the local production had ceased, unemployment rate reached 40% and 80% of the Palestinians had to live on humanitarian aids.

In the light of the situation, it is pointed out in the *Economist* that even though Israel was under provocation, it could as well be said that the Hamas was under Israel's provocation. Unavoidably, in the general background of the current conflict were the long-standing historical conflicts between Israel and Palestine which include the unequal treatment of the Palestinians, the partiality granted towards Israel by the international big powers which brought about a series of setbacks in the international effort for peace, and the gaining of political power by the aggressive Hamas.

Another undeniable fact was that during the conflict, Israel employed military forces as it pleased, forces that were incommensurate with the provocations. It had no regard for the safety of lives of the ordinary people. On the first day of conflict, there were four deaths for Israel; however, the fierce bombings by the Israeli army had caused the deaths of 350 Palestinians, including the deaths of many ordinary people. Recently, there have been reports about the Israeli army employing weapons restricted by the international treaty to kill and injure the ordinary people.

Given the overwhelming advantage in military strength, the acts of Israel are in no way acceptable to the international community. In the light of the humanitarian crisis faced by the people of Gaza, we strongly request Israel to stop at once all armed attacks on Gaza, especially the injuring of the ordinary people, and adopt all necessary measures (including opening of the border) to allow the shipment of humanitarian aids such as food, fuel and medical care into Gaza to cater for the need of the local people in the humanitarian and economic aspects. In addition, we request both parties to stop at once the use of military force. To retaliate violence by violence is certainly not a solution to problems and conflicts, and only by seeking political solutions mutually agreeable to both parties could hostilities be resolved and real peace attained.

I so submit.

**MS EMILY LAU** (in Cantonese): Deputy President, I am very grateful to Mr LEUNG Kwok-hung for proposing this emergency debate, and I am also glad for the President's approval.

The vast majority of Hong Kong people are peace-loving, and yet, Deputy President, since the 27th last month, we have been watching the reports on these massacres on the television, newspapers, radio and various media channels. I believe all the people in Hong Kong are not only saddened by these incidents, they are also extremely shocked. For that reason, I have joined Mr WONG Sing-chi, Mr Andrew CHENG and other members of the public to stage a demonstration at the Consulate General of Israel in Queensway just now. A large number of Muslim children were also there. They were sweet and innocent, but we can see from newspapers photos that a lot of children living in Gaza were killed by the Israelis. Therefore, we are very grateful to Mr LEUNG for giving us this opportunity to convey our message. We also hope the Central Government will listen to the heartfelt wishes of the people of the Hong Kong Special Administrative Region and use its influence on this matter.

Deputy President, Mr WONG Yuk-man said that we should have an international outlook. This is a must, otherwise how can we claim to be a world city? In fact, last week, I went to Bangladesh to observe the elections there, and I believe a lot of Hong Kong people are travelling around the world now. Therefore, Deputy President, the atrocities in Gaza this time around are totally unacceptable.

I have read the statement issued by the Secretary-General of the United Nations, Mr BAN Ki-moon, yesterday. It was stated that three schools for refugees built and run by the United Nations had been attacked by Israel, inflicting heavy casualties. Some reported that more than 30 people had been killed, while others reported the death toll had exceeded 40 or 50. Deputy President, he said, in fact the United Nations were operating more than two dozen schools in the Gaza Strip, and these schools were sanctuaries for many homeless Palestinians (he said the number exceeded 15 000) who had sought shelter there. Hence, it would be totally unacceptable for the Israelis to attack these schools.

Secretary-General BAN Ki-moon also pointed out in his statement that the military attacks had also affected a number of the United Nations' medical

facilities and seven United Nations' personnel had been injured, with three being in serious conditions. Deputy President, he also said in the statement that the Israeli authorities had been informed of the existence of these United Nations' facilities in Gaza; they were fully aware of these facilities. Of course, perhaps Israel might say that it was because someone had been using these facilities to hide ammunition and rocket attacks were launched against Israel from these sites. However, Deputy President, given that there are so many civilians inside, what the Israelis have done will definitely provoke outrage in the international community. Therefore, as a member of the international community, Hong Kong must make its voice heard, and I also hope that the Central Government will do something as soon as possible.

Deputy President, I have seen that the Central Government's Special Envoy to Middle East SUN Bigan delivered a speech in Beijing yesterday. He said that China was seriously concerned about the escalation of the Palestinian-Israeli conflict and the humanitarian crisis in the Gaza Strip. The Chinese side has also held a group meeting with diplomatic envoys and representatives of Arab countries in China, including Israel's diplomats and representatives of the other countries concerned, on the current Gaza situation. He said China had all along been advocating that the Palestinian-Israeli issue be brought back to the track of political settlement and objected to the use of force and acts to inflict casualties on innocent civilians.

I am also aware of the fact that the United Nations Security Council attempted to issue a statement (it was about two or three days ago), urging Israel to cease fire immediately, but the United States did not agree with that. Why? The United States pointed out that the statement did not mention the continual firing of rockets into Israeli territory by the Hamas. Representatives of the United Kingdom and the United States even said that in that case, the statement would not be neutral. The United States also said that the statement should state that the Hamas is a terrorist organization. Deputy President, in fact, if we say that it is a terrorist organization, then, as Israel is now killing hundreds of people every day, so far thousands of people have been injured, is it not a terrorist organization, too?

Honestly, I believe many Honourable colleagues are not experts on the Middle East question, but three years ago, when Israel withdrew its forces and

people from the Gaza Strip, some people might have been so naive as to believe that there were some real hopes. Nevertheless, as a colleague said earlier, later on the Hamas took power, followed by continual rocket attacks on Israel, but these attacks had not caused many casualties because the Hamas rockets were not powerful enough, though they had certainly caused some nuisance to the Israelis. Deputy President, so in June last year, the Government of Egypt and other countries discussed the issue and a six-month ceasefire was declared, and the cease-fire period ended on 19 December last year. However, the Hamas said no at that time, that it would not keep on observing the cease-fire agreement. However, Deputy President, during the cease-fire period, the Hamas had not been benefited much. Why? Because as a number of colleagues said earlier, an economic blockade had been imposed on them, such that most of the supplies (including the delivery of supplies on humanitarian grounds) could not get through, except only a very small amount of supplies. What on earth was going on with the Israelis given the way they have treated these people?

Therefore, I will certainly not support the use of rockets or whatever weaponry to attack other people, be it state-of-the-art or low-tech weaponry. This we must not tolerate. In particular, since Israel possesses the state-of-the-art technology, therefore it can bombard other people on all fronts. Now it is launching ground attacks, Deputy President, will there be any real winners in these actions?

Last year I watched an interview on the television. Some reporters went to the Middle East, hoping to open a discussion on the question of why the hatred between them was so deep. A reporter was invited to have dinner with a particular family, the pregnant mother of which was preparing for the dinner and several children were playing on the floor. The reporter was sitting and watching while the mother was doing the cooking and talking. Deputy President, what did she say? She said that after her baby was born, she would become a suicide bomber. It seems inconceivable to us that a mother, who was preparing the dinner in the kitchen, would carry bombs at her back within several months to kill her enemies?

Last month, a reporter from the United States also asked me if I had any views on the development of Asia that I wish to tell President OBAMA. I responded that we should not only focus on Asia. I wanted to tell President

OBAMA that I wished the new President of the United States would bring with him fresh views by trying his best to eradicate the hatred against the Government of the United States or even the American people from some countries, as the hatred is so deep that some people are even prepared to sacrifice themselves and their loved ones to go down with their enemies. This should not, and could not go on forever. However, now, we can see the endless killings in Gaza every day. Deputy President, there are no winners, so I hope that this small city can converge with the international community and make our voice heard, I believe these ..... In fact, it is already too late for us to do this today. Last week, large-scale processions and demonstrations were staged in a number of cities to protest against the massacre, so I very much hope that the Central Government can make its voice heard in the United Nations, and we hope all peace lovers can make their voice heard.

Deputy President, some people say that two important days are drawing near, but I believe we should not wait until the two days to take actions. One of the days would be 20th of this month, and the other would be the day that Mr OBAMA swears in as the President of the United States. In fact, he broke his silence yesterday. He has not spoken a word all along, but President Bush has expressed support for Israel. However, how can he support the way of killing of Israel anymore? Mr OBAMA has expressed grave concern over the killings by Israel. Deputy President, another day will be 10th of next month, when Israel will hold a general election. I understand that during the election period, all political parties will certainly tell their constituents of their strong and firm position to protect the interests of their constituents, in particular to ensure their safety. However, I also hope that the Israelis will understand that they should respect the rights of the Palestinians of having their own soil. I hope they can live in real harmony.

Very often, we will have different opinions in Hong Kong, yet, Deputy President, their circumstances remind me that we are not as good as kindergarten pupils. However, I am also glad that although we have different opinions, we can use some peaceful, rational and non-violent ways to deal with them. Deputy President, I also hope you will not corner us, though we do not support the idea of resorting to violence. Today, I hope we can unanimously support Mr LEUNG



Kwok-hung's motion. I hope everyone in Hong Kong can send a message to the international community and Beijing and let them know that we hope for immediate peace for people in the Gaza Strip.

**DR PAN PEY-CHYOU** (in Cantonese): Deputy President, in an historical sense, the Jews can be described as a tragic race. We know that the Jewish state had experienced subjugation several times. During the reign of the Roman Empire, after their state was destroyed by the Romans, they were even driven away from their homeland.

Since then, the Jews became destitute and homeless. They had been living as outcasts in Europe and other countries and even as far away as America. They were making homes on foreign soil. I believe this experience helped foster in the Israelis a strong sense of national pride and patriotism. After the Second World War, with the support of Europe and the United States as well as long years of Zionist movement, they finally returned to their homeland and founded the present-day Israel.

To the Jewish people, or even other races and nations in the world, it is something worth cheering and rejoicing. After all, it has almost been 2 000 years after the subjugation of their home country. It is worth cheering and rejoicing as its people can reunite and return to their homeland.

Unfortunately, after the Jewish people re-establish the Jewish state, the State of Israel, they immediately launched a series of military operations to drive away Palestinians originally living in the Palestinian homeland for almost 2 000 years. It can also be said that Israel was founded on the subjugation of Palestine and the expulsion of the Palestinians.

The Jews are shifting the experience of losing their country and homes onto the Palestinians. This being the case, the sympathy of people from other parts of the world for the Israelis dropped significantly. Now, as to the Palestinians in the Gaza Strip — we can learn from the world atlas that the Gaza Strip is very small in area — these people are facing an economic blockade. One can imagine that they are just like animals trapped in a cage, having no way out, nor can they defend their homes.

Now, the Israeli attacks on them are something like a giant hitting a small child. When the child is persistently beaten up, other than crying, he may wave his feeble fists to fight back or he may use his teeth to bite the giant. Unfortunately, these only lead to more deadly riposte.

We in Hong Kong are very far away from the Middle East, but even so, when we see these injustice and sadistic battering, based on the principle of humanism and the sympathy of a human being to the victims and the small and weak, we consider them intolerable, and we are outraged by these actions.

Someone once asked me, "You being a doctor, why do you take part in trade union work?" I have frequently asked myself the same question. I have come into contact with a lot of trade unionists, and I think that one of the characteristics of people engaging in trade union activities is that they attach greater importance to injustice. As to labour relations and social problems, we do not necessarily have first-hand experience of them, but we feel that we have to stand up for our own conscience, social justice and righteousness.

In fact, in this case, we are not simply bystanders. With the development of information technology, the advancement of science and technology, the world is getting smaller and smaller. Perhaps the Middle East was probably a very distant place in the past, but what is happening in the Middle East today can well be transmitted back to us in a matter of seconds. We should no longer turn a blind eye to these. In fact, because of globalization, an incident taken place in some place else would have a direct impact on us. Instability in the Middle East will affect the oil prices, and the oil prices will affect our daily lives. These are practical considerations.

Therefore, based on the principle of humanism, we hereby demand Israel to cease the attacks on the Palestinians living in the Gaza Strip immediately, and we also demand the Israelis and the Palestinians to reach a cease-fire agreement as soon as possible for the safety and lives of the their civilian population, and to build lasting peace through negotiations.

Here, I also wish to thank Mr LEUNG Kwok-hung for proposing this motion today, because I have been concerned about the events happening in the Middle East, but I am constantly confused by the indifference of Hong Kong

society. When we saw the occurrence of serious violations of humanitarian principles, why have our college students not come forth and spoken a few words? Today, Mr LEUNG Kwok-hung has moved this motion, which gives us an opportunity to speak on this matter. I consider that meaningful.

Even though our political views are rather different in general — frankly speaking, I do not agree with some of the behaviour of Mr LEUNG behaves — I wish to thank him today. His motion reminds me of the noble savage depicted in the famous English novelist Aldous HUXLEY's novel, the *Brave New World*. Thank you, Deputy President.

**MR CHIM PUI-CHUNG** (in Cantonese): Deputy President, the topic of our adjournment debate today is itself an unfortunate fact in history and the world. We know that if both sides are equally strong, it will be difficult to resolve the disputes and conflicts between them. If one side wins, there will be no room for negotiation. If both sides are similar in strength, no war will break out and a stalemate will result. Neither side will dare to take any action first. In the end, they will surely come to the negotiation table. However, the situation in the Middle East is not like this. Why? What is the root cause of the problem? It is the United States.

Some Members said just now that the United States is the "Big Brother" of Israel. No, they are wrong. Israel is actually the father of the United States because all major corporations in America as well as its politics and economy are in the hands of the Jews. If there is no war, who will elect you as the President? Hence, the United States has been dominating the world with its hegemonist power.

Why do I have to speak? I want to take this opportunity to wake up the people of Hong Kong, to make them realize one thing. In the last few decades ..... let us not talk about the distant past ..... We need to know the facts of the past, the facts about the political and military scenes of the United States. There are many weapons manufacturers in the United States who produce large quantities of weapons. If there is no war, how can they amass any political capital for election purposes? Things that happened too long ago may elude us. But we do know that China was dragged into the Korean War. In the 1950s, Chairman MAO Zedong of China wanted a nuclear bomb rather than any pants.

In the Korean War of 1953, the Americans and American warlords were scared to death by the mere sight of Chinese troops. This war is a fact. We also know that the United States fought a war in Vietnam War and invaded the Middle East, capturing a president and accusing it of possessing weapons of mass destruction. But nothing was found in the end. Do these acts still deserve our approval and support?

The second issue is about financial affairs and the economy. In the past two decades, the world saw its first financial turmoil in 1987, and the crisis in 1997 was mainly confined to Asia. People even predicted that problems would emerge again in 2007. But a crisis eventually hit, somewhat belatedly in 2008. By that time, the United States had to "poison itself in order to kill the tiger that eats it," so to speak. It has been poisoned as a result, but the world is also victimized. Nevertheless, some financial and economic officials in Hong Kong still look to the United States as an example to follow. This Middle East incident should have alerted the world that the United States is the main culprit behind all this.

Thirdly, since the United States has attracted talents from all over the world, it is very powerful in terms of intellectual property. Basically, it has been bullying the whole world in very much the same way as it has taken advantage of the Middle East situation. Making use of its intellectual property, it has inflicted harm on the whole world, exploited the whole world in particular China. The people of China are proud of their \$2,000 billion foreign exchange reserves, but \$1,500 billion of these reserves are invested in American bonds. This \$2,000 billion is the hard-earned money of the Chinese people. Many Hong Kong people also toil and sweat to earn money. Workers in the Pearl River Delta and the Yangtze River Delta, in particularly, all work very hard to produce all kinds of goods. But with all the intellectual property right it possesses, the United States has sought to bully the whole world, in the same way as it has bullied Middle East countries with the military power of its father, that is, Israel.

Apart from intellectual property, in the future, the United States ..... Fourthly, the United States has also been bullying China by flaunting two slogans — democracy and human rights. Some Honourable colleagues, the pan-democrats, may not agree to my view, but this is a fact cast in iron. These ideals are not exclusive to the United States, I must say. But back to this present

incident, has the United States ever mentioned human rights? Why do we still look to the United States as an example to follow? Why do we still talk so highly of it and think everything it says as correct? And why do people still want to fight for the introduction of the American system of democracy into Hong Kong? I am not trying to sing a different tune on this occasion, but Deputy President, we must make the people of Hong Kong realize the facts behind this incident. On the basis of such awareness, we must call on the people of Hong Kong to strengthen themselves. There are more than 20 countries in the Middle East. Why can't they defeat one single country called Israel? It all boils down to disunity.

The people of Hong Kong are basically powerless, but we must never deny the importance of solidarity. Although we may not see eye to eye with the Central Authorities on many policies, we can still express our wishes and views in unity. Thus, the people of Hong Kong need to learn from the war in the Middle East and strengthen ourselves. Unity is the prime requisite because unity is strength. We should not be timid and should not create troubles like those countries in the Middle East. We must realize how the United States has been treating the world and then strengthen ourselves accordingly. We also need to find out what lies ahead of us by drawing a lesson from this incident.

Now that war has broken out between Israel and Middle East countries, who can seize the opportunity to bring forth the required unity? Personally, I am rather pessimistic. But as I have said just now, I hope that after 42 years of war, a strong leader can emerge to make both sides realize their respective situations. I firmly believe that history will unfold the truth. And, surely, the problem can only be solved when a leader with political and other abilities eventually emerges.

Similarly, there are lots of disputes about various issues in Hong Kong. But the important thing is that, we must work for the same goals and have a clear idea of our own edges. Our Government, a Special Administrative Region Government, takes pride in Hong Kong's position as an international financial centre. But its approach is in effect an indirect way of siding with the United States. Such an approach should be revised, reviewed and criticized.

Today, I have seven minutes or so to speak. I wish to encourage the people of Hong Kong to continue to strive for progress and make use of the

Middle East situation to strengthen and enhance their own conditions and quality of living.

Deputy President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Deputy President, when we were having lunch upstairs just now, Honourable colleagues discussed among themselves whether they would speak on the adjournment moved by Mr LEUNG Kwok-hung. Some Members remarked that they would not speak because they were not familiar with the situation there. But others said that whether or not they knew the situation was not important because this war had inflicted harm on many civilians. They thought that it sufficed as long as we condemned this war.

Deputy President, I do not know much about the situation in the Middle East, but we all feel distressed and sorry when we learn from the news on television every day that many innocent civilians, especially children, have been hurt and killed. Hence, however ignorant I may be about the situation there, I think that I must rise to speak in condemnation of such acts.

As Members may notice, this year marks the 60th anniversary of the promulgation of the Universal Declaration of Human Rights. We have been bragging about the continuous progress in civilization made by human societies and the world, but such inhuman acts and violations of human rights have still occurred. This is indeed ironic and a provocation.

The countries concerned have advanced various high-sounding reasons for attacking others. But I must quote what MAO Zedong once said: if others do not attack me, I will not attack them; if others attack me, I will retaliate. The logic is that we will not launch any invasion or aggression unless we are left with no option. Thus, I maintain that all attacks and aggressions against others on whatever excuses are shameless and should be condemned. In fact, in the world today, it is especially necessary for us to voice our strong objection and protest.

Many colleagues have explained the historical relationship between Israel and Palestine, pointing out that it is marked by intricate national and religious

factors. However, since we now recognize that modern-day society is civilized and advanced in humanity, we should resolve all disputes by civilized means, rather than resorting to war. It does not matter whether it is a political means or whatever. As long as such a means does not involve the use of armed forces to hurt civilians, we should promote and facilitate its adoption.

Unfortunately, rather than following this approach, some countries even fan the flame, trying to bring forth a war which should not have started in the very first place. Hence, what we must get to know clearly today is not only the situation in the Middle East, but also the acts of all those people and countries that all the time vow to uphold justice and humanitarianism. This is even more important.

We certainly need to gain a better understanding of the issue, but we also need to pay more attention to the problems stemming from it. Many colleagues mentioned the United States just now. Regarding this issue, I must say that the United States often tries to stir up conflicts among countries in the Middle East, fermenting hostilities and continuously manipulating the situation to its own benefit. Under the present situation, while condemning all those acts of aggression, we must also condemn the approach of fishing in troubled waters, which is even more shameless.

Deputy President, I do not know how we can help or what positive impacts we can possibly make by holding a debate on this war in the Council today. But the debate today can make us realize that the call for peace and justice should transcend all national boundaries. We hope that not only the war between Israel and Palestine but also all the wars in the world can come to an end as soon as possible.

Deputy President, Christmas and the New Year have just passed. Every year, on the days following these festivals, I will watch the news on television, so as to find out how people in other countries have enjoyed themselves. We often see television reporters asking people what their wishes are. I believe Members must have heard this before — both children and adults will immediately say, "Peace in the world." This is indeed a common aspiration of all peoples in the world.

I thus hope that the debate today will bring not only hope but also peace to the whole world. We do not want to see any more wars. Wars inflict immense and irreparable harms on people and will leave behind incurable wounds. We do not want to see any more wars.

Deputy President, I so submit.

**MS CYD HO** (in Cantonese): Deputy President, the Middle East is a large crude oil depot in the world. However, due to clashing interests and long-standing ethnic and religious conflicts, this arsenal poses a major threat to world peace. After the Second World War, instead of using this opportunity to iron out the conflicts long hidden in the Middle East, the victors of the Second World War created a check on each other in their respective interests, resulting in the ongoing conflicts in the region.

Deputy President, modern warfare does not necessarily need guns and rockets. As far as Gaza is concerned, the Israeli-Palestinian war has started for a long time, and the pain inflicted on residents in Gaza by the long-term embargo on the Gaza Strip, regardless of the short supply of food and medicines, was no different from that inflicted by direct battle fires. In fact, after the cease-fire agreement formally ended on December 19, the Hamas fired at the Israelis, but the weapons they used were rather backward. After fighting for a whole week, only four Israelis were killed. However, as soon as Israel launched a frenzied counterattack, some 400 people were killed in less than four days. In addition, targets of Israel's attacks included offices and schools of the United Nations. Yesterday, 40 people in a school were killed, including more than 20 children. The disproportionate and overwhelming military counterattack as well as the attack on civilians will only invite contempt.

What is even more horrifying is that a general election will soon be held in Israel, so war hawks in Israel will take a hawkish stance in order to win domestic support. They will not hesitate to shift the domestic pressure to Gaza in order to gain support through military confrontations. This is quite lamentable.

The European Centre for International Political Economy also pointed out why the Hamas was willing to court defeat by fighting against overwhelming



odds and opening fire, though it knew perfectly well that its military power was far too inferior? In fact, the objective effect was that the oil price would possibly bounce back from US\$40 to US\$100 per barrel. Since the war had been fomented and fears aroused in the market, the speculation activities would resume.

The international situation is now in great peril, and coupled with the financial tsunami, every political regime is facing domestic pressure. If a country seeks to maintain internal stability of the regime by the use of military force, it will easily lead to an unexpected turn of events and put the nation on the verge of war. Local people will certainly be affected by the war, but people in other countries will also be affected, because once a war breaks out, all sorts of speculation activities and fluctuations in oil prices will cause turbulence in the international financial market, and consequently, everyone will suffer.

(THE PRESIDENT resumed the Chair)

Certainly, sheer military power can neither maintain long-term peace nor eliminate the fear between races and cultures, even if genocide is used as the extreme measure; it can never eliminate such conflicts. In fact, the Jews themselves have suffered a similar experience, so they should have a better understanding and they should exercise their utmost wisdom and tolerance to pursue lasting peace.

President, based on humanitarian reasons and the need to stabilize the international situation as well as the political and economic situation, I hope the Central Government can use its influence in the United Nations Security Council to urge the Israelis and Palestinians and supporters behind them to sit down and talk, with the aim of reaching a cease-fire agreement as soon as possible, and coming up with a proposition which can achieve lasting peace and fulfil all the humanitarian criteria. Thank you, President.

**MRS REGINA IP** (in Cantonese): President, I wish to thank Mr LEUNG Kwok-hung for moving this adjournment debate today, which enables the people

of Hong Kong, who have been preoccupied with tackling the economic crisis, to have an opportunity to turn their attention to some important events happening overseas.

I have very deep feelings about this topic because I have many Jewish friends, both in Hong Kong and the United States. One example of famous Jews in Hong Kong is Mr Robert DORFMAN, who is the founder of Vision 2047 and also an elder in the Jewish community in Hong Kong. He is even a good friend of mine, and he supported me when I ran in the election. I also have many Jewish friends in the United States, and I witnessed many debates on Middle East issues in the campus there.

On my university campus in the United States, I also noticed the strong influence of the Jews in the United States, as also pointed out by Mr CHIM Pui-chung just now. They dominate the political, academic, intellectual, financial (Wall Street honchos are mostly Jewish), entertainment as well as science and technology circles. In every prestigious university, there is a Jewish Centre. My daughter has told me that even her university, Upenn is also known as Jew Penn, because at least one third of its students are Jewish who wear a kippah to classes.

One desirable feature of university campuses may be that they are more tolerant of ideals. That is why there are many student debates. Jewish students, Israeli students or even visiting Palestinian students will all express their views on Middle East issues. Many Palestinian students even recount the inhumane treatment that they were given in the Gaza Strip or on the West Bank, where apartheid actually exists. Some even claim that there is genocide. Sometimes, Israeli troops would enter refugee camps to kill innocent people.

Speaking of Jews and China, there is in fact an interesting relationship between them. Many experts on Jewish people in China have pointed out that the Jews started settling in China a long time ago owing to persecution in Europe in the past few hundred years. Relics of Jewish people travelling to and settling in Henan can even be found. Many Jewish values are akin to those of the Chinese, such as their values on family, education and fostering their children as elites. They have been living on good terms with us in China.

Although I think highly of the wisdom and perseverance of the Jewish people, I am as discontented with the Israeli invasion of the Gaza Strip in the Middle East as many Members who have spoken, and I maintain that this Council should condemn Israel.

However, as pointed out by some Members just now, this is actually a historical problem created by such great powers as the United States and Britain. Following the Holocaust in the Second World War, in which Jews were massacred by Nazi Germany, there was support for Zionism. Great powers such as Britain and United States then resolved to designate a place in the Middle East, on other people's homeland, for the Jewish people to establish their nation. I have talked to many Jewish friends about whether it was desirable to rebuild the Jewish homeland in the name of Zionism on others' homeland. In retrospect, this might not be so desirable.

In fact, the Jewish people who are scattered around different places in the world, such as the United States and Europe, have been leading a good life and have even made considerable achievements. This is far better than forcefully establishing their nation in a place inhabited by a different people with a different culture and religion. What is most unfortunate is that since the founding of their nation, the Israelis have been following the Old Testament's teaching of "an eye for an eye and a tooth for a tooth", rather than trying to tackle problems with love and tolerance as advocated by the New Testament. When other people punch them once, they thus punch back ten times. The country often resorts to military force to resolve problems and seeks to maintain national stability by annihilating their enemies.

Hence, I believe that based on press reports or overseas discussion, Members will agree that for the sake of ensuring its survival, Israel has indeed committed many acts in the Gaza Strip or on the West Bank which are inhuman and in contravention of human rights and even international laws.

When I left home this morning, I saw on television a CNN interview of the United States envoy to the Middle East, Tony BLAIR. His remarks were obviously biased in favour of Israel. He thought that Israel's actions were based on military reasons and the need for maintaining military superiority, and that Israel had been forced to take military actions to annihilate its enemies because

Hamas had made use of Islamic worshipping venues in the Gaza Strip to stash ammunitions, excavate tunnels, smuggle arms and fire rockets into Israel. He said Israel's actions were understandable. He was obviously partial to one side, and this is most unfair to the civilians.

Hence, I hereby call on ..... It is not very useful to call on Israel anyway because Members all know that the Israeli Prime Minister who bravely signed a Middle East peace agreement on returning many strips of land in Palestine and Gaza was assassinated in the end. With the approach of the general election, it is hard to expect Israeli leaders to remain calm and fair. However, I hope that (I do not know if those great powers can hear our voice) the President-elect of the United States can act more fairly, rather than yielding to the Jewish influence, in the country, siding with Israel, and condoning the acts of aggression which violate human rights and international laws. Furthermore, I also urge our country, which is playing an increasingly crucial role in international politics, to voice independent and unbiased views to the great powers, so as to bring peace to the Middle East as soon as possible. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Before I put the question on the motion for adjournment, I wish to remind Members that the question to be put is: That this Council do now adjourn. If the motion is passed, I shall adjourn the Council under Rule 16(3) of the Rules of Procedure, and this meeting cannot proceed for considering the remaining items on the Agenda.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That this Council do now adjourn. Will those in favour please raise their hands?

(No hands raised)

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

(Members raised their hands)

**PRESIDENT** (in Cantonese): I think the question is not 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 negated.

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

**PRESIDENT** (in Cantonese): First motion: Air pollution and public health.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I will call upon Mr KAM Nai-wai to speak and move his motion.

## **AIR POLLUTION AND PUBLIC HEALTH**

**MR KAM NAI-WAI** (in Cantonese): President, I move that the motion under my name, as printed on the Agenda, be passed. As a newcomer to the Legislative Council, it is the first time I proposed a motion for debate. Today, I am mainly going to discuss air pollution and public health.

The Middle East war mentioned a while ago caused the death of many people. Actually, air pollution has significant impacts on public health and also

causes the death of many. As the spokesman of the Democratic Party on environmental protection, I am surely concerned about the situation of air pollution in Hong Kong, but the most important point is that Hong Kong people are very concerned about the issue, too. Very often, besides economic issues, the Legislative Council debates issues associated with environmental protection. I especially wish to emphasize that the air pollution situation has reached a very serious level, very close to the alarm level.

I would like to introduce to Honourable colleagues the HEDLEY Environmental Index developed by the Department of Community Medicine and School of Public Health of the University of Hong Kong. The principal objective of developing the index is to show people how air pollution affects human health. How significant are its effects on our economy? I will cite some data to enable Honourable colleagues to understand it better. According to the index, in the past year, there were 1 155 premature deaths due to air pollution, and there were more than 7 million doctor visits due to air pollution. Members can see how shocking the figures are. So, I have proposed this motion today in the hope that the Government would address this problem squarely. In the past, it seemed to me that the Government was just burying its head in the sand; the Government recently wanted to revise its Air Quality Objectives (AQOs) but it was criticized by all sectors of the community.

Recently, the public policy think tank Civic Exchange has published the results of their public opinion survey on air pollution and public health risks. It is found that people think that air pollution is damaging their quality of life, and many people are considering leaving Hong Kong while some international professionals and investors are refusing to come to Hong Kong for work and investment. In fact, the Democratic Party has recently conducted a survey and interviewed more than 500 respondents. It is found that only 11% of the respondents agreed that the overall air quality had improved compared with two years ago, but 80% of them remarked that it had not improved or deteriorated. Furthermore, among the respondents, 12% considered that the measures taken by the Government to improve the air quality over the past few years were slightly effective, yet, 80% thought that they were ineffective. Certainly, in the survey, 70% of the respondents commented that they were concerned about health issues, and they would not go to places or districts where the air pollution level was very high. Besides, they found that roadside air pollution needed improvement most.

As I have just said, the Government has recently indicated that the AQOs would be upgraded because it has been 21 years since the AQOs were devised in 1987. However, according to Greenpeace, even if assessed on the basis of the Government's AQOs, the air pollution situation in Hong Kong is still bad. If the Government refuses to face the reality — when the Legislative Council debated the motion proposed by Ms Audrey EU earlier on, the Democratic Party actually asked the Government to upgrade the AQOs to meet the European Union standards by 2012 and to meet the ultimate objectives of the World Health Organization (WHO) in 2015. We hope the Government will achieve the ultimate objectives rather than just adopting the first stage objectives, which are unacceptable to many green bodies and Hong Kong people.

In the motion today, we ask the Government to establish a smog alarm system. Although the current Air Pollution Index (API) indicates health risks, there is no warning over badly polluted days. What measures should the Government and the public take? In the survey conducted by the Democratic Party on more than 500 respondents that I mentioned a while ago, 40% of the respondents considered that the Government should announce the suspension of classes in secondary schools, primary schools and kindergartens in some districts on these days to alleviate the effects of pollution on students. The Democratic Party would like to see the implementation of the smog alarm system by other government departments with co-ordination by the Environment Bureau. When the smog alarm system shows that there may be serious air pollution in the next 24 hours, the various Policy Bureaux should be responsible for putting formulated policies into practice or taking special actions on seriously smoggy days to enable people to take precautions early. Certainly, we hope that reference can be made to the red and black rainstorm warnings insofar as the smog alarm system is concerned, such that a two-phase warning system would be established to enable the Government to send short messages or issue the relevant warnings online. In this way, people can receive the messages earlier and know in advance when a red or black signal will be issued.

Certainly, apart from the proposals I have just made such as the partial suspension of classes in some places on some badly polluted days, the Government can actually consider — we have recently observed that our nation adopted the measure of restricting access by vehicles with odd or even number plates on alternate days when it hosted the Olympic Games — the Government can take similar measures on days when the air pollution levels are high.

We hope that, in implementing these measures, stringent objectives or indices would be devised, which is very important. It is also mentioned in the motion we propose today that, to enable the public to know more about the impact of air pollution on health, we request the Food and Health Bureau to take part in the formulation of measures for air quality improvement. For instance, the Environment Bureau pointed out in the policy documents submitted to the Legislative Council in the past the amount of pollutants to be reduced by each and every measure, but it rarely set out how effective the reduction of pollutants was in improving health. Therefore, we really hope that the Food and Health Bureau would take part in the work in the future. We hope that the Government, when formulating policies, would conduct health assessments on Hong Kong people besides considering the air pollution situation. We all know that the Food and Health Bureau is a government department having the largest number of medical professionals, and, rather than having the Environment Bureau to do so on its own, it is better for an inter-departmental Policy Bureau to assess whether the intended benefits to public health due to the implementation of new AQOs have been achieved.

Pinpointing the impact of air pollution on life expectancy, there are few local and regional studies, and we really hope that the Government, if such studies can be conducted, should subsidize related studies by the organizations concerned to enable the public to know more about the impacts of air pollution on people's health in the past and in the future. As Honourable colleagues are aware, we need some specific data to assess the impact of air pollution on public health. In the United States and European Union regions, the local governments actually determine the standards for measuring air pollution on the basis of scientific studies on air pollution and health problems. Thus, a more pressing task now is the conduct of a long-term tracking study to calculate accurately the loss of life expectancy in the territory due to air pollution, as well as the impact of air pollution on the health of people of different ages (including the elderly and children) and on those suffering from various forms of diseases. If longer-term policies can be formulated, I think that it is indeed necessary for the relevant studies to be conducted by the relevant organizations with government funding support or by the Government.



In our motion, we have also made specific proposals for consideration by the Government, including, as we all know, the main source of suspended particulate emission in Hong Kong being public transport. The Government should expeditiously eliminate highly polluting vehicles; especially restrict access by some old buses and highly polluting vehicles to busy districts with poor air quality. Furthermore, the Government should consider extending the current Incentive Scheme for Replacing Diesel Commercial Vehicles to these buses; the Government should use public money to purchase the residual values of the buses and then scrap them. Evidently, this will ease and improve the air pollution situation to a certain extent. As a matter of fact, the Democratic Party has said time and again that it hopes that the Government can designate some low emission zones, restricting access by highly polluting vehicles to certain districts such as Central, Wan Chai, Causeway Bay and Yau Tsim Mong on high Air Pollution Index (API) days as the roadside air pollution problems are more serious in these districts. This will be beneficial to our health and reduce air pollution. Of course, we have also expressed our hope that the Government can gradually implement the mandatory Building Energy Codes and mandatory energy efficiency labelling for electrical appliances, and expeditiously set the caps on the emission of air pollutants from power plants for the next stage, so as to reduce pollution caused by generation of electricity.

The many proposals we have made may be platitudes to the Secretary. We often ask if the Government has the determination. In fact, how confident is the Government in improving the air pollution situation? I really hope that the Government can consider air pollution and public health as a whole, and I trust that more people would support the Government taking more effective measures to improve the air pollution situation.

With these remarks, President, I move the motion today.

**Mr KAM Nai-Wai moved the following motion: (Translation)**

"That air pollution in Hong Kong has been worsening in recent years, posing an increasing threat to people's health, but the Government still uses the first stage objectives of the World Health Organization (WHO) as the goals of the reform in its recent review of Air Quality Objectives, this Council expresses disappointment at this; quite a number of overseas

studies nowadays have proved that serious air pollution will increase death rates as well as direct and indirect medical costs, and result in a loss in productivity, in this connection, this Council urges the Government to:

- (a) establish a "smog alarm system" and formulate guidelines and corresponding measures for the alarm system, so as to enable the public to know more about the impact of air pollution on health;
- (b) adopt the latest objectives of WHO as the benchmark for formulating measures to improve air pollution, evaluate the effectiveness of each of these measures in improving public health, and set improving public health as the primary policy objective in addressing the problem of air pollution;
- (c) conduct a long-term tracking study to accurately calculate the loss of life expectancy in the territory resulting from air pollution, as well as the impact of air pollution on the health of people of different ages (including the elderly and children) and on those suffering from various forms of respiratory illnesses and cardiovascular diseases in the territory, so as to provide reference data for formulating long-term policies; and provide financial support to those academic institutions and non-profit-making bodies which are interested in conducting the above study;
- (d) in conducting the review of Air Quality Objectives, entrust the Food and Health Bureau with the responsibility of assessing whether the intended benefits to public health as a result of the implementation of new Air Quality Objectives have been achieved and, based on the assessment results, formulate the guiding framework, timetable and corresponding air quality improvement measures for implementing the new Air Quality Objectives;
- (e) continue to implement measures to regulate the emission standards of vehicles in areas with busy traffic, develop footbridge networks and encourage the public to use mass transit systems;

- (f) improve the subsidy scheme for owners of commercial diesel vehicles to replace such vehicles with new ones and attract more owners to participate in the scheme, as well as expand the subsidy scheme to cover franchised buses; and
- (g) gradually implement the mandatory Building Energy Codes and mandatory energy efficiency labelling for electrical appliances, and expeditiously set the caps on the emissions of air pollutants from power companies for the next stage, so as to reduce pollution caused by generation of electricity."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr KAM Nai-wai be passed.

**PRESIDENT** (in Cantonese): Three Members will move amendments to this motion. This Council will now proceed to a joint debate on the motion and the three amendments.

I will call upon Mr CHAN Hak-kan to speak first, to be followed by Ms Audrey EU and Mr LEE Wing-tat; but no amendments are to be moved at this stage.

**MR CHAN HAK-KAN** (in Cantonese): President, how serious has the air pollution problem been in Hong Kong in recent years? All of us can make a judgment based on the fact that it is foggy every day when we open the window after waking up, and we are breathing in exhaust gas on the street, and the air pollution indices reported on television every day.

However, if you ask people how much air pollution has affected their health, I believe they can hardly give a quantified figure, but many of them will say, "President, my breath is not smooth today". It is not smooth not because the President is not performing his duties well, but because they have respiratory difficulties, or they have recently coughed a lot because Hong Kong has very stuffy air, rendering it impossible for people to get a breath of fresh air.

Indeed, to understand the relationship between air pollution and public health, we need a long-term scientific study. As Mr KAM Nai-wai said just now, the staff from the Food and Health Bureau should participate in the work, and I will go into the details later.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supports the motion proposed by Mr KAM Nai-wai today, but we have also proposed an amendment because the problem of regional air pollution should be pinpointed and we would like to approach the issue from a macroscopic perspective, to protect public health while improving the air quality.

The amendment proposed by me adds one point to the original motion, President, which is, asking the SAR Government to expeditiously discuss with the Guangdong Provincial Government the post-2010 cross-boundary co-operation plan between Hong Kong and the Mainland for improving air quality.

It is because the development of Hong Kong and the Pearl River Delta Region has become interdependent, and air pollution is a problem to be tackled by the Governments of the two places together. I am very pleased to hear Secretary Edward YAU say in reply to the oral question of an Honourable Member a short while ago that the Government would consider how to tackle the air quality problem after 2010. Nevertheless, it is a great pity that the Secretary has not explained in detail the relevant contents in his answer, the details of the plan and the specific implementation. I hope the Secretary would give Honourable Members additional information later.

Before discussing the future co-operation, I would like to review the progress of the work of Guangdong and Hong Kong on air pollution. If Honourable colleagues still recall, the Government has referred to a 2010 Emissions Reduction Target. By rough calculation, President, there are only 11 months to go before 2010. However, according to the document submitted by the Government to the Panel on Environmental Affairs in July last year, the total amounts of nitrogen oxides and respirable suspended particulates have decreased, yet, but a figure has conversely increased and it is related to sulphur dioxide emission. The emission did not drop over the past 10 years but conversely increased by 12%. How can the Government, within a short span of 11 months,

reduce the increased emission of sulphur dioxide to meet the expected target? This made us doubt how Guangdong and Hong Kong can ultimately achieve the emission reduction targets, and I hope the Secretary would later give us a detailed explanation.

President, the emission reduction data above simply illustrate one point, that is, even if Guangdong and Hong Kong make joint efforts, they may not be able to achieve all the emission reduction targets. So, if the future air pollution problem is tackled by Hong Kong alone, I am afraid we will get half the result with twice the effort. Furthermore, the current emission reduction targets have not included a very important point, and that is, carbon dioxide.

Thus, even if we really achieve the emission reduction targets set by both parties in 2010, our air quality would still be not good enough because we will be lagging far behind the interim objectives recommended by the World Health Organization (WHO). Hence, we can only co-operate with Guangdong in formulating long-term emission reduction plans and targets, which will help improve our air quality.

Apart from Guangdong that we often talk about, we have to make some efforts to demonstrate the Government's determination to improve the air quality. The Chief Executive stated in his policy address last year that the AQOs would be reviewed and the Interim target-1 of the WHO Air Quality Guidelines would be adopted. The DAB welcomes this. However, we think that this should only be an en route stop. It is because Interim target-1 of the WHO Air Quality Guidelines is not enough and we should use as reference the more stringent ultimate objectives of the WHO. Only then can we catch up with the global trend and protect public health.

President, I have looked up some information of the WHO. According to the WHO, around 3 million babies died each year due to air pollution, and data also showed that air pollution would give people higher blood pressures. I have also looked up information to ascertain if the Government has recently conducted surveys on air pollution and public health. There are similar surveys but we have to trace back to a study conducted by two universities in Hong Kong commissioned by the Environmental Protection Department. Nevertheless, the study conducted in 2002 used the data on 2000, which was almost 10 years from

now. Does the relevant information still serve as good reference? Is it necessary to conduct a more recent study? I think it is essential to do so.

In addition, having looked up such information, we realize from this study that the direct medical expenses such as doctor visits and hospital bed days as a result of respiratory system and heart diseases caused by air pollution amount to \$1.3 billion a year. The figure is shocking and it also has a profound meaning, in that it implies the impacts of air pollution on public health accumulated over a long period which ordinary people may have overlooked.

That being the case, if the Administration is willing to do so, we ask it to conduct a systematic long-term study to examine the relationship between air pollution and public health. The data so collected can assist the Hospital Authority in making plans for future health care services and facilitate the Government in formulating policies to improve the local air quality.

Another measure that the Government can consider adopting is making reference to the current environmental assessment mechanism. Before launching policies, the Government can conduct a health impact assessment to enable people to know, on the basis of certain data and quantified values, whether the introduction of new policies would have impacts on public health.

In this connection, some foreign countries such as Australia, Britain, Canada and New Zealand have already done so long ago, and the results of the assessments will serve as important reference material in respect of environmental protection and planning policies. Hong Kong should draw lessons from them.

President, Mr KAM Nai-wai has proposed a new measure in his original motion, which is, establishing a "smog alarm system". The DAB has no objection in principle because the degree of visibility most easily shows people the air quality on a certain day, and establishing the "smog alarm system" will provide another indicator for reference.

Nonetheless, on this point, I would like to ask some questions. In terms of specific operation, how can we attain the inclusion of establishing the "smog

alarm system" into the current AQOs? Will the addition of the "smog alarm system" make the AQOs confusing to people? It is because the public are very familiar with the AQOs that has been adopted for years and the authorities concerned will, on the basis of the AQOs, issue warnings to the public when a dangerous or high risk level is reached. People will be told that the air pollution index (API) is very high and persons with existing heart or respiratory illnesses are advised to reduce physical exertion and outdoor activities.

That is why I am extremely worried. If there is an additional "smog alarm system" in the future, will it be confusing in regard to information dissemination and people's reception of information? Should the Government really accept the suggestion concerned, it must pay particular attention to the implementation in order to avoid making the public confused.

Also, I think that in addition to the establishment of the "smog alarm system", it would be easier for the Government to review the current AQOs which were developed years ago. President, sometimes, it seems to us that the AQOs are outdated and fail to truly reflect the potential health risks of air pollution.

President, in the original motion and the amendments, there are many other proposals on improving our air quality, for example, improving the subsidy scheme for owners to replace vehicles with new ones, setting caps on the emissions of air pollutants from power plants for the next stage, and implementing the mandatory energy efficiency labelling for electrical appliances. They all have the DAB's support.

President, I so submit.

**MS AUDREY EU** (in Cantonese): First of all, I would like to thank Mr KAM Nai-wai for proposing this motion for debate today; he has placed on a par air pollution and public health and linked the two. This is a key problem and the positioning is correct. Why do I say so? It is because the premise of the current Air Pollution Control Ordinance has actually not touched upon public health, so when the Environmental Protection Department (EPD) considers the air pollution problem, it has frequently not approached the problem from the

perspective of health. Also, Mr KAM Nai-wai has said that the Secretary for Food and Health never thinks that this issue is a part of his portfolio. Whenever air pollution is discussed, he only thinks that the issue should be handled by the EPD and it has nothing to do with the Department of Health.

There is another point which is very important. Members may recall that the Chief Executive talked about air pollution when he ran in the election, and he said that, to achieve the target, the size of our population should be reduced to that in the 19th century. When considering this issue, he always asks whether we can do so, and how much money will be needed. But, if he approaches the issue from the right perspective, that is, from the perspective of public health as proposed by Mr KAM Nai-wai today, he would think otherwise. He would then think that the issue involves human life and should be treated with the utmost care. The air pollution problem is the main origin of immature deaths, hospital bed-days and doctor visits. While health or human life is involved, we would not think about how much has to be spent and whether it is worthwhile to do so, and we would not focus on cost efficiency.

So, first of all, I think the positioning is absolutely correct, and I would like to thank Mr KAM Nai-wai for putting this motion in this perspective. I hope that the Government, especially Chief Executive Donald TSANG would approach the problem from this perspective. Besides saying when he ran in the election that the size of our population should be reduced to that in the 19th century in order to achieve the WHO target, the Chief Executive suddenly stated in his policy address last October that the Government would review the current AQOs giving due regard to the WHO guidelines. I thought it was good news at that time for he had really listened to the views expressed by the Civic Party and talked about following the WHO guidelines. It is out of our expectation that we found on a closer look that he only intended to adopt the Interim target-1 released by the WHO. When Mr CHAN Hak-kan spoke on behalf of the DAB just now, he warmly welcomed this proposal; however, I am going to say on behalf of the Civic Party that we definitely do not welcome it. It is because many green bodies feel very sorry that the Government has adopted such a low standard or direction as Interim target-1.



Taking suspended particulates as an example, Hong Kong is still lagging far behind and we are only talking about PM10 (10 mg), which are larger suspended particulates; the Interim target-1 standard is 70 mg per sq m, which is even higher than the current objective of 55 mg in Hong Kong. I have looked up the relevant information: Among the developed countries, only Brazil and Costa Rica have adopted such a low standard for suspended particulates. Thus, if Hong Kong is really going to adopt Interim target-1, this is certainly a regression rather than progress.

Actually, the WHO air quality guidelines comprise four levels, namely, Interim target-1, Interim target-2, Interim target-3, and the ultimate objective. As a world city, if Hong Kong only adopts the lowest standard, we really have to ask the question "Are we shamed?" as raised in a newspaper. Therefore, I express on behalf of the Civic Party that we absolutely disagree with Mr CHAN Hak-kan of the DAB who welcomes the adoption of such a low objective by the Government.

Furthermore, President, I wish to mention in particular — which was also mentioned by Mr KAM Nai-wai — the HEDLEY Environmental Index devised by Prof HEDLEY of the University of Hong Kong. President, I really hope Honourable colleagues can visit the website — if they have not done so — and take a look at the HEDLEY Environmental Index; it is profoundly soul-unsettling because the number moves up every minute, showing us the dollars lost due to air pollution in a second, and that since air pollution affects our health, there are more than 1 000 premature deaths. If we just start counting from 7 January this year, we will see that the figure keeps moving up, and we have already lost more than \$30 million; the figure changes really fast. The index also counts the number of doctor visits, premature deaths and monetary losses; those who have read the index must be really shocked, and the index calls for deep thought. Hence, the problem of public health cannot be neglected at all.

President, the original motion of Mr KAM Nai-wai comprises proposals (a) to (g), which are all supported by the Civic Party. We have proposed an amendment because we think that some parts should be enhanced. One of these parts has been mentioned in Mr CHAN Hak-kan's speech just now, that is, discussing with the Guangdong Provincial Government the post-2010

cross-boundary co-operation plan between Hong Kong and the Mainland for improving air quality. On this point, we particularly propose drawing up the post-2010 emission reduction targets, which is one of our amendments.

In addition, President, there are two major amendments. One of them is associated with encouraging vehicle owners to replace their vehicles with more environmentally-friendly vehicles. The current government measure mainly pinpoint commercial diesel vehicles but the measure has not been quite effective. I hope that the Government can come up with a more effective method, especially in the face of the financial tsunami and economic difficulties, to encourage vehicle owners to replace their vehicles with new ones. Yet, I also hope that the Government will introduce more policies and measures to encourage private car owners to replace their cars with more environmentally-friendly cars for this is very important to road transport improvement.

President, in fact, our noses are at road level most of the time. Thus, when compared with the pollution from road transport, lots of pollutants emitted over the Pearl River Delta are very often not so close to us, and we inhale road pollutants most directly. Hence, in connection with vehicles, I wish the Government would put forward more measures.

In addition, President, some parts of our amendment have been mentioned by the Chief Executive and the Secretary for the Environment, that is, we have to increase the use of cleaner natural gas. We hope that the proportion of natural gas in the total fuel consumption will increase from the present 28% to 50%. This is certainly supported by the Civic Party but, President, the Government has not told us how long it would take to increase the proportion from 28% to 50%. Without a timetable, it will be more or less meaningless. If the proportion remains unchanged for 50 years, what can be done? When would the proportion be increased from 28% to 50%? This point is crucial, so one of the proposals in our amendment is to ask the Government to expeditiously implement improvements, and formulate a timetable and an action plan, in order to give us a clearer idea about this and enable us to better monitor the Government's work.

President, on the whole, air pollution is not only very important to the subject matter (health) under discussion today, but also to our economy and sustained development. It is because many people who intended to invest or settle in Hong Kong had hesitations because of the air pollution in Hong Kong. At present, many parents have moved away from Hong Kong because their children have asthma; this is really a problem that must be tackled without delay. Therefore, President, I would like to start with the Chief Executive because he is very often indifferent to this problem. Recently, he has still argued that the air quality has improved. Moreover, Mr CHAN Hak-kan has just pointed out that there has actually been a regression in terms of our figure on sulphur dioxide emission. That being the case, rather than touching upon the minor improvement and progress in certain areas, I hope the Government will practically tackle the air pollution problem which is generally regarded as serious, and give us a very clear roadmap and timetable, as well as raising the AQOs to an acceptable level. Thank you, President.

**MR LEE WING-TAT** (in Cantonese): President, Mr KAM Nai-wai has expressed on behalf of the Democratic Party our principal opinions.

I have just read a newspaper article, and I am sure the Secretary must have also read it. It is a rather lengthy newspaper article in the *South China Morning Post* on 2 January. The whole article is rather lengthy indeed, and it is stated that the Air Pollution Index (API) adopted by the Government showed that roadside air pollution is very serious. The article wishes to tell us that there have been more frequent clear skies over our city than the past. I go hiking often and I agree that there have been more frequent clear skies and the situation is not as bad as before, but it does not mean that our roadside air pollution situation has improved.

We just have to take a look at the relevant API information provided by the Government to find that, in the past year, the situation was 14% worse than the year before. Taking Central where we always work as an example, the problem is serious for the index there has risen by 34.2%. So, if the President coughs more in future, he should ask Secretary YAU why the problem is so serious as shown by a 34% higher index. The problem is even more serious in my constituency, President, which is Kwai Chung. I often go there because I have an office there; the index has risen by 166% and the figure is really astounding.

Of course, the *South China Morning Post* reporter asked the Government why the index is so high. The Government's answer is that we cannot consider the index alone, and we should assess the tendency of pollution by using more scientific and professional methods. I am really baffled because the API is devised by the Government, and it will call upon the public not to do strenuous exercises and be particularly careful when hiking if the API reaches 100. Thus, why has the spokesman of the Environmental Protection Department (EPD) suddenly told us not to consider the index alone?

President, all in all, we can say that, according to the information provided by the EPD, improvements have apparently been made in terms of some pollutants but the situation is not optimistic at all. Prof WONG Tze-wai of The Chinese University of Hong Kong has remarked that, if the pollutants in one cubic metre of air increase by 10 mg, the death rate arising from the air pollution problem will increase by 1.5%.

I agree with the comment just made by an Honourable colleague, that not only Secretary Edward YAU but also Secretary Dr York CHOW should be present today, otherwise, it would make people worry that the issue is not given very comprehensive and serious attention. President, the issue has been debated in the Legislative Council many times and also in panel meetings, so I will only make a couple of key points about Mr KAM Nai-wai's motion.

On the first key point, I trust the Secretary also knows it and I have already made the point during the last term of the Legislative Council, which is, the 10-year agreement signed by the SAR Government and the Guangdong Provincial Government is worrying. We already examined the so-called interim progress last year. President, I am sorry that many pollutants including those pollutants in Hong Kong still fail to meet the standard, and on the Mainland, the interim performance in respect of many pollutants claimed as already reduced is actually not up to scratch. So, I have asked the Secretary that with only two to three years to go, can he make substandard pollutants meet the standard within two to three years, that is, before the expiry of the 10-year term? The Secretary told me that he would continue to have communication with the Guangdong Provincial Government with a view to stepping up efforts. Nevertheless, what will be the result? The result after a certain period of time is not known now.

President, frankly, if the situation has still not improved after a certain period of time; we actually do not know what else we can do. We are talking about the air that 7 million Hong Kong people and tens of millions of compatriots in the Pearl River Delta are breathing together.

People have lately been sharing a popular joke about the merit of the financial crisis, which is the closure of factories one after another. But this comment is not at all correct because the Guangdong Provincial Government has actually moved many highly polluting factories to the north; of course, some of the factories have closed down because of the financial tsunami. Therefore, within this period of time, the pollution situation seemed to have slightly improved. Yet, improvements should not come from the economic downturn or factory closure. On the contrary, we should come up with different methods, including the use of better and cleaner fuels. Thus, the Democratic Party suggests encouraging vehicle owners to replace their vehicles with new models. On this, I hope the Secretary would respond in a moment. Given that the Administration has all along maintained contact with the Guangdong Provincial Government, has optimistic progress been made after the previous discussion at a meeting of the Panel on Environmental Affairs? Can the objective be met upon the expiry of the 10-year term? This is the first point.

The second key point was also mentioned by Mr KAM Nai-wai, that is, the Democratic Party proposes designating low carbon emission zones in busy districts. President, this is really the most effective method because the situation may not be that bad in each and every district. For a person living in the North District such as Sai Kung, the situation will not be so bad. The situation in Central, Causeway Bay, Mong Kok and Wan Chai has always been the worst for there are lots of slow moving vehicles in these districts. Many vehicles even stop there because of congestion but their engines are still running, emitting large amounts of sulphur dioxide, carbon monoxide and suspended particulates.

When we had a debate on the issue at a meeting of the Panel on Environmental Affairs, the Secretary said that the issue could not be handled by his Policy Bureau alone because it involved changes to bus routes. Cleaner buses might have to ply these busy districts and the transport sector might even be required to specify that all lorries, minibuses and taxis passing through these districts should use better engines and cleaner fuels. I think these issues must be

debated and dealt with. If we do not deal with the issues, many people carrying out activities, living and working there will most directly be affected by the roadside pollutants emitted. President, the pollution situation in these districts has apparently not improved. According to the API released by the Government that I just mentioned in citing the *South China Morning Post* article, the situation in such districts as Central and Mong Kok has not improved much. If we do not adopt short-term measures, we will not be doing justice to people working, shopping and living there.

President, apart from that, we have to consider if the planning of the whole territory needs reviewing and updating. At present, there are too many tall buildings in the urban areas; as we all know, there are quite a lot of areas in Hong Kong in close proximity to the sea. The biggest problem is that, as the developers wish to preserve the unmatched sea view, many tall buildings are built at the seaside. As a result, the dispersion of pollutants by natural sea and mountain breezes has become increasingly inefficient. In fact, the Secretary should know that the so-called airways have been preserved in terms of town planning but they have become increasingly less effective. It is because the higher the density of buildings, the lower the efficiency of making use of natural fresh air to disperse the pollutants in the urban areas. This is an issue to be dealt with by the Secretary — it is not Mr YAU or Dr York CHOW but Mrs Carrie LAM this time. It is too bad that only one of the three Secretaries mentioned is now present.

In any case, to make things better for Hong Kong people or considering the point that Hong Kong as a world city should maintain better air quality to attract investors or others, I hope the Policy Bureaux will work together and carry out comprehensive and integrated planning, to better tackle the air pollution problem. Thank you, President.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I would like to thank Mr KAM Nai-wai for proposing the motion on "Air pollution and public health" and a number of Honourable Members for proposing amendments and expressing views.

Air quality improvement is a subject taken very seriously by the new-term SAR Government. Clean and fresh air will not only foster a good living environment, more importantly, it has a close bearing on public health. As Members are aware, at the level of economic development, air quality is integral to the competitive edge of Hong Kong as an international financial and business centre. In this connection, the new-term Government has, since its commencement of work, striven to address the air pollution problem that has been troubling the territory for a long time. Regarding the question raised by Mr KAM Nai-wai earlier as to whether the Government is determined to resolve this problem, I would like to, first of all, demonstrate the Government's determination to face and address this problem with the institutional reform carried out by the new-term Government. Perhaps Members are not aware that, under the institutional reform, the energy policy, which covers, among others, regulation of power companies, is now put under the purview of the new Environment Bureau, instead of the Commerce and Economic Development Bureau. Simply put, this arrangement is meant to reinforce the means of the SAR Government of improving air quality in terms of policy, especially within the Environment Bureau, for energy and the environment have always been closely related. As Members are aware, sulphur dioxide produced during the electricity generation process, as one of the four major pollutants mentioned by Mr CHAN Hak-kan earlier, is one of the major sources of air pollution in Hong Kong. In brief, nearly 90% of the sulphur dioxide is produced during the electricity generation process. Thanks to the reorganization of portfolios, our Policy Bureau has been able to implement some new measures in the Scheme of Control Agreement of the two power companies within just a year, including reward and punishment measures and measures for improving the environment, and, through the Air Pollution Control Ordinance, which was amended last year with the consent of the Legislative Council, strengthen the regulation of the two power companies, realize such important areas as emissions reduction pledges and introduction of clean energy, and so on, as well as taking a series of new measures.

Furthermore, the SAR Government is committed to improving air quality through co-operation with the Mainland and regional co-operation. Insofar as this point is concerned, I believe the Government and Honourable Members share the same views. Apart from regional co-operation, Members should also recall that a Memorandum of Understanding on energy co-operation was signed with

the National Energy Administration in August last year to provide a significant guarantee for the sustained supply of clean energy to Hong Kong in the next two decades. In brief, apart from renewing the supply agreement of nuclear energy to the territory for a further term of 20 years, the Memorandum also offers additional support in terms of natural gas. Furthermore, the Memorandum has a deeper meaning of enabling Hong Kong to fully capitalize on the supply and development edge of the country, especially our neighbouring regions, to break through its previous constraints in land and local resources, as well as enjoying more room of development in clean energy so that the problem of ameliorating sulphur dioxide pollutants, as mentioned by a number of Honourable Members earlier, can be resolved further. In 2002, a consensus was reached between the SAR Government and the Guangdong Provincial Government on the emissions of four major air pollutants within the Pearl River Delta (PRD) Region to, using 1997 as the benchmark, achieve a substantial reduction of 20% to 55% by 2010. In March last year, on the basis of the Government's previous partnership with Guangdong Province, the Chief Executive further raised the proposal of "Developing the PRD Region into a Green and Quality Living Area", which was adopted by the Hong Kong-Guangdong Cooperation Joint Conference in August the same year. In the years to come, the discussion on this major area, including air quality improvement definitely, will be continued as it is one of the major axes of co-operation between Hong Kong and Guangdong.

Locally, in 2009, apart from continuing with our effort in executing the existing emission reduction initiatives in concrete terms and implementing committed emission reduction projects, we will also launch new schemes, such as those for reducing emission of power plants, further tightening emission reduction standards for newly registered heavy vehicles, proposed introduction of standards for Euro V auto-fuel, reducing emissions of volatile organic compound, and encouraging ferries operators to switch to ultra low sulphur diesel, for the purpose of further reducing air pollutants in Hong Kong. Early this month, we consulted the transport sector on the revised proposal on legislating to ban idling engines, and the proposal will be submitted to the Legislative Council next week for discussion. I sincerely hope that the proposal can be supported by all Members supporting environmental protection to facilitate its smooth passage.



In the introductory part of his motion, Mr KAM Nai-wai stated that "the Government still uses the first stage objectives of the World Health Organization (WHO) as the goals of the reform in its recent review of Air Quality Objectives, this Council expresses disappointment at this". I would like to clarify here that the Chief Executive clearly pointed out in last year's policy address that "to improve air quality in the long run, we will adopt targets in stages giving due regard to the World Health Organization's guidelines". Hence, our review will not use the objectives of a certain stage as its ultimate objectives. Instead, it is hoped that we can gradually reach the target compatible with the WHO standards having regard to Hong Kong's situation. This is a very clear and specific commitment. Hong Kong's future AQOs will definitely be based on the interest of public health. Insofar as this level is concerned, I believe the Government and Honourable Members share the same targets and beliefs. The crux is what ways we prefer to achieve these targets jointly.

President, please allow me to spend some time to give Honourable Members a brief introduction of the ongoing review of Air Quality Objectives (AQOs), which is also an issue of the utmost concern to Members. The existing AQOs were formulated in 1987 and, as pointed out by me in the past, have become outdated. The AQOs set out the concentration caps of a wide range of pollutants during a specific period for adoption and reference by relevant legislation to ensure that air quality in Hong Kong is maintained at certain levels. Therefore, the AQOs seem to be providing an institutional framework for air quality in the territory to regulate, directly or indirectly, the behaviour of the Government, the business sector and non-government organizations, which might have an impact on air quality.

In June 2007, we officially launched a review of AQOs in relation to the new air quality guidelines published by the WHO in October 2006 in the hope of formulating long-term air quality management strategies. Through consultancy studies, we also established an Advisory Panel comprising the Director of the Environmental Protection Department as its chairman, representatives from relevant Policy Bureaux and departments, members of the Advisory Council on the Environment, experts and academics to monitor the relevant review. Because of its far-reaching and significant impact on the territory's future AQOs, this review is taken very seriously by the Government. At present, the review is in full swing. We believe the AQOs in Hong Kong must answer the public

aspirations for healthy living before the target of sustainable development can be achieved. This is also the reason why the Chief Executive proposed in the policy address that Hong Kong must gradually move towards the WHO objectives. Members who have been paying attention to the standards proposed by the WHO will find that the ultimate standards set by the WHO are quite high. Earlier, Ms Audrey EU also cited one of the objectives. Actually, the WHO standards comprise six categories and seven objectives. If a comparison is drawn between one of the objectives, or the one quoted by Ms Audrey EU just now, and the existing objectives adopted in Hong Kong, we will find that our objectives are even more stringent, and the other objectives are also quite stringent, too. Let us take sulphur dioxide, one of the territory's major pollutants mentioned by Mr CHAN Hak-kan earlier, as an example. At present, the average concentration allowed in Hong Kong is 350 ng/cu m over 24 hours. In such places as Europe, the United States and Australia, the average concentration ranges from 125 ng/cu m to 365 ng/cu m. Meanwhile, the first stage objective of the WHO is pitched at 125 ng/cu m, but its ultimate objective, that is, the ultimate objective mentioned by Mr KAM Nai-wai or Ms Audrey EU, is 20 ng/cu m. In other words, Hong Kong must achieve a reduction of at least 90% vis-à-vis the territory's existing standard. However, this merely serves as an example. In conducting our review, should our objectives be achieved in one go, or gradually having regard to Hong Kong's actual circumstances? Moreover, what approach and degree of vigour should be applied before the abovementioned standards can be achieved, and what prices should the community at large and the public pay as a result? All these will be jointly discussed in the review to be conducted in the future. I have cited these examples not to illustrate that the Government will thus drag its feet. However, during its discussion with the community in the future, it is imperative for the Government to take forward its work step by step according to different levels and stages.

Actually, specific guidelines are already provided in the document provided by the WHO on air quality guidelines. According to one of the guidelines, individual countries or regions may, in the course of setting AQOs, strike a balance in the light of the risks posed by local air quality to physical health, practically feasible technologies, economic considerations and social factors, in order to come up with the most appropriate AQOs. Furthermore, compared with the AQOs of advanced countries, the WHO's new air quality guidelines are still more stringent. To enable various countries or regions to

gradually improve their air quality, the WHO has simultaneously published a series of interim AQOs for adoption and application by these countries or regions in the light of their actual circumstances.

The WHO air quality guidelines are authoritative in the protection of public health. In accordance with the principle established by the WHO, as well as the latest AQOs adopted by other countries and the latest scientific evidence and data on the impact of air pollution on health, we will formulate the most appropriate AQOs for Hong Kong and improve our air quality in a gradual, progressive and sustainable manner.

In order to achieve the new AQOs, we must implement comprehensive and more stringent emission control measures, including those mentioned by Honourable Members earlier, to assist us in undertaking this task. The consultancy commissioned by us is now conducting a series of studies on the effectiveness of different emission reduction proposals, the social costs incurred, the time required for implementing the measures, and our co-operation with air quality management authorities on the Mainland and other places outside Hong Kong. The Environment Bureau will join the consultancy to expeditiously arrange for the next round of public consultation to seek advice from various sectors in order to further improve the relevant proposals. Upon completion of the studies, we will hold an in-depth and territory-wide public discussion on the entire package of proposals in the hope of finalizing a new set of AQOs and implementation strategies for Hong Kong at an early date.

With a doubt, tightening the territory's existing AQOs will definitely serve the purpose of protecting the health of the public. I am very pleased to see the Honourable Member propose this motion debate before the Government's launch of the review of AQOs since public awareness of this important policy issue can then be enhanced further. Before the debate, I would like to reiterate, in particular, that the Government's position on the WHO AQOs is related to how the AQOs should be adopted, rather than whether or not the AQOs should be adopted, in order that the maximum and most appropriate effectiveness can be achieved. Furthermore, we will raise our package of proposals for discussion with Honourable Members when the full public consultation on AQOs is being held. By then, I also hope Honourable Members and people from all walks of

life can engage themselves in in-depth discussions and analyses and seeking consensus. In short, we hope to discuss the following questions with the public in the forthcoming consultation:

- (a) Regarding its need to move towards the WHO's objectives, should the territory seek to achieve the objectives in one go or in stages in the light of the territory's actual circumstances?
- (b) Regardless of what objectives will be adopted, how should we make our selection and decide on different air improvement measures, and what prices will various sectors of society have to pay?
- (c) How can we draw up a timetable for a variety of proposals having regard to feasible and appropriate circumstances?

Generally speaking, these are the major proposals of our review. Through the debate today, I hope to listen to Honourable Members' views. This is my preliminary response to this motion. I will be pleased to make a concluding remark after listening to Members' opinions.

Thank you, President.

**MR WONG KWOK-HING** (in Cantonese): President, the motion debate today is about air pollution and public health. Air pollution reminds me of a special topic covered by the *Time Magazine (Asia Edition)* in 2004. The subject was "poor air-quality days", revealing that it was the worst polluted year since the Air Pollution Index (API) was adopted. In that year, the API was higher than 100 and the local air pollution level had remained "very high" for 80 days, 30 days more than in the preceding year. However, since 2004, there has been no significant improvement in our air quality. Stuffy air not only has serious impacts on public health, it also increases the medical expenses of the community, affects inward investments on the economic front and even our international image.

Taking the Hong Kong International Airport as an example, calculating on the basis of the number of days on which there is thick smog and suspended particulates, there was low visibility once every nine days on average in 1997.

But in 2006, there was low visibility once every three days. The seriousness of air pollution has astonishingly increased by two times within 10 years. Actually, the two power companies in Hong Kong emitted 2 780 tonnes of greenhouse gas in 2006, 35% more than 10 years ago.

Information from the Environmental Protection Department (EPD) indicated that, between January and March last year, the APIs of the general stations in Sham Shui Po, Kwai Chung and Tung Chung were at "very high" levels for 32, 31 and eight hours respectively. During the same period, the APIs of the roadside stations in Central, Causeway Bay and Mong Kok were at "very high" levels for 310, 203 and 184 hours respectively, which showed that the air pollution situation in the urban areas was quite serious.

Last month, the Civic Exchange published a survey report on the air pollution situation in Hong Kong, pointing out that Hong Kong's air pollution is two to three times worse than the levels in London, New York and Los Angeles. On the air pollution situation, the Civic Exchange has devised a HEDLEY Environmental Index, for the purpose of reflecting the assessed impacts of air pollution on public health and economic costs. The index shows that air pollution in 2008 caused the loss of nearly HK\$2 billion, over 1 100 deaths and 78 000 hospital bed-days, and more than 620 000 doctor visits in Hong Kong. The situation shown by the index is rather alarming.

Given an increasingly serious air pollution situation, the Chief Executive proposed in his policy address last year and the year before measures to improve air pollution and the Action Blue Sky. It seems that the air quality in the past few months has slightly improved but. Taking last November as an example, the API in Hong Kong fluctuated between "low" and "medium" levels in nearly half of the month, meaning that it was lower than 51; the API was only zero to 25 in nearly 2% of the month, which was the best index recorded since 2002. But the Administration must not claim credit for its environmental protection policies and measures. Information from quite a number of green groups shows that the air pollution situation improved in the latter half of the last year mostly because of the closure of some factories on the Mainland, which reduced the emission of pollutants for the benefit of Hong Kong. It is quite discouraging that Hong Kong has benefited this way.

The air pollution situation in Hong Kong has not improved too much; in November 2008, the roadside API in Central remained higher than 100 for more than 166 hours. On 24 December, the API was 127 and the air pollution level was "very high". This month, the number of hours of excessively high API in Central was the highest ever since the Administration developed the API in 1999. In almost a quarter of the month, the API was over 100, which clearly reflected that the air pollution situation in the urban areas was very serious. Last month, the situation worsened further and, on only three out of 14 days, the APIs of the three roadside stations had not exceeded the limit of 100, and the API in Central was at a high level of 145.

Thus, air pollution not only affects public health but also imposes on the community an enormous health care burden. At present, 15% of the children have asthma symptoms, over 10% more than it was the case 20 years ago. Merely looking at the APIs released by the EPD may not help us note the seriousness of air pollution, but information from the green body, Friends of the Earth, indicates that the Government has adopted the Air Quality Guidelines of the WHO but it has only adopted Interim target-1 which is the lowest threshold. Under government regulation, the cap of respirable suspended particulates is 70 mg per cu m a year, which is a regression when compared with the standard of 55 mg that has all along been adopted in Hong Kong. In other words, the Government has proposed a standard that is even more lenient than the current one, even lower than that adopted in many developing countries such as Thailand and Mexico.

Concerning roadside stations, based on the data from general stations and roadside stations used by the EPD at present, the APIs are at the substandard level of more than 100 respectively in 1% and 5% of the year only. But if regulation is imposed on the basis of the stringent European Union standards, the limit will be exceeded in 60% to 90% of the year respectively. Hence, the situation warrants our concern.

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

**MR CHAN KIN-POR** (in Cantonese): I believe many Members sitting here, like me, have all been living in Hong Kong for decades. I am sure many Honourable

colleagues would have an impression that when they were young, the days of white clouds and a blue sky were plenty and they would seldom hear people complain of asthma or nasal allergy.

Several decades down the line, Hong Kong people have got richer and become more educated, but there is no improvement in the quality of their living environment. We have to bear with contaminated fish, vegetables and eggs, and even the air we breathe is full of pollutants.

There is a close relationship between the density of air pollutants and the mortality rate. The problem of air pollution does not only affect the health of the people, in particular children and the elderly, but it also affects our position as an international financial centre. Many employees of multinational companies do not want to work in Hong Kong because of the problem of air pollution. They even want to move with their family out of here. The problem of air pollution will definitely erode our competitiveness.

The findings of a survey conducted by the American Chamber of Commerce in Hong Kong show that most of the interviewees are disappointed with the air quality in Hong Kong. Fifty-one per cent of the interviewees even stated that they had difficulty recruiting professionals to work here mainly because of the poor air quality here. Many of the professionals living in Hong Kong are considering leaving the territory.

The main culprit of air pollution in Hong Kong is sulphur dioxide. The greatest source of pollution is the power plants. The Government has enacted legislation to specify the emission cap for power plants and the requirement will come into force in 2010. The next pollutant to be dealt with is nitrogen oxides and the main source of pollution is the transport sector. This is the focus of my discussion today.

Papers of this Council show that vehicles are the second greatest source of air pollution in Hong Kong and the respirable suspended particulates and nitrogen oxides emitted by vehicles account for 25% and 27% of the total emissions in Hong Kong respectively. Among all kinds of vehicles, the commercial diesel vehicles cause the most serious air pollution. They are the major source of roadside air pollution. The emissions of suspended particulates and nitrogen

oxides account for 90% and 80% of the total vehicular emissions in Hong Kong. This is a very high proportion indeed. It is clear that a complete solution to the problem of air pollution in Hong Kong must come from a solution of the problems produced by commercial vehicles. There is no other way than that.

The Chief Executive pointed out in his policy address in 2006 that a sum of \$3.2 billion is to be used to subsidize the replacement of all commercial diesel vehicles in Hong Kong with more environmentally-friendly Euro IV vehicles. The proposal is very meaningful, but the greatest problem is how it should be put into practice so that the desired effect can be achieved.

Ever since the scheme was introduced in April 2007, response from the transportation sector has been lukewarm. As at end August last year, only some 7 900 applications were received, involving an amount of subsidy totalling some \$300 million, or merely 10% of the funding.

Despite the ineffectiveness of the scheme, what the authorities have done is only to extend the scheme to March 2010 and to propose the imposition of a higher licence fee for commercial diesel vehicles aged 15 years or above in order to achieve a deterrent effect.

Actually, we should pause and think. Why do the owners of the 27 600 pre-Euro vehicles and 16 900 Euro I vehicles still running on our streets refuse to replace their vehicles or join this scheme even though government subsidy is available?

Under this scheme, owners of pre-Euro vehicles may get a 12% concession in the duty payable if they replace their vehicles. Those who replace Euro I vehicles may get a tax concession of 18%. That is to say, the amount of subsidy ranges from \$10,000 to \$170,000.

However, the transport sector points out that if a driver wants to replace a brand-new Euro IV environmentally-friendly heavy-duty goods vehicle, the subsidy he gets is at most some \$100,000, but such a vehicle produced in Japan would cost some \$400,000, and a European Model would even cost some \$700,000. Suppose we are owners and when the vehicles can still work and be



used to make a living, when coupled with the uncertain outlook in the midst of the financial tsunami, why should we replace the vehicles all of a sudden and incur a debt onto ourselves?

Also, people from the sector have told me that there are very few suppliers of Euro IV minibuses at present. Even if the problem of repairs and maintenance is left aside, the fuel consumption of these green vehicles is quite high. This accounts for the great hesitation of owners.

Before the Government launches any policy, it should ask itself, suppose it is the target of such a policy, whether it would find the policy acceptable or not. If not, then it should ask how the policy can be revised to enable more people to accept it.

I believe this is also the same problem. The Government should first provide enough incentive to owners of vehicles to replace their vehicles. More importantly, the kind of benefit which owners get after replacing their vehicles should at least not be less than what they are having now.

So I think the first thing the Government should consider is to revise the amount of subsidy from 12% to 18% at present to a higher level. At the same time, the Government should adopt more innovative promotional techniques. An example is the offer of a higher subsidy to owners who replace their vehicles earlier. This will attract owners to replace their vehicles earlier. For example, those who replace their vehicles in 2009 will get a 120% subsidy. Those who replace their vehicles next year will only get 110%, and so on. So the amount of subsidy will decrease from year to year, until it expires in a particular year. The Government should consider requiring all old vehicles to be replaced and all substandard vehicles should be phased out or else their licence will not be renewed. I am sure some people in the sector will raise their objection, hence more detailed consultation is required. However, if we set the period at 20 years, I do not think there will be any cause for the sector to object to it. If award and punishment are employed at the same time, the problem of vehicular emissions can be solved.

In addition, some people from the transport sector hope that subsidy can be obtained without having to replace vehicles. But the purpose of the Government

is to assist owners who plan to continue running their business and not to hand money out to owners who want to wind up their business. From another perspective, the aim of the policy is to reduce the number of diesel vehicles. If a reasonable price is offered to purchase these vehicles in order to write them off at a later date, this will certainly be better than having these vehicles changed hands in the second-hand market continuously and go on polluting the air of Hong Kong.

If the policy only backs up the idea of replacing the vehicles, then given the uncertain outlook these days, the effect will definitely not be great. The proposal to collect these diesel vehicles and scrap them could be the most effective way to cut the number of diesel vehicles. I hope the Government will consider it. As for other technical problems, I hope the Government will discuss them with the sector with a view to finding a solution.

President, both the original motion and the amendments have made many suggestions on solving the problem of air pollution in Hong Kong. Their objective is the same and, that is, to remove pollution at source and restore the white clouds and a blue sky in Hong Kong. I support the original motion and all the amendments.

I so submit. Thank you, President.

**MR TOMMY CHEUNG** (in Cantonese): President, over the year past, the Hang Seng Index fell by 48% and but another important index, the API ran exactly in the opposite direction. It only rose and never dropped. In the Christmas just past, the API recorded in the roadside monitoring stations in Causeway Bay, Central and Mong Kok all surged past 100 and reached the alarm level of "extremely high". The API in Causeway Bay was as high as 141. Taking the year 2008 as a whole, the time during which the API recorded at these three monitoring stations that went beyond 100 totalled 2 007 hours. It is a record high in six years and it shows that the air quality in Hong Kong is deteriorating.

Many studies have established that there is an inalienable relationship between air pollution and public health. A study undertaken by the University

of Hong Kong shows, for example, that in the first 11 months of this year alone, air pollution-related diseases have led to more than 1 100 deaths, 78 000 days of hospitalization and more than 6.2 million medical consultations. The losses in public health and economic costs amount to \$2 billion. These figures are very alarming. So the Liberal Party has all along been urging the Government to put in more efforts and work hard for the reappearance of the blue sky.

The current AQOs are products of 20 years ago and it is not surprising that they are unable to catch up with the needs of the times. Hence they should be reviewed expeditiously. What can be done is say, a new proposal should be made in the first half of this year for public consultation, then the forces in the environmental protection and health departments should be harnessed to draw up a policy on air pollution objectives that can keep abreast of the times, including a smog alarm system to replace the current API, thereby giving better protection to public health.

President, the Liberal Party also hopes that the Government can launch more measures that can address the problem at root, in order to reduce the emission of pollutants at source. For example, the power plants are one of the greatest sources of pollution in Hong Kong in terms of the amount of emissions. Therefore, the Government should work swiftly to set the emission cap for power plants for the next phase and regular reviews should be undertaken to impose stricter standards, hence reducing air pollution caused by power plants.

As for diesel vehicles running on the roads, the sector has been very supportive of the environmental protection initiatives of the Government. In April 2006, the Government required all pre-Euro heavy diesel vehicles to install approved emission reduction devices. The sector has been co-operative with respect to compliance with this requirement.

Although the Government launched in 2007 a replacement scheme for pre-Euro and Euro I vehicles in which owners of these types of vehicles are eligible for a subsidy ranging from some tens of thousand dollars to one hundred something thousand dollars, the sum is totally disproportionate to a Euro IV heavy-duty environmentally-friendly truck which costs \$900,000. Hence this scheme is unattractive.

The sector is prepared to put in its efforts in protecting the environment, but business has not been good for the transportation sector, capital is in shortage, and there is also a great drop in business as a result of the devastating effect of the financial tsunami. It is doubtful whether companies in the sector can keep themselves afloat. In such circumstances, if owners of vehicles are to make a big investment to replace their trucks, and if they are to face the penalty of a big rise in licence fees if they refuse to do so, would this not be like fleecing the sector and force them to jump off a cliff to kill themselves?

Therefore, the Liberal Party thinks that the Government should give a greater incentive such as by raising the amount of subsidy to attract people in the sector and vehicle owners to replace their vehicles. The Government should not resort to punitive measures to enforce compliance. For the sake of public health, we agree that the Government should extend the subsidy scheme to franchised buses and to encourage bus companies to replace their fleet with environmentally-friendly buses.

Also, the Government has tried to use tax concessions to attract car owners to switch to environmentally-friendly cars in order to improve the air quality. Unfortunately, the scheme only includes private cars running on gasoline, and diesel cars are excluded. Actually, diesel cars can also be quite environmentally-friendly and as the fuel costs are lower, the Government should study actively the possibility of including them in the scheme. It is hoped that the prices of environmentally-friendly cars can thus be lowered, thereby giving more options to the sector and car owners and also a boost to the use of environmentally-friendly cars by the public. Ultimately, the problem of roadside air pollution can be ameliorated.

In terms of regional air pollution, as early as 2005, the Liberal Party was the first to form a group to visit Guangdong Province and met with Governor HUANG Huahua. Views were exchanged on the prevention and control of air pollution. We also made great efforts to forge better co-operation between the Governments of both places in this aspect. Soon the emission agreement between the two places will expire next year. Now all eyes are set on the results of this agreement. However, the emission targets after 2010 are not yet in place, so the Governments of Guangdong and Hong Kong must strive to fill up this gap.

President, Hong Kong is called the Pearl of the Orient, it would be too bad and too disappointing if it is to lose its lustre due to pollution. So the Government is obliged to improve air quality in Hong Kong and give a cool and refreshing Hong Kong back to its people.

I so submit.

**MS CYD HO** (in Cantonese): Policy formulation requires sufficient data and justification. But as to the AQOs that are affecting the health of Hong Kong people 24 hours a day, the SAR Government only uses some very crude indicators to gauge the air pollution situation. What we are using is a roadside air monitoring index which is by itself highly controversial. Visibility is also used. President, air which should be colourless, not gaseous and odourless, clean and fresh, is a basic requirement for human beings. It is absurd and tragic to resort to using visibility to measure the extent of air pollution, that is, we can only sense how serious it is when we cannot see anything.

Some civilian groups have tried very hard to measure the number of hazy days in Hong Kong for each month of the year. President, the records began in 1977. This is a diagram showing the peaks and troughs. During the 10-year period from 1978 to 1988, there were on average only five or six days in a month where there was haze. But unlike the rise in salaries, this graph is rising steeply and in 2004, the number of days in a month with haze already reached 25 days or more. This is very serious indeed. The extent of air pollution in Hong Kong has become visible and there is no way we can evade the issue. That air pollution has to be measured by what we are able to see and not able to see actually shows two political facts: first, air quality in Hong Kong cannot be any worse than it is now; second, it is very unfortunate that the Government will only do something when things are visibly bad.

The Government has the most powerful public administration machine and it can collect all useful data to help the public solve the problem and take improvement action or use quantitative methods to arrive at remedial measures. It can know what effects can be achieved and after measures are put in place for some time, a quantitative assessment can be made to see if there is any need for refining and fine-tuning these measures. Academic research centres may have

their ways to tackle the problem. The Department of Community Medicine at the University of Hong Kong (HKU) has made some studies, but the data obtained are limited. So I hope that the Government can give full support to academic institutions or alternatively, the authorities may deal with the problem by themselves. The approach is to link air quality with public health. This is because at the end of the day, besides attracting foreign investments and justifying the stay of foreign investors here, air quality is crucial because they will find that their own health will be affected. The health of those of us who are natives to this place is likewise affected. I hope that the Government can lend its support to the universities in undertaking studies on this.

The policy address mentioned that a sum of \$18 billion would be set aside to offer support to post-secondary institutions to undertake academic research. Of the sum, \$4 billion will be used on issues and projects on the territory as designated by the Government. I hope that the topic of air quality will be considered by the authorities and it can be given a priority in such studies. This will hopefully lead to some good policy studies and hence an improvement can be made to public health.

Many Honourable colleagues have mentioned earlier that the HKU has an index on this and they have talked about the situation in 2008. I would like to talk about a comparison between the data of 2006 and 2008. These are also data collected by the Department of Community Medicine at the HKU. A Member has said that in 2008, the number of deaths caused by air pollution was 1 600 and the number was only 548 in 2006. The figures show an increase by almost three times. The number of hospitalization days in 2008 was 64 000, whereas it was only some 38 700 in 2006. There was an increase by one third. In 2008, the number of visits to out-patient services was 6.8 million, whereas it was 3.97 million in 2006. This is likewise a jump by 33%. President, this is only a short span of time as two years. I hope the authorities can really approach the problem of air pollution from medical costs, incidence of diseases and hospitalization days. Of course, it is shocking to cite these figures. But I hope that the authorities will not evade the issue. Thus this traumatic effect is good in a certain sense. This is because when the Government is to introduce a new policy, like turning off idle engines — actually I sympathize with the Secretary for he has met much opposition for a policy despite long-standing consultations conducted and countless compromises made — if we can use these new measures

and arrive at less medical costs, or fewer hospitalization days and lower incidence rates, I am sure members of the public will be glad to support these news measures from the Government. They are also prepared to forgo some of the convenience and comfort that they have been enjoying for the sake of improving public health.

President, the original motion and the amendments have proposed many ways to address the problem and I agree to all of them. But I still wish to add something and it is about exhaust emission in the harbour from vessels. I find that the Government accepts fuels containing as much as 1% in sulphur for use by vessels, as opposed to fuels for vehicles with a sulphur content of only 0.005%. And to top it all, we find fuels containing as much as 4.5% of sulphur on sale in the market. So I hope that the Government can do more in regulating exhaust emission from vessels and step up its enforcement action to improve the situation. This will serve to prevent a waste of efforts made in air improvement. Thank you, President.

**DR PAN PEY-CHYOU** (in Cantonese): President, I think Members would recall that more than two years ago, the Government launched the Action Blue Sky campaign. Great efforts were put in media publicity and it was said that Hong Kong should be returned a blue sky. But throughout these two years, air quality in Hong Kong has not seen any material change. The Environmental Protection Department has all along been monitoring seven pollutants in the air and there has not been any marked reduction in the concentration of these pollutants since 2004. When we use the Earth Observing System Satellite images of the Hong Kong Observatory to observe Hong Kong, we can see that the atmosphere over both sides of the Victoria Harbour, that is, in the Kowloon Peninsula and the northern part of Hong Kong Island, it is obviously more blurred than images from other parts of the Hong Kong SAR. It can be said that the name of Action Blue Sky is a misnomer because the campaign can only be said to be a success if its name is changed into Action Pale Blue Sky.

I wish to recommend a report compiled by a think tank and it is entitled in Chinese to this effect: "Silent Epidemic: an opinion poll on air pollution, the environment and public health". The report is quite well written. Some 1 000 citizens are sampled for interview and the response rate is more than 60%. It

can be regarded as quite a good survey by ordinary standards. We find in this survey that the people of Hong Kong generally think that air quality here is worse than that in other international cities. And our air quality is only better than that in the mainland cities. In addition, the citizens think that air quality in Hong Kong is worse than before. Many respondents think that they would consider leaving Hong Kong because of air pollution. So it can be said that air quality has influenced the decisions made by the people of Hong Kong in living and their habits.

We can just take a look at the Government. Despite all its fanfare about the Action Blue Sky, we fail to see any marked results after all these government efforts. Some Members have pointed out that the Government has in fact adopted the air quality standards set up as early as in 1987. We have also heard the Secretary say earlier that new standards will be used. I hope this move can serve to make the people of Hong Kong and all sectors across the community work harder to improve air quality.

While air quality should be improved, we also think that people's needs in living should be cared for and nothing should be done to disturb the people in the name of improving air quality. However, do people's life and improving air quality necessarily be mutually exclusive? I think that provided that there can be good communication and government co-ordination and if the Government can provide the leadership, the people of Hong Kong will be glad to work hard for the improvement of air quality. The survey I referred to earlier also shows that many people want to have fresh air.

The Hong Kong Federation of Trade Unions (FTU) is very concerned about the issue of air quality. We have been very concerned about the life of wage earners in Hong Kong. The rich people can move away from the urban areas and enjoy the fresh air, but the wage earners can only live in the town centre because of factors like transport fees and rents. These wage earners have to engage in physical labour and the harmful effect of stuffy air there is much greater to their health than to the other people. Therefore, we support the motion. However, besides lending our support to it, I would also like to put forward my opinions on the issue.



We agree that guidelines and related measures should be drawn up to improve air quality, such that the people can be enabled to know clearly the effects of air pollution on health. However, should we use a new system or should we amend the existing API system? I think discussions should be held on this. Besides, with respect to our monitoring system and indicators, should these be easily comprehensible to the general public or should an accurate but complicated system be used? I would prefer the former alternative. For it is only when something is easily understood by the people that public concern can be aroused. This applies especially to old people and young children who are most sensitive to air quality. Hence the relevant system should be as easily comprehensible to the public as possible.

We also agree that new air pollution indicators should be used and they should be updated and their effects be assessed. We also agree that some long-term studies should be conducted on the impact of air pollution on the public and these studies should be done either by the Government or academic institutions with government support. The findings of these studies should be used to formulate an agenda on the improvement of air quality and a timetable should be drawn up for its gradual implementation. We also agree that vehicle owners should be given a subsidy to induce them to replace their old vehicles. We even think that the scope of the subsidy scheme should be expanded to attract more owners to join the scheme.

We think that emissions from vehicles in areas with heavy traffic flow should be reduced. However, while seeking to achieve this objective, we should also bear in mind that the well-being of the general public should not be compromised. This is because some measures may prove to be a great nuisance to the public in the course of their daily life and they may add to their financial burden. To enforce the mandatory Building Energy Efficiency Code and to impose restrictions on the emission of pollutants by the power plants may lead to an increase in electricity tariffs. I hope the Government can pay attention to the impact in this aspect when the measure is to be introduced.

Any measure devised should have its objectives achieved through a sound and conservative approach, for any drastic change is likely to arouse opposition

from the public and the sectors concerned. In any of the changes we may make, we are doing that for the welfare of the public. We should not forget that this welfare means not just caring for the future needs but also those at present. I so submit.

**DR JOSEPH LEE** (in Cantonese): This is the beginning of the year 2009 and this is the first meeting of this Council this year. But this topic is nothing new. I recall a similar topic was discussed in the last term. I get a bit upset when I reviewed the draft of the speech I made in the last term. Just what are the differences between what was said during the last term and what have been improved? I recall on the previous occasion I talked about a survey which was quite interesting. In a survey on the health of policemen, many policemen think that stationing in Mong Kok and the urban areas is undesirable because of the poor air quality there. So they would rather station in the reservoirs. Recently, we often hear people say that air quality is so bad and people are advised against engaging in outdoor activities. If this is the case, then by the same token, it would be better for those policemen stationed in the reservoirs not to do so and it would be better if they stay in a police station because the Government advises the people to engage in less outdoor activities.

Just what are the changes in air quality that have taken place during these past few years? I do not want to dwell on this point so much because many Honourable colleagues have already said what it is like. We can see that air quality has been so bad consistently and I believe it is at least seven times, if not 10 times worse than it was the case 10 years ago. Doubtless our health is affected. From the perspective of public health, such undesirable air quality would increase the chances of children and the elderly developing complications in the upper respiratory tract and the heart. Findings of surveys show that an increase in the number of suspended particulates, according to conservative estimates, would mean that there will be an increase of at least 3 000 patients seeking medical consultation each year in clinics and hospitals run by the Hospital Authority. This is because the increase in suspended particulates will make people go to the hospitals to seek treatment of their conditions. Irrespective of respiratory or cardiac problems or other illnesses, public

expenditure is incurred. If we can do a good job in reducing air pollution, this will not only reduce public expenditure but also make the people of Hong Kong healthier.

Of course, we would all think that this is some unrealistic hope considering the present circumstances and it is something very hard to achieve. Why is that so? The Secretary has just said that a comprehensive and large-scale review of air quality will be undertaken. This would definitely be a good thing. But the question is, when will it be carried out? As members of the public, what is the use of AQOs for us? Is the air quality now good or bad? If it is good, then what should we do? If it is bad, what can we do? I think I know what should be done even without any recommendations from the Government.

Now the problem is about the existing AQOs. As I reviewed that previous speech draft of mine, I found I had said at that time that there were things called PM10 and PM2.5. I think those were things said at the time when Dr LIAO was the Secretary. Of course, we hope that PM2.5 is better than PM10. But for the general public, they do not know what PM2.5 and PM10 are. The crux of the problem is that if the existing AQOs are laxer, the public will have no idea that it turns out that with respect to the air they breathe on the streets, the quality as shown in the objectives is not so accurate and cannot reflect the fact that air quality now is so bad. Therefore, the people will go out and take part in outdoor activities. Of course, it will not matter if they do it once in a while, but if such activities are carried out over a long time span, their health will suffer. Those who do not feel well will have to see the doctor and so more public money will be spent. This situation shows why we have to press the Government and urge it to undertake a review of the API to make them clear. This will enable the public to make an informed choice and they will know whether or not air quality has deteriorated to such an extent. In other words, they will know whether or not the present AQOs can truly reflect the quality of the air such that the people can know how they should make a choice as to whether they should go out or where to work in order to protect their health.

Since the Government is unable to do it or it is very passive in that ..... and air quality is still so bad despite our efforts in emissions reduction, turning off

idling engines and our talks about renewable energy, and reduction in emissions from the two power plants and vehicles. On top of these, we have no control over the winds blowing directly at us from the PRD. Since the Government has said that not much can be done, at least we can depend on some reliable AQOs and do as much as we can for our own good. We can choose not to go out and stay at home at certain times. We can stop doing some outdoor activities, and playing mahjong may be a healthy activity. Previously, people said that playing mahjong was a healthy pastime and now it is really a healthy pastime to play mahjong. Because the air in our home is at least cleaner than outside and there is no need for so much physical exertion in playing mahjong. So it would be good for our health. With respect to this, I am very disappointed because up to now the Government has failed to do it and after so many years, it is still saying that a review would be conducted.

I hope that after this motion debate, I can hear the Secretary say happily that a review will really be conducted and it will be done fast. This will enable the people to have some AQOs which they can use and based on which they can make choices. This is the first thing to be done. As for other practices such as improving air quality, we will certainly lend them our full support. Nonetheless, as the representative of the health services sector, I think if we can have some good AQOs, at least and passively speaking, we can make an informed choice. If we know that air quality outside is so bad, then we can stay at home and do something healthy at home, be it playing video games or mahjong. This will protect our health. This will be a more realistic course of action to take, considering the fact that no reduction in emissions can be expected from the Government and nothing can be done about the winds blowing from the PRD.

President, I so submit. Thank you.

**MS STARRY LEE** (in Cantonese): President, recently as we look up and afar, we can often see white clouds and a blue sky. It seems that the air quality has improved. However, if we watch closely the roadside API which bears a close relationship to us, we can find that at the end of last year, the pollution index in

Central showed that it had gone beyond the alarm level of 100 for almost one fourth of the time. This is an all-time high ever since the index was introduced. This has indeed sounded an alarm for us, that the problem of air pollution continues to plague us and will not go away.

When we are concerned about the air quality, we do not just want to see white clouds and a blue sky, for the most important thing is that this is closely related to public health. Many studies have been done in this respect. According to a study conducted by the School of Public Health and the Department of Community Medicine at the HKU, if the level of air pollution in Hong Kong can be effectively controlled within the bounds of the guidelines set by the WHO, the immediate effects that can be achieved include 1 600 lives saved each year from premature death, and this means savings in health care costs and reduction in productivity loss. This point has been made by many Members earlier.

President, the position of the DAB on this is very clear. We think that solving the problem of air pollution is something that can brook no delay. As early as in 2005, we made a series of recommendations on the policy address, including that of a green budget in 2006, outlining our analysis and recommendations on combating air pollution caused by power plants and vehicles. Due to the time constraints today, I can only raise the following points as a matter of principle.

First, the AQOs which have been used in Hong Kong for more than 20 years are not in keeping with the times and they cannot meet public expectations. This was mentioned by many Honourable colleagues earlier. In October last year, the Chief Executive made it clear in the policy address at last that the WHO phase-by-phase air quality targets would be adopted as targets in improving air quality. However, as the Secretary consequently added, only the minimum requirements of the WHO would be adopted, that is, the Interim target-1. According to this target, the standard used in the regulation of the respirable suspended particulates as a pollutant is even lower than the existing standard in Hong Kong. This has led to discontent in society and the green groups.

Now I would like to respond to Ms Audrey EU's comments on Mr CHAN Hak-kan's speech. I wish to reiterate here that the DAB welcomes the review to be conducted by the Government. This Interim target-1 of the WHO is only an en route stop, not the terminal. The DAB urges the Government to show its determination by telling the people of Hong Kong clearly when this Asia's world city can go from this Interim target-1 to Interim target-2 and then to Interim target-3 and finally to the Ultimate target which meets the strictest WHO standards, thereby truly coming to the forefront of the world with respect to concern for air quality. I agree with what Members have said earlier about the need for the public to understand the impact of deteriorating air quality on their health so that they can take actions and make informed choices.

Recently, the HKU published the HEDLEY Environmental Index. This is a good attempt because the Index can help the public understand the actual impact of air quality on health, such as the number of premature deaths caused or the amount of financial losses incurred, and so on. I agree very much that this Index should be published by the Government because theoretically, the Government would have much more information at hand and that it can make the Index more accurate and convincing. When the SAR Government publishes this Index and engages in continuous studies on this issue, it can certainly enhance public concern about air quality. On the other hand, when the authorities seek to promote air quality improvement measures later, greater public support can be garnered.

Another issue that warrants our concern is the bus companies. Among the existing fleets of franchised buses, more than 30% are old vehicles of pre-Euro and Euro I standard. These old vehicles emit greater quantities of pollutants and they account for 40% to 50% of the total emissions from the fleets. If these old buses are allowed to run on our roads, especially in busy older urban areas such as Yau Tsim Mong, Wan Chai, Central, and so on, it will only worsen the problem of air pollution to the detriment of pedestrians. Last year Secretary Edward YAU said that consideration would be given to setting up low emission zones in busy areas and restrict access to these zones by buses of older types. I think that this move merits support. I urge the Government to seriously consider

the provision of financial incentives to encourage bus companies to phase out these old vehicles which cause so much pollution and emission.

President, Guangdong Province which has always been regarded as a pollution source has in recent years introduced many hardliner measures such as closing all coal-fired power plants with less than 50 000 kw capacity in the province by 2007, not giving approval to set up power plants using coal or petroleum in the Pearl River Delta (PRD) and putting great efforts into developing hydroelectric power, nuclear energy, wind energy, solar energy and such like clean sources of energy. Compared with the tough measures in Guangdong Province, what has the Hong Kong Government been doing? Since the Chief Executive said in the policy address that he wished to work with Guangdong Province to develop the PRD Region into a "Green and Quality Living Area", I hope the SAR Government can work harder in this and join hands with us to build a Hong Kong with fresh air.

President, I so submit.

**MR JEFFREY LAM** (in Cantonese): President, many policies have been rolled out by the Environment Bureau lately, including the plastic bags levy, turning off idling engines, and so on. However, despite my repeated enquiries made with the authorities on the results of the review of AQOs, nothing is heard so far. Previously, the Secretary mentioned why the work on reviewing the AQOs which was to last 18 months would be completed in 2008. Now the year 2009 has begun and may I ask the Secretary how much time he still needs to sort out the information before he can pick an auspicious day to release it?

The current AQOs have been in force for more than 20 years — some Members have mentioned that point earlier, and actually there has never been any revision of these AQOs ever since. Now the gap between our AQOs and the latest standards set up by the WHO is getting wider and wider. It is out of keeping with the present situation at all. Also, the Secretary has said that the

new AQOs would include a package of proposals and various measures ranging from energy to transport, all with the aim of improving our air quality.

Air pollution in Hong Kong affects the people's health and this is an indisputable fact. Take the example of respirable suspended particulates, their concentration in our air is almost four to six times higher than the tolerable concentration specified by the European Union and such concentration is found in our air every day. And in terms of the WHO standards, the data collected by the roadside monitoring stations are almost all substandard.

Some paediatric specialist says that about 10% to 15% of the children in Hong Kong show symptoms of asthma, as opposed to only 4% to 5% 15 years ago. I believe a correlation exists between asthma in children and air pollution because pollutants like suspended particulates in the air will aggravate asthma conditions. Members may notice when walking in the street on one hazy and smoggy day, more coughs from people can be heard and there are more people wearing a facial mask. As some green groups put it, the air is toxic and that is more terrible than contaminated milk, for the impacts are not only diseases related to the respiratory tract, but also much more serious ones like heart problems.

President, a main source of air pollution in Hong Kong is the power plants, so I have been calling for the two power companies to reduce coal-fired power generation and raise the proportion of power generation by natural gas, as well as exploring other renewable energy resources. The power plants in the PRD are another culprit of pollution. Many people will say that whenever the Chinese New Year comes, the air quality will improve because the power plants in the PRD are shut down for the holidays. This year we are seeing more white clouds and a blue sky because some factories are closed or have their operation suspended early. I know that the governments in the PRD are working hard to tackle the pollution problem and active steps are being taken to make improvements on fuels and technology for power generation.

President, people in Guangdong and Hong Kong are living under the same sky and they must work together to find a solution to air pollution. However,



nothing is heard of the post-2010 emission targets which the authorities are to set with Guangdong. May I ask the Secretary if something has gone wrong with the Guangdong side or the Hong Kong side? I do not know what the situation is like regarding the communication with the Guangdong authorities. Now it is already 2009 and I do not think we should wait until the end of this year to release such targets. The Chief Executive mentioned in his policy address a "Green and Quality Living Area" in the PRD Region. I do not know if the Secretary has got anything specific to tell us today. If nothing can be said, then would this not be just another case of empty talks? I do not know how much energy I will have to spend or how many times I need to ask before a detailed reply can be given.

However, I am sure that although Hong Kong businessmen in the PRD are struggling hard in the financial tsunami and difficult business environment, they have never overlooked the importance of green production. This is because the manufacturers know very well that environmental protection is a long-term investment and it is beneficial to overall development in the long run.

Apart from power plants, the second major source of air pollution in Hong Kong is the exhaust emitted from vehicles. If nothing is done to improve the situation, the pollution caused by vehicles may be more serious than that by the power plants and become the greatest source of air pollution.

The authorities have just introduced a revised proposal on turning off idling engines. The amended proposal is well-intended. But as we can see, the problems are still plenty and the transport sector is still worried that when idle engines are turned off repeatedly, it will lead to quicker wear and tear of parts, resulting in more repairs and maintenance and hence rising operating costs. In addition, the clients will not like to hop into a cabin stuffy and hot without air-conditioning. So business will be affected. I think more discussions will have to be held on this subject of turning off idling engines. The Government must not bend on forcing its way through and it must give more audience to the voices of the sector and the public.

As a matter of fact, vehicles emit the most exhaust not because idling engines are not turned off, but because old vehicles are still roaming on the streets

and emitting exhaust. The new Euro IV and Euro V vehicles have greatly reduced emissions. The Government has launched a scheme to replace pre-Euro and Euro I diesel vehicles for commercial use, and a plan to waive first registration tax for green private cars. But the response has not been good. There are still many vehicles emitting thick and black exhaust running on the streets. The older the vehicles are, the more exhaust and hence suspended particulates are emitted. I hope the Government will not stop working on that and launch more effective measures to make vehicle owners replace their old vehicles. This will ensure that old vehicles will stay away from our roads and the emission of suspended particulates will be cut to a bare minimum.

President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, it is common knowledge and an indisputable fact that the severity of the air pollution problem has directly affected the health of the public and resulting in tens of billion dollars of financial loss every year. The question, however, is whether the Government has the ability, determination and plan to tackle this problem of environmental pollution.

Seven years ago when TUNG Chee-hwa, the then Chief Executive, introduced the Accountability System for Principal Officials, he got Dr Sarah LIAO who was well-versed in environmental protection work from outside the Government as the Secretary for the Environment, Transport and Works. But after five years, Dr Sarah LIAO left the Government with a mission uncompleted. The incumbent Secretary for the Environment is Edward YAU, who comes from the ranks of Administrative Officers in the Government. Then recently two more people are added. One is Dr Kitty POON, Under Secretary for the Environment and the other is Ms Linda CHOY, Political Assistant to the Secretary for the Environment. These three officials all have no rich working experience in environmental protection, nor do they have any professional knowledge in it. Previously, a person with working experience and expertise in environmental protection has failed get the job done. Now, with due respect, how can the people have greater confidence in these three officials? Of course, I

hope that they can improve, but up to the present moment I cannot see any substantial improvement at all. So I hope that these three officials can listen to the people's views and do the best they can so that the pollution problem can be ameliorated.

Speaking of the present circumstances, I think the Government should pay more attention to the issue. Some recent surveys have pointed out that some people are considering emigrating to other places because of the air pollution here. President, I am not too much concerned about those who want to emigrate because they have got the means to go. I am more concerned about those people from the lower strata in society who do not have the means. What can they do? Do they have to bear with the pollution to the environment such that their health will deteriorate? President, we do not want to see that and so would the Secretary please get his job done.

President, I am no professional and I know very little about environmental protection work. But I hope that the Secretary can pay more attention to the following aspects in environmental protection. First, specific objectives and a timetable for improving air quality should be drawn up and the Government must refrain from just giving words of promise but unable to achieve anything. This is most undesirable and I hope there can be some change in that. Second, before any policy is launched consideration must be given to the people's receptivity, for if not, we may only get half the result with twice the effort.

Many Honourable colleagues have made many suggestions and I agree with most of them. In the case of air pollution in Hong Kong, for example, I think Members will agree that the main sources of pollution are cross-boundary air pollution, emissions from local power plants and air pollution caused by roadside traffic, and so on. I think that the most effective method is to tackle air pollution at root. This is the most effective solution.

About pollution from the power plants, apart from using less coal in power generation and more natural gas instead, I think that the following two areas of work are very important: first, promoting the wider use of renewable energy in power generation; and second, reducing power consumption.

With respect to the use of renewable energy in power generation, from the new scheme of control agreements which the Government entered into with the two power companies last year, it can be seen that the Government does not have any integrated policy on renewable energy at all and so there are no effective targets on the use of renewable energy. I hope that the Government can do better in this because empty talks will never lead to any real results.

On reduction of power consumption, I think that better ways should be devised by the Government. Certainly, it will not be easy to reduce the use of electricity in a highly urbanized place like Hong Kong. But there are some areas in which slow and gradual changes can be made to the basics and these are building design, environmental layout, and so on. The use of better building materials would also help. Or the Government may consider subsidizing the grassroots to switch to using energy-efficient home appliances. If work in these aspects can be done better, it would help. Lastly, it is education and publicity work. If work in education and publicity can start with the children, when coupled with the co-operation from members of the public, it would be effective.

President, when I talked about another premise for policy formulation, I pointed out that before the Government launches any policy, it must take into account the receptivity of the public. Though this is a cliché, it is very important. An example is the turning off of idling engines mentioned by some Honourable colleagues. We will certainly not object to that. But would the professional drivers be able to effectively use their vehicles? Will they lose more than they can possibly get? And would the results be not so desirable?

The Secretary says that the foreign countries are doing quite well on this and we may draw reference from them. But are conditions in foreign countries similar to ours? We must examine all this closely, for not everything that is proved workable in foreign countries can work here in Hong Kong. I hope the Government should pay attention to that, otherwise the results will surely fall short of our expectations.

On the issue of turning off idling engines, which is the problem of roadside pollution, my view is quite similar to that of Honourable colleagues and, that is, pollution comes mainly not from cars, but buses. The pollution caused by buses is very serious. But I fail to see any specific measures adopted by the

Government to curb pollution by buses. This is a very important point. I hope the Secretary can tell me later what policies or measures he has to curb emissions from the buses because pollution caused by buses is most serious.

President, I so submit.

**MR ALBERT CHAN** (in Cantonese): President, I recall a few years ago when TUNG Chee-hwa was the Chief Executive, he often said, "If China is good, then Hong Kong will be good." Now the situation is like this: the air in China is bad and it follows that the air in Hong Kong must be bad and it is much worse.

As we look at the air pollution problem, it is actually very serious here in Hong Kong. In the first half of 2008, in some districts in Hong Kong, pollution exceeded the standards for more than one fourth of the time. In some places in Guangzhou, it was some 40% of the time and things were not so good either in many places of the Pearl River Delta.

The worsening air pollution has serious impacts on people's health. The School of Medicine of The Chinese University of Hong Kong has undertaken a study and it is pointed out *inter alia* that the concentration of suspended particulates in Hong Kong is some 30% to some 40% higher than the standards recommended by the World Health Organization. It is close to 50%. This causes respiratory problems in many people. The following figures are very worrying: an increase by 10 mg of ozone and nitrogen dioxides in every cubic metre of air will lead to an increase in hospitalization rates of patients with asthma by 3.4% and 2.8% respectively. And for children under 14 and old people above 65, the hospitalization rates would even be higher.

So as we look back through the years, whenever the air became bad and when suspended particulates increased, the hospitalization rates for asthmatic patients would rise. It is 31 cases for every day. This will certainly put a strain on health care expenses and cause an adverse impact.

Where do these suspended particulates come from? They come from all sorts of sources: public power generation, road transport, water transport, and so

on. The problem is actually also serious in civil aviation, only that not many people are aware of it. I said a few years ago that the exhaust emitted from an aeroplane taking off was equal to more than 1 000 heavy trucks turning on their engines at the same time. So factors affecting the overall air quality come from all areas, but electricity is definitely an important source. The percentage of sulphur dioxide and suspended particulates emitted from public power generation is higher. And it is more so with the case of sulphur dioxide. Right? It is always more than 80% and even more than 90%. And for suspended particulates, they are always at a peak of more than 40%. Although it has dropped to over 30% in recent years, public power generation is still a major culprit causing pollution in Hong Kong.

For many years the Government has emphasized and Dr Sarah LIAO also did that when she was the Secretary, that pollution is to be reduced by changing the mode of power generation. But not much action has been taken despite the loud talks. The effect is hardly noticeable. Often the power companies just do what they want and put up excuses like franchise and development needs, and so on. They are constantly making delays. Among the places in the world using natural forms of power generation, I think Hong Kong is the most backward place in the world. The department in charge of environmental protection can be said to be totally negligent in its duties.

Certainly, I understand very well that Secretary Edward YAU is only in charge of environmental issues, those related to the economy are not part of his portfolio. And at times, economic matters should be given priority, right? For some trivial matters, if it is said that they will affect the long-term economic development of Hong Kong, then we might as well do nothing. The polluters can be left ravishing the environment and people will just have to breathe polluted air, get hospitalized and even die earlier than they should. This kind of crime is tantamount to what Caritas Hospital did in refusing to lend a helping hand to a dying person. If the Government continues to allow the air to be polluted, it is like a murderer, right? It is slowly killing the people of Hong Kong and allowing these public utilities to kill the people while it stands aloof, cares about nothing and turns a blind eye to everything.

The Government always says that actions will be taken to reduce air pollution. An example is the issue of turning off idling engines. After some

groups have shown their discontent, then exemptions are given to this group and that group. But air pollution causes deaths and we cannot afford to give exemptions. Secretary, people's lives are being threatened and these exemptions will not ..... When these people are exempted, the air will be affected and people will die. Every day there are 31 people who have to be sent to hospital because of asthmatic attacks induced by polluted air and the mortality rate also rises because of that.

So in addressing the air problem, of course, I know perfectly the hardship faced by the trades and their problems. But if we are to address environmental problems, the CLP Power, the Hongkong Electric, minibuses and taxis, they all must give way and yield to the overriding concern of public interest.

The Government has always been talking about strong governance, but once mention is made of these problems, it will just hide in the sand like an ostrich. The people's life and safety continue to be jeopardized and the Government cannot shirk its responsibility in that.

Another problem is that of screen-like buildings. They are also a cause of air pollution. The fact that air is so bad in Tung Chung is due to the harm caused by these screen-like buildings. This is not part of Secretary YAU's duties, but those of the Town Planning Board, right? The Town Planning Board is under the vicious influences of the conglomerates. Therefore, when the Government colludes with business and when benefit is transferred and the conglomerates have their way, these are some of the reasons why the people of Hong Kong are killed. The Government is an accomplice. So the collusion between the Government and business is also a cause of air pollution. As long as the political system of Hong Kong remains undemocratic, the conglomerates will continue to have their way. Mr Abraham SHEK will certainly disagree with me, but what I have said are the hard facts.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I asked Secretary Edward YAU last time why he refused the letter from Greenpeace. I also asked him about the timetable. As of today, no answer is heard from him. He is a

government official. I often ask those government officials: If they do not have time to keep in contact with the people, what could they have done?

When I was in Tai Po in contact with the Food and Environmental Hygiene Department (FEHD) recently, the kaifong of Lane Square were crying out for help because they were being driven away by FEHD staff. While pledging to offer assistance to small and medium enterprises (SMEs), the Government is actually making those SMEs and small shop operators suffer. I asked the Secretary where he was going. He said that he had to accompany someone to burn incense at Kwun Yam Temple. Buddy, President, there is a Protocol Division in the Government. Why not tell the "dunces" (staff) of the Protocol Division to do the company? Since there are "dunces" in the Division responsible for entertaining guests, why do the government officials always have to be bogged down in socializing? In any staff establishment of a government, there must be a department of protocol. Simply spend some money or delegate an Under Secretary to do the socializing work. In this respect, I have no idea what the Secretary is doing. He is here today. Although he said he would answer me the other day, he has not mentioned anything about the timetable.

Nowadays, the Hong Kong Government loves to talk about risk disclosure. We demand transparency and they have to disclose all risks. Doing this may end up in a "blind alley", doing that may also end up in a "blind alley". This might lead to a "dead end" and that might result in "hemi paralysis" or being handicapped. Let me tell you, all these possible scenarios are attributable to our pressure. The problem is: besides risk disclosure, it is basically hopeless. In other words, receiving medical checkups such as magnetic resonance and X-ray for the chest are free of charge, but the doctor in the hospital will tell you that you are going to die tomorrow, day after tomorrow or within next month and he is not going to save you. This is a vivid portrayal of our current administration. Given the strong public clamour for the right to know, the Hong Kong SAR Government can hardly shirk its duty of revealing information to the public. However, the Government will do nothing to help because they are not doing anything.



Regarding the emission of sulphur dioxide by such public utilities as power companies, they accounted for 86% of the total emissions in 1990 (prior to the reunification). It reached 91% in 2005 and the trend has been rising. The statistics I have obtained are only up to 2005. I do not know if there is any change. Here is a problem. The two power companies are like "overlords". We ask them to reduce emissions; they treat us like a fool. Now they may use more coal for power generation. I wonder if they have already signed agreements under which they will have to keep on using coal to generate power. Our Government is in a rut and lacks a unified authority. Secretary Dr Sarah LIAO once told me that things were getting more difficult. I told her to quit the job and start writing memoirs to "expose embarrassing facts", unveiling how the Government has disallowed her from doing things. But she did not do it. Now that she has left the Government, she still has not done it. In fact, I am always prepared to seek advice from the government officials. But whenever I ask modestly for advice, they will just say that they have difficulties that cannot be explained in a few words. If so, why do they not tell us the difficulties?

First of all, I would like to learn from them on how to reduce emissions from two power companies. What measures can be adopted? Is there any penalty? What can be done if the emission target is not met? Why not open up the electricity market to companies that can offer cleaner and cheaper energy in order to compete with the existing ones? I am a lamb wild at sea — completely fail to understand.

Secondly, it is about the screen-like buildings. There are many such buildings in my constituency, including Tai Wai, Tseung Kwan O and Wu Kai Sha. They all fall into my constituency. Despite relevant district councils' objections, the property developers followed their own development plans after paying a regrant premium. Buddy, I do not know if you are living in Tai Wai. If you are, you will later see rows of buildings developed by LI Ka-shing around Tai Wai Station like a slab of gravestone on which "the environment of Hong Kong is dead" are clearly written. The buildings are going to be erected and there is nothing we can do about it. Buddy, the consortium can "have its own way in everything" upon payment of a regrant premium.

President, times have changed, and so have the circumstances. We did not have the concept of environmental protection or screen-like buildings before.

I would like to seek advice from you or the Secretary: Why are we unable to stop the development of screen-like buildings? These buildings will cause a wall effect and make it difficult for pollutants such as suspended particulates and sulphur dioxide to disperse. Why are we unable to stop it? What about the Lands Department and the Town Planning Board? President, the Town Planning Board we have is a Town Losing Board. Whenever a government official chairs a Board, it can only do more harm than good. Every time, victims will seek help from us and the Hopewell incident is an example. Amazingly, the Government-led Town Planning Board is only good at passing resolutions that will create more pollution. The issue of screen-like buildings is one of the problems created by them.

Another problem that I have mentioned on many occasions is how to deal with the pollutants blowing from the Mainland? Can a transparent platform be set up? Has the problem ever been dealt with? Why are the two power companies allowed to generate electricity in the Mainland to create more pollution? I think these questions warrant an answer. With the integration of China and Hong Kong, our power companies may merge with each other through merger and acquisition. I am most worried that the problem by then will become more difficult to resolve. Thank you, President.

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

**PROF PATRICK LAU** (in Cantonese): President, it has been one and a half years since the Government launched its Action Blue Sky Campaign. The Air Pollution Index (API) is still very high. Very often, when we look up to the sky or over the Victoria Harbour, it is always wrapped in a layer of dusk. Although the Victoria Harbour is getting narrower, the visibility seems to be getting lower and lower. Chanting slogans is not the solution to the problem of air pollution. We have to take actions and formulate long-term policies.

In my opinion, planning is the most important thing to begin with. Consideration must be given to the impact of air pollution on residents' health. I agree to the segregation of the sources of air pollution (like concrete plants as pointed out by a Member in his amendment and central abattoirs) from the

residential areas in order to provide a decent living environment. Through the provision of more green areas functioning as city lungs in our planning, air pollution can be reduced. For example, I proposed that a school village be built by the Government so that schools therein could share a sizeable sports ground and various recreational amenities with a view to providing a more spacious green space to the students. This is a good example of opening up more green space in Hong Kong.

An ideal planning should, in fact, embrace public participation. Professional advice from town planners, building architects and landscape architects is, of course, very important. But we should also keep an open mind in listening to the views of the local residents, district representatives and people working in the district. A holistic consultative mechanism is vital to the joint creation of an ideal planning blueprint. In fulfilling this vision, I hope that Hong Kong people can understand what kind of city we are living in as we participate in the planning. We are living in a densely developed city where there are slopes and terrains. We need to set up a large planning museum to let the public understand the whole town planning in a stereoscopic vision rather than in a two-dimensional plane. We can, therefore, visualize the development and circulation of air. A similar orientation should also be adopted when we begin our development projects in urban areas and the New Territories.

If efforts are made at the planning stage, sources of air pollution can actually be reduced in the long run. A perfect transport network, for instance, may include a convenient and easily-accessible network of footbridges and a well-connected mass transit system that can encourage people to walk rather than drive. If we prefer walking 10 000 steps each day to driving private cars, pollution from exhaust fumes can be reduced.

President, green buildings play a significant role in planning for sustainable development. Inclusion of the green concept in our building design can effectively reduce the impact of air pollution. Many people may not be aware that the height from floor to ceiling in each storey of most Hong Kong buildings is really too low in architectural design. If the ceiling height is comparable to that of old buildings, air pollution can be reduced. It is because a low ceiling

hinders ventilation and causes suspended particulates in the air to accumulate. On the contrary, a high ceiling facilitates the flow of air and prevents any vast accumulation of pollutants.

Besides, Hong Kong is a small place with a dense population. Buildings are everywhere but outdoor green amenity areas are limited. Therefore, the provision of such environmentally-friendly facilities as sky gardens and balconies should be encouraged because they all help to reduce air pollution. Hence, I strongly oppose the Government's recent proposal on tightening the exemption on "environmentally-friendly facilities" in calculating the floor area. I consider this sudden proposal a retrogression. I always hope that new buildings can follow the major trend of sustainable development. The Government should encourage the construction of more green buildings and there is no reason for any retrogression.

I opine that the Government should be more proactive in promoting the green city concept of "zero pollution". I, therefore, support the notion of allocating more resources to scientific research institutions to conduct more studies on environmentally-friendly buildings. The "green bricks" developed by the Hong Kong Polytechnic University, for example, are proven to reduce the concentration of air pollution by 20% to 40% through absorption of air pollutants. I think it is a very good illustration that air pollution can be reduced through commercialization of scientific research results. I think the Government should take the lead in adopting these research products while encouraging the property developers to use different kinds of environmentally-friendly products and incorporate more green features in their new or redevelopment projects.

President, the main feature of any green building is the integration of its design with the natural environment. A proper orientation helps to regulate the temperature so that it is cool in summer and warm in winter. Through maximal induction of natural light, power consumption by air-conditioning and lighting can be reduced. Energy is saved and pollution is, therefore, reduced. We may even make use of renewable energy which will cause less pollution. This is why so many people believe in feng shui. President, feng shui actually refers to

environmentally-friendly construction. If we ignore feng shui, Hong Kong will always be suffering from air pollution. Besides scientific research, the Government should also have a general knowledge of our traditional culture.

Insofar as legislative regulation is concerned, the Government should make reference to feng shui in considering ways to further encourage power companies and private organizations to use cleaner energy. The Government should take the lead in the construction of "zero pollution" buildings as an example. Such innovatively designed buildings can promote the amelioration of air pollution at the right time, pre-empting any rigid legislation from hindering the development of a green city. I so submit. Thank you, President.

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

**DR RAYMOND HO:** President, we may have noticed again the poor visibility today. Although the visibility varies in different seasons of the year, and is also dependent on the wind direction, it is not acceptable to the locals, nor to the visitors alike that on so rare occasions are we able to see a blue sky. The haze in the air is threatening our image as a city that is renowned for its spectacular skyline and its status as one of the world's leading financial centres. Pollutants in the air also raise great concerns to our health, posing immediate risks especially to those with cardio-respiratory illnesses. For many people who spend most of their days working in or in the vicinity of busy streets, the situation is far from ideal. This is an imminent issue the Government must act upon without further delay.

Data from the Hong Kong Observatory indicate that there is an improvement in the number of hours of reduced visibility in recent years, lowering from the peak of a total of 1 570 in 2004 to 1 100 in 2008. But these recent statistics are no match to those 10 years ago, when the numbers hovered around the 500-mark. The Air Pollution Index (API), however, draws an even more alarming picture. According to an *SCMP* report, the number of hours of which roadside pollution exceeding an API of 100 has risen from 1 760 in 2007 to 2 007 in 2008.

The Government, in response, has claimed that concentration levels of individual pollutants are more indicative of the air quality than the API. These contrary views are signs that the API is in urgent need of a review. The Environmental Protection Department commissioned an 18-month comprehensive study to review the Air Quality Objectives (AQO) in June 2007. It is frustrating that the Government has carried out numerous studies in the past but we still do not see any obvious improvement.

The Air Pollution Control (Amendment) Bill 2008 was passed last year. The purpose of the Bill was to implement new measures of the emission caps for the power-generation plants, as they are the largest emitters in Hong Kong. It looked to securely reach the goals of emission reduction by 2010 set by both the Governments of Hong Kong and Guangdong Province in April 2002.

The omission of carbon dioxide as one of the pollutants to be regulated has been a factor discussed a great deal in this Council, but obviously we are still waiting for further findings from studies so that we can come to a clear conclusion, by which time we are going to have the data as well as the conclusive findings. Given that the emission of carbon dioxide is a very important contributor to greenhouse gas, we should study the effects of this particular pollutant as soon as possible and we should also study different aspects of climate change without any delay. The findings of the study of the AQO will hopefully fill the void.

President, we are in a continuous battle against pollution. While the sky may have become clearer, it is insufficient to declare victory; the health aspects of air pollution must not be ignored. I urge the Government to take up greater measures in view of our poor air quality.

I so submit. President, Thank you.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr KAM Nai-wai, you may now speak on the three amendments. You may speak up to five minutes.

**MR KAM NAI-WAI** (in Cantonese): President, today, the Democratic Party will support all the three amendments. Ms Audrey EU proposes that the wording "disappointment" in my amendment be substituted by "regret". Thus, we feel both disappointed and regrettable. I think this is also the attitude of the Council as a whole. Members of the DAB have also made it clear that they actually welcome a review by the Government rather than the formulation of the so-called first stage objectives as an initial step of the review. In this regard, many green groups and individuals do not agree.

Despite our disappointment, we should also make some suggestions. For example, we propose to introduce a smog alarm system, which has also been mentioned by some Honourable colleagues. The smog alarm system is tantamount to the practice mentioned by the Government. In other words, the Government will issue a warning to the public upon the release of a pollution index. For instance, the public is advised to avoid prolonged stay in areas with heavy traffic. The smog alarm system proposed by us will mainly play the preventive role, as in the case of Canada. In fact, under the smog alarm system, the public will be warned when a smog alarm is expected to be issued. Besides, specific recommendations will also be made, including closure of schools in some areas or prohibition of access to certain areas by some vehicles, as we have mentioned. Such an alarm system will be used in conjunction with the API. I believe the public are well-versed in the red/black colour coded rainstorm warning system. If there is a red/black colour coded smog alarm system in the future, I believe the public will also be able to grow familiar with it.

Besides, some Honourable colleagues have suggested that the matter be discussed with Guangdong Province. I hope the Secretary, in his response later on, can tell us the arrangement after 2010. When will the specific arrangement be revealed? I also look forward to a reply from him later on. In practice, Hong Kong, Macao and the Pearl River Delta should each formulate a forward-looking energy policy on their own. Just now, some Honourable colleagues have raised the point that, apart from vehicles, vessels or different

industries may also be sources of air pollution. How can improvement be made to relevant equipment and installations so as to tie in with our efforts in ameliorating the air pollution problem? This is also vital.

In her amendment, Ms Audrey EU proposes that owners of private cars be encouraged to use cleaner cars. We share her view. But I have also made some specific recommendations. For instance, can the first registration tax on electric vehicles be totally waived so as to encourage the wider use of environmentally-friendly vehicles? Can the proportion of electricity generated by natural gas be increased? We support all these proposals.

Furthermore, I would also like to discuss Mr LEE Wing-tat's proposal on the relocation of sources of air pollution from residential areas. This is also very important. Recently, we have raised the issue about the concrete plant at Tin Wan. I have heard that it will be relocated. However, the site is still designated for constructing concrete plants under the original planning. The residents are worried that another plant will be set up after this one has been relocated. Many residents living nearby told us that many people who have suffered from respiratory illnesses have to seek treatment in hospital frequently. I do not understand why there is such a big pollution source at a location so close to a residential area.

Certainly, we have talked about greening as well. At the meeting of the Public Works Subcommittee this morning, we mentioned that greening was needed on both highways and buildings at the planning and design stages. I hope the Secretary can bring this information back for consideration by other Policy Bureaux. President, we support all the three amendments. Thank you, President.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I would like to thank Honourable Members for their speeches. As clearly pointed out in my previous speech, the air pollution problem is an issue of the utmost concern to the Government, the legislature and the general public alike. It is precisely for this reason that the Government has striven to do its best in addressing this problem in the policy addresses over the past two years, as well as within the actual policy area of the Environment Bureau.



Is the air pollution problem growing increasingly serious, worsening or improving? We cannot get the answer by simply looking up at the sky; we require actual data. Of course, Honourable Members have cited a variety of data when delivering their speeches earlier. However, I would like to take this opportunity to provide Members with some updated data. As I mentioned earlier, when we signed a Memorandum with Guangdong Province in 2002 on emission reduction targets by 2010, an emission reduction target was set for four air pollutants. According to the target, we will find that, over the last couple of years or according to recent figures, and by taking the entire year of 2007 into calculation, there was a reduction of 20% to 50% for three pollutants, namely nitrogen oxides, respirable suspended particulates (RSP), and volatile organic compound. This is compatible with the emission reduction target expected to achieve in 2010, in terms of both the movement and the trend.

However, some Members have also mentioned another source of pollution, that is, sulphur dioxide caused by power generation. Despite its rising trend over the past several years, it has been relatively restrained by a substantial margin over the recent years. As quoted by Members earlier, the rates of increase were 46% and 12% in 2004 and 2006 respectively, and then dropped to a mere 2% in 2007. We hope that the figures of sulphur dioxide will continue to fall in 2008, 2009 and even 2010. We can attribute this mainly to our effort in controlling emissions from power generation. Later, I will use this as an example to explain how we will proceed to improve air quality through our effort on this front. Generally speaking, this is roughly the situation of the four pollutants. In the next two years, therefore, we will have greater confidence in achieving the objectives originally set down for 2010.

The second topic mentioned by Honourable Members is that the WHO objectives are often cited during our review of air quality. Many people are already aware of these objectives. Please allow me to use seven major pollutants to briefly illustrate the differences between Hong Kong's current figures and the WHO objectives from the beginning to the end. Let me cite sulphur dioxide as an example. As I pointed out earlier, judging from the territory's existing objective, 350 ng/cu m is far from satisfactory, compared with the WHO's ultimate objective of 20 ng/cu m. As I mentioned earlier, a reduction of at least 90% must be achieved. In other words, the Interim target-1 should be 125 ng/cu m, and the Interim target-2 and -3 should be 50 ng/cu m.

As regards RSP, if a relatively stringent calculation method of an average of 24 hours is used, Hong Kong's existing target for air quality is 180 ng/cu m, whereas the WHO's Interim target-1 is 150 ng/cu m, and its Ultimate target 50 ng/cu m. Therefore, the gap between the two is considerable.

A Member also mentioned a figure concerning PM10 RSP earlier. Actually, the figure is quite loose. Right, Hong Kong's existing target of 55 ng/cu m is better than the WHO Interim target-1. However, only this target is better than the WHO's existing targets. The gap is quite considerable in all other aspects.

As regards PM2.5, or fine suspended particulate, no target has been set in Hong Kong for the time being. As for the WHO, its Interim target-1 and Ultimate target are 75 ng/cu m per 24 hours and 25 ng/cu m per 24 hours respectively. As for nitrogen oxides, it is usually calculated in a relatively strict manner. According to Hong Kong's AQOs, the target is 300 ng/cu m per hour. The case of the WHO, there is only one target, which is 200 ng/cu m. According to Hong Kong's existing standard, its ozone target is 240 ng/cu m per hour. As for the WHO, its Interim targets-1, -2 and -3 are exactly the same, which is 160 ng/cu m, and its Ultimate target is 100 ng/cu m. As for carbon monoxide, Hong Kong's existing target is 30 000 ng/cu m per hour, which is the same as that of the WHO. As regards lead, Hong Kong's existing objective is 1.5 ng/cu m per three months. However, the WHO has not set any objective for lead for the time being.

This account is intended to illustrate the huge gap between the objectives adopted in Hong Kong and by the WHO and the considerable gap between Hong Kong and the WHO in the objectives in respect of individual pollutants. Let me cite sulphur dioxide, which is of the utmost concern to Honourable Members, as an example. If we calculate in terms of the Ultimate target, the gap is extremely huge. However, the gap is relatively small for some pollutants. Of course, if a review of the AQOs is to be conducted, we will decide, having regard to different objectives and the pollution situation in Hong Kong, which pollutant is more important before tightening control gradually. However, the realistic situation must be factored into such consideration.

Just now, Mr KAM Nai-wai expressed his hope that the objective of sulphur dioxide can meet the WHO's Ultimate target in 2050 by achieving a reduction of approximately 95% in the concentration of sulphur dioxide in air, from 350 ng/cu m at present to 20 ng/cu m. If this target is to be met, the fuel mix for power generation must undergo a dynastic change. This example is used merely to illustrate what factors need to be considered in implementing our initiatives. During the review of AQOs, a package of proposals will be raised. Generally speaking, the proposals can be divided in six directions as follows:

First, to identify ways to further tighten emissions from power plants, particularly emission of sulphur dioxide. For instance, as mentioned in the policy address, the proportion of natural gas for local electricity fuel mix will be increased from 28% to 50%. Similar proposals will also be raised in the future;

Second, to step up regulation of vehicle emissions, as mentioned by a number of Honourable Members earlier;

Third, to regulate other sources of emissions, such as emissions from off-road motor vehicles, installations or vessels;

Fourth, to adopt environmentally-friendly traffic management measures, such as low emission zones, pedestrian precincts, as previously mentioned by a number of Honourable Members;

Fifth, to enhance environmentally-friendly infrastructure, such as planning of railway transport, and so on; and

Lastly, to boost energy efficiency measures.

These measures are similar to the individual measures proposed by Honourable Members earlier, only that our weightings might vary. Therefore, we will evaluate in the review different kinds of measures in terms of such factors as economic cost, efficiency, and what sort of mix should be adopted to achieve what degree of improvement.

Let me use energy, an issue of particular concern to Members just now, as an example. Some Members criticized, as I stated in my previous speech, that

the Government had conflicting environmental protection and energy policies. This is precisely the reason why the new-term Government seeks to integrate environmental protection with energy. Apart from energy supply, we may also examine ways to control and address pollution caused by energy.

In brief, Members may recall that, over the past one and a half years, we have, apart from ensuring a safe and stable supply of energy, implemented some green measures in the context of our energy policies in four to five major areas, including establishing a carrot and stick mechanism for pollution and emissions in the new Scheme of Control Agreement (SCA) for the two power companies. If any one of the emission sources fails to meet the target, profits will be deducted. On the contrary, if three kinds of emission reduction are found to exceed our targets, a small reward will be offered.

Secondly, as in the past, emission caps will be regulated through a licensing regime. In addition, they will be regulated by way of legislation through the Air Pollution Control Ordinance, which was proposed by us for passage by the Legislative Council. This is more stringent than that the previous regulatory approach. The annual emissions from the two power companies will also be tightened gradually.

Thirdly, Members might also recall, as mentioned by me on previous occasions, the signing of a memorandum on clean energy with the Mainland in August last year. Practically, this gives Hong Kong a new opportunity to increase the use of clean energy, including the continuous use of nuclear energy and raising the proportion of natural gas, because it would be like empty talk on paper should the burning of coal is reduced without increasing the supply of clean energy. Upon the signing of the agreement, it is hoped that through the West-East Natural Gas Pipeline on the Mainland, the gas sources of our power companies can be increased by nearly half. It is also for this reason that we are capable of proposing in the policy address that the proportion of natural gas may probably be increased from 28% to 50% in the future. As regards the question raised by Ms Audrey EU earlier in respect of the timetable, that is, the timetables for the completion of the West-East Natural Gas Pipeline and the two power companies to acquire new gas sources, I believe the target can be met around the mid-2010s.

Fourthly, we agree with Members' suggestion that the use of renewable energy in power generation should be increased. This explains why the two power companies are allowed, under the new SCA, to raise their profit to up to 11%, on top of the originally permitted profit of 9.99%, if they can use renewable energy.

Lastly, while implementing energy policies, the policy address last year also specifically raised the proposal of a "low-carbon economy" in a bid to promote, through energy efficiency incentives, smarter and less use of energy. The relevant efforts include a number of initiatives mentioned in the policy address, from the regional cooling system to the setting of some minimum efficiency standards in legislation, as well as providing funds to encourage the public to pay more attention to energy efficiency, conducting audits and undertaking improvement works, and so on.

These initiatives also demonstrate how we can respond to proposals raised, if any, during our review of the new AQOs. By adopting the same method, we may be able to conduct our discussions in the future on matters other than energy, such as transport and planning in other aspects, in the same manner.

From this we can see that in order to achieve our goal, it is necessary for us to discuss, during the process, with various sectors of society in an in-depth manner and consider the proposals at the technical, economic and practically feasible levels, or else the AQOs will be reduced to mere slogans or figures. The Government also agrees with the proposal raised by some Members of using public health efficiency as the guiding philosophy in evaluating the implementation of the new AQOs. Some Members have also asked whether we will collaborate with government departments involved in public health in implementing these initiatives. Actually, the Environmental Protection Department (EPD) has already set up an advisory panel targeting AQOs, comprising the Food and Health Bureau as one of its members. A working group under the advisory panel also sees participation by professional colleagues of the Health Department. Therefore, Members can rest assured about this.

The smog alarm system proposed by an Honourable Member is similar to the one proposed by the Council for Sustainable Development in the past. We

agree that it is necessary to provide the public with air pollution information and warnings, so as to enable them to know more about the impact of air pollution on health. Since 1995, there has been a daily announcement of Air Pollution Index (API) and forecast by the EPD. In 1998, the daily announcement was replaced by an hourly announcement with the inclusion of the Roadside API. As mentioned by some Members, warnings or health advice will be issued when the API reaches a "very high" level. As regards whether it is necessary to advise the public on the need to go to work or school, I believe a more in-depth public discussion in this respect is required for the avoidance of confusing messages.

During our review of the AQOs, we also commissioned an advisory team comprising academics from The Chinese University of Hong Kong, the University of Hong Kong and The Hong Kong University of Science and Technology to conduct a study on the API system. Hopefully, this study can be completed in 2009 to let us know whether further improvements can be made to this warning system.

Regarding the tracking study on air pollution and health as mentioned by an Honourable Member, actually, many academics and experts have conducted a variety of studies in the past, some of which have also been cited by Honourable Members. Since 1997, the EPD has commissioned local universities to jointly conduct more than eight studies related to the impact of air pollution on health or the economy. The findings of the studies have also been published on the website of the EPD. We will continue the collaboration with local universities and experts. Upon an injection of funding into the environmental protection and conservation funds, we will encourage collaboration with scientific research institutions. If suitable programmes are available, we will be pleased to offer subsidy. As regards whether a long-term tracking study is necessary, we must consider such factors as the demographic change of the territory and whether there is an actual need to conduct the study. Nevertheless, the Government is pleased to heed different views or accept the submitted applications.

There have been on-going initiatives by the Government to control emissions from motor vehicles in areas with heavy traffic. Currently, there are larger proportions of franchised buses in terms of vehicular flow on access roads with busy traffic, such as Mong Kok, Causeway Bay and Central. For instance, the proportions of franchised buses serving Nathan Road and Des Voeux Road

Central are 30% to 40% and approximately 40% respectively. The Transport Department has been promoting the deployment of more environmentally-friendly buses to serve access roads with busy traffic. Up to September 2008, all buses serving Yee Wo Street, more than 90% of buses serving Hennessy Road and Nathan Road, and more than 80% of buses serving Queensway and Des Voeux Road Central already met the Euro II or even higher vehicle emission standards. We will make arrangements by all means concerning this.

Regarding the suggestion made by some Members that "low emission zones" should be established, a study in this respect has actually started. Currently, a pilot scheme will be conducted on franchised buses first, and franchised buses with relatively high emissions will be barred from entering "low emission zones" for the purpose of evaluating the effect of "low emission zones" on improving roadside air quality. We will collaborate with franchised bus companies to undertake such work and discuss with Honourable Members when the outcome is available.

In Hong Kong, land is scarce but the population is large. In order to reduce traffic congestion and air pollution, the Government has been advocating the use of public transport services, particularly mass transit carriers. In Hong Kong, the daily patronage of various modes of public transport reaches 12 million passenger trips. In other words, 90% of the commuters in the territory make use of public transport services. Accounting for approximately 35% of the overall patronage of public transport services, the average daily patronage of railway is 4.1 million passenger trips, slightly higher than the 34% represented by franchised buses. We think that the development of railway should be pursued in tandem with air quality improvements.

Some Members have raised the proposal of providing subsidy for vehicle replacement as an emission reduction measure. It has also been mentioned by Honourable Members that, over the past couple of years, the Government has encouraged the public under a \$3.2 billion vehicle replacement scheme to replace commercial vehicles, especially pre-Euro and Euro I vehicles. In response to the request of the industry, we have extended the scheme to March next year.

Since the implementation of the vehicle replacement scheme and up to end-December 2008, 20% of the commercial vehicles had been replaced. We hope the figure will continue to rise. Members will understand that, unless the incentive has become irresistible, we have to, after all, consider whether other measures, apart from the incentive, are available. We have originally considered and conceptually proposed whether it is worthwhile to increase the licence fees of very old vehicles. However, reservations were expressed in the last meeting of the Panel on Environment Affairs as well as by some of the Members who spoke earlier. I believe we must, on the one hand, care about the environment and, on the other, consider the effectiveness of implementing some measures. Therefore, on the part of the Environment Bureau, we will continue to try putting forward different proposals for discussion with Honourable Members. On the one hand, we will consider the call of the industry; and on the other, we also hope Members can understand that, insofar as the air pollution problem is concerned, it is indeed imperative for the Government to implement all initiatives, including initiatives for replacing vehicles and turning off idling engines, by all means.

As regards buses, some Members have called on bus companies to replace their buses by all means. We will also request bus companies, by all possible means, to deploy more environmentally-friendly buses to serve access roads with busy traffic. Regarding the control of emissions from franchised buses, the Government has already included clauses in new bus franchises requiring the new buses procured by the relevant companies to adopt the latest green technologies available in and approved by the market. Furthermore, starting from October 2006, the emission standards of all newly registered franchised buses must meet the Euro IV standard.

Of course, the replacement of a large number of old buses within a short time will definitely exert financial pressure or pressure on fares. Currently, a method considered by us to be feasible is to replace bus fleets gradually while implementing complementary measures, such as rationalization of bus routes and installing devices for reducing vehicle emissions, for the purpose of reducing emissions from franchised buses. It is worth mentioning that a vast majority, about 91%, of franchised buses are already equipped with environmentally-friendly engines meeting Euro emission standards, and all pre-Euro and Euro I buses have been equipped with diesel catalytic converters.



Meanwhile, the Government is promoting the progressive installation of diesel particulate traps by franchised bus companies for Euro II and III buses. These emission reduction devices are helpful to reducing emissions from these buses, and the emissions of particulates can be reduced by up to 80%.

Some Members, including Prof Patrick LAU, have mentioned the need to enhance energy efficiency. As this subject has been discussed many times before, and coupled with the fact that relevant schemes, legislation, and subsidy schemes are already in place, I do not intend to repeat it here.

President, regarding the greening initiatives mentioned by Mr LEE Wing-tat in his amendment, Secretary Carrie LAM also mentioned in her reply this morning the Greening Master Plans as one of the Government's greening initiatives in the urban areas. Subsequent to the injection of funding into the Environment and Conservation Fund last year, we were given the task of making special efforts in encouraging rooftop greening. We have since allocated more than \$30 million to subsidize the greening of the rooftops of more than 100 different buildings, including schools, voluntary agencies, and so on. We will continue to work in this area.

Quite a number of Honourable Members have mentioned the plans for improving regional air quality in 2010 and beyond, with emphasis put especially on collaboration with the Mainland. During the question time this morning, I gave a detailed account of the collaboration between the SAR Government and the Guangdong Provincial Government on a variety of work ranging from air quality to other aspects. In brief, after the setting of joint targets for some project-based or air quality-oriented problems in the past, we would gradually deepen our collaboration in promoting the development of a more environmentally-friendly and greener zone in various aspects in other domains. Regarding the initiatives taken by Guangdong Province, Ms Starry LEE, in replying for me to the question raised by Mr CHAN Hak-kan, spelt out some initiatives taken by the Mainland, such as the desulphurization devices installed in power plants. In Guangdong Province, apart from the initiatives taken by power plants, the standards for motor vehicles and oil products have also been gradually tightened. For instance, in Guangdong Province, all newly registered motor vehicles are required to comply with the National III standards (which are on a par with the Euro III standards). In major cities such as Shenzhen, Guangzhou,

Dongguan, Zhuhai and Zhongshan, the standards of motor oil products must comply with the National III standards. In this respect, we have also requested, during our discussion, Guangdong Province to raise its standards gradually because the National IV standards have already been complied with in Beijing. Meanwhile, the comprehensive vapour recovery system implemented at petrol filling stations, oil depots and tanker trucks at major PRD cities will facilitate the reduction of volatile organic compounds emissions.

Apart from motor vehicles, as Guangdong Province is an industrial base, they will also spare no effort in making improvements to clean production, industrial processes, and so on. Last year, we launched a Cleaner Production Partnership Programme to, through assisting Hong Kong businesses in conducting clean production audits and introducing improvements, facilitate the joint promotion of the Partnership Programme by the government units of Hong Kong and the Mainland in major cities, including Dongguan, Jiangmen, Huizhou, Zhongshan, and so on. We will continue to work in this area.

Our objective is to strive to achieve within this year the 2010 emission reduction targets originally set in 2002. We have also begun setting a new objective for 2010 and beyond. I believe the new objective must take into account the different measures taken as a result of the economic and environmental discrepancies between Hong Kong and the Mainland. I also hope to step up efforts in this area in the years to come.

President, I would like to thank Honourable Members once again for proposing this motion ahead of the review of AQOs because it provides us with a good opportunity to explain this target to Honourable Members and enhance public awareness of these initiatives.

I think it is worth highlighting a few points in concluding this speech: First, the Government agrees that the AQOs must share the same target with the objective of ensuring the healthy living of the public. Otherwise, the WHO objectives will not be adopted because it is stated very clearly therein that public health should be made one of the objectives. The Chief Executive has also made this very clear in the policy address. We hope to make this point clear.

Second, regarding the WHO objectives explained by me earlier, Members can see that we might not be able to achieve the objectives in one go. But it does not mean that we will thus drag our feet and take an easily achievable target as our ultimate objective. As pointed out by me in my previous speech, we will not consider a certain stage as our ultimate objective. Instead, we will strive to comply with the WHO objectives step by step having regard to Hong Kong's situation. In this respect, we will discuss with the public having regard to different objectives and strategies.

Third, regarding our way forward, we will fully consult the public on different proposals and timetables, the price to be paid by the public, and so on, in the hope that Honourable Members or social organizations can give us more opinions. We also hope that our future measures, be they related to energy mix changes (a lot of investments might be involved or electricity tariff might be affected) or measures considered by some individuals as trivial (including switching off idling engines), can gain full and extensive support from the legislature.

Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Mr CHAN Hak-kan to move his amendment to the motion.

**MR CHAN HAK-KAN** (in Cantonese): I move that Mr KAM Nai-wai's motion be amended.

**Mr CHAN Hak-kan moved the following amendment: (Translation)**

"To delete "air pollution in Hong Kong has been worsening in recent years" after "That" and substitute with "there is no marked improvement in the air quality in the Pearl River Delta Region"; to add "Hong Kong" after "posing an increasing threat to"; to add "local and" after "quite a number of"; to delete "and" after "franchised buses;"; and to add "; and (h) expeditiously discuss with the Guangdong Provincial Government the post-2010 cross-boundary cooperation plan between Hong Kong and the Mainland for improving air quality" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Hak-kan to Mr KAM Nai-wai'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): Ms Audrey EU, as Mr CHAN Hak-kan'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 may speak 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.

**MS AUDREY EU** (in Cantonese): President, I move that Mr KAM Nai-wai's motion, as amended by Mr CHAN Hak-kan, be further amended by my revised amendment.

President, in the first part of my original amendment, the wording "regret" is used to express my regret to the adoption of the WTO's first stage objectives as

the goals by the Government. Now my only regret is that Mr CHAN Hak-kan's amendment has been passed, preventing me from moving my amendment to this part of the motion. As regards other parts of the amendment, the content is the same as before. However, since Mr CHAN Hak-kan's amendment has been passed, the numbering of the relevant paragraphs of my amendment has to be changed albeit the content remains the same. Thank you, President.

**Ms Audrey EU's further amendment to the motion as amended by Mr CHAN Hak-kan: (Translation)**

"To add ", and draw up the post-2010 emission reduction targets to further improve the air quality in the Pearl River Delta Region; (i) implement appropriate policies and measures to encourage owners of private cars to use cleaner cars; and (j) expeditiously formulate a timetable and an action plan for achieving the target of raising the proportion of electricity generated by natural gas to 50%" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Ms Audrey EU's amendment to Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan, 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, as the amendments by Mr CHAN Hak-kan and Ms Audrey EU have 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 may speak 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 LEE WING-TAT** (in Cantonese): President, I move that my revised amendment be passed in accordance with the procedure. I do not intend to make any further elaboration as I have explained it earlier on. Thank you, President.

**Mr LEE Wing-tat's further amendment to the motion as amended by Mr CHAN Hak-kan and Ms Audrey EU: (Translation)**

"To add "; (k) relocate the sources of air pollution (e.g. concrete plants) which are adjacent to residential areas, so as to reduce the impact of pollutants on the health of the residents nearby; and (l) step up tree-planting and greening efforts on roads and in high-rise buildings, and introduce more greening concepts into the procedures for renewal of old districts and construction of new roads" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr LEE Wing-tat's amendment to Mr KAM Nai-wai's motion as amended by Mr CHAN Hak-kan and Ms Audrey EU, 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 KAM Nai-wai, you may now reply and you have two minutes six seconds. This debate will come to a close after Mr KAM Nai-wai has replied.

**MR KAM NAI-WAI** (in Cantonese): I thank the many Honourable colleagues who have spoken in support of my original motion and the relevant amendments.

Members' speeches are full of creative ideas. They have mentioned not only subsidy for green cars but also the relationship between feng shui and air pollution and the people's health.

However, I am a bit disappointed at the Government's speech, that is, the Secretary's speech just now. Generally speaking, the Secretary's speech is long and full of details on the work of the Government. But the problem is that many Members and people still consider it inadequate.

Just now the Secretary mentioned the time when the AQOs would reach the WTO objectives. I do not know whether the Secretary has spoken from the bottom of his heart. He mentioned the year 2050. But I said 2015. Perhaps the Secretary thinks that the objective can only be reached in 2050.

I hope that in the review to be conducted soon, a timetable can be set out as requested by us. The Secretary should not bury his head in the sand by trying to avoid mentioning the objective if it is unattainable and then put forward some others which are attainable. What is the starting point of this policy? I hope the Secretary can make it clear. Hong Kong people are very clear. As the Government has said, we are a world-class city and should have world-class AQOs instead of an objective for deceiving people. Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr KAM Nai-wai, as amended by Mr CHAN Hak-kan, Ms Audrey EU and Mr LEE Wing-tat, be passed

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(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.

**PRESIDENT** (in Cantonese): Second motion: Public consultation on 2012 constitutional development.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Dr Margaret NG to speak and move her motion.

## **PUBLIC CONSULTATION ON 2012 CONSTITUTIONAL DEVELOPMENT**

**DR MARGARET NG** (in Cantonese): President, today is the first Legislative Council meeting of 2009. On behalf of all Hong Kong people striving for democratic elections by universal suffrage, I once again reiterate our



determination to strive for dual universal suffrage in 2012. Universal suffrage is our basic human right. The National People's Congress (NPC), in its interpretation of the Basic Law in 2004, admitted that the Hong Kong Special Administrative Region (SAR) will be, in principle, able to implement universal suffrage in 2007-2008 at the earliest in accordance with the Basic Law. Functional constituencies were established in 1985 when Hong Kong was under the British rule. It was expressly stated then that this should be a transitional arrangement. However, 27 years would have passed by 2012. Why would such a transitional arrangement not have completed then?

Thanks to Hong Kong people's steadfast efforts to strive for universal suffrage, the Central Authorities finally announced a timetable for dual universal suffrage in 2017 and 2020. In other words, the transitional period of functional constituencies will at least last for 45 years! Nevertheless, I have not mentioned any date in my motion today. Instead, I have focused on the definition of universal suffrage because the authorities, despite their pledge of setting out a timetable, have started to launch an array of propaganda in a bid to change the definition of universal suffrage. They hope that functional constituency seats can be retained permanently and the election of the Chief Executive by the so-called universal suffrage will be permanently subject to a closed screening mechanism. In that case, the year 2017 or 2020 is totally meaningless. Today, I will request an open clarification by the authorities that elections by universal suffrage do not provide any room for functional constituencies or nomination after screening. In the public consultation on constitutional reform in 2012 to be conducted later on this year, the Government should make it clear in black and white that elections by universal suffrage mean the abolition of functional constituency seats.

In today's debate, I will also request functional constituency Members to clearly specify whether they agree to this definition of universal suffrage or not. Today, the Professional Commons has published an advertisement so that electorates and Members of different sectors can express their support to my motion. This is merely the first step in the year. In future, we will make incursion into the functional constituency camp. We will call upon the electorate of functional constituencies to stand on the side of genuine universal suffrage so that Hong Kong people will clearly know that the sectors do not support politicians who reject the abolition of functional constituency seats.

When more than half of the functional constituency Members do not support a government which opposes democracy, what is the point of retaining these seats by the authorities?

The Civic Party staged a sit-in that would last for 20 hours and 12 minutes from yesterday onwards. It will come to an end by tomorrow afternoon. But they will continue to launch a signature campaign and distribute leaflets to further explain that under Article 25 of the International Covenant on Civil and Political Rights, universal suffrage refers to universal and equal suffrage. They will further refute the fallacy repeatedly stated by Secretary Stephen LAM so that people will have an in-depth understanding that the nature of functional constituencies is contradictory to universal suffrage. In order to provide information to the public, I have particularly printed a table setting out 50 important motions which were not passed because of objection by functional constituency Members in the past term up to the present. This will enable the people to see how functional constituencies have slowed down Hong Kong's progress in such aspects as the economy, people's livelihood, nature conservation and democratic political system.

President, the implementation of genuine universal suffrage is not only our basic right. It is also a way to improve governance. In the past year, the SAR Government has made a spate of serious mistakes in its administration. Obviously, the basic problem is that the SAR Government has failed to meet public aspirations. With a lack of leadership, it is totally incapable of striking a balance between the interests of different sectors. The expansion of the accountability system has turned into another controversy rather than resolving the matter. In the past, the Government could rely on the majority in the Legislative Council who had been buttressed by functional constituencies for a long period of time to override public opinion and get its policies passed. But today, given the weak governance of the Government, political parties which have laid their foundation on direct elections will not support the Government blindly. On the contrary, they have to criticize the Government more sharply. Consequently, their party members who are returned by functional constituencies have to toe the line and vote against the Government. The investigation into the minibonds issue is a spectacular example.

The original purpose of electing the Chief Executive and all Legislative Council Members by universal suffrage is to ensure that public opinion can be directly given representation so that public policies which are benevolent but not popular will still be supported. But once genuine universal suffrage has become bogus universal suffrage, which is a sham for deceiving people, the original goal cannot be achieved and the quality of governance will deteriorate. Every time, it has to rely on assistance from the Central Authorities to save the Chief Executive's declining popularity rating from further plunging.

There are two more bad consequences arising from the long-term retention of functional constituency seats. The first one is the hindrance to the development of political parties which bar their normal functions from being brought into full play. Their normal functions should include the long-term training of political talents and the research on and promotion of long-term public policies so that the higher echelons of the Government who are groomed in such an atmosphere will consistently implement the vision on which public consensus has been forged. Under the so-called accountability system, Bureau Directors, who mind only their own business, are in full rout when facing a test.

Another bad consequence is the politicization of professional bodies and chambers of commerce. All professionals who support democracy will be labelled as opponents of the Government. Those who are reluctant to oppose the Government are unable to support democracy openly. When candidates of a particular sector or professional body are contesting with pro-democracy candidates in an election, the difference in their positions often hinges on whether they accord first priority to the interests of the sector or interests of the people. When striving for democracy is tantamount to opposing the Government, it will be detrimental to the sector if it opposes the Government. Facing both threats and inducements, the professionals have gradually lost their independent and unbiased status and credibility. In this regard, I am grateful to the Bar Association which has a declaration yesterday expressing its support for the abolition of functional constituency seats.

Functional constituency seats are detrimental to the governance of Hong Kong as a whole. Moreover, they will also adversely affect the image and interests of the sectors. If sector representatives are fighting for their interests vigorously when theirs are in conflict with the people's, they may be regarded as

enemies of the people. If their interests are consistent with the people's as a whole, surely people other than the sector representatives will also strive for them. Take the debate on taxi fares as an example. Apart from representatives of the transport sector, quite a number of Members have also participated in it.

Most importantly, each member of a sector is also a member of the Hong Kong public. When good governance is in the best interest of all people, it is obviously unwise to hinder the long-term stability of Hong Kong on the pretext of protecting the short-term interests of the sectors. Moreover, the sectors may not be truly benefited. Rather, it is the politicians or pro-establishment camp which have acted in the name of the sectors.

Let us not talk about the professional bodies. Even if the industrial and commercial sectors are taken as an example, do their interests equate to that of the conservative party and the pro-establishment camp? While the sectors have to maintain their international status and competitiveness through continuous progress, the conservative party is actually trying to drag the pace of reform through its political power so as to selfishly preserve the prerogative of the vested interest groups at the expense of the industrial and commercial development of Hong Kong. If representatives of the industrial and commercial functional constituency can truly represent the aspirations and goals of the majority of the functional sectors, there is no need to confine the electorate to a small number of chambers of commerce and trade organizations.

Two Members have proposed amendments to my motion. Mr CHEUNG Kwok-che requests that all functional constituency seats be abolished in one go. Certainly it is most welcomed by me. As regards Mr Abraham SHEK's amendment, I am most grateful to him because he has spoken out what the Government dare not say. In short, in the so-called universal suffrage in 2017 and 2020, nominations will be limited and subject to screening for the Chief Executive Election, and functional constituency seats will not be abolished in the Legislative Council Election. This is the so-called ultimate package for the elections in 2017 and 2020. Today, Mr Abraham SHEK and I are absolutely antagonistic to each other. Members' positions will be truly reflected by the voting later on. The abolition or retention of functional constituency seats is the touchstone for distinguishing genuine universal suffrage from bogus. Today, people will see clearly which Members and which sectors have to be dealt with first in order to achieve genuine universal suffrage.

More importantly, if Mr Abraham SHEK's amendment today is the ultimate package for the elections in 2017 and 2020, then the 2012 package as the "transit stop" will not carry any value at all. Any package taking us to genuine universal suffrage represents one step forward, even though the goal has yet to be reached. However, if we are only moving toward the system proposed by Mr Abraham SHEK, what merits our consideration for a compromise?

Secretary Stephen LAM keeps remembering the 2005 reform package. The true side of the package is that it will lead us towards Mr Abraham SHEK's proposal. On the pretext of raising the number of direct election seats, the essence is to increase functional constituency seats, which will be expanded rather than curtailed and will never be abolished. Our goal will never be reached.

With these remarks, President, I urge Members to speak up actively and to support my motion.

**Dr Margaret NG moved the following motion:**

"That, this Council demands that when the Chief Executive draws up proposals for reform of the method of election of the Chief Executive and election of the Legislative Council for public consultation early this year as he has pledged in his policy address, the Chief Executive will make clear that functional constituencies are to be abolished and he will ensure that such proposals lead:

- (a) for the method of election of the Chief Executive, to a nomination process which is open and in accordance with Article 25 of the International Covenant on Civil and Political Rights ("ICCPR"); and
- (b) for election of the Legislative Council, to the abolition of functional constituencies and to election by universal and equal suffrage and in accordance with Article 25 of ICCPR."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Dr Margaret NG's motion be passed.

**PRESIDENT** (in Cantonese): Two Members intend to move amendments to this motion. This Council will now proceed to a joint debate on the motion and the two amendments.

I will call upon Mr Abraham SHEK to speak first, to be followed by Mr CHEUNG Kwok-che; but no amendments are to be moved at this stage.

**MR ABRAHAM SHEK:** President, as pledged in his policy address, in the first half of 2009, the Chief Executive will consult the public on the methods for electing the Chief Executive and for forming the Legislative Council in 2012. He also emphasized that different sectors and political parties should be pragmatic and make good use of the opportunity to forge a consensus for the 2012 electoral arrangements. Perhaps the Chief Executive emphasized the need for pragmatism because he is still regretting our lost opportunity for making gradual and orderly progress in developing democracy due to the veto of the constitutional reform package in 2005.

Even before the policy address, the decision of the National People's Congress Standing Committee (NPCSC) on 29 December 2007 spelt out the universal suffrage timetable for Hong Kong, that is, 2017 for the Chief Executive and 2020 for the Legislative Council elections. The NPCSC's decision also made clear that while universal suffrage shall not be implemented by 2012, under the Basic Law, appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods.

President, the NPCSC's decision has helped us clarify the controversial timetable for universal suffrage. And what we have left on our discussion table now are the roadmap for universal suffrage and the details for the two electoral methods. 2012 is the mid-way point. If we handle the electoral arrangements properly, we can lay a solid foundation for attaining universal suffrage in 2017 and 2020.

Hence, we should endeavour to roll forward Hong Kong's electoral methods in 2012, making another step towards achieving universal suffrage. If we hamstring the electoral methods in 2012 with the universal suffrage package for 2017 and 2020, we will only increase the complexity and confusion of our

discussion, and lead to a probable repeat of the stalemates of the 2007 Chief Executive election and the 2008 Legislative Council election. That would be contrary to the aspiration of our people for gradual and orderly progress in developing democracy. When we look at Dr the Honourable Margaret NG's motion, the theme is "Public consultation on 2012 Constitutional Development." It is not about 2017 or 2020. Thus, our discussion should focus on formulating the electoral system in 2012 and the transitional arrangements for attaining universal suffrage in 2017 and 2020.

Given that 2012 is the mid-way point to achieving universal suffrage in 2017 and 2020, we can discuss all the related topics in promoting universal suffrage on the condition that the Basic Law and the NPCSC's decision of 29 December 2007 are conformed with. Otherwise, our discussions would be doomed to be ineffectual and fruitless. Thus, I propose my amendment to this motion.

President, in point (a) of the original motion, Dr the Honourable Margaret NG proposed, for the method of election of the Chief Executive, that there should be "a nomination process which is open and in accordance with Article 25 of the International Covenant on Civil and Political Rights (ICCPR)". I think her proposal does not consider the actual situation of Hong Kong and disregards the Basic Law.

The ultimate aim of having universal suffrage in Hong Kong originates from the Basic Law, not the ICCPR. When the ICCPR was applied to Hong Kong in 1976, a reservation was made for Article 25(b) not to be applied to Hong Kong. And, in accordance with the notification given by the Central People's Government to the United Nations Secretary General in Article 39 of the Basic Law, this reservation continues to apply. Furthermore, when the Basic Law was enacted in 1990, the Central Authorities responded to the views of the Hong Kong community and stipulated universal suffrage as the ultimate aim to be attained. Therefore, implementing universal suffrage in Hong Kong originates from the Basic Law, not the ICCPR.

Consequently, both the elections of the Chief Executive and the Legislative Council in 2017 and 2020 should be conducted in accordance with the Basic Law. As stipulated in Article 45 of the Basic Law, the ultimate aim is the selection of

the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. Therefore, the future electoral package should not only promote democracy, but should also implement universal suffrage in the 2017 Chief Executive election. And again, the composition of the nominating committee and the method of nomination should comply with Article 45 of the Basic Law, not the ICCPR.

Furthermore, I totally object to the abolition of functional constituencies as proposed in point (b) of the original motion. First of all, we have more than 10 years before implementing universal suffrage for the Legislative Council election in 2020. This is sufficient time for our community to discuss and decide on this matter. I do not see any immediate need to reach a decision on the method for implementing universal suffrage in the 2020 Legislative Council election and on the question of functional constituencies.

Moreover, the question of functional constituencies cannot be resolved solely by the Chief Executive or some of the Legislative Council Members. Only extensive public consultation and in-depth discussion by the community will foster consensus. The relevant amendments must be made with the endorsement of a two-thirds majority of all the Members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the NPCSC for record. As proposed in the original motion, the abolition of functional constituencies is not supported by the general consensus of the different sectors and does not fulfil the requirements as promulgated in Annex II of the Basic Law. The original motion is completely groundless in consensus and legal perspective. Therefore, in my amendment, I stress that gradual and orderly progress should be made in developing democracy in accordance with Article 68 of the Basic Law, and that all the Members of the Legislative Council will be elected by universal suffrage in 2020.

President, this Chamber has been the seat of many heated and interesting debates on the issue of constitutional reform. Despite our diverse views and ideas, and disagreement and agreement, much has been achieved, especially we now have the timetable for universal suffrage for the Chief Executive and Legislative Council elections in 2017 and 2020. I urge all of us to put aside our



differences and work towards a compromised formula for the 2012 elections so that all of us could accept and recommend to the people of Hong Kong to walk the last leg towards universal suffrage.

Thank you.

**MR CHEUNG KWOK-CHE** (in Cantonese): President, in proposing this amendment, my aim is to fulfil the pledge I made in my election campaign on demanding dual universal suffrage and the abolition of all functional constituency seats in one go in 2012. Although I am a Member returned by a functional constituency, I do not approve of the system of functional constituencies because it runs counter to the principles of democracy and fairness. Not only do functional constituencies give some people two votes, whereas the majority of people can have only one vote in the geographical direct elections, the numbers of voters in various functional constituencies also vary greatly. For example, some functional constituencies have close to 100 000 voters but others have only 100-odd voters and the difference is several hundred times. This makes the value of the votes cast by voters in functional constituencies vary greatly. Moreover, the value of votes for directly-elected Members makes them beyond comparison. For this reason, in fact, functional constituencies make up a deformed electoral system and they will only lead to unfairness in society. So long as functional constituencies continue to exist, the elections of the Legislative Council will not be universal and equal and any universal suffrage will only be bogus.

We have waited for the election of the Legislative Council by universal suffrage for over two decades and this is far too long. The merit of abolishing functional constituencies in one go is that universal suffrage can be introduced as soon as possible and we will no longer be subjected to further protracted delay. Therefore, I cannot support the amendment proposed by Mr Abraham SHEK because he says that it is necessary to wait until 2020 before the Legislative Council can be elected by universal suffrage. It is now only 2009, so do we have to wait another 11 years? I still believe that it is possible to introduce dual universal suffrage in 2012 and the public have the ability to put it into practice.

I believe it is only necessary for our Chief Executive and the Government to show resolve for dual universal suffrage to realize in 2012.

The reason for my insistence on abolishing the functional constituencies in one go is to rebut the view of some people that functional constituencies can be abolished in stages, as doing so will only create more problems. First, how can it be decided which functional constituencies are worthy of being retained and which ones should be abolished? This question alone will already lead to interminable debates in society and a small number of functional constituencies will only make the votes even more concentrated in the hands of a small group of people, thus aggravating the situation of unequal value of the votes and we will be further removed from an equal election. In fact, the rationale behind the abolition of all functional constituencies is very simple, because only when all the seats are directly elected can an election be truly universal, whereas the number of functional constituency seats, be it just one, more than one, or 30 as is the case now, will pollute the entire Legislative Council election.

As regards the election of the Chief Executive, I know that in 2017, we can elect the Chief Executive by "one person, one vote" but the nomination process is far from clear. It will be difficult to ensure public acceptance of the candidates running for the post of Chief Executive. I hope everyone can have the opportunity to nominate candidates for the post of the Chief Executive as they like and do not have to be subjected to the restrictions imposed by the nominating committee. If it is absolutely necessary to have a nominating committee, I believe it is most preferable to have a nominating committee returned by all voters in Hong Kong to nominate the candidates. The representatives elected through a democratic system have greater legitimacy and even if they make mistakes inadvertently, I believe voters will still accept them. However, the support for our Government is ever dropping. In fact, if the Chief Executive were elected by universal suffrage, he would not neglect public opinion, thus necessitating changes in government policies overnight.

Since the Government has undertaken to put forward new proposals on universal suffrage for consultation this year, I hope the Government will

demonstrate clear resolve and inform the public when a timetable and roadmap for dual universal suffrage will be available. I remember that in 2005, we considered the methods proposed in the Fifth Report of the Constitutional Development Task Force to run counter to the principles of democracy because the Government wanted to introduce an appointment system and increase the number of seats returned by functional constituencies. As I pointed out earlier on, functional constituencies are not a system worthy of retaining and to expand it is just like fostering the further spread of bad cells. For this reason, I insist that if the Government puts forward proposals on universal suffrage for consultation again, it has to remove all functional constituency Members in one go.

President, I so submit.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, today we have the opportunity to discuss constitutional development again. I have to make it clear at the outset that universal suffrage will be achieved in Hong Kong. However, the ultimate aim of having universal suffrage in Hong Kong originates from the Basic Law rather than the extension of the International Covenant on Civil and Political Rights (ICCPR) to Hong Kong.

I believe quite a number of Members in this Chamber will remember that when the ICCPR was applied to Hong Kong in 1976 under the British rule, the then British Government had added a reservation to the effect that Article 25(b) would not be applied to Hong Kong. In other words, the ICCPR would not be applicable to the composition of the then Executive Council and Legislative Council. Moreover, in accordance with the notification given by the Central People's Government to the United Nations Secretary General in respect of Article 39 of the Basic Law in June 1997, this reservation continues to apply. And Hong Kong's democratic system can be developed in the light of the actual situation in a gradual and orderly manner after the reunification in 1997.

In fact, if Members take a look at the Sino-British Joint Declaration signed in 1984, they will find that there are very simple provisions regarding Hong Kong's electoral system after the reunification in 1997 and only two aspects have

been specified: First, the Chief Executive shall be selected through consultation or by election. Second, the Legislative Council shall be constituted by election. But there is no mention of the ultimate aim of implementing universal suffrage. The aim of implementing universal suffrage was laid down in 1990 when the Basic Law was enacted by Beijing for Hong Kong after the reunification. At that time, the ultimate aim of implementing universal suffrage was laid down by the Central Government in response to the aspirations of the Hong Kong community after several rounds of public consultation. So, the Basic Law has adopted a more aggressive approach than the Joint Declaration.

Hong Kong's democratic system has been developing in a gradual and orderly manner since the reunification. Starting from the third term Legislative Council in 2004 onwards, half of the seats are returned by direct election. In 2005 when the SAR Government proposed the package for 2007 and 2008, namely the "District Council package", which was supported by 60% of the people, more than 30 votes were cast in its favour by Legislative Council Members. But unfortunately, we had a few votes short to meet the requirement of the Basic Law that the endorsement of a two-thirds majority of all Legislative Council Members is needed to get the proposal passed.

In the development of the constitutional system for the attainment of universal suffrage in Hong Kong, we have to work step by step. A breakthrough was made by the incumbent Government within the first six months after its assumption of office in July 2007. After the publication of the Green Paper on Constitutional Development and a three-month public consultation thereafter, the Chief Executive submitted a report to the NPCSC by the end of the year. In December 2007, the NPCSC made a crystal clear decision: universal suffrage for the Chief Executive and Legislative Council can be implemented in Hong Kong in 2017 and 2020 respectively and suitable amendments can be further initiated to the two electoral methods in 2012.

Under "one country, two systems" and the Basic Law, we have to forge a consensus among various sectors on the development of democracy in Hong Kong. In other words, the support of the Legislative Council, consent of the Chief Executive and approval of the Central Government are needed before amendment can be made to the electoral system as stipulated in the Basic Law.

Of course, at the same time, we have to do our utmost to seek the acceptance and support of Hong Kong people whenever a constitutional reform package is proposed. However, as we have been given the timetable for universal suffrage, we can develop our democratic system step by step.

Today, some Members still query the SAR Government's commitment and sincerity in the democratic development of Hong Kong on the supposition that it cannot propose a package for dual universal suffrage in 2012. The Government's sincerity was actually demonstrated by the Chief Executive in running in the election of the third term Chief Executive in 2007. At that time, he made it clear that he would tackle the issue of universal suffrage within his term of office if re-elected. So, the Government, within the first six months after assuming office, has worked towards the decision of implementing universal suffrage. As we have the timetable for universal suffrage now, if Members still hope that all decisions concerning constitutional matters for the next 12 years can be made in one go in the next three years, would such a bundled approach be pragmatic? Would it be more difficult for Hong Kong to roll the electoral system forward?

According to the NPCSC's decision in December 2007, there is already a framework for drawing up the roadmap and timetable for universal suffrage. Three steps are to be taken to achieve the goal: First, from now on up to 2012, the electoral methods for the Chief Executive and the Legislative Council will come to a midway point; second, during the period from 2012 to 2017, universal suffrage for the Chief Executive Election will be implemented; and third, the Chief Executive returned by universal suffrage in 2017 will work with the Legislative Council constituted by election in 2016 to handle the package for electing the Legislative Council by universal suffrage in 2020. The incumbent Government and the incumbent Legislative Council cannot exceed their functions by making all constitutional decisions on behalf of the Government and the Legislative Council in the next 12 years.

Universal and equal suffrage is an important issue of today's debate. In fact, the NPCSC decision has recognized the relevant arrangement, that is, the election of the Chief Executive by universal suffrage should adhere to the principle that the right to elect is universal and equal. According to the decision,

when implementing universal suffrage in the election of the Chief Executive, the Chief Executive shall be elected by the eligible electorate of the Hong Kong SAR. This is a "one person, one vote" arrangement which will certainly comply with the principle of universal and equal suffrage. Regarding the implementation of universal suffrage in the election of Legislative Council in 2020, the principle will certainly be adhered to. However, this principle is based on the Basic Law rather than the ICCPR.

Another focus of today's motion debate is the issue of functional constituencies. The functional constituency elections first emerged in Hong Kong in 1985 for the realization of balanced participation. But regarding the arrangement for functional constituencies in the future, it cannot be decided simply on the basis of anyone's views today. On the contrary, extensive discussions on the issue will be needed in the next decade or so. We will come to an appropriate decision only after hearing the views of different functional constituency sectors, the general public and various social strata in Hong Kong.

Insofar as functional constituencies are concerned, there are three major considerations. First, in our opinion, it is most appropriate for the Chief Executive returned by universal suffrage in 2017 to lead the Hong Kong community to decide how to implement universal suffrage and how to handle the issue of functional constituencies because he has adequate public mandate. Second, there is no immediate need to make a decision on this issue as we have 12 years from now on to 2020. Third, according to the NPCSC decision on the 2012 Legislative Council Election in December 2007, Members returned by direction election and functional constituencies will be maintained at the ratio of 1:1.

Dr Margaret NG mentioned in her opening speech that it was a relatively long period of time from 1985 to 2020. But it should be 35 years rather than 45 years. I believe it was only a slip of the tongue from her.

Lastly, I would like to discuss when universal suffrage should be implemented in order to gain public support. In the Chief Executive's report to the Central Authorities in December after the public consultation on the Green Paper on Constitutional Development in 2007, it clearly conveyed that more than

half of the people supported the implementation of universal suffrage in 2012. It also clearly indicated to Beijing that such opinion should be highly regarded and given consideration. Meanwhile, however, 60% of the people accepted that universal suffrage for the Chief Executive Election could be implemented in 2017 if it could not be achieved in 2012.

In fact, the difference between 2012 and 2017 is only one term of office, or just five years. As the constitutional arrangement has been prescribed in the NPCSC decision and a clear-cut timetable has been provided for us, we do not wish to see any continuous argument over the length of time or whether it should be implemented five years earlier or five years later. We would rather concentrate our effort and time on forging the consensus on making the two electoral methods in 2012 the midway point so as to lay a wider and sounder foundation for the elections of the Chief Executive and Legislative Council by universal suffrage.

In summing up, President, our work should be divided into three phases in promoting Hong Kong's democratic development for the achievement of universal suffrage. The first priority is the handling of the two electoral methods in 2012, to be followed by the elections of the Chief Executive and Legislative Council by universal suffrage. President, I so submit. I will respond to the key points of Members' speeches later on.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, Secretary Stephen LAM said just now that the new term Government, within six months after assuming office, managed to set a timetable for dual universal suffrage, and he appeared to rejoice in this very much. President, if I were the Secretary, how could I possibly rattle on about this issue? Quite the contrary, I would feel really ashamed because the Basic Law stipulates that the electoral methods for dual universal suffrage can be formulated in 2007 but so far, this has been delayed for more than one year or nearly two years. He even thinks that he has done a lot. Why is he not feeling ashamed?

In addition, it was said in the Chief Executive's policy address that early this year, a constitutional reform proposal would be published. Unfortunately,

the Government issued a statement yesterday evening to defer it to the end of this year. Today, the Secretary has not given an account on this statement either. If the Government is really serious about this matter, why does it procrastinate further? In the final analysis, is the SAR Government serious about proposing democratic reforms and is it sincere about replacing the present deformed and peculiar electoral system with a completely democratic system of universal suffrage? This is the core of the matter.

The present attitude of the Government gives me the feeling that not only is it procrastinating, in fact, it is deceiving the public. It keeps talking about how much effort and endeavour it has made for the sake of Hong Kong's future constitution but in reality, the Government's approach is to cause delays again and again. In the final analysis, I think the SAR Government and the Secretary are paranoid about democracy. The Secretary dares not face the public because in a democratic system, he has to face the public but how can the Government face the public? If the Government has the courage to face the public and democracy, why has it so far been unable to put forward an ultimate proposal on dual universal suffrage for public discussion? For this reason, regarding the heap of remarks made by the Secretary just now, I can only describe it with one phrase, that is, nonsense. If the Secretary has no heart to deal with this matter, he can say so clearly but he did not. Quite the contrary, he spoke with affectation about how he had worked hard for democracy for Hong Kong and I think he should not act like that.

In addition, President, when it comes to democratic reform, some people, in particular, the DAB, keep saying that now we should not talk about issues relating to democracy because discussions on the constitution and democracy will deal double blows to the SAR Government, as it now commands low popularity. If we discuss controversial issues amidst the economic downturn, this will make its popularity even lower.

**MR TAM YIU-CHUNG** (in Cantonese): President, a point of order. Mr LEUNG Yiu-chung referred to some views of the DAB in his speech. I wonder what his source of information is.



**PRESIDENT** (in Cantonese): Mr LEUNG Yiu-chung, you may either give an explanation or continue with your speech.

**MR LEUNG YIU-CHUNG** (in Cantonese): Yes, thank you, President. Because recently, a press report said that when the Chairman of the DAB was interviewed by a newspaper, he said that it was not appropriate to discuss constitutional reform now and what mattered more were issues of the people's livelihood. I think this is only an attempt to distract us from this issue. We all know that one of the reasons for the low popularity of the Government is the fact that it is not popularly elected, so it has no legitimacy. For this reason, when it makes policy blunders, the public will be all the more disappointed with it. As a result, its popularity keeps declining.

President, I do not recall when you were interviewed by Mr Allen LEE. At that time, you said something that struck us deeply. You said you were very concerned that the low popularity of the SAR Government then would give rise to a vicious circle. President, you further said in the interview, to this effect, "When the Government commands great popularity, even if the Government introduces one or two highly controversial motions, there is little problem for pro-government political parties and groupings to give the Government support. However, since the popularity of the Government is rather low now, some people in pro-government political parties and groupings have said that given the present state of the popularity of the Government, if they support the Government's measures, it is tantamount to having a death pact together."

President, your comments could not have been clearer. First, it turns out that the royalist camp is only willing to share good fortune with the Government. When the Government's popularity declines and misfortune strikes, they and the Government will go their separate ways. Still, this is not the most important issue. President, the most important thing is that if this Government is not democratically elected and it wants to rely on the support of political parties, this is a very unhealthy approach which has led to the present situation. For this reason, the comments of the President are very incisive and have highlighted the crux of the problem. That means if this legislature and the Chief Executive are not elected fairly by the public through "one person, one vote", this will surely give rise to the vicious circle that you pointed out.

In view of this, today, we demand that the Government roll out a proposal on universal suffrage as soon as possible to let the public ..... even though 60% of the public supported the Government in the past, why does it not raise this matter for discussion now? President, often, Secretary Stephen LAM and the Government cannot forget about their claim that in 2005, 60% of members of the public supported the constitutional reform proposal floated by the Government. However, President, Members of the pro-democracy camp also say all the time that 60% of the public also supported the full-scale implementation of universal suffrage at that time. May I ask what ground there is to prove materially that 60% of the public supported the Government?

At that time, we also proposed a most desirable solution, that is, to conduct a referendum, so that the public could all cast votes to see whose claim was correct. Unfortunately, on the one hand, the Government was unwilling to do so; on the other, it still cannot forget about this and even now, it still insists that 60% of the public supported the Government. I want to tell the Government that I believe 60% of the public supported our proposal on dual universal suffrage instead of the government proposal. Can the Government resolve this matter in a fair way? Let us not insist on our own claims. Instead, we have to solve the problem in a practical way, that is, to adopt universal suffrage so that all of us can vote together to express the wish of the public. Only this will be the best solution. We must not keep insisting on our own claims, reminisce about the past and make such fallacious remarks.

President, finally, I wish to say that I support the implementation of dual universal suffrage at the earliest opportunity. Thank you.

**DR PRISCILLA LEUNG** (in Cantonese): President, I believe the differences over the timetable for universal suffrage and various matters seen nowadays in the Legislative Council or in society could have been foreseen 20 years or even 25 years ago. This is because when the Basic Law was being drafted back then, everyone still insisted on their own political stances. If we leaf through the newspapers, we can see that basically, these political stances have not changed much.

Why was the Basic Law drafted in this way? Because the Basic Law is a veritable product of political compromise. All parties were dissatisfied with the

details of this legal instrument. Even 20 years later, when we want to put into effect this legal instrument, which is the product of political compromise, we can still hear a lot of opinions that are almost identical to those that we found in leafing through the documents at that time. There has not been any change even in the choice of words and in the views on when universal suffrage should be introduced.

Today, we are sitting together in the Legislative Council ..... I also respect Honourable colleagues from functional constituencies very much and I believe we all share a common wish, that is, we hope that universal suffrage can be introduced as soon as possible. It is also on account of this goal that I set an example by taking part in the direct elections of geographical constituencies, in the hope of encouraging more talented people in Hong Kong or people who originally ran in functional constituency elections to take part in the direct elections of geographical constituencies. When the conditions are ripe, I believe various parties who hold the votes or who have the power of veto will be completely won over and will believe that Hong Kong can have its own democratic electoral system at an increasingly fast pace.

Given the historical background and political and legal reality, I cannot but point out that there are indeed constitutional constraints if we want to roll out a timetable and methods for introducing universal suffrage. Many people do not like these constraints, but some people like some of them. There are also some that we all find totally unacceptable. As a result, we have so far not endorsed anything. Articles 45 and 68 of the Basic Law stipulate clearly that the future goal is to elect the Chief Executive and all Members of the Legislative Council by universal suffrage. Annex I and Annex II also lay down a very high requirement as any amendment will require 40 votes in the Legislative Council for passage. The consent of the Chief Executive is also required and the amendment has to be reported to the NPCSC for approval and to the Legislative Council for the record.

Of these 40 votes, many of them will come from Members of functional constituencies, so between Honourable colleagues who support speeding up the introduction of universal suffrage and those who are returned by functional constituencies — of course, some of them may want to see the functional constituencies abolished immediately but the political and legal reality is that

according to past experience, it is very difficult to secure 40 votes. Voting down something is very easy, but can we be optimistic about passing something in the future? I have asked many of my seniors in the legislature and they are still very pessimistic about this.

This year, some new factors have been added, so perhaps the baggage has perhaps been lightened somewhat. We hope that in this year or in this Legislative Council, there will really be an opportunity for all of us to show the willingness to make some concessions. To all parties, the proposal may not be satisfactory — it definitely will not be because compromise means that the situation will not be satisfactory to anyone — but at least, there will be a breakthrough.

Concerning these principles, in the past few years, in fact, I have also tried to convey them to the Government, hoping that the Legislative Council can really come up with a specific timetable that is consistent with the target of achieving full universal suffrage.

For example, I proposed that there should be three concrete steps. The first step is that in 2010, we should not wait anymore and we should expand the voter bases of all functional constituency elections, so that the Hong Kong public can really agree that at least, the electoral methods for functional constituencies have a reasonable foundation. At present, the Members of some functional constituencies are in fact returned by "one person, one vote" within their functional constituencies. If we can first expand the electorates of these functional constituencies as the first stage of this gradual and orderly progress, so that all members of the public can each have two votes and even women can take part in functional constituency elections whereby they will have one vote in direct elections in geographical constituencies and another vote in functional constituencies. At the same time, the voter bases can be enlarged, so that 1 million to 2 million members of the public can take part in the elections of functional constituencies.

At the second stage, I hope that universal suffrage can really be introduced into the functional constituencies in 2016, so that the candidates for functional constituency seats can face the Hong Kong public. This is also a midway point. Although the candidates still bear the characteristics of those of functional constituencies, this can satisfy the demands of those drafters of the Basic Law

who insist on retaining functional constituencies — they still believe that functional constituencies are essential. We hope that at this midway point, all candidates running for functional constituencies seats will go through the baptism of universal suffrage.

These candidates will have to live up to the expectations of the public as well as those of functional constituencies. In fact, they have to meet an even higher standard. If we can work out a 1+30 proposal, I believe that in 2020, full universal suffrage for the Legislative Council will come naturally if the conditions are ripe. This proposal is also in line with the decision of the NPCSC, that universal suffrage for the Chief Executive election can be introduced in 2017 at the earliest and the election of all Legislative Council Members by universal suffrage can be introduced in 2020.

Here, I will make an appeal again. Politics is the art of compromise and this is the profession in which I have worked for the past 20 years. I have fostered the establishment of over 100 joint ventures. If right from the beginning of the discussions, everyone just maintains his original stance without moving the slightest bit, all the people in these joint ventures will surely end up leaving in discord. I hope all Members can put aside their preconceived ideas, really seek a consensus and breakthrough for the system of universal suffrage in Hong Kong. Thank you, President.

**MR FREDERICK FUNG** (in Cantonese): President, the year 2008 has just passed and I think Members must have all watched a series of reviews of the events of the year on television. In 2008, apart from the financial tsunami, which has become the concern of Hong Kong people, I believe the problems relating to the governance by the SAR Government were also the focus of public concern in Hong Kong. In the appointment of Under Secretaries and Political Assistants, the Government, banking on its great popularity, displayed a wilful attitude and ignored the highly sensitive issue of nationality in this matter. There was also a lack of transparency in the appointment process. Consequently, this aroused strong dissatisfaction among the public and even some pro-establishment Members voiced disagreement. Ever since this incident, the popularity of the SAR Government has been plummeting.

Later, in order to ease the tremendous inflationary pressure in the first half of the year and to salvage the Government's popularity, the Chief Executive introduced a series of relief measures. Unfortunately, what was originally desirable became a great deal of hassle for the public. The exemption of the levy on foreign domestic helpers was introduced hastily and this caused administrative chaos, thus making employers of foreign domestic helpers all at sea. Subsequently, the issue of the levy on foreign domestic helpers also developed into a wrangle between the executive and the Legislative Council, thus making the relationship between the two very strained.

President, why has the SAR Government come to such a pass? One of the incidents that angered me the most was the attitude displayed by the Chief Executive in dealing with the increase in "fruit grant". In fact, the majority of members of the public and even Members of various political parties and groupings in the Legislative Council have debated this issue a number of times. The Legislative Council has voted on this matter a number of times and all Members demanded unanimously that the "fruit grant" be increased to \$1,000. However, the Chief Executive deliberately imposed obstacles by proposing in the policy address that a means test be introduced. He even maintained that he was the one who was rational and that he was the one who truly stood for the ideal. He described the "fruit grant", which is intended as a gesture of respect, as something that would impose a heavy burden on society in future. This is entirely a continuation of the usual smearing tactic adopted in the consultation on health care reform, in which the elderly were painted as the culprits who caused the increases in health care and welfare expenditure, in an attempt to demonize the problem of the elderly and create fear among the public. The approach of the Chief Executive in dealing with this matter is really extremely unwise. Not only has this made the original issue in the policy address go out of focus, it also became the prelude to the ensuing crises in governance, thus making the popularity of the Government decline further.

President, what actually has gone wrong with the governance by the SAR Government? In 2008, there was also the so-called Lehman Brothers-related minibonds incident that exposed how the authorities condoned banks in pursuing profits single-mindedly and the utter lack of effective supervision on the sale of financial derivatives by banks. The interests of the public were cast aside but the Government refused to admit to the slightest wrongdoing. It even said that it

was far-sighted. Moreover, in dealing with Hong Kong people stranded in Thailand, it looked as though the entire team of officials had gone into hibernation and the matter was left in the hands of Administrative Officers, who dealt with it according to the usual administrative procedures, with total disregard to the situation and feelings of members of the public who were stranded in a foreign land, extremely anxious. This even drew the comment of "shame on the Government" from some pro-establishment Members.

President, the latest public opinion poll shows that the proportion of members of the public who are satisfied with the performance of the Government has dropped to 23%. Perhaps the authorities can say that just like clouds, public opinion was transient and behave like Ah Q by resorting to self-denial. Or some people will offer the explanation that in times of an economic downturn, no head of government in any country can command great popularity in order to explain away the low popularity. However, I wish to tell the Chief Executive and the Secretaries that none of the examples cited by me just now has any direct relationship with the economy, rather, they are related to the problems with the governance of the SAR Government. I hope the SAR Government will know that instead of gauging, understanding or gaining a deep understanding of public sentiment, it is only attaching importance to the business sector but not the public. Ultimately, if it does not attach importance to the interests of the public, it will not be able to govern Hong Kong properly.

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

Deputy President, I still remember that after the end of the SARS outbreak in 2003, the ensuing rally on 1 July led to the replacement of Mr TUNG by Mr TSANG. With continuous improvement in the economy in tandem with the external economic situation, Hong Kong experienced economic growth for more than a dozen quarters. For some time, the popularity of the SAR Government was unparalleled and those in power even boldly announced that Hong Kong was unlikely to fare badly even if one wants it to. Maybe the Central Authorities and the SAR Government both think that the crisis in governance triggered by the former Chief Executive has been resolved and the authorities can now lay back and relax. However, they have only treated the symptoms but not the illness and

only the people but not the system have been changed. This is just like laying the foundation of political stability on a floating platform that rises and falls sharply with the wind and waves. In this way, long-term stability can hardly be fostered. The slightest misstep in administration or the slightest adversity in the external economic situation will lead to a plunge in popularity and crises in governance will be triggered at any time. It can be said that as long as such problems with the closed political system, cronyism, inadequate power of the legislature in exercising checks and balances, and inability of the governance structure to incorporate public opinions still persist, it is very difficult for Hong Kong to have long-term stability and social harmony.

Deputy President, short-term economic fluctuations are nothing surprising. However, if we want effective governance and social harmony, if we want long-term stability in governance by the Government and if we want people from all walks of life to be united in countering the challenges posed by the present financial tsunami, we have to first establish an equitable Government founded on democracy. This is indeed essential. For this reason, full-scale and genuine universal suffrage in the elections of the Chief Executive and the Legislative Council must be introduced before they can gain genuine legitimacy accorded by the public and win the support of the public, so that the Government's administration can realign with public opinion. Failing this, the problems that occurred in 2008 will be repeated every year, every month and every day.

With these remarks, Deputy President, I support the original motion and Mr CHEUNG Kwok-che's amendment but oppose Mr Abraham SHEK's amendment.

**MR RONNY TONG** (in Cantonese): Deputy President, originally, just like many other people, I was patient. However, having come thus far, just like many other people, I find that my patience is wearing thin. Deputy President, I am 58 years old this year rather than 78, but I also doubt whether or not I will see the introduction of genuine universal suffrage during my lifetime.

Deputy President, I thank Dr Margaret NG for moving this motion today. However, I also find that this motion smacks somewhat of a frail scholar talking



about politics. Over the past five years, we have been discussing with Secretary Stephen LAM what Article 25 of the International Covenant on Civil and Political Rights (ICCPR) is about, but it has perhaps been just a waste of breath.

I believe Secretary Stephen LAM is blind but not stupid. He knows full well what the grounds are and the Chief Executive knows full well how public opinion is like. In 2007, we conducted a series of 12 public opinion polls and six months later, the outcomes were just the same. Even if we conduct 100 or 1 000 more public opinion polls, the results will still not change.

Deputy President, when rational discussions can only beget comments of wilful representation that confuse right and wrong, we know that rational discussion has ended and I believe it is now time to act. Deputy President, as a lawyer, I personally think that I must take actions to campaign for dual universal suffrage within the establishment, but it does not mean that I do not respect other people who express the discontent of Hong Kong people outside the establishment by waging street struggles. Ultimately, the day when the public rise against bureaucratic oppression will come.

Deputy President, who has the responsibility to lobby for universal suffrage within the establishment? They are the Chief Executive, Legislative Council Members and all members of the Hong Kong public. Regarding the Chief Executive, I find the remark made by Mr Donald TSANG extremely unacceptable. He said to this effect, "Since it is impossible to bring you people together even with a thick cable, there is nothing we can do." Deputy President, this is not a comment that becomes a leader because as the Chief Executive, he has adequate power and greater persuasiveness than all Members put together to foster the introduction of democracy.

Deputy President, if we look in retrospection at what examples there are in Southeast Asia in the last 10 to 20 years, we will find that the King of Bhutan gave up his powers and even in Taiwan — many people think that democracy in Taiwan is not worth talking about — JIANG Jing-guo also lifted the party ban and LEE Teng-hui also introduced universal suffrage. I believe many people would say that in fact, LEE Teng-hui is only a politico and I would not disagree. However, if this is the case, the Chief Executive, Donald TSANG, is even lesser than a politico.

Deputy President, since we cannot look to the Chief Executive, what can Legislative Council Members do? Deputy President, in this Chamber, there are four Members returned by functional constituencies who are absolutely willing to surrender their seats in functional constituencies. However, it is a pity that there are only four of us here. If we look at Dr Margaret NG, just like me, she also wishes that she would not have to sit in this Chamber today if she could choose not to. In the last election, I had to pray to God and did not know how long I have to wait and how much more criticism I have to take. What for? In order to campaign for universal suffrage, Deputy President.

We are still short of 17 votes. We are short of 17 votes because we must have 40 votes according to the constitution. Since the Chief Executive does not care about us, we can only begin with Members of the Legislative Council and the existing system when lobbying. However, as I said just now, I absolutely respect and understand the waging of street struggles. The League of Social Democrats is very correct — however, they are not in this Chamber now — without struggles, where will the change come from? I am now beginning to believe in this. However, Deputy President, I do not think the League of Social Democrats would accept me as a member of its party because I do not know how to wage street struggles.

Deputy President, we still need 17 votes. In direct elections, can we secure more than 19 votes? I believe this would be very difficult. In this so-called proportional representation system, it is not possible to secure more than 19 votes. This time, we were already very lucky. In other words, we have to look for 17 Members of functional constituencies who are willing to give up their seats in functional constituencies. We will continue to do so, but how likely or unlikely are we going to succeed? Not only does this depend on all the political parties that support democracy in this legislature and in Hong Kong, it also depends on the Hong Kong public. Hong Kong people have such a responsibility. They cannot just say, "We support you." Just now, I had a look at my facebook. A supporter left a comment, saying, "You are so great, fighter of democracy. I support you." This is not enough. Every member of the public should come out, in particular, those voters of functional constituencies who are still "human beings". Deputy President, we often feel that people who belong to functional constituencies are not human beings. Voters who are

"human beings" have to fulfil their responsibility by exerting pressure on people like Abraham SHEK and Raymond HO, telling them that Hong Kong people want democracy.

Deputy President, of course, through our existing constitutional system, we may not be able to secure another 17 seats in 2012 or 2017, or even in 2020. However, this does not mean that we have to throw in the towel. I think that having come to this stage, street struggles are inevitable. They are inevitable and the SAR Government will have to bear the consequences. This is because what rational discussions have begot is only wilful representation and the confusion of right and wrong. Having come to this pass, I believe the SAR Government should take all the responsibility.

Deputy President, I do not know if Hong Kong people would take radical actions to campaign for universal suffrage. If they do, Deputy President, I will respect and understand them. If this is not possible, I still hope that all Hong Kong people will all contribute their efforts towards campaigning for genuine democracy for the sake of Hong Kong's future.

Thank you, Deputy President.

**MR PAUL CHAN** (in Cantonese): Deputy President, the decision of the Standing Committee of the National People's Congress (NPCSC) made at the end of 2007 on issues relating to the methods for selecting the Chief Executive and for forming the Legislative Council in the year 2012 and on issues relating to universal suffrage states clearly that the election of the fifth Chief Executive of the HKSAR to be held in the year 2017 shall be by means of universal suffrage and subsequent elections of the Legislative Council shall also be by means of an election of all the Members by universal suffrage. In view of this goal, appropriate amendments may be made to the existing method for the election of the fourth Chief Executive of the HKSAR and the Legislative Council in the fifth term.

Soon after the NPCSC made the foregoing decision, the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong (CUHK) conducted a public opinion poll and found that 72.2% of the respondents

said they accepted the decision of the NPCSC. The poll also found that 56.6% of the respondents did not support the insistence by some groups that dual universal suffrage be introduced in 2012. In fact, before the NPCSC had made its decision, the public opinion polls of CUHK also showed that if the Central Authorities ruled out dual universal suffrage in 2012, 67% of the respondents would accept electing the Chief Executive by universal suffrage in 2017. I have cited these figures because they allow me to understand public sentiment on this issue of dual universal suffrage.

Deputy President, after the NPCSC had made its decision, through the establishment of the Task Group on Constitutional Development (the Task Group) under the Commission on Strategic Development, the SAR Government explored the specific methods for electing the Chief Executive and forming the Legislative Council in 2012. However, after a series of meetings, the views on many crucial issues in relation to the election of the Chief Executive, for example, the number of members in the Election Committee, the distribution of members from various sectors in the Election Committee, whether some sectors should be regrouped, whether and how the voter base of some sectors can be expanded and whether there should be a cap on the number of nominations, and so on, have remained quite divergent.

As regards the discussion on the formation of the Legislative Council in 2012, the views are even more divergent. The most controversial issue of all is how the functional constituencies should be dealt with. The Task Group has held four meetings and a workshop but it was still difficult to forge greater consensus. For this reason, it can be foreseen that when an extensive public consultation is carried out in all strata of society, the debate will be even more heated.

I eagerly hope that the SAR Government can carry out the consultation on the election for the Chief Executive and the formation of the Legislative Council in 2012 with the greatest sincerity and resolve and put forward a proposal that can truly lead to election of the Chief Executive and the formation of the Legislative Council by universal suffrage. At the same time, various sectors in society should also explore this matter together in a rational, pragmatic and most tolerant attitude, so as to forge the broadest consensus possible. Otherwise, it will be difficult for constitutional development to move forward.

The consultation paper on constitutional development in 2012 will be important and controversial. As the representative of the accounting profession, after the release of the consultation paper, I will initiate in-depth discussions in the sector and relay the views collected to the Administration. In addition, after the Administration has put forward specific proposals on constitutional reform in 2012, I will carry out a comprehensive consultation in the sector, then conduct a voting on the mainstream views in the sector. This is the approach that I will take as a Member from my functional constituency, so as to be accountable to my sector. Next, allow me to talk about my personal views on this subject.

I believe voters in Hong Kong have the qualities that prepare them for the advent of universal suffrage. Concerning the target of ultimately electing the Chief Executive and forming the Legislative Council by universal suffrage, I am no different from other members of the public who aspires ardently to democracy and I also support the ultimate abolition of the functional constituencies in one go. However, on the timetable for actual implementation, my view may differ from theirs. The objective reality is that the NPCSC has made a decision and the likelihood of Hong Kong people being able to overturn this decision is not great. Moreover, the timetable mentioned in the decision, that is, 2017 and 2020, is still acceptable. In view of this, I believe that what we need is a transitional proposal for the election of the Chief Executive and the formation of the Legislative Council in 2012.

Deputy President, here, allow me to voice my observations sincerely. In the 11 years after Hong Kong's reunification, the progress of constitutional development has not been satisfactory and the disputes in society concerning the time and method of electing the Chief Executive and forming the Legislative Council by universal suffrage have been interminable, thus leading to tremendous internal arguments in society. Regarding the decision of the NPCSC, many Hong Kong people do not feel convinced. This issue of constitutional reform has troubled Hong Kong society for a long time and hampered social development and the governance of the SAR. In the past, our wrangles over this issue of universal suffrage are attributable to the lack of sufficient mutual trust between Hong Kong society and the mainland authorities, thus making any progress in the whole issue difficult.

Now, since most Hong Kong people think that the decision made by the NPCSC on first electing the Chief Executive by universal suffrage in 2017 and forming the Legislative Council by universal suffrage in 2020 is still a marginally acceptable one, I believe we should no longer go on wrangling over this issue of a timetable for universal suffrage, thus wasting excessive energy and time. Rather, we should devote the energy and time to doing a good job in preparing the transitional arrangements for 2012, so as to take a major step in moving towards dual universal suffrage in 2017 and 2020. With this goal, in the whole interactive process of exploration and discussion, various parties will be able to gradually overcome their strong mutual distrust and pave the way for implementing dual universal suffrage in 2017 and 2020.

The subject of the original motion moved by Dr Margaret NG and the amendment proposed by Mr CHEUNG Kwok-che is public consultation on 2012 constitutional development. Although I personally support ultimately abolishing the functional constituencies in 2020, I must respect the various voices in society and allow them to have the opportunity to be expressed and discussed adequately. For this reason, at a time when full consultation and discussion have not yet taken place in society, I have reservations about the demand that the tone of the consultation document be set by stating whether or not the abolition of the functional constituencies is appropriate. *(The buzzer sounded)*

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

**MR PAUL CHAN** (in Cantonese): For this reason, I will support the amendment proposed by Mr Abraham SHEK.

Deputy President, I so submit.

**MR ALBERT HO** (in Cantonese): Mr Paul CHAN said just now that since the consultation had not yet started, why must we express our opinions so soon and ask for the abolition of the functional constituencies? It looks as though he had just arrived at Hong Kong today and this issue was discussed for the first time today. This issue has already been discussed for years, or for a decade or so.

This legislature began the discussion in 2000 and when discussing dual universal suffrage in 2007 and 2008, these issues were discussed thoroughly, so what is he talking about today? He even told us to shut up. Therefore, in this world, you can detach yourself from what is happening in society, then ask us to listen to other people's views and be more tolerant. This is not what this issue is all about.

Deputy President, this legislature has debated this subject of democracy for over a decade and in fact, it is now very clear that there are only two types of people, Deputy President, one being true and sincere people who really want to campaign for the early introduction of dual universal suffrage in Hong Kong. To this kind of people, including me, 2012 is far too late. In fact, it should have been introduced in 2007 and 2008. If the NPCSC had not destroyed the consensus at that time and if the DAB and Liberal Party had not changed tack at that time, thus giving Beijing the excuse that we did not have a consensus, perhaps dual universal suffrage would have been introduced as a matter of course in 2007 and 2008.

The second type of people dare not oppose democracy outwardly and apparently, they even sing praises of democracy but in reality, in their hearts, even if they do not regard democracy as an anathema, they think that the longer its introduction is delayed, the better. They do not even want to see this matter happening before their eyes. Today, the Secretary has talked so much, Mr Abraham SHEK has talked so much and Mr Paul CHAN has talked so much. No matter how they talk, do they really want to see genuine universal suffrage in 2017 and 2020 in their hearts? If they do, they should support the motion moved by Dr Margaret NG. What is the point of talking so much? In talking so much, in fact, they want to make the meaning of the term "universal suffrage" vague. In other words, they want to make what we really want to see, that is, the implementation of meaningful universal suffrage in Hong Kong a fuzzy thing. In fact, they want to take some moves to bring about nominal and bogus universal suffrage through political whitewashing or cosmetic surgery. This is what we are worried about.

Deputy President, if today, people like Mr Abraham SHEK, the Secretary or Mr Paul CHAN do not support the motion moved by Dr Margaret NG, saying that "the likes of Mr Albert HO are surely very distrustful and will definitely look

at other people with misgivings", then will they please stand up and say clearly what they want. This matter is as simple as this. Why should they make it so complicated? What Dr Margaret NG demands is very simple. Let us tell you now: The NPCSC said that universal suffrage of the Chief Executive could be introduced in 2017, so may I ask who will make the nomination? How will the nomination process be like? Can we arrive at a consensus and can the candidates be spared screening? If the candidates have to be screened, this is not genuine universal suffrage, so why can they not tell us about this clearly? Second, in the universal suffrage of the Legislative Council in 2020, there should not be any functional constituency because according to past experience, functional constituencies really prevented many people from voting and are really designed to preserve political privileges. Besides, in making nominations, unreasonable restrictions were imposed on a lot of people, so this is unacceptable.

The motion today mentioned Article 25 of the International Covenant on Civil and Political Rights (ICCPR). In fact, this is precisely designed to prevent Members from playing a game of words any longer because there are universal standards concerning the definition of universal suffrage. We want to bring the meaning of the universal suffrage in question in line with these universal standards, so that they will serve as a point of reference and no one can invent universal suffrage with Chinese socialist characteristics. This is just so simple, but you are unwilling to do even this. Dr Priscilla LEUNG kept saying, "You have to compromise and hold discussions." What compromise can we make? I do not even know how the proposal for 2017 is like, nor do I know how the proposal for 2020 is like. In fact, we as a group have told you that our patience has been completely worn out. As Mr Ronny TONG said, even someone gentle like him wanted to take to the streets and that he had a very strong urge to take to the streets. In fact, the issue is as simple as this. What compromise can we still make? We are willing to consider anything. It is only necessary for you to spell out the details of the proposals for 2017 and 2020 clearly. In fact, this is very simple. If there is a real roadmap and if it can really lead to universal suffrage for Hong Kong, we can give it consideration. However, it is impossible to give us even such a thing. Even this is not available, so what do you want us to wait for? What compromise can we make? Does the compromise advocated by Dr Priscilla LEUNG mean waiting all the time, retreating all the time, not knowing what one's bottomline is?



Deputy President, just now, the Secretary mentioned a pledge made by Donald TSANG when running in the election, that is, he wanted to resolve the issue of universal suffrage within his term. However, this problem cannot be solved merely by rolling out a proposal for 2012. We have to be able to see how a very clear road with solid foundations will be built in future to enable us to move towards the introduction of dual universal suffrage and full democracy. In this way, the well-being of our generation and the next generation can be promoted. This is not taking someone else's job into our own hands. Secretary, if we can establish a desirable political system for our children, is this taking someone else's job into our own hands? Does he understand the meaning of this idiom? In view of this, I hope Members will all support Dr Margaret NG's motion.

**MR CHIM PUI-CHUNG** (in Cantonese): Deputy President, I represented the financial services sector from 1991 to 1998, then became the representative of this sector again from 2004 to the present. In this process, I have taken part in innumerable so-called debates on the constitution and we all know what the outcomes were. I can only advise Honourable colleagues in the Legislative Council to discuss this issue calmly. Be it as a matter of routine and no matter if there is something new or nothing new, we should just give our comments and that is it.

Deputy President, the Government established the Commission on Strategic Development (the Commission) but I am not one of its members. I am strongly against this Commission. Why? Basically, the constitutional centre of Hong Kong is the Legislative Council, so why do Honourable colleagues not make good use of it but have to be led around by the nose by the Government and go to the Commission instead? What are the achievements of the Commission so far? I have already levelled criticisms at this, but there are several Honourable colleagues in the Legislative Council who think that in being able to play a part in the Commission, they are extra representative but in fact, they have achieved nothing.

Deputy President, we have to understand whether or not Hong Kong is an independent state. Members can give me an answer. It is not, is it? Hong Kong is a Special Administrative Region under the People's Republic of China.

After we have become Members of the Legislative Council in the SAR, we have to comply with the laws of the country and the laws of Hong Kong. Some Members are unwilling to relinquish their positions and want to be the representatives of functional constituencies. However, other people have gone so far as to query if these Members have a split personality and keep criticizing the representatives of functional constituencies — I am not saying positively that they have such an illness but they are suspected to be suffering from it. From a legal viewpoint, this does not constitute libel. In view of this, Deputy President, in the past two or three Legislative Councils, I threw down the gauntlet to Members of the pro-democracy camp. There were seven such Members in the last Legislative Council. I said that if all seven of them resigned together, I guaranteed that I would be the eighth to resign. Of course, they would say, "Of course, you want to use one vote to kill seven votes." That is not what I wanted to do. Never mind about what I said, or assuming that that was what I wanted to do, they were unwilling to do so. In the last Legislative Council, there were seven such representatives but this year, there are only four. In the last Legislative Council, three of them were occupying such seats while denouncing the existence of such seats. As a result, they lost their seats. If the functional constituencies are reorganized, it will not be surprising at all if another representative from the pro-democracy camp is elected. Even though they are not interested in them, they should not make these sectors lose their representation. This is my advice.

For this reason, we have to understand how the constitution in Hong Kong is like and play along with it. I myself also wonder if, now that Hong Kong is a Special Administrative Region of the People's Republic of China, it turns out that even though we are living in it, we keep hearing remarks against our country and they sound even more justified than they were in the British-Hong Kong era. Whose fault is it? This is the fault of the SAR Government. Why? Because it condones people in opposing our country in a region under its governance. Of course, without any legislation on Article 23 of the Basic Law, this outcome would not have been seen. Of course, I have my own opinions.

All right, Deputy President, concerning the year 2012, what is the discussion basically about? The NPCSC of the Central Authorities has already made a decision, that is, the proportion will be 50 to 50, no matter how many votes there are. If there are 60 Members, the proportion will be 30 to 30 votes.

If there are 70 Members, the proportion will be 35 to 35 votes and if there are 80 persons, the proportion will be 40 to 40 votes. You can disagree with this outcome of a proportion of 50 to 50, but do you have any way to oppose it? You are under the power of the State and what greater power is there? This is the decision of the NPCSC. You can rise and say that you will wage street struggles and foment a revolution. Dare you do this? If you dare not, do not incite the public because it is the public who will perish instead of you. You are only sitting in the Legislative Council, criticizing others and inciting the public, whereas members of the public are campaigning for seats and canvassing votes for you. I am not being agitated. Maybe on the television, I may appear agitated but in fact, I am just being impartial. Why do I have to say all these? Because if I do not, the voices will be one-sided and when the public listen to them, they will think that what these people say are right and next time they vote, they will vote for these people. However, in fact, these people are misleading the public.

For this reason, I can only say that Honourable colleagues of the Legislative Council, be they elected in direct elections or returned by functional constituencies, have in fact the same degree of representativeness. This being so, I encourage Members of functional constituencies, first, not to belittle themselves and second, to really work hard for the voters in their sectors. And they have to win the approval of the public. I cannot but acknowledge that the contribution of some functional constituency Members cannot compensate for their wrongdoings. Of course, I may offend some people saying this, but what I have said is the fact, so I am not afraid. The most important thing is that under the system in Hong Kong, we have to see clearly what is right and we must strive to do what is appropriate. Only in this way can we live up to the demands of the voters in a particular sector and those of members of the public. As I said at the beginning, in fact, we have discussed constitutional issues many times, so what is the use of this? All of us just voice our own views and we all have our representativeness. But we must not say that the other side is wrong.

Concerning the year 2012, I said just now that the NPCSC had already said something about this, so the SAR Government has the responsibility and duty to tell all members of the public in Hong Kong courageously that we do not have the power to change the decision of the State. You people keep saying this and that

and misleading the public into thinking that lobbying will work. I am convinced that in 2017, there will definitely be the so-called election of the Chief Executive by universal suffrage. I say "so-called" because there will be two nominees and it is possible that there will only be one candidate. However, will there be universal suffrage for the Legislative Council in 2020? I would venture to say boldly that there will not be. You would say, "Are you so representative as to know that there will not be?" I am not, but I am only analysing this with common sense. This is because basically, judging from the way it is put, the likelihood of this being introduced in 2020 is very slim. There will be universal suffrage for the Legislative Council only if the election of the Chief Executive by universal suffrage in 2017 does not go astray. For this reason, no matter what, the Hong Kong public should not devote too much effort because if they do so and are too impulsive, they will only stand to lose. They should not be misled by politicians (*The buzzer sounded*) .....

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

**MR CHIM PUI-CHUNG** (in Cantonese): Thank you.

**DR RAYMOND HO** (in Cantonese): Deputy President, concerning the motion "Public consultation on 2012 constitutional development" moved today, a press report today says that the Professional Forum is the new-fangled royalist party. On this point, I wish to say a few words on behalf of the Professional Forum.

The precursor of the Professional Forum was the Breakfast Group, which had existed for over a decade. At that time, I had not yet joined the Legislative Council. Subsequently, it evolved into the Alliance, whose present name is the Professional Forum. In fact, the Professional Forum is formed by a group of professionals. We have similar beliefs and in this Chamber and in the work of the Legislative Council, we co-operate with one another. However, we have our own independent thinking and respect one another. In the records throughout the many years, it can be seen clearly that be it motions proposed by the Government or others by other political parties and groupings, if they were justified, we would lend our support. Otherwise, we would oppose them. We

also co-operate with all political parties. We vote having regard to the subject and agenda and do not follow other political parties or groupings. We are not involved in any dispute among political parties and groupings.

We will not lash out at other Honourable colleagues wantonly due to the differences in the beliefs of political parties and groupings. We believe that as we are all colleagues in the Legislative Council and in sitting together in this Chamber, we are all serving society, there is no need to criticize other Honourable colleagues with inappropriate language. This is a strong insistence by us. For this reason, we hope we will not be labelled the royalist party. We do not consider this an appropriate label.

Insofar as I am concerned, in fact, I have also pointed out that I have voted against the budget before and I also insisted on opposing the legislation on pay reduction introduced by the Government. On the motion of no confidence moved by Mr Fred LI, my vote was very important to the functional constituencies and I supported Mr Fred LI's motion. In other words, we will support whatever we believe to be right and oppose whatever is wrong. This is very clear. Here, I have made this clarification on behalf of the Professional Forum.

Coming back to today's question, the Standing Committee of the National People's Congress (NPCSC) made a decision on 29 December 2007 to set a definite timetable for the introduction of elections by universal suffrage for the Chief Executive and the Legislative Council. The decision of the NPCSC states clearly that the Chief Executive can be elected by universal suffrage in 2017 in Hong Kong and it also states clearly that after the election of the Chief Executive by universal suffrage, all Members of the Legislative Council can also be elected by universal suffrage, that is, after the introduction of universal suffrage for the Chief Executive in 2017, all Members of the Legislative Council can be elected by universal suffrage in 2020 at the earliest.

In order to implement the relevant arrangements, the Government should launch the consultation on constitutional reform for 2012 as soon as possible. Earlier on, the constitutional reform proposal floated in 2005 ended in failure mainly because consultation had been inadequate. Of course, some members of the public also queried whether some of the proposals in the constitutional reform proposal floated in 2005 were appropriate. These proposals include the addition

of five more seats to the direct elections of geographical constituencies and to the elections of functional constituencies respectively and to assign all five newly created seats in functional constituencies to the district council functional constituency. At that time, some people considered that this proposal would make the proportion of seats held by the district council functional constituency exceed one sixth and its influence would increase significantly. Their functions may exceed that which is prescribed by Article 97 of the Basic Law, which are confined to matters at the district level. Regarding the failure of the constitutional reform proposals in 2005, the Government must learn its lesson. In order to enable constitutional development in Hong Kong to move forward, the Government must make good use of the time and propose feasible reform proposals, so as to enable the public to carry out in-depth discussion at an early date.

The Government should no longer adhere to an "executive-led" concept of governance and concern itself only with working without reference to the reality in an elitist mindset. As a result, it is often at the final stage of the policy formulation process that the relevant proposals are hastily floated for consultation and its superiority in resources and information is often exploited to influence the outcome of consultations. Apart from running counter to the policy objective of being "people-based", such an approach has also all along affected the Government's co-operation with this Council. The recent spate of policy blunders made by the Government, including the furor over the appointment of Under Secretaries and Political Assistants, the change of tack over "fruit grant", the incident relating to the levy on foreign domestic helpers and the controversy over the blackout period, and so on, have all exposed weaknesses in the Government's administration, so still less is there any need to talk about effective governance. The administrative hegemony demonstrated by the Government will only provoke even stronger resentment from the public and undermine its authority and credibility in governance. This will have the adverse effect of putting the Government in an even more passive position, so it can be said that this approach will backfire.

Deputy President, constitutional development is quite important to the future of Hong Kong. The Government should make good use of the time by proposing a practical and feasible proposal and carry out extensive consultation as soon as possible. The proposal put forward must also comply with the

provisions of the Basic Law and the decision made by the NPCSC on 29 December 2007 on constitutional development in Hong Kong because the plan stated in this decision is a constitutional decision. If one stresses that we can act counter to a constitutional decision, it would only be impractical, self-deceptive and untenable.

Deputy President, I so submit.

**MR IP KWOK-HIM** (in Cantonese): Deputy President, on 19 December 1984, China and the United Kingdom signed the Sino-British Joint Declaration in Beijing. The Sino-British Joint Declaration does not mention the issue of universal suffrage. For this reason, in the process of drafting the Basic Law, the Central Government spelt out the goal of election of the Chief Executive and the Legislative Council by universal suffrage clearly in Articles 45 and 68 of the Basic Law, having regard to the actual situation in Hong Kong at that time and after listening to the views of Hong Kong people extensively. Concerning Articles 45 and 68, I believe Members have all read them and are aware of the details.

On 29 December 2007, the Standing Committee of the National People's Congress (NPCSC) passed a decision stipulating the timetable for the introduction of election by universal suffrage for the Chief Executive and the Legislative Council, stating that the election of the Chief Executive by universal suffrage can first be implemented in 2017, to be followed by the election of Legislative Council Members by universal suffrage.

Just now, I heard Mr Albert HO say that some people were true and sincere but some people were false and mendacious. Some people criticized the amendment by Mr Abraham SHEK as putting the motion out of focus, as saying that the goal of dual universal suffrage in accordance with the Basic Law has been attained. However, they think that this kind of universal suffrage is bogus and nominal. This mentality precisely explains why we cannot reach a consensus after such a long time.

In fact, we believe that the original motion has proposed a consultation that bundles up the consultation on the electoral arrangements for 2012 and the

subsequent mode of universal suffrage. However, at present, various sectors in Hong Kong hold divergent views on the nomination process of the nominating committee and the retention or abolition of the functional constituencies. It is practically impossible to reach a consensus within a short time. If we carry out a bundled consultation, this will only affect the effectiveness of the consultation on the electoral methods for 2012 and cause further delays, as well as wasting the energy of the community on protracted wrangling. This is not conducive to the political, economic and social development of Hong Kong. Moreover, with the financial tsunami and economic gloom now facing Hong Kong, the SAR Government should pool social forces together to fix the Hong Kong economy. I believe this is the expectation of the public at large. The DAB believes that the Government should devote its energy to "creating employment opportunities, developing the economy and promoting consumption" in the first half of 2009, so as to enable Hong Kong to pull through the bitter winter brought about by the financial tsunami.

(THE PRESIDENT resumed the Chair)

The original motion demands that the nomination process must be in line with that specified by Article 25 of the International Covenant on Civil and Political Rights (ICCPR). The DAB believes that there is no legal basis for this. We must point out that Article 39 of the Basic Law states clearly that "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region. The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article."

Here, the stipulation is very clear because in 1976 — just now, Secretary Stephen LAM also mentioned this — when the United Kingdom extended the ICCPR to Hong Kong, it deliberately made a reservation in respect of Article 25. According to the rules of international law, the reservation has since remained



effective until withdrawal in writing by the State Party. The Government of the United Kingdom has never withdrawn the reservation in writing. For this reason, before the reunification, Hong Kong had all along been excluded from the scope of Article 25 of the ICCPR. For this reason, Article 25 of the ICCPR does not apply to Hong Kong and this is the objective reality. Therefore, the election of the Chief Executive by universal suffrage must comply with the stipulations of Article 45 of the Basic Law. It is also for this reason that we support the amendment proposed by Mr Abraham SHEK to proceed according to the decision made by the NPCSC and as stipulated in the Basic Law.

Second, the original motion demands that functional constituency seats be abolished. Although it is not stated in the motion when they should be abolished, the DAB holds that if we demand that functional constituency seats be abolished in the Legislative Council elections in 2012, this will contravene the decision of the NPCSC because the decision of the NPCSC points out clearly that the proportion of Members returned by functional constituencies and through direct elections of geographical constituencies in the Legislative Council in 2012 will remain unchanged.

If the original motion wants to abolish the functional constituency seats only when the election of the Legislative Council by universal suffrage is introduced, the DAB believes that since various sectors in society still hold different views on how functional constituencies should be dealt with, we should reach a consensus on electing all Members by universal suffrage by continuing to have in-depth discussions and examination. However, this should not be subject to Article 25 of the ICCPR, which is not applicable to Hong Kong.

For the foregoing reasons, the DAB opposes the original motion moved by Dr Margaret NG and the amendment proposed by Mr CHEUNG Kwok-che.

President, I so submit.

**MS EMILY LAU** (in Cantonese): President, we really have to talk until the end of the time. When I joined the Legislative Council in 1991, we were already discussing direct elections, President. It is now 2009 and we are still talking

about direct elections and all those platitudes. In addition, there is a Mr IP Kwok-him who has been talking nonsense. He just does not know what obligations one has if one is a party to the covenant. President, I hope you will go back and give those people in your party a good dressing down.

In being a party to the covenant, one has to fulfil the obligations. In 1996 and on the last occasion in 2006, it was said that the authorities had to take immediate action to change our electoral methods to make them compliant with the covenant. Which Articles do we have to heed? We have to heed Articles 23, 24 and 25. All of them have to be complied with. The view voiced by Mr IP Kwok-him was the claim of the Government back then, that is, in 1976, when it was said that it was necessary to have exemptions and that there was to be a reservation. President, the Committee said that the Government could express its reservation but once it began to introduce elections, it could no longer have any reservation. It has said so many times but the SAR Government keeps maintaining the same thing regardless. Moreover, Mr IP Kwok-him just keeps parroting what other people say.

However, President, since we have subscribed to the ICCPR, we should accept the interpretation of the highest authority, that is, the United Nations Human Rights Commission, not that of Mr IP Kwok-him, Mr Stephen LAM or the SAR Government. For this reason, I am really feeling very furious. Not only is the Government unwilling to comply, it even wants to make wilful misrepresentation and distort the truth, so that it can ..... do not take off your shoes. You are not wearing size 10 shoes, so President, do not be afraid because BUSH is not here, although the developments in Gaza really make one very angry. However, I believe we should at least be more honest because if we do not accept or are unwilling to fulfil the obligations of the ICCPR, we may as well denounce the ICCPR, may we not? How outrageous really!

We have had discussions for so many years and just now, we mentioned the NPCSC ..... President, I will recap what we have discussed before. On 29 December 2007, Members of the pan-democratic camp at that time, that is, the Civic Party, the Democratic Party, the Frontier, the Hong Kong Confederation of Trade Unions, the League of Social Democrats, the Neighbourhood and Workers Service Centre and Dr Joseph LEE issued a joint statement, saying, to this effect "We protest strongly against the Standing Committee of the National People's

Congress for going against the wishes of the majority and ruling out dual universal suffrage in 2012. Moreover, the NPCSC also specified that the proportion of the seats for direct elections and those returned by functional constituencies in the Legislative Council would remain unchanged. The procedures for voting on bills and motions as well as the separate voting arrangement will remain unchanged. It has retained an unfair system and violated the principle of gradual and orderly progress in the Basic Law and the wish of the public. We are extremely dissatisfied with this. As a result of the strenuous lobbying of Hong Kong people, the Chief Executive finally proposed a timetable for dual universal suffrage, that is, in 2017 and 2012 (sic) but this is still a far cry from the demand of the public, that dual universal suffrage be introduced in 2012. Moreover, no account on the detailed arrangements has been given and this makes the public feel very concerned that it will not be possible to introduce dual universal suffrage two decades after the reunification. Hong Kong people have campaigned for dual universal suffrage for many years and waited one decade after another. It was ruled out repeatedly by the NPCSC. We strongly demand that the Central Government respect the wish of Hong Kong people and call on Hong Kong people to be united and persevere with us in campaigning for dual universal suffrage in 2012." President, this is what we said on 29 December 2007. This still applies in January 2009.

We hope that on 1 July this year, hundreds of thousands of people will take to the streets together. Perhaps their aims will not just be to demand universal suffrage. A lot of people will protest about the misery that the financial tsunami has brought upon them and many others will have a lot of objections to the governance in the SAR. We hope that members of the public will take to the streets together. President, concerning the amendment proposed by Mr Abraham SHEK, I will not support it. An Honourable colleague said that perhaps we could see what position Honourable colleagues from the functional constituencies would take. If they express support, it will then work. President, in fact, we do not have to look at them. Is it not the case that before 2003, your esteemed party and the Liberal Party all expressed support? You all supported introducing universal suffrage in 2007 and 2008. I have brought a lot of information along, but I will not bother reading it out. Everything can be found here.

Several weeks ago, some overseas visitors came to visit us and we met them together with Members from various political parties and groupings.

Someone told these overseas visitors that it was due to the absence of support from some Members from functional constituencies that no amendment could be made, since it was not possible to secure two thirds of the votes. An Honourable colleague also told these overseas visitors that those colleagues were not people in the pro-democracy camp. President, he also said that this did not matter actually. The problem did not lie in how those people from functional constituencies voted. The most important thing was the position of Beijing. If Beijing thought that something could be allowed, even what was round could be turned into a square shape. What was impossible could be turned into something possible. President, in fact, you and I knew this long ago, so what need is there to take pains to lobby the functional constituencies or directly-elected Members? If Beijing says something can be allowed, just as in 2003, did your esteemed party and the Liberal Party not also say the same at that time? If Beijing were to say something is allowed tomorrow, President, in that event, many Members from functional constituencies who say no now would also say yes.

President, we have been waiting for far too long, 10 years after 10 years. This will not do. We will not throw shoes but we are very angry ..... I have to hold him down ..... I also hope that Members will not go over the top in bullying others. This is not Gaza, nor will there be any bloodshed. However, we will continue to exert our utmost to campaign for the introduction of dual universal suffrage in 2012.

**MR LEE CHEUK-YAN** (in Cantonese): President, I note with deep regret the remarks made by the Secretary just now. The Secretary even did not blush at making those remarks. It is shameless of him to have presented his arguments so eloquently even though they were blatant lies. He is really unbelievable to be able to lie with such eloquence.

What is his biggest lie? I think the most ridiculous is his remark about Donald TSANG being very sincere in asserting during his election campaign that the issue of universal suffrage would be addressed during his term of office. Is the issue already addressed now? It has not been addressed at all. Not only did he assert that the issue of universal suffrage would be addressed thoroughly back then, but he also said that he would "do something big" and an ultimate proposal

would be put forward. Does the Secretary recall him saying so? However, the Secretary does not talk about the ultimate proposal anymore. Just the other way round, he said that to discuss the ultimate proposal or the 2017 and 2020 elections now and "bundle them up" for discussion was taking somebody's job into our own hands, and he said it would not work. However, why could Donald TSANG say so back then? Donald TSANG undertook that an ultimate proposal would be put forward. Why did the Secretary not point out that he was taking somebody's job into his own hands when he made that undertaking? Why did the Secretary not stop him when he mentioned the ultimate proposal? This is their .....

**PRESIDENT** (in Cantonese): Mr LEE Cheuk-yan, please face the President while speaking.

**MR LEE CHEUK-YAN** (in Cantonese): President, I will continue to face you while speaking, and I will do so to condemn the Secretary.

President, do you think this Secretary lacks integrity? Do you think this Secretary was lying just now? Donald TSANG did mention an ultimate proposal back then, but now the Secretary said it was not feasible and taking somebody's job into our own hands, and that it should be left to the next Chief Executive. Just now he mentioned three stages. At the stage before 2012, only the 2012 election will be discussed; at the stage between 2010 and 2017, only the 2017 election will be discussed, and at the stage between 2017 and 2020, only the 2020 election will be discussed. Are these three stages the roadmap? No roadmap is available now. This is only a map of the discussion stages, while a roadmap is lacking.

President, back then the Chief Executive undertook to put forward an ultimate proposal and he also said that in order to arrive at a consensus for an ultimate proposal, consultation with various sectors of the society would be required. To this end, he spent one year only to discuss how universal suffrage should be implemented, which was actually discussion on the ultimate proposal. We were deceived into participating in the discussion. At that time, we were very pleased, hoping that the ultimate proposal would be ready by 2012. The

discussion which lasted for one whole year was actually conducted within Donald TSANG's term of office. We participated in the discussion because we thought that Donald TSANG was honouring his undertaking made during his election campaign about putting forward an ultimate proposal.

Today, Secretary Stephen LAM's remarks, President, are overturning Donald TSANG's undertaking. It was a case of denying one's old position, and he even did it in such an eloquent way that I had to admit that he was unbelievable. President, I could say nothing but that he was shameless. How could he lie in such a blatant manner? Therefore, it is most regrettable that today the Secretary even "attacked" the former Donald TSANG and commented that his idea of seeking an ultimate proposal was not right. Then, we cannot tell which of the Secretary's ideas we should believe in.

Therefore, President, the discussion on the issue of constitutional reform is difficult because of the lack of integrity on the part of the SAR Government. Not only the Government but also political parties lack integrity, as Ms Emily LAU said just now. President, the DAB once expressed support for dual universal suffrage in 2007 and 2008 but subsequently changed their stance. How can discussion be possible? With people without integrity, how can discussion be conducted?

Dr Priscilla LEUNG said, "Let's compromise." I do not know what to compromise. When I do not know the stance adopted by the other party, what is the basis for compromise? Besides, their failure to honour their undertaking and act as promised displays their lack of integrity.

However, I find that I have reached a consensus with the DAB today. President, the consensus just now is to dismiss Secretary Stephen LAM. Why? Why do I say that the DAB also supports the dismissal of Secretary Stephen LAM? Because the DAB expressed in all their speeches that there was no need for us to discuss constitutional reform and we should boost the economy in the wake of the financial tsunami, and rubbish like that, and then commented that it is vitally important to, as TSANG Hin-chi said, make sure that our stomach is full  
.....

**MR WONG YUK-MAN** (in Cantonese): Feed him faeces.

**MR LEE CHEUK-YAN** (in Cantonese): It is hard enough to make sure that one's stomach is full. Over the years, there have always been people in Hong Kong who have an empty stomach, very often because there is no democracy. When there is collusion between business and the Government under this administration, is it an easy task to make sure one's stomach is full? When the Government is led by the consortia, how can people make sure that their stomach is full? However, may I ask the DAB to clarify whether they agree to dismissing Secretary Stephen LAM? Because they said that there was no need for discussion and we should devote all our efforts to the economy. In that case, what is left for Secretary Stephen LAM to do? I am now securing the job for the Secretary. Donald TSANG talks about securing employment, so I am now securing employment for the Secretary. But they said he has to be dismissed. On second thought, I think it is right. If he is not doing anything at all, we might as well dismiss him. If the Secretary does not work on constitutional reform, he should resign on account of such a failure. What has he done over these years? There is not the slightest trace of progress in constitutional reform. President, in the first place, the Government should not be contented with such a low level of integrity.

I would like to talk about the issue of functional constituencies in the final tens of seconds of my speaking time. Functional constituencies, as pointed out by many Honourable colleagues just now, are a privilege. It is the exercise of control over the Legislative Council by a special interest class. In the United States, this class, known as lobbyists, is represented in the Congress. In Hong Kong, the privileged class can simply join the Legislative Council without the need to lobby. Regrettably, I have to direct my query at Mr Abraham SHEK for his taking up so many directorships and earning an annual income of \$5 million, excluding money from unknown sources, which I am not sure whether or not he has any. This is functional constituencies. He said it is legal. I am not saying that it is illegal and not transparent (*The buzzer sounded*) ..... but the problem is whether it is reasonable for him to receive so much money from other people .....

**PRESIDENT** (in Cantonese): Mr LEE Cheuk-yan, your speaking time is up.

**MR LEE CHEUK-YAN** (in Cantonese): ..... and then come here to press the button in voting. Thank you, President.

**MR WONG YUK-MAN** (in Cantonese): President, I have been publishing articles on constitutional development in the press ever since the beginning of the 1980s. Since the 1990s, Ms Emily LAU has been talking about a proposal on full direct elections. I still remember vividly that Ms Emily LAU's motion was negated as a result of the abstentions of, among others, Fred LI, WONG Wai-yin and TIK Chi-yuen. Recently, my supporters uploaded the video clip on my rebuke to Fred LI onto YouTube. I would like to ask the Secretary to, when he has time, watch the video clip in which I rebuked Fred LI as a "wimp", and he will find that the hit-rate is very high.

I find myself very nagging, having talked about this issue since the 1980s. However, I think Stephen LAM is no different from me, for both of us are "human recording machines", just that he gets a monthly pay of over \$300,000. We take up the role of a human recording machine based on a belief, an ideal, which we pursue uncompromisingly with an indomitable will despite being ill-treated. He takes up the role of a human recording machine to harm the people in order to facilitate the doing of evils by the totalitarians. He said I am evil from the heart, and he said I am the evil in disguise, though being the basest form. His performance as Secretary for Constitutional and Mainland Affairs is not just that of a "wimp", not just that of a "wimp" but also — yet he is not ranked among the most evil people .....

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, according to the Rules of Procedure, a Member must not use offensive and insulting language about other Members or public officers. Please be mindful of your language.

**MR WONG YUK-MAN** (in Cantonese): President, I do not think it was offensive and insulting language. It was only an objective presentation.



**PRESIDENT** (in Cantonese): Besides, please face the President while speaking.

**MR WONG YUK-MAN** (in Cantonese): I made a subjective judgment based on objective facts.

**PRESIDENT** (in Cantonese): Please face the President while speaking.

**MR WONG YUK-MAN** (in Cantonese): I made a subjective judgment based on objective facts. President, you do not have the authority to comment that I used offensive and insulting language about him. It is a fair remark. I will now continue with my speech.

In the motion moved by Dr Margaret NG requesting the Chief Executive to initiate public consultation on constitutional development this year — of course, it refers to the year 2012 — it is clearly stated that the constitutional reform in 2012 must comply with the principle stipulated in Article 25 of the International Covenant on Civil and Political Rights and achieve the objective of universal and equal suffrage and abandon the system based on screening. This is a correct roadmap for universal suffrage and the League of Social Democrats supports it. However, we have to state clearly that we will demand both a roadmap and a timetable. Therefore, we regret that the issue of dual universal suffrage in 2012 is not mentioned in this motion.

Of course, the Civic Party still indicated on other occasions that they would insist on implementing dual universal suffrage in 2012, but many members of the pro-democracy camp have given us the impression that they will insist on it when it is offered and accept it when it is not, and wait and see what the authorities will prepare for us in 2012. However, I would like to clarify the stance adopted by the League of Social Democrats: regarding dual universal suffrage in 2012, we will insist till the very end. It is 2009 now and there are people who have given up before the fight for it has commenced. I think this is another kind of "wimp". Therefore, we will continue to insist till the very end and fight for dual universal suffrage in 2012 uncompromisingly.

Honourable colleagues, this issue of the so-called constitutional development has been discussed in Hong Kong for years. As Ms Emily LAU put it just now, it has been discussed for "n" years. We also feel that we are very incompetent. We neither have the courage to initiate a revolution, nor dare to jump on Secretary Stephen LAM to give him a blow in his face (although I very much want to do that), right? We are afraid of being removed from this Chamber, and criticisms directed against him will be frustrated by the President, right? We do not have the courage to rise in revolt because the Communist Party is too powerful, so much so that we can do nothing even though the lackeys of lackeys of the Communist Party are calling a stag a horse. When we meet, we can just say, "Buddy, it would be better if the constitutional system is not discussed as we were on the verge of a fight every time it was discussed."

The authorities do not only deprive the people of Hong Kong of their basic rights but also tell them to wait patiently without giving them any clear indication during the wait. The authorities were apparently making people a fool when they said that universal suffrage would be implemented in 2017 and more so when they said it would be implemented in 2020. The authorities even left a loose end by making the remark that universal suffrage does not mean "one person, one vote" and functional constituencies may not be abolished. How could they make such a remark? Just now IP Kwok-him also made this remark. Now the overall framework is clear enough. The direction of future constitutional development under the leadership of the Communist Party is evident to all, but we will continue with our fight for it and there is no room for compromise. We will go on fighting against inept officials and the political party of the lackeys of lackeys. There is no room for negotiation, nor compromise.

I have to give notice that we will not rule out the possibility of taking relatively radical actions. We told the pro-democracy camp that if they back off from the stance of demanding dual universal suffrage in 2012, we will treat them as the DAB. Honourable Members, we cannot wait anymore and 2012 is already the bottomline. Later, Stephen LAM will mutter that "according to the decision made by the NPCSC on 29 December 2007, there is already a clear decision regarding the methods to be adopted for selecting the Chief Executive in

2017 and for forming the Legislative Council in 2020". Even I can recite this, and I can recite all the remarks made by the Secretary.

There are situations where what is the reality may neither be necessary nor obligatory. Now this circumstance is the reality and it is a cruel one, too. The cruel reality that the Communist Party will continue its rule of one-party dictatorship will also exist. If there are internal changes in the Communist Party and the people of Hong Kong will be allowed to implement universal suffrage, then those "Kai Tai's"<sup>1</sup> in this Chamber will say three cheers and support the Communist Party.

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, mind your language.

**MR WONG YUK-MAN** (in Cantonese): These "KTs", the "KTs" in this Chamber ..... If you do not know what it means, I can explain it to you during the break. Actually, the year 2012 is already our bottomline. When the authorities made interpretations of the Basic Law, they distorted it on two occasions. Regarding the occasion on 26 April 2004 (*The buzzer sounded*) ..... the Basic Law was distorted and twisted .....

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, your speaking time is up.

**MR WONG YUK-MAN** (in Cantonese): On the occasion in 2007, the Basic Law was actually amended .....

**PRESIDENT** (in Cantonese): Please be seated.

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<sup>1</sup> It is the acronym of a romanized vulgar Cantonese expression meaning "bastards".

**MR WONG YUK-MAN** (in Cantonese): And then you wretched lackeys .....

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man.

**MR WONG YUK-MAN** (in Cantonese): just followed .....

**PRESIDENT** (in Cantonese): Be seated.

**MR LEE CHEUK-YAN** (in Cantonese): President, a point of order. Just now you told Mr WONG Yuk-man that he must not use offensive and insulting language about public officers. However, the Rules of Procedure only prohibit the use of offensive and insulting language about Members. I hope you can clarify this point.

**PRESIDENT** (in Cantonese): The relevant provisions of the Rules of Procedure are also applicable to public officers attending meetings. Mr Alan LEONG.

(Mr WONG Yuk-man rose.)

**MR WONG YUK-MAN** (in Cantonese): I would like to reiterate that my remark just now is a subjective judgment based on objective facts.

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, be seated.

**MR WONG YUK-MAN** (in Cantonese): When you keep speaking louder than me when I am speaking, I will do likewise.

**PRESIDENT** (in Cantonese): Be seated, your speaking time is over.

**MR ALAN LEONG** (in Cantonese): President, it is an incontestable fact that the political power in Hong Kong is tilted towards the business community while the middle class, the professionals and the grassroots have been neglected, resulting in a situation whereby the policies are unfair, unjust and unbalanced. This negative impact created by such an unsound framework of political power is ubiquitous in Hong Kong.

One of the most obvious negative impacts is of course the rapid deterioration of the governance capability of Mr TSANG's team. The manifestation of the Government's governance capability actually hinges on its ability to make correct decisions and implement them consistently. The incident of the levy on foreign domestic helpers upsetting the whole community in August, the row on the "fruit grant" in October, the incident of taxi drivers blocking traffic in November and the fiasco of chartered flights in December have all shown that the Government's administration was in disarray and confusion, and it has lost its orientation. Public confidence in the Government's governance capability has therefore been declining. Of course, besides the personal factors of the Chief Executive, which are some of the contributing factors, this unsound framework of political power is actually the major cause.

President, I presented to the Chief Executive an open letter a few days ago requesting him to put a stop to the "expansion of the system of political appointment" immediately and not to appoint Under Secretaries and Political Assistants anymore. It is exactly because the Chief Executive inherently lacks public mandate that the appointment of Under Secretaries and Political Assistants is by nature contrary to most people's idea of the pursuit of democracy. Accountable officials just go their own way and everyone is trying to avoid mistakes instead of gaining credit; civil officials are suffering from low morale and everyone is trying to hoist provisions and guidelines in order to protect oneself. This is the inevitable consequence of establishing the accountability system on the basis of this unsound framework of political power.

President, this unsound framework of political power has made the Chief Executive think that he has to use "affinity differentiation" as a means of administration, which has wasted many talents in Hong Kong. It is indeed

regrettable that he is unable to engage talents in all fields to serve Hong Kong in positions ranging from those in the Executive Council to those in statutory organizations and the consultation framework.

President, to enable effective administration and social harmony in Hong Kong, the elections of the Chief Executive and the Legislative Council by universal and equal suffrage is crucial.

Chief Executive Donald TSANG expressed lofty sentiments and aspirations in his election campaign in 2007 and pledged to 7 million people in Hong Kong that he would "do something big" in the consultation on constitutional reform and that "the possibility of implementing dual universal suffrage in 2012 is not ruled out". However, we subsequently witnessed again that the "decision" made by the NPCSC at the end of 2007 has further delayed the "finishing point for universal suffrage". Members of the public once had the simple belief that the Government would soon implement universal suffrage, but this basis of mutual trust and communication was ruined time and again by Chief Executive Donald TSANG.

Recently, the Chief Executive has been stressing the difficulty in forging a consensus on constitutional reform in the community, saying that there is a wide gap between the positions held by the pro-establishment faction and the pro-democracy camp. Yet he is reluctant to discuss the electoral arrangements after 2012, which indeed casts doubts on whether he has forgotten his pledge of "getting his job done".

President, it is natural enough for those enjoying political free lunches and political privileges under the existing system to endeavour to hold on to their vested interests. The Chief Executive is definitely the best candidate to facilitate liaison between Beijing and Hong Kong, to mediate among interest groups in Hong Kong, to resolve the worries of those with vested interests under the existing system in the remaining time, in order to ensure that the constitutional reform package answers public aspirations.

When those who can enjoy political free lunches have a trace of hope that they can maintain their political privilege, the gap between the so-called

pro-establishment faction and the pro-democracy camp will only widen increasingly and cannot be bridged even with greater efforts. Only when the Government makes the situation plain and gives the final word by clearly saying no to functional constituencies can this wide gap be hopefully narrowed and effective administration and social harmony emerge.

President, Secretary Stephen LAM kept stressing that Article 25 of the International Covenant on Civil and Political Rights (ICCPR) does not apply to Hong Kong as a result of Beijing's notification to the United Nations. However, I notice that the Secretary did not discuss the judgment made by High Court Judge Mr Justice Brian KEITH in 1995 in the LEE Miu-ling case. The Judge clearly pointed out that once a Legislative Council formed by election is established, the provisions under Article 25 will apply to Legislative Council elections. Subsequently, the United Nations Human Rights Committee (UNHRC) has reiterated this viewpoint plenty of times. Yesterday, the Bar Association of Hong Kong also confirmed this legal point. Therefore, a nomination mechanism with screening effect and a Legislative Council election consisting of functional constituencies are obviously contrary to the provisions under the ICCPR on protecting peoples' right to be elected.

President, the cover story of the latest issue of the *Time Magazine* featured an analysis of why democracy is failing in Asia and listed the following necessary factors for the successful attainment of democracy: (1) engaging the electorate and governing with an open door; (2) building checks and balances for political power; (3) a sound legal system and (4) developing a sophisticated and active civil society. Hong Kong possesses all these four conditions for democracy. We should have no doubt at all that the people of Hong Kong are ready; if universal suffrage is implemented, Hong Kong will definitely bring honour to the People's Republic of China and become a showcase of success in practising democracy in Asia.

President, I so submit.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I wish to declare my interest. Just now I received a few short messages from the "the Wimps' Alliance", "the Alliance of Pigs and Dogs" and "the Lackeys' Alliance" requesting me not to describe Secretary Stephen LAM with these three descriptions. Upon

such a request, I will not use the three descriptions of "wimp", "pigs and dogs" and "lackey" because they requested me not to cause the others to look down upon them. I do not have any choice because my electors have requested that I should not cause the others to look down upon them.

What are we facing now? What are we talking about today? Today, our subject of discussion is: they told us that it is a fact cast in iron that the International Covenant on Civil and Political Rights (ICCPR) is not applicable to Hong Kong, regardless of how it is presented. I also heard them say that even the Hong Kong-British Government also thought that these rights had been forsaken and did not mention recovering them. As we did not mention recovering them, then it follows that they have been forsaken. Buddy, this is ridiculous. It is just natural for the colonial government not to grant democracy to the people back then when we were under foreign rule. Now that we have recovered our sovereignty, are we saying that although we know that the sovereignty of Hong Kong people was once taken by the colonial government, we should be complacent and say that we do not want democracy as this is loot? Just spare your effort. Even if you have to defend the case for your master, you should not have adopted such an argument. What do you think the Government of the People's Republic of China (PRC) is?

The PRC Government's conduct is not to be commented either. Even though it entered into the ICCPR, it did not arrange for the ICCPR to be passed in the National People's Congress (NPC) and it even arrested dissidents in the country. Will we be glad to see this? I do not know whether the President has met with Mr LIU Xiaobo and Mr HU Jia. Under such circumstances, should we still remain complacent and even ask why we should raise such a row when we are not entitled to these rights. Frankly speaking, I would just spare my rebuke. This is self-debasement and passive submission. How can we be complacent about not exercising the sovereignty of the people after recovering it? Buddy, I have never heard of this before, never ever.

Now, it has evolved to a stage where when we ask for a timetable, he talks about the roadmap, and when we talk about the roadmap, he then talks about the timetable. It is actually sophistry — President, this is your strength, and you know which sophisms they are — they are a straw man argument, the shifting of propositions. When all the people in Hong Kong demanded an early



implementation of universal suffrage, he then told the people of Hong Kong that it would be implemented in 2017 without any problem, and if universal suffrage could be implemented in 2017, then it could also be implemented in 2020. In this connection, may I ask whether it is beef steak or bovine offal you are offering?

TSANG Hin-chi was more ridiculous when he said that this should only be taken care of when our stomach is full. Buddy, this elderly man, well! Is it alright to give you animal feed of leftovers? Do we still have to say yes to it? You must have a condition after feeding on it. It is just impossible. Is TSANG Hin-chi trying to insult the PRC by saying that even people's basic livelihood is not yet secured? The late DENG Xiao-ping said that it could be secured when the gross domestic product had quadrupled. And now it is quadrupling. Buddy, we are one of those places with the highest per capita income and we do not have any debt both internally and externally. Is TSANG Hin-chi sick? How could he say that? How could he talk about a problem which does not exist and even used it as the premise to tell us not to demand for universal suffrage? With people like him, it is a waste of energy to rebuke him. He is not calling a stag a horse, but seeing the dead. Buddy, people who are on the verge of death will see the dead. If we say that he is "calling a stag a horse", at least he can see a stag, just that he mistakes it for a horse, but now he is seeing the dead in broad daylight.

Honourable Members, what game is the Chinese Government playing now? It is trying to make us sign a "self-renouncing deed". It is saying that there will be universal suffrage in 2017 but we have to sign a "self-renouncing deed" first, and the request for universal suffrage will not be granted simply because we ask for it. Buddy, be serious. Even if you were the king, could you treat your people in this way? Being the king, LIU Bang still promulgated three rules to make clear what he would do. Buddy, otherwise how could he win the Empire? Buddy, what government is in power? What is more, our country is practising the People's Congress system and there are already direct elections from the township level up. Are we still asking the question of whether our nation is practising this system? It seems to me that everyone is saying so. They said that it is only logical that as this system is not practised in

our sovereign state, we cannot practise this system after reunifying with our sovereign state, and so on and so forth. Honourable Members, who are we insulting? We are insulting ourselves.

Secondly, I heard Mr Ronny TONG say that he would soon join us. There is no need for him to do so, but of course he is welcome. If the SAR Government proposes the 2005 evil system of the so-called *status quo*, we will vote against it. Besides voting against it, we will also arrange for the resignation of Members from five geographical constituencies and arrange for a voting virtually by way of a referendum and defeat such a system peacefully. This is our solemn pledge to our constituents. We have to provide a platform and conduct a voting again instead of going on discussing opinion polls.

Many say that "Long Hair" is trying to gain popularity and the League of Social Democrats are trying to gain popularity, which is wrong. I would like to quote a poem by HAN Yu to express myself. In fact, I have made such a quotation before the Judge:

Once there was a bird of woe, burdened by an earnest goal. Bringing gravels from the hills, hoping that the sea be filled. Little could she bring to pass, yet her frail life did not last. Scorned as reckless though she was, her great resolve I adore. Weary was she all her days, t'was a noble quest embraced. Not remembered though her name, never was it cause of shame.

We are prepared to go to jail. We will fight till the very end. Thank you, President.

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

**MS CYD HO** (in Cantonese): There are indeed deep-rooted political and economic conflicts in Hong Kong. A couple of months ago, the directors of the CITIC Pacific conducted stock transactions in large quantities before announcing the company's financial results, which caused the Listing Committee of the Stock

Exchange of Hong Kong (SEHK) to propose the extension of the moratorium for directors of listed companies as protection for small shareholders who are unable to predict and do not have any knowledge of the movement of the company's stock prices.

Of course, in order to consolidate Hong Kong's position as an international financial centre, the authorities supported the Listing Committee's new measure, which had, however, given rise to strong opposition. Nevertheless, people who expressed opposition were not "the opposition", as referred to by the Government. Those who published a statement in the press taking up an entire page were consortia, the business community and large companies holding more than 40% of the wealth of Hong Kong. Regarding this subject, Mr Abraham SHEK, who was a spokesman for this Council during Christmas, made everyone of us read the newspaper every day to follow the development of this incident. There was nothing the Government could do. What could it do? The statement published on that day was jointly signed by 250 people, among whom at least 60 people were members of the Election Committee (EC). That is, 60 out of the 200 people from the business community came forward to oppose the Government's support for the SEHK's measure to protect small shareholders. This is the deep-rooted conflict over the political and economic privileges in Hong Kong, which is irresolvable. Other irresolvable conflicts arising from this abnormal constitutional system exist in the reform of the financial system which will fail, environmental protection measures which will also fail and food safety measures which will fail as well. Then how should the Chief Executive exercise control over them? These people have a few dozen votes, accounting for at least one tenth of the electors, how can he control them?

Therefore, sometimes I think the person who wants a directly elected Chief Executive most should be Donald TSANG because if his policy initiatives had been proposed and discussed thoroughly in the election campaign and won support of the general public of Hong Kong after being debated and queried by Mr Alan LEONG, why should he be afraid of a statement jointly signed by 250 people? He could definitely exercise strong governance. Unfortunately, however, under our constitutional system with functional constituencies, the interests of functional constituencies are often contrary to those of the public at large. They are even contrary to enhanced policies and reforms introduced by

the Government. This is the deep-rooted conflict in Hong Kong. Although I believe that sometimes the executive authorities would very much like to implement universal suffrage, without the approval of the Central Authorities and the business community, the progress of democratization has to maintain the *status quo*. However, just now a few Honourable Members said that if Beijing gives its approval, many Members in this Chamber will express support. Therefore, what we need now is not 17 votes. We only need one vote, that is, the vote from Beijing.

However, I would like to mention that besides being accountable to the Central Authorities, the Chief Executive should also be accountable to the people of Hong Kong. Of course, in his last report submitted to the Central Authorities, he did mention that many people in Hong Kong had a strong aspiration for universal suffrage. By doing so, he has performed his duty, but it is not good enough to raise this issue once. In fact, there are still many people in Hong Kong who wish to implement universal suffrage. In the last election held in September 2008, the candidates of the Democratic Party included the demand for universal suffrage in 2012 in their political platform and received 55% votes of support. Therefore, the opinion of the public is very clear. If the Secretary still thinks that it is not convincing enough, we should conduct a referendum to provide an objective, fair and scientific mechanism for all the people of Hong Kong to express their aspiration, and the Chief Executive also has an obligation to reflect to the Central Authorities again the aspiration of the people of Hong Kong.

When it comes to the progress of democratization in Hong Kong, the timeframe, which has already been delayed time and again, must be discussed. Our hope has fallen flat on various occasions: our demand for direct elections in 1988, Ms Emily LAU's motion on the direct election package being negated by a margin of only one vote in 1995, the judgment made by Judge Mr Justice Brian KEITH for the case of LEE Miu-ling, a member of the United Ants, as quoted by Mr Alan LEONG just now, and our demand for dual universal suffrage in 2007 and 2008, thinking that universal suffrage should be implemented 10 years after the implementation of the Basic Law. Now we are talking about 2012, and it has actually been delayed for a long time. Yet, the deep-rooted conflicts arising from political and economic privileges have become increasingly evident. Under this constitutional system, it is impossible for the incumbent Chief

Executive, whether he be Mr TUNG, Mr TSANG or Mr LEONG, to resolve these conflicts. Therefore, I hope, and I also believe that many people in Hong Kong share my hope, that dual universal suffrage will be implemented expeditiously in 2012 so that this fast and deep-rooted knot can be undone.

Besides discussing the timetable, we also have to discuss the quality and the content. The package proposed in 2005 was regressive. The increase in the members of the Election Committee and functional constituencies was simply an expansion of the politically privileged class, which has made its removal more difficult and the future nomination threshold for the Chief Executive more unreasonable. Concerning nomination, I would like to quote from a paper the view of the United Nations Human Rights Committee (UNHRC) on nomination expressed at its 1510th meeting held in 1996. As the original is in English, I have to read it out in English: "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy." Therefore, regarding nomination, President, I hope the Secretary will understand that although it is not clearly stipulated in the United Nations Human Rights Treaties (UNHRTs), the position of the UNHRC is very clear. However, just now the Secretary was very funny in that when he could use the UNHRTs in his favour, he would quote from the UNHRTs, and when he could not, then he would quote from the Basic Law. However, under the Basic Law, the protection available under the UNHRTs should be provided for by way of legislation in Hong Kong, which should be introduced by the executive authorities and passed by the legislature. All the people in this Chamber have the responsibility to ensure that various systems adopted in Hong Kong are in line with the standards of protection afforded under the UNHRTs. None of us should shirk our responsibility, and neither should the Secretary use any "trickery". Thank you, President.

**MRS REGINA IP** (in Cantonese): President, first of all, I have to make it clear right from the outset that I fully agree with the remarks made by various Honourable colleagues just now, that universal suffrage should ultimately be universal and equal. Personally, I believe there are numerous merits in universal

suffrage, if not, I would not have gone through all the hassle and stood for two direct elections within one year and returned to the political arena of Hong Kong through direct elections.

After listening to the views of many Honourable colleagues, I concur that there are a lot of merits in universal suffrage. If the Chief Executive or Principal Officials had passed the tough test of elections, I believe they would have been able to understand public opinions better and interact and liaise with the public more effectively and be more accountable to their electors. Administrative blunders falling short of public opinions would also have been reduced through such a process, as pointed out by many Honourable colleagues just now. However, from the development of democratic countries around the world, we can see that elections alone cannot solve all the problems. In recent years, we can see elected leaders of some major western democratic countries engaging in immoral conduct or committing serious administrative blunders or even illegal acts.

The subject of debate today is the election of functional constituencies. Personally, I agree very much with the view of many Honourable colleagues, that the existing arrangement of functional constituencies is not perfect. Indeed, it is "one person, a few votes" for some people and "one person, one vote" for others. Regarding functional constituencies, for some people, it is "one person, one vote", and for others, only the company or members of professional associations are given a vote. Anyhow, functional constituencies serve a specific purpose, that is, to ensure that there is balanced participation and different voices in this Chamber, which enables the participation of people from different sectors of society and of different background in political discussions.

Recently, I have read an article in *The Economist*, from which I can see more clearly the importance of balanced participation. In the latest issue of *The Economist* released on 20 December, there is an article featuring the Shenanigans and seriousness of the Senate of the United States Congress. It is pointed out in the article that even in the United States, which is a super democracy, there is plenty of unfairness and imbalance. For example, in the Senate, every state gets two seats, regardless of its population. So both Wyoming which has a population of 500 000 and California with a population of 37 million get two seats. Therefore, as far as representation is concerned, it is absolutely unfair to these states and unfair and disproportionate to their people.

I believe many citizens must have noted from recent news reports that there were serious shenanigans in the United States. What happened to the many Senate seats vacated after the presidential election? It was found out that the governor of Illinois had tried to sell the seat. Hong Kong is more sophisticated in that whenever any seat is vacant, a by-election will be arranged. However, this is not the case in the United States and the governor of Illinois even tried to sell the seat; and it seems that Hillary CLINTON's seat of the governor of New York will also be used as a political deal and be filled by the daughter of the former president J. F. KENNEDY. The arrangement for the Senate seat of Vice President-elect Joe BIDEN is even more ridiculous. The relevant governor might appoint Joe BIDEN's best friend to the seat for two years and make way for an election bid by BIDEN's son currently serving in Iraq. This can be regarded as a system which is not universal, unequal and plagued with shenanigans.

However, why do the Americans not overturn this system? Actually, this is an intentional constitutional design to allow for different voices in the Congress or the House and the Senate. Although some Congressmen may respond directly to public opinions and pay close attention to short-term fluctuations of public opinions, other Congressmen are allowed to — because they, serving a term of six years or being returned by appointment, do not have to be accountable directly to their electors within a short time — express their views with reference to long-term and overall interests and state their stance explicitly on matters of principle. For example, it is pointed out in *The Economist* that although the general public opinion in the United States supported the Government's bail-out for the car industry, the Senate Republicans strongly opposed such an initiative on grounds of principle. It shows that although functional constituencies are represented by members returned from their respective industries, and there is still room for improvement in the electoral method, there is actually a need for our legislature to make similar arrangements.

Therefore, in my two election campaigns, I proposed "one person, two votes". Until the day when universal suffrage is achieved, I maintain that it is necessary to make fair arrangements for each citizen to have two votes, one for his/her own geographical constituency and one for electing the representative for Hong Kong as a single geographical constituency, so that we can adopt a proportional representation electoral system through the arrangement of "one person, two votes", which may allow the return of professionals representing

different sectors now. In other words, although some Honourable colleagues said that universal suffrage might not be achieved even after 35 years of development, just think about it, during the period under British rule which lasted for 140 years, universal suffrage has not been promoted at all. So it is no small feat to be able to draw up a concrete timetable within 22 years after the emergence of the election of functional constituencies in 1985. This is something we should be glad with.

A lot of preparations are still required before Hong Kong can move towards success in democratic elections. For example, we still lack political talents, be it in political parties or as accountable officials. Therefore, I agree with gradual and orderly progress. Regarding this subject raised by Dr Margaret NG, I have reservations about her reference to Article 25 of the International Covenant on Civil and Political Rights. Therefore, I oppose her motion.

**MISS TANYA CHAN** (in Cantonese): Two decades ago when I was in my teens, I saw a group of young people coming forward to fight with great enthusiasm for direct elections in 1988. I can still remember the scene very vividly. With their aspiration for democracy and universal suffrage, they worked their way up from the district level. Now that 20 years have passed, some of them have already made themselves known and are now sitting in this Chamber. However, there are some others who are still struggling to find their way on the path of politics even though they are already in their forties. Over these 20 years, there seems to be not much change in the environment for political participation in Hong Kong. How much progress have we made on the road of democratization?

Under the existing constitutional system, participating in politics is actually not an attractive career for young people. For those who are aspired to pursuing a career in politics, they can work as an assistant to a Member and earn a salary of \$8,000 to \$10,000. A few years later, they can try to stand in the District Council election but the salary is only below \$20,000. Besides, it will not be an easy path to move from the District Council to the Legislative Council with the current 30 seats or the potential 35 seats some time later after negotiation.



Our Government often encourages the young people to make commitment to society. I think one of the ways to achieve this is to participate in social affairs or even participate in politics. However, the current constitutional system in Hong Kong is indeed not conducive to the participation in politics by young people and does not provide any opportunity for young people to make direct commitment to society.

Actually, besides this Council, the current constitutional system also stifles the development of political parties, which has indirectly further narrowed the prospect of young people aspiring to a career in politics. If we can elect the Chief Executive by universal suffrage and form the Legislative Council by universal suffrage — I mean the genuine one — we will naturally need some powerful political parties to fight for becoming the ruling party and actualize its beliefs through public policies. Then political parties have to attract and nurture political talents to achieve development. In this way, people aspiring to a career in politics, be it in front of or behind the scene, as a Member or engaging in policy study or as part of a think tank, can find a position in the political circle which suits them.

It is exactly because the room for development for people engaging in politics is so limited under the current policies that there is a lack of political talents, as mentioned by Honourable Members. However, this is not a reason for rejecting the implementation of universal suffrage in Hong Kong at all. It is because when there is universal suffrage, I believe more talents will be attracted to join the political arena and become successors.

I know many young people with ideals and missions. They wish to develop their ideal Hong Kong. Actually, if we had been successful in our demand for direct elections in 1988, they would have been elected and we would have been able to elect all Members of the Legislative Members through the ballot box. However, with a constitutional system in which the timeframe for genuine universal suffrage is still unknown, many people are very ambivalent or even disappointed. Considering their situation, I think our positive duty towards them is to fight for the expeditious implementation of universal suffrage, which is also the demand of the young people. Therefore, today I have to speak up on behalf of these young people with commitment or those who are a bit perplexed

at the moment and request the SAR Government to clearly spell out the roadmap for implementing universal suffrage in order to give our young people a clearer direction.

President, besides being able to provide greater room for young people to participate in politics, implementing universal suffrage can also promote social harmony and facilitate economic development. I really cannot agree with the idea of postponing the consultation on constitutional reform and focusing on the economy suggested by some Honourable colleagues or predecessors. Today, the Hong Kong Government's low acceptability and the lack of channels for people to air their grievances have resulted in an avalanche of complaints and grievances. Allowing the issue of the timing of universal suffrage to drag on will not be beneficial to our economy at all in the long run.

It is said that the economy will worsen and there will be no harmony in society if universal suffrage is implemented in Hong Kong because a Chief Executive who only knows how to run a welfare community by handing out money and leaders as detestable as BUSH Junior or CHEN Shui-bian will be elected by universal suffrage. However, I would like to point out that it is exactly because there is democratic election by universal suffrage that the much-awaited Barack OBAMA is able to come into rule.

Democratic elections by universal suffrage do not guarantee that we can identify the best leaders, but they can guarantee that we can make those who cannot perform their role effectively step down. TUNG Chee-hwa succeeded in his re-election despite public anger and desperation and subsequently stepped down because of a vulnerable point on his part after a few years' of rule, which has been described as disastrous. This ridiculous situation will never occur under the mechanism of universal suffrage. As long as we can get rid of those who cannot perform their role effectively, the grievances in society will be addressed. We will then have more capacity, energy and time to boost the Hong Kong economy and improve people's livelihood. On the contrary, if we have to spend time on unnecessary barriers along the road to democracy and deal with the various fallacies of the politically privileged class, how can we have the capacity to work on the economy? Previously, some Honourable colleagues worked together to demand barrier-free passages for those in need. I hope Honourable

colleagues today can also remove unnecessary barriers along the path towards democracy and open up a passage to democracy for our younger generation. Thank you, President.

**MS MIRIAM LAU** (in Cantonese): President, the Liberal Party has all along supported that the constitutional development in Hong Kong should be conducted in accordance with the provisions of the Basic Law and in compliance with the principle of gradual and orderly progress so as to attain the ultimate aim of selecting the Chief Executive and all the members of the Legislative Council by universal suffrage at the earliest date possible. This position of ours has been reiterated repeatedly in this Chamber at debates on constitutional development, and I do not intend to reiterate it at great length.

Although a specific timetable for universal suffrage was not included in the wording of Dr Margaret NG's motion today, with the marathon silent sit-in outside the Legislative Council Building lasting for 20 hours and 12 minutes initiated by the Civil Party demanding dual universal suffrage in 2012, together with the speech delivered by Dr Margaret NG just now, the present motion is obviously on the demand for dual universal suffrage in 2012.

According to the Decision of the Standing Committee of the National People's Congress (NPCSC) on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage promulgated on 29 December 2007, the election of the Chief Executive and the Legislative Council in 2012 "should not be implemented by the method of universal suffrage". Therefore, the wording of the motion today is basically an attempt to reverse the decision of the NPCSC, which is not pragmatic, contrary to the position of the Liberal Party. Therefore, we can hardly agree with it.

President, the Liberal Party subscribes to the principles of "universal", "equal" and "the right to take part in elections without unreasonable restrictions" stated in Article 25 of the International Covenant on Civil and Political Rights (ICCPR). However, any international covenants should be applied in local

places in the light of the actual situation in different places or countries by way of respective laws or established procedures. Therefore, the electoral method adopted in Hong Kong should not only model on the principles provided in the ICCPR while neglecting or even overriding the relevant provisions under the Basic Law and those promulgated by the NPCSC.

As the saying goes, "without standards and criteria, a regime cannot be established". Under Article 45 of the Basic Law, the selection of the Chief Executive should be conducted upon nomination by a broadly representative nominating committee instead of only complying with the basic principles provided in the ICCPR regardless of whether or not other regulations or procedures are followed, as proposed in this motion.

Similarly, the original motion in only proposing the abolition of functional constituencies in compliance with the basic principles under the ICCPR without mentioning the relevant provisions in Article 68 of the Basic Law, that is, "the method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage", has committed the same mistake of neglecting the Basic Law. Therefore, the Liberal Party has reservations about this, too.

Finally, I would like to express the view of the Liberal Party on the two amendments.

It is stated in the Decision of the NPCSC that the elections of the Chief Executive and the Legislative Council in the year 2017 and after 2017 "may" be implemented by the method of universal suffrage. In other words, the election of the Chief Executive and the Legislative Council may be implemented by the method of universal suffrage in 2017 and 2020 at the earliest. However, it should be noted that there are five stages in the amendment process. First of all, the Chief Executive shall make a report to the NPCSC; then a determination thereon shall be made by the NPCSC; then such amendments must be made with the endorsement of a two-third majority of all the Members of the Legislative Council; and then the consent of the Chief Executive must be obtained; and

finally they shall be reported to the NPCSC for approval or record. Among these five stages, the Chief Executive can only make decisions in two of them, and if only when problems arise in one of these stages, for example, a two-third majority is not obtained in the Legislative Council, the amendments cannot be made. Therefore, although the wording of "should" used in Mr Abraham SHEK's amendment reflects an attempt to display greater determination and merits commendation, and while the Liberal Party is very supportive of the election of the Chief Executive and the Legislative Council by universal suffrage in 2017 and 2020, there are difficulties as five stages are involved in the process, as I said. However, we have to take this as our objective. But the use of the word "should" means that we must do so, which seems to have neglected the requirements on the actual arrangement. Nevertheless, this is not the most important point. In Mr Abraham SHEK's amendment, the deletion of the expression "functional constituencies are to be abolished" will inevitably create an impression that existing functional constituencies will be retained. The Liberal Party has reservations about this and thinks that an amendment should be made in this respect.

Regarding Mr CHEUNG Kwok-che's amendment which proposes the abolition of all functional constituencies "in one go", I would like to point out that we basically agree that the current electoral method of functional constituencies does not comply with the principle of forming the Legislative Council by "universal suffrage" as provided in Article 68 of the Basic Law. However, achieving a target in one step is not in line with the principle of gradual and orderly progress and the idea upheld all along by the Liberal Party, that is, gradual and orderly progress. Therefore, we find this unacceptable.

Nevertheless, the Liberal Party still hopes that the SAR Government can put forward a consultation proposal for constitutional reform early this year to provide ample time for all parties to reach a consensus on the proposal for the transitional arrangement for universal suffrage in 2012 so that we can make a step towards the ultimate aim of universal suffrage instead of maintaining the *status quo*.

President, I so submit.

**MR LEE WING-TAT** (in Cantonese): President, just now Ms Regina IP mentioned in her speech the loopholes in some developed democratic countries. At the beginning, she mentioned that some leaders of democratic countries may also commit mistakes of an immoral nature, administrative blunders or even act in contrary to public opinions. Fortunately, Regina did not talk about HITLER, otherwise a debate on the legislation on Article 23 of the Basic Law, which resulted in people taking to the streets, could have been triggered.

However, Ms Regina IP did not say that these so-called problems are what make the democratic system so appealing. When a leader really commits such mistakes, he will be compelled to step down under the system. There is no way to compel corrupt officials in the Mainland to step down just because it is not allowed under the system. Many Honourable colleagues commented that CHEN Shui-bian was awful as a president. However, one cannot help but admire the system in Taiwan because when the president was not good enough, he was forced to step down, and the candidate from the Democratic Progressive Party was not elected.

Ms Regina IP went on to cite examples of flaws of the Senate or other authorities in the United States. However, I hope Ms Regina IP will agree that the flaws she mentioned are just flaws in a large political system. In some places, there are assured women's seats, and there are even assured seats for aborigines in some democratic countries. However, these will not have any impact on the status of such countries as being democratic under the general political situation. Not all members in the House of Lords in the United Kingdom are returned through direct elections, there are assured aborigines' seats in New Zealand and women' seats in Taiwan, but we will not say that the democratic system is not practised in the United Kingdom, New Zealand or Taiwan.

She went on to say that she subscribed to "one person, two votes". However, I hope that by "one person, two votes", she did not mean one vote for direct election and another for functional constituencies. With "one person, two votes", she referred to the two votes under two major mechanisms of elections by universal suffrage, one being election of geographical constituencies and another being a territory-wide election. Actually, the Democratic Party already proposed the system she referred to a long time ago. We proposed this to

Stephen LAM in our discussion in as early as 2003 and 2004. I hope she is not implying that this mode of "one person, two votes", that is, direct election and functional constituencies, complies with the relevant principles.

The question I would like to raise is that — Mr Raymond TAM is also present, it is good to see him here — he talked about the principle of a direct election with "one person, one vote" in a radio programme yesterday. However, yesterday an elderly lady from the audience forgot to ask him one question. This principle does not only refer to the universality of the voting process. However, no one has ever asked him whether this so-called nomination process should also be universal. He has not answered this question.

Mr TAM should also have learnt during the discussion in the Commission on Strategic Development (the Commission) that there are two major gaps in the present discussion initiated by Dr Margaret NG today: the first being whether the nomination mechanism adopted for the election of the Chief Executive by universal suffrage is in line with our general principle of universal suffrage, that is, the principle of being free from any unnecessary restrictions. Some restrictions are necessary. For example, in the United States, a person has to reach the age of 40 before he/she can be nominated as a presidential candidate, or if a person is not pure American blood — I am not sure about the drafting of the relevant provision — in a nutshell, for example, people born in Italy and naturalized as citizens of the United States are not eligible for the presidential candidacy. The thresholds for some restrictions are very low. We do not regard these restrictions as excessive.

However, I think Mr TAM is also aware that many restrictions discussed in the Commission, such as the restriction mentioned by him previously that there should be two to four candidates, are basically a screening process. I do not understand why there should be two to four candidates. If we think that there are too many candidates, we might as well model on the practice adopted in France and conduct two rounds of election or a few primary elections to shortlist two candidates for the final stage, as in the case of France, and then choose the one between these two candidates who is able to obtain over 57% of the support of all French citizens and receive an adequate mandate.

Why do we have to think of ways to build in the so-called reasonable screening which is actually an unreasonable threshold impeding the participation of people with dissimilar political views? We do not know what kind of people with dissimilar views there will be in the future. Do not think that the Central Government will only bar the candidacy of people from the Democratic Party, those not belonging to the democratic camp or the constitutional democratic camp, for there are people even in the pro-establishment faction whom the Central Government dislikes and they may also be barred from candidacy.

That is why we have asked repeatedly whether it is genuine universal suffrage if the public can only choose from among a few people with identical political views in the end. In democratic societies in general, the choice means choosing from among representatives with different political views and from groups with different political inclination — that is, representatives of political parties. However, this choice does not exist now. Secondly, the most frequently discussed issue in the Commission is functional constituencies. Mr Abraham SHEK also mentioned at the meeting of the Commission that — he seemed to imply it, and I hope I do not read his mind wrong — he hoped functional constituencies would exist forever and ever. He is now nodding, which means that I have made a right guess. He suggested many systems to prevent the abolition of functional constituencies, for example, it was proposed that the electoral base be broadened and restrictions on nomination be imposed. In that case, medical doctors will nominate fellow medical doctors and then members of the public will choose from among the candidates. Is this the so-called universal suffrage? Or will the public have to choose from among a few candidates selected by group medical practices or trade associations? Actually, this is what we mean by being free from restrictions. It will not be in line with the principle of universal suffrage if people with particular political views or inclination are already removed in the selection process.

The last point I would like to say to the Secretary is that he often said that the current term Government would deal with the issue of election in 2012, while the next term Government would deal with the election in 2017, and then the Government after next would deal with the election in 2020. This idea is totally illogical. The widest gap now exists in the row over genuine universal suffrage and bogus universal suffrage, while the gap some time ago was in the row over whether or not there was a timetable. Without an ultimate design for genuine



universal suffrage, let there be no false hope that the democrats will be convinced into accepting a discussion only on the election in 2012, which is indeed a very difficult one because among the 23 of us here, no one can convince the others that the elections in 2017 and 2020 will be implemented by genuine universal suffrage free from screening and in compliance with the principle of universal suffrage. In the absence of such a basis, no one will believe in this Government and no one will believe that the Central Government has the sincerity to implement universal suffrage.

Therefore, Secretary, it will only be wishful thinking if you do not intend to discuss whether or not universal suffrage will be implemented in 2017 or 2020 while only aiming at forging a consensus regarding the year 2012. Thank you, President.

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

**MR ALBERT CHAN** (in Cantonese): President, every time when there is a debate on constitutional reform in this Chamber, one can invariably observe the decline of political integrity, backbone and dignity. One can invariably observe a growing number of fence-sitters who are always too ready to "run before the wind". One can observe that the political integrity and dignity of these fence-sitters have gradually been eroded. During past debates, whenever any Member came under a tirade, many flunkeys of flunkeys or apologists of flunkeys would complain to the President on behalf of their masters, who were themselves flunkeys, that the remarks of the Member concerned were offensive or insulting, demanding the withdrawal of the remarks. If the Member concerned did not comply, the President would order him or her to leave the Chamber. There were cases in which the remarks or criticisms were actually quite mild, where a Member was just described as shameless or criticized for "calling a stag a horse". But the President — I mean the former President, not the incumbent President — still ruled that such remarks were offensive.

In the Chamber today, many people are dismissed as flunkeys and chastised for telling lies and being shameless. But to one's surprise, no flunkeys of flunkeys or apologists of flunkeys have dismissed these criticisms as offensive

on behalf of their masters. Maybe, as rightly pointed out by Mr WONG Yuk-man, these flunkeys of flunkeys have come to realize that such criticisms are only statements of subjective judgment — I mean statements of subjective judgment based on objective facts. These flunkeys may have realized that they are indeed shameless liars. And, their basic sense of shame has been eroded or has completely vanished. This may be the evil consequence of the possession of power. Many seats in this Council are held by them. They receive huge benefits. Massive benefits are funnelled to them. They are surrounded by sycophants. As a result, they have gradually become the incarnation of evil or shameless flunkeys in the literal sense. This is the sad legacy of history and also the consequence of a political system that has bred so many flunkeys over the past 10 years. Therefore, as long as there is no democracy, such a system will only go on breeding shameless flunkeys. And, all such flunkeys will only continue to occupy seats in this Council, exploiting and oppressing the 7 million Hong Kong people.

President, having chastised the flunkeys so severely, I must praise Mr Abraham SHEK because he is a self-confessed villain. When it comes to political stances, it is alright for people to hold divergent views. It does not matter whether one belongs to the Conservative Party or the Nazi Party. The most important thing is that one must make one's political stance very clear and adhere to it consistently. All these years, Mr Abraham SHEK has been clinging to the unambiguous political stance of defending the functional sectors. His political stance has always been very clear, marked by no variation throughout. He stands for the interests of his masters and the functional sectors he represents, and he will continue to do so. My political stance is different from his, so he is my adversary. But at the political level, he is a respectable adversary. However, I will certainly continue to fight against him to the very end.

The most abhorrent ones are all those shameless flunkeys with wavering positions. At the very beginning, they supported the full implementation of universal suffrage in 2007, but they abruptly changed their position because their master changed his mind. Since their master has instructed them not to support direct elections, these flunkeys must obey his words and instruction. The presence of such shameless flunkeys under a democratic political system is a very deplorable political phenomenon. Mr Abraham SHEK still supports the retention of functional constituencies. But he fails to realize that functional

sectors have changed from a political parasite to a kind of political cancer. The present system is plagued with cancer. This is an incurable disease that we cannot get rid of, one which has produced catastrophic impacts on society as a whole and the political system. A political parasite can at worst take away some nutrients from the host, but a political cancer will damage the entire political system, and as a result, the system will decay, wither and eventually die, thus doing harm to society as a whole. Therefore, one must not be lured by any functional sector interests or personal interests and the need for upholding the master's interests oblivious to the grievous harm caused by the rotten system. This will not only cause immediate harm but also hurt the future generations.

We have seen the harmful consequences of autocracy and totalitarianism because there were many such examples, repeated examples, in history. League of Social Democrats Chairman WONG Yuk-man has written many books on how treacherous officials corrupted court politics, and how eunuchs usurped powers. All these produced harmful impacts on history and the people for hundreds of years. And, such cases simply occurred over and over again. But now, in this very Chamber, so many shameless flunkeys still want to act like eunuchs who inflicted so much harm on the people.

President, my greatest fear is that the defence of the democratic camp may simply collapse, thus making it possible for the Government's constitutional package to steal a victory. Several years ago, since we succeeded in "bundling up" 25 Members, we managed to veto the constitutional reform package. Will there still be 20 pro-democracy Members who are prepared to stand firm against any constitutional reform package that deprives Hong Kong people of their basic rights? This will be a major war, the aim of which is to maintain the integrity of this line of defence. Therefore, all people must unite and carry on the fight against the system of coterie elections.

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

**MR PAUL TSE** (in Cantonese): President, I have listened very carefully to the speeches of quite a number of Members. Before this debate, Dr Margaret NG sounded out her wish to know my position or Dr LEUNG Ka-lau's position on

this topic. Just a moment ago, in the Ante-Chamber, some Members also asked me whether I would commit political suicide today. I do not quite understand what all that means, but I do think that as it is worded, the motion today actually requests us to force the Chief Executive to announce his position immediately, or to force certain Members to do the same. In this connection, I do not think that it is the right time. My intention is to vote against both the original motion and the two amendments, because it is inappropriate and too early to make any final decisions at this moment. However, having made known my position, I hope that in their news reports tomorrow, the local press, especially a newspaper named after a certain kind of fruit, will not simplistically divide Members into good guys, bad guys, flunkeys, heroes, and so on. The reason is that such a simplistic classification of Members into "either black or white" is not in keeping with the reality. Why must all things on earth be "either black or white", rather than being "grey", being blurred, as they often are? After all, we are talking about politics, something in the real world, so it is not as simple as whether it should be "one" or "two".

Speaking of this, I hope Members can allow such a politically inexperienced person like me to express my views. Some hold the view that politics in Hong Kong are as complicated as those in several other places, such as Northern Ireland and the Middle East. As Members are aware, politics in the Middle East are extremely complicated now. Hong Kong seems to be very peaceful, but our social development under the rule by the Communist Party of Chinese (CPC) over all these years has led to many complaints about the CPC. Such feelings cannot possibly be erased overnight. Although the State has made many efforts in recent years, in the hope of making improvements in different aspects, it will still take time to change some people's views. Yesterday, I saw the premiere of Red Cliff II. In the story plot of this movie, there is a point where the time around midnight was not deemed suitable for attack, because the westerly winds were still blowing, but later, during the small hours, the direction of winds changed suddenly, and easterly winds blew up. The outcome of the battle was therefore changed completely by changing external circumstances. In some cases, time is honestly required to allow for gradual changes. The Taiwan problem, the case of Hong Kong remaining unchanged for 50 years and its need for gradual and orderly progress are all examples. In such cases, people's ideas and concepts cannot be changed overnight, so time is required for everybody to change their view of the whole issue, so that rather than subjectively regarding

something as "entirely black", they can realize that it is not really so "black" after all. Or, instead of thinking that something is "entirely white", they can start regarding it as not really so "white". The real world and its politics are all about steering a middle course. This is the first point.

Speaking of the second point, I would like to refer to the Vatican as an example. I am afraid that if the Vatican is to be democratized overnight, power will probably remain in the hands of clergymen at the initial stage. It is unlikely that power can be released from them overnight. If Hong Kong were an agrarian society, any sudden democratization might see many votes going to people representing the agriculture and fisheries sector. Hong Kong is a highly commercialized city, so in the initial days of democratization, it is inevitable that many people from the business sector will want to retain their power, rather than relinquishing it immediately. This is the historical reality. Even in a place as democratic as the United States, the Jews can still exert immense influence. Their influence simply cannot be totally removed overnight. I am not talking about any privileges. Rather, I am just referring to an inevitable historical factor that influences the democratization of the political system of any place.

The third point is that the most important issue in any discussions on democracy must be representativeness. This boils down to the question of how best people can elect their representatives under the principles of popular and equal representation. These are the very principles we want most to achieve, and they also happen to be the principles set out in the relevant international covenants. But I wish to point out that the holding of direct elections is not necessarily the only means to fulfil these two principles. To a certain extent, I actually agree to Mr Abraham SHEK's viewpoint that there is also something good about functional sectors, and they are not really so horrible that they must be exterminated immediately. Having said that, I must add that there are still many problems with functional constituency elections which must be rectified right away. For example, there are problems with representativeness, electoral methods, sizes of constituencies and uneven distribution of votes. All these are problems which we must immediately address. I believe the Government will also make efforts to deal with these problems in preparation for the elections in 2012.

President, whether we talk about democracy or the rule of law, the central concept is never "either black or white". Rather, we should be talking about

principles. There are many ways to actualize these principles. Regarding the rule of law, there is the model based on the British common law and also the model based on continental law. There are also many ways to implement democracy. The local electoral methods adopted in Britain and the United States and the system of proportional representation adopted in Continental Europe are some examples. In the case of Germany, these two types of methods are even concurrently adopted. This means that as long as we adhere to the principle of popular and equal representation, it will not matter so much which method we finally adopt, because we can always hold thorough discussions on how any methods can be adapted to suit our unique local circumstances.

As far as this is concerned, I only want to adhere to my own standpoint. What I mean is that it is not necessary to force Members to choose either extreme at this moment. Rather, I hope that other Members and I can be allowed to wait until the Government puts forward a formal package. When the Government does so, we will consult our respective constituents or functional sectors and even all Hong Kong people. Then, we will make our well-informed choices. Therefore, at this moment, I am afraid I must vote against the original motion and the two amendments. Thank you, President.

**MR ANDREW CHENG** (in Cantonese): President, it is most unfortunate indeed that every time when a debate on this topic reaches this stage, the very same litany of points will be chanted over and over again. This goes on and on year after year, and the contents of all these debates are roughly the same. I believe the President, if he were sitting in his old seat now, he would have itched to speak on the main points debated just now. He would have risen to speak on the principles underlying functional sectors and universal suffrage.

At the beginning, I actually wanted to focus on responding to Mrs IP's remarks, for I had listened to her whole speech. But Mr Paul TSE raised his hand faster than I did. Having listened to his speech, I find that there are more points in his speech to which I must respond. Referring to Mr Albert CHAN's speech about flunkeys, and so on, Mr Paul TSE remarked that he did not want to be called a flunkey. He therefore said that he would vote against the original motion and all the amendments today. Honestly speaking, I do not intend to persuade him, nor do I think that I can ever convince him. But I must still point out that in the Legislative Council, there are 30 functional constituency Members,

and every term, there are new Members returned by functional constituencies. They always claim since that they are new-comers, they need to hold more discussions first. If there are new functional constituency Members every term ..... These Members have a vested interest, so I believe we must depend on the mercy of God if we really want them to agree to the abolition of functional constituency seats. If any functional constituency Members are to support the abolition of functional constituency seats, they must have moral commitment and courage, and they must even forego some of the principles they have upheld very firmly.

Therefore Mr TSE, it is so unfortunate ..... I do respect you, and I also find your speech just now very polite, for you already said that you had caused delay to Members after speaking for just one minute. You should have seven minutes. Every Member should have seven minutes, so you did not cause any delay to us. You should have spent all the seven minutes persuading us. But it is unfortunate that you cited the Vatican as an example, and I am very disappointed after listening to what you said. President, I must first declare that I am a Roman Catholic. The Church is a religious institution. Joining the Church is not obligatory. One may choose to believe or not to believe. However, the case of a government is different. One cannot refuse to pay taxes, for the government will certainly require everybody to discharge this civic obligation. Therefore, to a certain extent, one should have the right to choose one's own government. When Hong Kong people learnt that Macao had chartered a flight for its residents who were stranded overseas, some of them exclaimed that they wanted to emigrate to Macao. They do have a choice here. But once a person chooses his own government, he must discharge his civic obligations, for rights and obligations always go hand in hand. Since I am obligated to pay taxes, I should have the right to choose the government and Legislative Council Members I prefer. The case here is different from the case of creed. I therefore hope that the case of creed will not be cited to distort the truth of universal suffrage.

Mrs Regina IP talked about many shenanigans of American politics. Mrs IP once studied in the United States. I noticed that when Mr LEE Wing-tat responded to her viewpoints, she still came all the way back to listen to him, although she had already left the Chamber. All other things aside, I must admit that I very much respect Mrs IP's courage to run in a direct election, in very much

the same way as I also respected the courage of the then Chairman and Vice-Chairman of the Liberal Party to run in direct elections years ago, rather than continuing to compete in functional constituency elections. However, I still hope that Mrs IP can realize something connected with the shenanigans she talked about just now. For example, she said that all states are each entitled to two seats in the House of Representatives regardless of their population sizes. Well, the variations in tenures are meant precisely to ensure that there are different categories of Congressmen to address the people's short-term needs and the long-term aspirations of society. Mrs IP must also realize that the two aspects she discussed just now, whether long-term or short-term public opinions, are all about the public interest. In Hong Kong, it is all about the minority interest — the interest of the commercial and industrial sectors and large consortia. All is so simple. Why didn't she mention this point?

The most unfortunate thing is that once there are functional constituency Members in the Legislative Council ..... Thirty out of the 60 seats in the Legislative Council are held by functional constituency Members. In addition, President, there is still the system of separate voting. Basically, functional sectors are already unable to truly reflect public opinions. But under the system of separate voting, functional constituency Members can even suppress the views of the 30 directly elected Members who can represent the opinions of the Hong Kong public. How can this be accepted? Mr Paul TSE still said that he would not state his position on the motion and the amendments at this moment, for he needed more time to consider the issue, so as to ensure gradual and orderly progress. However, for how much longer should we still be talking about gradual and orderly progress? I must ask Mr Paul TSE to look up the relevant records.

President, this is very deplorable. If there continue to be new functional constituency Members ..... New functional constituency Members will only ask for more discussions. They will say that since they are new Members, they must need more studies. But I must say that each of them still has one vote in hand. I cannot remember the number of electors in the tourism functional sector. It may be several hundred. These several hundred electors have elected him, and he now has one vote in the Legislative Council, one vote out of all the 60 votes, I must say. There is still the system of separate voting, which is probably biased towards the industrial and commercial sectors. In case their interests and the



public interest are not the same, the representatives of the 200 000 to 300 000 functional sector constituents will prevail over the 30 directly elected Members representing the 3 million to 4 million electors in geographical constituencies. Is this fair? How can they say that they still need more discussions? For how much longer do they want to discuss the matter?

President, I really think that it is very deplorable for us to hold such a debate. I honestly do not want to give any more responses to their views. Sometimes, I really do not know what further arguments I should put forward. Whatever arguments are put forward, Members will only adhere to their positions. Therefore, the responsibility should be borne by the Government. Thank you, President.

**PROF PATRICK LAU** (in Cantonese): President, there are clear guidelines in the Basic Law on the constitutional development of Hong Kong. I therefore agree to Mr Abraham SHEK's amendment, which re-states the fundamental principle of ultimately achieving universal suffrage for the election of the Chief Executive and all Legislative Members as provided for in the Basic Law.

Constitutional reform is a very serious matter, one which affects the future of a society or country. Since the issue carries far-reaching implications, it must be tackled with the most serious attitude. I am of the view that we must conduct adequate discussions and make sufficient planning when moving in the direction of implementing universal suffrage, so as to identify a way forward that is in line with Hong Kong's social structure and values.

As for the future of functional sectors, I hold the view that further discussions are required, and they must not be abolished hastily. When I consulted my constituency on the motion today, quite a number of people from different countries who had been working in Hong Kong for more than a decade told me that they supported the existence of functional sectors, explaining that given appropriate reform, design and implementation, functional sectors could bring forth a more balanced and satisfactory political ecology, thus assisting the legislature in formulating and passing bills and motions which can cater for our longer-term needs, and which can also take account of many different perspectives.

President, independent thinking, rational analysis, commitment to professional ethics and the protection of the public interest are the core values of all professional training. Since they are used to analysing issues from different perspectives, professionals returned to this Council by functional constituency elections can often put forward opinions which are more independent in nature, and which can take account of the overall interests of society. They can also make use of their professional expertise to help other Members and the public to solve their problems. And, they can even help the Government tackle many thorny issues.

President, I hope that when the Government conducts public consultation on constitutional development next year, while the various social sectors put forward their views enthusiastically, they can also seriously consider and assess the advantages and disadvantages of functional sectors and whether there is any room for their improvement. I hope that in the long run, as our political system moves step by step towards the implementation of universal suffrage, professionals can at the same time become more interested in politics and actively set up political organizations or political parties to promote "political discussions by professionals" and "the political participation of professionals". I hope that they can thus become a unique driving force in society. That way, when the actual conditions and environment in society are eventually ripe, they can be returned to the Legislative Council by direct elections and continue to work in the legislature to serve Hong Kong with all their professional expertise and unique mindsets. I so submit. Thank you, President.

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

**MS AUDREY EU** (in Cantonese): President, the motion moved by Dr Margaret NG today is very carefully worded. She only asks the Chief Executive to honour his undertaking in the policy address, that is, she only requests that when a public consultation exercise is launched on constitutional reform in 2012, the Chief Executive can make clear the following two points. As rightly mentioned by Mr WONG Yuk-man, there is just a roadmap but no timetable. We have made special efforts to word the motion that way, in the hope that Members can focus on the principles and definition of universal suffrage. Even if the Government wants to delay the implementation of universal suffrage, even if there will be no universal suffrage in 2012, that is, even if there will only be a

midway point in 2012, President, the Government must still tell us where we will eventually get to. It is only in this way that we can decide how to go forward from the midway point. Therefore, President, I was very disappointed when I heard Ms Miriam LAU say, "We in the Liberal Party supports the implementation of universal suffrage. But since you speak on supporting its implementation in 2012, I will vote against your motion." It is indeed very regrettable that a Member with professional legal training should have misinterpreted the spirit and wording of the motion in this way.

President, I also want to say a few words about Mr Paul TSE's remarks, because I find his opinions very odd. He said that it was not necessary to state his position so soon. I wish to remind him that during his election campaign, he did express support for the abolition of functional constituencies. Besides him, Mr Paul CHAN, Dr LEUNG Ka-lau and Dr Samson TAM also said so when questioned by the press. I was puzzled when I heard Paul TSE say that it was not necessary to force them to state their positions so soon.

President, Members are all elected nowadays. Although some of them are elected by functional constituencies and others by geographical constituencies, a Member invariably represents some electors. How can a Member say that he must not be forced to state his position so soon? What is the meaning of "accountability"? Does Mr Paul TSE know this very term? How can he say that he must not be forced to state his position so soon? He even mentioned the Red Cliff, talking about the absence of easterly winds. President, I hope Mr Paul TSE can realize what is meant by "going before the wind" and "fence-sitters". He then went on to discuss the case of the Vatican. Such a reference is even more absurd. Then, he still mentioned what he referred to as Jewish politics. Never mind, because Mr Andrew CHENG already responded to all such remarks in his speech just now. That is why I am not going to waste any more time on these absurd remarks. I only want to remind the Members whose names I mentioned just now that when questioned by the media, they did express support for the abolition of functional constituencies. And, I only want to make clear that Dr Margaret NG's original motion mentions only the definition of universal suffrage.

Regarding the definition of universal suffrage, when he spoke earlier, Secretary Stephen LAM remarked that Article 25 of the International Covenant on Civil and Political Rights does not apply to Hong Kong. I have repeatedly

expressed my regret at such an argument, and I must express my regret to WONG Yan-lung in particular because he is the Secretary for Justice. The SAR Government has been arguing that back in 1976 in the colonial era, the British Hong Kong Administration made a reservation to the application of Article 25 in Hong Kong. I hope Secretary WONG Yan-lung can do some research. Yesterday, the Hong Kong Bar Association issued a statement, making a point which is clearly different from the position of the Secretary for Justice and the Government. I also hope that he can read the judgment of Mr Justice KEITH on LI Miu-ling's case in 1995, which was mentioned by Mr Alan LEONG just now. I even hope that the Secretary for Justice can realize that, as mentioned by Ms Emily LAU just now, the highest authority of interpreting all international covenants must be the United Nations itself. In 1996 and 2006, the United Nations stated very clearly that once any elections are held in Hong Kong, the reservation will no longer apply. I therefore find WONG Yan-lung's position especially regrettable.

President, everything else aside, even if we do not discuss Article 25 of the Basic Law today, it must still be pointed out that the implementation of universal suffrage is also mentioned in the Basic Law itself, and universal suffrage should be based on popular and equal representation. Functional constituencies are certainly a malignant tumour. If it is not excised as soon as possible, it will only spread, because when the number of directly elected seats is increased, the number of functional constituency seats must also be increased. In this connection, Paul TSE talked about privileges, and so on. He referred to the Jews, but I do not know what any Jews have got to do with Hong Kong. In any case, I can still say that political privileges will only spread.

At this juncture, I must talk about a certain article entitled *Preparations for the Political Participation of the Industrial and Commercial Sector a Must*, which appeared recently in the *Mirror*. It is pointed out in this article that at present, the industrial and commercial sectors are much too satisfied with the *status quo* and over-reliant on the Government. The sectors are confident that whenever there are any conflicts between the interests of enterprises and those of workers, the Government will surely take actions to balance the interests of all those involved, so as to maintain Hong Kong's prosperity and stability. That is why, it is said, the industrial and commercial sectors will never worry about the lack of any free lunches — it is "free lunches", the very term used by the *Mirror*. But I would use the term "meals on wheels".

An editorial of the *Apple Daily* similarly asserts that if functional constituencies are not abolished, the industrial and commercial sectors will only continue to harbour false hopes. This will not only produce negative impacts on the balanced political development of Hong Kong but also pose new obstacles and difficulties to Hong Kong along the path to universal suffrage. Therefore, as a responsible government and Chief Executive, they must, as early as possible, tell the truth to Hong Kong people, the industrial and commercial sectors and professionals, or, precisely, Patrick LAU. It is necessary to tell Patrick LAU because I am very disappointed that while he kept talking about the professional analyses and independent thinking of the professional sectors, he never said anything on fairness. I hope that the sectors he represents will also support the holding of elections based on fairness and equality. I believe that if Prof LAU ever runs in a direct election, he will still be elected. I hope he can stop insisting on enjoying any "political free lunches" or "meals on wheels". Thank you, President.

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

(No Members indicated a wish to speak)

**PRESIDENT** (in Cantonese): Dr Margaret NG, you may now speak on the two amendments. You may speak up to five minutes.

**DR MARGARET NG** (in Cantonese): President, in this session of the debate, I wish to speak on the amendments proposed by the two Members. I have explained clearly that we will support Mr CHEUNG Kwok-che's amendment. He has explained his points in great detail, and I agree with him.

As for Mr Abraham SHEK's amendment, I wish to mention two points in response. First, his amendment to part (a) of my motion will add a screening process to the nominating process for Chief Executive candidates. But then, Mr Abraham SHEK claims that my proposal to hold elections based on the principle of universal and equal suffrage is a contravention of the Basic Law. Such an argument is really unheard-of. Even Secretary Stephen LAM, for reasons of his

ego, only says that the universal suffrage comes from the Basic Law, not any international covenants. But since the Central Authorities can appreciate our aspirations, they have decided to give us universal suffrage. He argues that the whole thing has nothing to do with any international covenants and internationally upheld human rights, nor does it have anything to do with the political legacy of the British Hong Kong Administration. But even Secretary Stephen LAM agrees that the kind of universal suffrage mentioned in the Basic Law is also for the holding of elections based on universal and equal participation.

In his speech, Mr Albert HO mentioned that there are already some international standards governing the conduct of elections based on universal and equal suffrage, and that all these standards are clearly written in the relevant international covenants. However twisty the path may be, we must return to Article 25 of the international covenant. Therefore, when Mr SHEK says that compliance with Article 25 of the international covenant is a contravention of the Basic Law ..... Mr SHEK, you are a Legislative Council Member, so you should presumably have some knowledge about the law. Why have you said something so astonishing?

Part (b) of my motion is about the abolition of functional constituency seats. Mr Abraham SHEK's argument is really very odd. He says that he objects to the abolition of functional constituency seats because it is much too hasty to abolish them in 2012. President, many Members have already explained that no dates are mentioned in my motion. I did seek to explain the Civic Party's position when I spoke just now, but the fact is that no dates whatsoever are mentioned in my motion. And, there is also no mention of 2012. I have never said that functional constituencies should or should not be abolished in 2012. What I want to discuss with Members is not a timeframe. As rightly mentioned by Ms Audrey EU, I am simply talking about the principles and definition of universal suffrage. What is the kind of universal suffrage that Members have in mind? Should the election of the Chief Executive by universal suffrage mean the absence of any screening process? Should the election of Legislative Council Members mean the abolition of functional constituencies? My intention is to ask Members to say what they have in mind. But many people have made use of Mr Abraham SHEK's ..... Actually, Mr Abraham SHEK is really a "good" example of some kind. He is unable to explain why

functional constituencies cannot be abolished, so he simply argues that it is too hasty to abolish them in 2012. He explains that he therefore objects to the motion.

President, why have I so carefully avoided the mentioning of any timeframe today? There is a reason. We in the democratic camp have been carrying on the struggle for a very long time. We started the struggle in 1988, and have been asking for the implementation of universal suffrage in 2007, 2008 and even 2012. But in the end, in 2006, the authorities said that the National People's Congress had made a decision, so there must not be any more disagreements, for there was already a timeframe. They said that we might not like the timeframe about 2017 and 2020, but there would be universal suffrage eventually. So, they said that there must be no more arguments.

However, even at that time, the democratic camp already pointed out that the timeframe was not quite so alright, nor was the definition of universal suffrage. The reason was that the definition was not quite the same as what everybody thought it should be. What has the debate today proved? It has proved that our worries are justified. Let us count how many functional constituency Members have risen to tell us that electing Legislative Council Members by universal suffrage is not equal to the abolition of functional constituency seats. Let us count how many Members have told us that the election of the Chief Executive by universal suffrage is equal to the screening of candidates. President, what I mean is that regarding the timeframe about 2017 and 2020, not only the dates but even the very definition of universal suffrage are questionable — a certain functional constituency Member has even told us that there will not be universal suffrage even in 2020. In other words, we must go back to Jinggang Mountain and start the struggle all over again. There is no final decision on all these issues. The Central Authorities have not promised to give us universal suffrage in 2017 and 2020. We shall therefore renew our struggle. All will be meaningless if the package proposed for 2012 is nothing but a midway point.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, many Members have put forward their views on how we

should implement universal suffrage and on the International Covenant on Civil and Political Rights. I think I should respond to several major points, and in fact, I think I must respond to them. If people listen only to the arguments of those Members in the opposition camp, they will probably think that Hong Kong is being run in a very messy and negative manner. I must therefore correct some of the major points made.

We can all observe what arrangements Hong Kong as a Special Administrative Region has made under the Basic Law and the concept of "one country, two systems". We enjoy the rule of law and liberties, and we are able to achieve democracy gradually. Judicial independence has been a long-established feature of Hong Kong. We have the Court of Final Appeal, which acts as the final adjudicator of all cases occurring in Hong Kong. The Court of Final Appeal may also invite senior judges from advanced common law jurisdictions in the whole world to take part in Hong Kong's judicial work, thus ensuring that we can maintain contact and co-operation with the international judicial community.

Besides, Hong Kong is a society which upholds liberties and respects human rights, and in these respects, we are at the forefront in Asia. Our mass media are totally open, and they monitor the work of the Government every day. As for international organizations, the Heritage Foundation, for example, has rated Hong Kong as the freest economy in the world for 10 years in a row.

Let me now come back to the political system, Members' greatest concern. Although we have yet to implement universal suffrage, officials of the SAR Government must come to the Legislative Council every day to explain our policy proposals, bills and budgets. Without Members' support, we cannot possibly proceed with anything. In this sense, our existing constitutional arrangements are very similar to those in advanced and open democracies. There is a relationship of mutual support and checks and balances between the executive and the legislature in Hong Kong.

What is more, we will seek to achieve universal suffrage step by step in accordance with the timeframe for introducing universal suffrage set down by the



NPCSC in late 2007. I hope that no Members will continue to debase Hong Kong, for such undue humility is not fair to our society. Members are very concerned about the nominating mechanism for the election of the Chief Executive in the future. This should be an issue to be tackled by the fourth Chief Executive elected in 2012 and the fifth Legislative Council returned in 2012. They will have to initiate extensive discussions in society and then put forward various packages for voting in the Legislative Council.

However, some Members fear that the nominating mechanism may be reduced to a screening procedure. President, I must say that they are over-worried. The reason is that whatever package the next Government puts forward, it must complete the procedures specified in the Basic Law, meaning that a two-third majority support of all Members must be required for the passage of any package. All the Members here, if they run in the next election and get re-elected, will each have one vote. They can then decide whether to vote for or against any particular package. Without sufficient support from Members, no nominating mechanism of any kind can be established. It is up to the various political parties and groupings and independent Members to decide whether they should support the package for electing the Chief Executive by universal suffrage put forward by the new Chief Executive and SAR Government a few years later.

Let me now also turn to the relationship between universal suffrage and functional constituencies in the Legislative Council. Members should not stereotype all functional sectors. Functional sectors will not only serve the interests of the business sector. There are many different functional constituencies for various professions such as teachers, nurses, social workers and trade union representatives. All these are themselves functional sectors. Over the years, there have been many outstanding functional constituency Members. In the earlier days, there were Mr Martin LEE and Mr SZETO Wah. At present, there is Mr CHEUNG Man-kwong, and Ms Miriam LAU is even the Chairman of the House Committee. There are also many examples where a functional constituency Member decides to run in a direct election. Last term, there were Mr James TIEN and Mrs Selina CHOW. This term, there is Mr WONG Kwok-hing, who can continue to serve the Council after gaining success in turning himself into a directly elected Member.

However, I also wish to reiterate that the SAR Government does not think that the existence of functional constituencies is in line with the principle of universal suffrage. This issue must somehow be tackled in future, but it is not the right time to do so now. Rather, it should be dealt with between 2017 and 2020.

Regarding the electoral package for 2012, I think we must consider, discuss and handle many key issues. One of these issues is related to the fact that the competition for Legislative Council seats now is very keen. When we review the situation in September last year, we will find that there were more candidates than seats. The number of seats is not large enough, and the Legislative Council must also handle many different types of affairs. When formulating a package for 2012, we must consider whether it is necessary to increase the number of Legislative Council seats.

However, there are several key issues that cannot be tackled easily. How many additional seats should there be? Since the NPCSC has decided that the numbers of directly elected and functional constituency seats should be increased proportionately, how many functional constituency seats should be added in case we really want to increase the number of Legislative Council seats? And, when considering any increase in the number of seats, how can we bring in certain democratic elements, so as to make sure that Members are willing, willing, to consider the proposal and render their support? President, I will not underestimate the difficulties in forging a consensus. But for the sake of Hong Kong's future development, we must still do our utmost to forge the required consensus.

Some Members have made it a point to ask us for a timetable on our work in future. In his policy address, the Chief Executive already announced that a public consultation exercise on constitutional development in 2012 would be launched in the first half of 2009. Over the past two days, I have heard two kinds of opinions inside and outside the legislature. Some Members think that we must launch the consultation exercise in the first half of this year as scheduled. Some political parties and groupings, however, maintain that we can wait a bit longer. We will carefully consider the opinions of all sides. I shall

inform this Council after we have come up with the detailed arrangements of consultation.

Let me now respond further to the views expressed by individual Members. Dr Margaret NG and Mr Alan LEONG both discussed our system of political appointments and the current situation of our governance. I must reiterate that our purpose of developing the system of political appointments over the past few years is in fact to tie in with the election of the Chief Executive by universal suffrage in 2017. Our purpose is to establish a three-tier system of political appointments comprising Bureau Directors, Under Secretaries and Political Assistants. The Chief Executive elected in 2012 and especially the Chief Executive elected by universal suffrage in 2017 will be able to recruit enough talents from different political parties and groupings for political participation. If this can be coupled with an increase in the number of Legislative Council seats, the channels of political participation in Hong Kong will be much wider and extensive in the future.

Ms Audrey EU and Ms Emily LAU both made special mention of the International Covenant on Civil and Political Rights (ICCPR) and the views expressed by the United Nations Human Rights Committee. Is Article 25(b) of the ICCPR applicable to Hong Kong? Our position is very clear. There is a reservation. The United Nations Human Rights Committee's view is just a kind of opinion. It is not an international court, so it cannot supersede international law and facts. The notification issued by the Foreign Ministry of the People's Republic of China to the United Nations Secretary-General in 1997 can manifest the situation under international law — Article 25(b) of the ICCPR will continue to be not applicable to Hong Kong. Ms LAU should not make use of the views expressed by international human rights personalities as a means of misrepresenting the situation under international law.

Let me also respond to Mr WONG Yuk-man's opinions, although he is not present now. It seems that Mr WONG has a very special liking for tape-recorders, for he mentions them in practically all meetings. But he seems to be a bit "out" because everybody now talks about MP3 and MP4 at least. Tape-recorders are no longer in fashion. But I suppose what he needs now may

be a hearing aid because he does not seem to catch all the relevant messages. The situation of our constitutional development is entirely different from that in the early 1990s and also the situation during the time of the first SAR Government set up after the reunification in 1997. We have .....

**MR WONG YUK-MAN** (in Cantonese): I think you are blind.

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man. Secretary, please sit down first.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Yes.

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, you have sought to speak loudly outside your speaking time on several occasions in this meeting.

**MR WONG YUK-MAN** (in Cantonese): You are blind.

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, please leave the Chamber now.

**MR WONG YUK-MAN** (in Cantonese): You are blind.

**PRESIDENT** (in Cantonese): You must not return.

(Mr WONG Yuk-man continued to chide the Secretary for Constitutional and Mainland Affairs)

**MR WONG YUK-MAN** (in Cantonese): Stephen LAM, you are blind.

(Mr WONG Yuk-man turned round, but continued to chide the Secretary for Constitutional and Mainland Affairs)

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, please leave the Chamber immediately.

(Mr WONG Yuk-man left the Chamber)

**PRESIDENT** (in Cantonese): Secretary, please continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, the point I am driving at is very simple, clear to all. The present constitutional development situation before us is already entirely different from those in the early 1990s and the initial days after the reunification in 1997. With the efforts of all sides, and following the Green Paper consultation we launched in 2007 and the decision of the NPCSC, we now have a clear and definite timetable — the election of the Chief Executive by universal suffrage in 2017 and the election of all Legislative Council Members by universal suffrage in 2020. I therefore do not agree with Mr Ronny TONG, who urges people to consider staging struggles in the streets. What we need to do now is to forge a consensus, rather than staging any further struggles and intensifying conflicts.

**MR ALBERT CHAN** (in Cantonese): President, a point of order. How much longer must we listen to Mr Lam the Eunuch's nonsense?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, what you have raised is not a point of order. Please sit down. Secretary, you may continue.

**MR ALBERT CHAN** (in Cantonese): To me, this is a point of order because he has been talking all nonsense, President.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, a point of order is a point of order, regardless of whether you think that it is. Secretary, you may continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I am going to give my response right now. About six and a half years ago, in the course of handling the issue of constitutional development, we discovered that opposition camp Members simply kept raising their asking price. Around 2002 and 2003, when I first assumed office .....

**MR ALBERT CHAN** (in Cantonese): President, why is meant by "asking price"? I wish to seek an elucidation, President.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please sit down. Secretary, you may continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Please be patient. I shall continue with my speech.

**MR ALBERT CHAN** (in Cantonese): President, he must make a clarification. I hope you can request him to do so. Can you?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, you may request to speak and then ask the Secretary to make a clarification. Whether he will do so is his decision. You are not supposed to require him to do so. Please sit down.

**MR ALBERT CHAN** (in Cantonese): No, President, you should make a request and ask him whether he is prepared to make a clarification.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, you .....

**MR ALBERT CHAN** (in Cantonese): You have not asked whether he is prepared to make a clarification.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please sit down. According to the Rules of Procedure, you may seek an elucidation, and I shall in turn decide whether I should grant your request. The speaking Member or public officer will decide whether he or she will make a clarification. Secretary, you may continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Yes. President, actually, it is not necessary .....

(Mr Albert CHAN remained standing)

**MR ALBERT CHAN** (in Cantonese): President, I hope you can give me a chance and request him to make a clarification.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please sit down. You have already made your request.

**MR ALBERT CHAN** (in Cantonese): President, I wish to seek an elucidation.

**PRESIDENT** (in Cantonese): You have made your request. Please sit down and stop talking. Secretary, please continue.

**MR ALBERT CHAN** (in Cantonese): No, President, a point of order. After a Member has made a request for elucidation, should the President not ask the public officer concerned whether he is prepared to make a clarification?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please sit down.

**MR ALBERT CHAN** (in Cantonese): President, a point of order.

**PRESIDENT** (in Cantonese): Secretary, Mr Albert CHAN requests you to make a clarification. You may decide whether or not you will do so. Please continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, actually, the Honourable Member does not need to make the request. It is my intention to explain my viewpoint. Therefore, if he can listen to me more patiently, he will hear my clarification. When I first assumed office, around 2002 and 2003, opposition camp Members requested us to discuss the prospects of universal suffrage. They said that if we were not prepared to discuss any timetable, discussions could be held on specific packages and a roadmap. But in 2005, when we put forward a package about 2007 and 2008, some opposition camp Members started criticizing that there was no timetable. They therefore claimed that it was difficult for them to support the package for 2007 and 2008. Now, when we have a timetable, they say .....

**MR LEUNG KWOK-HUNG** (in Cantonese): Stephen LAM, I must tell you that you are calling a stag a horse.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, you are not permitted to leave your seat.

**MR LEUNG KWOK-HUNG** (in Cantonese): How can you put up with such a person?



**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please return to your seat immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): But you do not let him make a clarification. I must tell you that .....

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, if you do not return to your seat immediately, I shall order you to leave the Chamber.

(Mr LEUNG Kwok-hung did not heed the President's instruction)

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... If you continue ..... you do not need to say anything more. I will leave the Chamber now.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please leave the Chamber immediately. Clerk .....

(The Clerk approached Mr LEUNG Kwok-hung)

**MR LEUNG KWOK-HUNG** (in Cantonese): He is calling a stag a horse. He has betrayed all the 6.9 million people in Hong Kong.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please leave the Chamber immediately and do not come back.

(Mr LEUNG Kwok-hung turned round)

**MR LEUNG KWOK-HUNG** (in Cantonese): I will of course leave the Chamber. I do not want to stay here for the melodrama. Are you expelling me from the Chamber?

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please leave the Chamber and do not come back.

(Mr LEUNG Kwok-hung kept yelling)

**MR LEUNG KWOK-HUNG** (in Cantonese): Stephen LAM is really absurd.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung.

**MR LEUNG KWOK-HUNG** (in Cantonese): You are not even qualified to become a flunkey.

**PRESIDENT** (in Cantonese): Please leave the Chamber immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): Under the official system in the past, only a Manchu could be a flunkey.

**PRESIDENT** (in Cantonese): Secretariat staff, please assist Mr LEUNG Kwok-hung in leaving the Chamber.

(Security personnel and other staff walked to the side of Mr LEUNG Kwok-hung)

**MR LEUNG KWOK-HUNG** (in Cantonese): Under communist rule, only communists can become flunkeys. Do you know that? Do you know Qing history?

(Mr LEUNG Kwok-hung left the Chamber)

**PRESIDENT** (in Cantonese): Secretary, please continue.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Yes. Now, when there is a timetable, opposition camp Members now request us to .....

**MR ALBERT CHAN** (in Cantonese): President, what is he talking about? He says that there is a timetable for implementing universal suffrage. But when was it put forward? President, can you ask him to make a clarification?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, you have made your request. Secretary, as you can hear, Mr Albert CHAN requests you to make a clarification.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Yes. The decision made by the NPCSC already explains and sets down a clear timetable. Now, when there is a timetable, opposition camp Members request us to deal with the electoral package for 2012 and also the packages for 2017 and 2020 all at the same time .....

**MR ALBERT CHAN** (in Cantonese): Stephen LAM is really shameless.

**PRESIDENT** (in Cantonese): Mr Albert CHAN.

**MR ALBERT CHAN** (in Cantonese): He has betrayed Hong Kong people. I will leave the Chamber. You do not need to order me to leave. Stephen LAM, you are shameless.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please leave the Chamber and do not return.

**MR ALBERT CHAN** (in Cantonese): There is no timetable for the introduction of universal suffrage. You are shameless.

**PRESIDENT** (in Cantonese): Clerk.

(Security personnel walked to the side of Mr Albert CHAN)

**MR ALBERT CHAN** (in Cantonese): You are an ignoble government official.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please leave immediately.

**MR ALBERT CHAN** (in Cantonese): I will. You do not need to ask me. I must condemn this ignoble government official. He is shameless. He has betrayed the people of Hong Kong.

**MR CHAN KAM-LAM** (in Cantonese): Just go away.

**MR ALBERT CHAN** (in Cantonese): What have you said? You are equally ignoble.

**MR IP KWOK-HIM** (in Cantonese): What have you said?

**MR ALBERT CHAN** (in Cantonese): What? Do you dare to beat me up?

**PRESIDENT** (in Cantonese): Mr Albert CHAN, please leave immediately.

(Mr Albert CHAN stood at the main doorway of the Chamber, yelling)

**MR ALBERT CHAN** (in Cantonese): You have betrayed the people of Hong Kong. You were those ignoble thugs who supported the listing of The Link REIT.

**PRESIDENT** (in Cantonese): Please leave the Chamber now. Secretary, please continue.

(Mr Albert CHAN was escorted out of the Chamber by security staff)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Yes. They now request us to discuss and vote on the electoral package for 2012 and the packages for implementing universal suffrage in 2017 and 2020 all in one go. But this will be tantamount to bundling up the timetable, the roadmap and various packages together. In this way, we will not be able to proceed at all. They bundled up all issues in 2005. This time around, they seek to bundle up more. This is certainly not good to Hong Kong.

Let me now reply to Mr Albert HO, Mr LEE Cheuk-yan and Mr LEUNG Yiu-chung, who have asked what the SAR Government under the third Chief Executive has done for the implementation of universal suffrage. I can tell Members that we have made more efforts and achieved more progress than any previous governments. Both the Hong Kong Government under Chris PATEEN before 1997 and the SAR Government led by Mr TUNG Chee-hwa after 1997 did not come to the stage of having a timetable. But we have already got a timetable. We will also do our best to consult the public on the electoral package for 2012 and formulate a package. We hope to lay a new foundation for Hong Kong and achieve more progress. Politics are the art of the possible. Now, we have a timetable for implementing universal suffrage. If all of us can seek common grounds while tolerating differences, I believe that in the next 12 years, the methods for electing the Chief Executive and Legislative Council Members can be gradually liberalized, and universal suffrage can thus be achieved in the end. At the same time, it will also be possible to make the executive and the legislature more accountable to the public. And, Hong Kong will mature in terms of elections and democracy. Universal suffrage is thus an attainable goal.

With these remarks, President, I hope that Members can vote against Dr Margaret NG's original motion and Mr CHEUNG Kwok-che's amendment. I hope that they can support Mr Abraham SHEK's amendment. Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Mr Abraham SHEK to move his amendment to the motion.

**MR ABRAHAM SHEK** (in Cantonese): President, I move that Dr Margaret NG's motion be amended.

**Mr Abraham SHEK moved the following amendment:**

"To add "in 2012" after "and election of the Legislative Council"; to delete "early this year" after "public consultation" and substitute with "during the first half of 2009"; to delete "functional constituencies are to be abolished and" after "clear that"; to delete "lead" after "such proposals" and substitute with "will be conducive to achieving the objective of promoting democracy, and that"; to delete "the method of" after "(a) for" and substitute with "implementing the"; to delete ", to a nomination process which is open and in accordance with Article 25 of the International Covenant on Civil and Political Rights ("ICCPR")" before "; and" and substitute with "by universal suffrage, a nominating committee has to be formed in 2017 in accordance with Article 45 of the Basic Law to nominate a certain number of candidates according to democratic procedures, and the Chief Executive will be returned by all registered electors on a "one-person-one-vote" basis, so as to comply with the principle of universal and equal suffrage"; to add "implementing the" after "(b) for"; and to delete ", to the abolition of functional constituencies and to election by universal and equal suffrage and in accordance with Article 25 of ICCPR" immediately before the full stop and substitute with "by universal suffrage, gradual and orderly progress should be made in developing democracy in accordance with Article 68 of the Basic Law, and all the members of the Legislative Council will be elected by universal suffrage in 2020, so as to comply with the principle of universal and equal suffrage"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Abraham SHEK to Dr Margaret NG's motion be passed.

**PRESIDENT** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Abraham SHEK rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Abraham SHEK has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Would 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 David LI, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted in favour of the amendment.

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr CHEUNG Kwok-che and Mr Paul TSE voted against the amendment.

Ms Miriam LAU, Ms LI Fung-ying and Mr Vincent FANG and Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted in favour of the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Sing-chi voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, 18 were in favour of the amendment, five against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 10 were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr CHEUNG Kwok-che, you may move your amendment.



**MR CHEUNG KWOK-CHE** (in Cantonese): President, I move that Dr Margaret NG's motion be amended.

**Mr CHEUNG Kwok-che moved the following amendment:**

"To add "all" after "clear that"; and to add "in one go" after "abolished"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr CHEUNG Kwok-che to Dr Margaret NG'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)

Dr Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

**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:**

Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted in favour of the amendment.

Dr Raymond HO, Dr David LI, Dr Margaret NG, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

**Geographical Constituencies:**

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Sing-chi voted in favour of the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, three were in favour of the amendment and 24 against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the amendment and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Dr Margaret NG, you may now reply and you have three minutes and 49 seconds. This debate will come to a close after Dr Margaret NG has replied.

**DR MARGARET NG** (in Cantonese): President, before I reply, I wish to point out that the voting result displayed just now was not correct because it indicated that I had cast a negative vote.

**PRESIDENT** (in Cantonese): You mean .....

**DR MARGARET NG** (in Cantonese): Never mind. I already made all points very clear in my speech.

**PRESIDENT** (in Cantonese): Dr NG, you want to .....

**DR MARGARET NG** (in Cantonese): When voting on Mr CHEUNG Kwok-che's amendment, I should have cast a positive vote.

**PRESIDENT** (in Cantonese): Dr Margaret NG, you may reply first and make a clarification after Secretariat staff has made a verification of the result.

**DR MARGARET NG** (in Cantonese): Yes.

**PRESIDENT** (in Cantonese): Dr Margaret NG, please reply now.

**DR MARGARET NG** (in Cantonese): President, I wish to thank the Members who have spoken, for their participation has enabled us to conduct a thorough discussion on my motion.

President, I am very anxious to implement universal suffrage because the governance of Hong Kong is collapsing. For this very reason, we request the Central Authorities to let us have universal suffrage as early as possible, so that a Chief Executive with the people's mandate can be elected to really lead the governing team of Hong Kong, so that we can elect Legislative Council Members who can fully and truly reflect public opinions. Maybe, the Central Authorities can realize that the SAR really has such a need, so they have given us a timetable for implementing universal suffrage. The authorities have agreed to the implementation of universal suffrage in 2017 and 2020, but if they are still so "devious" on the definition of universal suffrage, it will never be possible to rectify the governance problems in Hong Kong.

President, right at the beginning of his speech just now, the Secretary referred to judicial independence, saying that this is the strength of Hong Kong. This comment is really very "enlightening", in the sense that when the executive is collapsing and the legislature is unable to perform its functions, the Judiciary is actually the only functioning institution in Hong Kong. But being left alone, for how long can the Judiciary cope? Problems have already surfaced by now because people have been applying for judicial reviews incessantly. Even the Chief Justice has repeatedly emphasized that political issues must be settled by political means. But this is not possible in Hong Kong because we do not have a healthy political structure. But the Judiciary cannot possibly cope with the situation alone for any long time. Is this something that Hong Kong people wish to see? Is this something that the Central Authorities wish to see?

The Central Authorities may not really want Hong Kong people to enjoy democracy, but they certainly want Hong Kong to have effective and sound governance. Therefore, I hope that the Central Authorities can realize the point I mentioned above as early as possible. If the situation persists, we cannot possibly cope. The implementation of true universal suffrage is certainly the key to good governance in Hong Kong. As far as we can observe now, functional constituencies are the main issue affecting our struggle for democracy and universal suffrage. We must make efforts in this direction. All Hong Kong people must pay attention to all functional constituency Members and all functional constituency electors until genuine universal suffrage is implemented. Thank you.

**PRESIDENT** (in Cantonese): Before I put the question on Dr Margaret NG's motion to Members, I must first reply to Dr Margaret NG's query about the voting result. According to our computer record, when voting on Mr CHEUNG Kwok-che's amendment just now, Dr Margaret NG cast a negative vote. However, when she spoke just now, she already made it very clear that she supported Mr CHEUNG Kwok-che's amendment. The important point is that the vote cast by Dr Margaret NG has not affected the voting result, because in any case, Mr CHEUNG Kwok-che's amendment is not agreed by a majority respectively of each of the two groups of Members. The amendment is therefore negated.

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

(Members raised their hands)

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

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

**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 Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the motion.

Dr Raymond HO, Dr David LI, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the motion.

Ms Miriam LAU, Ms LI Fung-ying and Mr Vincent FANG abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN and Mr WONG Sing-chi voted against the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, four were in favour of the motion, 20 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the motion and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

**NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 14 January 2009.

*Adjourned accordingly at eighteen minutes to Ten o'clock.*





**Appendix 1****REQUEST FOR POST-MEETING AMENDMENTS**

**The Secretary for Transport and Housing requested the following post-meeting amendment**

**Line 3, third paragraph, page 19 of the Confirmed version**

To amend "their ratio to all the non-elderly one-person applicants is about 34%" as "their ratio to all the non-elderly one-person applicants is about 38%" (Translation)

(Please refer to line 4 to 5, third paragraph, page 3474 of this Translated version)

**Line 6 to 7, fifth paragraph, page 21 of the Confirmed version**

To amend "In the year 2006-2007, the average waiting period for non-elderly one-person applicants below 30 years of age is ....." as "In the year 2006-2007, the average waiting period for non-elderly one-person applicants is ....." (Translation)

(Please refer to line 11 to 13, last paragraph, page 3477 of this Translated version)



**Appendix I****WRITTEN ANSWER****Written answer by the Secretary for the Environment to Ms Audrey EU's supplementary question to Question 1**

As regards the number of complaints on light nuisance, the number of complaints received by the Administration in 2006, 2007 and 2008 is 68, 102 and 199 respectively. Such figures have covered complaints received by the Environmental Protection Department.

## Appendix II

## WRITTEN ANSWER

**Written answer by the Secretary for Transport and Housing to Dr Joseph LEE's supplementary question to Question 2**

The relevant data on young applicants as requested is enclosed at Annex for Members' information.

## Annex

Information on Non-elderly One-person Applicants under the age of 30 on the Waiting List

<i>Part 1</i> <sup>(1)</sup>					
<i>Year</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008</i>	<i>2008-2009 (as at end of November)</i>
Total number of applicants	9 100	12 200	13 400	14 500	15 900
Existing public rental housing tenants	3 500	4 400	3 600	3 900	4 100
<i>Part 2</i> <sup>(2)</sup>					
<i>Year</i>	<i>2004 first quarter</i>	<i>2005 first quarter</i>	<i>2006 first quarter</i>	<i>2007 first quarter</i>	<i>2008 first quarter</i>
Post-secondary education or above	(3)	14%	25%	31%	34%
Married	6%	6%	2%	5%	8%
Residing with families	77%	81%	90%	84%	85%
Median monthly income (\$)	6,000	5,500	5,500	6,000	6,800

## Notes:

- (1) Source: administrative records. The figures represent the number of non-elderly one-person applicants under the age of 30 on the Waiting List and the number of these applicants who are also public rental housing tenants as at end of the year.
- (2) Source: Survey on Waiting List Applicants for Public Rental Housing. The Survey is conducted between January and March annually. The figures represent the percentage of non-elderly one-person applicants under the age of 30 on the Waiting List in the first quarter of the year, who have attained academic qualification up to post-secondary education or above, who are married and who are residing with families, and their median income.
- (3) Information on the education level of the respondents was not collected in the Survey on Waiting List Applicants for Public Rental Housing 2004.

**Appendix III****WRITTEN ANSWER****Written answer by the Secretary for Food and Health to Mr Fred LI's supplementary question to Question 6**

There are around 260 to 280 vegetable vehicles entering Hong Kong via Man Kam To daily. When the vegetable vehicles arrive at the Man Kam To Control Point (MKTCP) in Hong Kong, officers of the Centre for Food Safety will check the relevant documents, namely the certificate of pesticide usage for vegetables supplied to Hong Kong and Macao and inspection card of vegetables supplied to Hong Kong and Macao, of around 30% of the vegetable vehicles. Among the vehicles checked, officers would examine at random whether the seal on the vegetable vehicle remains intact, inspect the vegetables and take vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis. In 2007 and 2008, a total of about 57 000 vegetable vehicles were inspected at the MKTCP, and there was no report of cases involving vegetable source not tallying with accompanying documents.

## Appendix IV

**WRITTEN ANSWER****Written answer by the Secretary for Food and Health to Ms Starry LEE's supplementary question to Question 6**

Overall speaking, the safety of food available in Hong Kong is maintained at a high standard. With over 66 000 food samples tested in 2008 at import, wholesale and retail levels by the Centre for Food Safety (CFS), the satisfactory rate stood at around 99%. For testing on vegetables, the satisfactory rate is 99.9%.

In 2008, the CFS conducted tests on 19 200 samples of vegetables. According to Hong Kong Merchandise Trade Statistics, Hong Kong imported 589 000 tonnes of mainland vegetables in 2007. During January to October 2008, Hong Kong imported 493 000 tonnes of mainland vegetables.

When compared with other overseas jurisdictions, Hong Kong in general has a higher number of food samples tested per 1 000 population. Please refer to the table at Annex summarizing the number of food samples taken for testing in Hong Kong and other overseas jurisdictions, showing that our efforts in food surveillance are broadly in line with our international counterparts. It is worth noting that Hong Kong's scale of food testing has been described as "extensive" and "massive" in a report issued by a Committee of the US House of Representatives<sup>1</sup>. The report also noted that "on a per capita basis, the United States laboratory testing on food imports pales by comparison".

With a high per capita number of food samples and with vegetable samples making up close to 30% of the total samples, the number of vegetable samples tested by the CFS can hardly be considered insufficient. In comparison, according to information obtained from the Agri-Food and Veterinary Authority of Singapore, about 11 100 vegetable samples are tested by Singapore annually as in 2007, which makes up about 12% of the total number of food samples tested. The corresponding figure in Hong Kong is 19 200 vegetable samples over 66 726 food samples (29%).

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<sup>1</sup> Report of the Committee on Energy and Commerce of the US House of Representatives (October 2007)  
<[http://energycommerce.house.gov/Press\\_110/110-rpt.100407.ChinaTripReport.pdf](http://energycommerce.house.gov/Press_110/110-rpt.100407.ChinaTripReport.pdf)>

**WRITTEN ANSWER** — *Continued*

## Annex

## Comparison on the Number of Food Samples Tested Annually

	<i>Hong Kong</i>	<i>Singapore</i>	<i>Denmark</i>	<i>Republic of Korea</i>	<i>Canada</i>	<i>New South Wales, Australia</i>	<i>Germany</i>
No. of food samples (Year)	66 726 (2008)	90 427 <sup>(2)</sup> (2007-2008)	40 000 <sup>(3)</sup> (2003)	111 607 <sup>(4)</sup> (2004)	38 000 <sup>(5)</sup> (2004-2005)	5 000 <sup>(6)</sup> (2007-2008)	4 356 <sup>(7)</sup> (2006)
Population (Thousand)	6 985	4 588	5 364	47 817	32 300	6 731	82 314
No. of samples per capita (per 1 000 population)	9.5	19.7	7.5	2.3	1.2	0.7	0.05

## Notes:

- (2) Annual Report 07/08 of Agri-Food and Veterinary Authority, Singapore  
<<http://www.ava.gov.sg/NR/rdonlyres/0676D1EB-C401-4038-9D8D-84A01B52DD27/22435/AVAEditorial.pdf>>
- (3) Food contamination monitoring and food borne disease surveillance at national level, Second FAO/WHO Global Forum for Food Safety Regulators, GF02/10 (October 2004)
- (4) Presentation at the 4th International Workshop on Total Diet Studies, 23 to 27 October 2006 by Food and Drug Administration, Republic of Korea
- (5) Canadian Food Inspection Agency
- (6) NSW Food Authority Annual Report 2007-08  
<[http://www.foodauthority.nsw.gov.au/\\_Documents/corporate\\_pdf/annual-report-2007-08.pdf](http://www.foodauthority.nsw.gov.au/_Documents/corporate_pdf/annual-report-2007-08.pdf)>
- (7) National Food Monitoring Report 2006, Germany Federal Office of Consumer Protection and Food Safety  
<[http://www.bvl.bund.de/cln\\_007/nn\\_536900/EN/01\\_Food/05\\_LM\\_Monitoring\\_en/01\\_Reports\\_LM\\_Monitoring/abstract\\_report2006.html](http://www.bvl.bund.de/cln_007/nn_536900/EN/01_Food/05_LM_Monitoring_en/01_Reports_LM_Monitoring/abstract_report2006.html)>201