

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 29 April 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 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.

MEMBERS ABSENT:

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

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

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

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

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

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

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

DR KITTY POON KIT, J.P.
SECRETARY FOR THE ENVIRONMENT

MR GREGORY SO KAM-LEUNG, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS VIVIAN KAM NG LAI-MAN, 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)

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>
Fixed Penalty (Smoking Offences) Regulation	66/2009
Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice	67/2009
Import and Export (General) Regulations (Amendment of Fourth and Fifth Schedules) Order 2009	68/2009
Prevention and Control of Disease (Amendment) Regulation 2009	71/2009
Prevention and Control of Disease Ordinance (Amendment of Schedule 1) (No. 2) Notice 2009.....	72/2009

Other Papers

- No. 86 — Annual Report and Financial Report 2007/08 of the Vocational Training Council
- No. 87 — HKSAR Government Scholarship Fund Audited Financial Statements together with the Report of the Director of Audit for the period from 3 March 2008 (date of establishment of the Fund) to 31 August 2008

No. 88 — Language Fund
Audited Statement of Accounts together with the Report of
the Director of Audit for the year ended 31 August 2008

Report of the Bills Committee on Adaptation of Laws Bill 2009

Report of the Bills Committee on Public Health and Municipal Services
(Amendment) Bill 2008

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Problems Caused by Wild Pigs

1. **MR LAU WONG-FAT** (in Cantonese): *President, since I raised on 17 December last year a written question in this Council on the problems caused by wild pigs, a spate of incidents which involved wild pigs intruding into villages and urban areas have occurred again. On the 7th of this month, a wild pig even intruded into Ying Pun Ha Village in Tai Po, attacking and injuring a villager by biting him. In this connection, will the Government inform this Council whether the government departments concerned have considered adopting new measures to solve the aforesaid problems, which are getting increasingly serious?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, under the current arrangements, upon receiving confirmed reports of wild pigs threatening human safety and property by the police, the District Offices or the Agriculture, Fisheries and Conservation Department (AFCD), the wild pig hunting teams will be notified to arrange for hunting operations to reduce the threats posed. In Hong Kong, there are at present two wild pig hunting teams consisting of civilian volunteers. Members of the hunting teams must have special permits issued by the AFCD under the Wild Animals Protection Ordinance (Chapter 170) and arms licences issued by the police before they are able to participate in wild pig hunting.

The Government is very concerned about the incident that occurred in Ying Pun Ha Tsuen, Tai Po on 7 April 2009 in which a villager was injured by a wild pig when he tried to chase the animal away. Upon receiving the report, the AFCD carried out an immediate field investigation with the Tai Po Wild Pig Hunting Team. With the assistance of local villagers, the hunting team has placed baits in the area in a bid to lure wild pigs to suitable locations for hunting.

Since the incident, the AFCD has advised the local villagers that when encountering wild pigs again, they should keep calm and stay away from them as far as possible, and they must not get near them or drive them away with any objects lest there should be danger. At the same time, they should call 999 immediately so that police officers can be sent to the scene to take action to protect the residents. If the wild pigs have left, villagers may call the government hotline 1823 to inform the AFCD to take follow-up actions.

To reduce the threats posed by wild pigs on human safety and property, the Tai Po Wild Pig Hunting Team has had in place an additional deputy team leader since early this year so that the team can carry out more hunting operations. Furthermore, the AFCD will continue to monitor the situation closely and recommend preventive measures to residents affected by wild pigs, such as installing fences, additional lighting or solar-powered electric fencing at their residence and agriculture field. The Government will also enhance publicity and education. The AFCD published a leaflet entitled "Hong Kong Wild Pigs" to provide information on safety guidelines and preventive measures, and copies have been distributed to residents or units affected. The pamphlet could also be downloaded from AFCD's website.

MR LAU WONG-FAT (in Cantonese): *President, in the last written reply, Secretary YAU indicated that the AFCD will recommend to villagers preventive measures in respect of wild pigs. That said, the proposals of installing fences, additional lighting or solar-powered electric fencing at agriculture field all involve money, which villagers may not be able to afford. Can the Government consider funding or subsidizing the villagers for installing the solar-powered electric fencing in order to safeguard their lives and property?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Regarding wild pigs in Hong Kong, there really has been an increase in the number of complaints

in recent years, and the AFCD has issued guidelines correspondingly. However, we are aware that the appearance of wild pigs has come under control recently. In 2006, the number of wild pigs hunted increased as compared with 2007 and 2008. This March, we saw a drop in the figure, with only 13 caught in the first three months. Therefore, we believe that after carrying out the operations for two to three years, the wild pig problem in Hong Kong has been brought under control. We will continue to monitor the development closely.

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

MR LAU WONG-FAT (in Cantonese): *The Government recommended the use of solar-powered electric fencing to villagers but I have pointed out that such measures involve money. I would like the Secretary to answer, has the Government considered funding or subsidizing the villagers for installing the solar-powered electric fencing? I am asking if the Government would consider doing so.*

PRESIDENT (in Cantonese): Your supplementary question is clear. Secretary for the Environment, the Member asked in his earlier supplementary question whether the Government can provide subsidies.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, we consider the existing system effective and have not considered providing subsidies in this respect for the time being.

DR SAMSON TAM (in Cantonese): *Wild pigs are posing problems and in particular, with the emergence of the swine flu lately, people are all the more concerned, not knowing if wild pigs will cause another epidemic. We know that there are two wild pig hunting teams at present, but manpower for these two voluntary teams is clearly inadequate. Have the authorities any plans to add one more wild pig hunting team, or have they considered how this problem can be tackled?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, at the moment, Hong Kong has two hunting teams, each comprising 15 members. They are all civilian volunteers and can participate in hunting having secured arms licences issued by the police and special permits issued by the AFCD. We are aware that hunting carried out by these two hunting teams in Hong Kong is very effective. Under the current circumstances, we consider there is sufficient manpower to handle the appearance of wild pigs. Actually, for the past three years, there was only one case each year in which people were injured by wild pigs. Thus, the advice of the AFCD is that if wild pigs are spotted and are posing threats to personal safety, the police should be called in to solve the problem. If the wild pigs have left, reports can be made to the AFCD, and we will assess the situation to see if there is any need to dispatch the hunting teams to track and follow up.

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

DR SAMSON TAM (in Cantonese): *President, do the authorities think that manpower at present is not enough? The Secretary said only one person was injured each year. Does it mean that we will have to wait till more people are injured before manpower will be increased?*

PRESIDENT (in Cantonese): I believe the Secretary has answered your supplementary question. You asked in your supplementary question if there would be more hunting teams but the Secretary has replied in the negative.

MR FRED LI (in Cantonese): *President, currently, the only return for the hunting teams is that team members can consume the wild pig caught by them. I have talked with those team members, they have to fork out the money and make the efforts, rendering the hunt a tough task. President, the hunting teams even have to pay for the ammunition for hunting wild pigs and they do not have any insurance cover. The Government has not provided them with any insurance, but their late-night operations are very dangerous. I would like to ask the Government why they have to provide for themselves even for the basic items, including their personal insurance? Why does the Government not provide personal safety insurance? Has the Government considered this?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, at the moment, members of the hunting teams are very experienced, they have to undergo training and sit for examinations before participating in hunting. Therefore, we believe they can protect themselves. Of course, they will inform the police every time before their operation. Thus, we can guarantee that their operations are only carried out under suitable circumstances. For the time being, we consider this an effective system and have not considered providing other plans for subsidies.

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

MR FRED LI (in Cantonese): *President, she has not answered why insurance is not provided and why they have to buy their own ammunition. She has failed to answer my supplementary question completely.*

PRESIDENT (in Cantonese): Secretary, please answer why they have to take out their own insurance and buy their own ammunition.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, at present we will ask them to take out insurance. Regarding subsidy, we consider the existing arrangement appropriate and thus have no plans for other subsidies for the time being.

MR CHEUNG HOK-MING (in Cantonese): *President, the appearance of wild pigs has become too common a scene. In some areas, wild pigs run amok at night. When the Government replied to Mr LAU Wong-fat's question earlier, it said there are now two hunting teams but I think they are far from enough. Would the Government consider learning from some folk wisdom? These are the methods which we residents of the New Territories would employ when we were young, for instance, digging trenches and form puddles and installing wires to hunt the wild pigs. In the past, wild pigs caught were used for consumption but now, they can be handed over to the hunting teams to be shot. Would the Government consider using this method? Otherwise, if the villagers hunt the wild pigs themselves, they may break the law.*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I fully concur with what is said above. We in fact do not encourage people to handle the wild pigs themselves. If their personal safety is at risk, we hope they will inform the police. If wild pigs appear or have left, the AFCD should be informed for follow-up action. We have tried to catch them by other means but hunting remains the most effective way. If we set traps or cages, the safety of other residents may be affected. Therefore, we do not consider those methods very suitable.

MR CHAN KAM-LAM (in Cantonese): *President, the Secretary pointed out in the main reply that last year, a deputy team leader has been added so that more hunting operations can be carried out by the hunting teams. I would like to know how many additional operations could there be with an additional deputy team leader? What are the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, the reason for having an additional deputy team leader is that the deputy team leader can lead the members for hunting operations when the need arises. In other words, the number of hunting operations can be increased. Currently, we have not encountered any circumstances whereby no members or leaders are available when the villagers request action by the hunting teams. Therefore, we are still of the opinion that the existing situation is appropriate and sufficient.

DR LAM TAI-FAI (in Cantonese): *Right now we are experiencing an outbreak of swine flu and after some time, the mention of pigs may make people feel scared, thus, this question can serve to make people vigilant. I would like to know if the Government has compiled statistical figures or made estimation on areas with wild pigs appearance and made them public, or has the Government put up some signs warning people against entering those areas? Moreover, many residents of the New Territories would also like to know if wild pigs or their droppings would spread swine flu.*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): The AFCD has fitted infrared installations in some places for shooting images. Based on the photos we have taken for the same period, we have worked out where different

animals appear in different places. We discover that wild pigs tend to appear more in some parts of the New Territories, for example, the Northern District, Tai Po, areas around Shing Mun, and we also find out that wild pigs frequent places like forests, grasslands and agriculture fields more, they mainly come out at night for food. We can see some pattern for their appearance but as the reproductive ability of wild pigs is relatively strong, with up to two pregnancies each year bearing a litter of four to eight piglets each time, it is therefore not easy to give a precise estimate.

DR LAM TAI-FAI (in Cantonese): *I would like to ask if wild pigs and their droppings spread swine flu?*

PRESIDENT (in Cantonese): Dr LAM Tai-fai, you raised two different questions earlier, you had better wait for your turn to speak.

MR WONG SING-CHI (in Cantonese): *The Secretary said earlier that wild pigs appear in many places in the New Territories. At the moment, there are only two wild pig hunting teams formed by civilian volunteers, may I ask the Secretary if this is adequate? If the Secretary thinks so, why are there still so many wild pig appearances in many places in the New Territories causing nuisance to the people? Are the government departments simply over optimistic in handling this problem? In the long run, can the Government consider what more effective measures there are to spare the large number of villagers in the New Territories of attacks and nuisances caused by wild pigs?*

PRESIDENT (in Cantonese): According to the regulations governing the raising of questions, Members can only ask one supplementary question. Would Members please be explicit when raising their supplementary questions.

MR WONG SING-CHI (in Cantonese): *President, in fact, I would like to ask the Secretary what other effective methods are there to solve the wild pig problem? It is because two hunting teams are obviously insufficient.*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, we consider the existing arrangement sufficient. According to figures, the hunting teams carried out 119 operations in 2007, 159 in 2008, and for January to March this year, the number stood at 33. Under the present circumstances, we have not encountered any manpower shortage when villagers request for operations by the hunting teams. Thus, we consider the existing situation effective.

MR IP KWOK-HIM (in Cantonese): *Ever since people have been injured by wild pigs, I am really very worried as the situation is getting more and more serious. I note that in replying to questions, the Secretary also mentioned that at present, farmers would be recommended to install fencing, additional lighting and solar-powered electric fencing and the like at their agriculture field, but all these facilities are a very big burden for the farmers. In face of this trend, that is, the safety of farmers being threatened, I would like to know if the Government has considered providing subsidies for local farmers so that they can be protected in their homeland?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, wild pigs appearances are sporadic, and if we have to assess how to subsidize them, this would be a real big challenge. Furthermore, currently, we are advising the villagers not to drive them away. If there is danger, they should call the police or the AFCD. Just as I said earlier, at the moment, there is only one case of injury each year, and the situation is therefore under control.

MR IP KWOK-HIM (in Cantonese): *She has not answered my supplementary. I asked clearly if there would be any subsidies. The Government has made many recommendations*

PRESIDENT (in Cantonese): Mr IP, some Member has raised this point earlier. I would see if the Secretary has anything to add.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, we do not have any plans in this regard for the time being.

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

Vacant Military Sites in Hong Kong

2. **MS CYD HO** (in Cantonese): *Regarding the military sites in Hong Kong, will the Government inform this Council:*

- (a) *whether it knows, as at 30 June 1997, the respective numbers of Gurkhas serving in the British Garrison in Hong Kong and their family dependents, together with a breakdown by the military sites at which they were stationed or accommodated at that time, as well as indicating on a map which military sites were used for defence purposes and which were for accommodating family dependents;*
- (b) *whether it knows the total number of members of the People's Liberation Army Hong Kong Garrison (PLA Garrison) and their family dependents; whether each member of the PLA Garrison may bring along family dependents to Hong Kong; if not, which ranks of members may bring along family dependents; the number of sites which were used for accommodating family dependents of the British Garrison are now within the purview of the PLA Garrison, and whether such sites are currently used for defence purposes; given the keen demand for land in the process of urban development, whether the authorities have considered negotiating with the departments concerned under the Central People's Government the handing over of vacant military sites to the Government of the Special Administrative Region (SAR); if they have considered, of the relevant details; if not, the reasons for that; and*
- (c) *given that the Exchange of Notes between the Chinese Government and the British Government on the arrangements for the future use of the military sites in Hong Kong in 1994 contains the following statement by the Chinese Government that "if a site used by the Garrison is no longer needed for defence purposes, it shall be handed over, without compensation, to the Government of the Hong Kong Special Administrative Region for disposal", how and by which*

side the procedure for handover of military sites can be activated; of the number of military sites handed over through this procedure hitherto?

SECRETARY FOR SECURITY (in Cantonese): President,

- (a) The Administration does not have information regarding the respective numbers of Gurkhas serving in the former British Garrison in Hong Kong and their family dependents, nor the sites at which they were stationed or accommodated respectively.
- (b) Article 14 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China provides that the Central People's Government shall be responsible for the defence of the SAR. Article 3 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (the Garrison Law) provides that the Hong Kong Garrison of the Chinese People's Liberation Army (hereinafter referred to as the Hong Kong Garrison) shall be subject to the direction of the Central Military Commission of the People's Republic of China and the number of its members shall be determined according to the need for the defence of the SAR.

Information on the total number of members of the Hong Kong Garrison and their family dependents, whether members of the Garrison may bring along their family dependents to Hong Kong, and the precise use of the military sites are defence matters of the Hong Kong Garrison. The Administration does not have such information. Nor does the Administration have information on the sites under the charge of the Hong Kong Garrison that were previously used to accommodate family dependents of the former British Garrison.

We understand that all the military sites of the Hong Kong Garrison are used for defence purposes.

- (c) Article 13 of the Garrison Law provides that any land used by the Hong Kong Garrison for military purposes, when approved by the Central People's Government to be no longer needed for defence purposes shall be turned over without compensation to the SAR Government for disposal. If the SAR Government requires for public use any part of the land used for military purposes by the Hong Kong Garrison, it shall seek approval of the Central People's Government. The SAR Government shall in return provide land and military facilities for the Hong Kong Garrison at such sites as agreed to by the Central People's Government, and shall bear all the expenses and costs entailed.

Since 1 July 1997, the military sites of the Hong Kong Garrison have all along been used for defence purposes. No military site has been turned over to the SAR Government for disposal.

MS CYD HO (in Cantonese): *President, the Administration is really irresponsible for it has not provided any information. In the eyes of the public, the Secretary has not provided any information here at all. President, I have asked this main question in the light of two present needs of the community: first, the universities — the City University of Hong Kong (CityU) and the Hong Kong Baptist University (HKBU) need sites for the construction of student hostels. They can actually use the Osborn Barracks used to accommodate family dependents of the former British Garrison on Luen Fook Road in Kowloon Tong; second, the site identification for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link affects the residents of the Choi Yuen Village in Shek Kong, but, the site of the Shek Kong Barracks can actually be selected for it is almost completely vacant. We would like to ask the Government: in view of the actual needs of the community, should it consider this, and should it activate the procedure concerning the existing military sites in accordance with the provisions of the Garrison Law and the Memorandum of Understanding exchanged between the Chinese Government and the British Government in 1994? I would like to ask how the Government is going to activate the procedure. Is the Government afraid of it or is it so indulged in self-censorship that it dares not fight or even make a request on behalf of the community despite these actual needs?*

SECRETARY FOR SECURITY (in Cantonese): President, Ms Cyd HO has actually mentioned a short while ago the two mechanisms for the handing over of military sites to the SAR Government. Firstly, if the Central Government thinks that a military site is no longer needed for defence purposes, it shall be handed over, without compensation, to the SAR Government. Secondly, if the SAR Government finds it necessary to use a site that was used by the Garrison, a request can be made to the Central People's Government. With the consent of the Central People's Government, we can then obtain and use the site but we have to offer the Garrison another site as compensation and provide certain facilities. These mechanisms are very obvious. The first mechanism should be activated by the Central Authorities because they will decide upon which sites are no longer needed; the second mechanism should be activated by the SAR if we need to use a site.

Ms Cyd HO has just said that two sites can be used for development purposes, but I do not know that, probably because they are not under the purview of the Security Bureau. However, I can convey the issue to the Policy Bureau concerned for it to ascertain if the sites are really needed. If they are needed, we will consider making a request through the first or second channel. Nevertheless, under the present circumstances, the mechanism for obtaining a military site should be activated through the second channel.

PRESIDENT (in Cantonese): Ms HO, which part of your supplementary question has not been answered?

MS CYD HO (in Cantonese): *The Secretary's answer is very brief. In fact, my supplementary question is about how he will activate the mechanism, and I hope he would go into details. Though he has just given a brief explanation, I hope the Secretary would submit a supplementary paper to illustrate how the request would be made to the Central Government. Through which through the Security Bureau to be sure, but would inter-departmental efforts be made? What is the role to be played by the Legislative Council? To which Central Government agency would the request be made? Is it the State Council? How will the matter be referred to the PLA Garrison in Hong Kong and discussed with it?*

PRESIDENT (in Cantonese): Secretary for Security, can you submit a supplementary paper?

SECRETARY FOR SECURITY (in Cantonese): President, if we have supplementary information that can be disclosed, I can provide it to Members. (Appendix I)

MR LEE WING-TAT (in Cantonese): *President, the Secretary's answer is very simple and it has not provided any information at all. Although we know that, under the Basic Law, the Central Government shall be responsible for the defence of the SAR, some of the sites used by the PLA Garrison are actually located within the urban areas, and are apparently very valuable. As the public can see, many former barracks are almost completely vacant. If the Secretary and his colleagues, including Secretary Carrie LAM who is in charge of land matters, fail to address this issue squarely, the public would feel discontented because the sites have been vacant and left unused for quite some time.*

President, I want to follow up one issue. Since the reunification in 1997, have Policy Bureaux actually tried to conduct some sort of land use checks? The Government frequently conducts inventory checks to ascertain if articles have been damaged or left unused. As land is so valuable, has the Secretary and Secretary Carrie LAM attempted to check if the sites have been used and whether they have been effectively used instead of allowing the sites to be left vacant and unoccupied?

SECRETARY FOR SECURITY (in Cantonese): President, I do not quite understand what the land use checks in Mr LEE Wing-tat's question are about. Is he mainly referring to military sites, that is, the sites used by the Garrison? I hope he is not talking about checks on all sites across the territory.

MR LEE WING-TAT (in Cantonese): *President, of course, I am referring to the checks conducted on the sites used by the PLA Garrison. The Government*

Property Agency also conducts checks on many government buildings to see if the units are vacant or leased out. I have just asked if the Secretary has conducted checks on these sites.

SECRETARY FOR SECURITY (in Cantonese): President, I now understand Mr LEE's supplementary question. First of all, under the Basic Law, the Central Government shall be responsible for the defence of the SAR. I also understand Mr LEE's opinion but the SAR Government does not have the right and should not intervene in the sites used for defence purposes and the ways in which these sites are used. President, it is because these are defence matters. So, I can simply answer his supplementary question this way: we have not done so.

MS EMILY LAU (in Cantonese): *President, Ms Cyd HO has asked a question about the numbers of members of the British Garrison in Hong Kong before the transfer of sovereignty in 1997 and the numbers of members of the PLA Garrison at present, but the Secretary has said that no such figures are available. President, I think the Secretary and his colleagues are very lazy. The Annual Reports in 1996 and 1997 contain figures on the number of members of the British Garrison in Hong Kong. President, in the year 1990-1991, there were 11 000 members of the British Garrison in Hong Kong; between 1994 and 1996 when the British Garrison was about to leave Hong Kong, there were 3 250. The figures were highly transparent. President, he did not even want to check the Annual Reports, and he just said he did not know. At present, how many members of the PLA Garrison are there in Hong Kong? Why can this not be told to the public? President, we understand that it is the Central Military Commission's business but the PLA Garrison is stationed in Hong Kong, this is the most basic requirement for transparency. The public wants to know if there are 5 000, 10 000 or 100 000 members of the PLA Garrison here, or, the numbers of members of the PLA Garrison in Hong Kong. Why can the numbers not be disclosed? President, the British Hong Kong Administration already disclosed the numbers in the Annual Reports back then. Is there a great regression? What should be done? President, I have asked him several times for the reasons.*

PRESIDENT (in Cantonese): Secretary for Security, why can they not be disclosed?

SECRETARY FOR SECURITY (in Cantonese): President, the Government really does not have these figures, so, I cannot answer the supplementary question just asked by Ms Cyd HO and the supplementary question of Ms Emily LAU.

MS EMILY LAU (in Cantonese): *President, I have precisely asked if the Administration understands that Hong Kong people are very interested in such information. Frankly speaking, people are very interested in the PLA especially when June 4 is approaching*

PRESIDENT (in Cantonese): Ms LAU, the question you just raised is

MS EMILY LAU (in Cantonese): *Should the Administration let Hong Kong people know that and tell the Central Authorities that Hong Kong needs greater transparency? Is that alright?*

PRESIDENT (in Cantonese): Ms LAU, you have just asked why the Secretary for Security does not have the information. Secretary for Security, can you answer the question?

SECRETARY FOR SECURITY (in Cantonese): President, as we think that the Central Government shall be responsible for defence matters, we have not got such information all along. Ms Emily LAU has just said that Hong Kong people are very concerned about the information and asked me whether they can obtain the information. I have heard Ms LAU's opinion and we will consider whether we can find such information.

MRS REGINA IP (in Cantonese): *President, Secretary Ambrose LEE has just said that he does not have records of the numbers of family dependents of*

Gurkhas serving in the British Garrison in Hong Kong before the reunification. That is understandable because they have already left and we do not have files of the British Garrison; we cannot possibly have access to the British Military files. But, I would like to ask the Secretary: Is it possible to find from a sub-category of the registration of persons record of the Immigration Department how many family dependents of Gurkhas, that is, Nepalese people, have the right of abode in Hong Kong, and to deduce from that the numbers of their family dependents who have lived in Hong Kong over the years?

SECRETARY FOR SECURITY (in Cantonese): President, I think we cannot make a deduction. We have some figures, that is, the figures provided by the Census and Statistics Department each year, which tell us the different nationalities making up our population, and how many people there are in Hong Kong at the end of a year. We have such figures every year, telling us how many residents are of American, British and Nepalese nationalities. I worked in the Immigration Department before; if I have not made a mistake, my memory tells me that there were only several hundred, that is, about 400 to 500, residents of Nepalese nationality before 1997. However, after 1997, many children of the Gurkhas who served in the British Garrison in Hong Kong before were born in Hong Kong. They have Hong Kong birth certificates and they can return to Hong Kong and they have the right of abode in Hong Kong by birth. For a few years after 1997, many descendants of the Nepalese Gurkhas have come back to Hong Kong. If I have not remembered the wrong numbers, there are currently some 10 000 Nepalese people like them in Hong Kong, and the majority are descendants of the Gurkhas. Nevertheless, I cannot deduce from these figures how many Gurkhas there were at the time because there is no scientific method available for making a deduction.

MS AUDREY EU (in Cantonese): *President, the Secretary said when he answered Ms Cyd HO's question a while ago that, if sites were used for non-military purposes, other sites should be offered as compensation. However, Article 13 of the Garrison Law clearly provides that, any land that is no longer needed for defence purposes shall be turned over without compensation to the SAR Government. However, if land resumption is required for public reasons but the Central Government still needs to use the sites for defence purposes, the*

Hong Kong Government should offer sites as compensation. Thus, I would like to know the crux of the matter, that is, the numbers of members of the Garrison and their family dependents in Hong Kong. We would then know if there is a need for so many sites.

In that case, I would like to ask the Secretary a question: Why can he not tell us the total number of the members of the Garrison and their family dependents in part (b) of his main answer? Have the members of the PLA Garrison brought along family dependents to Hong Kong and how many are there? And, if he looks up the information in the Garrison Law, Article 16(b) in Chapter IV clearly provides that members of the Hong Kong Garrison shall abide by national laws and the laws of the SAR. There should be records of their entry to and exit from the territory, and there should be records of the numbers of their family dependents who have come to Hong Kong. Why can the SAR Government not tell us the numbers of the members of the Garrison and their family dependents in Hong Kong right now? If it can, we would know and we would be able to deduce whether so many sites that should be used for military purposes and have been so designated are needed.

Furthermore, as stated in the Secretary's answer, we understand that — the Secretary has just said we understand that — all the military sites of the Hong Kong Garrison are used for defence purposes but it is apparently not what we have noticed. Therefore, I would like to ask the Secretary why he cannot tell us even the numbers. If he cannot give us simple figures like these, what is the Immigration Department actually doing?

SECRETARY FOR SECURITY (in Cantonese): President, we really do not have records of the numbers of the members of the Garrison. Certainly, we have statistical figures on their entry to and exit from Hong Kong but those are figures on their movement, which do not tell us the numbers of the members of the Hong Kong Garrison. As a Member has just said, some members of the public have found that some former barracks of the family dependents of the members of the British Garrison seem to be vacant. Does this mean that the sites are no longer used for defence purpose? We cannot make a judgment too arbitrarily because the final decision on the defence purpose of a military site should be made by the Ministry of National Defence of the Central Government; the Hong Kong

Government or Hong Kong people cannot request for a site to be handed over to the Government because they found that nobody has been living there for two months. I think that is not feasible. Hence, I have just referred to two mechanisms: first, if the Central Government thinks that it is no longer suitable for a site to be used for defence purpose, it will be handed over to the Hong Kong Government without compensation; second, if we think that the site should be used, we have to offer another site in exchange and provide all the facilities. If we need to use some military sites for infrastructural development or education purposes, we should activate the second mechanism.

MS AUDREY EU (in Cantonese): *It seems that he has not answered my supplementary question. The core of my supplementary question is that, under Article 16(b) in Chapter IV of the Garrison Law, members of the Hong Kong Garrison shall abide by the laws of Hong Kong. That is why I am asking the Secretary for Security: since he is in charge of immigration matters, how can he not have records of the numbers of the members of the Garrison? Even if they are members of the transient population, we should have their names and their purposes for visiting Hong Kong. President, if he cannot give an oral explanation, can he provide supplementary information in writing?*

PRESIDENT (in Cantonese): Ms EU, I have just heard that the Secretary for Security has already answered your supplementary question.

MS AUDREY EU (in Cantonese): *According to the law, they should abide by the laws of Hong Kong when they enter and exit from the territory, and there should be records, why is it that even the numbers Besides, I have also asked a question about their family dependents. Why do they not know the numbers of their family dependents as well? President, I am not asking for their names.*

PRESIDENT (in Cantonese): Secretary for Security, please answer Ms EU's follow-up question.

SECRETARY FOR SECURITY (in Cantonese): The members of the Garrison have always observed the law of the SAR; and we have performed passenger clearance when they enter and exit from the territory. However, as I have just said, we have their immigration records, which are not the numbers of the members of the Garrison because the numbers only indicate their movements.

PRESIDENT (in Cantonese): This Council has spent more than 19 minutes on this question. Now the last supplementary question.

DR MARGARET NG (in Cantonese): *President, whether the use of a military site is needed is certainly up to the Central Authorities to decide, but, why has the Secretary not even asked? While he is holding the post responsible for the governance of the SAR, how can he not even asked how many people there are? Has he asked but the Central Government has not told him, or has he not asked?*

SECRETARY FOR SECURITY (in Cantonese): If we have the need, as a Member has just said, if the information is useful for obtaining a site, I do not rule out the possibility that we will ask the question. But, the SAR Government has not asked the Central Government to give us any sites so far.

DR MARGARET NG (in Cantonese): *President, I have asked him if he has asked a question about the numbers of people. Has he asked but the Central Government has not told him, or has he not asked?*

PRESIDENT (in Cantonese): I have just heard that the Secretary for Security has already answered the last question you have put. Secretary for Security, do you have anything else to add?

SECRETARY FOR SECURITY (in Cantonese): President, we think that so far it is not necessary for us to ask the question.

MR RONNY TONG (in Cantonese): *A point of order, President. I have noted from the Secretary's answer that he does not want to specify on behalf of the Immigration Department what is acceptable supporting document or supplementary information. President, Members are given the constitutional rights to raise questions under the Basic Law. Sub-paragraph 6 of Article 62 and Article 64 of the Basic Law specify that the Government shall answer questions raised by members of the Council. If the Secretary is not ready to answer the Member's question on behalf of the Immigration Department, President, should we ask the Government to specify that a representative should be designated by the Immigration Department to answer the question raised by the Member?*

PRESIDENT (in Cantonese): Mr TONG, I do not think it is a point of order. You do not find the Secretary's answer satisfactory; it is about the content of the answer and I do not think it is a point of order.

MR RONNY TONG (in Cantonese): *Actually, the Secretary has said that the question is not for him but for the Immigration Department to answer. President, this is not a constitutionally acceptable answer.*

PRESIDENT (in Cantonese): Mr TONG, though you think that this is not a constitutionally acceptable answer, a point of order should be purely about the rules of order in this Council. I think your question is not about a point of order, so, we should

MR RONNY TONG (in Cantonese): *Concerning the procedures to be followed, should the Legislative Council request the Secretary to postpone the discussion about this issue and to give an official answer when the official designated by the Immigration Department is present? Or, can we make such a request according to the procedures to be followed?*

PRESIDENT (in Cantonese): After all, I do not think this is a point of order about changes to the Agenda that is in progress. However, we would like to tell

the Secretary that a Member has made a request and raised an issue; if the Secretary as the designated official cannot answer the question, he is requested to obtain an answer from the department concerned and then give the Member an answer. Secretary, please follow up this request.

DR MARGARET NG (in Cantonese): *President, I would like to ask why this is not a point of order. Under the current procedures, after a Member has raised a question, a suitable official for answering the question should be designated by the Chief Executive. If the official designated by the Chief Executive says that it is unsuitable for him to answer the question, the question will remain unanswered; why is this not a point of order, President? He has not given an answer according to our procedures, why is this not a point of order?*

PRESIDENT (in Cantonese): Dr NG, it frequently happens that, after an official has answered a Member's question, the Member thinks that the official has not answered the question. This is something to do with the content of the official's answer, which I do not regard as a point of order. But, a Member

MR RONNY TONG (in Cantonese): *I am not saying that he does not know how to give an answer; he has said that he does not want to give an answer on behalf of the Immigration Department, President. He does not want to do so on behalf of*

PRESIDENT (in Cantonese): Mr TONG

MR RONNY TONG (in Cantonese): *I am not saying that we do not find his answer satisfactory, but, according to him, he should not be the one to answer the question.*

PRESIDENT (in Cantonese): Mr TONG, I believe that this opinion of yours has been dealt with. If Members object to the way in which this matter is handled,

we can have discussions about whether this is a point of order outside the meeting. Yet, I do not want this to affect the course of our meeting. So, I call upon Dr Margaret NG to ask the third question.

MR JAMES TO (in Cantonese): *President, a point of order.*

PRESIDENT (in Cantonese): Mr James TO.

MR JAMES TO (in Cantonese): *President, I would like to clarify if your ruling just now means that: if an official who has stated in writing that he is designated by the Chief Executive to answer the question raised by a Member but he cannot answer the question on another official's behalf because it is about the Immigration Department, does your ruling mean that the Chief Executive can designate an official but the official can decline to answer the question? This has nothing to do with whether we find the answer satisfactory or not; he has stated in writing that he will not answer the question.*

PRESIDENT (in Cantonese): Mr TO, I do not agree when you say that my ruling means that the Chief Executive can designate an official who does not answer questions. I have just made it very clear.

MR JAMES TO (in Cantonese): *Can you tell us clearly what your ruling is? Why can this be considered as in order?*

PRESIDENT (in Cantonese): My ruling is that, if a designated official answers a question and he says he cannot answer some parts of it on behalf of another government department, this is not a point of order. If Members object to this ruling, I think we should discuss the matter on another occasion.

MR JAMES TO (in Cantonese): *I ask the President very respectfully if he could spend more time going over the part of the Rules of Procedure on the Rules of*

Order and designation by the Chief Executive before giving the ruling? Because this has far-reaching significance.

PRESIDENT (in Cantonese): I will do so.

MR LEUNG KWOK-HUNG (in Cantonese): *President, I hope you would clarify this: now that you have said that it is not a point of order, is it about the Government's contravention of the constitution? The Government's contravention of the constitution is certainly a very serious issue; under the Basic Law, the Government should give us a satisfactory answer, but, it has designated an official who has said in advance: "I will not speak on behalf of the person who can give an answer." I think your ruling is correct; it is not a point of order, but a more serious issue of the contravention of the constitution. This is a contravention of the constitution. On the contravention of the constitution, I would like to ask you to write a letter in due course asking it not to contravene the constitution. I think we need not argue; our discussion about a point of order has given him an opening to contravene the constitution, which is a downright humiliation.*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, I have heard your opinion but I still insist that we should continue with our meeting. Third question.

MS CYD HO (in Cantonese): *Rule 10(1) of the Rules of Procedure specifies: "The public officer whose office is stated in respect of a particular item of business in an Agenda of the Council or an agenda of the Finance Committee or a subcommittee of the Finance Committee for a meeting and a public officer who has notified the Clerk before the meeting that his attendance is required in respect of a particular item of business may attend that meeting and speak on behalf of the Government". However, the Secretary has clearly stated in his answer that he will not answer the question on behalf of the government department concerned. How can he give us such an answer, hoping that it would be accepted by us?*

PRESIDENT (in Cantonese): Ms Cyd HO, I think the Secretary's answer just now has not contravened the section of the Rules of Procedure that you have just read out. Third question, Dr Margaret NG.

Proof of Employers' Financial Position Submitted for Application for Renewal of Contracts with Foreign Domestic Helpers

3. **DR MARGARET NG** (in Cantonese): *President, it was uncovered recently that an Under Secretary only submitted his business card bearing his office title when he was required by the Immigration Department (ImmD) to provide the proof of his financial position in respect of the application for his foreign domestic helper (FDH) to continue to work in Hong Kong, and the ImmD subsequently approved the application. The incident has aroused the public's grave concern about the conduct of that official and the ImmD's way of handling the application. In this connection, will the Government inform this Council whether:*

- (a) *the employer of a FDH must submit the proof of his financial position to the ImmD before the ImmD approves the application for his FDH to continue to work in Hong Kong; if not, of the reasons for that, and the channels through which the ImmD verifies whether the employer's financial position meets the application requirements; and*
- (b) *the ImmD will accept the business card of the employer of a FDH as the sole proof of his financial position; if so, how the ImmD verifies the information of the employer as stated on the business card?*

SECRETARY FOR SECURITY (in Cantonese): President, if a FDH wishes to renew the employment contract with the employer, the employee must lodge an application with the ImmD. In assessing such applications, the ImmD normally requires the employers to furnish relevant supporting documents, including the employment contracts notarized by appropriate consulates in Hong Kong (if so required by the relevant consulates); proof of the employers' residential addresses; and financial proof of the employers. In certain cases, officers at or above the rank of Senior Immigration Officer of the ImmD may exercise discretion to waive

a particular documentary requirement, after having fully considered the available supporting documents and supplementary information of individual applications, and are satisfied that the applications meet all the essential assessment criteria.

I must emphasize that the premise for the exercise of the discretion is that, the applicants must satisfy the ImmD the relevant applications have met all the essential criteria, including that the employers are financially capable to fulfil the employment contracts.

I will not comment on the details of individual cases. Nor do I wish to spell out on behalf of the ImmD what constitutes an acceptable supporting document or supplementary information. The remark that I made just now has already led to some misunderstanding among many Members. My actual meaning is that in regard to supplementary information, a colleague of the ImmD can exercise his discretion. From his professional judgment, he can tell which information can make him believe that the applicant could have satisfied the ImmD's requirements. Therefore, I do not wish to spell out here on behalf of the ImmD what constitutes an acceptable supporting document or supplementary information. That is what I mean. But I trust that the ImmD will not rely solely on the employer's name card to decide whether the employer's financial position or other circumstances have met the essential assessment criteria. As I have just explained, officers conferred with the authority to exercise discretion will carefully consider the circumstances of each application before they exercise discretion to make final decision.

DR MARGARET NG (in Cantonese): *President, this business card incident is a matter of governance culture, and is also directly related to the actual right of the public in respect of their applications to renew contracts with their FDHs. However, the Secretary said clearly that he refused to comment. What is even worrying is that the ImmD now intends to punish the staff member who divulged this case. May I ask the Secretary whether this indicates that the Administration has no intention to face up to unfair treatment, but rather punish the whistle-blower seriously, so that the public will be unaware of this kind of incidents in future?*

SECRETARY FOR SECURITY (in Cantonese): President, first of all, I do not agree that the exercise of discretion in this respect is for the so-called privileged

people. In fact, I had worked for the ImmD for a very long period of time. As we all know, there are at present 100 000 to 200 000 FDHs being employed by Hong Kong families — there are more than 200 000 FDHs in Hong Kong. Every day, a lot of FDHs apply for visas or to renew their visas. Of course, the ImmD itself has a set of criteria to go by. In other words, the employer must have an appropriate amount of income to support both his family expenditures and the employment of a FDH. If the colleague dealing with the application asks the FDH to furnish all the information as required while the FDH fails to do so, which always happen to some FDHs, hence the FDH has to go back to the ImmD again, this seems to be rather bureaucratic and is causing inconvenience to the public. Therefore, higher ranking officers of the ImmD can really exercise certain discretion. Judging from the documents or information received, if he thinks he surely knows that the applicant can satisfy the policy requirements, he can exercise his discretion. This exercise of discretion is applicable to all applicants and is not only applicable to certain high ranking public officers or well-known people.

Secondly, I do not agree with the allegation from Dr Margaret NG in respect of punishing the whistle-blower. All along, I deeply believe that colleagues of the ImmD have their professional integrity. As we all know, the ImmD has to deal with loads of personal data pertaining to a few million people in the territory. It has the responsibility to safeguard that there is no leakage of these personal data. Therefore, up to date, I still do not believe that the individual case just mentioned is related to the staff of the ImmD.

DR MARGARET NG (in Cantonese): *President, what I am asking is about unfair treatment. Is the Secretary saying that there are also other people who could satisfy the requirements simply by submitting their business cards, and that he will never inform us of such incidents?*

SECRETARY FOR SECURITY (in Cantonese): *President, in the main reply, I have just explained that the ImmD will not solely rely on the business card of the employer to decide whether his financial ability or other conditions can meet the requirements. However, we also encourage colleagues of the ImmD to exercise their discretion under the condition that the law or other policies concerned are not violated, so as to facilitate the public in using the service of the ImmD.*

MR CHAN KAM-LAM (in Cantonese): *President, in the last paragraph of the main reply, the Secretary says, "I will not comment on the details of individual cases. Nor do I wish to spell out on behalf of the ImmD what constitutes an acceptable supporting document or supplementary information." May I ask the Secretary to explain whether the ImmD, including the Secretary, when dealing with daily affairs and when exercising discretion, should not be subject to any outside interference?*

SECRETARY FOR SECURITY (in Cantonese): President, of course, colleagues of the ImmD have undergone professional training and so their decisions are professional decisions. They are providing daily services to the public according to the law and the immigration policy, and should not be subject to any influence.

MS CYD HO (in Cantonese): *President, if business cards are being used to replace income proof or documents of financial conditions, it is of course the beginning of corruption. The Government's present way of following up the case, and even saying that the civil servant who divulged the case has to be seriously punished, is even more corrupt. My question to the Secretary is: Since the present approach can utterly not allay the queries and worries of the public towards the corruption of the Government, as an accountable Secretary, has he ever thought of the approach that should be adopted to follow up this case in order to dispel public queries? When will he start adopting this approach, and will there be a more detailed account to the public of Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): President, Ms Cyd HO has lodged a very serious allegation, saying that this way of handling marks the beginning of corruption of the Government of the Special Administrative Region. I totally disagree with this allegation. I disagree even more strongly if this allegation is directed against the ImmD. If you ask the general public about their views on the services provided by the ImmD, a majority of the public will indicate that they are very satisfied with them, no matter if they are about immigration matters or in the processing of visa applications. This is exactly because our colleagues, from time to time, would exercise their discretion permitted under the law and policy to reasonably leave out some so-called bureaucratic procedures. Of course, if we make use of the discretion to commit any unlawful or corruptive act, or in currying favour with the rich and powerful

people, I would agree with Ms Cyd HO that this is the beginning of corruption. However, there is no such a situation.

Besides, Ms Cyd HO has just mentioned about settling accounts with the staff member concerned after the incident. In fact, I always have great confidence in the professional integrity of the colleagues in the ImmD. I certainly do not believe that we have leaked any information. However, since the ImmD has to handle and store a lot of sensitive data of the public, the public will have expectations that their own private data will not be leaked. Hence, after this incident, I asked the Director how to deal with this case. The Director then guaranteed in my presence that he would not settle accounts with anyone after the incident, nor would he punish anyone because of the incident. However, it is a matter of course that as the Director of a department, he has to shoulder the responsibility if there is any leakage of information.

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

MS CYD HO (in Cantonese): *The Secretary is right in one point, which is currying favour with the rich and the powerful people. This came out from his own mouth. However, he did not answer how to allay public worries that the Government has started to corrupt and curry favour with the rich and the powerful people. Will he do anything new to allay these worries?*

PRESIDENT (in Cantonese): Ms HO, your follow-up question is very clear. I would like to remind Members that the question and answer session should not turn into a forum of debate between Members and government officials. I would see whether the Secretary has anything to add.

SECRETARY FOR SECURITY (in Cantonese): President, I do not agree that the existing approach of the Government marks the beginning of corruption. All along, a majority of the public are satisfied with the services provided by the ImmD to the public. I do not think the public has the opinion that the existing practice of the ImmD needs to be changed.

MR RONNY TONG (in Cantonese): *President, I think that the answer of the Secretary just now is a little contradictory. It is because on one hand, he said that all Hong Kong residents would be treated equally, but the main reply mentions that in certain cases, the ImmD can exercise discretion. For these cases, do they only apply to high-ranking officials or what? This is our question.*

President, may I ask the Secretary to supply some internal guidelines of the ImmD in regard to under what conditions can discretion be exercised? In the past year, how many cases were handled with this kind of discretion?

SECRETARY FOR SECURITY (in Cantonese): President, our exercise of discretion is applicable to all Hong Kong residents, and not particularly to certain privileged people. As regards the cases in which discretion has been exercised, according to my understanding, there is no statistics concerned, unless we have to make a record on each application.

In fact, for any exercise of discretion, the officer responsible for the case should, in a written form — after he has exercised his discretion, he has to list out the grounds — record the justifications in the file and hand it to the officer at or above the rank of Senior Immigration Officer for approval. The decision concerned will actually be recorded in the file. If it is found out later that his decision is wrong, accounts may really have to be settled with him, that is, he will be pointed out that his decision made is wrong.

As far as I know, we do not have the so-called guidelines that state clearly the conditions under which discretion can be exercised. If it is so, then it will not be called discretion, right? If these can be stipulated, they will be the procedures, which we already have. However, for the exercise of discretion under some conditions when all requirements are not complied with, as I understand it, there are no very clear guidelines. The senior officers concerned can consider the applicant's conditions, manage the case with his own common sense. In fact, the usual condition of exercising discretion is when a member of the general public or a FDH is already standing in front of the counter but discovers that he or she has forgotten to bring some information, for example, income proof. Since the applicant has taken half day leave for the application, if we require the applicant to come again simply because of an item of information — the applicant may come from the New Territories and this will pose some

inconvenience to the applicant and the employer. At that time, if the officer at the ImmD finds that the file concerned already contains the income proof of the employer from the previous application or that of a few months ago, he can call the employer of that employer to prove that the applicant is still employed. He can exercise his discretion so as to save the applicant from another trip. This is what we call the exercise of discretion.

In regard to the supplementary question of Mr Ronny TONG, first, we do not have the statistics, and second, we do not have a black-and-white definition on what is called discretion.

MR RONNY TONG (in Cantonese): *President, I feel that the Secretary*

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

MR RONNY TONG (in Cantonese): *..... he is somewhat contradicting himself. On the one hand, he said there was no record. On the other hand, just now he told us*

PRESIDENT (in Cantonese): You should point out the part of your supplementary question that the Secretary has not answered.

MR RONNY TONG (in Cantonese): *The Secretary has not answered whether he could give us some statistics on the number of such cases in a year. Because he just answered that officers from the ImmD will put in record in the file every time after exercising discretion. He even said that they could square accounts with the officers concerned afterwards. Given such an answer, why did the Secretary say that there was no record and refuse to provide us with some figures?*

SECRETARY FOR SECURITY (in Cantonese): President, I said we did not have such statistics because we will not immediately record the number of such

cases after he has made the decision, in order to show the number on the exercise of discretion per day. If we have to provide the figures as Mr Ronny TONG requires, we need to check 200 000 odd files to get the figures. However, we think that we should not retrieve each and every file for the statistics.

MR CHAN KIN-POR (in Cantonese): *President, I find that the ImmD is one of the most courteous and efficient government departments, and I also find that discretion is really necessary, as this can provide convenience to a lot of members of the public. We cannot deny the merits of discretion due to a certain case. I would rather follow up the supplementary question of Mr Ronny TONG. What is the proportion of the cases where discretion is necessary? My question to the Government is that if the proportion of cases needed to be handled with discretion is high, is it worth considering that the procedures should be streamlined? If it is often necessary to exercise discretion, with the change of time, will some documents be actually unnecessary? It is because there are indeed a lot of people taking leave mainly for making the applications. If they have forgotten some information, they may have to take another trip, which I really do not encourage it. The most important point is to offer greater convenience to the public. For the question raised just now, if it is often necessary to exercise discretion, is it worth simplifying the procedures fundamentally so that the officers do not need to exercise discretion so often?*

SECRETARY FOR SECURITY (in Cantonese): I thank Mr CHAN for this supplementary question. In fact, this direction has long been followed by government departments, including the ImmD, namely we should not bother the public with too many formalities or require them to provide documents which are unnecessary. This is the first point. Second, this is also not environmentally friendly. If we require the provision of more than a dozen documents before we can approve an application, we will need to use a lot of paper in the first place. And secondly, we also need to store the information — though micro-filming can be used now. In fact, we have been processing the applications in this manner, and we will continue to do so. In regard to your question about the percentage of cases handled with discretion exercised out of our present applications, I really have no idea. As far as the exercise of discretion is concerned, we feel that discretion has to be exercised when necessary, but this should not be abused.

PRESIDENT (in Cantonese): There are seven Members still waiting to raise questions, and yet we have already spent 19 minutes on this question. I can only allow one more Member to raise his supplementary question.

MR JAMES TO (in Cantonese): *President, today, we ask the representative for the Chief Executive to come here to give an answer, and he is supposed to give an answer on the facts, the policy and the procedures. All these are objective and can be traced, including the proportion requested by Mr CHAN Kin-por. However, in the Secretary's reply, it is only "I believe, I understand, I think and I estimate". Then, my questions today are: Whether such discretion is fairly exercised? What is the proportion? Has that been abused? Nevertheless, the Secretary just answered the he believed the ImmD would not act solely on the business card of the employer. But this may have to depend on the business card of which employer. For instance, if it is the business card of a Director of Bureau or an Under Secretary, this will be fine. The public is currently concerned about this*

PRESIDENT (in Cantonese): Please raise your supplementary question directly.

MR JAMES TO (in Cantonese): *My supplementary is that when the Secretary does not have any figures or codes or anything at all and then answered "I believe", can that be regarded as an answer? If you can come here to give such a reply, then anyone can come here to give a reply too, right? Does the Secretary have any convincing information to justify that there is no abuse of power in this case? This is the focus of attention. I am giving the Secretary one more chance. Can the Secretary provide some facts, figures, proportions or codes? If there is nothing, what is the point of coming here?*

SECRETARY FOR SECURITY (in Cantonese): I really do not understand the supplementary question from Mr James TO. However, I will try my best to answer.

As I have said, first of all, I do not want to comment on that case here. I can only say that when providing services to the public, my colleagues in the ImmD often need to use their common sense and exercise their discretion so as to

provide greater convenience to the public under the conditions while not running counter to the law and the policy. As regards the final effect, it has to be judged by the public. As to whether my reply can satisfy Members, if a Member feels that my reply today fails to satisfy him by providing the information required, I feel very sorry as I do not have that part of the information.

MR JAMES TO (in Cantonese): *President, can the Secretary's reply be based on some information such as facts, codes, figures and proportions so as to ensure that there is no abuse of power or unfair exercise of discretion in this case? Secretary, do you not understand? I ask him not to answer with words like "I believe, I understand, I think". Will the answer be based on some objective information? This is what I mean.*

PRESIDENT (in Cantonese): Mr TO, I believe

MR JAMES TO (in Cantonese): *If the Secretary says that he does not have such information, can he provide us in writing some supplementary information instead of saying that he only has that much of information?*

PRESIDENT (in Cantonese): Mr TO, I believe that the Secretary has already provided the information, figures and procedures that he knows. You think that is not enough and ask the Secretary to provide supplementary information in writing. I would ask the Secretary whether he has anything to add.

MR JAMES TO (in Cantonese): *I want to say I am asking him to provide in writing some information such as figures, facts, codes and proportions, instead of saying "I believe", "I understand" again in the written reply, as this kind of reply is useless.*

PRESIDENT (in Cantonese): Mr TO, you should not spend more time expressing your views. The Secretary is very clear about your follow-up question.

MR JAMES TO (in Cantonese): *President, I was trying to make clear what kinds of information that I would like the Secretary to provide in the written reply.*

PRESIDENT (in Cantonese): Mr TO, please be seated. Secretary, please answer.

SECRETARY FOR SECURITY (in Cantonese): President, a Member asked about the figures earlier on and I have stated clearly that I did not have any relevant statistical figures. President, if Members need other figures which I am able to provide, I will be very willing to provide.

PRESIDENT (in Cantonese): If Members are not satisfied because the Secretary is unable to provide them with the facts and figures which they think should be provided, they should raise and follow up the question at the meeting of the related Panel.

The fourth question.

Appointment of Members of Elderly Commission

4. **MR LEUNG KWOK-HUNG** (in Cantonese): *President, this is also a question about the exercise of discretion and I would like to put this question to Secretary Matthew CHEUNG. Some members of the social welfare sector have relayed to me that the appointment of some members of the Elderly Commission (EC) is the result of political deals, that the EC Vice-chairman has served on the EC for almost 10 years, which is against the rule that, in general, a non-official member of an advisory or statutory body should not serve in that capacity for more than six years, and that some EC members have calculatedly steered the elderly policy in such a way as to transfer benefits to the private homes for the elderly under the Enhanced Bought Place Scheme, which are not well received by the elderly, thus benefiting some of the EC members who run such homes. In this connection, will the Government inform this Council:*

- (a) *of criteria adopted by the Government for selecting EC members, and whether it will consider the comments of the public and the*

sector on the performance of the prospective appointees in public offices and consult the Hong Kong Council of Social Service or various elderly services agencies before making the appointment; how the background and qualifications of the various serving EC members meet these criteria; of the reasons for not reappointing the two members whose appointments ended in July and August last year and when their vacancies will be filled;

- (b) whether it will immediately terminate the appointments of the EC Vice-chairman and those EC members who run private homes for the elderly; if so, when their appointments will be terminated; if not, of the reasons for that; and*
- (c) what measures the Government will adopt to address public concerns about the use of EC members' appointment as a bargaining chip for political deals and transferring benefits and to enhance EC's credibility; whether the Government will consider appointing, as ex-officio EC members, members of the Panel on Welfare Services of this Council, the elderly, as well as representatives from the Legal Aid Department, Hong Kong Police Force, Hong Kong Council of Social Service, Hong Kong Medical Association, Pharmaceutical Society of Hong Kong, Hong Kong Occupational Therapy Association, Association of Hong Kong Nursing Staff, Hong Kong Psychogeriatric Association, Hong Kong Dental Association Limited, Hong Kong Professional Teachers' Union, Agency for Volunteer Service, Guardianship Board and elderly bodies, so that they may assist the Government in formulating elderly policies from a professional point of view and reflect public opinion; if it will, when these people will be appointed; if not, of the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I gave a written reply to the question asked by Mr LEUNG Kwok-hung on matters relating to the appointments to and business of the Elderly Commission (EC) on 22 April. In response to his oral question today, I now provide further information on the appointment arrangements for the EC.

The EC was established in 1997. It is mainly tasked to advise the Government on the formulation of a comprehensive policy for the elderly. In

making appointments to the EC, we follow the Government's general guidelines for appointment of members to advisory and statutory bodies (ASBs). According to the guidelines, the basic principle adopted in making appointments to ASBs should be to appoint individuals on their merits so as to secure the services of the most suitable persons to meet the requirements of the bodies concerned and ensure that their composition can broadly reflect the interests and views of stakeholders in the community. In the process of making appointments, factors such as the candidate's ability, expertise, experience, integrity and commitment to public service (for example, with reference to his/her track record in public service and other community services) as well as the functions and nature of business of the advisory bodies will be taken into account. As a general rule, the Government will not consult public bodies on the appointment of individual candidates so as to avoid causing embarrassment and inconvenience to candidates who are not eventually appointed. Such consequences may dampen their incentive for participation in public service. The current composition of the EC includes members from the health care, social welfare, elder services, professional and academic sectors. They all have experience in other community services.

As in the case of many other Government ASBs, EC members are appointed on an *ad personam* basis. Generally speaking, appointing ASB members on an *ad personam* basis can more effectively uphold the principle of selection on merits and allow them to contribute their talent, expertise and experience without constraints. It also enables a more diversified composition of membership while minimizes the possibility of conflicts of interest.

On the question of the operation of private homes for the elderly by some EC members, as clearly explained in my last reply, we expect EC members who are engaged in elderly services to offer advice from their practical experience in the sector. As the Government considers funding applications and awards service agreements/contracts under an open and transparent system and in accordance with a set of objective criteria, and as the EC is not involved in the process, the status of the concerned EC members has not affected the Government's decision to award service agreement/contracts to individual organizations. If a member perceives any conflict of interest, he/she has to declare such interest accordingly.

As regards the terms of office of EC members, according to the guidelines, a non-official member of an advisory body normally should not serve more than

six years in any one capacity. In accordance with this rule, two EC members were not reappointed when their terms expired last year. In general, we will consider reappointments of individual members only when their terms of office are about to expire.

The guidelines also stipulate that where a member is appointed to a different post (for example, as chairman or vice-chairman) of an advisory body, such an appointment should be regarded as a new appointment and the six-year rule will apply afresh. As the incumbent EC Vice-chairman was appointed to the post of Vice-chairman on 30 July 2005, the tenure of his new appointment should count from 2005.

In summary, EC members are appointed by the Government in accordance with the guidelines. Over the years, the EC has implemented a series of programmes to benefit the elderly, such as the Elder Academy Scheme which promotes lifelong learning among the elderly; the Neighbourhood Active Ageing Project for reaching hidden elders and launching preventive efforts against elder abuse and suicide through neighbourhood support networks; the Integrated Discharge Support Programme for Elderly Patients which provides support services to elderly discharges; and the Care Enhancement Pilot Project for Aged Care which provides skills enhancement training for current health workers. All of these bear witness to the EC's efforts and contribution on elderly services. I firmly believe that the EC will continue to follow its established guiding principle in promoting the welfare and well-being of the elderly.

MR LEUNG KWOK-HUNG (in Cantonese): *President, the Secretary has not answered my question at all. What he has said is about appointment. I asked why some members could be reappointed after the expiry of the terms generally laid down for the posts. Instead of informing us of the reasons, he simply pointed out that the appointment was made by exercising the discretionary power. My main question is: Why could the member be appointed and why could discretionary power be exercised in such a manner? And this is the crux of the matter. President, would you please ask the Secretary whether or not he has any knowledge of the membership list of the EC? Does he have such a membership list at hand?*

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

MR LEUNG KWOK-HUNG (in Cantonese): *Prof Alfred CHAN, a member of the EC, has been appointed since 1999 and is currently appointed again. According to the Secretary's statement, his tenure will be counted afresh once he, in his capacity as a member, has been appointed as Vice-chairman or Chairman. This is tantamount to allowing the Administration to abuse its power under such a system. For instance, I now appoint our President, Mr TSANG, as a member. Six or five and a half years later, I appoint him as Vice-chairman and his tenure will be counted afresh, resulting in a total tenure of 11 and a half years, that is, five years plus six and a half years. Afterwards, he, in his capacity as Vice-chairman, is appointed as Chairman, thus resulting in a total tenure of 17 years. The system has a very blatant loophole here. May I ask the Secretary whether or not he will plug this loophole? That is, the appointment of a member as Vice-chairman and Chairman will not be regarded as a new appointment, thus solving the problem from the system itself. Does the Secretary consider this fair or not?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr LEUNG for his supplementary question. Concerning the six-year rule and the fact that a member's tenure will be counted afresh when he is appointed to a new post, it is an arrangement by the Central instead of a unique arrangement of the EC. This is an arrangement of the Government across the board, a policy arrangement

(While the Secretary was still answering this question, Mr LEUNG Kwok-hung raised a point about a term.)

PRESIDENT (in Cantonese): Would you allow the Secretary answer the question first?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): The arrangement is justified and flexible. Perhaps let me give a brief explanation. The incumbent Vice-chairman has taken up this new role and new post after

-serving as a member for six years and will continue to serve the EC in the capacity as Vice-chairman. The professor mentioned by Mr LEUNG just now is a specialist in gerontology. With outstanding perception in elderly services, he has been actively participating in the schemes and activities launched by the EC, in addition to his input in the form of objective and unbiased advice. Concerning a person with such expertise, experience and commitment to social service, we are not only grateful to him but we should also treasure him. So, we think he has played his role in the EC very well.

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

MR LEUNG KWOK-HUNG (in Cantonese): *He has not answered my question that the system has obviously allowed the Administration to abuse its power in such a way that it can extend an appointment endlessly by exercising its discretionary power*

PRESIDENT (in Cantonese): This is your opinion. What is your follow-up question?

MR LEUNG KWOK-HUNG (in Cantonese): *No. My opinion is whether or not he considers this unfair.*

PRESIDENT (in Cantonese): Your supplementary question just now is: Will the Government change the system?

MR LEUNG KWOK-HUNG (in Cantonese): *I in fact intended to raise my hand. He said that this was laid down by the Central. Does this term "Central" refer to the Central Government or what? Does it mean the Central Theatre or Central Hotel?*

PRESIDENT (in Cantonese): I have heard it very clearly, the Secretary should be referring to the SAR Government. But the Secretary

MR LEUNG KWOK-HUNG (in Cantonese): *Please let him answer that. He said the Central.*

PRESIDENT (in Cantonese): Please sit down. You wish to ask the Government this question: Will the Government change the system that the tenure of a member will be counted afresh if the member has taken up a new post in the same committee? Secretary, please clarify

MR LEUNG KWOK-HUNG (in Cantonese): *I really would like him to clarify. I would like him to clarify whether it is the Central Committee of the Party or the Central Hotel or*

PRESIDENT (in Cantonese): Mr LEUNG, your follow-up question is very clear, please sit down. Secretary, please clarify the meaning of "Central" you mentioned just now.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, you have already clarified it for me. I meant the appointment policy of the SAR Government across the board. The policy has its advantage and flexibility, that is, resources in society can be fully utilized under the principle of selection on the basis of merits. So, this is a desirable policy.

DR JOSEPH LEE (in Cantonese): *In fact, there are at least five or six top experts in gerontology in Hong Kong instead of just one. Purely because of the Administration's understanding, the person was appointed as a member and then became Vice-chairman thereafter. My supplementary question is: In his main question, Mr LEUNG Kwok-hung pointed out that some EC members have calculatedly steered the elderly policy in such a way as to transfer benefits to the*

private homes for the elderly under the Enhanced Bought Place Scheme, which are not well received by the elderly. The Secretary has not answered this question. He simply said that if there was transfer of benefits, a declaration would be required. I would like the Secretary to specifically give a detailed account of how to ensure that representatives of private homes for the elderly and EC members will not engage in transfer of benefits privately so that the Enhanced Bought Place Scheme which is not well received by the elderly as mentioned in the main question cannot be implemented?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Dr LEE for his supplementary question. First of all, I have to emphasize that there has never been any transfer of benefits. According to the main reply, we can see that the EC comprises academics, health care practitioners, professionals, representatives of the social welfare sector and experienced operators of private homes for the elderly. Only such a diversified composition can give full play to its advisory role which is very important. The appointment of any members will go through the process of interest declaration and, apart from declaration, the EC will absolutely not participate in the decision making concerning the purchase of places from private homes for the elderly or even contract homes. The EC has no part to play at all. Let me reiterate that they are totally unrelated. EC members purely advise on the major policy and absolutely have no power to participate in the approval of places and resources allocation. These are the executive powers within the Government and this is very clear. So, under such circumstances, they are purely advisory.

It is necessary for us to seek the advice of a person who fully understands the operation of private homes for the elderly. This person should be the Vice-chairman or Secretary of a private home for the elderly or a relevant association. At the same time, he should have experience in the operation of elderly homes. From our point of view, he should possess front-line and practical experiences. Otherwise, we will engage in empty talk and work behind closed doors. As a result, the advisory role played by the EC will be not effective at all. Members should rest assured as we will clearly separate policy from advice. We will take on board opinions expressed, but that is totally different from the actual allocation of resources and approval of places. They are neither authorized to participate in this process nor interfere.

DR JOSEPH LEE (in Cantonese): *President, he has not answered my supplementary question. In fact my question is very simple. Just now the Secretary has explained the structure and operation of the EC as a whole and this is very clear*

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

DR JOSEPH LEE (in Cantonese): *But my supplementary question is: As some EC members run private homes for the elderly and some are policy makers in the Government, how can the Secretary ensure that there is no illicit transfer of interests between them? The Secretary has not answered this part of my supplementary question.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I have pointed it out clearly just now, these are absolutely two different things. An EC member, who assumes an advisory role, provides advice only. Regardless of whether it is an application for places in contract homes or purchase of places from private homes for the elderly, all powers are vested in the hands of government officials and decisions are made independently. If there is any illicit transfer of interests and this is supported by evidence, we will act in accordance with the law.

MR ALBERT CHAN (in Cantonese): *President, the Government's reply seems to be saying that those who are appointed are talents and those who are not are fools. President, it is indeed alarming when one takes a look at the membership list of the EC. Among the 13 members, most of them are doctors and university professors who also specialize in health care. Among these 13 members, around eight of them are related to the health care sector.*

With respect to policies, the EC is mainly responsible for social welfare work. But in its establishment and membership list, the number of front-line social workers is "zero". Of course, some members are representatives of organizations or executives of such organizations, but they are not front-line

social workers. In my opinion, the appointment and selection of members as reflected in the membership list is a great insult and mockery to the social welfare sector, in particular, the professional social workers.

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

MR ALBERT CHAN (in Cantonese): *President, my supplementary question is: According to the Secretary, individuals are appointed on the basis of their merits so that they can offer advice from their practical experience in the sector. Among these EC members, the only representative from political parties comes from the Democratic Alliance for the Betterment and Progress of Hong Kong. Does this mean that other political parties do not have any talent? Does this mean that apart from representatives and professors from the health care sector, no other professionals, including social workers, can provide professional and practical advice? Does the Government discriminate against and belittle talents from other political parties and representatives from the social welfare sector?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr CHAN for his supplementary question. In my main reply, I have made it clear that EC members are appointed on an ad personam basis and their appointment is absolutely not related to any political party or organization. They are appointed on an ad personam basis. This is the first point which I have to clarify at the outset.

Secondly, all the university professors mentioned by Mr CHAN come from different professional fields. Let me cite an example. One of the professors specializes in gerontology while another in geriatrics. These are two different fields. And the third one is a professor in old age psychiatry. From this, Members can see that we have taken in professionals from clearly different fields. They have provided us with lots of advice by pooling their diversified strengths together. We have absolutely not belittled the social welfare sector as we have appointed two highly experienced members from this sector, one is the deputy head of a large service provider while the other one is an executive with front-line experience. So, President, we have exerted our best to ensure the representativeness and diversity of the EC membership.

MR ALBERT CHAN (in Cantonese): *President, the Secretary has not answered my supplementary question at all.*

PRESIDENT (in Cantonese): Mr CHAN, which part of your supplementary question has not been answered?

MR ALBERT CHAN (in Cantonese): *What I said was social welfare because the EC falls within the social welfare sector. Among the appointees, none of them are professors from the social welfare or social work faculty of tertiary institutions. This is discrimination and favouritism. Does he admit that there is discrimination and favouritism?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I wish to reiterate that there is not even the least discrimination or favouritism. I would like to stress that if Members have paid attention to the term of reference of the EC, they would see that the EC does not advise on social welfare policies only. It will also advise on policies concerning housing, livelihood protection, medical and health care, psychological well-being, employment and recreation. The EC members will also advise us on a very broad spectrum of issues such as daily necessities like clothing, food, accommodation and transport, physical and mental well-being and other elderly problems.

MR ALBERT CHAN (in Cantonese): *President, the Secretary still has not clarified whether or not he knows that the EC falls within the social welfare sector.*

PRESIDENT (in Cantonese): Mr CHAN, I believe the Secretary has answered your follow-up question and we have spent more than 20 minutes on this question. I would allow one more supplementary question from a Member since the main reply earlier is rather long.

DR PAN PEY-CHYOU (in Cantonese): *I greatly appreciate the work of the EC because since its establishment over the years, it has really made a lot of efforts*

in promoting elderly services, including work both inter-disciplinary and inter-departmental in nature. However, I am extremely puzzled by the six-year rule governing the tenure of members of the EC and other ASBs.

As the Secretary said just now, upon the expiry of a six-year term, a member, if appointed to a new post, can serve in the same committee for six more years. I would like to ask the following question: If the Vice-chairman or Chairman is appointed as an ordinary member after the expiry of a six-year term, he will be regarded as taking up a new post. Under such circumstances, he can be appointed endlessly, am I right? I think this will prevent other talents from joining the ASB and those who aspire to serve the community

PRESIDENT (in Cantonese): Dr PAN, please raise your supplementary question instead of stating your opinion. Have you asked your supplementary question? Secretary, please answer the question.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, first of all, I thank Dr PAN for recognizing the work of EC because its work is really inter-disciplinary in nature. I would like to respond to his supplementary question as I have done earlier. In fact, this is a flexible arrangement and we will certainly not abuse it by taking advantage of such a system. We will certainly not. In fact, the advantage of that is that talents are available for us so that there are more chances for us to genuinely enlist the services of elites for the community when necessary.

I would like to clarify one point and that is, whether a member will be reappointed one year later after he has left the office upon the expiry of a six-year term. We will not allow such a situation to occur. It is very rare that a member will be reappointed as member again after a certain period of time. Generally, people will aspire for higher positions but this depends on the actual situation. Not everybody can be appointed as Vice-chairman and then Chairman after a six-year term. We will keep our feet on the ground and act in accordance with the situation.

PRESIDENT (in Cantonese): Fifth question.

Contamination of Water in Shenzhen Reservoir

5. **MR CHAN KAM-LAM** (in Cantonese): *President, it has been reported in newspapers that water in the Shenzhen Reservoir, which stores potable water for supply to Hong Kong, was found in recent months to have been seriously contaminated by the waste materials discharged from waste collection stations and residents' domestic waste water in the vicinity. In this connection, will the Government inform this Council whether or not the authorities:*

- (a) have stepped up the sample tests conducted on the quality of potable water supplied to Hong Kong after they learned of the aforesaid newspaper reports; if they have, of the results of the sample tests;*
- (b) will adopt new measures to ensure that the quality of potable water supplied to Hong Kong meets the quality standard for drinking water; if they will, of the details of the new measures; if not, the reasons for that; and*
- (c) will send staff to discuss with the Shenzhen authorities to ensure that the Shenzhen Reservoir will not be contaminated again; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, on the supply of Dongjiang (DJ) water to Hong Kong, the Water Supplies Department (WSD) of Hong Kong and the Guangdong authorities always keep close contact and have established a liaison and notification mechanism. On 19 March, after receiving phone enquiries from the media about the incident of the contamination of the Shenzhen Reservoir, the WSD immediately contacted the Guangdong authorities under the established mechanism to understand the situation. On the following day (that is, 20 March), an Assistant Director and a Senior Engineer of the WSD, accompanied by officials of the Water Resources Department of Guangdong Province and those of the Shenzhen city, conducted an on-site inspection at the Shenzhen Reservoir. We were informed that the incident happened at Dawang Village near Wutongshan River, which is located at some 500 m upstream of the Shenzhen Reservoir. The polluting facilities were small in scale, and the authorities concerned promptly removed the facilities on 19 March to ensure no contamination of DJ water.

My reply to the three-part question raised by Mr CHAN is as follows:

- (a) The WSD has set up the Water Quality Monitoring System at Muk Wu Pumping Station where Hong Kong receives DJ water. The system regularly takes and tests DJ water samples to closely monitor round the clock the quality of DJ water supplied to Hong Kong. After the abovementioned contamination incident, the WSD, in addition to promptly deploying officers to Shenzhen to understand the actual situation, increased immediately on 19 March the frequency of sampling and testing from twice a day to six times a day (that is, sampling is carried out once every four hours). This lasted until 24 March. Test results of the 32 samples collected in this period showed that the quality of DJ water supplied to Hong Kong had not been affected by the abovementioned contamination incident, and the water quality parameters of all the samples showed no unusual change when compared with those recorded before the incident. The water quality, as reflected in all the data, met the national standard for Type II water applicable for the abstraction for human consumption in class I protection area under the Environmental Quality Standards for Surface Water (GB 3838-2002).
- (b) I notice that part (b) of Mr CHAN's main question relates to the adoption of new measures. In fact, Guangdong and Hong Kong have all along attached great importance to the quality of DJ water. For many years, both sides have discussed actively issues relating to DJ water. The Guangdong authorities have also implemented a series of measures and works to mitigate water pollution, so as to further enhance the quality of DJ water at source. These measures mainly include:
- enforcing more strictly the environmental laws, regulating pollution emitters along DJ and strengthening the supervision and monitoring of wastewater discharge points along DJ;
 - stepping up the control over the planning of land use and polluting activities;

- improving progressively the water resource management and real-time monitoring system;
- carrying out wastewater interception works at the Shenzhen Reservoir to ensure no contamination of the water stored in the Shenzhen Reservoir; and
- purifying DJ water at the Shenzhen Reservoir Bio-nitrification Plant to enhance the quality of DJ water supplied to Hong Kong.

In addition, in case serious incidents affecting the quality of DJ water supplied to Hong Kong happen, the WSD has drawn up a series of contingency measures, including the immediate upgrading of various surveillance measures, close liaison with the Guangdong authorities to reduce or suspend the supply of DJ water to Hong Kong or temporarily substituting the supply of DJ water with that of local sources. All raw water, including DJ water, has to undergo rigorous treatment and sterilization processes at the treatment works of the WSD to ensure that the quality of the potable water after treatment complies with all the relevant standards stipulated by the World Health Organization.

- (c) On the supply of DJ water to Hong Kong, the WSD has maintained close liaison with the Water Resources Department of Guangdong Province through the Dongjiang-Shenzhen Water Supply Works Operation and Management Technical Sub-Group. In addition, the WSD exchanges views with the Environmental Protection Bureau of Guangdong Province on various aspects of water quality monitoring work and mitigation measures to prevent pollution of DJ water at source through the Dongjiang Water Quality Protection Special Panel (the Special Panel) under the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection. At the meeting of the Special Panel held on 23 April, we requested the Guangdong authorities to step up the inspection and regulation of pollution emitters along DJ to ensure that the Shenzhen Reservoir would not be contaminated. In addition to the two standing committees mentioned above, the WSD also handles

special issues under the existing liaison and notification mechanism. Indeed, as mentioned above, an Assistant Director and a Senior Engineer of the WSD conducted an on-site inspection and discussed with officials of the Guangdong authorities in Shenzhen on 20 March.

Over the years, the Guangdong authorities have made arrangements annually for members of the Hong Kong Advisory Committee on the Quality of Water Supplies (ACQWS) to inspect and better understand the implementation of various pollution prevention measures along DJ. The inspection for last year was conducted in November and members of the ACQWS were satisfied with the result of the inspection. Guangdong and Hong Kong will continue to co-operate closely, so as to reduce the pollution of DJ water at source and continuously enhance the quality of DJ water supplied to Hong Kong.

MR CHAN KAM-LAM (in Cantonese): *I believe that both Guangdong and Hong Kong attach great importance to the cleanliness of potable water supplied to Hong Kong. Over the past years, the authorities have made arrangements annually for members of the ACQWS to conduct inspection. Subsequent to the inspection carried out in November last year, members of the ACQWS were satisfied with the results of the inspection. However, the problem of pollution at source, which was brought to light on 19 March this year, was not detected during the inspection. This highlights the fact that there exist loopholes in this kind of inspection. I wish to ask the Government for a clear explanation on what arrangements have been made for this kind of inspection to be carried out and whether or not any improvements can be made?*

SECRETARY FOR DEVELOPMENT (in Cantonese): The ACQWS is comprised of professionals, academics, members of the trade, district representatives, green groups and related officials. In addition to convening regular meetings to express opinions on Hong Kong's behalf, members of the ACQWS also conduct this kind of inspections to understand the problem of water pollution along DJ and carry out monitoring work. Mr CHAN asks why no signs of the incident reported on 19 March had been detected in the inspection

carried out in November. As we understand from the Guangdong Provincial Government and the Shenzhen Municipal Government, the incident reported on 19 March did not involve any system or fundamental deficiencies in the protection of water sources along DJ or the Shenzhen Reservoir. On the contrary, it was an individual incident of non-compliance in which someone had acted in breach of the relevant rules and regulations, that is, someone had done something not permitted in the rules set up to protect water sources in Guangdong and the Shenzhen Reservoir. Having been informed by the media on 19 March, the Shenzhen Municipal Government had immediately resolved this matter. I strongly believe that this is only an individual and minor incident of non-compliance. In large-scale inspections, it is impossible for the authorities to foresee such incidents of non-compliance in their future daily operation.

MR KAM NAI-WAI (in Cantonese): *President, the problems highlighted by the Secretary just now, namely, the so-called incidents of non-compliance, including the establishment of kennels, waste recovery depots and chicken farms, and instances of someone washing their laundry and kitchen utensils in rivers, may occur from day to day and we have learned of these from news reports and other sources of information. I wish to ask the Secretary whether or not in the agreement for the supply of DJ water to Hong Kong signed between the Guangdong authorities and Hong Kong, consent is given to Hong Kong officials to regularly — I am not referring to inspections conducted in a manner comparable to putting on a show, like the one carried out on the Mainland in November last year which involved members of the ACQWS, but monthly visits made by officials — conduct actual inspection at places along the river banks, so as to ascertain whether or not water sources have been polluted by such daily activities. Is this specified in the agreement? If not, can we raise an additional request in this regard?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, in response to Mr KAM's supplementary question, both Guangdong and Hong Kong attribute great importance to the issue of water quality in the agreement for the supply of DJ water to Hong Kong. Both sides have undertaken to make continuous improvements to the quality of DJ water. However, the so-called incident of non-compliance which I have pointed out just now basically pertains to law enforcement on the part of the Shenzhen Municipal Government instead of

involving any system or fundamental deficiencies in the protection of water sources or the Shenzhen Reservoir. For that reason, matters relating to law enforcement should be handled by the relevant authorities, that is, the Shenzhen Municipal Government. In fact, the Shenzhen Municipal Government has established within its framework the Dongshen Water Resource Protection Office, in order to step up law enforcement and handle related matters. On that day, our colleagues carried out the inspection in the company of representatives from the Water Resources Department of Guangdong Province and officials from the Shenzhen Dongshen Water Resource Protection Office.

PRESIDENT (in Cantonese): Mr KAM, which part of your supplementary question has not been answered?

MR KAM NAI-WAI (in Cantonese): *My supplementary question relates to the question of whether or not our officials will I did not mention law enforcement. What I referred to was conducting inspection on the Mainland on a regular basis*

PRESIDENT (in Cantonese): In other words, you are asking whether or not such a clause is included in the agreement?

MR KAM NAI-WAI (in Cantonese): *If there is no such clause in the agreement, can arrangements be made for the inclusion of this clause? This is my supplementary question.*

PRESIDENT (in Cantonese): Secretary, the Member asks about the contents of the agreement.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the agreement does not set out in such detail guidelines on the conduct of individual officials. However, as I have said earlier, the spirit of the agreement is that the Water Resources Department of Guangdong Province attaches great importance

to the sources of water supplied to Hong Kong. I highlighted just now that we had established two standing committees and made arrangements for mutual communication to take place on a non-regular basis. I believe this can address Mr KAM's concern.

PRESIDENT (in Cantonese): Last oral question.

Assistance to Commercial Tenants in Mongkok Flower Market

6. **MR VINCENT FANG** (in Cantonese): *President, I have received requests for assistance from commercial tenants in the Mongkok Flower Market (MFM), who allege that since October 2008, officers of the Food and Environmental Hygiene Department (FEHD) have frequently prosecuted them for placing flowers in public areas. Some of them have indicated that as many people go to the MFM to buy or watch flowers during public holidays, the roads are narrow and parking spaces are insufficient in the vicinity of the MFM, and the MFM is a major flower trading centre, the situation is often difficult to control. In this connection, will the Government inform this Council:*

- (a) *given that the MFM has become a flower market and tourist attraction with local characteristics where many tourists and local people visit and go shopping, whether or not the Government will conduct studies on how to assist the development of the MFM, including the provision of space for commercial tenants to display flowers and potted plants, on the premise that pedestrian safety is not compromised and in particular, enforcing the law with more flexibility during holidays;*
- (b) *given that obstruction is often caused by goods vehicles loading and unloading goods because the roads are narrow and parking spaces in the vicinity of the MFM are insufficient, the only parking lot in the Mongkok Stadium (the Stadium) near the MFM will be closed temporarily whenever football matches are held in the Stadium, and the parking lot will be closed during the two-year conversion works of the Stadium which will commence in the middle of this year, whether or not the Government has planned to designate an area in the vicinity of the MFM for loading and unloading goods, provide additional parking lots and take measures to cope with the demand*

for parking spaces during the implementation of the conversion works; and

- (c) *whether or not it will replan the land uses in the vicinity of the MFM, so as to enlarge the area of the MFM in the long run; whether or not it has planned to set up another wholesale and retail flower market, with a view to solving the aforesaid problems?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, for many years, many traders gradually decided to open shops to sell fresh flowers, potted plants and gardening products in the vicinity of Flower Market Road, Mongkok. To date, the MFM has become a major flower wholesale and retail distribution centre with over 100 shops. The MFM is now a favourite spot for locals and visitors alike.

Being a tourist attraction and prime leisure spot, the MFM is naturally overflowing with visitors. A large number of visitors bringing brisk business are unsurprisingly welcomed. However, we have also noticed that some nearby residents may feel inconvenienced by the goods placed outside shops and occupying part of the road.

Over the years, the Government has maintained communication with commercial tenants of the MFM and their trade associations, with a view to facilitating business while minimizing the nuisance caused to nearby residents as far as practicable.

Since 2002, the Yau Tsim Mong District Office has co-ordinated interdepartmental meetings, so as to enhance the communication and co-operation between commercial tenants of the MFM and the relevant government departments, including the police, the Transport Department (TD) and the FEHD. Road closure measures will be implemented and law enforcement will be stepped up in the vicinity of Flower Market Road before the Lunar New Year, so as to maintain order and ensure pedestrian safety.

The consensus reached between the relevant government departments and commercial tenants was endorsed by the Yau Tsim Mong District Council on 30 January 2007. Specific measures are as follows:

- (i) during road closure on festivals, commercial tenants may extend their business operations to the area with yellow hatched marking on

the carriageway, on the condition that the access of emergency vehicles and pedestrians is not obstructed; and

- (ii) at all times other than the road closure period on festivals, commercial tenants may not occupy roads or other public areas beyond 3 ft from their shop front for displaying, selling or the temporary storage of goods, and the yellow hatched marking area of the roads may only be used for the purpose of loading and unloading goods.

The representatives of commercial tenants undertook to exercise self-discipline according to these agreed arrangements. Since then, officers of the FEHD and the Police Force have taken law-enforcement actions with reference to the above consensus.

As a result, the vehicular and pedestrian traffic in the vicinity of Flower Market Road has been effectively managed. The order in the area was satisfactory before the recent Lunar New Year. Both the number of complaints about the MFM received and that of prosecutions instituted by the FEHD in January and February 2009 were substantially lower than those in the same period of 2008.

The Government would like to take this opportunity to thank commercial tenants for their full co-operation while looking forward to the same in the future.

As regards the question on parking facilities, the TD indicated that at present, there is generally a lack of carpark facilities in the vicinity of the MFM and suitable sites for use as carparks in neighbouring areas. Despite the constraints imposed by the existing development of the area and limitation of land and road space, the TD has all along made efforts to strike a balance between maintaining a smooth vehicular flow and commercial tenants' need of loading and unloading goods. As such, lay-bys have been designated on Flower Market Road, Yuen Ngai Street, Prince Edward Road West and Sai Yee Street for loading and unloading goods, as well as picking up and setting down passengers, without compromising traffic and road safety.

The TD currently provides about 100 metered parking spaces on the streets in the vicinity of the MFM, including Playing Field Road, Fa Yuen Street, Tung Choi Street and Sai Yeung Choi Street North. In addition, there are 20 or so

parking spaces for private cars and light goods vehicles in the carpark of the Stadium, which are mainly provided for organizers of events at the Stadium. For the convenience of the public, the Stadium carpark is opened to the public as a toll carpark when no functions are held in the Stadium.

The improvement works of the Stadium will commence in September 2009 for a period of two years and its carpark will be closed during that time. As the number of parking spaces in the Stadium carpark is limited and the carpark is only opened to the public when no functions are held in the Stadium, the closure of the carpark due to the improvement works of the Stadium should not bring pressure on the parking, loading and unloading facilities on nearby streets. That said, the TD and the relevant departments will continue to closely monitor the situation, especially during the implementation of the improvement works, so as to ensure that there are suitable parking, loading and unloading facilities for members of the public and commercial tenants.

Any proposals to reduce traffic congestion and obstruction to pedestrian movement in the vicinity of Flower Market Road must have the support of the Yau Tsim Mong District Council and co-operation of commercial tenants. As a matter of fact, there are currently no restrictions on the location of premises used for retailing and wholesaling fresh flowers, potted plants and associated products, nor any special licensing requirements. As mentioned above, the concentration of flower retailers and wholesalers in the vicinity of Flower Market Road is a commercial decision made by the trade. Moreover, we also note that commercial tenants have previously opposed the proposal of moving away from the vicinity of Flower Market Road on the ground that their business would be seriously affected by so doing.

The MFM has become a tourist attraction with characteristics. The Urban Renewal Authority (URA) has planned to enhance the local characteristics of the district by conserving and revitalizing 10 prewar "verandah-type" shophouses of significant heritage value located on Prince Edward Road West. The existing on-street shops displaying local characteristics will also be retained as far as practicable. After taking into account the results of workshops and public opinion surveys, the URA initially proposes to reserve the on-street shops for use as flower shops and the units upstairs for cultural and art uses, so as to develop a "cultural art flower market".

In fact, long-term co-operation of commercial tenants is essential to solving the problem of traffic congestion and road obstruction in the vicinity of Flower Market Road. We therefore consider that the best approach to be adopted at present is to enhance the communication between commercial tenants and the relevant departments through various channels. The law-enforcing departments will continue to maintain close communication with commercial tenants, with a view to ensuring traffic safety and environmental hygiene, keeping public areas unobstructed, minimizing the nuisance caused to nearby residents and facilitating commercial tenants' operation of business as far as possible.

MR VINCENT FANG (in Cantonese): *Secretary, I am aware that you and your colleagues have done your best to co-ordinate the relevant work. Without the Government's participation, planning and support, the operation of the MFM has relied solely on dedicated efforts from members of the trade. Through such efforts, the MFM has been developed into one of the places displaying characteristics in Hong Kong. We should treasure the achievement of the trade in this regard. At present, in view of the limited space inside their shops and the fact that the operation of flower markets in the world has to rely on public display, commercial tenants of the MFM encounter great difficulties in their operating environment. I wish to ask the Secretary this: In relation to the direction of the future development of the MFM, will he consider holding discussions with the departments responsible for planning and even home affairs, so as to ascertain how to foster the development and further promotion of the MFM, given that the flower market does not come by easily?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I strongly concur with the remark that the MFM is a place displaying distinctive characteristics in Hong Kong. I feel very happy whenever passing the MFM because it gives me a rare opportunity to see various kinds of flowers. The flowers are beautiful and sometimes give out a scent. It is a place worthy of people's visits at their leisure. When festivals as Valentine's Day draw near, an increasing number of people will visit the MFM and for that reason, we particularly treasure this place.

We are willing to take account of any constructive suggestions that can serve to render the MFM safer and more prosperous. I have also expressed to colleagues of the Home Affairs Bureau our wish of enlisting co-operation from

various departments in this regard as far as practicable. As for the arrangements made for land or buildings, as I have mentioned just now, the URA has drawn up a plan in this regard and the successful implementation of the plan can further promote the development of that area. Apart from this, flowers also have their artistic side. As Members are aware, flower arrangement is a form of art. For that reason, the cultivation of a better environment can serve to attract more investment and people seeking development in this field. I believe this can further develop the MFM into a better tourist attraction.

MR WONG TING-KWONG (in Cantonese): *President, some years ago, I lived in the vicinity of Flower Market Road and that is why I am well acquainted with residents and commercial tenants in that area. However, recently, some residents living in the vicinity of the MFM asked me to which department they should lodge complaints. What do they wish to complain against? They allege that commercial tenants, in their operation of business, occupy part of the pavements and roads. As a result, residents find it impossible to move around in that area. They add that since these commercial tenants are engaged in the flower business, they need to water their flowers and their so doing frequently makes the pavements wet. As such, it is dangerous for pedestrians to move about in the MFM. They also claim that the large amount of grass and mud placed inside the shops has caused a major problem to environmental hygiene of that area. Their grievances are very strong. Nevertheless, I also understand that the MFM, in which the flower business is conducted, has become a place displaying characteristics in Hong Kong and is generally welcomed by members of the public. I wish to ask the authorities whether or not they have considered the idea of setting up a pedestrian zone in the MFM, just like those in the "Men's Street" and "Women's Street" (namely, Temple Street and Sai Yeung Choi Street), so as to manage the MFM properly, thereby avoiding competition between pedestrians and vehicles for the use of roads and allowing a proper placing of various items for sale? This can bring about a win-win situation in which residents may not have such a strong reaction while operators of the flower business may have a good operating environment.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I agree with the suggestion that our work is to strike a balance between the needs of residents and those of commercial tenants in that area. As Members are aware, the width of Flower Market Road only allows two vehicles to travel abreast of

each other at a time and a portion of that road has been designated for the parking of vehicles for the loading and unloading of goods. On festivals, we will implement road closure measures, thereby turning that section of the road into a pedestrian zone. However, we cannot do this on a long-term basis because retailers particularly have the need of unloading goods from goods vehicles. In addition, some customers may also wish to park their vehicles in the vicinity, such that they can place the flowers in their vehicles as soon as possible after purchase, thereby avoiding the trouble of carrying the flowers with them. The pavement in that area is not so wide and for that reason, in the past few years, I had I had discussed with Mr Vincent FANG. In 2007, we reached a consensus with the Yau Tsim Mong District Office that on usual days, commercial tenants are allowed to display their merchandise and place it within 3 ft from their shop front. That said, allowing them to do so does not mean that they can cause obstruction to residents' passageways. That is to say, if their shops happen to be located at the access to a building, they are not allowed to display their merchandise. For example, some residents, especially those who are elderly or wheelchair users, may return home by taxi. In that case, the passageways to their residences must not be obstructed. In this regard, we already have a clear arrangement in place. Many so-called disputes of a minor nature are caused when our officers from the FEHD or the Police Force inform commercial tenants that they have just crossed the line and that is why the two parties engage in discussions on this matter. For that reason, we hope that with respect to this need, commercial tenants, in particular, can understand the actions taken by officers from our law-enforcing departments, so as to help maintain the present situation.

In the long run, will there be better arrangements? Of course, we hope that members of the trade can raise constructive suggestions while having respect to the needs of the residents living in that area. It is such a nice place and for that reason, I have always said if I have the opportunity to live in that area I lived in that area for some time. When it comes to such a nice place, we should not stir up too many conflicts and I hope everyone in that area can get along with each other in harmony, thereby further promoting greater development of the MFM.

MR TOMMY CHEUNG (in Cantonese): *Actually, I do not understand why only the Secretary has attended this meeting to offer an explanation. For that reason, I do not wish to put too many questions to him because this issue*

apparently relates to several departments, including the Development Bureau, the Home Affairs Bureau and even the Transport and Housing Bureau. That being the case, may I ask the Secretary for some assistance? President, I wish to ask the Secretary this: Can he liaise with the Chief Secretary for Administration on the need of setting up an interdepartmental group? The issue at stake involves SMEs and we are always concerned with such matters. In fact, the present situation in the MFM gives rise to a very good business opportunity, which is identified by members of the business sector. Although the past two years has witnessed some improvements on the situation, it may possibly aggravate. President, for that reason, the supplementary question that I wish to put to the Secretary is this: Now that a decision of not relocating commercial tenants has been made, can he liaise with the Chief Secretary for Administration later on setting up an interdepartmental group comprising representatives from the abovementioned bureaux to examine ways to improve the operation of the entire area, so that residents may feel contented on one hand while on the other, commercial tenants may continue to do business there?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Of course, I can forward Mr Tommy CHEUNG's suggestion to and discuss with the Chief Secretary for Administration. Most importantly, I hope members of the trade can raise specific suggestions with us, if any. What ideas do they have? Do they wish to have a designated area or something else? Should a special licensing system be introduced? I believe all these issues require detailed discussions.

Members also have to be aware of the constraints in the MFM because there are really many buildings in that area. Given that demolition or relocation is not possible, we have to identify room for further future development. We note that over the past few years, the number of commercial tenants has increased. Flower-selling shops of a similar kind, although not set up on Flower Market Road, have been opened on the streets in its vicinity and there indeed exists room for natural development. How can we further promote the development of the MFM? I of course hope that our Government and the business sector or residents living in that area can take account of this from a practical perspective. We also respect the views put forward by the district council because it has received a number of complaints lodged by residents and it has to reflect to us the contents of these complaints. For that reason, how can we strike a balance? Some work has to be undertaken and so, I hope that

members of the trade can communicate with us directly or through their representatives more frequently. The Government will adopt a positive attitude in handling specific suggestions and where necessary, undertake more planning work.

PRESIDENT (in Cantonese): We have spent almost 19 minutes 30 seconds on this question. Last supplementary question.

MR PAUL TSE (in Cantonese): *President, it seems that we are having a Lan Kwai Fong of flowers in development. However, it is a pity that the Government only treats that place as a problem instead of a treasure trove. It has been proposed that some \$20 billion be spent on the development of the West Kowloon Cultural District and it is also said that the project of the Fisherman's Wharf should be carried out. However, such proposals have given rise to many contentions. On the contrary, we have not made efforts to dig for treasures amassed in this local treasure trove. In this regard, I agree with the suggestion raised by the several Members just now, that is, we have to make interdepartmental arrangements involving not only the Development Bureau or the Home Affairs Bureau, which were referred to earlier. I hold that the development of the MFM should be considered a tourism project because the MFM has in fact become a tourist attraction. Be it in local or international tourism, the MFM has its attractions. In this regard, I wish to ask the Secretary whether or not any dialogue has been forged with the departments responsible for tourism? If not, what are the reasons for that? Will the authorities do that in the future, so as not to let this treasure trove go to waste?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, as I recall it, as far as the Food and Health Bureau is concerned, we have not had any direct dialogue with the departments responsible for tourism. However, we are aware that a number of tourists and tours will visit the MFM. The MFM is also considered to be a local landmark and for that reason, if we are to further develop the MFM, I believe the Hong Kong Tourism Board will take part in the design in this regard. That said, we must take account of the views put forward by local commercial tenants on their future outlook and identify whether or not there is room for development.

PRESIDENT (in Cantonese): This is the end of the oral questions session.

WRITTEN ANSWERS TO QUESTIONS

Recipients of Old Age Allowance or Disability Allowance Being Denied Short-term Food Assistance

7. **MR WONG YUK-MAN** (in Chinese): *President, recently, some elderly people and people with disabilities who receive only old age allowance (OAA) or disability allowance (DA) but not Comprehensive Social Security Assistance have relayed to me that the non-governmental organizations (NGOs) which operate short-term food assistance service projects had refused to provide food assistance to them. In this connection, will the Government inform this Council whether the Social Welfare Department has stipulated that the NGOs concerned may not provide food assistance to those people; if it has not, whether it knows the reasons for those people being refused assistance; if it has, of the justifications and whether it will abolish the stipulation immediately?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the target service users of the five Short-term Food Assistance Service Projects implemented by the Social Welfare Department in collaboration with NGOs throughout the territory can be broadly categorized into two groups. The first group comprises individuals or families who have proven difficulties in coping with daily food expenditure, including those among the unemployed, low-income earners, new arrivals and street sleepers, as well as individuals or families encountering sudden changes and facing immediate financial hardship, and so on. The second group comprises individuals or families who have not benefited from any of the relief measures announced by the Government in 2008.

There is no restriction on recipients of OAA or DA applying for food assistance under these service projects. However, the operating NGOs are required to assess the needs of individual applicants (regardless of whether the applicant is a recipient of OAA or DA) as well as the level and type of assistance to be provided, so as to ensure that the assistance rendered will be proper and adequate to meet the basic needs of service users. Applicants who have been assessed to be not in need of short-term food assistance will not be provided with the service.

Office of the Commissioner of Insurance

8. **MR CHAN KIN-POR** (in Chinese): *President, it is learned that the Government is now conducting a study on the establishment of an Insurance Authority (IA) independent from the government structure to replace the Office of the Commissioner of Insurance (OCI). On the other hand, the workload of OCI in monitoring the insurance industry is increasingly heavy under the impact of the financial tsunami. In this connection, will the Government inform this Council:*

- (a) when the insurance sector is expected to be consulted on establishing IA, as well as the specific timetable for establishing IA;*
- (b) whether it will freeze the manpower and resources of OCI as it is about to be reformed; and*
- (c) how the Government ensures that, before IA is established, OCI has sufficient manpower and resources to cope with the increasingly heavy workload in monitoring the insurance industry, so as to avoid the quality of service from being affected?*

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

- (a) For the purpose of establishing an independent IA, suitable changes need to be made to the organizational structure, administrative and other operational aspects of the OCI which is currently a government department. The consultancy study commissioned by the Government earlier will make recommendations on these topics, and the study is near completion.

In view of the latest developments in the international financial market, we will need to review the existing insurance regulatory system with a view to examining further improvement measures when considering the consultant's recommendations. In the coming few months, we will seek the views of stakeholders on matters concerning the insurance regulatory regime, we will take into account their views in formulating a comprehensive proposal for the establishment of an independent IA within this financial year for consultation.

(b) and (c)

The Government will ensure that OCI has sufficient resources and manpower to perform its statutory regulatory functions for maintaining stability of market operations. With respect to the 2009-2010 Estimates, we have made available an additional provision of about \$7.06 million to OCI for recruiting more staff, including accounting and actuarial professionals, to strengthen its supervisory work having regard to the latest developments in the financial market.

Adverse Reactions to Medicines

9. **DR JOSEPH LEE** (in Chinese): *President, it is learned that adverse reactions of the body to medicines may not be noticed immediately, and certain types of patients (such as elderly patients or patients who are taking various medicines at the same time) may have unexpected reactions to medicines. Furthermore, adverse reactions to medicines may not be discovered during clinical trials and, therefore, certain risks exist in taking medicines newly introduced to the market. In view of the aforesaid situation, quite a number of countries and places have already formulated a clear regulatory system on medicines. In this connection, will the Government inform this Council:*

- (a) *whether it knows the number of patients who received treatment in public hospitals due to adverse reactions to medicines in each of the past five years; if such figures are not available, whether it will consider compiling the relevant statistics as soon as possible; and*
- (b) *whether last year, it had considered formulating a clear and comprehensive regulatory system on medicines (including proactively monitoring the medicines on sale in the market and strengthening the notification mechanism on adverse reactions to medicines); if it had, of the details; if not, the reasons for that?*

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

- (a) According to the guidelines of the World Health Organization (WHO), adverse drug reaction means uncommon signs and

symptoms that occur at doses normally used for treatment. It does not cover cases of overdose, not taking medications as instructed or using products adulterated with western drug ingredients. The Department of Health (DH) has developed in 2005 a voluntary Adverse Drug Reactions Reporting Programme (ADRRP) to encourage health care professionals to report cases of adverse drug reaction to the DH. Since then, the numbers of cases seeking treatment at public hospitals arising from adverse drug reactions reported to the DH are as follows:

<i>Year</i>	<i>No. of cases</i>
2005	10
2006	9
2007	15
2008	4
2009 (as at 16 April)	1

- (b) In addition to the ADRRP, the DH also monitors the safety, efficacy and quality of drugs on the market. Details are:
- (i) Drug Surveillance Programme: The DH frequently conducts checks on drugs on the market. These drugs are subject to both random and risk-based sampling for chemical and microbiological (for sterile products only) testing and checks for packaging, insert and labelling compliance. The DH conducted a total of 2 335 tests last year, which has increased from 2 146 tests in 2007.
 - (ii) Toxicovigilance Programme: It is a collaborative programme between the DH and the Hospital Authority (HA) implemented in 2007. When the HA encounters patients suspected to have been affected by the consumption of harmful products, it refers to the DH for follow-up investigation. Reports which have public health implications will be released to health care professionals, members of the general public and overseas health authorities when necessary.

Besides, the DH will keep track of the scientific research findings, publication, notification and reports of the WHO and local

stakeholders, such as the faculties of medicine of the two universities, the HA, private hospitals, private medical practitioners and private laboratories. The DH will also conduct analysis and take follow-up actions where appropriate, including undertaking field epidemiological research and taking samples of evidence for examination. If it is found that any drug may cause adverse reaction, the DH will take appropriate actions based on risk assessment, and will publish the information and notify the WHO if necessary.

In the light of the recent drug incidents, the Government has set up a review committee to undertake a comprehensive review of the existing regulatory regime for pharmaceutical products. The task force of the review committee led by the Director of Health will make recommendations on the enhancement of pharmacovigilance in Hong Kong. The reporting, detection, assessment and prevention of adverse drug reaction will be part of the review.

Assistance to Unemployed Workers in Construction Industry

10. **MR ABRAHAM SHEK** (in Chinese): *President, it is learned that around 20% of the private development projects in Hong Kong have been shelved since the onset of the financial tsunami in September last year, resulting in a large number of construction workers losing employment. The latest seasonally-adjusted unemployment rate of the construction industry has reached a 33-month high of 11.2%. Moreover, as there is still some time before the construction works of various major infrastructure projects commence, such projects cannot provide immediate relief to the serious unemployment problem in the construction industry. In this connection, will the Government inform this Council:*

- (a) *whether it has compiled statistics on the number of Hong Kong residents who used to work in the construction sector in other places such as Macao, the Middle East and Dubai and have returned to reside in Hong Kong after losing their jobs, since September last year; if so, of the number of such people; if not, the reasons for that;*

- (b) *what medium-term measures the Government will introduce to lower the continuously increasing unemployment rate of the construction industry;*
- (c) *as some members of the construction industry have pointed out that the major infrastructure projects do not have high demand for workers of certain trades in the industry, such as steel bending and fitting-out, while nearly 20% of the Hong Kong workers who were dismissed due to the suspension of the casino projects in Macao are engaged in these trades, what corresponding measures the Government will introduce to assist such workers; whether the authorities will consider providing training and subsidies to assist them in switching occupation; if they will, of the details; if not, the reasons for that; and*
- (d) *whether it knows the progress of the various building maintenance support schemes launched respectively by the Urban Renewal Authority (URA) and the Hong Kong Housing Society (HKHS); what new measures will be introduced to expedite and facilitate the implementation of building maintenance works so as to create more job opportunities for construction workers?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the Government has been closely monitoring the impact of the financial tsunami on the construction industry, and has been implementing infrastructure projects of large, medium and small scales in full swing to create job opportunities. We will stay in touch with various stakeholders of the construction industry, including contractors, consultants, professional bodies and trade unions, to effectively resolve the problems faced by the industry, so that construction will commence early and employment opportunities will increase.

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

- (a) By making reference to statistics on non-resident workers of the Labour Affairs Bureau of the Macao Special Administrative Region, we estimate that some 5 000 Hong Kong construction workers returned from Macao in the period from September 2008 to February

2009. As for the number of Hong Kong construction workers who used to work in other places such as the Middle East (including Dubai) but have returned to Hong Kong due to suspension of the overseas projects, we are unable to get hold of the information. Another figure available for reference is the total of about 16 000 construction workers who first registered with the Construction Workers Registration Authority in the above same period. As the registration system has been implemented since September 2007, the above figure may be able to reflect the situation of new entrants or returned workers.

- (b) The Government has been pressing ahead with construction projects of various sizes, as reflected by the increase of annual expenditure in capital works projects from \$20.5 billion in 2007-2008 to \$23 billion and \$39.3 billion in the 2008-2009 and 2009-2010 financial years respectively. Funding applications for a total of 99 projects worth \$26.2 billion and 82 projects worth \$47.1 billion were approved in the 2006-2007 and 2007-2008 Legislative Sessions respectively. In the current 2009-2010 Legislative Session, we expect that funding applications for about 100 projects worth more than \$100 billion will be submitted to the Legislative Council for approval. In other words, a total of about 280 new capital works projects worth more than \$170 billion have been added for the three Legislative Sessions. These works projects are being implemented in different stages. We estimate that about 47 100 job opportunities will be provided in 2009-2010, representing an increase of 11 800 jobs over 2008-2009. This will benefit substantially the employment situation of the construction industry.

Separately, we have taken measures on the following three fronts to bolster our efforts in "preserving jobs" for the construction industry:

- (i) The Government, in collaboration with the HKHS and the URA, will launch a \$1-billion "Operation Building Bright" (the Operation) for a period of two years. We estimate that the Operation will create about 10 000 job opportunities for fitting-out and maintenance workers as well as related professionals and technicians over the next two years.

- (ii) The block allocations on minor works will increase by 25% from \$6.9 billion in 2008-2009 to \$8.6 billion in 2009-2010. These minor works include environmental protection and "green" building works to upgrade the energy efficiency of government buildings, as well as construction of green roofs, installation of energy efficient lighting systems, and retrofitting plumbing appurtenance with water saving devices, energy efficient air-conditioning, lift and escalator systems in government buildings. These types of works will instantly create more jobs in the construction sector.
 - (iii) The Buildings Department (BD) has conducted a special territory-wide operation since March 2009 to remove some 5 000 additional abandoned signboards within 12 months. We expect that the operation will create about 170 job opportunities for the construction industry. It will also enhance public safety and improve the cityscape.
- (c) Building construction projects have a relatively high demand for workers of steel bending and fitting-out trades. Among some 100 projects to be submitted to the Public Works Subcommittee for approval in the current 2009-2010 Legislative Session, the Architectural Services Department will be involved in 40 projects, accounting for 40% of the total. Coupled with the block allocations on minor building works, the Government's estimated expenditure in major and minor building works will reach \$14.2 billion in 2009-2010, representing a significant increase of some \$3.4 billion or 30% over the expenditure of \$10.8 billion in 2008-2009. The major building projects at construction peak this year include the Tamar development project, Prince of Wales Hospital's extension block, redevelopment of the Lo Wu Correctional Institution, construction of a new campus for the Vocational Training Council at Tiu Keng Leng, Customs Headquarters Building as well as a number of university campus expansion projects for the implementation of the Academic Structure for Senior Secondary Education and Higher Education. We believe that these construction projects can partly make up for the reduction in private development projects and provide timely job opportunities for construction workers who have returned from Macao and other places.

While the Government is actively creating more job opportunities, the Construction Industry Council and its Training Academy has made special arrangements to meet the needs of those unemployed construction workers who intend to shift to other trades within the construction industry. Various training programmes have been organized to help them acquire new skills and shift to other trades, so that they can rejoin the construction industry by grasping the job opportunities brought about by various major infrastructure projects and building maintenance works. The training programmes to be launched by the Training Academy in the near future include courses on building repair and maintenance as well as timber formwork in civil engineering work.

- (d) Since 2004, the URA has successively launched the "Building Rehabilitation Materials Incentive Scheme" and the "Building Rehabilitation Loan Scheme". As at March 2009, rehabilitation works for 490 buildings were completed or in progress, while 38 buildings were being invited to join the two Schemes. Since their inception, the two Schemes have provided rehabilitation incentive materials worth some \$40 million as well as subsidies and loans of about \$200 million.

Since February 2005, the HKHS has launched the "Building Management and Maintenance Schemes". As at 31 March 2009, the HKHS provided subsidies and technical support to some 3 870 buildings, including successfully assisting 905 buildings in setting up owners' corporations (OCs) as well as approving 810 applications for subsidies of some \$180 million under the "Building Maintenance Incentive Scheme". Separately, the HKHS has approved 790 applications involving a sum of about \$30 million under the "Home Renovation Loan Scheme". In May 2008, the Government entrusted the HKHS to implement the "Building Maintenance Grant Scheme for Elderly Owners". So far, about 2 850 applications for repair grants for elders of about \$65 million have been approved.

As a specific measure for "Preserving Jobs", the Financial Secretary announced in the 2009-2010 Budget speech that the Government would, in collaboration with the HKHS and URA, launch a \$1-billion "Operation Building Bright" for a period of two years to

provide subsidies and one-stop technical assistance to help owners of about 1 000 old buildings carry out repair works. The Operation will create a large number of job opportunities for the construction industry within a short period of time. This will achieve the dual objectives of alleviating the relatively high unemployment rate in the industry as well as enhancing building safety and improving the cityscape.

The HKHS and URA will provide concerned owners with technical advice and support to assist them in carrying out voluntary repair and maintenance works. The two agencies will also be responsible for the administration of the Operation, monitoring the progress of repair and maintenance works as well as disbursement of subsidies to the OCs. Regarding buildings having difficulties in co-ordinating repair works, such as buildings without OCs, the BD will get directly involved by serving statutory repair orders. If the orders are not complied with, the BD will arrange consultants and contractors to carry out repair works, and recover the costs from the owners after deducting the subsidies they are eligible for under the Operation.

With the funding approval from the Finance Committee of the Legislative Council on 24 April 2009, the Operation will be implemented in May 2009.

Sex Education

11. **MISS TANYA CHAN** (in Chinese): *President, it has been reported that the voluntary agency Mother's Choice received, in the first 11 months of the 2008-2009 year, 207 cases of unwed pregnant women seeking assistance, with more than 30% of these cases involving underage girls below 17, some of whom even had several abortions. Some members of the public put the blame for this situation on the outdated sex education curriculum at present and its failure to instil holistic sex knowledge and a proper attitude towards gender relationship among young people. In this connection, will the Government inform this Council:*

-
- (a) *whether it has compiled annual statistics on underage unwed pregnant girls; if it has, of the figures for the past five years; if not, whether the Government will consider compiling statistics so that the community will have a clearer picture about the situation of underage unwed pregnant girls;*
- (b) *when the existing sex education curriculum was drawn up; whether its contents have been reviewed regularly; if so, of the details, including the review schedule and the outcome of the last review; if not, of the circumstances under which the Government will conduct a review;*
- (c) *of the lowest grade at which the sex education and gender relationship curriculum are taught in school at present; whether arrangements will be made to teach the curriculum at a lower grade; if not, of the reasons; of the contents of the curriculum for each grade; and as the Government indicated that it would review and update the sex education curriculum for primary schools, of the relevant details;*
- (d) *whether the sex education and gender relationship curriculum is at present compulsory in primary and secondary schools; if not, whether the Government will consider making it compulsory; if not, of the reasons for that;*
- (e) *apart from implementing sex education in schools, whether the Government has formulated other measures to help children and young people develop a better understanding of and a proper attitude towards sex and gender relationship; if it has, of the details; if not, the reasons for that; and*
- (f) *whether the Government will consider providing social service agencies with more resources to help them launch sex education projects which are more comprehensive and provide enhanced counselling and support services to children and young people, especially underage unwed pregnant girls, their partners and families; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) The number of childbirth and the number of lawful termination of pregnancy by unmarried women under the age of 18 from 2003 to 2007 are shown in the Annex. The Government does not yet have the figures for the year 2008.
- (b) The Education Bureau (the Bureau) is committed to promoting sex education at various key stages of learning in schools through a holistic curriculum comprising knowledge, attitudes/values and skills. For instance, elements of sex education are included in the Science curriculum at the secondary level in 2002 and the General Studies curriculum at the primary level in 2004. Various aspects of sex education are also covered in the Moral and Civic Education (MCE) framework set out in 2002. The Bureau reviews and updates the school curriculum regularly to address the changes in society and the needs of students. In April 2008, the MCE curriculum framework was revised and enriched, with learning expectations and teaching content on sex education specified for various key stages of learning to help schools promote sex education systematically. In the new senior secondary curriculum to be implemented in September 2009, sex education will also be further strengthened.
- (c) Elements of sex education are included in the school curricula of pre-primary, primary and secondary schools in accordance with children's developmental stages. In the pre-primary school curriculum, awareness of self-protection relating to sex education is covered to help children learn how to protect themselves. Contents of sex education elements in the primary and secondary school curricula include the following: General Studies at the primary level (for example, changes in the physical, psychological and social life aspects during puberty, gender roles and relationships, sexual feelings and reactions and ways to deal with them), Ethics and Religious Studies at the secondary level (for example, heterosexual and homosexual relationships, premarital and extramarital sex, life and death: right to raise a family, birth control, abortion, and so on), Integrated Humanities (for example, Personal Development: the preparation needed in order to get into an intimate relationship), Science (for example, male and female reproductive systems,

preparation for parenthood, various methods of birth control and how they work, abortion and its implications), Biology (for example, sexual reproduction in humans, sexually transmitted diseases), Home Economics (for example, planning for parenthood: preparing for parenthood), Liberal Studies (for example, understanding oneself, interpersonal relationships), and so on. Contents in MCE (for both primary and secondary levels) include respecting others, protecting one's body, getting along with the opposite sex, handling the sex impulse, dealing with social issues relating to sex, and so on.

To address the developmental needs of the students and society, sex education has been revised and enriched in the revised MCE curriculum framework launched in April 2008. The Bureau is now reviewing the General Studies curriculum at the primary level which is expected to be completed in early 2010. The General Studies curriculum will then be updated, including the part on sex education, to meet the developmental needs of the younger generation and to fulfil expectations of the society.

In addition to the promotion of sex education in schools, the Bureau encourages the Committee on Home-School Co-operation, the Federations of Parent-Teacher Associations in different districts and the Parent-Teacher Associations in various schools to organize talks, sharing sessions and seminars to enhance communication between schools and parents in order to promulgate the basic concepts of sex education. Learning activities under the themes of sex education, including "Youth Case File — Child Developing and Parenting", "Parents' Talks on Making Good Use of the Internet", "Seminar on Anti-Compensated Dating for the New Generation", "Views on Articles Publication", and so on, have been held accordingly. Besides, the Bureau has partnered with other relevant departments (for example, the Hong Kong Police Force, Department of Health (DH), Social Welfare Department (SWD), Radio Television Hong Kong, and so on), and different organizations (for example, The Family Planning Association of Hong Kong (HKFPA), Breakthrough, Yang Memorial Methodist Social Service, Women's Commission, the Equal Opportunities Commission, and so on) to arrange jointly organized/self-owned programmes to provide support to schools and parents for the promotion of sex education.

- (d) Sex education is an integral and core part of the current school curriculum. Themes relating to sex education and relationship between the two sexes are included in the school curricula at different key stages of learning, such as General Studies at the primary level, Liberal Studies at the secondary level and MCE at both primary and secondary levels. In addition, schools also organize learning activities such as talks, debates, visits and exhibitions during class teachers' periods, assemblies or other life-wide learning activities to further strengthen sex education.
- (e) Family Life Education Units, Integrated Family Service Centres (IFSCs) and Integrated Services Centres (ISCs) operated by the SWD or non-governmental organizations (NGOs) organize on their own, and also jointly with schools, family life education programmes for both children and their parents, to enhance parents' understanding about the physical and psychological changes of children and youth at different developmental stages, as well as ways to handle stress and issues, including sex-related issues, arising from these changes. The Family Life Education Resources Centre of SWD has also produced resource packages to help youngsters develop a proper attitude towards relationships with the opposite sex, intimate relationships and marriage.

The Adolescent Health Programme under the DH is currently providing "Sex Education Workshops" (the Workshops) to Secondary One to Secondary Seven students to support the implementation of sex education in schools. The contents include consequences of sexual intercourse, correct contraceptive methods and their limitations, how to protect oneself and avoid contracting sexually transmitted diseases, promotion of a harmonious, equal and respectful relation between the two genders.

The Student Health Services Centres (SHSCs) under the DH is providing sex education to primary and secondary schools students who visit the centre. The SHSCs distribute leaflets and brochures on specific topics related to sex education (for example, puberty, dating and love, getting along with the opposite sex) to primary and secondary school students of designated year levels. The SHSCs also regularly organize health talks on the subject of puberty for primary and secondary school students and their parents who visit

the SHSCs, explaining to them the physiological and psychological changes and the worries that might arise during puberty.

In addition, the DH has established the Central Health Education Unit website and a 24-hour health education hotline in order to provide citizens with general knowledge on sex education. The themes covered include advice on how to handle children's questions on sex and their curiosity towards genitals, adolescent health information on puberty and dating etiquette and safety, and so on.

- (f) The abovementioned IFSCs and ISCs provide a continuum of preventive, supportive and therapeutic welfare services to people in need. These centres also help to identify, at an early stage, underage persons in need, such as unwed pregnant girls and their families, and provide them with various support and counselling services. These services include helping the girls develop a proper attitude towards sex and relationships with the opposite sex, strengthening their capabilities in handling stress and conflicts arising from unwed pregnancy, arranging pre-natal residential care and discussing with them the long-term welfare plan for their babies.

Moreover, the SWD-subsented Integrated Children and Youth Services Centres also provide various counselling, support and socialization programmes to youngsters, to instil in them a sense of social responsibility and help them develop their potentials. Participating in the activities of the Centres help youngsters enhance their standard of behaviour and discipline.

In addition, SWD also subvents NGOs to provide "one school social worker for each secondary school" service to all secondary schools in Hong Kong. The service aims to help students with behavioural, emotional, social and learning difficulties resolve their personal problems. When approached by unwed pregnant students seeking for help, the school social workers will assess the cases and provide counselling services to them. Depending on the nature and seriousness of the cases, the school social workers may refer them to relevant agencies/government departments for appropriate services. The school social workers will also liaise with the professionals involved to closely monitor the situation of these students.

The DH currently provides subvention to the sex education services of the HKFPA. A resource library has been established at the HKFPA Headquarters to provide reference materials related to sex education, sexual and reproductive health, family planning, family life education and population, and so on. The resource library is open to visits by appointment from schools and organizations. The HKFPA also organizes talks on sex education from time to time, and produces audio-visual resources, teaching materials and books regularly to help the public acquire knowledge of sex through different channels. In addition, the HKFPA has set up a sexuality education website, providing adolescents, parents and teachers with general knowledge on sex and answering queries from the public (in particular those from adolescents) concerning sexual health through email.

Annex

The numbers of childbirth and lawful termination of pregnancy by unmarried women under the age of 18 in 2003 to 2007

<i>Year</i>	<i>* Number of childbirth by unmarried women under the age of 18 without valid marriage registration (only including the number of live births)</i>	<i>§ Number of lawful termination of pregnancy by unmarried women under the age of 18⁽¹⁾</i>
2003	147	446
2004	130	452
2005	139	369
2006	138	358
2007	134	327

Source:

* Census and Statistics Department

§ DH

Note:

- (1) The number of cases is calculated based on the number of notifications regarding the termination of pregnancy provided to the Director of Health according to the Regulation 4 of the Termination of Pregnancy Regulations

A Footpath Along a Section of Queen's Road Central

12. **DR DAVID LI:** *President, as part of the Government's pedestrianization efforts, the northern footpath along the section of Queen's Road Central between Pedder Street and Pottinger Street has been "temporarily widened since April 2003", according to the Transport Department (TD) website. The temporary character of the works is reinforced by the materials used in constructing the footpath and its finish, that is, only concrete was used and the pavement is on different levels. In this connection, will the Government inform this Council:*

- (a) whether it has assessed the impact of widening the section of the footpath on the vehicular traffic there; if it has, of the assessment outcome;*
- (b) why the Government has left the temporary works in place for six years without any attempt at improvement or beautification; and*
- (c) whether it will consider taking action forthwith to upgrade the footpath to a standard befitting of a major metropolitan city centre?*

SECRETARY FOR TRANSPORT AND HOUSING: President, my replies to the three parts of the question are as follows:

- (a) The TD conducted a trial lane closure in November 2002 for part of the carriageway at the section of Queen's Road Central between Pedder Street and Pottinger Street. Following the trial and on the TD's recommendation, part of the carriageway at the above road section was converted into a footpath in April 2003 to improve pedestrian circulation on the northern footpath of the road section in question. The TD subsequently conducted a review in 2004 on the impact of the conversion on vehicular traffic along Queen's Road Central. The review confirmed that the impact of the conversion on vehicular traffic has been positive. The TD accordingly recommended making the conversion a permanent scheme with streetscape enhancement measures.
- (b) and (c)

The Highways Department (HyD) was responsible for the implementation of the conversion of the carriageway at the section

of Queen's Road Central between Pedder Street and Pottinger Street into a footpath as recommended by the TD, as well as the introduction of streetscape enhancement measures. Before commencement of the works, the HyD had held discussion with various utility undertakers about the latter's plans to upgrade or divert their underground installations in the affected road section. On the basis of these discussions, the HyD had developed a work programme for the conversion which took into account the construction and upgrading programmes of all concerned parties. As the enhancement works have to take into account the construction and upgrading programmes of all concerned parties, they could not start immediately after the completion of the temporary conversion works. The HyD therefore planned to proceed with the enhancement works immediately upon completion of the relevant construction and upgrading programmes.

The construction and upgrading programmes of the utility undertakers have been largely completed in a steady manner in the past few years. The HyD decided to commence further improvement and streetscape enhancement works on the footpaths at the section of Queen's Road Central between Pedder Street and Pottinger Street in the second quarter of 2009. These works include the levelling of the northern footpath, as well as streetscape enhancement measures such as repaving of the footpath with granite pavers, installation of decorative railings, and provision of greening measures on both northern and southern footpaths. The Central and Western District Council and the local community support these improvement works. To minimize disruption to pedestrian movements and the operation of shops in the vicinity, most of the works will be carried out at night. The works are expected to be completed by mid-2011.

Impact of Air Pollution on Tourism Industry

13. **MR PAUL TSE** (in Chinese): *President, it has been reported that the Department of Foreign Affairs and Trade of the Australian Government issued earlier on its website a travel advice regarding the air pollution situation in Hong Kong, indicating that air pollution in Hong Kong has aroused international concern. In this connection, will the Government inform this Council:*

- (a) *whether in the past three years, it had assessed the negative impact of the air pollution situation in Hong Kong on the tourism industry; if it had, of the results; if not, whether it will consider expeditiously conducting the relevant assessment;*
- (b) *whether in the past three years, it had regularly conducted surveys on the views of tourists about air quality in Hong Kong, and used survey results as one of the indicators for appraising the work of improving air quality in Hong Kong; if so, of the details; if not, whether it will conduct the surveys concerned; and*
- (c) *of the Government's concrete measures to alleviate the air pollution problem expeditiously, as well as how it assesses the effectiveness of such measures?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

(a) and (b)

The Hong Kong Tourism Board conducted questionnaire surveys to gauge tourists' views on various aspects (including air quality) of Hong Kong over the past three years. The survey conducted each year covered the views of around 9 500 visitors having stayed in Hong Kong for more than one day. The survey findings showed that ratings of the tourists on the air quality of Hong Kong remained generally stable over the past three years. Less than 20% of the respondents found the air quality of Hong Kong unsatisfactory. Ratings given in the surveys on the air quality of Hong Kong are as follows:

	<i>"Highly satisfactory"/ "Fairly satisfactory"</i>	<i>"Average"</i>	<i>"Fairly unsatisfactory"/ "Highly unsatisfactory"</i>
2008	50.0%	32.8%	17.2%
2007	47.3%	33.9%	18.8%
2006	46.4%	35.9%	17.7%

The most common way to reflect changes in air quality is to monitor the concentrations of air pollutants and their trends. In this connection, the Environmental Protection Department operates 14

air quality monitoring stations throughout the territory to measure continuously the concentrations of major pollutants and releases the relevant data to the public.

The data obtained from the air quality monitoring stations have indicated an improvement in air quality in recent years. After the introduction of a number of vehicle emission reduction measures by the Government since 1999, the concentration of respirable suspended particulates at the roadside have dropped by 22%, nitrogen oxides by 23% and sulphur dioxide by 19%. The number of smoky vehicles has also reduced by 80%.

- (c) The Government is committed to reducing emission of air pollutants in Hong Kong and the Pearl River Delta (PRD) Region.

Power plants and vehicles are the major sources of air pollution in Hong Kong. In respect of power plants, it has been our policy since 1997 to require all newly installed generating units to be gas-fired. Since 2005, statutory emission caps have been set for all power plants. In last year's policy address, the Chief Executive announced that the Government would examine the feasibility of gradually increasing the proportion of natural gas for local electricity generation to 50% to further reduce power plant emissions. As for reducing vehicle emissions, key measures being pursued by Government include:

- (i) adopting stringent emission standards for newly registered vehicles and stringent specifications of motor vehicle fuels;
- (ii) mandating the retrofit of emission reduction devices in all commercial diesel vehicles which do not meet the emission standards of the European Union;
- (iii) incentivizing the replacement of diesel taxis and light buses with liquefied petroleum gas vehicles;
- (iv) subsidizing the replacement of pre-Euro or Euro I commercial diesel vehicles with new vehicles;

- (v) reducing the first registration tax of environment-friendly vehicles; and
- (vi) strengthening the enforcement against smoky vehicles.

To improve regional air quality, we have been implementing the Pearl River Delta Regional Air Quality Management Plan in collaboration with the Guangdong Provincial Government. Our aim is to reduce the total emissions of sulphur dioxide, nitrogen oxides, respirable suspended particulates and volatile organic compounds in the region by 40%, 20%, 55% and 55% respectively by 2010, using 1997 as the base year.

As a result of the efforts by Hong Kong and Guangdong Province to reduce emission of air pollutants in the PRD, the concentrations of respirable suspended particulates, nitrogen dioxide, ozone and sulphur dioxide in our ambient air reduced by 9% to 20% over the past five years, and the number of hours with reduced visibility also recorded a 30% decrease.

To further improve air quality, we are working on the following new initiatives:

- (i) proposing a statutory ban on idling vehicles with running engines;
- (ii) developing a proposal to strengthen the control of emissions from in-use petrol and liquefied petroleum gas vehicles;
- (iii) examining the feasibility of further tightening the emission standards of motor vehicles;
- (iv) introducing and promoting the use of a new generation electric vehicles;
- (v) drawing up specifications for motor vehicle biodiesel to encourage its use as a motor vehicle fuel;

- (vi) developing a proposal to control the emission of air pollutants from motor vehicles and off-road mobile sources operating within the airport and container terminals; and
- (vii) extending the control of the Air Pollution Control (Volatile Organic Compounds) Regulation to other products.

In addition, we have commissioned a comprehensive consultancy study to review Hong Kong Air Quality Objectives and long-term air quality management strategy.

We believe the above emission abatement initiatives will be conducive to bringing continuous improvement to the air quality of Hong Kong, further safeguarding public health and attracting tourists to Hong Kong.

Placement-tied Courses of Employees Retraining Board

14. **MR WONG SING-CHI** (in Chinese): *President, the Employees Retraining Board (ERB) indicates that its placement-tied courses are offered in response to the needs of the market. Yet, it has been reported that some training bodies (TBs) have referred graduated trainees to take up jobs which are not related to the courses that they have attended, and as the contents of some courses are impractical, it is doubtful if it is true that the average placement rate of graduated trainees from such courses is about 80%, as claimed by ERB. In this connection, will the executive authorities inform this Council:*

- (a) *how ERB calculates that the average placement rate of graduated trainees from placement-tied courses is as high as 80%; whether graduated trainees referred to take up temporary work for one day only are considered placed; whether ERB has assessed if the method used to calculate the placement rate can reflect the actual employment situation of graduated trainees;*
- (b) *given that, in order to make its courses better meet market needs, ERB has set up a number of trade advisory groups and course*

advisory groups with the participation of industry players, and regularly met with people from various sectors including employers, trade associations, trade unions, professional organizations, TBs, and so on, so as to understand the market and develop courses, but the contents of some courses are still criticized as impractical, what improvement measures ERB have put in place and their details;

- (c) of the placement rates of graduated trainees from placement-tied courses who took up jobs in the past five years which were related to the courses they had attended; if no information on the placement rates concerned is available, of the reasons for that; and*
- (d) as it has been reported that ERB has commissioned a research company to conduct, by random sampling, half-yearly studies on the placement rates of graduated trainees, of the relevant details and their results?*

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

- (a) The length of placement-tied courses offered by the ERB is approximately one to three months with total training hours ranging from 100 to some 300 hours. Graduates of placement-tied courses are normally provided with three-month post-training placement services. TBs are required to report the placement details of individual graduates, including the name of employers, date of placement, job nature, position, salary, and so on, to the ERB for monitoring purpose.

As one of the key performance indicators of TBs, "placement rate" represents the percentage of the number of successfully placed graduates over the number of graduates of the course. The definition of "placement" currently adopted by the ERB follows that of the International Labour Organization, that is, a trainee is considered "placed" once he/she is engaged in a wage-receiving job during the placement period.

Nevertheless, to promote sustainable employment, the ERB has initiated discussion with its appointed TBs on a revised definition of placement rate. The ERB is also undertaking a comprehensive study with the objective of enhancing the placement services provided to its graduates. The ERB will take into account the difficulties experienced by TBs in securing placement opportunities during the financial tsunami.

- (b) Through consultation with stakeholders of different trades and TBs, the ERB keeps under regular review, and revamps as necessary, the existing courses and develops new courses in response to market needs. Surveys, including trainee and employer satisfaction surveys, are conducted from time to time to evaluate the effectiveness of its training services. The ERB also collects and analyses manpower, employment and training information published by the Government and local and overseas organizations for the purpose of updating its training programmes.

To enable more effective course development and to strengthen partnership and consultative networks with industries, the ERB will reorganize its current Trade Advisory Groups and Course Advisory Groups into Industry Consultative Networks (ICNs). Industry representatives will be invited to join the ICNs. The ICNs will help the ERB in reviewing the course contents of its training programmes to ensure that the overall effectiveness and relevance of these programmes is maintained. The ERB will also continue to conduct studies on the training and employment needs of different service targets, and endeavour to keep its training programmes abreast of market needs and changes.

- (c) Apart from the placement details quoted in part (a) above, TBs are also required to report the relevancy rate of placement (that is, number of graduates placed in jobs relevant to their training as a ratio of the total number of graduates successfully placed) to the ERB. During the five-year period between 2004-2005 and 2008-2009, the relevancy rate of placement on average was about 66%.

- (d) As part of the quality assurance mechanism, the ERB has commissioned independent consultants to conduct Placement Audit Surveys twice a year. The placed graduates who have completed placement-tied courses during the period concerned will be randomly selected for sample checking. Detailed information, including the name of employers, date of placement, job nature, position, salary, and so on, will be checked and verified. The record accuracy rates of the Placement Audit Surveys have been consistently high at 99%.

Aircraft Noise Mitigating Measures

15. **MR ALBERT CHAN** (in Chinese): *President, in reply to my question at the Council meeting on 16 April 2008, the Government indicated that the Civil Aviation Department (CAD) had, since October 1998, implemented a series of aircraft noise mitigating measures to minimize the impact of aircraft noise on the communities near the flight paths (for example, to avoid aircraft overflying densely populated areas in the early hours, arrangements were made for flights departing Hong Kong between 11 pm and 7 am to use the southbound route via the West Lamma Channel as far as possible, while flights arriving in Hong Kong between midnight and 7 am were directed to land from the waters southwest of the airport). However, I have learned that up till now aircraft noise during the above hours still often causes nuisance to residents of many housing estates, making it difficult for them to fall asleep. In this connection, will the Government inform this Council:*

- (a) *of the data, recorded by various noise monitoring terminals last year, on aircraft noise levels which reached 70 to 74, 75 to 79, and up to or over 80 decibels (dB) during the above hours;*
- (b) *of the types of aircraft the noise levels of which reached 80 dB or above last year and their operating airline companies; and*
- (c) *whether the existing aircraft noise mitigating measures will be enhanced further to reduce the nuisance caused to residents; if so, of the details?*

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

- (a) at present, there are 16 noise monitoring terminals in Hong Kong. The required noise events recorded at these terminals in 2008 are set out at Annex 1;
- (b) the types of aircraft with noise events exceeding 80 dB in 2008 and the operating airlines concerned are set out at Annex 2;
- (c) without affecting flight safety and air traffic operation, the CAD has since October 1998 implemented a series of noise mitigating measures to minimize the impact of aircraft noise on the areas near the flight paths. Such measures, apart from those mentioned in the question, include:
 - (i) to reduce the aircraft noise impact on Tsing Lung Tau, Sham Tseng and Ma Wan, all aircraft taking off towards the northeast of the airport are required to follow the noise abatement departure procedures prescribed by the International Civil Aviation Organization to reach a higher altitude within a shorter distance;
 - (ii) aircraft approaching from the northeast between 11 pm and 7 am adopt the Continuous Descent Approach when landing to reduce aircraft noise impact on Tseung Kwan O, Sai Kung and Ma On Shan; and
 - (iii) with effect from July 2002, CAD has banned all aircraft which has a higher noise level, as defined in Chapter 2 of Volume I, Part II of Annex 16 to the Convention on International Civil Aviation, from landing and taking off in Hong Kong.

Regarding the noise mitigating measure mentioned in the question which requires departing flights to use the southbound route via the West Lamma Channel as far as possible during night time, Ma Wan residents have proposed bringing forward the south turn of aircraft to reduce the noise impact on Ma Wan. Since the proposal involves considerations on flight safety, landing and take-off procedures, efficiency of air traffic control as well as the effect on different

models of aircraft and the current aircraft intrusion limitations, its feasibility can only be confirmed after careful examination and consideration of the various relevant factors. CAD is studying the impact of this proposal and the study is expected to be completed by the end of this year.

Moreover, CAD will continue to monitor the use of the flight paths of aircraft landing at and departing from the airport and the aircraft noise impact through the Aircraft Noise and Flight Track Monitoring System. It will also closely monitor international aviation technological developments and consider all possible measures to further mitigate aircraft noise.

Annex 1

Noise Events Recorded at the Noise Monitoring Terminals in 2008
(Aircraft Noise Events Exceeding 70 dB
Recorded During 2300 to 0700 the Next Day)

<i>Noise Monitoring Terminals</i>	<i>Noise Level (dB)</i>		
	<i>70 to <75</i>	<i>75 to <80</i>	<i>≥ 80</i>
1. Mei Lam Estate, Tai Wai	14	5	1
2. On Yam Estate, Kwai Chung	96	3	0
3. Yiu Tung Estate, Shau Kei Wan	18	1	0
4. Beverly Height, Cloud View Road, North Point	19	2	0
5. Fairmont Garden, Conduit Road, Mid-Levels	10	2	0
6. Hong Kong Garden, Tsing Lung Tau	3 412	549	39
7. Sha Lo Wan, Lantau	1 873	862	130
8. Fu Tung Estate, Tung Chung	494	59	13
9. Ma Wan Marine Control Centre, Ting Kau	1 157	82	9
10. Park Island, Ma Wan	5 722	1 900	327
11. Tai Lam Chung Tsuen	292	28	8
12. Greenview Court, Yau Kom Tau, Tsuen Wan	119	9	1
13. Cheung Hang Estate, Tsing Yi	218	23	1
14. Siu Ho Wan MTRC Depot, Sunny Bay	4 714	508	8
15. Mount Butler Road, Jardine's Lookout	16	5	0
16. Mount Haven, Liu To Road, Tsing Yi	115	9	1

Aircraft Types and Their Operating Airlines with Noise Events
Exceeding 80 dB Recorded
From 1 January to 31 December 2008

<i>Airlines</i>	<i>Aircraft Type</i>
Aeroflot - Cargo	McDonnell Douglas DC-10 McDonnell Douglas MD-11
AHK Air Hong Kong	Airbus A300-600 Boeing B727-200
Air Bridge Cargo	Boeing B747-200 Boeing B747-400
Air China Cargo	Boeing B747-200 Boeing B747-400
Air France	Boeing B747-400 Boeing B777
Air Macau	Airbus A300B2/B4
Air India	Airbus A310
Alitalia	McDonnell Douglas MD-11
Asiana Airlines	Boeing B747-400 Boeing B767-300
British Airways	Boeing B747-400
Cargolux Airlines International	Boeing B747-400
Cathay Pacific Airways	Airbus A330-300 Airbus A340-300 Airbus A340-600 Boeing B747-200 Boeing B747-300 Boeing B747-400 Boeing B777-300
China Airlines	Airbus A330-300 Boeing B747-400
China Cargo Airlines	McDonnell Douglas MD-11
El Al Israel Airlines	Boeing B747-200
Emirates	Airbus A330-200 Boeing B747-400
EVA Air	Boeing B747-400 McDonnell Douglas MD-11
Evergreen International Airlines	Boeing B747-200

<i>Airlines</i>	<i>Aircraft Type</i>
Federal Express	Airbus A310 McDonnell Douglas MD-11
Hong Kong Airlines	Boeing B737-800
Hong Kong Dragon Airlines	Airbus A330-300 Boeing B747-300 Boeing B747-400
Japan Airlines	Boeing B767-300
Kalitta Air	Boeing B747-100 Boeing B747-200
KLM Royal Dutch Airlines	Boeing B747-400
Korean Airlines	Boeing B747-400
Lufthansa Cargo	Boeing B747-200 McDonnell Douglas MD-11
Nippon Cargo Airlines	Boeing B747-200 Boeing B747-400
Oasis Hong Kong Airlines	Boeing B747-400
Orient Thai Airlines	Boeing B747-100
Polar Air Cargo	Boeing B747-400
Qantas Airways	Airbus A330-300 Boeing B747-400
Saudi Arabian Airlines	Boeing B747-400
Shanghai Airlines	Boeing B757-200 McDonnell Douglas MD-11
Singapore Airlines Cargo	Boeing B747-400
Swiss International Airlines	Airbus A340-300
Transmile Air Services	Boeing B727-200
United Airlines	Boeing B747-400
UPS Parcel Delivery Services	Boeing B747-100 Boeing B747-200 Boeing B747-400 McDonnell Douglas MD-11

Anti-rodent Measures

16. **DR PRISCILLA LEUNG** (in Chinese): *President, the Food and Environmental Hygiene Department (FEHD) announced on 3 April this year that the full-year Rodent Infestation Rate (RIR) of 2008 was 6.3%, which is a record*

high in recent years. Among the 19 environmental hygiene districts, rodent infestation in districts such as Sham Shui Po, Tsuen Wan, Tai Po and North District in the second half of 2008 was more serious than that in the first half of the year, with RIRs for some districts exceeding 10%. Given that the full-year RIR of the period was still the highest in recent years even though FEHD had carried out publicity and anti-rodent operations in 2008, it is doubtful if the anti-rodent measures are effective. In this connection, will the Government inform this Council:

- (a) what existing and new specific measures the authorities had taken last year to alleviate rodent infestation in urban areas;
- (b) of the mechanism adopted by FEHD for assessing if the existing anti-rodent measures are effective;
- (c) whether it has found out the causes for the sharp rise in RIRs for the second half of 2008 in some districts and the substantial drop in RIRs in some districts, as compared with those in the first half of the year; whether the anti-rodent work currently undertaken by FEHD in various districts is of the same frequencies and methods;
- (d) given that it is not until about three months after the end of every half-year period that FEHD announces RIRs for that half year, and such outdated figures cannot assist FEHD in taking anti-rodent measures according to the actual rodent infestation situation, whether the authorities will consider switching to making quarterly or monthly RIR announcements, as well as making such announcements within one month after the end of the periods concerned; and
- (e) whether the authorities had conducted exchanges with the mainland or overseas anti-rodent experts in the past five years, and made reference to the anti-rodent methods introduced by them; if they had, of the details; if not, whether they will consider conducting regular exchanges with such anti-rodent experts?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the general situation of rodent infestation in Hong Kong has all along been under effective control. The FEHD has ample expertise, experience and sufficient

resources to monitor and control rodent infestation. The rodent prevention and control measures adopted by the FEHD follow those advocated by the World Health Organization (WHO) and are in line with those used in major mainland and overseas cities.

When conducting rodent prevention and control work, the FEHD makes appropriate adjustments for each individual district in light of the department's front-line officers' reports, the views of the District Councils and the local community, as well as the RIR recorded in the district concerned. The RIR is not the only consideration. Indeed, rodents are very adaptive and have a high reproductive rate. Anti-rodent efforts must not be slackened and active participation and co-operation of the public are crucial to the success of these efforts.

Five parts of the question are now replied to as follows.

- (a) In the past year, apart from routine rodent prevention and control measures, the FEHD also implemented the following new initiatives to step up anti-rodent efforts in districts:
 - (i) Since mid-2008, the duration of each of the two phases of the Anti-Rodent Campaign launched each year has been extended to a minimum of nine weeks as circumstances require. Moreover, more targeted spots (such as markets, hawker bazaars, fixed pitch hawker stalls, food premises) have been included. These measures will help step up public education and publicity and strengthen the overall effectiveness of our rodent prevention and control in the territory;
 - (ii) Operating hours of the live rodent collection service have been extended to 24 hours a day throughout the year since 1 June last year;
 - (iii) Territory-wide publicity and public education activities have been stepped up, and anti-rodent messages have been disseminated to residents in various districts through posters, leaflets and talks on rodent control;
 - (iv) Relevant departments have been immediately informed of the RIR recorded in various districts for timely adjustment to their

rodent prevention and control measures, and for control of rodent infestation in good time;

- (v) One additional health inspector has been deployed to each district since 1 April this year to oversee and co-ordinate the rodent prevention and disinfestation work carried out by the FEHD and other government departments and local Organizations, including the Home Affairs Department, the Lands Department, the District Council concerned, Area Committees and Owners' Committees. District health inspectors will also assist in taking forward pest control campaigns and public education and publicity activities, and so on, at the district level. Meanwhile, the FEHD has also deployed additional inspection staff to further strengthen front-line supervision and enhance service standard; and
 - (vi) As committed in the Summit on District Administration held in 2008, the FEHD will continue to liaise with the District Councils to further enhance the effectiveness of local rodent prevention and control work.
- (b) In line with the WHO's recommendations, the FEHD adopts an integrated rodent control approach consisting of improving environmental conditions, applying poisonous baits and setting traps. Rodent control materials and methodologies used are subject to review from time to time having regard to the latest development and research results in the mainland and overseas countries.
- (c) The general situation of rodent infestation in Hong Kong has all along been under effective control. While the same approach and standards in rodent control and survey are adopted in all districts, the FEHD conducts rodent control work flexibly with regard to the circumstances in different districts. The RIR recorded in some districts during the second half of the year was higher than that of the first half was mainly attributed to the less than satisfactory hygiene conditions at certain places and rear lanes in the districts concerned. When a higher RIR had been recorded in a certain district, the FEHD immediately stepped up its rodent disinfestation and cleansing work, and reminded the residents, shop owners and parties concerned again of the importance of the anti-rodent measures. The RIRs in the

districts concerned dropped significantly in the subsequent RIR survey.

- (d) The FEHD conducts an RIR survey in each district in the first and second half of each year. Once the RIRs of the districts are available, the FEHD will inform the departments concerned and make public the RIRs so that timely adjustment can be made to the rodent prevention and control measures and rodent infestation in the districts may be controlled in good time. Since 2008, the FEHD has increased the frequency of RIR announcement from once a year to once every six months. We consider the current arrangement of conducting such surveys and publicizing RIRs on a half-yearly basis cost-effective and practicable.
- (e) Each year, the FEHD conducts technical exchanges on anti-rodent work with the Mainland's Entry-Exit Inspection and Quarantine Bureaux in Guangdong, Shenzhen and Zhuhai as well as the Guangdong Provincial Health Department. Besides, the FEHD has also on a number of occasions had exchanges with experts, government officials and the rodent control trade from the United States, United Kingdom, Hungary and Singapore on the latest development of anti-rodent control through site visits, seminars and international conferences.

Occupational Injuries and Deaths in NGOs Within Purview of SWD

17. **MR CHEUNG KWOK-CHE** (in Chinese): *President, I have received complaints from staff of non-governmental organizations (NGOs) within the purview of the Social Welfare Department (SWD) that some staff in their organizations had been injured in work accidents because of insufficient manpower and had to take sick leave. As the organizations concerned did not hire replacement workers, other staff had to share out the work, work accidents are more prone to occur. In this connection, will the Government inform this Council:*

- (a) *of the number of reports of occupational injuries and deaths involving NGO staff received by SWD in each of the past three years;*

- (b) *how the authorities monitor the establishments of nursing and supporting staff in residential homes operated by NGOs; whether the authorities had investigated in the past three years if these two categories of staff in the relevant homes were sufficient; if they had, of the number of the relevant investigations; and*
- (c) *whether the authorities have requested NGOs to hire replacement workers when their staff are taking sick leave due to work injuries, so as to ensure that there is sufficient manpower to provide services?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to the question is as follows:

- (a) As with other employers, NGOs subvented by the SWD have to comply with provisions in the existing occupational safety and health legislation and report incidents of occupational injuries and deaths to the Labour Department (LD). NGOs are not required to report to SWD such incidents and SWD does not therefore possess the requested information. NGOs are, nonetheless, required to keep a record of accidents or injuries involving staff for SWD's inspection during quality assessments and complaints investigation.

LD adopts the broad industrial codes under the Hong Kong Standard Industrial Classification published by the Census and Statistics Department in the compilation of statistics on occupational injuries and occupational diseases rather than classifies data by individual industry, sector or class of organizations. Therefore, we do not have statistics specifically in relation to NGOs, whether or not subvented by SWD.

- (b) Subsidized residential care homes operated by NGOs, whether for the elderly or for persons with disabilities, are required to meet the essential/minimum manpower requirements set out in the Funding and Service Agreements (FSAs) or service contracts between the concerned NGOs and SWD. For residential care homes for the elderly (RCHEs), they also have to meet the staffing requirements stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its regulations.

SWD conducts regular and/or unannounced inspections of subsidized residential care homes to ensure that the stipulated manpower requirements are complied with.

- (c) There is no provision in the existing occupational safety and health legislation to regulate how individual employers manage the work of their organizations as a result of the injury of individual employees. As with other employers, NGOs subvented by SWD can flexibly deploy their staff and hire workers to relieve those who are on sick leave, whether or not due to work-related injuries. As mentioned above, NGOs must meet the manpower requirements as set out in part (b) above.

Regulation of Callable Bull/Bear Contracts

18. **MS STARRY LEE** (in Chinese): *President, a performance report of the Hong Kong Exchanges and Clearing Limited (HKEx) revealed that 4 231 new callable bull/bear contracts (CBBCs) were listed last year, representing an almost 10-fold year-on-year increase, and the average daily turnover of these investment products increased from under \$100 million in the first 12 months after their launch in June 2006 to \$4.24 billion last year, accounting for about 5.9% of the total market turnover in the Cash Market. According to the survey results published by a political party in March this year, 60% of those who had invested in CBBCs indicated that the actual risks were higher than those they originally expected, and 66% considered that the quotes provided by the CBBC liquidity providers did not follow closely the price movements of the underlying assets as publicized, reflecting that the advertisements on CBBCs may mislead investors into thinking that CBBCs are simple investment products with low risks and high returns. In this connection, will the Government inform this Council:*

- (a) *of the number of relevant complaints received by the regulatory authorities each year since the launch of CBBCs; the nature of these complaints, the investigation outcome and the follow-up actions of the regulatory authorities;*
- (b) *whether the regulatory authorities will step up the monitoring of the quotes provided by CBBC liquidity providers to ensure that they*

fulfil their obligations; if they will, of the details; if not, the reasons for that; and

- (c) *whether the regulatory authorities will enhance their efforts to educate investors, so that investors will fully understand the risks involved in CBBCs before making such investments; if they will, of the details; if not, the reasons for that?*

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

- (a) CBBCs have gained increasing popularity since they were launched on 12 June 2006. As of March 2009, there were over 1 500 listed CBBCs, over 1 million buy and sell CBBC orders and 50 000 CBBC trades conducted on average daily. The number of complaints received by the Securities and Futures Commission (SFC) and HKEx is relatively insignificant as compared to the large trading volume involved. Details are set out in the tables below:

*Complaints received by SFC related to CBBC
(12 June 2006 to 20 April 2009)*

	<i>2006 (from 12 June)</i>	<i>2007</i>	<i>2008</i>	<i>2009 (up to 20 April)</i>	<i>Total</i>
Number of complaints received	2	3	22	10	37
<i>Breakdown by allegations:</i>					
Market manipulation	2	2	20	8	32
Liquidity provider failed to provide quotes	0	1	0	0	1
Liquidity provider provided unreasonable quotes	0	0	2	2	4
<i>Action taken:</i>					
No <i>prima facie</i> evidence of breach found after SFC review	2	2	19	10	33
Being reviewed by SFC	0	0	3	0	3
Referred to HKEx for further review	0	1	0	0	1

*Complaints received by HKEx related to CBBC
(12 June 2006 to 20 April 2009)*

	<i>2006 (from 12 June)</i>	<i>2007</i>	<i>2008</i>	<i>2009 (up to 20 April)</i>	<i>Total</i>
Number of complaints received	5	1	10	2	18
<i>Breakdown by allegations:</i>					
Liquidity provider failed to provide quotes	0	1	3	1	5
Liquidity provider provided unreasonable quotes	5	0	7	1	13
<i>Action taken:</i>					
No prima facie evidence of breach of Listing Rules/Listing Documents after HKEx review	5	0	7	1	13
Being reviewed by HKEx	0	0	0	0	0
Followed up with issuers/liquidity providers and the subject matters resolved	0	1	3	1	5

- (b) The HKEx's Listing Rules require CBBC issuers to provide liquidity (buy and sell quotations) service for each CBBC issued, and to publish in the listing documents the terms and conditions of the liquidity provision service made available on the HKEx website. The listing documents also contain other important information such as product description, risk factors, and so on.

The HKEx will continue to monitor closely the issuance of CBBCs and their liquidity provision. It will ensure compliance with the Listing Rules requirements and the service commitments as set out in the listing documents provided by issuers.

- (c) The SFC has been implementing various investor education programmes to enhance investors' understanding about the market, products and investment risks, and to encourage investors to make informed investment decisions.

Since the launch of CBBCs in the Hong Kong market on 12 June 2006, the SFC has conducted 22 relevant investor education initiatives in different channels explaining the features and risks of the product, the mechanism adopted by liquidity providers and the differences between CBBC and derivative warrants. Investors were also reminded of the importance of understanding all the main features and risks of this investment instrument before investing and that they should carefully read the listing documents because usually not all of the information could be found in the marketing materials. The SFC will continue its work in this respect.

In addition, HKEx has also developed a CBBC web corner on its website <<http://www.hkex.com.hk/prod/cbbc/intro.htm>>. It provides a centralized facility to further enhance investor education and understanding of CBBC. The CBBC web corner contains educational materials on risks of investing in CBBCs and CBBC product features. Investors can search and compare other CBBC with similar terms, and navigate through web linkages to individual CBBC listing documents. In this way, investors can access and review the details of the terms and conditions set out in the listing documents. HKEx also actively works with the SFC and the industry to enhance investor education in Hong Kong.

Turnover of Health Care Staff

19. **MR CHAN HAK-KAN** (in Chinese): *President, in reply to my question on the Estimates of Expenditure 2009-2010, the Administration revealed that the turnover rates of some grades of health care staff in the Hospital Authority (HA) are on the high side. For example, the projected turnover rates of senior medical officers/associate consultants and medical officers/residents (specialist) in obstetrics and gynaecology departments in 2008-2009 are as high as 19.1% and 31.0% respectively. On the other hand, at its meeting held early this month, the Task Force on Economic Challenges agreed to study how to develop six economic areas with high potential in Hong Kong, which included medical services. In this connection, will the Government inform this Council:*

- (a) *whether it knows:*
- (i) *if HA has ascertained the reasons for the departure of its health care staff other than those who left because they had reached the retirement age; if so, of the results; if not, the reasons for that;*
 - (ii) *how HA assesses the turnover of its health care staff for the next five years, and of the specific assessment method used; and*
 - (iii) *apart from improving pay and conditions of service, if HA will implement other staff retaining measures focusing on the specialties with a high turnover of health care staff;*
- (b) *whether it has assessed if the employment of additional staff by private medical institutions as a result of the development of the medical services industry will aggravate the turnover of HA's health care staff; and*
- (c) *whether it will conduct a large-scale study to assess the health care staff requirements of both public and private medical sectors in the next five years; if so, of the details, and how it deals with the problem of shortage of health care staff; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, in 2008-2009, the turnover rates of various groups of health care staff in the HA were within the normal range of about 3% to 6% as those recorded in the past few years. HA has filled the vacancies and strengthened its manpower support by internal promotion and recruitment of fresh graduates and serving health care professionals. On the whole, as at the end of March 2009, there has been a substantive increase in the number of doctors, nurses and allied health staff in HA as compared with that in the same period last year. An overview of the health care manpower situation in HA in 2008-2009 (April 2008 to March 2009) is at Annex 1. The turnover and appointment of doctors in HA in the same period, with a breakdown by specialty and rank, is at Annex 2.

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

- (a) (i) According to the personal feedback collected from departing health care staff by HA, the main reasons for their departure include taking up private practice, family reasons, switching to jobs with higher pay, pursuing further studies or other personal reasons.
- (ii) In assessing the turnover of staff in the coming years, HA takes into account a number of factors including staff turnover in the past, the age profile of existing staff, the macro-economic situation, and the market situation in the private health care sector. HA also makes adjustments in its assessment in light of other prevailing factors. For instance, after taking account of the turnover rate of doctors in recent months and making initial assessment of the impact of the financial tsunami, HA estimates that the turnover rate of health care staff in 2009-2010 will be lower than that in 2008-2009.
- (iii) Since 2007, HA has implemented new career structures for doctors, nurses and allied health staff. Apart from improving the remuneration package and terms of appointment for health care staff, more training opportunities are available to staff to facilitate their professional development. All these are conducive to staff retention.

A series of initiatives have been/will be implemented by HA in individual staff groups to reduce turnover and increase manpower. Details are as follows:

Doctors

HA has implemented a series of pilot doctor work reform programmes since 2007. HA aims to reduce the average weekly work hours of doctors to not more than 65 hours by the end of 2009, and to gradually adjust their continuous work

hours to a reasonable level so as to boost the morale of doctors and reduce their turnover.

Nurses

To enhance the supply of nurses in the long run, HA has re-opened some of its nursing schools in 2008. At the same time, HA has also introduced a series of measures to retain and recruit nurses, including reducing the workload of nurses (for example, by strengthening clerical support and setting up 24-hour pharmacies), improving their working environment (for example, by provision of more electric beds and enhancement of ward security systems), and allowing greater flexibility in the recruitment of nurses (for example, by establishment of a central reserve of nurses and employment of part-time nurses).

Allied health practitioners

To further enhance the manpower support of allied health staff, HA has conducted local and overseas recruitment for the Radiation Therapist, Diagnostic Radiographer and Podiatrist grades in 2008-2009. As there is no podiatrist training in Hong Kong, HA has put in place a sponsorship scheme for training of podiatrists under which trainees are sent overseas to receive professional training. Trainees who have completed their training have started to provide services in HA since 2008.

In addition, HA has set up the Institute of Advanced Allied Health Studies in 2007 to enhance the training of allied health staff and improve their skills. Training provided by the Institute includes systematic in-service training for new recruits.

(b) and (c)

The Department of Health (DH) conducts Health Manpower Surveys (HMSs) on health care professionals (including 12 types of

registrable health care professionals, for example, doctors and nurses) on a regular basis to facilitate manpower planning by the Administration.

Based on the long-term manpower requirements of various health care professions, the Administration gives advice to the University Grants Committee (UGC) from time to time on the student number targets for individual health care professions, which serve as a reference for institutions in formulating their academic development plans. Taking into account the Administration's advice for the 2009-2010 to 2011-2012 triennium, UGC will provide 70 additional first-year first-degree (FYFD) places in full-time equivalent (fte) terms for medicine, 40 additional FYFD places (fte) and 50 additional sub-degree intake places (fte) for nursing, and 23 additional FYFD places (fte) for allied health professions starting from the 2009-2010 academic year. UGC will also provide 60 additional senior year intake places for nursing degree programmes starting from 2010-2011.

Meanwhile, in carrying out its overall manpower planning, HA will make assessment on its manpower requirements and the turnover of health care staff so as to make appropriate adjustment to its manpower strategy. HA will continue its efforts to reduce the turnover of its health care staff and enhance its manpower support to meet its operational and service needs through the measures stated in part (a) (iii) above.

Annex 1

Overview of HA Health Care Manpower Situation in 2008-2009
(April 2008 to March 2009)

<i>Staff Group</i>	<i>Number of Turnover (Turnover rate)</i>	<i>Total number of staff (as at 31 March 2009)</i>	<i>Net increase in the number of staff in 2008-2009 (percentage)</i>
Doctors	244 (5.0%)	4 863	141 (3.0%)
Nurses	877 (4.7%)	19 522	248 (1.3%)
Allied Health Staff	140 (2.7%)	5 231	168 (3.3%)

Note:

The above figures are calculated on a full-time equivalent basis.

Annex 2

Turnover and appointment of doctors by specialty and rank in HA in 2008-2009

Department		(a) Turnover between April and December 2008	Estimated turnover rate in 2008-2009 (4)	(b) Turnover between January and March 2009	(a) + (b) Full-year turnover in 2008- 2009	Actual Turnover Rate in 2008-2009 (5)	Appointment	
							April 2008 to March 2009	
							Internal Promotion	Recruitment from Outside HA
Accident and Emergency	Consultant	2	8.4%	-	2	6.3%	4	-
	Associate Consultant (1)	2	2.7%	-	2	2.0%	18	-
	Resident Specialist (2)	4	6.6%	1	5	6.2%	-	-
	Resident (3)	9	5.5%	3	12	5.5%	-	48
	Sub-total	17	5.3%	4	21	4.9%	22	48
Anaesthesia	Consultant	1	2.8%	-	1	2.1%	6	1
	Associate Consultant	3	3.5%	3	6	5.2%	17	-
	Resident Specialist	1	9.0%	-	1	6.0%	-	-
	Resident	5	4.1%	-	5	3.1%	-	28
	Sub-total	10	3.9%	3	13	3.8%	23	29
Family Medicine	Consultant	-	-	-	-	0.0%	-	-
	Associate Consultant	1	3.0%	-	1	2.2%	10	-
	Resident Specialist	-	-	-	-	0.0%	-	3
	Resident	25	5.7%	8	33	6.2%	-	37
	Sub-total	26	5.2%	8	34	5.5%	10	40
Medicine	Consultant	1	1.2%	-	1	0.9%	6	-
	Associate Consultant	7	4.4%	-	7	3.2%	33	3
	Resident Specialist	20	10.7%	3	23	9.1%	-	-
	Resident	18	4.6%	4	22	4.2%	-	71
	Sub-total	46	5.6%	7	53	4.8%	39	74
Obstetrics and Gynaecology	Consultant	0	-	-	-	0.0%	1	-
	Associate Consultant	7	19.1%	-	7	14.0%	13	2
	Resident Specialist	3	31.0%	-	3	22.1%	-	-
	Resident	1	1.3%	1	2	1.9%	-	18
	Sub-total	11	7.3%	1	12	6.0%	14	20

Department		(a) Turnover between April and December 2008	Estimated turnover rate in 2008-2009 (4)	(b) Turnover between January and March 2009	(a) + (b) Full-year turnover in 2008- 2009	Actual Turnover Rate in 2008-2009 (5)	Appointment	
							April 2008 to March 2009	
							Internal Promotion	Recruitment from Outside HA
Ophthalmology	Consultant	1	10.9%	1	2	15.8%	5	-
	Associate Consultant	1	4.1%	-	1	3.1%	9	-
	Resident Specialist	2	8.8%	3	5	16.6%	-	-
	Resident	1	2.1%	-	1	1.6%	-	11
	Sub-total	5	4.8%	4	9	6.5%	14	11
Orthopaedics	Consultant	1	3.8%	-	1	2.8%	3	-
	Associate Consultant	3	6.0%	-	3	4.4%	13	-
	Resident Specialist	7	10.8%	6	13	14.8%	-	-
	Resident	1	1.3%	-	1	1.0%	-	17
	Sub-total	12	5.5%	6	18	6.2%	16	17
Paediatrics	Consultant	1	3.5%	-	1	2.6%	4	-
	Associate Consultant	1	1.7%	1	2	2.6%	6	-
	Resident Specialist	5	10.5%	6	11	17.1%	-	-
	Resident	5	5.5%	1	6	4.9%	-	29
	Sub-total	12	5.3%	8	20	6.6%	10	29
Pathology	Consultant	-	-	-	-	0.0%	2	-
	Associate Consultant	-	-	-	-	0.0%	4	1
	Resident Specialist	1	9.9%	-	1	7.2%	-	-
	Resident	1	2.3%	-	1	1.7%	-	8
	Sub-total	2	1.5%	-	2	1.1%	6	9
Psychiatry	Consultant	2	9.4%	1	3	10.6%	3	-
	Associate Consultant	3	6.4%	-	3	4.7%	13	-
	Resident Specialist	2	7.0%	1	3	7.9%	-	-
	Resident	2	1.7%	1	3	1.9%	-	27
	Sub-total	9	4.1%	3	12	4.1%	16	27

Department		(a) Turnover between April and December 2008	Estimated turnover rate in 2008-2009 (4)	(b) Turnover between January and March 2009	(a) + (b) Full-year turnover in 2008- 2009	Actual Turnover Rate in 2008-2009 (5)	Appointment	
							April 2008 to March 2009	
							Internal Promotion	Recruitment from Outside HA
Radiology	Consultant	2	5.0%	1	3	5.5%	9	2
	Associate Consultant	4	7.1%	3	7	9.4%	13	1
	Resident Specialist	-	-	1	1	24.5%	-	-
	Resident	2	2.7%	-	2	2.0%	-	11
	Sub-total	8	4.6%	5	13	5.6%	22	14
Surgery	Consultant	4	6.5%	1	5	6.1%	9	1
	Associate Consultant	8	8.0%	1	9	6.7%	31	-
	Resident Specialist	4	6.8%	-	4	5.0%	-	1
	Resident	4	2.0%	1	5	1.9%	-	48
	Sub-total	20	4.8%	3	23	4.1%	40	50
Total of All Departments		187	5.1%	57	244	5.0%	252	390

Notes:

- (1) Associate Consultants include Associate Consultants and Senior Medical Officers.
- (2) Resident Specialists are Residents and Medical Officers who have attained their specialist qualification.
- (3) Residents are Residents and Medical Officers who are receiving specialist training or employed to deliver services in HA.
- (4) Figures in this column denote the estimates of turnover rate as at December 2008 set out in the reply submitted to the Special Financial Committee meeting in March 2009.
- (5) Figures in this column denote the actual turnover rate between April 2008 and March 2009.

Public Chinese Medicine Clinics

20. **MR JAMES TO** (in Chinese): *President, the Government obtained funding approval from the Finance Committee of this Council on 22 June 2007 for establishing five public Chinese medicine clinics (CMCs), and expected that the relevant works will be completed in phases before the end of March 2009. In this connection, will the Government inform this Council whether:*

- (a) *it knows the current progress of the above works, and when all the five CMCs are expected to come into operation;*

- (b) *it knows the number of attendances at and the usage rate of each public CMC now in operation in each of the past five years;*
- (c) *it has any further plan to establish CMCs, with a view to achieving the original target of setting up 18 public CMCs; if so, of the sites chosen for the new clinics and other information; and*
- (d) *it will consider establishing CMCs in all public out-patient clinics?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the objectives of the phased establishment of 18 CMCs by the Government are to promote the development of "evidence-based" Chinese medicine through clinical research, systematize the knowledge base of Chinese medicine and provide training opportunities for graduates. At present, the services of public CMCs are being provided on a tripartite model in which the Hospital Authority (HA) collaborates with a non-governmental organization (NGO) and a local university in each of the CMCs.

- (a) Works for the establishment of the five public CMCs mentioned in the question have all been completed. Their dates of opening are shown below:

<i>District</i>	<i>Location</i>	<i>Date of opening</i>
Eastern	Pamela Youde Nethersole Eastern Hospital	18 March 2008
North	Fan Ling Health Centre	22 March 2008
Wong Tai Sin	Buddhist Hospital	30 December 2008
Sha Tin	Sha Tin Clinic	23 February 2009
Sham Shui Po	Cheung Sha Wan Government Offices	23 March 2009

- (b) The attendances of the public CMCs in the past five years are shown in the Annex. As the demand for Chinese medicine services varies from district to district, the attendances of each public CMC also vary. Regarding the usage rate, as the senior Chinese medicine practitioners (CMPs) in the public CMCs have to be responsible for providing training and undertaking clinical research and as the clinical experience of the junior CMPs (who are Chinese medicine degree course graduates receiving training in the clinics) is not alike, the NGOs will thus set and adjust the daily consultation quota of

their clinics having regard to the situation of their clinics and the work schedule of individual CMPs. Under such circumstances, there is no standardized consultation quota set across the board for all CMCs to gauge their usage rate.

- (c) The Government basically sets up 18 public CMCs on a district basis. To date, 14 CMCs have been put into operation. No public CMC has yet been provided in the Kowloon City District, Southern District, Yau Tsim Mong District and Islands District for the time being and we are now identifying suitable sites.
- (d) Chinese medicine services in Hong Kong have all along been provided primarily by the private sector. As at 31 March 2009, there are 5 854 registered CMPs and 2 814 listed CMPs in Hong Kong, providing Chinese medicine services in various districts. The main objective of the Government to set up public CMCs is to promote the development of "evidence-based" Chinese medicine. At the same time, it also serves the function of providing the recipients of Comprehensive Social Security Assistance and the elderly with free or reduced-fee Chinese medicine services. It is thus evident that public and private Chinese medicine services can complement each other in meeting the different needs of the community. As the establishment of 18 CMCs has achieved this objective, we have no plans to establish additional CMCs in public out-patient clinics for the time being.

Annex

Attendances of public CMCs (2004-2008)

<i>District of the clinic (Date of opening)</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Central and Western District (1 December 2003)	31 993	33 435	37 736	39 391	38 183
Tsuen Wan (27 December 2003)	23 490	28 837	42 959	43 600	41 728
Tai Po (29 December 2003)	11 891	16 548	21 587	29 449	38 630

<i>District of the clinic (Date of opening)</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Wan Chai (1 April 2006)	-	-	8 047	13 979	17 425
Sai Kung (Tseung Kwan O) (7 April 2006)	-	-	8 597	15 001	21 162
Yuen Long (12 April 2006)	-	-	11 693	37 739	45 391
Tuen Mun (27 November 2006)	-	-	1 170	23 121	26 167
Kwun Tong (30 November 2006)	-	-	273	18 742	30 200
Kwai Tsing (31 January 2007)	-	-	-	10 902	20 017
Eastern District (18 March 2008)	-	-	-	-	19 440
North District (22 March 2008)	-	-	-	-	13 891
Wong Tai Sin (30 December 2008)	-	-	-	-	47
Sha Tin (23 February 2009)	-	-	-	-	-
Sham Shui Po (23 March 2009)	-	-	-	-	-
Total	67 374	78 820	132 062	231 924	312 281

Note:

The above attendances cover all kinds of Chinese medicine services provided in the clinics (that is, Chinese medicine general consultation services, acupuncture and tui-na).

BILLS

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): Bills. We now resume the Second Reading debate on the Adaptation of Laws Bill 2009.

ADAPTATION OF LAWS BILL 2009**Resumption of debate on Second Reading which was moved on 11 February 2009**

PRESIDENT (in Cantonese): Mr WONG Ting-kwong, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

MR WONG TING-KWONG (in Cantonese): President, in my capacity as Chairman of the Bills Committee on Adaptation of Laws Bill 2009, I now address the Council on the main deliberations of the Bills Committee.

The objects of the Adaptation of Laws Bill 2009 (the Bill) are to add a definition of "Offices set up by the Central People's Government in the Hong Kong Special Administrative Region (HKSAR)" to section 3 of the Interpretation and General Clauses Ordinance for the purpose of introducing a single definition for the three offices set up by the Central People's Government in HKSAR, including the Liaison Office of the Central People's Government in HKSAR, the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in HKSAR and the Hong Kong Garrison of the Chinese People's Liberation Army. The Bill will also amend the application provisions of the Legislative Council Commission Ordinance, the Plant Varieties Protection Ordinance, the Patents Ordinance and the Registered Designs Ordinance to make the provisions of these Ordinances, apart from being applicable to the Hong Kong Government, also applicable to Central People's Government offices set up in Hong Kong.

Some members are concerned that the scope of the definition of Central People's Government offices in the Bill is too narrow. They have pointed out that conceptually there can be State organs which are not among the three Central People's Government offices listed in the Bill but come within the definition of "State" in section 3 of Interpretation and General Clauses Ordinance and therefore not bound by virtue of section 66(1) of the Interpretation and General Clauses Ordinance, and hence these organs and their personnel will be exempted from the application of the relevant Ordinances which state expressly to apply to the three Central People's Government offices. Besides, the scope of the term "Central

People's Government offices" as defined in the Bill does not cover State organs, such as the Public Security Bureau and the State Security Bureau, including their personnel, which have not set up offices in HKSAR. A member has expressed concern that their personnel will not be bound by the relevant Ordinances which only apply to the three Central People's Government offices as stipulated.

The Administration has explained that there are only three offices set up by Central People's Government in Hong Kong pursuant to the Basic Law. They are the three offices covered by the term "Offices set up by Central People's Government in HKSAR" and fall within the definition of "State" under the Interpretation and General Clauses Ordinance. Hence, the amendment proposal in the Bill, which seeks to extend the express scope of application of the four Ordinances from the HKSAR Government to cover the Central People's Government offices, is in line with Article 22(3) of the Basic Law, according to which Central People's Government offices in HKSAR and their personnel shall abide by the laws in HKSAR. The use of the term "Offices set up by Central People's Government in HKSAR" also reflects the policy intention of the relevant Ordinances.

The Administration has further explained that both before and after the establishment of HKSAR, co-operation between Hong Kong and the Mainland on criminal matters is conducted in accordance with the international police co-operation mechanism formulated by the INTERPOL. Both parties must comply strictly with the relevant legal requirements and respect the jurisdiction of the respective places during such co-operation.

President, the above is my report on the work of the Bills Committee. Now I will express my views on the Bill on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB).

First of all, I would like to discuss the issue that the term "Offices set up by Central People's Government in HKSAR" as defined in the Bill does not cover State organs as mentioned in the first part of my speech. Some members have expressed concern that this may give rise to the situation of mainland officials from the Public Security Bureau and the State Security Bureau, for example, taking law-enforcement actions in HKSAR.

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

The Administration has indicated that both Hong Kong and the Mainland will act in accordance with the international police co-operation mechanism formulated by the INTERPOL and respect the jurisdiction of the respective places. Meanwhile, the Administration has also stressed that as stipulated in Article 42 of the Basic Law, all Hong Kong residents and other persons in Hong Kong have the obligation to abide by the laws in force in HKSAR. The DAB shares this view because the maintenance of the rule of law is the key to Hong Kong's success and it has been clearly provided that the mainland law-enforcement officials are required to comply strictly with the relevant legal requirements.

Besides, the SAR Government has pointed out that since the reunification of Hong Kong with China, it has been discussing with the relevant Central Authorities whether the provisions in Ordinances specified in 1998 are applicable and how they can be applicable to the Central People's Government offices in HKSAR because these Ordinances expressly bind the SAR Government but are silent on their applicability to the Central People's Government offices in HKSAR. In view of that, the Administration of Justice and Legal Services Panel of the Legislative Council has been monitoring the progress of the adaptation programme on the applicability of SAR Ordinances to Central People's Government offices in HKSAR since 1998. But the slow progress over the years is also a major concern of the Panel.

As queried by Mr IP Kwok-him, a member of the Bills Committee, during the deliberation of the Bill, since the four Ordinances do not involve complex issues, why did the authorities take so long to introduce legislative amendments to the four Ordinances?

At the Council meeting of 11 February this year, the Secretary for Constitutional and Mainland Affairs, Mr Stephen LAM, said that the Administration was studying the 16 Ordinances which were binding the SAR Government and it was discussing with the relevant Central Authorities about the applicability of these Ordinances to Central People's Government offices in HKSAR. He added that progress had been made. He undertook that as a beginning, the Bill currently submitted to this Council would seek to amend these

four Ordinances. We hope that the relevant work in the future can be expedited and progress can be achieved continuously so that the laws in Hong Kong can be perfected.

With these remarks, Deputy President, I support the enactment of the Bill.

DR MARGARET NG: Deputy President, the net legal effect of the Adaptation of Laws Bill 2009 is non-controversial: It merely makes four Ordinances specified in the Bill applicable to "Offices set up by the Central People's Government in the HKSAR" which is defined in the Bill by specifying the three Central People's Government offices currently established in Hong Kong. The three Central People's Government offices are:

- the China Liaison Office (CLO);
- the Office of the Ministry of Foreign Affairs; and
- the People's Liberation Army (PLA) Garrison in Hong Kong.

The four Ordinances are:

- the Legislative Council Commission Ordinance;
- the Plant Varieties Protection Ordinance;
- the Patent Ordinance; and
- the Registered Design Ordinance.

There is no conceivable reason why these Ordinances should not be applicable to these three entities. The Bill being thus non-controversial, I will not of course object to its enactment.

What is seriously objectionable is what this Bill so conspicuously omits and the wrong approach it has taken. The correct approach is to amend section 66(1) and the definition of "State" in Cap. 1 which is at fault, bring Cap. 1 fully in line with Article 22, provide a generic definition of "Central People's Government

offices set up in the HKSAR", and state unequivocally and categorically that all such offices are bound by Hong Kong law unless otherwise expressly provided.

In contrast, the approach exemplified by the present Bill is to legitimize the status of Central People's Government offices as having the privilege to pick and choose which Ordinances may apply to them, and only limit the offices which can enjoy this privilege to those expressly named under Cap. 1. This is the wrong approach.

I do not apologize for taking time to explain why this is the case and how the problem came about. And it does take time because this issue has troubled Members over the last 10 years. It stemmed from changes made in April 1998 to the Interpretation and General Clauses Ordinance (Cap. 1) of the Laws of Hong Kong.

The maintenance of the rule of law is the foundation of prosperity and confidence in Hong Kong. This was well appreciated by the Central People's Government. That is why the promise was made in the Basic Law that not only must the HKSAR Government obey the law, but all offices set up in the HKSAR by the Central People's Government and mainland organs and their personnel must also abide by the laws of the Region. This is what Article 22 of the Basic Law says.

And yet, upon reunification, by the Adaptation of Laws (Interpretative Provisions) Ordinance passed by the Provisional Legislative Council, Cap. 1 was amended apparently to put these mainland offices beyond the reaches of the statutory law of Hong Kong. This was accomplished in three Acts.

Act One: the word "Crown" in the pre-handover section 66(1) was substituted with the word "State", so that the post-reunification section 66(1) reads:

"no Ordinance shall in any manner whatsoever affect the right of or be binding on the State unless it is therein expressly provided or unless it appears by necessary implication that the State is bound thereby".

The concept of the Crown is one of the most difficult legal concepts in the common law. The doctrine that the Crown is not bound by statute is embedded in the mythology of the unwritten English constitution, and is regularly argued

among legal scholars and before learned Judges. In practice, this doctrine is hedged and counterbalanced by other forceful doctrines of the common law and by statute. In practical terms, for Hong Kong, "the Crown" had the meaning of "the Crown in right of the Hong Kong Government" in most contexts, and "the Crown in right of the United Kingdom Government" in certain other clear contexts. Whether in right of the Hong Kong or of the United Kingdom Government, there was no doubt that the Government is under the law.

Unsurprisingly the "Crown" was never defined: indeed it defies definition. But now, in Act Two, "the State" is given a long, concrete definition by listing the organs and types of organs which come within it. Included in this list at the President of the People's Republic of China, the Central People's Government, the HKSAR Government, certain Central Authorities and subordinate organs of the Central Authorities and of the Central People's Government.

In my opinion, this so-called "adaptation" in 1998 introduced a fundamental change in the law under the disguise of "adaptation" without justification in law or due process.

Then, in Act Three, the claim is made that, since offices set up in the HKSAR by the Central People's Government are undoubtedly within the definition of "State", then by obeying section 66(1) of Cap. 1 of the Laws of Hong Kong, these offices are not bound by Hong Kong Ordinances, unless it is explicitly stated or necessarily implied in a particular Ordinance that these offices are bound by it. This achieved the anomaly of undermining the Basic Law, which is a national law and constitutional instrument, by a domestic law of the SAR.

But, it is not just a legal "technical" problem. The immediate impact on the rule of law is that no one knows, for example, whether the protection of personal data or anti-discrimination law or indeed any legislation applies to such organs as the CLO, the Foreign Affairs Ministry or the PLA in Hong Kong. When before 1997 Emily LAU demanded that the New China News Agency disclose to her the files it kept of her, New China News Agency was certainly subject to the privacy Ordinance. When, post-1997, it became the CLO, one no longer knows. Later, the SAR Government has indicated to us that it was not. Recently, when I asked the question again, government officials just refused to answer.

Obviously, no Ordinance in 1998 expressly states that it "binds the State", so none of these offices was bound on the pace of the law. The issue Members pressed very hard in various Panels was for a clear policy statement clarifying the situation, but the SAR Government was too timid to make one.

Members changed their tactics, and asked for a list of existing Ordinances which bound "the Crown" or the Hong Kong Government, and required the Government to say when and how these would be "adapted" by changing the word "Crown" to "State". The result was a list of 17 Ordinances which expressly bind the Government but are silent on the binding effect on the Central People's Government offices, 35 Ordinances that bind or apply to the "Crown", and 36 Ordinances that are applicable to the Government in whole or in part, but are silent on their applicability to the Central People's Government offices. Thus a fundamental constitutional issue concerning the rule of law is treated by the Government as one of complicated legal technicality, relegated to the dry and prolonged exercise of "adaptation".

This adaptation programme has progressed at a snail's pace. One may say that the innocuous bill before us today is the first small step forward of the snail. We may welcome it, but only with a wry expression. Perhaps the other small step forward is this. I have said it elsewhere and I repeat it here. It is a preposterous formula to say in a Hong Kong Ordinance that it "binds the State". All we need say is that it applies to the offices of the Central People's Government set up in the SAR. So let us say a word of thanks to those unnamed people behind the scene who came up with the formula.

However, as I have indicated at the beginning of my speech, we must also take note of the huge problems that what this Bill has not done represent.

First, this Bill takes the wrong approach: It should not be dealt with as a part of the adaptation of laws programme, concentrating on one or all of the three lists I have mentioned, picking and choosing in consultation with any or all of these offices in an attempt to come to agreements of which law they are prepared to obey and which they are not so prepared. This is the very opposite of the principle of the rule of law.

It is also unsatisfactory to define "offices set up in Hong Kong by the Central People's Government" to include only the three existing offices. To give

full effect to Article 22, the definition should be generic and apply to any office which is set up by the Central People's Government in the HKSAR. This statement must be categorical: That any such office must abide by all the laws of Hong Kong.

Secondly, the Bill makes no move to address section 66(1) but, if anything, perpetuates the approach. In this day and age, it is no longer acceptable that the Government is exempted from Ordinances as a rule. Equality before the law must be the overriding principle. We no longer accept that government departments, unlike ordinary citizens or companies, do not have to obey laws and regulations concerning environmental protection, road works, anti-discrimination or fair competition. There may be desirable exceptions, but these must be individually justified by reason and after consultation. The same applies to offices of the Central People's Government in Hong Kong.

Thirdly, preserving anything like section 66(1) ignores Article 22 as a cornerstone of the SAR's constitutional structure. Article 22(1) has not been given effect to, even 12 years after the Basic Law has come into effect.

These problems have to be addressed expeditiously and systematically.

Finally, in last Monday's Constitutional Affairs Panel, Members discussed an article by CLO Official CAO Erbao. This article sharpens one angle on this whole issue. All along, the insistence of entities of the Central People's Government on their right not to be bound by Hong Kong Ordinances in reliance on section 66(1) of Cap. 1 reveals that they put themselves on a par with the Hong Kong Government or, pre-handover, the United Kingdom Government. This is contrary to the policy reflected in Article 22 of the Basic Law. However, it has great resonance with the central theme of CAO's article, which is that the "two governing teams" with power over the HKSAR. In CAO's article, the Central People's Government offices are clearly constituents of that team. Increasingly, the influence of this "second governing team" feels more like the power behind the throne. This cannot be consistent with the aims and objectives of the Basic Law.

Now if one revisits the definition of "State" imported into Cap. 1 in greater detail, one finds a strong suggestion that it, and the composition of CAO's second "governing team" have a common origin. In other words, we are further reminded, that this seemingly "technical" matter of "adaptation" is really about

more fundamental issues. It is about whether any organ, any entity, be it the first or the other "governing team", is above the law even as it claims to be abiding by the law.

Thank you.

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

MS EMILY LAU (in Cantonese): Deputy President, I speak to support the resumption of the Second Reading of the Adaptation of Laws Bill 2009. I very much agree with the speech made by Dr Margaret NG just now that we have no reason to oppose a bill that makes the laws of Hong Kong applicable to the Central Government, but at issue is why only four ordinances are applicable. There are some hundreds of ordinances in Hong Kong, and that it is stipulated in Article 22 of the Basic Law that officials of the Central Government of offices set up by the Central Government in Hong Kong shall abide by the laws of Hong Kong. However, the extensive scope provided under Article 22 is suddenly narrowed down to only applicable to four ordinances. Has anything gone wrong?

Deputy President, in the year 1997, all Members of the former Legislative Council were dispelled from the legislature. We were then elected to the legislature again through the election in 1998. But then we discovered that before our return to this Council, someone had already made the adaptation of laws and the authorities were unwilling to make further amendments, which were related to Cap 1. Now, it is all a mess. As mentioned by Dr Margaret NG earlier, for what reason can Hong Kong enact legislation that is binding to the State President? It is really redundant. Deputy President, you have participated in the adaptation work at the time, you should indeed speak and explain to the public about this.

There are some hundreds of ordinances in Hong Kong at present. We have made strenuous effort to identify 17 ordinances which we can do something. Why do we choose these 17 ordinances? For these ordinances expressly bind the Government, and as they bind the Hong Kong Government, we would like to examine whether they are also binding on the Central Authorities. That is the case. Deputy President, in fact, it is fundamental that laws are binding on a

government. Article 25 of the Basic Law states that: "All Hong Kong residents shall be equal before the law." However, some people may put forward the assumption under the common law, that "the king commits no wrong". But that is an old saying. In other words, since he will commit no wrong, it is unnecessary to make the laws binding on him. Actually, we have discussed this issue repeatedly, and we consider that point of view obsolete and should be amended. That is why we say that Cap 1 also needs to be amended.

We observe that in places like Canada, amendment of ordinances has already been started, for they consider it necessary to make laws binding on the king. However, the authorities in Hong Kong are handling the issue at a snail's pace, its speed is indeed slower than a snail in comparison. The authorities are actually unwilling to do so, but it cannot be said that they are totally unwilling. The Race Discrimination Ordinance enacted last year was a case in point. It has done something but in a distorted and indirect manner. However, we have to reflect on ourselves, Deputy President, for we have also overlooked something. If it is stipulated that the ordinance concerned is applicable to the SAR authorities, why is it not stipulated also that the ordinance is also applicable to the Central Authorities? This is a point we have to follow up in future. Every time, the authorities would say that it had to discuss with the Central Authorities. The discussions of the adaptation of these ordinances have been dragged on from 1998 to 2009. How ridiculous it is? If such practice is to be continued, I believe the discussion of the adaptation of the hundreds of ordinances in Hong Kong will not be completed even after four, six or eight generations.

In any case, I still hope that the authorities will give an undertaking shortly that discussions of bills to be introduced in future should include an ultimate solution, which is the amendment to Cap 1 as suggested by Dr Margaret NG earlier. I very much agree with this point. However, it is something next to impossible to request the authorities to do so. Actually, several options other than making the said amendment are available. If no such amendment is made, it will be necessary to state in future bills that: (a) a bill applicable to the SAR Government; and (b) it is applicable to offices set up by the Central Authorities in Hong Kong. These points have to be stated clearly, so that the target can be achieved step by step. We should not restrict the scope to those 17 ordinances, of which only four ordinances have been selected at present. Deputy President, those four ordinances are not of great significance. One of which is The Legislative Council Commission Ordinance, which will be applicable to offices of Central Authorities in Hong Kong. The remaining ordinances include: Plant

Varieties Protection Ordinance, the Patents Ordinance and the Registered Designs Ordinance.

Wow, the discussion of those four ordinances already lasted a dozen years. Dr NG mentioned earlier an ordinance and it is also my greatest concern. It was the one on the privacy of personal data. Actually, the answer given by the authorities to us in 1998 is still applicable 11 year later. It said, "That ordinance, which is very complicated, includes six principles on the protection of personal data, while the wordings of the major provisions therein are too general. Besides, the protection of personal data by legal means is still a rather new concept to Hong Kong." Now that 11 years have passed, is it still a new concept? It again said, "It is necessary for the Administration to discuss the issue with the Central Authorities to assess whether the ordinance will affect the operation of individual offices set up by the Central Authorities in Hong Kong. If it will, what is the influence?" Surely, they will be affected. Deputy President, they often collect information about us, they find someone to follow or wiretap us, and they will use all ways to achieve such purposes. I hope that they will take out some of the information. "Hey, have you collected information about me, Emily LAU?" I guess they have done so at that time, only that they refused to admit so. I was forced to bring the case to the Court. Eventually, I had to pay a million dollars or so to them as compensation. However, I am not afraid. If it is necessary, I may as well challenge them at the Court again. But now, it is no longer applicable at all.

I think the situation is really ridiculous. Concerning this ordinance related to personal data, Members may have noticed that the Commissioner has been complaining loudly that he has indeed done a lot. Why is the Secretary not willing to grant him the funding? The Commissioner was forced to seek assistance from his friends. He told his friends, "The SAR Government has a reserve of more than \$1,000 billion, but we are not granted much funding, so please help us for free!" He said he could no longer seek assistance from his friends, for his friends have turned their back on him. This is how the Commissioner works.

Today, we want to express our hope that the laws of Hong Kong will be applicable to the Central Authorities. If the Central Authorities say that these should not be applicable, are they suggesting that they want to amend Article 22 of the Basic Law? I can no longer tolerate the SAR Government for its cowardly attitude. We asked Secretary Ambrose LEE about the Hong Kong

Garrison earlier. He told us, "We know nothing about it, President, we do not have such information, and we dare not ask for such information." Is it really necessary to act so humbly? However, we think that these issues are affairs of Hong Kong, and it is therefore the obligation of SAR officials to come forward to obtain the relevant information from the Central Authorities and inform the Central Authorities of the aspirations of the Legislative Council and the people of Hong Kong.

It is impossible that an issue can be dragged on for 11 years. I think this is outrageous. Despite the enactment of the legislation today, it will in no way benefit and help the public. Had Members paid attention to the movement of CAO Erbao or LI Guikang, they would have noticed that the Central Authorities are making more and more intervention in the affairs of Hong Kong and reaffirm this again in laws. Actually, the Central Authorities do not have to abide by a majority of the ordinances in Hong Kong. When the Central Authorities say that there are two governing teams here, what message is conveyed to society? How improper it is. I think Secretary Stephen LAM is obliged to tell the Legislative Council and the public on behalf of the Government today what position we are in at present. Will the Central Government continue operating and carrying out activities in Hong Kong happily and place itself above the laws of Hong Kong and ignoring the stipulations in the Basic Law? Will that be the case? As for the SAR Government, since the discussion of the four insignificant ordinances alone has lasted for 11 years, if Members want to discuss a few more ordinances, another 40 years or more have to be spent. Perhaps owing to the principle of things will remain unchanged for 50 years, so there will be nothing by then. This will not do at all.

Deputy President, we hope that the SAR Government will change its mindset. It should stop citing the former assumption under the common law, it does not work. Actually, every ordinance should be binding on the SAR Government and the Central Authorities as well. Only by doing so can the authorities illustrate to the people that Hong Kong is a place upholding the rule of law. Laws should be unequivocal, everyone should be equal before the law and laws should be applicable to all. Deputy President, we will support the Bill today, for there is no reason to oppose it, but we have to convey a message behind the support given by us. We want the authorities to know that we are especially concerned about certain issues, which we consider should be dealt with expeditiously. The authorities are obliged to discuss these issues with the Central Authorities as soon as possible, so that more amendments can be

introduced for discussion, putting the operation of the Central Government in Hong Kong under regulation.

Thank you, Deputy President.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Constitutional and Mainland Affairs to reply. This debate will come to a close after the Secretary for Constitutional and Mainland Affairs has replied.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the Government introduced the Adaptation of Laws Bill 2009 (the Bill) into the Legislative Council on 11 February this year. The Bills Committee has completed its scrutiny of the Bill. I would like to express my heartfelt thanks to Mr WONG Ting-kwong, Chairman of the Bills Committee, Mr IP Wai-ming, Vice-Chairman, all members of the Bills Committee and colleagues of the Legislative Council Secretariat.

The Bill seeks to amend four ordinances, namely, the Legislative Council Commission Ordinance, the Plant Varieties Protection Ordinance, the Patents Ordinance and the Registered Designs Ordinance, to provide that these four ordinances will, apart from the SAR Government, also apply to the three offices set up by the Central People's Government (CPG) in the SAR. These three offices are, namely, the Liaison Office of the CPG in the SAR; the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the SAR; and the Hong Kong Garrison of the Chinese People's Liberation Army.

Moreover, the Bill also seeks to provide in the Interpretation and General Clauses Ordinance a definition for "Offices set up by the Central People's Government in the Hong Kong Special Administrative Region", which means the three offices I just mentioned.

There are provisions in the Basic Law which make it clear that the offices set up by the CPG in the HKSAR and their personnel must abide by the laws of the SAR. According to Article 22(3) of the Basic Law, "all offices set up in the Hong Kong Special Administrative Region by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government, and the personnel of these offices shall abide by the laws of the Region." Article 14(4) of the Basic Law also stipulates that "in addition to abiding by national laws, members of the garrison shall abide by the laws of the Hong Kong Special Administrative Region."

It is, therefore, very clear that the offices set up by the CPG in the SAR and their personnel must abide by the laws of the SAR. The Bill seeks to amend four ordinances, which at present expressly bind the Government but are silent on their applicability to these CPG offices. After the Bill has been enacted and come into operation, the four ordinances will expressly apply to the SAR Government and the offices set up by the CPG in the SAR. The applicability of the four ordinances to the offices set up by the CPG in the SAR can then be clearly affirmed pursuant to section 66(1) of the Interpretation and General Clauses Ordinance.

At the Bills Committee meeting, some Members asked whether the use of the term "offices set up by the CPG in the HKSAR" in the Bill was appropriate. At present, the CPG has set up only three offices, as I mentioned earlier, in the HKSAR. These three offices fall within the definition of "State" under the Interpretation and General Clauses Ordinance. As such, the proposed amendment as set out in the Bill is adequate to address the present situation.

As I said when moving the Second Reading, the Bill was introduced as a start. Regarding 12 other ordinances which expressly bind the Government but are silent on their applicability to the offices set up by the CPG in the SAR, the Government will continue to study and discuss with the relevant authorities of the CPG as to whether and how these ordinances can be made applicable to these offices. Upon reaching a consensus, we will deal with the remaining ordinances in phases as appropriate.

Deputy President, I would like to appeal to Members to support the Second Reading of the Bill. Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the Adaptation of Laws Bill 2009 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

DEPUTY PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Adaptation of Laws Bill 2009.

Council went into Committee.

Committee Stage

DEPUTY CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

ADAPTATION OF LAWS BILL 2009

DEPUTY CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Adaptation of Laws Bill 2009.

CLERK (in Cantonese): Clauses 1 to 7.

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

(No Member indicated a wish to speak)

DEPUTY CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1 to 7 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

DEPUTY CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

DEPUTY CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

DEPUTY PRESIDENT (in Cantonese): Bills. Third Reading.

ADAPTATION OF LAWS BILL 2009

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the

Adaptation of Laws Bill 2009

has passed through Committee stage without amendment. I move that this Bill be read the Third time and do pass.

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Adaptation of Laws Bill 2009 be read the Third time and do pass.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

DEPUTY PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Adaptation of Laws Bill 2009.

Resumption of Second Reading Debate on Bills

DEPUTY PRESIDENT (in Cantonese): We now resume the Second Reading debate on the Public Health and Municipal Services (Amendment) Bill 2008.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 2008

Resumption of debate on Second Reading which was moved on 5 November 2008

DEPUTY PRESIDENT (in Cantonese): Mr Fred LI, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

MR FRED LI (in Cantonese): Deputy President, in my capacity as the Chairman of the Bills Committee on the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill), I now report to this Council the major deliberations of the Bills Committee. The Bill seeks to:

- (i) empower the Director of Food and Environmental Hygiene (DFEH) that if he has reasonable grounds to believe that the making of a section 78B order to prohibit the import or supply of any food, direct that any food supplied be recalled, direct that any food be impounded, isolated, destroyed, or otherwise disposed of, or prohibit or permit the carrying on of any activity in relation to any food to prevent or reduce a possibility of danger to public health or to mitigate any adverse consequence of a danger to public health, he may issue the order (section 78B order); and
- (ii) provide for incidental and connected matters.

While recognizing the need to provide the DFEH with wide power to make section 78B orders to deal with food incidents, members think that given the high threshold to claim compensation from the Government for loss suffered as a result of the orders, the Government should at least spell out certain important factors the DFEH will take into consideration in making section 78B orders. Having considered members' views, the Administration has agreed to add new sections 78K and 78L in new Part VA to empower the DFEH to issue any code of practice that in his opinion is suitable for the purpose of providing practical guidance. It will also to add a new subsection (2A) in section 78B to set out the factors that the DFEH may take into account in determining whether there are reasonable grounds under section 78B(2).

Members have requested that the Administration should apart from consulting the trade, also consult the views of the Panel on Food Safety and Environmental Hygiene of the Legislative Council (FSEH Panel), before revising the whole or any part of the code of practice or revoking the code of practice. The authorities have agreed to inform the FSEH Panel in advance of making any revision to the code of practice and publication in the Gazette. Should the FSEH Panel wish to discuss such revision at a meeting, the Government would be happy to oblige.

Members have expressed concern that persons bound by a section 78B order may unknowingly contravene the order if the start time of the period of a prohibition/action specified in the order is at the beginning of the same day on which the order is published in the Gazette, as the actual publication of the Gazette often occurs at a later time of the day. On the other hand, concern has also been raised that if the start time of the required prohibition/action specified in the order is later than the date of gazettal of the order, some unscrupulous persons bound by the order could make use of the time gap to quickly sell the food concerned in the market.

Taking account into members' views, the Administration has agreed to amend new section 78C(6) to empower the DFEH to determine the effective time of a section 78B order published in the Gazette on a case by case basis.

New section 78G provides that a person bound by a section 78B order may, within 14 days from becoming bound by it, appeal to the Municipal Services Appeals Board (MSAB). New section 78H further provides that a person bound by a section 78B order who has suffered loss as a result of the order may apply to the Court for an amount of compensation that is just and equitable in all the circumstances of the case and not exceeding the market value of the food at the time of making the order if an appeal has been made to MSAB and the MSAB has varied or set aside the DFEH's order and the person proves that the DFEH did not have reasonable grounds to make the order at the time of making the order. The market value of the food at the time of making a section 78B order will depend on the circumstances. For instance, if the person concerned is a retailer, the market value of the food concerned would be the retail price of the food.

Some members hold the view that the Administration should automatically compensate a person bound by a section 78B order the market value of the food at the time of making the order, if the food test proved that the food concerned was not problematic, as it is extremely difficult, if not impossible, for a person bound by a section 78B order to prove that the DFEH did not have reasonable grounds in making the order in order to be awarded compensation from the Court.

Having considered members' views, the Administration has agreed to propose a Committee stage amendment to the effect that the compensation recoverable includes the costs or expenditure actually and directly incurred but the compensation in relation to such loss should not exceed the market value of the food immediately before the time of making a section 78B order.

Furthermore, having considered members' view that more time should be allowed for an aggrieved person to make an appeal, the Administration will amend new section 78G(1) such that a person bound by a section 78B order may, within 28 days (instead of the original 14 days) from becoming bound by it, appeal to MSAB.

Some members are of the view that the Bill should provide for persons aggrieved by section 78B orders the option to seek compensation from the Court direct. On review, the Administration has agreed to remove the requirement that a person bound by a section 78B order must first seek a decision from MSAB if he wants to seek compensation under the new section 78H.

The Administration has undertaken to include in the speech to be given by the Secretary for Food and Health when the Second Reading debate on the Bill is resumed these two points:

First, the DFEH would exercise his power provided under new section 78B in a prudent manner; and second, testing of food in relation to the making of section 78B orders would be carried out in the first instance and expeditiously, and the revocation of a section 78B order would be made in the same manner as the making of the order in the first place and as soon as possible.

The Bills Committee supports the resumption of the Second Reading debate on the Bill today.

Deputy President, I will then, in the capacity of the speaker of the Democratic Party on food safety, express some of our views.

The legislation related to the recalling of food has been submitted to the Legislative Council at last. Actually, the Democratic Party has been mentioning this issue for eight to 10 years. But being late is better than never. We have to thank the melamine incident. Had there not been that incident, the legislation would not have been picked out and handled expeditiously.

All along, the Democratic Party considers that the Government should enact a comprehensive bill on food. In addition to the recalling arrangement, the importation of aquatic products, vegetables and all kinds of food should also put under regulation. Though we now support the passage of the Bill, we after all consider the introduction of a piece of comprehensive legislation necessary.

Indeed, a "major operation" has to be carried out on the provisions related to food safety under Cap 132. We hope that the future food safety ordinance will be submitted to the Legislative Council as soon as possible, and that the survey on business environment will soon be completed.

In the course of deliberation, certain Members from the trade concerned have naturally expressed worries about the power abuse and unbridled power of the DFEH in recalling food. However, if too many restrictions are imposed, I am afraid that the DFEH will not dare to exercise such power, then DFEH will indeed fail to accord the highest priority to food safety and public health. So a balance has to be struck. Secretary, I hope you will pay attention to this aspect — you see, more often than not, we put the health of the public first — this is definitely the most important consideration.

Moreover, with the passage of the present Bill, we hope that the legislation follows will At present, the most important and final step is tracing the origin, that is, the law should be empowered to trace the origin of food. The present legislation only mentions the recalling of food and the prohibition of certain food which DFEH has grounds to believe is problematic but this fails to address all the problems related to food safety — the food supply chain. Therefore, as I said earlier, food with lower risk, such as vegetables, has once caused a stir. It may be due to human errors that certain problematic vegetables (not toxic, but probably problematic) have been allowed to enter Hong Kong. We have to rely on the Government to act as the gatekeeper on these fronts.

Finally, as the Chairman of the Bills Committee, I would like to express my heartfelt thanks to members of the Bills Committee for their devoted efforts in scrutinizing the Bill. I so submit.

MR WONG TING-KWONG (in Cantonese): Deputy President, the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill) was submitted to the new Legislative Council for scrutiny last year hastily soon after its commencement, for the food incidents occurred in a row in recent years around the world and in Hong Kong have aroused widespread public concern. In the melamine milk poisoning incident, tens of thousand babies on the Mainland were found to have kidney stones, and a few cases were found in Hong Kong. This has triggered the Administration to tighten further its control on food safety by empowering the Director of Food and Environmental Hygiene (DFEH) to make administrative orders when he has reasonable grounds to believe the making of

such order is necessary to prohibit the import and supply of, and to direct any food be recalled to protect public hygiene and health.

This is a matter concerning the lives of the public. Health is precious. Out of the consideration of protecting public hygiene and preventing the health of the public from being jeopardized, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supports the Government in proposing measures to enhance food safety and empower the departments concerned to enforce the law.

In the course of the scrutiny of the Bill, Members have some disputes over various provisions. There are a number of points that the trade and I are rather concerned and would like to elucidate these points here.

First, in addition to prohibiting the import and supply of food and directing food be recalled, the DFEH is also empowered to require food traders to impound, isolate and destroy any problematic food. The trade worries that the DFEH is given excessive power, for the DFEH may exercise the power on what he considers reasonable grounds and his decision may put an end to the business of certain traders. The DFEH may adopt an extremely stringent approach by presuming certain food problematic until it is proven safe. Though the trade may apply for compensation for the loss they suffered when they are dissatisfied with the order, applications of this kind can hardly be successful. The food trader concerned must prove that the DFEH has no reasonable ground to make the order in order to get the compensation. Since the DFEH bases on the information he has at the time to make the decision that there is reasonable ground to suspect certain food is problematic, it will be next to impossible for the trade to give evidence to prove that the DFEH lacks "reasonable grounds". Some Members suggest that the authorities may adopt "testing results" as the criteria. Though this approach is more scientific and factual, I agree with the authorities after thorough deliberation that if the DFEH can only make the order when the testing results of the food in question are available, it may delay the enforcement of the law, which is also impracticable. In this connection, I am glad to see that the authorities have by all means make amendments to improve the legislation. It sets out in the Bill the factors the DFEH will have to take into account in determining whether there are reasonable grounds, and provides the code of practice in the legislation as practical guidance to support the implementation of the legislation. More so, the code of practice is made and amended in response to the suggestion of members of the Bills Committee, and

after the Legislative Council has heard the views of the trade, for the Government hopes that it will have the support of Members. Hence, I have eventually accepted the amendments proposed by the Government. However, I would like to stress again here that I hope the Government will not regard the condition of having "reasonable grounds to believe" as a kind of insurance in law enforcement, it should exercise the power concerned cautiously and ensure that there will be no abuse of power.

Though the authorities refuse to relax the criteria for applying for compensation, having listened to my views and those of other Members, the authorities have made certain compromises on the coverage of compensation, the time limit for lodging an appeal and the channels for applying for compensation. The authorities have proposed amendments to expand the coverage of compensation to cover costs and expenses involved in the recalling of food. However, for food being impounded and returned after it is tested to be not problematic, though the food concerned can still be put on sale, the sales of the food will be affected by the shortened consumption period or the undermined goodwill. Nonetheless, the trade suffering from the loss so incurred will receive no compensation, I still consider this unfair. Hence, I can only hope that the authorities will cancel the order as soon as the food concerned is tested to be not hazardous to the health of the public. This will reduce the impact on the trade and the loss incurred. Moreover, the authorities have taken into account views expressed by simplifying the application procedures for lodging appeal and claiming compensation. Persons intending to lodge an appeal will have more time (28 days) to lodge their appeals to the Municipal Services Appeals Board (MSAB), while the trade may apply direct to the Court for compensation instead of first appealing to the MSAB and then to the Court after the MSAB has made a decision. The amended procedure is simpler and more effective, sparing the trade from the prolonged appeal procedures which are time-consuming and inefficient.

Moreover, I am much concerned about the start time of the order. To enable the trade to know better the start time of the order, so that they will not contravene the law unknowingly, I request the authorities to state clearly the actual start time of the order and consider giving adequate time for the trade to prepare for the recall action. The authorities eventually agree that immediate announcement of the order will be made through the media. It also undertakes to grant a defence for the persons concerned. These arrangements have alleviated the worries of the trade.

Since the legislation involves a lot of practical operation of food recalling procedures, I have urged the authorities to enhance its communication with the trade, explaining in detail the guidance included in the code of practice, and thus minimizing any confusion and unnecessary disputes during the course of operation in future. Surely, if any major amendment is made to the code of practice in future, the authorities must properly consult the views of the trade, for this will facilitate law enforcement.

Lastly, I would like to say that in the course of scrutiny, I have noticed that though the authorities have definitely consulted the trade before the policy is introduced, the consultation conducted is not thorough. Moreover, since the authorities are not familiar with the actual operation of the trade, certain indirect impact brought about by the policy may have been overlooked. For instance, in the past, before the legislation on the recalling of food is put in place, department stores and supermarkets will take the problematic food down from the shelves, and when the food concerned is proved not problematic, those department stores or supermarkets will put the food on the shelves again. This has been a usual practice of the trade. However, upon the implementation of the legislation, department stores or supermarkets, which have taken the so-called problematic food down from the shelves, may take advantage of the legislation and charge food traders additional fees for putting the food onto the shelves again after the food concerned is tested not problematic, which will increase the costs incurred by food traders. These impacts are not conspicuous. Those who are not familiar with the operation of the trade may not notice them. Therefore, I hope that the authorities will communicate with the trade sincerely and conduct extensive consultation before proposing any policy. I also urge the authorities to consider reviewing and improving the legislation after the legislation is implemented for a certain period, say a year or two.

With these remarks, Deputy President, I support the passage of the Bill.

MR WONG KWOK-HING (in Cantonese): Deputy President, I strongly welcome and support the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill) proposed by the Government. While I consider that this Bill has come too late, but being late is nonetheless better than never. I still welcome and support it even though it is late.

Deputy President, in fact, when I was still an elected member of the then Municipal Council as early as 14 years ago, I had proposed a relevant legislation. An incident occurred on 13 October 1995 in Hong Kong in which Vitasoy products were found to have strange tastes. People who had drunk or bought Vitasoy products were sent into panic all of a sudden, not knowing what to do. After that, the sales volume of Vitasoy products immediately plunged by 12.5%. It was only until 17 October that the Vitasoy group decided to recall its products. At that time, there was no food recall law.

We members of the then Municipal Council called on the Government to look into the incident and make improvements. In the reply letter given by the then Assistant Director of Health to members, he admitted that in the absence of a recall law empowering the Government to exercise supervision over food and recall food, they had no law to rely on. When we proposed the enactment of law, the then Department of Health advised that the drafting of a guideline on food recall was underway. The Department of Health (DH) submitted the guideline on food recall on 24 April 1996, but it was not law after all.

It has been more than a decade now and looking back at the different food safety incidents that occurred in Hong Kong, it was only until the outbreak of the melamine incident that the Government amended the Ordinance. But though it is late, I think that it is better than never. In the *Reform of Municipal Administration* (《市政興革》) written by me, there was a detailed description of the events of this incident and the book is available in the library. I welcome the Government's proposed amendments to the Ordinance.

Deputy President, food supply in Hong Kong has all along been heavily dependent on imports from other places. Over the past years, there have been a large number of food incidents of various kinds. Despite the subsequent establishment of the Centre for Food Safety, this problem has yet to be properly resolved. Food crisis still lurks and is posing a threat to the health of the general public.

There were many previous cases reflecting the inability of the Administration to trace the source supplier of problem food. Even if any food was found to be problematic, there was no legislation empowering the Government to prohibit the sales of or mandatorily recall the problem food concerned. Coupled with the poor import quarantine inspections, Hong Kong is prone to the dumping of problematic food. The spate of food incidents has

exposed the loopholes in the authorities' supervision in food safety, and public health is therefore not properly protected.

Therefore, in respect of the proposed amendment Bill which empowers the Director of Food and Environmental Hygiene to make administrative orders to prohibit the import and supply of problem food and order a recall of the food supplied, I consider the new provisions very important. In the past, we often complained about the absence of a legislation to provide for food recall, without which timely prohibition of the sales of problem food in the market upon detection would not be possible. It is therefore of vital importance to enact a law to govern food recall and the prohibition of problem food supply, which is worth supporting.

Deputy President, during the deliberation of the Bill, I noted that the enforcement of the law may pose an unnecessary and unreasonable threat to the employees. For the new section 78D(3)(b) which provides a defence for employees, the authorities originally intended it to be a defence so long as an employee can prove that he is "not exercising managerial functions" when the relevant provision was contravened, but how to define "managerial functions"? Even if an employee is at the managerial level, but he might be forced by his supervisor to "exercise managerial functions", so is that covered in the defence provision? Will it be too unfair to employees at the management level who have supervisors? As the drafting of the defence provision in its previous form was considered pretty unfair to the employees, so during the deliberation of the Bill, I suggested that the Government should make amendments correspondingly. The authorities had given an appropriate response by making amendments to provide more reasonable defence protection for the employees. Having considered the relevant views, the authorities amended the proposed new section 78D(3)(b) by deleting the phrase "exercise managerial functions" and substituting it with "was not, at the relevant time, in a position to make or influence a decision regarding that act or omission". I support this amendment because it can better protect the rights of employees.

Deputy President, the Bill tabled by the Government this time simply deals with problems relating to food recall and prohibition of problem food supply, but it is not a comprehensive food safety law. I therefore take this opportunity to express my wish that a food safety law be laid on the table of the Legislative Council for examination as early as possible, as only a comprehensive food safety law can provide sufficient and thorough protection to public health. Here, I also

wish to highlight the numerous incidents of drug safety which took place recently. I therefore hope that the Administration will amend the relevant drug safety law, or enact a proper law as early as possible so as to enhance the supervision of drugs.

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

MS AUDREY EU (in Cantonese): Deputy President, on behalf of the Civic Party, I speak in support of the resumption of the Second Reading of the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill).

Deputy President, when the Government first tabled the Bill, we believe Members will strongly support it in principle. Fortunately, the Bill has not aroused strong public reaction like the previous law on food nutrition labelling. In fact, after the spate of incidents involving malachite green and melamine, we have become aware of the lack of relevant laws. All along, we have to depend on the self-discipline of the trade to recall problem food on its own initiative whenever problem arises. Yet, after all, law should confer the authorities with the appropriate power to require food manufacturers or traders to recall problem food when such a need arises.

But where should the balance line be drawn? When the Bill was first tabled, it only provides that if the Director of Food and Environmental Hygiene (DFEH) has reasonable grounds to believe that any food will pose a health hazard to the public, he may prohibit the import or supply of the food concerned, or direct that the food be recalled, impounded, isolated, destroyed, and even prohibit the carrying on of an activity in relation to the food concerned in order to prevent a possibility of causing danger to public health.

However, on the other hand, it is extremely difficult for the food traders concerned to claim compensation when food is recalled as the burden of proof falls on them. They have to prove to the Municipal Services Appeals Board (MSAB) that there is no reasonable ground for the authorities to believe the food concerned poses a health hazard to the public, which is very difficult to prove. During the deliberation of the Bill, the Bills Committee has all along wished to strike a proper balance in respect of the reasonableness and transparency of the power of the DFEH, for instance, to include some important considerations for the DFEH and require him to provide sufficient justifications in writing for

exercising his power. Can the aggrieved persons or stakeholders have a choice of the appeal procedure? Can he turn to the Court for appeal direct instead of the MSAB? As for compensation, can the authorities make certain improvements in respect of the fees and expenses incurred directly or indirectly to enable the aggrieved persons or stakeholders to claim compensation?

I was very glad that the government representatives attending the Bills Committee meetings did take heed of members' views. Not only were there constructive discussions between us at the Bills Committee meetings, but we also had numerous exchanges and contacts outside the meetings. And when amendment was necessary, we would be consulted beforehand. Deputy President, I consider this kind of co-operation a good way of co-operation and communication between the executive and legislature. In fact, both of us wish to come up with a win-win proposal that is balanced and reasonable. Therefore, I am very glad that after all these negotiations, meetings, discussions and examinations, we finally came up with an amendment Bill that is supported by different quarters. Therefore, Deputy President, I am very happy to render my support to the resumption of the Second Reading of the Bill.

Deputy President, I would like to highlight my three wishes here.

Firstly, in fact, the Bill tabled today is only partially related to food safety. What the Government has promised but has yet to achieve is the tabling of a food safety law "from farm to fork". As we can see, the present swine flu and the previous food safety incidents actually go back to one basic question, that is health and food safety have always been our major concern. I therefore hope that the Government can exercise better control over food (particularly imported food). I remember that the Panel on Health Services had also talked about vegetables bearing labels of nominated farms. While the labels are genuine, they were not affixed to vegetables from nominated farms. These kinds of cases have actually aroused our concern. So, I hope that the Government will expeditiously work on it and table a comprehensive law on food safety. This is my first wish.

Deputy President, my second wish is, we remember that when the melamine incident was first reported, much time had been spent on food testing by the Government in the absence of a relevant centre to do the testing. As food products will be put on or removed from the shelves from time to time, and there is no way to find out whether they can be safely consumed or have been tested, it

is therefore hard for the public to know what to buy. I hope that food testing work will be expedited for it is also the wish of the Government to turn Hong Kong into a testing or certification centre. If this is possible, it will certainly greatly enhance the speed of food testing. I therefore hope that the Government can do better in this regard.

Deputy President, my last wish is, while we have all along relied on the trade's self-discipline to remove problem food from the shelves on its own initiatives when food problem arises, after the enactment of this Bill, the trade will have to wait for the issuance of a government order and compensation will only be provided if the order concerned is proved to be unreasonable or inappropriate. I therefore worry if the trade will wait until the Government issues an order or a food problem occurs before it will remove the food concerned from the shelves. The provision of a legal basis might turn out to have an adverse effect on the trade's co-operation or self-discipline. I hope that this will not be the case, and the trade will continue to act co-operatively as it was without the law, so that whenever a food problem arises, prompt action will be taken by the trade to have all problem food removed from the shelves or recalled without having to wait until the Government issues an order. It will always give priority consideration to the health and safety of the public.

Thank you, Deputy President.

MR ANDREW LEUNG (in Cantonese): Deputy President, food manufacturers and traders engaging in the production, wholesaling and retailing of food in Hong Kong have been doing their best to undergo quality accreditation for the food products that they produce or sell on the premise of public health and food safety. When a food product is found failing to meet the food requirement, or if any food producer, wholesaler or retailer suspects that a product might be problematic, the food traders will recall the food product concerned on their own initiatives. The Federation of Hong Kong Industries (FHKI) and I support the proposed amendment Bill, which empowers the enforcement authorities to require food traders to recall food products that are proved problematic, and even institute prosecution against those who deliberately sell food products that are not fit for consumption.

Deputy President, throughout the entire deliberation process, what the FHKI and I were concerned the most were the substantial power conferred on the

Director of Food and Environmental Hygiene (DFEH) to issue prohibition and recall orders of food, as well as the unfair treatment to enterprises under the compensation provisions.

Let me first talk about the power of the DFEH. As early as in the first meeting, the authorities told us that many countries empowered their enforcement authorities to recall and prohibit the import or supply of problem food. This is because once the problem food falls outside the control of the food producers, importers and retailers, it is necessary for the Government to possess certain power enabling it order a food recall from the parties concerned, including the consumer level. The Government therefore proposes that the Food and Environmental Hygiene Department (FEHD) should be empowered to issue orders requiring the food traders to have the problem food impounded, isolated, destroyed or disposed of in the way as specified by the enforcement authorities. We have no objection to this because just as I have said earlier, the trade has been taking appropriate actions against problem food.

It would nonetheless become a nightmare to all food traders engaging in food business in Hong Kong if the DFEH can issue orders just because he suspects that a certain food product on sale in the market is problematic. Will the DFEH order a recall of a chocolate product of a certain brand from North America, which is also available for sale in Hong Kong, simply because overseas or local media reported that the raw material of the product concerned is suspected to be problematic and local producers have recalled the product concerned?

Being food traders, we are also very concerned about the health of the public as no one will buy problem food. If any food product is problematic and even poses hazard to health if consumed, not only the goodwill of the brand will be damaged, but the entire brand will also be affected, and it may lead to the collapse of the whole enterprise. It is therefore very important to provide the DFEH with some objective criteria and guidelines, which was agreed by all members at the meeting. I am glad that after our hard persuasion, the authorities agreed to propose an amendment to include in the Bill the seven requirements originally contained in the code of practice. These include information obtained from any local or international food or health authority indicating that the food or its ingredient is hazardous to health. It will provide the DFEH with some objective considerations in deciding whether or not to issue an order.

The FHKI considers that while the above amendment and code of practice may help clarify the responsibilities of the Government and the trade, they fail to address the issue of the DFEH having excessive power. We are still very worried that without proper checks on the power of the DFEH, it is possible that he will hastily issue section 78B orders under media pressure. In view of the large variety of products available in the market and the different testing methods, we cannot preclude the possibility of errors if the DFEH is the sole decision-maker. Once an error is made, the affected food producer will innocently incur losses in terms of goodwill and money. Therefore, the FHKI proposes the establishment of an independent committee consisting of public officers, trade members, food safety experts, medical practitioners and academics possessing relevant knowledge, to handle the scientific evidence in an open and transparent manner, and explain it clearly to members of the public and the trade.

Unfortunately, the proposal was not accepted by the Government. It explained that experts from both inside and outside the FEHD would be consulted before any order is made by the DFEH, and other people would also be consulted when appropriate. Despite that the trade's concern cannot be addressed, we still hope that the authorities will re-consider the matter when the food recall law is drafted in future.

Another concern of the trade is about appeal and compensation. Just like what have been and will be said by Members, the Government has accepted some of the trade's views, such that the period of appeal was extended to 28 days and the coverage of compensation was also expanded to cover direct loss other than the affected food, and appeal can be made to the Court directly to seek compensation from the authorities for wrongly impounding or recalling food that is not problematic, without the need to go through the MSAB. However, the crux of the problem is, after all, the high threshold of compensation which requires the food traders to prove to the Court that the DFEH does not have reasonable grounds to make the order before any application for compensation can be made. The method of calculating compensation has also neglected the substantial damage caused to the goodwill of the trade and the possible adverse effects brought to the brand's entire line of products, which is totally unfair.

We are confident that the DFEH will not make any order recklessly and beyond reasonable doubt. Since a lot of food and raw materials are imported from the Mainland and overseas countries, the trade has made the preparations

before they are imported, like providing certification and obtaining safety certificates. However, if the DFEH has any doubt and orders prohibition or recall with "reasonable grounds", the trade will end up having no compensation at all. Such sudden and severe blows are certainly hard for the trade to bear, which may simply reduce the varieties and quantities of food products being sold. As a result, the public will have fewer choices and food prices will also go up.

Deputy President, the FHKI and I hope that the Government and Members of this Council can gain a better understanding of the operation of the trade, such that the enacted law will be more practicable.

I so submit.

MR VINCENT FANG (in Cantonese): Deputy President, I had mentioned in the debate on the levy of plastic shopping bags last week that a food recall law would have its Second Reading debate today. At that time, I said that the following phenomenon was observed in many government laws: While the legislative intent is good, they all found their legal basis window-dressed on a moral high ground. Simply looking at the name and objective of this piece of law, no one will oppose it, but the devils are in the details. The Government has, as a matter of course, included a lot details that are not applicable to or practicable for the trade. Laws of this kind that were enacted under the Secretary include the law on smoking ban the year before, the law on nutrition labelling scheme of last year and the food recall bill proposed today.

Regarding the legislative intent, the trade is indeed very concerned if the Government tabled this Bill simply for the sake of legislation or if there is a genuine need to do so. For the former reason, just like the Protection of Endangered Species of Animals and Plants Ordinance enacted two years ago, the legislation was made to tie with the international conventions. But we found that the Government often enacted laws just because others have done so. When a certain law was enacted in other countries, Hong Kong would follow suit. This is not because there is a need to do so, but just because it does not want to be seen as lagging behind.

Some Honourable colleagues may laugh at me, saying that the Legislative Council will lose its reason for existence if no new laws are to be enacted.

Earlier, Mr Fred LI said that he has fought for the enactment of a food recall law for more than a decade, and in view of the increasing problem food, there is a genuine need for legislation.

However, Deputy President, in the previous spate of food incidents, has any food trader refused to remove problem food from the shelves? No. As the Secretary and Honourable colleagues said in the meeting, the trade has been very co-operative. In the previous incidents, 99.9% of trade members were very co-operative and had voluntarily removed problem food products from the shelves.

Actually, the enactment of this food recall law is to legislate on previously well-established operation. So, what does the trade worry about? We are worried that if the Government learns of any changes in the overseas markets, it will use its "Sword of Imperial Sanction", that is, the "reasonable grounds", to order the retailers to remove the products concerned from the shelves. If the products are subsequently proved to be problematic, the trade will probably accept such outcome because doing business is like making investments, risks have to be borne anyway. The point is, however, the trade will suffer heavy losses if the product concerned turns out to be not problematic.

The Secretary will surely say that the Bill has provided an appeal mechanism and channels for seeking compensation, but, Secretary, your colleagues have told me honestly that as long as the Government has reasonable ground, there is no way the trade can claim compensation. The Department of Justice has really performed its duty faithfully in doing its very best to safeguard the interests of the Government. At first, there was an additional requirement in the Blue Bill requiring all appeals to first go through the Municipal Services Appeals Board (MSAB) before proceeding with any litigation. Even the large consortia will not waste time and money for something that may never end, let alone the food importers and wholesalers in Hong Kong, which are mostly small and medium enterprises (SMEs).

During the deliberation of this Bill, even our Honourable colleagues from the legal sector could bear no more the things they saw and had asked the Government to streamline the appeal procedure. Their request was supported and accepted by the Government in the end. From this, we can see that during the legislative process, the Government only tried to avoid responsibilities

without taking into consideration the impact of the law on the business environment as well as the interests of the operators and the general public.

Given that the operation mode of wholesaling and retailing in Hong Kong is subject to the influence of such special features as high land price and rising operating costs, products being put on or removed from the shelves will be charged. The fee is pretty high, which is even higher than the price of the product itself. So once a product is removed from the shelf, even though it is subsequently proved not problematic, there is still a large sum to be borne by the suppliers.

Therefore, while the food industry supports the food recall law, it is hoped that the Bill can provide little room for them such that when the products ordered to be recalled are proved not problematic, the traders will be allowed to claim part of the loss incurred. Or else, after a couple of food recalls, those SMEs may close down.

Deputy President, the trade does understand that the import and selling of problem food is hazardous to public health, and is certainly not right. And yet, the case is completely different from what was done by the Sanlu Group, which added a toxic substance melamine to the milk powder. While over 90% of live and fresh food and 80% of pre-packed food in Hong Kong are imported, coupled with the small local market, food business is not only passive, but also not easy at all. With increasing food problem in recent years, the Government has legislated time and again to govern those law-abiding traders, but has done nothing about those who do not abide by the law. It just put all the blame on source management and the traders, which is too irresponsible, unsympathetic and not sensible.

Throughout the deliberation of the Bills Committee, government officials said time and again that the Government would only announce the removal of products from shelves when it had sufficient reasonable doubt. And once the products were confirmed not problematic, they would be allowed to be put back on the shelves, and hence the trade would not be affected.

Deputy President, saying that is easy. Do allow me to cite the malachite green incident in 2005 as an example. Ever since the Secretary called on people not to eat fresh water fish, the industry concerned has dwindled. We can see from the figures provided by the Agriculture, Fisheries and Conservation

Department (AFCD) that while the number of freshwater fish wholesalers is decreasing year-on-year, the amount of freshwater fish imported is also dropping year-on-year. Though the import price has risen, the retail price has remained unchanged. Hence, actions speak louder than words.

Here, I wish to reiterate a few points. First, it is hoped that regulatory impact assessments will be conducted before any legislative process commences, in order to assess the impact on different stakeholders. Second, conducting regulatory impact assessment alone is not enough, the Government must also examine the outcome and seek resolution when the law is enacted, with a view to minimizing or even eliminating all possible impact. Third, the Government should listen categorically to trade views, instead of conducting consultation that only serves a window-dressing purpose. Fourth, it is hoped that all public officers will listen to our views with full humbleness because every industry is unique. I have engaged in the garment industry for many decades, but as I am an elected Legislative Council Member representing the wholesale and retail industry, I have now learned more about the operation of different industries and my knowledge has been greatly enriched. Last of all, it is hoped that in the course of law enactment, the Government will balance the interests of all stakeholders as far as possible and discard the mindset of treating things as a matter of course.

I so submit. Thank you, Deputy President.

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

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, today, the reading of the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill) is resumed in the Legislative Council. I support the content of the Bill, which empowers the Director of Food and Environmental Hygiene (DFEH) to make a section 78B order, when he has reasonable grounds to believe such an order is necessary, to prohibit the import or supply of any food, direct that any food supplied be recalled, direct that any food be impounded, isolated, destroyed, or otherwise disposed of.

Deputy President, I support all these arrangements. Surely, there are issues that I am concerned about. As mentioned by Honourable colleagues

earlier, the abuse of the condition of "reasonable grounds" may cause significant loss to many traders. For this reason, some relatively stringent code of practice should be put in place for regulation, ensuring that the food supplied by traders will not be impounded, isolated or destroyed arbitrarily by the Government. Besides, traders should be given the opportunity to claim compensation. I am also concerned about these issues. Under certain circumstances, we cannot only focus on one aspect of an issue but overlook the consequence it may bring to the persons being affected.

We attach great importance to food issues. But we see that food issues have been overshadowed by many problems occurred recently, including swine influenza, and the monitoring and blunders on clinical drugs. However, many food safety incidents that warrant our concern did occur in the past, such as the milk power incident, the fake egg incident, problems with fish for food and vegetables for food and so on. All these incidents cause us to express grave concern about food safety. This is an issue which warrants our concern. Mr Fred LI points out that the Government should formulate a comprehensive law on food safety, but regrettably, up to day, the authorities still fail to come up with a comprehensive approach. The resumption of the Second Reading of the Bill today is further development, I hope the Government will formulate a comprehensive bill as soon as possible to ensure food safety and protect the health of the public.

However, Deputy President, I am also concerned about another issue. We know that a lot of food consumed in Hong Kong is imported from the Mainland. Though a majority of crops, livestock and live fish are imported from the Mainland and supplied to Hong Kong through registered farms, we notice, as pointed out by Ms Audrey EU earlier, that there are serious problems with vegetables recently. I worry whether the Government can enforce the law in a serious and stringent manner under the relevant ordinance? This is a point of greatest concern to me.

Why do I say so? Deputy President, the problem on vegetables is a typical example. The media keep reporting some illegal traders use genuine labels for vegetables from substandard farms to transport those vegetables into Hong Kong. The media has already given extensive coverage about those incidents but the Government remains indifferent. It just turns a blind eye to it and does not follow up the cases at all.

At the same time, the Customs and Excise Department's failure to check imported products has enabled these crops be transported into Hong Kong and being put on sale on the retail market constantly. The people of Hong Kong do lack protection in food safety. But the Government keeps saying that these issues are beyond the scope of Hong Kong affairs and that it has done all it can in Hong Kong's capacity, and since these are issues of the Mainland, they have to be handled by the Mainland. These problems are then left unaddressed. In my view, this is a serious issue. As I said earlier, a lot of food we now consumed is imported from the Mainland. If the Government adopts such an attitude, it is like laws only exist in name but not in reality. And even if attempts are made to tighten the laws, they are still empty and insubstantial.

So it would not be a bad thing if this law is passed today. But the attitude of the Government is more important. If the Government persists with the attitude that these are not Hong Kong affairs but overseas or mainland affairs and continues to turn a blind eye to these problems, I will consider it failing to act responsibly, nor has it taken the right direction in facing and solving the problem. Hence, I think, in addition to passing the Bill, we should conclude our past experience today with a view to making effective improvement. Otherwise, I think this can in no way improve the situation.

Deputy President, I support the passage of the Bill. I so submit.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Food and Health to reply. This debate will come to a close after the Secretary for Food and Health has replied.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, the Public Health and Municipal Services (Amendment) Bill 2008 (the Bill) aims at conferring on the Government the necessary statutory power to effectively handle food-related incidents, and enhancing the protection of food safety and

public health. The Bill is a measure of ours to respond timely to the aspiration of the public for further perfecting the mechanism in regulating food safety in the wake of the melamine incident.

The Bill empowers the Director of Food and Environmental Hygiene to make different orders through administrative means to protect public health under the circumstances that he has reasonable grounds to believe that it is necessary for him to prevent dangers to public health or to prevent similar dangers to public health.

The Bill was read the Second time in the Legislative Council on 5 November 2008. The Bills Committee on the Public Health and Municipal Services (Amendment) Bill 2008 (the Bills Committee) held a total of 10 meetings to scrutinize the provisions of the Bill in detail and gave many valuable opinions. Here, I would like to express my heartfelt gratitude to Mr Fred LI, Chairman of the Bills Committee, and the other members for the time and effort spent on the Bill. I would also like to thank the various bodies concerned very much for their active participation in the discussions of the Bills Committee during the scrutiny, telling us their concerns and views.

Having considered the views of the Bills Committee, we will later propose several Committee stage amendments (CSAs). Deputy President, I wish to take this opportunity to explain the Bill and the several major proposals of the amendments which I will propose afterwards.

The Bill empowers the Director of Food and Environmental Hygiene to make section 78B orders when there are reasonable grounds to prohibit the import of food; prohibit the supply of food; direct that food be recalled; direct that any food be impounded, isolated, destroyed or otherwise disposed of, and prohibit or restrict the carrying on of an activity in relation to food. When discussing this provision, some members of the Bills Committee consider that the Bill should state clearly the power of the Director of Food and Environmental Hygiene and under what circumstances he can make the section 78B orders so that food traders will not be at a loss. We must stress that measures under the Bill are simply for enhancing the protection of food safety and public health. The Director of Food and Environmental Hygiene will exercise his power carefully to balance the need for public health and the impact brought on food traders. I wish to emphasize that according to past experience, food traders have always been active in

co-operating in the recall of suspected problem food from the market, and I hope that food traders will stick to maintaining this principle of social responsibility. The voluntary suspension of import, supply or recall of problem food by food traders is after all the best solution which is in the interests of both the industry and consumers. Having regard to the situation, the Director of Food and Environmental Hygiene will first issue food warning before making a section 78B order. If food traders voluntarily recall, halt supply or import, the Director of Food and Environmental Hygiene will then consider whether there is still the need to make the section 78B order, depending on the actual situation.

Upon considering the views of members of the Bills Committee, we are proposing the following amendments.

First, we will add the new clause 78B(2A) to the Bill. In deciding whether there are reasonable grounds to make a section 78B order, the Director of Food and Environmental Hygiene can consider factors which are suitable and pertaining to the case. Such factors will be listed in the Bill, and they include but are not confined to information obtained by the importer or supplier of the food; information, reports or testing results obtained from a public analyst (for example, a government chemist); information obtained from any international food or health authority or the food or health authority of any place; the time required for obtaining testing results from a public analyst; characteristics and level of hazard in the food, consumption pattern of the food and the exposure of the general public and vulnerable groups to the food; any statutory requirement relating to the food; and information on the source and extent of the hazard.

I understand that the industry is concerned about the time required for government chemists to conduct tests on food. The time required for food tests differs with the types and items of food to be tested. Depending on the food types and materials to be tested (for instance, heavy metals, residues of pesticides or the types of bacteria), the actual time required for testing ranges from one to 10 working days, and the most complicated tests may even require up to 30 working days. Government chemists will definitely do their best to conduct the food tests as soon as possible. If the food concerned is related to a section 78B order made by the Director of Food and Environmental Hygiene, government chemists will accord priority to those items to be tested, and the Director of Food and Environmental Hygiene will also make public the test findings as soon as possible to protect public health and reduce the impact on the industry. According to the

provisions of the Bill, the manner the Director of Food and Environmental Hygiene makes a section 78B order is the same as a section 78B order is varied or revoked. If an order is made against a class of persons or all persons, according to the Bill, the Director of Food and Environmental Hygiene should publish the order in the Gazette, and if the Director of Food and Environmental Hygiene revokes that order for whatever reason, it should also be published in the Gazette.

Furthermore, to provide the industry and the public with practical guidance, we propose adding a new provision in the Bill on the issuance of a code of practice. A failure on the part of any person to observe any provision of a code of practice does not of itself render the person liable to any civil or criminal proceedings. However, if in any legal proceedings the Court is satisfied that a provision of a code of practice is relevant to determining a matter which is in issue in the proceedings, the code of practice is admissible as evidence in the proceedings. I mentioned earlier the various factors which the Director of Food and Environmental Hygiene may consider when deciding whether there are reasonable grounds for making a section 78B order. Apart from being spelt out in the Bill, such factors will also be clearly listed in the code of practice.

We have also accepted the views of the Bills Committee to amend section 78B(3) of the Bill, requiring the Director of Food and Environmental Hygiene to specify clearly in the order those principal factors which have led to the making of the order.

The purpose for the amendments as mentioned above is for laying out clearly how the Director of Food and Environmental Hygiene exercises the power under section 78B of the Bill. Let me reiterate that the Director of Food and Environmental Hygiene should exercise this power carefully and strike a balance between protecting public health and creating an impact on food traders.

Another point of concern of the Bills Committee is the compensation mechanism under the Bill.

The Bill originally proposed that people bound by a section 78B order of the Director of Food and Environmental Hygiene may appeal to the Municipal Services Appeals Board (the Appeals Board). If the Appeals Board varies or annuls the order, and the Court also considers that the Director of Food and Environmental Hygiene has no reasonable grounds when he makes the section

78B order and the persons concerned suffer losses because of the order, those persons can submit claims to the Court for compensation not exceeding the market value of the food when the order is made.

After considering the views of the members of the Bills Committee, we propose the following amendments regarding the compensation mechanism.

First, we accept the views of the members of the Bills Committee that persons bound by section 78B orders should have more time to consider whether or not to appeal. Therefore, we will extend the period for lodging appeals to the Appeals Board from the original 14 days to 28 days.

Moreover, we have also accepted the views of the members of the Bills Committee that if persons bound by section 78B orders want to apply for compensation, they will not have to seek a decision of the Appeals Board in advance. However, since the mechanism of the Appeals Board is after all simpler and quicker than the Court, and the cost involved is also smaller, we believe that some food traders will tend to seek the decision of the Appeals Board first before considering whether or not to apply to the Court for compensation. Thus, we will retain the appeal mechanism of the Appeals Board in the Bill so that food traders can choose on their own whether to appeal to the Appeals Board first or apply directly to the Court for compensation.

Concerning the compensation ceiling, having listened to the views of the members of the Bills Committee, we also suggest proposing an amendment. If the Court is satisfied that the Director of Food and Environmental Hygiene has no reasonable grounds when he makes a section 78B order and has awarded compensation, apart from the loss of the food, the amount of compensation can also include loss from the direct result of compliance with the section 78B order. Regarding the total or partial loss of the food, if the food has been destroyed or disposed of otherwise, or is no longer fit for human consumption or has depreciated in value, under such circumstances, the compensation should not exceed the market value of the food before the time of making the order. As for costs or expenditure directly incurred from compliance of the order, the compensation should not exceed the actual amount of the costs or expenditure incurred.

Finally, I would like to talk about the Food Safety Bill. The Government has all along worked towards introducing a new Food Safety Bill for more effective regulation of food safety. The proposed food safety regulatory regime includes the introduction of a mandatory registration system for food importers and distributors; requiring food traders to maintain proper records on the movement of food so as to enhance traceability; tighten import control measures for food, and to empower the Government to make administrative orders to prohibit the import and supply of problem food and order a recall of the problem food. The proposal pertaining to section 78B orders as contained in the Bill and discussed by Members today originally stands part of the Food Safety Bill.

As a result of the melamine incident of 2008, the public broadly asks for conferring power on the Government to immediately prohibit the import and supply of problem food when public health may be jeopardized, and to order a recall. Having regard to the people's concern, plus there are more and more food-related incidents around the world and the issue is getting increasingly complicated, we therefore decide that we should first tackle the problems of prohibiting the import and supply, and the recalling of food.

We are making active preparation for the Food Safety Bill to handle the remaining proposals, that is, the mandatory registration system for food importers and distributors and requiring food traders to maintain proper records on the movement of food. During public consultation, we have noticed that on ensuring food safety, different food trades have their special needs and *modus operandi*. We would like to listen to more views of the industry in the hope that the new regulatory regime for food safety included in the Food Safety Bill will take into account the existing *modus operandi* of the industry. In order to assess the impact of the proposals on the industry, especially the small and medium enterprises, we have commissioned a consultancy to conduct an impact assessment on business environment resulting from the Bill. We estimate that the Food Safety Bill will be tabled to the Legislative Council in the next Legislative Session.

Deputy President, Hong Kong relies heavily on imported food, especially fresh food imported from the Mainland. With the globalization of the food industry, more and more varieties of food are imported from all over the world, and coupled with the factors of never-ending advances in food technology, rapid flow of information, lifting of living standard and a rise in consumer expectation,

the management of food safety is becoming increasingly difficult and challenging. The implementation of the Bill will give the Administration the necessary statutory power to timely and effectively handle food-related incidents which may happen in the future to protect the health of the public.

I implore Members to vote in support of the passage of the Bill and the amendments proposed by the Government. Thank you, Deputy President.

(THE PRESIDENT resumed the Chair)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Public Health and Municipal Services (Amendment) Bill 2008 be read the Second time. 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.

CLERK (in Cantonese): Public Health and Municipal Services (Amendment) Bill 2008.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 2008

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Public Health and Municipal Services (Amendment) Bill 2008.

CLERK (in Cantonese): Clauses 1, 4 and 5.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1, 4 and 5 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Clauses 2 and 3.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, I move the amendments to clauses 2 and 3 of the Public Health and Municipal Services (Amendment) Bill 2008, as set out in the paper circularized to Members. Now I would like to talk briefly about these amendments.

First of all, we will include a new section 78B(2A) in the Bill, setting out the factors that the Director of Food and Environmental Hygiene (DFEH) may take into account in determining whether there are reasonable grounds in making a section 78B order.

We also propose to add section 78B(3) in the amendment Bill, requiring the DFEH to specify the reason for making the order and the principal factors that led to the making of the order by the DFEH.

Section 78D(3) is added to the Bill to provide for a defence available for employees who does not exercise managerial functions. After considering the views expressed by members of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2008 (the Bills Committee) regarding the term "exercises managerial functions", we propose to amend section 78D(3) to provide for a defence available for employees who are not in a position to make or influence a decision concerned.

Furthermore, we also make the following amendments to the appeal and compensation mechanisms provided in the Bill. First of all, we will amend section 78G to extend the period of appeal to the Municipal Services Appeals Board (MSAB) from originally 14 days to 28 days.

We also propose to amend section 78H, providing that persons bound by a section 78B order could seek compensation from the Court direct as they so wish without seeking a ruling from the MSAB beforehand. At the same time, we propose to amend the provisions under section 78H relating to the amount of compensation.

We also propose to amend section 78J to provide for the liability of principals and agents. An act done by an agent for another person with the authority of that other person, is treated as done by that other person, as well as by the agent. If any proceedings are brought against a person, it is a defence for the person to show that the person has exercised all due diligence to prevent the agent from doing the act.

Furthermore, in order to provide practical guidance to the trade and the general public, we propose to add sections 78K and 78L, which are new provisions relating to the issuance of codes of practice.

We would also like to take this opportunity to make some minor technical amendments to the Bill.

The Bills Committee has conducted thorough discussions and agreed with the above amendments. I hope that Members will support the amendments. Thank you, Chairman.

Proposed amendments

Clause 2 (see Annex I)

Clause 3 (see Annex I)

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Food and Health be passed. Will those in favour please raise their hands?

(Members raised hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendments passed.

CLERK (in Cantonese): Clauses 2 and 3 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bills: Third Reading.

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 2008

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

Public Health and Municipal Services (Amendment) Bill 2008

has passed through Committee stage with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Public Health and Municipal Services (Amendment) Bill 2008 be read the Third time and do pass.

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 of the Members present. I declare the motion passed.

CLERK (in Cantonese): The Public Health and Municipal Services (Amendment) Bill 2008.

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Judicial Officers Recommendation Commission Ordinance.

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

PROPOSED RESOLUTION UNDER THE JUDICIAL OFFICERS RECOMMENDATION COMMISSION ORDINANCE

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I move that the resolution standing in my name on the Agenda be passed. This motion seeks the approval of the Legislative Council for the proposed amendment

to Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (the Ordinance).

The Legislative Council Finance Committee has approved the creation of the judicial office of Principal Family Court Judge to enhance the administration of the Family Court of the District Court. We need to include the relevant office in the list of judicial offices in Schedule 1 to the Ordinance, so that the Judicial Officers Recommendation Commission would be in a position to advise or make recommendations to the Chief Executive regarding the filling of vacancy in this judicial office.

The Judiciary has agreed to the amendment. Under section 14 of the Ordinance, amendment of Schedule 1 is to be made by resolution of the Legislative Council.

I invite Members to pass the resolution. Thank you.

The Chief Secretary for Administration moved the following motion:

"RESOLVED that Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) be amended by adding under "Chief District Judge" –

"Principal Family Court Judge"."

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.

PRESIDENT (in Cantonese): Proposed resolution under the Pharmacy and Poisons Ordinance to approve the Pharmacy and Poisons (Amendment) Regulation 2009 and the Poisons List (Amendment) Regulation 2009.

I now call upon the Secretary for Food and Health to speak and move his motion.

PROPOSED RESOLUTION UNDER THE PHARMACY AND POISONS ORDINANCE

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I move that the motion under my name, as printed on the Agenda, be passed.

Currently, we regulate the sale and supply of pharmaceutical products through a registration and monitoring system set up in accordance with the Pharmacy and Poisons Ordinance (The Ordinance). The Ordinance maintains a Poisons List under the Poisons List Regulations and several Schedules under the Pharmacy and Poisons Regulations. Pharmaceutical products put on different parts of the Poisons List and different Schedules are subject to different levels of control in regard to the conditions of sale and keeping of records.

For the protection of public health, some pharmaceutical products can only be sold in pharmacies under the supervision of registered pharmacists and in their presence. For certain pharmaceutical products, proper records of the particulars of the sale must be kept, including the date of sale, the name and address of the purchaser, the name and quantity of the medicine and the purpose for which it is required. The sale of some pharmaceutical products must be authorized by prescription from a registered medical practitioner, dentist or veterinary surgeon.

Arising from an application for registration of seven pharmaceutical products, the Pharmacy and Poisons Board (the Board) proposes to add the following six substances to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations: Feline immunodeficiency virus vaccine; Metaflumizone; its salts; Methylnaltrexone; its salts; Nepafenac; its salts; Ractopamine; its salts; and Rivaroxaban; its salts.

In addition, the Board proposes, by amending the Second Schedule to the Pharmacy and Poisons Regulations, to include the preparations containing testosterone or its esters intended for external application only into the First and Third Schedules to the Pharmacy and Poisons Regulations.

Pharmaceutical products containing the above substances must then be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

We propose that these amendment regulations take immediate effect upon gazettal on 30 April 2009 to allow early control and sale of the relevant medicine.

The two Amendment Regulations are made by the Board, which is a statutory authority established under the Ordinance to regulate pharmaceutical products. The Board comprises members engaged in the pharmacy, medical and academic professions. The Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicine concerned.

With these remarks, President, I propose the motion.

The Secretary for Food and Health moved the following motion:

"RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 6 April 2009, be approved –

- (a) the Pharmacy and Poisons (Amendment) Regulation 2009; and
- (b) the Poisons List (Amendment) Regulation 2009."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Food and Health 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 Secretary for Food and Health be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Building (Minor Works) Regulation.

I now call upon Ms Miriam LAU to speak and move her motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MS MIRIAM LAU (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. At the House Committee meeting on 17 April 2009, members decided to form a Subcommittee to study the Building (Minor Works)

Regulation (the Regulation), and members also agreed that I, as Chairman of the House Committee, move that the period for scrutinizing the Regulation be extended to 20 May 2009 to give the Subcommittee more time for scrutiny.

President, the content of the motion is set out in the Agenda. I implore Members to support it.

Ms Miriam LAU moved the following motion:

"RESOLVED that in relation to the Building (Minor Works) Regulation, published in the Gazette as Legal Notice No. 51 of 2009 and laid on the table of the Legislative Council on 1 April 2009, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 20 May 2009."

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Motion for adjournment.

I have, under Rule 16(2) of the Rules of Procedure, given permission for Mr CHAN Hak-kan to move, at today's Council meeting, a motion for adjournment for the purpose of debating how to counteract the spread of the A/H1N1 swine influenza viruses and properly carry out preventive work against the threat posed by the viruses to Hong Kong.

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 CHAN Hak-kan to speak and move his motion.

MOTION FOR THE ADJOURNMENT OF THE COUNCIL

MR CHAN HAK-KAN (in Cantonese): President, I move that this Council do now adjourn.

President, thank you for allowing me to move this motion for the adjournment of the Council under such urgent circumstances. Four days ago, we heard from news report that there was an outbreak of swine flu in Mexico, and within a few days, the disease has spread. Confirmed cases are reported in the United States, Canada, Spain, Britain and New Zealand. In the last two days, we heard that Asia has suspected cases and there is even news that such cases have been confirmed. The World Health Organization (WHO) has also escalated the pandemic warning to level four, meaning that the swine flu can be transmitted from human to human and there is a possibility of community outbreak, thus increasing the risk of the spread of influenza.

I am aware that Secretary Dr York CHOW is recently busy with handling the prevention of swine flu, so, I am very grateful that he manages to get the time to attend today's adjournment debate. I wish that through this opportunity, the Government can explain clearly to the public and the legislature the detailed measures it has got at the moment in countering the swine flu. I also hope that through this debate, members of the legislature can put forward their opinions on the Government's preventive measures to serve as reference for the Government so that we can fight this crisis together.

President, when it comes to facing epidemics, Hong Kong in fact has had painful experience. We have gone through the avian flu, as well as the trying times of SARS. This time, the crisis awareness of the Government seems to be relatively high. I see that of late, Secretary Dr York CHOW has been holding meetings incessantly with the different government departments and disease prevention organizations, rapidly raised the warning level, and implemented a series of monitoring measures. This deserves our recognition. I also have to acknowledge the work of the front-line medical staff and those who are now responsible for quarantine at the various control points because they are standing on the first line of disease prevention, doing an important job in fending off swine flu for Hong Kong.

President, I note that the Secretary is now heading a steering committee on preparedness for pandemic, to co-ordinate all work pertaining to the prevention of the epidemic. However, in the report on Emergency Preparedness for Influenza Pandemic in Hong Kong published a few years ago, the Government said if there is hard evidence that a new type of influenza which can easily transmit among humans emerges overseas or locally, or when the WHO declares a pandemic, the Government shall raise the warning level to the highest "Emergency Response" level, and the situation will be handled by a steering committee led by the Chief Executive.

President, I do not intend to negate what the Secretary has done in the past few days, I just see that the epidemic has been spreading very rapidly and the WHO has issued a warning. This warning just falls short of declaring a pandemic. The Secretary told us he was prepared for the worst, and that all steps had been taken for the first patient. Even the Chief Executive said that we would rather take a few more steps than be complacent. If this is the case, should the Government consider raising the warning level to "Emergency Response" which is the highest and set up a steering committee under the leadership of the Chief Executive to co-ordinate epidemic fighting initiatives to

demonstrate the determination of the SAR Government in the fight against the disease?

President, regarding the specifics, I think at the moment, it is most important for us to do a good job in quarantine at the control points. Although there is no direct flight between Hong Kong and Mexico, Hong Kong is the city in Asia with the highest aircraft movement rate, and the passenger flow is extremely extensive, it is impossible for us to avoid tourists from the infected areas arriving in Hong Kong on flights from other countries. Therefore, I consider it necessary to further enhance health management at the control points. Apart from taking body temperature at the control points at present and asking tourists to fill in health declaration forms, once the epidemic spreads further, I would suggest that Hong Kong follow Japan's move of directly embarking on the flights which come from the affected cities to quarantine the tourists on board the planes.

Actually, apart from the airport, we cannot be complacent with the land boundary crossings. We all know that Labour Day will come in a few days and I believe a lot of mainland tourists will come to Hong Kong then. Though up to now, there are no suspected cases of swine flu on the Mainland, prevention cannot be let off guard, and we have to keep our gate well. In fact, suspected patients can be detected early and they can be prevented from entering Hong Kong.

When Premier WEN Jiabao presided over a meeting to fight the epidemic yesterday, he floated the major principle of "joint prevention and control", asking all places to track the development of the epidemic outside China and to step up co-operation with the international regions, Hong Kong, Macao and Taiwan. Therefore, during this time, Hong Kong must maintain close ties with the authorities of the Guangdong Province, Macao and Taiwan, have a sound epidemic notification mechanism in place, form a joint defence line and fight a good battle against this epidemic.

President, although for the time being, the swine flu has not yet been discovered in Hong Kong, we should by no means be complacent. Enhancing the dissemination and flow of information and strengthening public knowledge of swine flu are the most basic measures which are also the easiest to implement. If we still remember, during the SARS outbreak, the then Director of Health Dr Margaret CHAN was having "430 daily", that is, she would call a press conference every day at 4.30 pm to report to the public the latest development of the epidemic. I think it is necessary for the Government to re-consider doing so

now in order to enhance the transparency of the efforts in fighting the epidemic and ease the unnecessary worries of the people.

President, I have noticed that recently, people are scrambling for face masks, disinfectants and influenza drugs, this may be because they are over worried. What is most frustrating is that some unscrupulous merchants are fishing in troubled waters. This morning, I read from newspapers that the price of Tamiflu has doubled. I think such behaviour should be condemned but I think the Government should closely monitor the situation to ensure that such materials are readily available on the market.

At present, we can see that both Tamiflu and Relenza which are influenza drugs, seem to remain effective in treating the swine flu. Therefore, the authorities should regularly assess and calculate if there is a sufficient stockpile of these drugs to provide against a rainy day and maintain contact with the drug manufacturers. On the other hand, they should also have a good quality control to ensure that these influenza drugs have not passed the expiry dates and there will be no repeats of the drug blunders, letting the defective drugs slip into the hands of the public.

As regards protective gear for the front-line medical staff, we are also very concerned. We may still recollect that during the SARS outbreak, some medical staff called to the radio programmes saying there was not sufficient protective gear in the hospitals. Having learned from the last experience, the HA this time should make cautious assessment to ensure there are ample protective outfits for the medical staff. Meanwhile, in case of an outbreak, plans should be made in advance as to how the territory's medical manpower resources should be deployed to maintain the necessary and urgent services, and appropriate drills should be conducted to prepare for an epidemic outbreak.

Of course, as a prevention measure, the public's awareness of maintaining personal and community hygiene should be enhanced, this is extremely important. In particular, the fatalities caused by this flu virus are largely youth and those in their prime of life, in the range of 20 to 45 years old. This group of people always regard themselves to be healthy, and will not easily come down with diseases such as influenza. Their hygiene awareness may be lower than those who are older or the children, so, it is necessary for the Government to target people of this age group and make them the focus of promotion so as to make them stay on guard. At the same time, keeping the community clean is also very important. We remember that during the SARS epidemic, the Chief

Secretary for Administration was once the "Cleaning Captain", responsible for co-ordinating the massive campaign of cleaning Hong Kong to reduce the chance of an outbreak of the epidemic in the community. Now, the Government should also seriously consider whether or not there should be another territory-wide cleaning campaign to step up cleaning within the community.

President, apart from undermining the public health system, the threat brought about by the flu epidemic will also have a further bearing on Hong Kong which has been battered by the financial tsunami. If the Government fails to do a good job in epidemic prevention, allowing a massive outbreak of swine flu, then, the economy of Hong Kong will not only see frost on snow, but may even enter the ice age.

During the SARS outbreak, the financial loss for Hong Kong reached \$30 billion, with 50 000 people out of work. Local economists predict that if this swine flu epidemic is more serious than SARS, for the first and second quarters this year, the local economy may see a negative growth of 4% to 5%. Last week, the Financial Secretary expressed that depending on the economic situation by the middle of this year, he may consider rolling out additional relief measures. However, based on the current situation, it is necessary for the Secretary to examine whether he should expedite and increase his intensity in launching more relief measures in view of the economic impact brought about by the epidemic. Meanwhile, he should also prepare himself for devising a strategy for post-epidemic reconstruction.

President, we understand that we cannot rely on the Government alone to tackle the threat caused by the fight against swine flu, the public should also pitch in to tie in with the Government on the individual and community levels. Although we have to be highly vigilant, we should not be over panic. I believe so long as we can unite, we can surely overcome this epidemic.

President, I so submit.

Mr CHAN Hak-kan moved the following motion: (Translation)

"That this Council do now adjourn for the purpose of debating how to counteract the spread of the A/H1N1 swine influenza viruses and properly carry out preventive work against the threat posed by the viruses to Hong Kong."

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have to express special gratitude to Mr CHAN Hak-kan for his concern about this issue as well as to the President for giving permission to conduct this adjournment debate on the global outbreak of human swine influenza, which gives me the opportunity to provide detailed explanation to Members and the public again on the potential impacts of this pandemic on Hong Kong and our current preparedness efforts. I will begin by speaking on the characteristics of the human swine influenza virus and then move on to the existing global situation before talking about the Government's strategy on immunization, including the long-term plans adopted for border control points and the Hospital Authority (HA), in particular the various plans to address different possible problems.

First and foremost, I have to point out that the Chief Executive and the Government as a whole are greatly concerned about this issue. Besides conducting discussions during daily morning assemblies, the Chief Executive also calls for co-operation from all departments. That is why there are representatives from different bureaux and departments in the Steering Committee.

At present, no confirmed case has been reported in Hong Kong, and the World Health Organization (WHO) has only set the level of pandemic alert at phase four, which indicates that the likelihood of an influenza pandemic has increased, but not that it is inevitable. However, if the alert level is raised to phase five or phase six, we will surely have to consider raising our alert level. Besides, sufficient legal backing is already available to enable the Chief Executive and the Government to mobilize social resources to deal with these problems. I will speak on this aspect in detail later.

First, let me talk about this new virus. The swine influenza virus is an influenza type A virus, and H1N1 may cause occasional swine influenza outbreaks year round. There are a total of four subtypes of this type of influenza in pigs but the present so-called "swine influenza" is actually different from those four subtypes. Besides genes from swine viruses, this type of swine influenza also contains genes from avian and human viruses. Therefore, the WHO calls this type of influenza "Influenza Strain A/California/04 2009 H1N1", which is a very long name. I believe the WHO will simplify it into a more common name

some time later, and by then we should be able to have a more appropriate Chinese translation. At present, the Centers for Disease Control and Prevention (CDC) of the United States call it "Swine-origin Influenza Virus" (SOIV), while we in Hong Kong call it "human swine influenza" in order to differentiate it from the previous swine influenzas which occurred in pigs.

According to the experience of Mexico and the United States, the symptoms shown in people infected with this human swine influenza are very similar to those shown in people infected with seasonal influenza, which include fever, cough, runny nose and sore throat. Some infected people in Mexico also reported vomiting and diarrhea. However, it should be noted that according to our latest daily information, as at nine o'clock this morning, only 26 cases among the over 1 000 cases in Mexico were tested for and confirmed to have contracted the virus. Besides, among the over 150 fatal cases, only seven of them were tested to be positive for the virus. Therefore, another important point to note is that we find it very difficult to conduct any analysis based on the information from Mexico. On the contrary, as plenty of laboratory facilities are available in the United States, more tests on the virus were conducted there, and there are currently about some 60 confirmed cases in the United States, with the greatest proportion of them reported in New York City, amounting to 45 confirmed cases as at nine o'clock this morning.

Over the past couple of days, I had the opportunity to discuss this issue with the Director-General of the WHO and some of their experts. They were unable to explain why the fatality rate of patients in Mexico was so high but when the virus was exported to the United States or Canada, the fatality rate there was almost nil and the symptoms experienced by patients were basically very mild. Among their symptoms, the most common ones include coughing that is found in common cold, which was shown in 80% of the patients; and fever, which was shown in 60% of them. Many other patients had almost recovered when they sought medical attention and did not have to take Tamiflu or any other medication. For example, among the first 20 cases, only one of them had to take Tamiflu while all the rest of them did not. The only one among their patients who was admitted to the hospital was hospitalized due to problems with his own immune system. However, an obvious problem is that this virus seems to spread relatively fast, that is, its rate of spread is very fast, but it is not too bad in terms of severity.

Of course, this is only how we see it now and should not be taken as the most effective basis for prediction. I believe the outbreak is still at a very early stage. In the influenza pandemic in 1918, it was just very mild at the beginning

but, for various reasons, it became very severe after a period of time. Besides, as this is a new virus, its development is very hard to predict.

However, we also noticed that some patients in New York of the United States and Nova Scotia of Canada only had contact with people who had travelled to Mexico while they had not travelled to Mexico themselves. And among those people they had contact with, some had symptoms while others had not. Therefore, we think this virus is very likely to spread, which is noteworthy. In addition, apart from Mexico, the United States and Canada, confirmed cases were also reported in other countries, such as Spain, Scotland of the United Kingdom, New Zealand and Israel. However, all of them were exported cases, that is, the patients were found to have contracted swine influenza after they had travelled to Mexico. However, no local case of secondary infection has been reported so far, and there are a considerable number of suspected cases in other places. As this is a new virus, rapid diagnostic testing is not yet available in these places, and as a result many suspected cases were not confirmed until after two to three days, three to four days or even a longer period of time. Therefore, Hong Kong must pay close attention to the development of the epidemic in order to make all necessary preparations.

After the bitter experience of the SARS outbreak in 2003, we have been especially concerned about communicable diseases. As all of you may know, the infra-red thermo-imaging machines at the airport have not been removed so far. According to the experience at border control points, we are able to identify a few dozens or even more than a hundred people with high temperature every day. Thus, it has been our usual practice to swiftly stop these people to trace their medical history and health conditions. We will also step up efforts in this respect.

After learning about the outbreak last week, we have included human swine influenza in the list of notifiable diseases on Monday. In other words, all health care workers are required to report the relevant patients to the Department of Health (DH) so that it can take follow-up actions and make arrangements for these patients as well as conduct contact tracing, which is a very important step.

Besides, in conducting the relevant work, we must mobilize the whole community to guard against the outbreak. I hope the whole community can share the same objective and the Government and the public can work together as one to achieve enhanced results with our efforts in the fight against the outbreak.

Now, I will speak on our overall co-ordination plan. Our objective is the early identification of any patient upon his arrival in Hong Kong. This is the first and foremost step to take. If we can identify this patient, we can provide early treatment to him and provide quarantine or isolation or make proper arrangements for him and other patients or individuals with whom he has contact with, in the hope of reducing the chance of the spread of the disease.

The second scenario is that if we are really unable to contain the disease and the number of patients is small, we can still use the same arrangements. However, in case of a relatively extensive outbreak, extra caution has to be exercised because we cannot afford so much contact tracing work. Therefore, other complementary social policies have to be put in place by then. Yesterday, we discussed with the departments concerned the necessary actions to take in case the risk gradually increases. In our Steering Committee, besides the representatives from the DH and the HA, there are also representatives from the Food and Environmental Hygiene Department (FEHD), the Agriculture, Fisheries and Conservation Department, the Security Bureau, the Immigration Department, the Education Bureau, the Home Affairs Department, the Transport and Housing Bureau, the Commerce and Economic Development Bureau, the Social Welfare Department and the Information Services Department. We will organize regular meetings to review the latest situation in order to make the latest preparedness efforts. Of course, if the outbreak worsens, the Chief Executive will activate the emergency preparedness plan and directly supervise the prevention of or combat against the outbreak.

As we consider the flow of information very important in the prevention of or combat against the pandemic, the first thing we do everyday is to release accurate information. We also hold daily press conferences and a press conference will be held at half past four in the afternoon today. As I am here today, the Under Secretary, Dr Thomas TSANG and Dr LEUNG Pak-yin will be there to release the latest information and respond to questions raised by the media. We will also release the latest information to members of the community, and we have also proposed to meet with the chairmen of the 18 district councils. The meeting seems to be scheduled for tomorrow. We have also proposed to meet with the Heung Yee Kuk, various Consulate Generals in Hong Kong and business associations to discuss measures to prevent and combat the outbreak.

First of all, I have to talk about the efforts we have made at border control points to achieve the objective mentioned just now. We have mentioned earlier that temperature screening has been carried out all along. However, starting from last Sunday, all inbound flights are required to broadcast on board health messages on the swine influenza, advising all passengers to notify our health authorities and seek medical treatment at our public clinics or hospitals once they discover any symptoms upon their arrival. Starting from the following couple of days, all passengers will be required to make health declaration. We have just obtained the health declaration form and will circulate it to Members later so that they will have some idea about its content. We hope passengers can provide information on their destinations for the past seven days, whether they have any contact with patients infected with human swine influenza and whether they have any symptoms such as fever and cough. Besides, they are also required to provide their contact numbers or relevant information so that we will be able to get in touch with them very swiftly when passengers of the same flight are found to have contracted the disease. We will arrange for designated staff to collect and assess these health declaration forms at the airport.

Besides, we have to assume that some patients are asymptomatic on their arrival in Hong Kong. Experts think that this virus is very similar to that of the common influenza, with an incubation period of about two to four days and at most about seven days. Therefore, we will take seven days as the upper limit. Assuming that currently passengers from Mexico are people with the greatest risk, and if they have to change flight before arriving in Hong Kong, it will take them at least one to two days to come to Hong Kong. If they have already developed some symptoms, we can identify them upon their arrival in Hong Kong. Therefore, we can classify these patients into three broad categories, one category are patients who have recovered when they arrive here, another category are those suffering from the disease, while the third category are those whose first sign or symptom has not yet emerged upon their arrival in Hong Kong. I think with the existing measures of temperature screening and health declaration, at least the first two categories of patients can be identified. For those whose onset of the disease occurs after their arrival in Hong Kong, they will also receive leaflets on health advice to enable them to approach medical institutions and receive treatments as soon as possible. We hope that in this way we can identify the first patient in the earliest time possible and take necessary measures expeditiously.

Then, if there is continued arrival of patients or if the virus spreads in Hong Kong, we will definitely resort to the existing sound public medical system. With the SARS experience, we have already enhanced the quarantine and isolation measures of acute hospitals. We have a total of 1 400 isolation beds. There are over a hundred (isolation) beds in the new infectious disease block of Princess Margaret Hospital, together with the few dozens of (isolation) beds available before the completion of the infectious disease block, there are already at least 140 to 150 such kind of beds just in Prince Margaret Hospital alone in case of need. To allow other hospitals to share the workload, the HA has decided that the first 20 patients will be referred to Princess Margaret Hospital for treatment so that experts can expeditiously consolidate the new experiences of treating these patients and carry out sample testing and follow-up actions at the same time in order to come up with alternative treatment or new testing arrangements with the benefit of these experiences, thereby securing a cure for the disease in a shorter time. We hope different parties can co-operate in this respect. If more patients are identified, we will mobilize other hospitals or hospital clusters.

The DH and the University of Hong Kong are working on a diagnostic test with the genes of the virus released by the WHO. That is to say, they are working on a rapid diagnostic test (the PCR test). At present, in conducting a test, the virus in a sample has to be tested to obtain the sequencing of genes before any accurate result can be obtained. If a rapid diagnostic test is available, we hope the time required to obtain test results can be shortened from two to three days to within one day. We hope this can be achieved in the coming one to two weeks. I know the University of Hong Kong has already secured the co-operation of the CDC of the United States, and we will receive samples of the virus for further research.

As this is a new virus and effective vaccine is currently not available, the WHO has requested the CDC of the United States to distribute samples of the virus to all pharmaceutical companies manufacturing vaccines, hoping that they will expeditiously develop and manufacture the vaccine, which normally takes six to eight months. Of course, as this is now the time for pharmaceutical companies to manufacture the seasonal influenza vaccine for this winter, they still have to consider whether they will include this vaccine as part of the seasonable influenza vaccine or manufacture a new vaccine separately. This is a very important consideration. The WHO's suggestion is that pharmaceutical companies should continue to manufacture seasonable influenza vaccines while

also manufacture a new vaccine against human swine influenza separately. This is the WHO's advice to pharmaceutical companies. We have to closely monitor the development of the incident and we have already approached all these companies to obtain information about the earliest time possible for them to manufacture these vaccines. If necessary, we will order effective vaccines against this virus. Therefore, we are making efforts in this regard.

As for drugs, I have to point out again that the Government has started to stockpile two drugs, that is, Tamiflu and Relenza, four years ago. The current stockpile is about 20 million doses, which should be sufficient for use when the pandemic strikes in Hong Kong, assuming that about 15% of the population and health care personnel will be infected. Of course, I hope we will not need these drugs, but for the time being, we think there is sufficient stockpile. At the same time, we will also continue to explore more supplies because with more sufficient stockpile, we will surely have a greater peace of mind. For the time being, these two drugs are still proved to be effective by the CDC of the United States. Of course, it is premature to say whether drug resistance will occur with the development of the outbreak, and thus we are very cautious and we hope the public will not take these drugs improperly. One should not take these drugs unless one is infected with this disease. It will be a waste of these drugs if one is tested negative for the disease after taking these drugs. Therefore, I hope every one, in particular the staff of companies which have stockpiled these drugs, will follow the instruction of the company doctor on how these drugs should be administered instead of taking them on one's own decision only when one is feeling a bit unwell because this will bring more harm than good when one is diagnosed to be negative for this disease. I hope every one will understand this. We will review the situation of the outbreak and give effective advice to the public.

Furthermore, in case more than one confirmed case is reported in Hong Kong or a further spread of the disease occurs, we certainly have to raise the alert level to the highest. At the same time, we have to mobilize a large number of staff to take care of these patients. I have met with the HA and they have already formulated various preparedness plans and drawn up handling arrangements, which include isolating patients and the people they have contact with, in case the number of patients increases. We have also notified the Home Affairs Bureau that we may need to deploy some holiday camps for the quarantine and isolation of patients. If further needs arise, we will explore other venues.

Besides, we have requested the HA to be prepared for the possible suspension of treatments for non-urgent patients in case of situations like the spread of SARS back then so that all resources can be used to combat the outbreak. When such situation occurs, manpower deployment across hospitals and hospital departments is necessary. At that time, we will review which hospital or which block of a particular hospital can be vacated for use exclusively for treating these patients. In handling this issue, we have to consider the situation of these patients first. At present, we think if many patients require intensive care, we have to spread patients out in different hospitals, but if there are not many serious cases, we may consolidate them in one single hospital because this can reduce the risk of the spread of the disease. Decisions will be made subject to the situation at that time.

Besides, as all of you may understand, in case this situation occurs, the whole society, including different government departments, schools, the business sector as well as various different sectors, will have their own issues of concern, which is also our concern. Therefore, the Education Bureau has issued a guideline for all schools the day before yesterday to provide them with advice on how to formulate preparedness plans. I am very glad to see that many schools have started to make efforts on cleansing and personal hygiene, and I hope the business sector or other sectors will do the same and government departments will follow suit.

Regarding the FEHD, it has also made proactive efforts to launch a territory-wide cleansing campaign. It is hoped that relevant preparations can be made after our discussion with the chairmen of district councils tomorrow so that efforts can be made in the following two to three weeks to arouse public awareness on caring about environmental hygiene, family hygiene and personal hygiene.

As we all know, although little is known about this virus so far, it is after all an influenza virus, which is normally transmitted through droplets. When other factors exist, for example, when the humidity is high, this virus can even be air-borne. Therefore, we hope every one can put in adequate efforts in the household. As we are aware, viruses were transmitted through the U-traps connected to the toilet in the Amoy Gardens at the time of the SARS attack. Thus, I hope all households in Hong Kong can take this opportunity to cleanse their homes or carry out a spring-cleaning, and also take this opportunity to wash the dust filters of air-conditioners or ventilation systems. I hope Members will

also mobilize their numerous fans and supporters to do something in their sectors or districts to enable Hong Kong to be better prepared.

As for other aspects, I would also like to point out that we also have to raise our awareness with regard to transportation or on other fronts, in particular aged homes and welfare institutions. Regarding preventive measures, everyone is worried about the issue of surgical masks. We have also discussed this issue with the industry, hoping that they will provide adequate supply of surgical masks as soon as possible. However, I would like to call on the public not to stockpile too many surgical masks because when one does so, it implies that the others will not be able to get any. I had a bitter experience in which some people were unable to secure surgical masks during the time of the SARS attack because many people stockpiled them. Actually, there may be plenty of surgical mask supply in Hong Kong. Therefore, one can give some surgical masks to one's family members or friends if they are unable to get any. At the same time, the Government also has plenty of them in store, and we will use them properly when necessary. It should be noted that surgical masks are not necessary at some places. Dr LEUNG Ka-lau was also wearing a surgical mask just now, but it may only be because he is feeling unwell today. If a particular person and the people near him know for sure that he is not ill, he has no need to wear any surgical mask. Besides, one should never wear a surgical mask when engaging in certain activities. Some people wear surgical masks when doing physical exercises, but extra caution is required in this case. We have to understand that in droplet transmission, droplets will normally not be transmitted beyond about 3 ft, or about 6 ft, to be more conservative, from the source. If there is no one within 6 ft, there is actually no need to take this preventive measure. This is something we have to understand. Of course, in crowded places such as when one goes to movies, concerts, markets or parties, it depends on whom one is with and what kind of people are around.

I hope everyone can understand that although personal hygiene and personal lifestyle may affect the spread of communicable diseases, there is no cause for panic. As we all know, Hong Kong is more experienced than other places, and we will do our utmost to provide all new information to the public. I hope everyone can put in every effort in this endeavour.

Finally, I hope we can work together to tide over this predicament. Upon discussions with experts, our conclusion is that if this is a global influenza pandemic, the global outbreak will last for about six to nine months, and for a

particular place like Hong Kong, for example, its impact will last from six to 12 weeks. Therefore, we have to be particularly cautious in the coming few months. There is a possibility that other areas of work may experience a slight delay because of the need to focus all our energy and efforts in this respect.

Also worth mentioning is the issue of pork. I know some Members even started to worry about the issue of wild boars this morning. First of all, as the WHO and the World Organization for Animal Health have not found this new virus in pigs so far, it remains to be examined whether this virus will affect live pigs. However, as far as dead pigs, that is, pork, are concerned, it can be argued that the risk is almost nil. That is why we still allow pork, be it chilled pork or frozen pork, to be imported to Hong Kong. We think pork does not pose any threat to human health. As for live pigs, studies will be conducted. Over the past week, we conducted tests on samples of pigs from local farms and those slaughtered in abattoirs on the Mainland, and none of them were tested to be positive for any virus. However, we will continue to make efforts in this respect.

Perhaps I will give further response after listening to Members' views. Thank you. President.

MISS TANYA CHAN (in Cantonese): President, the Secretary has used almost half an hour earlier to give an account of the present situation, including the raising of the alert level and so on. Since the appearance of the swine influenza incident, my office has also raised the alert level. I immediately bought two boxes of surgical masks, one box being put at home and the other box at the office. If any of my colleagues has caught a cold, there are surgical masks immediately available for him to use. But unfortunately, I used up a box of surgical masks yesterday as I have caught a cold.

I always browse the internet for information on swine influenza. It occurs that there is one more place where there are confirmed cases, and that is Germany. At present, whether it is Mexico, the United States, Canada, Spain, the United Kingdom, New Zealand, Israel, Germany or Costa Rica, there are confirmed cases. The situation in Mexico is even more worrying, as after one day, the number of suspected cases has jumped by 25%. I learn all such information from the press.

Although the situation is worrying, as the Secretary said, Hong Kong people have a painful and unforgettable experience, and that is the outbreak of SARS in 2003. At first, many people were worried that our reaction would be too slow this time. However, the reaction of both the Government and the public are very swift, and we see that there is already a shortage of surgical masks. It is nice to see that everyone is more alert. No matter in government buildings or residential buildings, we also see that there is more frequent cleansing work.

The Government should also step up the work in some places so that the public can set their hearts at ease, for instance, implementing quarantine measures on aeroplanes as just mentioned by Mr CHAN Hak-kan. Beijing has already decided to carry out on-board quarantine measures. For aircrafts coming from Mexico and the United States, if they are from the places where there are confirmed cases, they have to undergo on-board quarantine. Singapore even carries out further measure of isolation and quarantine. All travellers from Mexico are subject to isolation and quarantine.

Hong Kong is after all a city open to the world. On whether we should follow the practice of Singapore, I think the Administration should know clearly and have its own arrangements. In regard to the notification mechanism, I absolutely agree that it should not become lax. Because Hong Kong is an open city where there are large numbers of Hong Kong people going out and travellers coming in. I know that during the outbreak of SARS in Hong Kong, SMS had been adopted, namely, messages were sent through short messages. At present, we can re-consider using that method.

From the government website, I can still see the webpage on avian influenza while there is none on swine influenza. Will the Administration consider setting up a webpage on swine influenza so that the public can easily receive the messages concerned? I have just mentioned that we need to have a good dissemination of messages in Hong Kong, while the notification work with the Mainland and Macao should be strengthened. We also have to step up publicity on personal hygiene as personal hygiene starts with the individuals anyway.

Mr CHAN Hak-kan also mentioned that many people at the prime of their lives catch that kind of viruses more easily and they may even lose their lives. Therefore, I think we should step up publicity and appeal to them to pay more attention through publicity on the websites, as this is easily accessible to them. I

also see that the Government has already stepped up publicity. For instance, we can often see the advertisements like "Guard against infections, always wash your hands". I hope that the Government will not solely publicize on this aspect, as the vigilance of the public may not be heightened. If the advertisements can mention swine influenza, I think the public will be more alert.

Besides, more cleansing work should be done in places frequented by crowds. The Secretary just mentioned about the steering committee. They may need to act fast at some places. After all, it has to start with individuals or places like Chinese restaurants, malls and so on. These places are hot spots but also enclosed areas for Hong Kong people or foreign travellers, and so they may need to be sterilized or cleaned up earlier. And we also have to pay attention to our residential buildings.

I also heard that many employees are worried about the sudden appearance of influenza symptoms. In the past, they might wear surgical masks to work if they were unwell. However, they are now worried that if they are ill and go to work, they may pass on the viruses to others, while not going to work will lose their attendance award. Will the Government make some arrangements or set some guidelines in this respect and appeal to companies that employees with influenza symptoms should be allowed to go back home to take a rest? My office is presently adopting this approach. I will allow employees with influenza symptoms to go home earlier to take a rest lest the viruses will spread all over the place.

The Secretary also mentioned about drugs. I do not know whether the Secretary will tighten a bit in this aspect by banning the purchase of drugs like Tamiflu by the public without prescription from doctors. I hope that this can be managed better. If the public is generally drug resistant, it will be more difficult to provide treatment. I am happy to hear from the Secretary that the supply is very adequate. This can at least spare the public from scrambling for the drugs as this may cause a jump in the price by 200%.

In regard to the surgical masks that we usually use, a local resident called me yesterday afternoon. He said he was very worried as the price of surgical masks had generally increased by 50%. I asked him whether he could buy some masks and he said he could. However, allowing these speculative activities to go on is not the proper way of handling the situation.

I hope the Secretary can check the stock of the surgical masks and see how many can be increased at present or in the coming week. In fact, this local resident asked me to give you this suggestion: If members of the public have such a need, will the Administration consider distributing some surgical masks on the District Council level? I also suggest that the Administration can consider distributing surgical masks at places like Maternal and Child Health Centres. All in all, the public is most worried that no surgical masks are available when they are needed. The people also do not want to be exploited by unscrupulous businessmen and forced to buy surgical masks at an exorbitant price. If the Government checks its stock at appropriate moments, the public will feel more at ease. If the Government distributes surgical masks when necessary, I believe that the public will feel more at ease, as this will be a sign of mutual trust between the Government and the public.

The equipment of medical staff is also very important. I believe that after so many battles, the equipment of the health care workers is already very comprehensive. I also hope that the steering committee or the Secretary can check the stock as soon as possible, and estimate how long the stock can last so that the health care workers can fight this battle without any worries. Although they are not rations and forage, they form one of the equipment for our front-line staff in the battle.

Finally, I absolutely believe that the people are on the same side with the Government. After undergoing many incidents and battles, we have also accumulated some experience. If there is indeed an outbreak of swine influenza in Hong Kong, we hope that we can all face it with one heart and one mind. We also hope that the Government can give us more reassurance so that, no matter when facing the pandemic or financial crisis, the public can make concerted efforts to weather the storm together. Thank you, President.

DR JOSEPH LEE (in Cantonese): President, first of all, I thank Mr CHAN Hak-kan for moving this adjournment debate. Originally, the Panel on Health Services (the Panel) would discuss this item tomorrow. Since the Secretary has already spent half an hour explaining and will later also give an account of the arrangement of the Government to Members, I believe the Panel does not have to discuss this item again tomorrow. However, at the meeting of the Panel in mid-May, the Secretary will be invited to give an account of the Government's way of handling the incident again.

The Secretary has explained a lot on the preventive measures adopted by the Government against swine influenza. Two Honourable colleagues have also put forward some suggestions. In fact, after the SARS experience, we learn that one important principle in the fight against a pandemic is to cut the chain of infection. There are three rules in this respect: First, knowing that the infectious disease is approaching, as the Secretary and many Honourable colleagues also mentioned earlier, we should arrange inspections at the control points or on aircrafts, and even carry out isolation measures and procedures when necessary. Second, on the community level, swine influenza has to be classified as a notifiable disease. Doctors in the community have to co-operate and report the cases concerned. Of course, to prevent the outbreak of swine influenza, hospitals have already attained the S1 alert level and are now on the preparation work for S2 alert level. They are doing very well in this aspect. Apart from early notification, the more important measure is isolation arrangement. We do not hope to see the implementation of this measure at the moment. Nevertheless, as the Secretary also mentioned, the Infectious Disease Centre of Princess Margaret Hospital will be the first to provide such service, and then there will be isolation by districts in other hospitals. The press today even reports that the Government has already prepared certain holiday villages for long periods of isolation or isolation of a large number of people. Third, it is the work to trace the infected patients. As the Secretary also mentioned earlier, travellers visiting Hong Kong may need to fill in some forms and provide information such as their addresses, so as to facilitate the follow-up work of the departments concerned.

The abovementioned measures are more scientific and rational. Of course, the Secretary, the many experts and different departments will concentrate their efforts on some rational and scientific ways in handling and preventing the outbreak of swine influenza. Community work, of course, cannot be left out. For example, the Labour and Welfare Bureau has to strengthen precautions at elderly homes in the community. Secretary Michael SUEN has also mentioned that once there is an outbreak of influenza, measures like the suspension of schools will be taken.

However, the Secretary has not mentioned one important point. Although it is absolutely correct to adopt a scientific and rational approach to handle the outbreak of swine influenza, for the fear and panic brought by the outbreak of swine influenza, we also have to consider the emotional and sentimental reactions. And I think that the Government has not put enough efforts in this regard. An Honourable colleague just mentioned that she needed to buy two

boxes of surgical masks as soon as possible, and an Honourable colleague even mentioned that he had to rush to call the doctor that he knew well and paid a few hundred dollars as a deposit for a box of Tamiflu. All these are emotional reactions. However, I do not see that the Government and the Secretary have moved the focus a bit to extend to caring and managing the emotional reactions of the public towards the outbreak of swine influenza. For instance, a Member just mentioned about the front-line health care workers. After the outbreak of SARS in 2003, we actually are quite psychologically prepared.

Nonetheless, we may have a few questions to ask the Secretary and the Hospital Authority (HA) today. First, is the equipment enough and how can it be regarded as enough? How long can it last? Second, can the equipment be used? For instance, some equipment has already been stored for three years. Can those surgical masks still be used? Will there the plastic strips be hardened so that they can no longer been worn? Or will those PPE be eaten by worms so that they become useless? To such equipment, not only should the Bureau have the responsibility to ensure that the quantity is enough to last for four months, but it should also give a clear account to the front-line colleagues, as they are the ones to fight in the battlefield. It has to tell them that such equipment is absolutely suitable for them to use and is useful. Besides, it has not passed the expiry date and is able to protect them. It is because when the front-line colleagues are fighting against the influenza, they have to endure some psychological pressure. Thus, the Bureau needs to reassure them that they have enough support and equipment to fight the battle. As the Chinese saying goes, "good tools are a prerequisite to the successful execution of a job". On the psychological front, we hope that the HA and the Secretary can give a confidence booster to their team and colleagues, by proving that such equipment is usable and appropriate.

Secondly, at present, different hospital clusters and private hospitals may have different guidelines on the prevention of infection. When there are different sets of guidelines and with the approaching of the pandemic, from the experience on SARS, we will feel very puzzled as to which set of guidelines should be followed, and there will be bewilderment and confusion. The front-line staff will be at a loss as to what course to take. For instance, for the appropriate way of washing hands, should we wash the little finger first or the thumb first? Different sets of guidelines may say differently. In order to take proper preventive measures, it is most desirable that the Government and the HA, together with some experts, should formulate a set of standard preventive guidelines, so that the staff concerned will clearly know which set of guidelines to

follow. This is very important, as from the experience of handling SARS, we saw that there were different kinds of guidelines or protocols and the staff concerned were really at a loss.

Thirdly, it is related to deployment of manpower. Once there is a large-scale influenza outbreak, apart from ensuring that there is enough manpower, it is inevitable that many hospital wards and beds will have to be altered in order to receive patients with influenza symptoms. Under these circumstances, the Administration should let the staff know about the deployment of manpower and the shifting arrangements, so that they will feel more relieved and know what is happening. For example, will the pregnant staff be still arranged to serve the infection wards? There were such situations back then. At present, there is a very good opportunity for us to stabilize the emotions of the staff in the first place by telling them the deployment and shifting arrangements earlier so that they can fight with us without any worries.

Fourthly, it is related to training. Since 2003, various front-line staff must have undergone different degrees of infection control training. This is a kind of good and comprehensive training. However, the knowledge of the staff may get a bit rusty sometimes. The Bureau should make use of this period of time to strengthen this kind of training or let the staff refresh what they have learned before. When they understand the related handling procedures, they will not be in a frantic rush when really in the battlefield. This kind of training can help boost their confidence.

Fifthly, beside handling the emotions of the staff, a more important aspect is communication. We must have interactive communication. I remember at the final stage of SARS, hospitals did very well in this aspect, as we had highly interactive communication. When front-line staff have any grievances or needs, they can let the hospital know directly. And very quickly, the hospital concerned can let the front-line staff know how they can make the changes. With this kind of co-ordination, the whole team can quickly accomplish their work in fighting the pandemic and achieve a better effect.

While the emotions of front-line staff can be handled, there is still an aspect to be tackled and this may be the Gordian knot of the HA and the Government. I just read from the newspaper that some staff of outsourced services of the HA said that once anything had happened, the HA would not allow them to go to work, as this would involve some insurance problems. Their employers — I do

not know whether they are unscrupulous — have not taken out insurance for them. What can they do? Will they lose their jobs because of the pandemic? Can the Government co-ordinate — of course, this has no direct relations with the Secretary. We may perhaps need Secretary CHEUNG to co-ordinate so that something can be done with the insurance policy. For the present large number of staff of outsourced services working under different environments, if they are provided with insurance and proper working arrangements, they can continue to work with their hearts at ease during this period of time. This is very important in the handling of staff emotions. If the management of the Government or the team fails to handle this issue, no matter how detailed or voluminous the plan is, many different incidents may happen in the battlefield so that the cogwheels in the machine will not run smoothly.

Besides, on the community level, the situation of people scrambling for surgical masks and the price of surgical masks shooting up may happen. Miss Tanya CHAN just asked whether the Government could distribute surgical masks in the community. If Members are familiar with the community situation, they may know that over the past few months, the Government or the hospitals under the HA had provided surgical masks for free. This arrangement may, of course, have been cancelled temporarily. Otherwise, no matter how many surgical masks are provided, they may all have been taken away. This can also reflect the psychological reaction of the public towards the possible outbreak of swine influenza. How is the Government going to step up education work? For instance, what is the most effective household and personal cleaning and sterilizing method? Is the method of 1:99 bleach to water solution used during the outbreak of SARS still feasible? How to prevent this kind of paramyxovirus this time? We cannot get any message through the media but can only rely on our conjecture. Is that possible?

In regard to personal hygiene, the Government should educate the public so that they can adopt some measures with ease, cut the infection chain and protect themselves by maintaining their personal hygiene. As to travel warning, the Government has yet to issue any travel warning. Is it due to political consideration? In fact, even if the Secretary gives me a ticket to Mexico, I will not be willing to go. When no one will be willing to go there even without travel warning, why does the Government not take this opportunity to issue a travel warning so that members of the public will know that the Government is protecting them? All these can be done and there is no reason not to do. These

are not related to scientific or rational issues but to the management of public reaction, which is something important and what we should not neglect.

At the present stage, the Government should clearly remind the people not to rush to see doctors once they feel that they have influenza symptoms, otherwise the out-patient clinics will be overloaded. Secretary Dr York CHOW always mentions family doctors and under what circumstances should one consult what kind of doctor. If a lot of people rush to the Accident and Emergency (A&E) Departments of the hospitals, the A&E Departments will certainly be overloaded. I do not know whether Members have watched a news clip on Mexico last night. It showed that a large number of citizens rushed to the hospitals, even though many people actually did not need to go there. This will create unnecessary panic among the public. If the Government can clearly remind the public beforehand and stabilize the emotions of the public, some unnecessary problems can be avoided.

Finally, in dealing with public emotions, the Government can set up a hotline. From the television and radio, we do not learn that there is any hotline for the public to inquire anything about swine influenza. There is no reason for us to call 999 to make these inquiries, but we do not know the contact telephone number of the Secretary either. What can we do? In dealing with the emotional reactions of the public, no matter by means of public relations tactics or whatever, the Administration can step up the measures in this regard.

What I have mentioned above is to hope that the Secretary will not merely put the focus on the scientific and rational fronts. If there are more measures in dealing with emotions, the unnecessary reactions like feeling anxious and panic will not appear among the public. The Bureau does have a comprehensive plan from the rational and scientific angle. It will be desirable if it can further deal with the reactions and emotions of the public. In fact, this is a very good opportunity for us to review our personal daily habits and customs as we have been less vigilant over the past five years, so that we can do better for our health. Mutual support is the basic condition for us to tide over the difficulties during the outbreak of SARS. This present challenge is an opportunity for the Hong Kong people to get more experience and adopt a more positive approach.

Finally, I would like to mention about the media. I have just seen some newspaper clippings which report differently. When the Secretary is delivering a message, he may need to co-ordinate with the media on how the message

should be delivered. The Secretary also knows that some newspapers are especially prone to criticizing him, while some newspapers act the contrary. After reading the news, the people are not clear as to whether the media can accurately reflect the true picture. A Member has also asked whether the Bureau can have a webpage to send out accurate messages so that the public can be aware of the latest news about swine influenza. This will be a good measure in striking a balance between handling by the media and information from the Bureau. This also helps avoid creating some unnecessary misunderstanding among the public towards swine influenza. With these remarks, I hope that the Secretary can consider how to deal with the emotional reactions of the public and the front-line staff towards this incident.

MR TOMMY CHEUNG (in Cantonese): When facing the financial tsunami which happens once in a century, various trades and industries are all venting their grievances. The industries were originally very positive in helping themselves by launching a series of price reduction and promotion activities so as to revive public confidence in consumption. However, it is unpredictable that we are now faced with swine influenza which strikes menacingly. This definitely will pose a great threat to Hong Kong and the operational pressure of the industries will be heavier. As the saying goes, misfortunes never come singly.

At present, some economists have already predicted that the four major industries will be hard hit by swine influenza, these include aviation, tourism, retailing and catering industries. We can imagine that under the threat of swine influenza, the public will definitely go less often to crowded places, especially avoid dining out as far as possible. I believe that before the H1N1 swine influenza vaccine is produced, the catering industry will have to go through a very tough period of time.

In fact, even without the appearance of swine influenza, many figures also tell us that the Hong Kong economy has already turned worse. As the figures from the Census and Statistics Department indicate, for the merchandise in Hong Kong, the total values of merchandise imports and merchandise exports in March have recorded glaring reductions, as they dropped by 21% and 22.7% respectively on a yearly basis. This reflects that the Hong Kong economy has already been affected by external factors. It is estimated that the situation will continue to get worse. Besides, the unemployment rate of Hong Kong is going

up, with the latest figure at 5.2%. After the outbreak of swine influenza, I am afraid that it will under further pressure to go up.

I am delighted to see that the Administration can learn from the lesson during the outbreak of SARS and is able to stand swiftly in combat readiness against the approaching of swine influenza. It has raised the alert level and has put in place some precautionary measures. However, I would like to remind the Administration that under the threat of swine influenza, the Hong Kong economy will have to face greater crises than before and many small and medium enterprises (SMEs) are very worried indeed.

I have recently received some phone calls and e-mails from members of the industry. They said that they were very worried that swine influenza would strike us like SARS. They were afraid of losing all business and getting no surgical masks when they wanted to buy some. Many members of the industry asked me to arrange for the industry some bulk purchase of surgical masks with a lower price just like what I did last time. Of course, I also reminded them that it was not necessary to wear masks at this moment. However, I remember that during the Third Reading debate of the Budget last week, the Financial Secretary said that if the situation of the Hong Kong economy was found to be quickly worsening, the Administration would put forward new measures to stimulate the economy, assist the SMEs in tiding over the financial tsunami and lower the unemployment rate.

President, things have been changing very swiftly. It is only a matter of time that swine influenza will strike us. It is necessary that the Administration has to live up to its undertaking and lend a helping hand to the SMEs.

Of course, what the Administration has to do is to put efforts in the epidemic prevention work. Apart from enhancing the monitoring and early warning system of hospitals and various control points, it should also allocate more resources to universities in order to expedite the process of studying and producing swine influenza vaccine. I hope that the vaccine can be successfully produced before swine influenza begins to ravish the territory.

Besides, given the adequate reserves in the Treasury, Dr York CHOW, Secretary for Food and Health, should make good use of this opportunity to procure and store up a large quantity of surgical masks and thermometers, and provide them to the people and industries in need at a low price. Of course, I am not asking him to compete with the industries selling this kind of materials. I

only mean that during this unusual period of time, some industries, such as the catering industry, will have a very high demand for materials like surgical masks and thermometers. The implementation of my suggestion will avoid the prices from being raised exorbitantly due to people scrambling for these materials or avoid people from feeling panic due to a shortage of the merchandise. Therefore, the Administration should give out its helping hand.

Moreover, I think the Secretary should allocate more funding to the Food and Environmental Hygiene Department (FEHD) for employing more temporary workers to clean up the streets and back alleys. Not only can this improve the environmental hygiene, but can also promote employment during a time of economic downturn. Besides, the confidence of tourists and overseas citizens (including the Hong Kong people) can be boosted. It is most desirable that they can see the streets clear of dirt.

The Secretary just appealed to Members and supporters. He hoped that we could implement some measures, and I have actually done so. Yesterday, I sent some letters to members of my industry, reminding them of the 10 possible measures implemented during the outbreak of SARS. One of them is wearing surgical masks. But I tell them it is still not necessary to wear surgical masks at this stage. As the Secretary just said, although it is not necessary to wear surgical masks at any time at the present stage, I still appeal to them to well implement the nine epidemic prevention measures launched at that time. I would like to openly appeal to those members of the industry who have not received my letter to carry out these measures as soon as possible. The nine measures include: First, install alcohol dispensers and alcohol cleansing liquid for the customers to clean their hands. Second, encourage customers to use communal chopsticks and dining utensils. Third, provide alcohol wet tissues to customers, just like many members of the industry have been doing so since the outbreak of SARS. Fourth, disinfect dining utensils or use disposable chopsticks. Fifth, use disposable dry or wet tissues to replace cotton towels, which the industry has been doing so in recent years. Sixth, provide liquid soap and hand dryers or paper hand towels in restrooms. Seventh, clean the floor every day and place disinfecting floor mat at the entrance. Eighth, clean up the lavatories once every hour. Ninth, the staff need to check their body temperatures before going to work every day. If an employee feels unwell, he must get a sick leave and see a doctor immediately.

President, the industry will certainly do its best and implement the sanitary measures well. We need to let the public know that it is hygienic and safe to

dine in restaurants. I also appeal to the public to maintain good personal hygiene. When they feel unwell, they should see a doctor.

While the industry naturally has to do its part, I would hope that the Administration can consider the operational difficulties of the industry, by expeditiously study the supplementary measures in the Budget with a view to really maintaining the economy and creating employment. The Liberal Party and I always say that the Hong Kong economy is on the brink of the warning level. If the Administration does not carry out adequate relief measures in time, when the opportunity is gone, the economy will be doomed to be on the downturn.

Therefore, in order to relieve the operational pressure of the SMEs as soon as possible, the Liberal Party suggests that the Administration should further waive the rates for two quarters, with \$1,500 as the ceiling per household in a quarter. Besides, the amount guaranteed by the Government in the two existing loan guarantee schemes should be increased to 90%, while the Special Loan Guarantee Scheme under which enterprises can borrow as much as \$6 million should be extended to the end of this year. With reference to the actual situations of various industries, the Administration should consider waiving the licence fees for one year, such as vehicle licence fees for the transport industry, food establishment licence fees, liquor licence fees and hawker licence fees. It should also waive the related government charges, including water tariffs, sewage charges and trade effluent surcharges. They should be waived for at least a few months.

In order to further address the difficulties faced by the SMEs, the Government should extend the measures of reducing 20% of rental for short-term tenancies of government properties and land to one year or have the rental waived for three months. The tenants to benefit should include those in the public markets and wholesale food markets under the FEHD, as well as the markets, shopping malls and factory buildings under the Housing Department.

As far as taxation is concerned, the Administration should return the provisional profits tax and provisional salaries tax to the taxpayers. The ceiling should be \$100,000 of the tax amount paid last year per individual taxpayer, and \$5 million of the tax amount paid last year per an SME. The idea is to let the public and the SMEs have an extra amount of money to cope with their needs.

Lastly, I would like to point out that when the whole world is being under the double attack of the financial tsunami and swine influenza, it is hard to expect that import and export trade can save a slackening economy in a short period of time. Therefore, Hong Kong at present greatly needs to maintain the survival of SMEs through stimulating domestic demand. If the Administration thinks that the distribution of consumption vouchers to the public as suggested by the Liberal Party is costly but with little effect, I hope that the Administration can introduce a measure less costly but with greater effect than consumption vouchers as soon as possible, with a view to boosting the retail market of Hong Kong and maintaining the employment of the people.

President, I have just focused on the proposal made by the Liberal Party to stimulate the economy centring on the SMEs. Ms Miriam LAU, our Party Chairman, will put forward other suggestions in due course. We have recently submitted our suggestions to the Financial Secretary for consideration. I reiterate our hope that the Administration will not be as hesitant as in the previous budget. The epidemic is approaching and the economy is already in danger. The Administration has to study and prepare as soon as possible. It should provide a confidence booster to the Hong Kong people and be well prepared.

Thank you, President.

MR ANDREW LEUNG (in Cantonese): First of all, I am very grateful to Mr CHAN Hak-kan for moving this motion for the adjournment of the Council, so that the Secretary can directly give an account to Members, including me, on the epidemic situation for more than 30 minutes. My information has thus been more updated.

The human swine influenza epidemic is approaching menacingly and relentlessly, and it coincides with the occurrence of the financial crisis of the century. This is a double attack and the economy makes another downturn. That is what we can see. As the Secretary said, it was just a matter of time before swine influenza would come to Hong Kong. Thus, we have to be well prepared. Of course, after the painful experience in 2003, Hong Kong could well be one of the most experienced places in the world to deal with human swine influenza.

Dr Joseph LEE was right in saying that not only should the Government do its job well, it has to think how to convey the information to the public to avoid their unnecessary fear and panic. It is important to maintain their psychological qualities and remove their fear. We hope that the Administration can make use of more channels to notify the public of its latest information received from the immigration authority, the disease surveillance centres, as well as through the notification mechanism with the World Health Organization, the Mainland and various countries. However, when more channels are used to notify the public, as Dr Joseph LEE just said, some media may not be able to relay the full message from the Government to the public. Only when the first-hand and also very transparent information is relayed can the public feel at ease. This is the most important step for the first battle.

Of course, we are very delighted that the suggestion from the Federation of Hong Kong Industries to the Government in 2003, namely checking visitors' body temperatures at control points, is still being carried out. This is a very good line of defence. Of course, I may not agree to follow the approach of Japan in carrying out on-board inspection. However, I think that we should set up some mobile teams which will re-check the body temperatures of those passengers of aircraft flying from the infected areas or places with serious cases. We should reduce the scope to only three or four hundred passengers on an aircraft first, and then check again at the larger control points. This is a play safe approach which can give confidence to travellers while proving that the Hong Kong International Airport is under very good management.

I also suggest to the SAR Government that under such circumstances, it should set up a contingency team led by the Chief Executive and with members from all principal officials. Its main responsibility is, of course, do the hygiene and precautionary work well and lead us to fight this battle. However, when the epidemic strikes, how are we going to assist the hard-hit small and medium enterprises (SMEs) in tiding over this difficult period of time? In order to maintain people's employment as well as their confidence, the Government should take this opportunity to work with the legislature to prevent and fight against the pandemic. I hope that the Secretary can have more communications with the related Panels. The executive authority should fight against the epidemic with them instead of working alone. Otherwise, the legislature will square accounts with it afterwards or will express different views in the Council. We have to stand united if we want to win this battle. Of course, I also hope that when necessary, other Secretaries will work with other Panels. For example, the

measures which aim to assist the SMEs have to be implemented immediately. We also hope that our Honourable colleagues can co-operate with the Government. If we are to fight this battle, we have to fight it brilliantly.

Of course, a few Members mentioned that according to the SARS experience, the hygiene of our residential areas and the community is actually very important, and we should clean up more frequently. Once there are any influenza symptoms, no matter how minor they are, we have to see a doctor immediately and wear masks. And we should not go to work or to school. Employers should also put in place some flexible arrangements and advise employees not to go to work when feeling unwell. If they see that the employees have got influenza, they should advise the latter to see a doctor. Because if a sick person goes to work as usual, he will pass the viruses to other staff.

I want to point out (as Dr Joseph LEE just did) that the front-line medical staff who are supporting us are actually very important. They are facing another battle of the century and have to risk their lives in safeguarding the health of the Hong Kong people. Therefore, I totally agree with what Dr Joseph LEE just said, that is, the Government should try its best to reassure the staff concerned that the Government has sufficient policies and equipment. The Government should also provide them with adequate psychological counselling to fight this battle. Of course, as the Secretary and Dr Joseph LEE just said, to fight against this epidemic, quarantine is a very effective way. Although the Secretary said that he would prepare for it, I think he should do the precautionary work well by utilizing the wisdom of the community and other areas just in case. If a large-scale epidemic strikes here, we must have enough space for quarantine purpose. The decision on isolation also has to be made quickly, as we were late in this regard during the outbreak of SARS. After the experience in 2003, the public, of course, will understand that quarantine is important.

I also would like to say that during the outbreak of SARS in 2003, I did need to travel to a lot of places to do business and to attend the wedding of my relative. Of course, that was a very difficult time and I did not even know whether I was allowed to really enter the country after I had landed. During that period of time, I had received two chest X-rays within one week, because after coming back from Japan, I needed to go to Europe. After I received the chest X-rays, I always brought along with me the X-ray photographs so that I could

show them to the officers concerned for inspection when necessary. Fortunately, all other places did not require seeing my X-ray photographs.

We have a lot of travellers coming to Hong Kong everyday and Hong Kong is an international city. We have to deal with the epidemic in a rational manner. We do not need to disallow certain travellers or those travellers coming from the affected areas to come to Hong Kong. On the contrary, we should take the rational rather than sentimental approach in dealing with the issue, because Hong Kong was a victim in 2003. At that time, we had already arrived at Basel but other people did not allow us to take part in the event. We do understand these painful lessons, and thus we should not treat the others the same way. At present, Hong Kong is not the affected area. We should not give others the same treatment that we received last time, but should adopt different methods to deal with the situation. We should adopt our usual approach and deal with the situation with an open and rational manner.

Thank you, President.

MR FRED LI (in Cantonese): President, since the appearance of the swine influenza incident, I have been asked by reporters whether there is a need to convene a special meeting and whether the Legislative Council will do anything. I seldom answer like this but I think it is unnecessary to convene a special meeting. It is because we will basically accept and support what the Government is doing. Even if a special meeting is convened, there is nothing for further discussion. It will only be for the sake of convening a meeting. The reporters may find this answer uninteresting, as neither do I criticize the Government, nor do I accuse the Government for doing anything wrong or not enough. I just listen carefully to the speech of Mr CHAN Hak-kan. I find that he was a little embarrassed when he moved this motion for the adjournment of the Council. He said that the Government "seemed" to have sharpened its vigilance. He also explained that the purpose of moving this motion for the adjournment of the Council is not to blame or criticize the Government, but only to give an opportunity to the Government to explain the issue in greater detail.

This is what I want to emphasize today. I find it acceptable at the present stage for the Government to raise the alert level to serious response level (S2). Mr Andrew CHENG is the spokesman for health and medical issues while I am the spokesman for food safety. However, in the present swine influenza

incident, I do not think that the epidemic is significantly related to pigs, nor do I see that the Agriculture, Fisheries and Conservation Department should play a very important leading role. Basically, the ones leading this battle are Dr TSANG of the Centre for Health Protection and the colleagues mainly responsible for co-ordinating medical affairs, instead of the colleagues responsible for food affairs. When the Secretary was delivering his 33 minute-long speech, I was listening all the time. He has mentioned that it is all right to eat pork, and I have heard about this many times. However, I learn from the press that China has already banned the import of pork from Mexico and the United States. Some countries have banned the import of pork products especially from Mexico at once. Is that move unnecessary for them or are they taking an irrational move? China has also done the same. Some reporters asked why we were not banning the import of pork from Mexico, and the Government answered it was all right to eat pork. Therefore, the Secretary can make a response on this later, telling us why some countries have carried out such a decisive measure while we have not and everything is running as usual.

Mr Andrew LEUNG just mentioned that we need to be more rational and should not call other places as infected areas, as we have also undergone such a painful experience. I fully understand about this. The painful lesson we learned in 2003 is attributed to the right move of the Government in the present case. Its reaction is extraordinarily swift and decisive, and is also very reasonable. The Secretary just mentioned that a lot of people went to Mexico from Toronto, New Zealand, Spain and New York and they started feeling unwell after coming back to their own countries. Hence, it is obvious that Mexico is the source of the epidemic. As to the reason for this, it is still unknown to date. There are various explanations as to why there is an outbreak of a new kind of viruses in that origin. Obviously, the viruses have already spread to different countries by those who have been to Mexico. In the suspected cases of Hong Kong, no one has been to Mexico. In the few existing cases which are confirmed to be negative, the persons concerned have only been to the United States and Canada.

Since the United States and Canada are the neighbours of Mexico, even some people who have not been to Mexico are confirmed to have contracted the viruses. These cases do exist. The United States also have such cases. As some Members said earlier, this is human transmission. However, no one died or has serious symptoms in these cases, and the patients can be cured. Nevertheless, the Secretary said that at least seven cases in Mexico are confirmed

that the cause of death is swine influenza. Then, why are we not issuing a travel warning for Mexico? I notice that the Government has always been appealing to the public not to go to Mexico unless necessary. But should it issue a more severe advisory? Under the present circumstances, the public should absolutely not go to Mexico, as the epidemic there is rather serious. Why does the Administration not take this approach? I am not referring to the United States or Canada. These places are also affected. However, I feel that since the situation of Mexico is so conspicuous, the Government should really issue a more severe advisory, instead of appealing as it is to the public now not to go there unless necessary.

My speech is rather brief, as we actually will recognize and support what the Government is doing. I hope that Mr Andrew CHENG will put forward some suggestions, and I will leave that to Mr CHENG. I mentioned about pork earlier. I hope there is a ban on the import of pork, as some countries have already done so. I hope that the Secretary can respond to this later. These are my remarks.

MR ANDREW CHENG (in Cantonese): President, the swine influenza is spreading appallingly fast in various countries all over the world. Everyone is worried that this epidemic will give rise to a large-scale outbreak of influenza in future.

Although the epidemic is yet to be found in Hong Kong, Secretary Dr York CHOW appealed to us repeatedly over the past few days that the swine influenza would be transmitted to Hong Kong sooner or later, and we should get ready for the first case to be found. We are fully agree to his opinion and find that his performance and alertness this time has, at least, aroused the awareness of many people in Hong Kong that we really have to get ready. As compared to the outbreak of SARS in the community last time, during which some people in the neighbouring regions acted irrationally, such as boiling vinegar, and the Secretary even thought that there was no outbreak in the community at all, what the Secretary is doing this time deserves our giving him a continuous support. It is because we should make concerted efforts to fight an uphill battle against this epidemic, and the Legislative Council will give its full support to the Secretary. I know the Deputy Secretary is now holding a press conference on behalf of the Secretary, telling us how to fight against this epidemic. Of course, as the Secretary has to stay here and listen to this motion for the adjournment today, I

hope we can put forward some concrete recommendations, so that the Secretary can have more "good ideas" for use.

President, Mr Fred LI has mentioned just now whether Hong Kong should, first of all, issue a more stringent travel advisory against Mexico or a simple warning as what we are doing now. Earlier on, I heard from the news report that some neighbouring countries of Mexico, such as Canada, have stopped all flights to Mexico. They have made such a decision. Of course, Hong Kong is very far away from Mexico — I have never been to Mexico and do not know how far it is. I think we should transit as there is no direct flight flying between the two places. Therefore, I think, up to a certain stage, it is more important for us to issue a travel advisory or a more stringent executive order.

President, being one of the members of the select committee to inquire into the handling of the SARS outbreak at that time, I remember that in face of the findings provided by the select committee, we had proposed a lot of recommendations. In the following part of my speech, I will comment on the problem of the swine influenza we are now facing in the light of the experience gained from the fight against SARS which is highly communicable, so as to see how we can avoid the recurrence of a tragedy after having such a painful lesson last time.

I would like to share and discuss with the Secretary a number of issues. The first one is about notification. President, as we all know at that time, a lot of SARS cases had broken out on the Mainland and the situation was already very critical. However, we could only obtain some piecemeal information. The then Deputy Director of Health, Dr LEUNG Pak-yin, mentioned in a hearing that he had raised a question with the incumbent Director-General of the World Health Organization (WHO) — the then Director of Health, Dr Margaret CHAN, to see whether a team or an official should be sent to Guangdong Province to learn more about the epidemic there. However, Mrs CHAN had not taken up the matter further at that time. Therefore, one of our conclusions was that officials of the Department of Health had not made any swift response to the epidemic in the neighbouring region at that time, which might lead to the outbreak in Hong Kong. Therefore, recently, the Deputy Secretary — it seems that we have just mentioned it — the most critical point now is that we should know when the first case emerges in China. I absolutely agree to this point. I would like to tell the Secretary that the most critical point is when China identifies the first case and notifies us accurately, which is even more important.

Of course, the whole world is now keeping a watch on the first case to be found in China. It is because for public health, there are really some differences among the 1.3 billion population in the Motherland. Undeniably, health facilities in some villages or remote mountain regions are quite poor. Therefore, in view of our Motherland and the neighbouring places, can Hong Kong, being a special region of the Motherland, evade from an epidemic like the SARS by relying on our officials, executive measures and notification mechanism? We should not give others an impression that as such information is state secret and so we will be relatively passive in notification. President, this is our shortcoming. It is really time now to test the credibility of the incumbent Director-General of the WHO, Dr Margaret CHAN. We sincerely hope that in this global village, policies on public health can be globalized. We have to fight in this battle. Once a case is identified, we should give notification immediately.

Many doctors and experts also have doubts as to why no suspected case has ever been found in the neighbouring countries of Mexico in South America so far? Basically, will countries in South America First of all, their medical systems are relatively poor, and some people even blame this as a reason for the high casualties in Mexico. Just now, the news report has pointed out the awareness of hygiene is relatively low among the people there, who will not consult doctors even they are ill. Therefore, the mortality rate is really on the high side. As we know the situation there is so different, with the precious experiences gained during the SARS outbreak, we should learn our lesson and set up an even more comprehensive notification mechanism with the Motherland. We are just separated by the Shenzhen River, with extremely frequent flow of people and goods. The first case identified on the Motherland is the most critical. Therefore, the crux is that China should notify the SAR Government truthfully of the first case once it emerges.

President, I believe that so many front-line medical and health care workers were infected during the SARS outbreak should be attributed to the problem of support for the hospitals. We understand this issue and have discussions on it before. After the report was released at that time, the Panel on Health Services had discussions for several times to examine the need of setting up an infectious disease hospital. I believe that some Honourable colleagues here should remember this. We have been longing for turning the Princess Margaret Hospital into a hospital for infectious diseases. However, due to the heavy caseload in the Princess Margaret Hospital, up to a certain period, it could only get a deployment of 10% of the manpower of the intensive care units from other

hospital clusters. Therefore, as mentioned by the Secretary just now, according to the deployment by the Hospital Authority (HA) this time, the first 20 patients will be sent to the Princess Margaret Hospital, and the rest will be sent to isolated wards under various clusters. President, this is also a very crucial question.

Of course, we respect our medical and health care personnel very much. In the past, owing to my opinions on medical and health care personnel or medical blunders, they had some misunderstanding for me. They considered that all along I had been countering them. They also thought that I proposed to set up a medical complaints commissioner as I had no trust in them. President, I absolutely have no such intention, and the truth is just the contrary. At present, medical and health care personnel of public hospitals and the HA, especially those front-line doctors and nurses are all very busy. Relatively speaking, resources, very often, are severely inadequate. In case there is any severe outbreak of communicable diseases, I believe that their workload and pressure will be even greater. Therefore, I hope the Secretary can understand that we are mostly impressed by the "" during the SARS outbreak, that is the "" among various clusters. How can we break the provincialism among various clusters in our anti-epidemic efforts? I am worried in case we are so unfortunate to have an outbreak of the swine influenza, the HA and the Secretary will be tested on how to break such provincialism and allocate resources adequately and effectively to various clusters. Of course, in case we are so unfortunate to have a large-scale outbreak and have to buy places from private hospitals, I think the Secretary, being a medical practitioner, will also understand that there is such need at any time.

President, the third point is the confusing leadership. During the SARS outbreak, the major problem in the anti-epidemic work was the confusing leadership. We did not know who the leader was. It was rumoured that the building plan of Amoy Gardens had been kept on Chief Executive TUNG's table for more than one week, as he wanted to check how water pipes and drainages were laid on site personally. I think such situation really makes us worry whether we have good leaders, well-structured rules and systems and an anti-epidemic team, which are all prerequisites for us to fight against the epidemic.

President, after the SARS outbreak, we had made amendments to many legislation and practices, including the health declaration forms to be submitted upon arrival mentioned by the Secretary just now. This is one of the measures

being implemented after the SARS outbreak, which can enable us to trace those who may be affected by communicable diseases. However, the most important one are our contingency measures. We have implemented a three-level response system to deal with the epidemic. We have now issued an alert in the second level and when will we lift it to the third level, that is the emergency response level? The third level should be handled by a steering committee chaired by the Chief Executive. This is what we had been proposing at that time. Therefore, I hope when we are notified accurately that in case a confirmed case emerges in the neighbouring places (including the Motherland) or even in Hong Kong, should we lift the alert to the emergency response level immediately and ask the Chief Executive or the steering committee to lead the epidemic resistance work? I think this should also be considered by the Secretary, and this is what we have proposed.

Lastly, President, the epidemic resistance work can hardly be implemented without money. As we all remember, during the SARS outbreak in March 2003, the Government did not seek a funding of \$0.2 billion from the Finance Committee until there was a community outbreak. I would like to take this opportunity to tell the Secretary that the Government had sought funding since March 2003, and sought another funding of \$0.2 billion in May. After that, it sought another commitment of \$3.5 billion in late May, and then sought a funding of \$0.15 billion and another funding of \$0.5 billion in July. Having received the applications for funding from the Government one after another, we felt that we were very passive at that time. Of course, I also understood that, in face of the SARS, the Government had no experience at all. We all agreed to this. However, this time as we have experience in handling SARS, the Democratic Party suggests that the Government should apply for an one-off non-recurrent commitment of \$0.35 billion from the Legislative Council immediately, so as to set up a fund to meet the half-yearly expenditures to fight against the communicable disease and the avian flu we may now have.

As there may also be problems arising from the avian flu, the setting up of this fund can handle the outbreak of communicable diseases. We think that among this \$0.35 billion, the first \$0.15 billion can be used to implement policies for improving environmental hygiene. It is because the Secretary has also mentioned that a territory-wide cleansing campaign may be conducted within one or two weeks. Of course, there is no need for the Chief Executive to play the role as the leader of the cleansing campaign this time. I wonder if this role will be taken up by Chief Secretary Henry TANG. However, we absolutely agree to

this. Among 18 District Councils, I am a member of Tai Po District Council. I believe that members of District Councils are also very willing to assist the Government in conducting the territory-wide cleansing campaign, but we do need money to implement it. Of course, the Government may say that the Bureau can make internal deployment of resources itself. However, it should still let the public know that everyone in the Government is of one mind. Amendments to the legislation and a proper notification mechanism are now in place. In order to ensure collaboration among the public in Hong Kong on public health and environmental hygiene, money is also required. I think another \$0.2 billion of this fund should be used to enhance prevention, health education and publicity. Therefore, President, all in all, we think that the Secretary has done a good job this time. The Legislative Council will give our continuous support to the Secretary to get ready and fight against the swine influenza. We propose to allocate money from the fund and make such a request proactively, so that we can get well-prepared at any time. Money should be used if it is properly spent. As for the notification system, I hope the Secretary can respond to my suggestion. Thank you, President.

MR WONG KWOK-HING (in Cantonese): President, the Chief Executive has appealed openly that every one of us should put in more efforts to fight against the swine influenza, so that we can have more time and room to respond to it. The Secretary has also led the authorities and relevant departments to implement the work to fight the epidemic systematically. All these should be commended. However, how can we do better? Before the epidemic attacks Hong Kong, it is a wise tactic if we can win hands down and overpower enemies without resorting to war. Therefore, I think it is very important for us to make good preparation.

I would like to share a few points with the Secretary. First of all, the Labour Day long holidays are approaching. In face of the heavy passenger flow into Hong Kong, what are the measures to be adopted by the Government to deal with the situation? The Secretary has mentioned just now that the health declaration arrangement will be implemented at the boundary control points within one or two days, but some journalists say that body temperature screening being conducted by the Immigration Department at the boundary control points has apparently slackened. Is it really the case? If not, I hope the Secretary can make a clarification here. However, if there is such a case, I hope the Bureau can urge the relevant departments to strengthen its quarantine measures at immigration control points, so that we can take precautions against a calamity.

This is the first point. I would like to ask the Government, as the Labour Day long holidays are approaching, what are the measures to be adopted by the Government to enhance its epidemic prevention work? I hope the Secretary can give us an account later.

Next, I would like to say a few words about some materials for epidemic prevention, including masks, alcohol and bleach. As advised by the Secretary, the Government has a certain amount of stock now and there is no need for us to worry about it. However, is it enough when the Secretary just says so? I think this can hardly ease the panic among the public at present and enable them to rest assured. Let us take a look at the news today. As advised by Mr LAU, Chairman of the Hong Kong General Chamber of Pharmacy, 25 000 masks in his store are sold out within three days. Mr SIU, Deputy Marketing Manager of the mask supplier also advised that 3 million masks were sold during the past two days. The Secretary said that the Government had enough masks, but what does it mean by "enough"? Can the public purchase masks easily? In fact, this can hardly address the concerns of the public.

As masks are out of stock, their price has surged drastically by 70% within one day, showing that the supply is unable to meet the demand. As no mask is available in the market, it is very natural that panic is caused among the public, who are worried that they have no mask to use. It will then lead to panic buying and no mask is available in the market as a result. People are not able to buy masks even when they are really in need of them. As such, should the Government co-ordinate these resources and make some clear arrangement, so that every one of us can rest assured? For example, where can the public buy or obtain masks if they are in need of them? If all of us can rest assured, there will be no more panic buying. I think this issue should be brought up in the agenda and addressed immediately.

Moreover, should the Government make use of its channels on television and radio at present to enhance its promotion and education in epidemic prevention as well as the notification of information? I notice that various government departments led by the Secretary may now hold press conferences or issue press releases everyday, but journalists may not report strictly according to the information released by the Government. If the Government has its own channels and timeslots, should it not make full use of them, so that the public can receive messages released by the Government daily in a clear and accurate manner? I think that the Government should consider adopting such a practice

at this stage. If accurate messages can be conveyed to the public, it can prevent unnecessary misunderstanding and at the same time, it can also avoid unnecessary panic among the public. I think the Government should consider adopting such practice proactively.

Moreover, it has been reported that as the staff of outsourced services working in hospitals are not covered by insurance, in case the hospital in which they are working is designated to deal with the epidemic, they can no longer work in their original positions. They have to be transferred elsewhere and their jobs will be taken up by other permanent staff. This, once again, reveals that there are problems in the outsourcing system. When we have to fight in a battle, we then find our permanent staff valuable and understand the merits of such an employment system. As a matter of fact, not only the staff in the hospitals, even the staff under the Food and Environmental Hygiene Department, no matter they are responsible for cleansing streets or toilets, many of such obnoxious jobs are now taken up by staff of outsourced services. But are they covered by insurance? I think the Government should take this opportunity to consider how to handle and address this problem immediately. Otherwise, in case the swine influenza really comes to Hong Kong, the situation will only be chaos. Those staff who are not covered by insurance cannot take up the task assigned by the Government and fight against this epidemic. Therefore, I keenly hope that the Government should examine and consider this problem promptly.

Next, I also want to mention that in considering various measures to fight against the epidemic, the Government seems to consider mainly from the perspective of western medicine, and there is no chance to bring Chinese medicine into full play. In this regard, I wonder if the Government should take it into account as well. It is because Chinese medicine has a very long history and immense contributions among the Chinese people. In raising pigs, the epidemic so generated will give rise to some diseases between pigs and humans. The Chinese people have a lot of such outstanding experiences, and there is also uniqueness in respect of their medicine. Can the Government consider promoting the use of Chinese medicine, rather than being reluctant to use it? The epidemic is about to attack Hong Kong now. Can the Chinese medicine sector be allowed to conduct some researches, so as to bring their expertise and contribution into full play?

Next, I would like to point out that the HKSAR Government should consider enhancing its intelligence notification and researches with experts,

quarantine departments, epidemic prevention departments and medical and health systems on the Mainland. After all, with such a vast territory, the Mainland has much more experiences in agriculture and researches on epidemic. Can we complement each other and have exchanges? I think this will be conducive to the enhancement of epidemic prevention in Hong Kong. Furthermore, the State Council has promulgated eight measures by Premier WEN to appeal that every one in the country should make concerted efforts to fight against the epidemic. Under such a situation, as the Central Government has also made an appeal, should the HKSAR Government enhance its communication and co-operation with the government departments on the Mainland to combat the swine influenza? I think this is also very important.

There is one more point that I wish to point out to the Government. Apart from meeting with Chairmen of the 18 District Councils, I also hope that all resident organizations in Hong Kong can respond timely to the Government's appeal and take preventive measures all over the territory. I think this is very important. It is because on the district level, if resident organizations such as owners' corporations, owners' committees and mutual aid committees of housing estates can respond to the Government's appeal promptly and put in their full strengths to combat the epidemic from the bottom to the top levels, I think we will accomplish twice as much as our efforts put in. As for the preventive work, we can use "1:99" bleach to clean venues, carpets and lift lobbies, or even pour some "1:99" bleach into the u-shaped water traps. If all these are initiated by resident organizations, the Government's epidemic prevention work will be even more thorough, rather than just being restricted to hospitals or public venues under the Government. Every household will really be involved. I hope the Secretary can consider this point.

Lastly, what I want to say is that the swine influenza is now spreading to many places all over the world. Fortunately, the epidemic has yet to emerge in Hong Kong. Therefore, I think people in Hong Kong should have confidence and make concerted efforts to fight against this epidemic immediately.

In fact, under the double blow of the financial tsunami and the swine influenza at present, it is really adding salt to our wounds. But on the contrary, I would think crisis will bring about opportunities. If the SAR Government and the public in Hong Kong can work collaboratively to fight against the swine influenza, Hong Kong will become a city with a higher level of hygiene and safety, which will, in turn, bring about more business opportunities. Moreover,

during epidemic prevention work commences, it will give rise to demand for jobs which are labour-intensive. As mentioned by some Members, this can create more employment opportunities. Therefore, I also hope that the SAR Government can allocate more resources to conduct the epidemic prevention work, through which those who fail to secure jobs and are unemployed for the time being can have opportunities to use their talents. This can, to a certain extent, alleviate the unemployment problem.

Moreover, if the Government needs to seek funding from the Legislative Council in view of the situation, Members belonging to the Hong Kong Federation of Trade Unions are definitely duty-bound to give our full support to the Government to seek funding from the Legislative Council to fight against the epidemic. Of course, funding requests should base on the actual situation and be practical. I sincerely hope that the Secretary can win this battle. Thank you, President.

MS MIRIAM LAU (in Cantonese): President, the swine influenza, which is now spreading widely all over the world, has in fact invaded the Asia-Pacific Region. The latest figures show that there are six suspected cases in South Korea. Among them, a woman who has come back from Mexico is confirmed to be infected with swine influenza. She is now put under isolation for observation and has been tested positive for swine influenza twice. In Thailand, a civil servant, who has returned from a meeting in Mexico with a fever, is now put under isolation. In New Zealand and Israel, there are three and two confirmed cases respectively. However, whether the new virus will invade Hong Kong and when it will really invade us are matters of our utmost concern.

The latest confirmed case in the world (as mentioned by Miss Tanya CHAN just now) is found in Germany, resulting in nine countries now having been detected confirmed cases of swine influenza. The World Health Organization (WHO) has also raised the level of influenza pandemic alert from phase 3 to phase 4, signifying that there is human-to-human transmission of the new virus and a possible threat of community outbreaks in groups. This is also the first time for the WHO to raise the alert level to phase 3 or above since the establishment of such an alert mechanism.

Moreover, the WHO has even warned that pending the results of laboratory testing of a secondary school student in New York, the United States, if it is

confirmed that those students who have not been to Mexico have infected swine influenza from those who have been to Mexico, there are already human-to-human transmissions there. The WHO will not rule out the possibility of raising the alert level from phase 4 to phase 5. That is to say, human-to-human transmissions have spread to at least two countries, strongly signifying that an influenza pandemic is imminent and the situation is very critical.

In face of this new virus which has spread swiftly all over the world, Hong Kong should never deal with it heedlessly. We should put in our utmost efforts to take all kinds of preventive measures, so as to prevent Hong Kong from being subject to the double blow of the financial tsunami as well as the swine influenza.

It is because the swine influenza will not only kill people, but also deal a heavy blow to the economy like the financial tsunami. It has been reported that according to the World Bank's estimation, if the swine influenza spreads at a speed of the 1918 Spanish Influenza, there will be a negative growth of 4.8% in the global economy. No matter if we are a developing, mature or emerging market, none of us can escape from the fate of recession.

If the swine influenza epidemic emerges in Hong Kong, it will, inevitably, deal a blow to our economy. As estimated by an economist, even just a few sporadic cases are found locally, if the epidemic persists for two to three months, tourism in Hong Kong will have a loss of \$3 billion to \$4 billion. In case there is a community outbreak, not only will tourism suffer heavy losses, consumption will be greatly affected as well. Take the SARS outbreak as an example. Tourism and the consumer market had losses of over \$20 billion at that time. It is estimated that if the same situation occurs due to the swine influenza this time, we will even have losses up to \$30 billion, accounting for 2% of the GDP.

Therefore, in the light of the present economic doldrums in Hong Kong, we can hardly bear another blow dealt by an epidemic like SARS.

The SAR Government has, in fact, made swift responses to the outbreak and spread of the swine influenza this time. Perhaps, with experiences gained during the SARS outbreak, there are opportunities for us to set and follow all kinds of rules and make contingency measures on all fronts expeditiously. However, I agree with the Chief Executive that in order to combat the epidemic

successfully, we should take a few more steps forward and make our utmost efforts to step up various preventive measures, so that we can resist the epidemic.

Both the Government and experts have advised that it is quite difficult to prevent the virus from being transmitted into Hong Kong completely. Being an international metropolis as well as a place which welcomes visitors from all over the world, it is really not an easy task to prevent the virus from being transmitted into Hong Kong completely. However, I consider that no matter how difficult it is, we should put in our utmost efforts to strive to do it.

As informed by the Government, apart from installing devices for body temperature screening for inbound passengers at boundary control points, surveillance at the boundary control points will also be enhanced within this week. Visitors will be required to fill in health declaration forms. The Liberal Party considers that we should try our best to get everything ready by tomorrow, that is, before the long holidays which begin this Friday.

As other places have stepped up their surveillance against visitors from the Americas, Hong Kong should not be lagging behind. Just like Japan and Taiwan, they have said that medical and health care personnel will be sent to all arriving flights from Mexico, Canada and the United States to check if any visitors are sick. Some experts in communicable diseases also suggest that Hong Kong should follow such practice.

Although our Government is worried that this will cause inconvenience to visitors, the Liberal Party considers that we should take unusual actions at unusual times. For the sake of safety, the authorities can give serious thoughts to that, so that suspected cases can be dealt with in the first instance. Of course, this will slightly delay the itinerary of visitors. But I believe visitors will understand that the Government makes such arrangement out of good intention.

President, the Liberal Party considers that one of our priorities at present is to arouse public awareness of the epidemic expeditiously. It is because we cannot prevent the spread of the epidemic by just relying on the Government's efforts without co-operation from the public. We should therefore join hands to fight against the epidemic and step up various kinds of hygiene measures.

After struggling through the SARS, people in Hong Kong are, in fact, very experienced in epidemic prevention. Six years have past since the SARS

outbreak, during which Hong Kong is safe and well on all fronts. As such, it is inevitable that we have become slack in epidemic prevention.

For example, we wash hands and use bleach or alcohol for household cleaning less frequently. Some buildings even do not have any daily cleaning for their public areas, such as lifts, at regular intervals and reminder notices in many places have also been removed. It is time for us to raise our awareness now.

However, after so many years, in order to ask the public to be fully aware of the epidemic again, something has to be done. We hope the Government can think about ways to raise public awareness expeditiously.

The Liberal Party met the Financial Secretary a few days ago and during our discussion on the "enhanced" proposals of the Budget, we had raised a special suggestion. Its aim is to assist the middle class and ease the unemployment problem by creating a temporary post of "health education ambassador".

We propose that the Government should provide appropriate training for these ambassadors who have relatively strong educational background. After receiving such training, they will be able to teach the public the accurate knowledge of epidemic prevention, as well as supervise such efforts. They can also take up promotion, education or advisory works at the district level, so as to enable the public to take sound measures to combat the invasion of the flu virus.

They can also remind the public of various preventive measures in schools, public housing estates, residential homes for the elderly, parks and border control points. As such, the public can recall from their memories the epidemic prevention measures that they have forgotten and work collaboratively to fight against the epidemic.

In view of the critical situation, the Government should deal with special tasks with special means. It should examine the feasibility of creating these posts immediately. I hope the Government will not wait until June or July, as it may be too late by that time.

We consider that this is not only a golden opportunity, but also a very useful proposal. This can even be regarded as a win-win option for three parties.

It is because the Government can enhance its anti-epidemic promotion and reduce the risk of an outbreak, whilst the public can be reminded and informed of the latest ways to deal with the epidemic. As for the creation of new posts, we can provide employment opportunities for some unemployed people. This is absolutely a win-win option for three sides.

Moreover, on this basis, the Government can also further examine the feasibility of creating other relevant posts for its epidemic prevention work, such as officers to conduct body temperature screening at designated locations and temporary posts for stepping up community cleanliness.

We also notice it has been reported that there is panic buying of hygiene and anti-epidemic products in the market. For example, many people rush to buy masks from pharmacies, and stocks are almost depleted in some pharmacies. In order to prevent people from rushing to buy such products and cause confusion or panic, just like the situation during the SARS outbreak when the price of a mask had increased by eight to 10 folds, it is necessary for the Government to ensure a normal supply of these products and prevent people from trying to fish in troubled waters and increase the price deliberately.

President, as the saying goes, caution is the parent of safety. Braving wind and rain over the past years, Hong Kong has all along been going in a steady course. We hope that the Government can really act with caution, so that Hong Kong can tide over this global pandemic of swine influenza safely.

DR PAN PEY-CHYOU (in Cantonese): Regarding the outbreak of the human swine influenza this time, being a front-line staff working in a hospital, I have all kinds of feelings. It is mainly because during the SARS outbreak in Hong Kong in 2003, I had experienced the whole process personally. At that time, I was also working in the same position as I am now, that is, in the accident and emergency department of a hospital in Kowloon East. I monitored closely the intranet of our hospital and the Internet with my colleagues everyday, so as to be kept informed of the information about the epidemic. I also discussed with them on how to protect ourselves and enhance our protective measures. We noticed that in the lack of resources and protective devices and without any practicable guidelines, many colleagues found themselves in a very helpless position. I also witnessed some colleagues and their friends voluntarily requested to be sent to work in the wards of SARS patients. They were not deployed to those wards but

just worked there voluntarily. My colleagues and I also attended the funerals of some colleagues of the Hospital Authority (HA) who had sacrificed their lives during the fight against the epidemic.

I think looking back on the past experiences can enable us to understand the current situation better. There is a saying in China that "the past not forgotten is a guide to the future." Looking back on the SARS outbreak, what was our situation at that time? We were really in great difficulties. We had nothing and had made no preparation. The whole community did not have any sense of crisis. Regardless of the senior management of the Government or the general public, they had no sense of crisis at that time at all. When the public and senior officials were still saying that there was no outbreak in the community, in fact, a series of infections had broken out already. Moreover, we did not have any mechanism to give commands in relation to the crisis, either. At that time, I was working in a local hospital under the HA, that is, a hospital under one of the clusters. I could not see how the powers and responsibilities between the clusters and the central management are divided, and I had no idea how resources were allocated.

As mentioned by some Honourable colleagues just now, the epidemic was first found in Guangdong Province at that time. Guangdong Province was in close proximity to Hong Kong. However, as for what was happening there, the governments of the two places had no communication at all. And there was no mechanism for exchange of information, either. At that time, our hospital did not have sufficient facilities. There was an infectious disease centre at the Princess Margaret Hospital. Apart from this, various hospitals were, in fact, in lack of facilities to cope with those highly infectious patients. Many facilities, such as negative pressure wards, were only installed later. At that time, there was no guideline on prevention of infection, either. I remembered that in the early stages of the epidemic when there was an outbreak at Amoy Gardens, I thought with my colleagues, what could we do? The hospital had not given us any clear guideline. How could we protect ourselves? It was because we had to protect ourselves first in order to take care of our patients.

Regarding personal protective gears, resources were very inadequate. I recall that it was extremely difficult for us to get a mask at that time. We were not willing to discard a mask even after we had used it for three or four days, as there was no mask for replacement. As for N95 masks, we had only heard of them. I remember at that time a host of a radio programme revealed that

medical and health care workers did not have these gears. After such an appeal was made, the authorities then arranged to provide such gears for us. If we were allocated a N95 mask, we would keep it carefully and use it for several weeks. As for other protective clothing, goggles and other advanced protective devices, they were all very inadequate.

However, we were not empty-handed at that time. We had something in hand. The most precious thing was the professionalism of colleagues from the medical and health care sector or the health sector. As compared to other regions, our medical and health care workers had all along been working wholeheartedly in their positions and were highly disciplined. During the outbreak, we had never heard of anyone who played truant because they were afraid of being deployed to work in places where there were highly infectious diseases. Regarding this point, I think it is still fresh in our memory. At that time, we also had very outstanding microbiologists and advanced facilities. There were also very good facilities at the two universities and the HA, which enabled us to identify the virus and the testing method within a very short period of time.

Moreover, after realizing the seriousness of the epidemic, the Motherland had taken very decisive actions. As we may remember, although protective gears were very inadequate on the Mainland, the Central Government had delivered a lot of resources to the HKSAR Government. We may also remember that after the SARS, the Mainland had implemented the Individual Visit Scheme and the preliminary Mainland/Hong Kong Closer Economic Partnership Arrangement, so as to assist Hong Kong to tide over the economic plight. These supports were what we had at that time.

How about our situation today? There is, in fact, a great difference as compared to the situation at that time. I would like to say a few words about the edges which I believe we are now equipped with. First of all, the sense of crisis has been greatly enhanced. We can see that this time, the Government has responded expeditiously within a weekend, whilst the HA has made swift responses to the crisis as well. Take my personal experience as an example. After knowing the news on Saturday, we received many emails when we went back to work on Monday, telling us news or information about the new epidemic. Moreover, the HA had set up a webpage on the human swine influenza which contained a lot of information. On Tuesday, our hospital also organized some talks and seminars, with a fully-packed audience in its two lecture halls.

Colleagues of various ranks were very concerned about the epidemic. This, in fact, showed that our sense of crisis had been greatly enhanced.

As for facilities in hospitals, they are much more advanced than before. Not only has the department of internal medicine which should bear the brunt of burden of handling infectious diseases, but various departments have also installed additional facilities which can safeguard against patients with communicable diseases. Take my department as an example. An isolated ward with negative pressure has also been installed. As for measures to prevent infections, we now have clearer guidelines, telling us what we should do under different alert levels. That is to say, we have the main direction, and such guidelines are basically consistent all over the territory. However, we do not know what the concrete details are and how they work in practice. Very often, in actual practice, each staff member has to deal with such details. As Dr Joseph LEE has said just now, how are we to wash our hands? As for many details, it is, in fact, necessary for us to make them clear.

The professionalism of our medical and health care personnel has all along been outstanding during these few years. In Hong Kong, as far as I understand, researches on microbiology have become more advanced rather than backward as compared to those conducted during the SARS outbreak. However, being a medical personnel and a representative of the labour sector, what I am concerned about is the staff's safety, as the staff — what I mean are those who are responsible for taking care of patients or other high-risk people, may work in hospitals or clinics, and they may also work in residential homes for the elderly or mentally handicapped. Actually, are the personal protective gears allocated to us now adequate? Many of them may be resources left over from the SARS times. Can they be used today? Are they still in good conditions? I think it is necessary for us to conduct a large-scale stock checking at this stage to see if their quantity and quality are enough.

As for N95 masks, it is a kind of filtering masks with high protection. I remember that a few years ago, each of us had conducted a fitting test to find a suitable model of mask to fit the shape of our faces. However, after a few years, I think the shape of the face of many colleagues has changed. Some are fatter and some are thinner now. Therefore, we should conduct a fitting test again. I think we can take this opportunity to conduct these tests again in the medical institutions before the epidemic breaks out.

Regarding the procedure of patient admission, we had learned a lesson during the SARS epidemic last time that when a lot of patients were sent to a hospital, some hospitals were, in fact, not able to manage the situation. I think this is the reason for deciding not to construct a hospital for endemic diseases in Hong Kong at that time. But how should the patients be admitted? When they are up to a certain number, how should they be allocated? I think we should make it clear again. Another relevant issue is the staff deployment. When there is a massive outbreak, we cannot just rely on those doctors who are experienced in handling communicable diseases. They are mainly from the department of internal medicine, that is, doctors from the thoracic medicine department. When there is a massive outbreak, we, in fact, have to deploy medical staff from many departments to cope with it. I think we should take this opportunity to provide basic training to doctors, nurses and medical and health care personnel of other departments before the epidemic really breaks out, so that they can be deployed to the "battlefield" should the need arise.

Moreover, as for some operations or how to stream and handle those non-urgent patients during the outbreak of an epidemic, we should now make arrangements as well. Furthermore, many medical and health care colleagues are, in fact, required to enter into the community, patients' families and some residential homes to provide services. What are the safety measures to protect them? During the outbreak of an epidemic, how can they make responses? How can they provide services or maintain basic services while ensure certain protection for themselves at the same time? This should be thoroughly considered.

On the other hand, Dr Joseph LEE has mentioned that we should provide the staff with psychological support. During a massive outbreak, say SARS, the staff would sense a very great pressure, which is not the pressure of workload. What they are worrying about is their future and the fact that there is no protection and safeguard for their lives at all. Under such situation, it is very important for us to provide them with psychological support. I hope the departments concerned can pay attention to this point.

Moreover, as for communication with neighbouring regions, I believe that we have, in fact, made great improvement during the past few years. However, I hope it can be further enhanced. More importantly, in fighting against the epidemic as a whole, there should be a mechanism to take up the overall command. From our experience during the outbreak of SARS last time, such

control mechanism did not exist. We hope that in case an epidemic really breaks out, we can have a comprehensive and powerful mechanism in place to co-ordinate the overall fight against the epidemic. The epidemic in front of us is a great crisis, but I believe that people in Hong Kong can join hands to fight against it. I so submit.

MS CYD HO (in Cantonese): With the abuse of antibiotics and lots of pesticides comes the mutations of viruses. Given a combination of human, avian and animal influenzas this time, there is a more rigorous challenge for us. Although we have so far understood that there is air-borne transmission of the virus, other information is still inadequate. For instance, how long the incubation period is and how long the virus can survive after leaving the human body. The Administration must expeditiously communicate with the World Health Organization (WHO) about information on this, and disseminate the information to the public as soon as possible after its receipt in Hong Kong, so that people can make the best efforts to protect themselves and take precautionary measures against the epidemic.

During the SARS outbreak, people asked why it took so long for the virus to come to Hong Kong. Actually, the late arrival of the virus had been questioned. So, does the fact that there are not yet any suspected cases or confirmed cases in Hong Kong mean that the virus has not come. Would there be some people who have been infected but already recovered? Thus, we cannot lower our guard just because there are no confirmed cases now. In my view, our debate today gives us a good chance to review our experience and make proposals to the Administration. We call upon the Administration to provide against possible trouble as quickly as possible, and make a fresh review of how the entire system for disease prevention should be improved further.

First, the flow of information. Information flow must be accurate and transparent. In 2003, we were very disappointed with Dr Margaret CHAN, the former Director of Health, and the ad hoc Investigation Committee at the time also arrived at the same conclusion. Today, Dr Margaret CHAN is the Director-General of the WHO; we hope that she would not make the same mistake. As we lack confidence in this Director-General, I hope that everybody would strive to do better. Currently, many countries have issued travel warnings advising tourists to avoid travels to Mexico but the WHO has not made an appeal as at yesterday night. Therefore, we hope the SAR Government would not wait

for the WHO to issue travel warnings; it must act carefully and tell Hong Kong people precisely what they should pay attention to when they travel. In fact, a Mexican doctor has written some information on the BBC website, pointing out that the epidemic situation in Mexico now is far more serious than that described in official reports. Perhaps all governments have an incentive to hold back the epidemic situation as far as possible to avoid suffering economic losses. Hence, I call upon the accountability officials of the SAR Government in charge of medical affairs not to report hard information only. We frequently remarked in the past that there was a lot of soft information; we should also pay attention to information obtained through soft channels. For outside links, we should expeditiously maintain contacts with the WHO through various channels. Internally, we have to be open and transparent, for sufficient information will not arouse panic. Conversely, once the public finds that the Administration has tried to hold back some information, they will be thrown into a state of overwhelming fear.

Next, border control in an epidemic. Germs know no national boundaries; in less than a week after the epidemic situation has been reported and revealed, the epidemic has spread from Central and South America to Korea in Asia, and it has swiftly spread in a single flight. Within less than 24 hours, the germs have spread to various parts of the world by passengers taking connecting flights. So, I call upon the SAR Government to step up vigilance at the borders. However, is there really any border between Hong Kong and the Mainland? This obviously shows us that we must have closer communications with the Mainland with respect to many issues and the two parties must co-operate in controlling the epidemic situation.

Moreover, the system for tracking the epidemic situation. During the previous SARS outbreak, we noticed that the government officials adopted a foreign definition when tracking the epidemic situation. Actually, close contacts in foreign countries are basically more or less equal to social contacts in Hong Kong. Since foreign countries are spacious and sparsely populated, only people living under the same roof can be said to have close contacts. Nevertheless, we in Hong Kong work in the same office and our cups are washed together the following day; we have even closer contacts than those living under the same roof. That is why I call upon the Secretary to expeditiously review if the method for tracking the epidemic situation keeps abreast of the times. During the last SARS outbreak, Prof WONG Tze-wai, a scholar on community hygiene from the University of Hong Kong, gave us a lot of advice. I hope that we can draw on

collective wisdom this time and immediately update the epidemic situation tracking system.

As far as preventive supplies are concerned, as many Honourable colleagues have just said, it is hoped that the Government would ensure an adequate supply so that the retailers cannot engage in hoarding and speculation. Nonetheless, even though there is a sufficient supply, the socially disadvantaged groups may not be able to afford or may not know that they need to buy these supplies because there are many hidden elderly and ethnic minorities living alone in Hong Kong, and they do not know what is happening outside at all. Therefore, with respect to outreaching services, I would like the Secretary to remind the officers of the Social Welfare Department to distribute to the hidden elderly through outreaching services necessary medial supplies for self-protection. Furthermore, essential information about protecting themselves should be translated into various ethnic minority languages. It is because germs will not bother about the languages spoken by a person; the person will become a carrier once germs have entered his body. If he does not know how to protect himself or how serious the epidemic situation is, the whole community will ultimately be victimized. Thus, we are not only discussing the interests of the ethnic minorities but also the public health benefits.

Also, medicines for epidemic prevention. We have frequently asked how much Tamiflu stock we have or how much has already expired. Yet, we actually know very clearly that, during the SARS outbreak before, many medical personnel had taken Chinese medicines before going to hospitals to work. Dr KO Wing-man, the former Chief Executive of the Hospital Authority (HA), is also a Chinese medicine practitioner, and he knows how to prescribe medicines for his own consumption. I am not sure if that was the reason why his resistance to germs was particularly strong, and he had very luckily not been infected with SARS despite repeated trips to hospitals. The medical personnel knew that very well. On this basis, I hope that the knowledge about taking Chinese medicines is not only acknowledged among medical personnel. I also hope that the accountability officials in charge of health care and hygiene services who are mainly western medicine practitioners would tell people frankly the effectiveness of Chinese medicines so that the people can understand which medicines can strengthen their resistance easily.

Regarding the administration of the HA, there has been an increase in the number of isolation wards within the six years since 2003, and it must be

acknowledged that improvements have been made. However, I am not sure if the problem of provincialism has already been solved. During the SARS outbreak, the Princess Margaret Hospital was a hive of activity but the ad hoc Investigation Committee had not strongly condemned the then Hospital Chief Executive, Dr Lily CHIU, because she had the heart of a doctor. Other hospitals (including the Queen Mary Hospital that the Secretary worked in at the time) refused to accept certain patients but Dr Lily CHIU, the Hospital Chief Executive, readily accepted them. She said that, as a doctor, she could not refuse to accept patients. For this reason, the workload so caused exceeded the hospital's capacity, and the general wards and intensive care units were a hive of activity. After reading the documents about the period, we know that, other clusters were requested at a meeting of the HA to transfer medical personnel to the Princess Margaret Hospital. But, nobody was transferred one month after the meeting. When doctors from the Caritas Medical Centre were seconded there, she exercised her influence and transferred nurses from the Caritas Medical Centre. I hope that the problem of provincialism will not emerge again today, in particular, the Secretary belonged to the Hong Kong East Cluster at that time but he could look after his own interests only. We hope that the HA today would indicate very clearly to the chief executives of various Clusters that orders cannot be disobeyed and they can no longer look after their own interests only.

Another point is about ward management. This morning, we heard a listener complain that dozens of worn and dirty patients' clothing were piling up in the corridors of certain wards in some hospitals. Perhaps it has been a long time since the last epidemic, and we have become less vigilant. With the pandemic alert at such a high level, I hope that drills would be conducted in the HA hospitals. This point has also been made in various investigation reports after the SARS incident, that is, an emergency drill mechanism should be established. Once the pandemic alert reaches a certain level, the hospitals should conduct a drill, similar to a fire drill. I hope this could be done as quickly as possible.

Concerning manpower, many temporary posts were created because the time was right after the financial turmoil. As we luckily had these temporary posts, many people could work as cleaners in different housing estates and hospitals. However, these people did not have any labour protection, and they could be dismissed with only one month's notice. Back then, some workers of outsourced services were infected with SARS but the Government had not given

them adequate protection, and they even had to pay for consultations at public hospitals. The Government was totally reluctant to pay for or exempt their medical expenses. Today, if the situation is still not improved, and if the doctors, nurses or cleaners providing medical services are not promptly told that the Government will give them free medical services if they are infected, I believe that we cannot blame anybody if some of them run away.

About isolation, the former Director of Health had the right to activate the isolation mechanism but she had delayed doing so for so long, which was utterly unreasonable. I trust that a lesson has been learned today. At the time, many people noticed that the HA asked those who had confined themselves at home to seek follow-up consultation. On one hand, it was specified that they should confine themselves at home for 10 days; on the other hand, they were told to take public transport when they sought follow-up consultations. Hence, they had not completely confined themselves at home, and they travelled around. In addition, if they were isolated, some people should provide them with support and daily necessities; yet, nobody had done so. As a result, they were forced to go out to buy food and they could not help it if their neighbours met them. Hence, the suggestion just made by an Honourable Member is really good, and the Home Affairs Department definitely needs to consider the matter with different owners' corporations and management companies. When some people in a housing estate or building need to undergo isolation, all the residents should help one another and buy daily necessities for these residents so as to achieve the effects of isolation. In doing so, they will not only help other people but also themselves. How can the building attendants from the management companies and the neighbours in the buildings protect themselves while helping the others? This really relies on the expeditious provision of outreaching services by the Department of Health and the HA. They should organize talks to tell the management companies how the residents can protect one another and themselves.

Regarding individual responsibilities, all of us must wear masks. President, I have been coughing for a few weeks, and I also wear a mask when I am coughing seriously but I am 90% recovered now. Wearing masks made the others feel at ease, and I also consider it as a sign of courtesy; it shows that we care for the others. It is also helpful to us. We have weaker resistance when we contracted diseases, and there are naturally greater chances for us to be infected by germs. For this reason, I hope that Members would spread the

message. About individual responsibilities, we should pay attention to personal hygiene and wear masks when we are infected with diseases; this shows our dignity and respect for the others.

President, during the spread of a plague, the good and evil in human nature really become even more prominent. Of course, we hope that there will not be a plague outbreak because all of us do not want to take such a test again. Yet, in the event of an outbreak, we also hope that the Government would learn a lesson from the previous incident and take speedy actions. This Council will give support and co-ordinate government efforts as far as possible, and the public should help one another. I hope that the community would be united as one this year just as what we did in 2003, so that we could tide over the epidemic and economic and political disputes safe and sound.

Thank you, President.

PROF PATRICK LAU (in Cantonese): President, I would like to thank Mr CHAN for raising this major issue that Hong Kong is confronting now, and the Secretary for sharing with us that the Hong Kong Government is making preparations in various areas, as well as Members for telling us the experience they got from the SARS incident, which would help us tackle the issue and get well prepared. I am going to make a more important point, that is, Hong Kong is not yet under the menace of confirmed swine flu cases, and we know that various problems will soon emerge. I still recall that when SARS first emerged, I was still working in the Central Policy Unit and I sent an email to LAU Siu-kai and the Chief Executive. I told the Chief Executive, Mr TUNG, that — I was not a medical personnel and I only knew what could be done from an architectural point of view — isolation wards ought to be established. But, it was found that many hospitals in Hong Kong did not have isolation wards at the time. Since we had not yet found out how SARS was spread, we were very worried about air-borne transmission. It was lucky that SARS was not transmitted through air; otherwise, I believe all of us in Hong Kong would have been dead.

President, Honourable colleagues have talked about preparatory efforts as though the epidemic has already emerged. However, the most important task at the moment is to stop the entry of the source to Hong Kong. I think more should be done in this connection. A lot of Members have expressed their views a

while ago; Ms Cyd HO's suggestion is pretty good, that is, we should step up border control. I understand that different countries have already introduced different measures but I think that we should also do some analysis on this. Mexico has already announced the closure of all food establishments and people are not allowed to gather in public places. This is a very important measure which also serves as a proof of the argument that the source of the virus is Mexico. Every country has said that the virus originates from Mexico, for example, the Korean patient infected with the virus has visited Mexico, and the American patient infected with the virus has also visited Mexico; Canada has also cancelled all flights between Canada and Mexico. This proves that the Mexican carriers have created a very serious problem. We are not pinpointing Mexico; Hong Kong is a free city but we must solve the problem of virus source.

The Secretary has just pointed out that passengers are commonly asked to fill out some slips to provide some information such as the places they have visited. I think that this method is not environmentally friendly and I do not know how the authorities concerned are going to handle these slips. Probably, when a problem emerges, the authorities concerned would locate the source on the basis of the information on these slips. Should we be more proactive and decisive — just as what Ms Cyd HO has just said — and require isolation by law? Taking Taiwan as an example; all entrants from Mexico must only enter Taiwan after going through quarantine procedures. I trust that it would be more difficult for Hong Kong to do the same. Nevertheless, should we do so to passengers from Mexico who have taken connecting flights? We would then be able to prevent the entry of the virus source to Hong Kong. I hope Honourable colleagues would analyse how that could be done on this basis.

I wonder if the President still remembers where the source of SARS was. Looking back, we would remember that a professor from the Guangdong Province who was a carrier arrived in Hong Kong and checked into a hotel. All those living on the same floor were infected but only one person was the source. At that time, we had no idea about how the virus was spread. Architects like me initially thought that there was air-borne transmission through the air-conditioning systems; we later found that the patients were infected with the virus even after touching the lift buttons. In my opinion, should we consider at this stage if more efforts should be made to isolate the source? We have made a lot of preparations as if the epidemic is rushing into Hong Kong. Is this that so important? Or, should we concentrate our attention on making reference to the measures currently adopted by other countries so as to block the entry of the

source to Hong Kong? I think this could reduce the chance of the epidemic from coming into Hong Kong as far as possible.

President, I wish that the Secretary would consider more carefully how the source could be isolated. Certainly, I understand that it is not easy at all. Yet, should we take tougher measures to safeguard Hong Kong people's health? After our discussions this time, I hope the Secretary would give us a reply in a more decisive manner.

Thank you, President.

DR LEUNG KA-LAU (in Cantonese): President, I felt a bit cold and had a temperature and sore throat last night; so, I am wearing a mask today. The Honourable colleague who used to sit next to me may have already got wind of that; therefore, he is not present at the moment lest I should squirt something onto him. So I can now take off my mask and make my remarks.

The spread of the North American flu to Hong Kong evokes my memories of what happened in 2003. I believe the situation today will be much better than that a few years ago. What is the most important difference? In 2003, there was an outbreak at the Prince of Wales Hospital on 12 March but the Government was reluctant to admit that there was a community outbreak, as a result of which the control of the epidemic was delayed by almost two weeks. Since these diseases and infectious diseases multiply geometrically in the course of transmission, a delay of two weeks makes a drastic difference. Today, the Government has taken better measures and has been prepared before the arrival of influenza. Actually, if the Government can do so and knows that it has to do so, half the battle is already won.

When the epidemic first emerged years ago, I criticized a lot about the Government because it was reluctant to accept that it was a serious disease, that hospitals should be closed and suitable immigration control carried out. However, I shut up when the Government admitted that the problem had emerged for I knew that the battle would be won. So, the attitude of the Government is what counts most.

I would also like to give the Secretary some advice. A battle involves many people, many departments, and many the Hospital Authority (HA) has tens of thousand staff members, and it cannot be commanded by one person only.

The management very often does not know what is happening at the front line. That was why I suggested at the time that the trade unions should be allowed to assist the management in monitoring if the various front-line measures were suitable, so that direct exchanges can be engaged. The front-line staff members are the ones who fight the battle. When any measure is considered inappropriate, it can be instantly improved if there is a direct channel for communication with the management or the highest level in the government structure. So, when certain problems or irregularities emerge, they will not become hot topics of discussion in phone-in programmes or the media. Hence, I trust that this is a very important channel.

About the virus, information shows that the death rate in Mexico is quite high, from 6% to 10%. Nevertheless, the current information shows that after the virus has left Mexico, no mortality is recorded for unknown reasons, that is, zero death is recorded. I am not sure how the virus behaves and I hope that this is just because Mexico has lower medical standards and a somewhat unsatisfactory notification mechanism. As the cases have not been confirmed as North American flu cases through gene tests, many patients in Mexico may not have been treated at the hospitals, thus, the denominator may not be very accurate. For this reason, when the disease has left Mexico, it seems to be not that serious.

Though there is quite strong evidence to prove that human-to-human transmission of the virus can occur, is the death rate of those infected with the disease really so high? Not necessarily; but we should play safe. Even if the disease is not so serious, we should take this opportunity to conduct a drill, hoping that we would be able to tackle it when it emerges as a serious disease in the future, or when this disease turns out to be as serious as that in Mexico.

Hence, what should we do? After checking some information, I express sympathy for the Secretary because it is really hard to make policy decisions. For example, in respect of immigration control and monitoring, so long as there is a carrier, the virus can apparently spread to other places, that is, a patient can already spread the disease before he has a fever. If we only rely on fever monitoring for immigration control, we will not have 100% protection and we cannot completely control the entry of carriers to Hong Kong.

Travel advisory notes should actually be considered. Two days ago, some reporters asked me, "Why is a travel advisory note not issued?" I was thinking,

"Are there any political considerations involved, for example, giving face to someone?" I just heard that our Motherland has issued a travel advisory note against Mexico; in that case, I do not think political considerations are necessary and we can also issue a travel advisory note against Mexico to make the public a bit more vigilant.

Should a travel advisory note be issued against the United States? This is going to be an interesting decision to make. Based upon my professional knowledge, I think there has already been a swine flu outbreak in the United States because there are apparently cases of human-to-human transmission in the United States and there are quite a number of such cases. However, as regards issuing a travel advisory note against the United States, some may think that this is not a good idea as there are frequent economic exchanges between the United States and Hong Kong. In fact, a travel advisory note is just an advice; with or without a travel advisory note, I hope that all Hong Kong people would listen to the Government's advice and avoid all non-essential travel to places like Mexico and the United States. As for other European countries, we should weigh the importance of making such a trip.

A friend of mine has made a suggestion. He points out that there is no direct flight from Mexico to Hong Kong, and all those passengers have come to Hong Kong via some places in the United States. Are there any ways to monitor these passengers from Mexico? Is relying solely on the passengers' declarations reliable? It is not 100% reliable. Can the Government consider having discussions with the airlines? If the passengers come from Mexico, for example, they are passengers who have taken connecting flights from the United States or Japan, can the Government be notified as well? I am not saying that we should not allow the entry of these passengers; but if the passengers come from Mexico, can the Government care more for them and call them a day or two after their arrival to see whether they are feeling unwell, so as to facilitate more effective contact tracing by the Government?

Some policies are sometimes not determined by scientific evidence but political decisions. For instance, whether pig imports should be permitted, whether restrictions should be imposed on pork or whether schools should be closed. All these decisions should be made by the Secretary.

Next, I am going to talk about the HA's manpower arrangement. Some staff members have told me that when there is an influenza outbreak, many staff

members are not sure about their duties. Those working in the surgical and ophthalmic wards do not know when they will be transferred to the internal medicine wards to assist staff members in taking care of influenza patients. I believe that arrangements should be made in advance. Regarding the distribution of equipment, I know that the HA has old equipment and I have also seen the old equipment in the wards. Yet, I wonder why the front-line staff members are not allocated the relevant equipment when there is an influenza outbreak at the front line. In the past, for unknown reasons, some middle managers would prudently reserve these equipment as stand-by equipment. In other words, not all equipment might be available to front-line staff members for immediate use. This matter should be handled carefully because we are not talking about inadequate quantities but distribution problems. The distribution of medicine is equally important.

Furthermore, there was a painful experience in the past about the arrangements made in respect of equipment. In 2003, the condition of a SARS patient in Tuen Mun Hospital had worsened, and he needed a bed in the Intensive Care Unit. However, the management of the Tuen Mun Hospital had not prepared a vacant bed for the patient in the Intensive Care Unit. So, it took around 45 minutes to set up the bed. How was the patient handled during the 45-minute period? Since there was no bed for him in the Intensive Care Unit, two staff members had to manually pump up his bed. In the end, these two staff members were unluckily infected with the SARS virus and unfortunately they passed away later on. Thus, that was a very unsatisfactory arrangement. Also, the Tai Po Hospital should not have received SARS patients but I did not know why some patients who had close contacts with SARS patients had been sent to the Tai Po Hospital. A patient was unfortunately confirmed as being infected with SARS later; and a staff member who took care of him was also infected with SARS and unluckily passed away afterwards.

During a major epidemic outbreak, the details of these front-line arrangements should be taken into consideration. The incident happened years ago and many new staff members have joined the HA during these six years since. As they had not taken part in the battle against SARS in 2003 and lacked the experience, they were unskilled in many areas. In my view, this opportunity should be grasped and the HA should start conducting drills at various levels, as though there is really an epidemic outbreak. The existing systems should be tested to find out if they are working well. For example, we should know the

storage places and distribution arrangements of the relevant supplies. When there are a large number of patients, the staff members from other departments should take care of the patients in the internal medicine wards and they should be aware of the arrangements that should be made. That is why a large-scale drill should be conducted for them to get some practice.

Notwithstanding the fact that everybody and the Government would make the best efforts, I can tell Honourable colleagues and the public that it is most important to rely on ourselves. How should we protect ourselves? According to the information I have obtained, the mode of transmission is aerosol, that is, by droplet spread. These droplets may travel up to a distance of about 3 ft. Based on the explanations given by experts, the virus sometimes has a transmission distance of up to 10 ft. When you have fallen ill, you should be considerate and wear a mask so that droplets will not travel such a long distance. The virus can also survive for around two hours on objects. People may become infected by touching objects and then touching their eyes and noses, and so on. Hence, during an epidemic outbreak, we should frequently wash our hands with soap or alcohol disinfectant. Avoid touching objects around us and avoid frequently rubbing our eyes and noses. I believe this would significantly reduce the chances of transmission.

I also have a bit of experience in this connection. During the SARS outbreak, after rounds of health education, there were substantially fewer influenza patients who consulted private doctors. The business of private doctors had declined. But there were only fewer cases of influenza but not SARS, which indicated that the measures taken at the time could substantially reduce influenza transmission. I hope that the North American flu this time is only a drill and the situation will not become as serious as that in Mexico. I also hope that Hong Kong can tide over the difficulty safely.

MR ALBERT CHAN (in Cantonese): President, the swine flu or North American flu outbreak this time has evoked painful memories in us as many family tragedies took place in Hong Kong during the SARS outbreak.

The Secretary has just left the Chamber but actually I want to express my sympathy for him. Since he has assumed office, I am not sure if it is a curse or what, a series of problems have continuously emerged in his portfolio. However, the Constitutional and Mainland Affairs Bureau under the charge of the

"eunuch" Stephen LAM has been working in a leisurely manner, and even the only issue of a constitutional reform to be addressed has been put off. Though some bureaux are just hanging around and doing nothing, the officials get their remunerations as usual. However, the Policy Bureau under the charge of Secretary Dr York CHOW has been working non-stop and there have been waves after waves and crises after crises. Nevertheless, as we have seen, he has been very placid and he has stayed calm during crises. We can either say he is placid or apathetic, I am really not sure. I remember that I discussed certain issues with him when he first took office, and he responded and replied very quickly. Nevertheless, firstly, he has stopped having discussions with us this year and he seldom meets or communicates with us. Secondly, when we discuss with him about pig farmers or chicken farmers, he seemed apathetic and gave little response. No matter what issues we raised, he seemed to know and understand everything, and he seemed to be swelling with pride. He has not particularly addressed the issues or given any response. His attitude and the way he works send out a message of warning.

As we have noticed, there were many problems in the past including the mishandling of the SARS outbreak by the Government. I remember very vividly that I conveyed to the then Director of Health at a Committee meeting — there had not yet been a SARS outbreak and the epidemic had just emerged — that there were many mainland reports about using vinegar for disinfection, and so on. However, the government officials at the time were proud of themselves and they despised the mainland medical system; they said that "Hong Kong is different from the Mainland and we had advanced medical services, mechanisms and our officials are trained". Nonetheless, we find from the review report after the incident that the Government has an inadequate sense of crisis and insufficient grasp of the matter. We can hardly blame him for that because that was a new virus and owing to this lack of knowledge of the virus, traditional wisdom and modes basically failed to help solve the problem. Nonetheless, one of the reasons was that the then government officials were over-confident and they looked down upon other places. As Dr LEUNG Ka-lau has just said, the high death toll in Mexico has probably arisen from the deficiencies in the Mexican medical system while there are no fatal cases in the United States.

We are now fighting against a phantom, but we still do not know how real that phantom is. We are fighting the battle with a lot of information being unknown, and we have not even got a grasp of how our enemies are. We are now taking precautions based on a lot of guesses and estimations, thus, there are

always something that is inaccurate or wrong. So, equipping ourselves and paying attention to the psychological qualities of individuals are very important.

The Secretary has said at the very beginning of his speech and some officials have said at a press conference that, Hong Kong is well prepared and some mechanisms have been activated; they have also touched upon how the situation may develop. The response we get is very similar to the one we got during the SARS outbreak a few years ago, and the official remarks are largely similar. I wonder if these similarities mean that they have the same psychological qualities. I hope that the bitter lesson of the SARS incident would change the sense of crisis of the officials and professionals, as changing their sense of crisis would change their attitudes towards crisis handling. If the government officials in Hong Kong still have the same mindset as when they handled the SARS incident in addressing the problem, the well-being of the Hong Kong people would not be safeguarded at all.

Therefore, I really hope that under the leadership of Secretary Dr York CHOW, and given the fact that so many crises have been handled and problems have repeatedly emerged, his attitude towards handling the problems would not be apathetic, and he would not think that the Government has already been sufficiently prepared for facing up to this crisis. As we do not know how serious or how bad the problem before us is, we must brace ourselves up for taking up the challenge.

President, to tackle the problem, a number of Members have said that the source is highly important. I am not an expert but handling the source involves a lot of matters including the diplomatic problems that Honourable colleagues have referred to. The diplomatic matters of Hong Kong do not belong to the Hong Kong Government because diplomatic relations and national defence are the responsibilities of the Central Government. Thus, carrying out negotiations is not a task for Hong Kong. Yet, when it involves certain decisions to be made, as some Honourable colleagues have said, some countries have already prohibited direct contacts with Mexican flights, that is, the contacts with the source have been cut off. The Food and Health Bureau is not the only bureau responsible for making the decision as security and other matters may be involved. How is the communication among different bureaux? In light of the rapidly changing international situation, how can the Hong Kong Government get a grasp of information in the quickest way and make decisions within the shortest time? Merely a flight or two may turn Hong Kong into an infected place. How will

the Government make judgments and decisions? Does the Government have the information, courage and system for making the relevant decisions within a short time or a very short time? Otherwise, instructions must be sought at every turn. As we have seen, there was a very ridiculous charter flight incident in Thailand last time because the Secretary was on leave. The Secretary is not on leave this time but the problem is not handled because the communication among officials has been cut off. The Chief Secretary for Administration continues to hang around and I am not sure what he is doing. This is a serious problem indeed.

In that case, the Chief Secretary for Administration should actually co-ordinate the holding of a meeting among Policy Bureaux as soon as possible for discussions on establishing a mechanism. The Secretary can tell us later whether the Chief Secretary for Administration has activated any inter-departmental mechanism and set up emergency teams for handling these problems and making certain decisions. Otherwise, it would only act when there is an epidemic outbreak just like what it did after the tree collapse incident. We have to wait until the Chief Executive orders the Chief Secretary for Administration to take action, and I do not know how many people will have died by that time. So, it is very important for mechanisms to be established among Policy Bureaux and departments.

The support services after the Government's handling of crises and special calamities involve human, material and financial resources. Have the Government estimated how many human, material and financial resources are needed in this connection? Does it have immediately available financial resources for carrying out certain tasks? To cite an example, the mask manufacturers had more orders than they could handle during the SARS outbreak because the epidemic had spread all over China. Should we seek help from Grandpa then? As I have said many times, I could not help crying when I watched on television that Grandpa sent support supplies to Hong Kong.

There are tens of millions of compatriots in China, and there are basically inadequate material resources on the Mainland when problems emerge, but the Central Authorities still sent some material resources to Hong Kong. Hong Kong is a flourishing and prosperous place but the Central Authorities have deprived our compatriots in the impoverished areas of the rights to the resources that should be allocated to them, and transported the material resources to Hong Kong first to look after the compatriots in Hong Kong. This certainly shows the benevolence of the Central Authorities but is also a humiliation for the Hong

Kong Government. In my opinion, it is an inhumane act and I am not sure how many mainland people would lose their lives because of this transfer of material resources, and how many more would die because of the shortage of protective gowns and masks in some regions. It is totally unacceptable for us to build our happiness on the suffering of the others.

How well prepared is the Hong Kong Government now? I hope that the Secretary would disclose some information to us later in respect of human and material resources, manpower training, and the transfer of material resources. Furthermore, has the mechanism already been activated — I surely do not want to deprive staff members of their rights — to ask all staff members to stop taking leave or prohibit them from taking leave to get ready for the upcoming problem? Otherwise, the Under Secretary may take leave at that time and the Political Assistant may have gone somewhere else, and even the senior officers of the Hospital Authority may go on vacation. As a result, problems may arise when we have to handle crises because of a manpower shortage.

President, most of my remarks are about crisis handling because we have seen throughout the years mishandling by too many government officials, especially senior officials, as far as mechanisms, attitudes or personnel matters are concerned. For more than 10 years in the past, these cases happened again and again without interruption, right? Taking the current financial tsunami as an example, the terrifying reply given by Joseph YAM at our meeting really made us scream in fear. He initially said that he had foresight but he later refused to admit that he had foresight. Thus, the financial tsunami is one example, the SARS incident is another, and the Thailand incident is yet another. Such problems keep emerging in every bureau, for example, fake vegetable certificates. Despite extensive press reports, the Government still seemed muddled, and it looked as if it had just awakened from a dream after an assistant had been asked by Mr Fred LI to disguise himself as a vegetable hawker and the press interviews were held. These problems show serious deficiencies in the government mechanisms, especially in connection with crisis handling.

Some friends have told me that the swine flu is 10 times more serious than SARS because it spreads even faster and more directly. If there is really an outbreak, the world economy will be affected and there will be extreme economic adversity for Hong Kong and the situation may be even worse and more extreme than that during the SARS outbreak. What will the Government do? Only Secretary Dr York CHOW is here to give a response today but this task should actually not be handled by his Bureau only. Hence, it is very important for the

Chief Secretary for Administration to play the role of a co-ordinator. If he does not activate any mechanism, the Chief Secretary for Administration should be the first official to take the blame and resign.

President, I also hope that my criticisms and worries are excessive. When SARS first emerged a few years ago, I had similarly conveyed my worries to officials. Members can check the records. I also conveyed my worries at that time but government officials turned a deaf ear to them. Finally, many people lost their lives and the Government looked as if it had just awakened from a dream.

I hope that we would not have to learn a similar lesson this time. Given the Government's efforts and the alerts, — let us not talk about foresight — I hope that we would build up a good system, ways to handle personnel matters and ensure resources are adequate, which would facilitate speedy handling of problems once they emerge lest Hong Kong people should suffer losses as a result of calamities, especially the loss of lives. Thank you, President.

MR FREDERICK FUNG (in Cantonese): President, I do not know much about swine influenza. I only learn from newspapers that the influenza has something to do with swine. The influenza usually passes from animals to animals. But now, it can be transmitted from humans to humans. I have the feeling that it is getting increasingly rampant. This is particularly so in Mexico, where the number of people infected was 1 300 according to news reports the day before yesterday but rose rapidly to 1 600 yesterday. However, from yet another angle — I have to declare that I am not a professional. Being an outsider, I will merely look at the matter from the angle of an ordinary citizen — the influenza is less serious than SARS as, except for Mexico where there were reports of fatalities, no fatal cases have been reported in other places and the vast majority of the infected can recover. Therefore, from the angle of human-to-human transmission, swine influenza is more serious than SARS; but the former is apparently less fatal than the latter. I do not mean to make any judgment to give Members the impression that the influenza is not serious and so there is no need to pay any attention to it. This is definitely not what I mean. It is only that swine influenza has yet been proved to be very serious. Anyhow, given its rapid speed of transmission and its capacity to turn from animal-to-animal transmission to human-to-human transmission, I think precautions must be taken in any case.

I am making this speech today regarding how swine influenza can be addressed, confronted and prevented from an angle of a person who has engaged in community work for nearly 20 or 30 years. I think it is most important to take precautions. What I mean is that it would be best if we could prevent swine influenza from appearing in Hong Kong. I think there are only several possible channels to prevent swine influenza from appearing in the territory: First of all, through what channels will swine influenza be transmitted to humans and then among humans? The answer is very simple. However, is it really as simple as what I imagine? Of course, swine influenza originates from swine. This is why all imported pigs must receive stringent examinations. I hope something like the toxic vegetable incident, particularly the very typical case raised by Fred LI, will not occur again. At present, both pork and live pigs are involved. Will pork be affected? If the answer is in the negative, I hope the Government can inform the people in unequivocal terms that pork will not be affected or there will be no problems after pork has been cooked thoroughly. But what about live pigs? Should the testing procedures be laid down even more stringently from now on? I request that stringent tests must be conducted.

The second possible channel is humans. Swine influenza might be transmitted among humans as a result of human contact. We see that there are only several possible channels through which human-to-human transmission is possible. They include Hong Kong people visiting other countries and returning to the territory after being infected as a result of contacting infected people as well as those infected people or carriers from other countries visiting Hong Kong. As a result, the territory must effectively perform its gate-keeping role so that all people coming in or going out of the territory — I wonder if the existing equipment for measuring body temperature is sophisticated enough to enable us to ask questions clearly when people having a fever are detected or request them to receive examinations. Is our equipment so advanced that swine influenza can be detected? If not, can it be replaced immediately? If it is not advanced enough, can it be improved or enhanced? In my opinion, precautions must be taken properly. This is my first point.

Secondly, after taking proper precautions, is there a need for the existing health care team to raise its alert given that we have no idea when swine influenza will hit the territory and what will happen by then. I think it is worthwhile to discuss this issue. Health care colleagues should at least make proper preparations for what they had experienced and confronted during SARS. In the event that swine influenza breaks out in the territory, every department should be

well prepared in coping with the outbreak. I think such fundamental efforts must be made properly.

I think it is now time for us to begin with what is basic and fundamental when everyone is nervous and frightened and allow the Secretary to lead and activate and Government's propaganda machinery to bring home to the public the importance of staying healthy. I still emphasize that in order to resist external enemies, be they viruses or germs, the best way is to keep ourselves healthy. If not, we would fall down with only one stroke, pass out with two strokes, and be rushed to accident and emergency departments with three strokes. However, if we are physically fit, it would be all right if we have three strokes. When it comes to the fourth stroke, there is simply no need to panic as the Government, Secretary or health care teams should have already taken precautions properly. This is why I consider it most important for general health and education work, such as that relating to exercise and culinary culture, to be undertaken properly. Can we take this opportunity to mobilize Hong Kong people in society and communities to have more physical training? I think this is an excellent opportunity. A similar point was actually raised during the SARS outbreak, only that everybody was in panic during the outbreak and there was no careful thinking. Given that swine influenza has yet to hit the territory, should Hong Kong people be reminded of that again?

The next point I wish to raise concerns the cleaning task in society as a whole. Actually, I quite miss the work done by the former Chief Secretary for Administration, that is, the incumbent Chief Executive, Mr TSANG, as the leader of a cleaning team. Basically, his duties include massive clean-up campaign of the entire territory, particularly sewers, back alleys and food premises which choose to have their dishes cleaned in back alleys. I wonder if there is a need to review such work with a lapse of five years. Of course, I have no idea if the Chief Secretary for Administration should take charge of such duties. But should the work and campaign in cleaning the entire city be reviewed again? Districts with tenement buildings, food premises and *dai pai dong* should be included. Obviously, the Food and Environmental Hygiene Department and the Housing Department should be responsible for promoting such work. Basically, when we have good health and a clean environment, we will naturally get stronger and Hong Kong will also become a fit and healthy city even if we encounter the avian flu, the swine flu or whatever. I think we should begin with the most fundamental approach. Of course, this is quite a community-based mentality. If the Secretary considers that in order to build a healthy city, a host

of things should be done in addition to the two things mentioned by me just now, he should bring them up for discussion and implementation. Furthermore, District Councils, non-governmental organizations and even teachers and schools should be mobilized to enable the entire city to take this opportunity to take a new look at our bodies, the environment, health care system, as well as ways to handle and cope with emergencies. I think we should begin from this angle.

There are also some minor issues which must be brought up for discussion. At around three or four o'clock yesterday, I was still making some publicity at the top of my voice with a loudspeaker that a seminar on swine influenza would be held at half past eight this evening and a professional would be invited to join in the discussion with us. After an hour or more, 100-odd people signed in last evening. I have also told the Secretary that I was told by some people that they did not manage to buy any masks and Tamiflu and that the price of Tamiflu had risen several times. Although these are just trivial matters, kaifongs are still very anxious. I think it is most important that we must not panic and must keep calm. What is more, there is no need to point the finger at anyone. Why should we point the finger at someone else and act in such a hostile manner right from the beginning? I think it is now time for us to act proactively to "turn crises into opportunities (機)" — I am not talking about "基"¹ as in "馮檢基" (Frederick FUNG), but "機" as in "機會" (opportunities). Are basic commodities, such as masks, sanitizers and the right detergents, most important to the people at the moment? Though I do not know if Tamiflu is essential, I think this is problematic. Do we need to use Tamiflu? Actually, I have advised kaifongs not to snap up Tamiflu so quickly, as the price of Tamiflu would only be pushed up even higher. Its price will naturally come down if people stop snapping up the medicine. People should not be misled into believing that these basic commodities have been sold out and there would be no more supplies, for this would only lead to soaring prices. The Government may even make it clear that even if the people do not have these commodities, there are still be supplies from the Hospital Authority or the Secretary, and they would be sold to the public at cost. Furthermore, the Government should stop certain people from creating a panicky or fearful atmosphere as if an epidemic will soon break out. This is definitely not what a city or government should promote or encourage.

The third area I would like to discuss is about education, publicity and the right to know. Just now, I have spoken at length because I want to let kaifongs

¹ In Cantonese, "基" and "機" are homophones.

know — After listening to the Secretary's speech, I found that he had clearly explained the nature of swine influenza. Just now, I also said that swine influenza, despite its ferocity, is less fatal than SARS. I wonder if people can thus see the nature of swine influenza — while we must continue to confront this problem with caution, there is no need for us to be frightened or to panic. At the same time, we should enable kaifongs to have the relevant education, publicity and right to know. Not only should they find out the situation in the affected zones or countries from news reports, the Secretary in Hong Kong should also inform them clearly of the situations. I think this is essential and vital. Most importantly, we should know the facts — I emphasize the facts — without anything added or missing so that the people can understand.

Lastly, President, I have always believed the experience we gained from SARS provides us with some very good reference. We should remember the experience gained and gone through during the SARS incident, even though the process of gaining and going through such experience was very painful. There were many touching stories when many people died during the outbreak. But we do not want to see a repeat of these touching stories. Neither do we want to experience such pains again. What is more, we do not want to see people live in panic. Nevertheless, we must learn from such experience and learn what we as government or medical teams have already grasped in the face of crisis — unless the modern medical technology can simply do nothing to help or rescue people. Otherwise, we will definitely do it if it is within our ability or knowledge to do so. Moreover, we must do better than we did during the SARS outbreak. As a resident with a good knowledge of the community, this is my expectation for the SAR Government and the Secretary. I hope the Secretary can do it. Thank you.

MR JEFFREY LAM (in Cantonese): President, we heard a couple of days ago that there were suspected swine influenza cases in South Korea and Thailand. Although the cases have not been confirmed, there are signs showing that swine influenza is closing in on Asia. In fact, there are already signs of swine influenza spreading in the United States, with the viruses emerging in a number of states from south to north and from east to west. The raising of the influenza pandemic level to level four by the World Health Organization also implies that there will probably be community outbreaks of swine influenza, or even risks of a major global outbreak. Of course, we do not want to see this happen. While Hong Kong has no suspected cases so far, I believe the Hong Kong Government

has made a lot of efforts and also stepped up its efforts everyday. After the lessons learned from the SARS outbreak a few years ago, we must not take the matter lightly because there are usually no signs of the spread of an epidemic, and it is impossible to guard against it. Therefore, we must take precautionary measures and fully prepare ourselves for any future outbreak.

President, in order to prevent the epidemic, the Government must take comprehensive preventive measures to fight against the epidemic. Furthermore, urban areas and all the people of Hong Kong must complement the Government's efforts. With respect to the Government, I see that Secretary Dr York CHOW is not alone in the fight, for he has fully co-operated and liaised with other Bureaux, especially the Security Bureau. I have noticed that the Government has raised the territory's alert level and activated all precautionary initiatives. The Hospital Authority has also stepped up its prevention and control efforts. At present, I believe it is most important for the Government to step up supervision, control and quarantine at all border control points as it would be very unfortunate should the viruses spread in the territory because of the entry into the territory of an infected patient. During the long Labour Day holiday, it is expected that the number of passenger trips made by travellers entering into Hong Kong via different countries and control points will exceed 4 million. It is very easy for the influenza viruses to spread among travellers at congested control points. This is why I consider monitoring at control points very important. In addition to filling in health declaration forms and taking body temperatures at random, will the Government consider taking one more step by modelling on Japan and Taiwan by deploying health care personnel or staff to board planes coming from infected areas to take body temperatures for the passengers? Of course, there are not many direct flights between Mexico and Hong Kong, but there are some indirect flights flying between the two places. This should be taken into consideration. The Government should better equip front-line health care personnel and enhance arrangements for manpower deployment. At the same time, it must ensure that there are adequate supplies and stock of medicine in society. We see that a large number of masks have been sold on the market over the past few days. Both drug stores and medical suppliers have also indicated that they will try their utmost in supplying masks. Neither have I seen the prices of masks being raised to an exceptionally high level. I believe they have a sense of social responsibility. I do not want to see anyone fish in troubled waters by raising the prices of masks and imposing a heavier burden on the public.

Furthermore, the Government should enhance the exchange of intelligence with the notification mechanisms of various countries and places, particularly Guangzhou, Macao, Taiwan and other neighbours. I hope the Government can enhance transparency in releasing information and step up precautionary measures in communities, particularly publicity on the influenza viruses and education, in an effort to raise the vigilance of the public because we have very often heard some non-experts making some scare-mongering comments. I think that the Government is duty-bound to sort out the information and issue accurate reports to the public every day. President, I hope the Government can take every precautionary measure because we cannot be too careful and we cannot afford to miss anything out. The Government must not give the viruses any chance to enter Hong Kong because it wants to avoid troubles.

At the community level, we must not only point our fingers here and there, saying what the Government has to do. Instead, we should properly perform our role as citizens. There should also be full co-operation between concerned parties, whether they are community groups, companies or individuals. Schools, families and enterprises must pay attention to personal and community hygiene. There must not be littering and hurling of bananas and such like acts. Shopping arcades and food premises must also step up cleanliness and sterilization. When people feel unwell, they must not take medicine indiscriminately. Instead, they must consult doctors promptly. In the event that suspicious symptoms appear, they must go to hospitals as soon as possible.

President, judging from the present circumstances, we need not panic too much. I believe we must have confidence in our health care services and import monitoring. So long as the Government and people perform their roles properly, even if an epidemic really breaks out in Hong Kong, we will still be able to bring the epidemic or viruses under control promptly. I hope every one of us can live and work healthily and our communities can stay healthy.

President, I so submit.

DR PRISCILLA LEUNG (in Cantonese): President, in order to guard against the possible invasion of swine influenza, our discussion today is focused on the Government's contingency measures.

I have discussed this issue with many of my friends. First of all, we seem to know not much about swine influenza. According to media reports and information made public, we know that there are no problems with the consumption of pork. Actually, it is not easy for the public to find out what the epidemic really is from its name. Some Honourable colleagues questioned if it is possible for the Government to change the name of the epidemic into something like Mexican influenza or HN whatever, the medical profession should have come up with a more accurate name to give the public a better idea of what type of diseases we are jointly combating at the moment. In this respect, perhaps only the Government is capable of obtaining more information and explaining to us through a wide range of channels. Some of my friends who are in the medical and chemical professions have raised a specific proposal like this: Can swine influenza be renamed as Mexican influenza as it was originated from Mexico?

Secondly, we only know that consuming pork is risk-free. Can the Government explain to us clearly whether chilled pork or fresh pork should be consumed? Will pork imported from different places pose different risks? Actually, with the availability of more information, the public will be in a better position to decide what they should do. This will actually reduce panic and enable us to lead our lives and operate as usual.

Thirdly, from the speeches delivered by some Honourable colleagues earlier, I found that some of them believed that we had overreacted, while some considered that we seemed to be not very much concerned. In my personal opinion, these are not desirable. Nor do I think that the Government has overreacted by activating the emergency mechanism now. In the light of worldwide reports, Hong Kong people generally prefer the Government to do more than less for peace of mind.

However, is there a gap between the Government's heightened sense of alert and the people's daily lives? I think there is such a gap. This is evident when you visit the communities. Although many people appear to be very nervous, as pointed out by Mr Frederick FUNG just now, quite a large number of people appear to be unconcerned, thinking that the current epidemic is not too serious and it is no different from common avian influenza or other epidemics. There is even a saying that the strength of the viruses would have diminished as they travel long distances before they finally reach Hong Kong. There are lots

of rumours like this one. It is most preferable for the Government to give us a broad guideline to warn us not to act indifferently and care about nothing.

When it comes to our health care system, although the Government has made a lot of blunders, particularly in handling SARS, I still believe that we should salute our professional teams. We have seen that the spirit of sacrifice of our professional teams is really much higher than those in Taiwan and our neighbours. Although what we are combating today is swine influenza, I still wish to pay my highest tribute to Dr TSE Yuen-man and others who have sacrificed their lives in combating SARS. Despite the saying "learning from experience", I really do not want to see any more unnecessary sacrifices. Should the Government indicate that more resources have to be used to minimize blunders, I believe the public and this Council will definitely render their full support.

So far, we have only heard that the alarm mechanism has been activated. Since the Government says that swine influenza is coming, every one will naturally think of the outbreak of SARS in 2003. It also reminds me that the most important channel of transmission at that time was the sewers and pipes in Amoy Gardens. In fact, many people and even owners' corporations (OCs) in many buildings have already forgotten about inspecting old buildings for, first, they might not have the required resources and, second, there is a lack of skill to re-examine whether their pipes are fully capable of counteracting the possible risk of virus infections at that time.

I am no expert in this field. Neither can I tell the difference between the mode of transmission of these viruses and those of SARS. The public will be able to adopt contingency measures more easily if the Government can explain more. For the time being, I think the Government should consider allocating special resources to these old buildings to combat the epidemic. In particular, for old buildings with particularly poor sanitary conditions, segregation is simply out of the question. Let me cite the example of cubicle apartments, which has been under discussion for a long time, as an example. Leaving aside the invasion of new viruses, on the day-to-day sanitary conditions of cubicle apartments, ventilation is simply terribly poor. People living in such poor living environment have all along been confronted with pests like rodents, mosquitoes, and so on. Given the poor resistance of the residents, they are simply prone to any kind of viruses, not to mention the fact that these viruses are extremely potent. Can the Government take this opportunity to introduce a systemic

change to provide these residents with some resources now rather than once every five years? Touch wood, I hope something like SARS will never happen again. In fact, things like these frequently happen. The Government had better make a systemic change to provide assistance to old buildings with sub-standard sanitary conditions to enable the resident or OCs to make better preparations.

Of course, I fully agree that publicity and education are essential. With reference to the experience drawn from SARS, there is a country with exceptionally low infection rates — Japan. I think it is worthwhile for us to learn from the country's sense of mutual care in the community and the Japanese people's attention to cleanliness. I had an experience of joining a group tour with some Japanese. During the trip, one of the tour members got off the coach and vomited onto the road. Later, all of his friends got off the coach and cleaned the road with clean water. They did it naturally because the road was a public place. As far as I remember, Japan was not hit by SARS at that time. The civic-mindedness of the Japanese people is evident in this kind of daily habits.

At a time when the territory will soon come under the attack of swine influenza, we should promote education and the civic-mindedness of the people systematically and have them raised substantially. I do not think it is proper to predict the possible mistakes made by the Government. We should not do this or put the Government and the public in confrontation. On the contrary, I very much agree that both parties should bear a major responsibility. In our surrounding environment, apart from paying attention to household hygiene, we should also provide a certain degree of assistance to what we see in all circumstances.

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

The points scored by the territory during the SARS outbreak were attributed to our professionalism and selfless sacrifices. I believe such spirit was demonstrated not only by the medical teams, but also by all Hong Kong people during the community-wide efforts in combating SARS. It was because the Government was not alone in combating the pandemic. Having said that, the Government was often found to be too passive. In this connection, I cannot help mention an instance that occurred last year. Last year, a rodent problem occurred in Mong Kok, and it was subsequently found that there were problems

with the pipes because rodents can enter food premises through those pipes. Eventually, the pest in Yau Tsim Mong became less severe probably because of the additional resources in the instant noodles. However, the pipe problems are undeniably linked with SARS.

In fact, should the Hong Kong Government be more far-sighted and consider how the so-called underground pipes of old buildings and food premises, or channels providing a chance for viral transmission, to be cleaned properly and thoroughly? How can channels of transmission be eliminated once and for all? In this regard, professional assistance must be sought. Is there any advanced technology or means available in this world that can resolve the problems caused by Hong Kong's dense population? When I travelled on the Mass Transit Railway (MTR) just now, I found that there were many passengers on the MTR even though it was only six o'clock in the afternoon. This was what hit me instantly: What should we do if the territory is hit by the epidemic under such circumstances? Should we follow the measures we took when the territory was hit by SARS: using masks, using 1:99 disinfectants, washing hands again, again and again?

In fact, I do not consider it necessary for promotion efforts to be renewed whenever the territory is hit by an epidemic. I hope we can develop a sense of vigilance from now on. Despite the efforts made in 2003, no one remembered and everything was put on hold. As a result, we have completely lost our sense of alertness. Should we really begin our promotion by educating society as a whole, from primary schools, secondary schools and to the general public? I remember the Clean Hong Kong Campaign met with great success in 1973, and the sense of cleanliness of Hong Kong people was greatly enhanced at that time. Is it possible for a similar campaign to be promoted now so that everyone in society can have it internalized? Apart from taking precautions, which is better than treatment, we should immediately activate the crisis mechanism for combating swine influenza, internalize all combating measures and publicize how the system functions to the Hong Kong people.

In their daily lives, Hong Kong people are often faced with intense pressure, inadequate rest and constant fatigue, and so they can easily come down with the epidemic. It is indeed imperative for the Government to implement measures to ease people's nerves as many people are now suffering from anxiety. In fact, the Government, the NGOs and educational and professional bodies

should jointly demonstrate the spirit of unity and work with the Government through various channels.

Although I hope the Government can take this opportunity to score more points, I do not want to see anyone get sacrificed as a result of the Government's failure in combating the epidemic because it is only concerned with scoring more points. Meanwhile, I believe it is most important to begin with politics and transparency because the notification mechanism this time around must be instant and timely. I believe members of the public are very reasonable. So long as the Government has exerted its utmost to do what it should do, we will not make unnecessary criticism even if the territory is really hit by the viruses. I believe we are facing a huge opportunity this time around. Promotional efforts must be made by the media, educational institutions, the Government and various trades and industries in society. We must begin with ourselves and think about what we can do. Apart from asking what the Government can do, we should make joint efforts in doing something and fighting swine influenza. Thank you, Deputy President.

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

MR CHAN KAM-LAM (in Cantonese): Deputy President, we have been able to see over these few days that there are signs of a global deterioration of swine influenza. At present, in addition to swine influenza outbreaks in Mexico, the United States and Canada, suspected and confirmed cases have also been reported in the Asia-Pacific Region and Europe. There were even reports of influenza scares in Shanxi Province on the Mainland. According to the available information, human swine influenza is a new type of influenza virus and is transmissible among humans at a speed even faster than that of avian influenza. Judging from the trend, there will soon be a raging outbreak of swine influenza. It is only a matter of time, as pointed out by the Secretary during the previous stage, for the virus to hit Hong Kong.

Now let us take a look at the outbreak of swine influenza and death cases in Mexico. The Mexican Government has been criticized by its nationals and overseas academics for its slow response, inadequate measures and intention to conceal the outbreak, and as a result, the outbreak has gone out of control. This easily evokes memories of the outbreak of SARS in Hong Kong in 2003. Back

then, the Government appointed 11 international medical experts to set up an SARS Expert Committee, spent \$3 million and four months conducting an enquiry, and published a 279-page report entitled "SARS in Hong Kong: from Experience to Action". In July 2004, the Legislative Council also published the "Report of the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority". The conclusions of the two reports do serve as an important and prominent guidance, example and reminder for the Government to take prompt actions to combat swine influenza today.

We can learn from these reports that: First, the Department of Health (DH) has not performed a proper role in taking part to decide on the major anti-virus measures taken at the Prince of Wales Hospital. There was inadequate co-ordination among the DH, the HA and the universities. Second, accountable officials should deal with the incidents with greater prudence. Third, the investigation work carried out by the DH should focus on the community rather than targeting individual cases. Fourth, the Princess Margaret Hospital was overloaded with patients admitted, and renewed deployments should be made in this regard. Fifth, the public and private medical systems could hardly co-ordinate with each other during the SARS outbreak. A partnership should be fostered between the public sector and private hospitals. Sixth, the transmission of confusing and misleading messages to the public gave the public an impression that the Government was attempting to play down the outbreak. I think it is worthwhile for us to make reference to these circumstances in dealing with the outbreak today.

We have kept repeating the conclusions of the reports published years ago in a relentless manner because we do not want to see Hong Kong repeat the mistakes again. Despite the community outbreak of swine influenza in Mexico, it is still too early to say if New York City will experience the same outbreak. However, the conclusions and recommendations of the two reports mentioned above serve a very important exemplary purpose and are useful for reference by the Government in implementing its decisions to take massive precautionary measures in communities. Today, we hope Dr Margaret CHAN, the former Director of Health, who had led two major battles against avian influenza and SARS in Hong Kong she has become the Director-General of the World Health Organization (WHO) today — given her personal experience, we believe this native of Hong Kong who is now the Director-General of the WHO will be capable of leading countries worldwide to combat the transmission of this

massive epidemic, the third one in this century. Meanwhile, the SAR Government also has the experience of combating the epidemic years ago. Today, it should be able to learn from the lesson, act with prudence and renew its effort in co-ordination and preparations, and it must not allow itself to miss anything again.

Deputy President, in the light of our past experience and the transmission of swine influenza, the DAB is of the opinion that the Government should bear in mind that it is difficult for Hong Kong, as an international city, to completely block suspected carriers from entering the territory. Therefore, it is imperative for more effective quarantine measures to be taken at control points in the territory to minimize the possibility of swine influenza transmitting into Hong Kong through control points. Of course, we are aware that the Government has announced that further action will be taken to implement the declaration system at control points by requiring people coming to Hong Kong by plane or ship to fill in health declaration forms to declare their health conditions and whether or not they have visited places confirmed to be infected with swine influenza over the past seven days. Then the Government will decide, depending on actual circumstances, whether or not the capacity of monitoring control points needs to be further enhanced. We fully support this. Of course, we also hope that the Government can issue travel warning for more countries when necessary and depending on how the situation develops.

On the other hand, according to the Hong Kong Government's contingency system against swine influenza, the Government's command structure and operational departments involve a number of government departments, including the Chief Executive's Office, the Food and Health Bureau, the DH, the Hospital Authority (HA), the Agriculture, Fisheries and Conservation Department, the Food and Environmental Hygiene Department, the Home Affairs Department and even the Centre for Health Protection. Close liaison is also maintained between the HA and medical schools of the universities. As the speed of an outbreak can be surprisingly fast, every action taken by the Government must race against the outbreak. It is therefore very important for a number of departments to be co-ordinated within a short period of time to facilitate prompt actions and communication.

The outbreak of swine influenza will definitely have a profound impact on society. Extensive publicity must be launched in our communities, especially

when swine influenza has not been fully understood by the public. We have, over the past few days, heard many people expressing their knowledge of swine influenza. We have also seen that many people do not have a good understanding of the symptoms of swine influenza or how the viruses are developed. This is why I think more publicity must be launched to enable the entire society Today, we should work more on the basic knowledge of swine influenza before its outbreak. On the other hand, more publicity should be launched to raise basic hygiene awareness among individuals.

Deputy President, the communities might be experiencing a shortage of anti-virus medicine, masks and other basic necessities. Over the recent couple of days, we have also seen shortages of masks or even soaring prices in some pharmacies and places where masks are supplied or sold. This illustrates that the awareness of precautions among the public is gradually rising. However, supplies shortages equally warrant our attention. For quite some time to come, there will growing demands for such things as bleach and other cleaning products. We hope preparations can be made by the Government in this regard. Although it is not our hope that these things will have to be used for quite some time in future, it is vital that precautionary measures should be taken.

It has also been commented recently that the economic conditions of the Mainland and Hong Kong have shown signs of a respite amid the financial tsunami. Unexpectedly, there is a worldwide spread of an epidemic again. It can be said that we are hit by crises one after another. A pandemic will directly affect our economic development. In Mexico, there is already a general worry among the people, and only a handful people can be found on the streets. The country has also shown signs of possible isolation from the outside world. With only a handful people entering the country, the daily economic loss incurred by Mexico has reached more than US\$60 million. The SAR Government must take the impact of swine influenza on Hong Kong economy into consideration in formulating a set of medical and economic strategies.

Even though Hong Kong is not the source of the swine influenza outbreak, the SAR Government and Hong Kong people have still been able to make early preparations and take early precautions. Because of all these, the SAR Government should all the more capable of making systematic preparations to demonstrate to the people its determination to guard against the epidemic.

Lastly, on behalf of the DAB, I must express our appreciation to the efforts made by the SAR Government and Secretary Dr York CHOW. We must not lose our guard and we must work together to take proper precautionary measures.

I so submit.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): As Members have already finished their speeches, I will now call upon the Secretary for Food and Health to speak.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, first of all, I would like to express my gratitude to Members for their thorough discussion and numerous views expressed on this issue as well as their support for our decisions and work. I will listen humbly to Members' views, closely monitor the development of the outbreak and make the following efforts.

First, I would like to respond to a few major issues, particularly those proposed by Members, which, I believe, warrant further elucidation. The first issue is our issuance of strong travel advice against travelling to the country of Mexico. As there was speculation on whether this was a political issue, I have to give some explanation on this. Two days ago, the World Health Organization (WHO) examined whether any travel restriction was necessary. In this connection, they have made it very clear that it is already impracticable to impose any travel restrictions as the outbreak has spread to different places. Rather, each place should review its own situation in order to contain the spread of the disease as much as possible. Therefore, on the one hand, we would give advice to the public, and on the other, we hope to prevent people infected with the virus in Mexico from visiting Hong Kong.

Should there be any direct flights from Hong Kong to Mexico, we would have controlled such flight routes without hesitation. However, as there is not any direct flight from Hong Kong to Mexico, we therefore expect that people arriving in Hong Kong from Mexico have probably travelled to other North

American cities such as the cities in the west coast of the United States. It is also possible that instead of getting a connection within the same day, they may have to wait in these cities for half a day or one to two days before transferring to their connecting flights. Airlines are unable to find out whether they started their journey in Mexico as airlines have no way to ask where they started their journey. Besides, instead of coming to Hong Kong via the United States or Canada, many passengers may have flown to New Zealand or Australia before transferring to Hong Kong, or some may have even come to Hong Kong via Europe. Therefore, we have to assume that all inbound passengers may pose a certain degree of threat. Thus, we have particularly required them to make a health declaration on the destinations they have visited for the past seven days to find out whether or not they have stayed in Mexico or other affected areas.

We have also given consideration to the second issue of how to identify the first patient in the earliest time possible, especially if we believe in the current scientific opinion, as I said just now, that the incubation period of this virus in human is, like other influenza viruses, normally two to four days. However, we have also seen cases in which the incubation period is seven days. That being the case, a person infected with this disease may have experienced the onset of the disease before coming to Hong Kong and he should have a record or medical record; or he may only experience the first sign and symptom when he is on board the plane and is thus presented with fever or other symptoms upon arriving in Hong Kong. However, people who only develop the first sign and symptom after arriving in Hong Kong will not be aware that they are infected with the virus at the time of their arrival in Hong Kong. Therefore, our current practice, be it health declaration or temperature screening, can identify the first and second categories of people. However, for the third category of patients, as they will have to seek medical attention from us at the onset of the disease after arriving in Hong Kong, we will give them health advice so that they, be they Hong Kong people returning from other places or travellers visiting Hong Kong and living in hotels, should know how to deal with the relevant situation. We will also inform travel agents or hotels of how they should advise their customers about means to notify our health authorities, hospitals or clinics in case they have these symptoms. This explains why such practice is adopted.

As for the additional measures adopted by other countries, although consideration has been given to whether or not doctors should be deployed to go on board the planes to conduct tests on passengers, I have no idea what tests the doctors would conduct or what questions they would ask when they are faced

with 300 passengers on board a Boeing 747 passenger airplane. It is very doubtful whether this practice will enable us to know very quickly and accurately which person has carried the virus to Hong Kong. On the contrary, if everyone is obliged to make declaration, we will clearly know what arrangements should be made. The main reason why some places have to deploy staff to go on board the planes to conduct temperature screening is that they are not equipped with infra-red thermo-imaging facilities. Therefore, Hong Kong has to adopt a practice which is familiar to and considered the most effective by all the people in Hong Kong.

Secondly, we consider it necessary to set up a hotline for people who only experience the onset of the disease after arriving in Hong Kong or who have concerns in this regard. The Department of Health (DH) will set up a 24-hour hotline tomorrow to give advice to people who have visited affected areas over the past seven days or have contact with people who have visited these areas, particularly those who are worried that they have contracted human swine influenza. If necessary, we will show them how to get to our medical institutions such as hospitals and clinics.

(THE PRESIDENT resumed the Chair)

At the same time, publicity messages will be broadcast at radio stations starting from this evening, and television announcements should be broadcast starting from Friday. We have already planned to take these actions, but as preparation takes time, and because we did not know the specific broadcast schedule until now, we would just like to inform Members about it here in passing.

The third issue involves the SARS experience mentioned by various Members, particularly matters relating to the staff, the management and the internal co-ordination of the Hospital Authority (HA) or its preventive facilities. We would like to let Members know that we have adequate supply, especially in drugs and preventive resources. The HA and the DH have a total stockpile of three months respectively, which is adequate for use for three months. Of course, I have advised them to start stockpiling more of such resources in a gradual manner. The Correctional Services Department, which is already

manufacturing surgical masks, can increase their production. Therefore, we also hope they can make more efforts in this respect. Regarding the Government's stockpile of surgical masks, apart from those of the two departments, there is also a stockpile of about 10 million or more. If necessary, we will deploy these resources to support areas in need.

As for colleagues from the HA, although I believe that, with the SARS experience, they are more well prepared, I also agree that we have to take care of the feelings and preparedness of front-line colleagues, and front-line leadership is very important. Regarding the SARS experience mentioned by Members, I also went through this experience back then. I remember a select committee was set up by this Council to examine the SARS experience, and I submitted a paper of considerable length — at least 200 to 300 pages — to this Council to provide details of my work at the HA. I also took the relevant oath in this Council, just that I was not summoned to give evidence. Members may refer to the relevant report if they wish to know more about the work I did during that time. In my experience, when faced with special crises like this, we have to choose sound front-line leadership which can take up the duty of gate-keeping and co-ordination in some important aspects instead of deploying inexperienced front-line doctors and nurses to the front. I think this is the most important guideline.

Secondly, we have to keep colleagues informed of the situation everyday because information is very important, and information is equally important for the public. For the staff, they are particularly worried as they have to face such risk every day. I also went through this experience. Just organizing briefings by medical directors and hospital administrators alone is not enough. Some experts have to be invited to provide such briefings. Back then, we also invited a doctor specializing in microbiology with considerable experience and credibility to write a daily journal to inform colleagues of the actual situation and at the same time advise them on how to protect themselves and co-operate with each other. Therefore, in this regard, I think the HA will learn from past experience and make better arrangement this time. However, as there are still many uncertainties regarding this virus so far, which I will talk about later, we should not take the situation lightly.

Besides, I also have to point out that when a city or a place is faced with a crisis like this, collaboration of the entire community is very important.

Therefore, besides the Government, I also hope to mobilize the strength of the 18 district councils — I will meet their chairmen tomorrow — residents and the Housing Department, so that residents of all districts will understand that every one of them can play a role in this task.

First, it is very important to maintain one's household hygiene, be vigilant about one's environmental hygiene and take care of one's health and the health of one's family members. Besides the television announcements and publicity messages I mentioned just now, a press conference is held at half past four o'clock every day. In addition, we will launch a website as soon as possible, hoping that besides the initiatives implemented by the Food and Environmental Hygiene Bureau, those implemented by the Government as a whole will also be uploaded onto this website to enable the public or the media to obtain accurate information and be informed of our current efforts.

As we all know, the Government is mobilizing its entire staff, including the Chief Executive, various secretaries of departments and directors of bureaux as well as various relevant departments, to deal with this crisis. We will not take the situation lightly, particularly when we are only at the initial stage, or it can be said that the real battle has yet to begin. Therefore, the development of this virus must be observed with great caution.

As some Members might not be present when I delivered my previous speech, they might have missed the characteristics of this virus I mentioned earlier. I would like to speak further on the difference between this virus and the SARS virus. The SARS virus is not so contagious because when a patient is infected with the virus, he will experience the first symptoms and then suffer from severe symptoms before a large amount of viruses will be transmitted to others. Therefore, the most contagious period is when the patient is admitted to hospital. That is why health care practitioners are faced with the highest risk and they will also become transmitting agents of the virus. Human swine influenza, however, is the same as common influenzas and can be spread in the community. I came to know during discussions with experts from the WHO that according to information obtained from Mexico, though being unofficial statistics, only nine people among the some 7 000 infected people were health care practitioners, which was a very small number, while there were a large number of cases of infection among members of the community, with fatal cases as well. According to the latest news report, it seems that there was also a fatal case in the United States. We have to find out about the cause of this fatal case

and the so-called epidemiology of the incidence before we can proceed with our follow-up actions. Therefore, we have to do everything we can and be better prepared.

As regards how we can predict the situation of Hong Kong, I have an idea. I think we have to pay special attention to the development in New York City because while Hong Kong may be quite different from other places, it is more akin to New York City, especially in terms of the flow of people, traffic or numerous operations of the city. Therefore, we also have to closely monitor the development of New York City in this respect in order to draw reference from it. We have also requested colleagues from the Hong Kong Economic and Trade Office in the United States to obtain information on various aspects for our reference.

Mr CHAN Kam-lam also mentioned just now that information sharing and research are most important when such outbreaks occur. Therefore, at our meeting with the expert committee of the DH yesterday, we required them to set up a research group. We will also allocate resources to the research group to conduct researches, in the hope that information available can be consolidated before the approach of the outbreak to enable more effective policy formulation.

Finally, regarding the question of the worst case scenario or the best case scenario of the present outbreak, as all of you may be aware, I am not an expert in this field, so I can only seek the opinions of others. According to some experts, the best case scenario is that it is just like a seasonal influenza, in which some people may be infected, and of course some may also have to be hospitalized, or some may even die, but the number of such cases should be small. However, other experts commented that if the situation is like that of the influenza pandemic in 1918, the outbreak may be very mild at the onset but will begin to deteriorate in the second half of the year. What is the reason for this? It is very hard to explain, especially when the virus itself is currently very "immature" and new variants may emerge, or new changes may occur as the virus may blend with other virus strains when it is exported to different places, which will make prediction very difficult. Therefore, it is of prime importance to make adequate preparations and prepare for the worst at any time. Of course we would pray for a good outcome, but most importantly, we must stay calm and rational. It is vitally important that we should disseminate all information available and communicate with the public. Hong Kong has always maintained a high level of transparency and openness of information, and has been disseminating

information available to the public in the earliest time possible. We will continue this practice and strive to make improvement. We hope Members can endeavour to pass information obtained to their friends and relatives or supporters to enable them to have a clear understanding of the situation and take better care of themselves.

Just now, some Members asked how we could take the best care of ourselves. In this connection, although I have talked about this plenty of times, I still hope to repeat myself here. I hope those people who have taken ill will refrain from going out to avoid transmitting the disease to others. If circumstances do not allow, one should wear a surgical mask like Dr LEUNG does before talking to people nearby. At the same time, if this happens to one's family member, one should exercise care as well. I know many parents may be concerned that if their children are absent from school for a few days because of illness, they may be unable to catch up with the school work. I hope they can understand that staying healthy is more important than studying, which can be made up for at any time. I hope everyone will understand this. We have also discussed arrangements for schools with the Education Bureau, and they will make a correct decision about it. Most importantly, everyone should take good care of their personal hygiene and wash their hands frequently, which is more important than wearing surgical masks. If you are unable to wash your hands frequently, you may buy a bottle of disinfectant liquid or hand sanitizer and use it frequently. If you are particularly active socially and always shake hands with many people, I think you should carry a bottle of hand sanitizer with you wherever you go. I always put a bottle of this in my car and I will use it once I get in the car. Therefore, I hope everyone can pay additional attention in this respect.

Finally, I would like to call on the entire community to join hands to combat this outbreak. The Government will do its utmost in this regard, and I will humbly listen to Members' views and keep up with the efforts in this regard. However, I hope Members will appreciate the efforts made by our front-line staff, particularly professionals, during this period of time. Whenever crises occur, it is always this group of heroes who resolve the threats faced by Hong Kong. I hope Members can try to appreciate their efforts and give them encouragement.

Thank you, President.

PRESIDENT (in Cantonese): Before I put the question on the motion for adjournment, I wish to remind Members that if the motion is passed, I shall adjourn the Council under Rule 16(3) of the Rules of Procedure. In such a case, 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 negatived.

Council will continue. However, as it is now 7.35 pm, we will not be able to finish the Agenda today before midnight. At about 10.00 pm, I will suspend the Council until 9.00 am tomorrow morning.

PRESIDENT (in Cantonese): 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: Developing new economic strategies to meet economic challenges.

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

I now call upon Mrs Regina IP to speak and move her motion.

DEVELOPING NEW ECONOMIC STRATEGIES TO MEET ECONOMIC CHALLENGES

MRS REGINA IP (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

President, I am glad to have the opportunity to propose this motion debate on developing new economic strategies to meet economic challenges. New economic strategies have indeed been a longstanding issue of concern to me. In fact, while I was still studying in university and before I returned to Hong Kong to establish a think tank, I already published articles on the Internet on the need for Hong Kong to develop new economic strategies. I take such a view because I have lived in the Silicon Valley in the United States for a period of time and have gained a deep appreciation of the fact that it is indeed necessary for an economy to rely on technology and creativity to create higher economic value. In the long term, this is the only strategy that can raise the income and living standard of the public and this kind of economic strategy is most lacking in Hong Kong.

How are the economic strategies I advocate like? I believe that after my explanation, Members and the public will all agree that they are not some very profound theories. In fact, the underlying economic theory is very simple. There are mainly three elements that drive economic development, namely, labour, capital and technical progress. In the 1950s, the 1987 Nobel laureate in economics, Prof Robert SOLOW of the Massachusetts Institute of Technology, published his research results, pointing out that according to the data on economic development of the United States in the past four decades, 80% of the economic growth in the United States was attributable not to labour or capital but to technical progress. The Nobel laureate in economics this year, Paul KRUGMAN, pointed out in 1994 that the economic miracles of many Asian countries, including China, in the 1970s and 1980s, were in fact only attributable to the massive amounts of capital and labour rather than technical progress.

Therefore, he considered such a mode of economic growth "impressive but not magical". In fact, our country also agrees very much with this. For this reason, if we look at the economic strategies of our country in recent years, we will find that it also thinks it should abandon its extensive development mode of the past and it hopes that through technological innovation, independence and autonomy, it can have its own intellectual properties, so that greater value can be added to its production and our country will not become an economy that just serves as a foreman to and producing low value-added products for other countries. As the Premier WEN Jiabao, said last week when touring Guangdong, "The present difficulties in economic development are an opportunity for high-end industries to move towards the world. No matter how keen the competition is, it poses no obstacle to innovative products. It is only through innovation that we can seize the opportunities and a share of the international market. The Chinese should be at the forefront of the world in innovation."

There is no doubt that both the short-term and long-term economic developments of Hong Kong are facing great challenges. Our traditional economic pillars, be it the finance, logistics, trading or tourism industries, are all confronted by a major crisis. I trust Members all know that our country has decided to turn Shanghai into an international financial centre by 2020. Premier WEN Jiabao, pointed out that although Hong Kong's role is irreplaceable, it must face up to external competition. He also reminded us that if we do not make any progress, we will fall behind others. I believe this remark of "if we do not make any progress, we will fall behind others" does not just refer to our financial industry but can also be interpreted as referring to Hong Kong's overall competitiveness. To take the logistics industry as an example, our container throughput has fallen to the third place in the world and Shenzhen is trailing closely behind us. It is believed that in the near future, it will overtake Hong Kong. Together with the continuous transformation and upgrading of the industries in the PRD Region and the northward movement of conventional low-value-added industries, our low-end logistics services are also beset by crises. The policy of "emptying the cage for new birds" adopted by Guangdong also promotes the transformation and upgrading of the manufacturing industry. Together with the steep fall in the exports of the manufacturing industry due to the financial tsunami, our offshore trade is also being seriously affected. On tourism, last year, of the approximately 30 million visitors to Hong Kong, at least half of them came from the Mainland. Undoubtedly, the policy of the Individual Travel Scheme has helped Hong Kong tremendously by providing job

opportunities to the low-skilled workers in the working population, but some members of the tourism industry have also pointed out that in the long run, it is not possible to maintain our strengths solely by relying on the purchase of cosmetics and brand-name fashion by mainland visitors in Hong Kong. With the increasingly frequent interaction between the Mainland and Taiwan and with Taiwan's folklore and way of life, its natural landscape and unique culture, as well as its intimate links with Zhejiang, Jiangsu and Fujian on the Mainland in terms of blood and culture, Taiwan will become our competitor in tourism. For this reason, Hong Kong should not be complacent, nor should it be conventional and conservative, merely engaging in empty talks, talking about "the centre of this", "the hub of that" and "the capital of such and such" all the time, thinking that by doing so, it can solve the problem of waning competitiveness. According to the 2009 Blue Book on Urban Competitiveness published by the Chinese Academy of Social Sciences last month, although Hong Kong still ranks first in terms of overall competitiveness in China thanks to its established strengths, it is already lagging behind Shanghai in such areas as science and technology, infrastructure, culture and corporate management.

In view of this, I believe that Hong Kong must formulate a set of new economic strategies expeditiously and its direction should be to encourage various trades and industries to boost economic growth in Hong Kong using science, technology and creativity to increase the added value of its services or products. Recently, I am very pleased to see the Chief Executive establish the Task Force on Economic Challenges and propose the development of the six major industries. Due to the time constraint, I do not intend to comment on the merits and demerits of these industries and whether it is suitable to develop them in Hong Kong. I can only say that I agree with the Chief Executive on identifying new economic opportunities. However, I am disappointed by the fact that the Chief Executive still adopts a sectoral approach and he only looks at individual industries rather than propose making good use of technology and creativity to increase the value created by the entire economy. So in the final analysis, he has not found the key to promote a high-value-added economy. Another point I find disappointing is that information technology was not mentioned among the six major industries proposed by the Chief Executive. Maybe he thinks that the general description of "innovation and technology" already includes information technology. In fact, the information technology industry, in particular, software design, network games, electronic animation comics and even software outsourcing and business process outsourcing and so

on, are all Hong Kong's strengths. We can see that in the past two decades, by virtue of its development in information technology, India has created over 1 million new jobs in New Delhi, Bangalore, Hyderabad, Chennai and Mumbai. It has become a centre of software outsourcing, business process outsourcing and software design, developing a new information industry corridor and offering many new career pathways for their university and sub-degree graduates. The characteristics shared by India and Hong Kong are a better English standard and excellent training in science and mathematics. I do not know why we have not tapped into these strengths.

Apart from promoting new industries, I think implementation is also very important. In view of the present organization of the Government, I think it will be difficult to promote new industries vigorously, particularly technology and the creative and cultural industries. This is because the department responsible for the promotion of technology and the creative and cultural industries — the Commerce and Economic Development Bureau — has too wide an ambit and it can be said to be overloaded. Here, I reiterate that I have no doubt about the ability of Secretary Rita LAU but the scope of duties of the department under her charge is really too broad. It covers the work of three former Policy Bureaux, including the Information Technology Bureau, the Trade and Industry Bureau and the Economic Services Bureau. At present, matters relating to agriculture, fishery and aviation have been transferred to other Policy Bureaux but new issues have also been put under the charge of the Commerce and Economic Development Bureau, including the development of the cruise industry, negotiations concerning the Disneyland, the retention or otherwise of the Radio Television Hong Kong, a fair competition law, and so on. All these issues are headaches that the Secretary has to face. If a new Policy Bureau responsible for co-ordinating matters relating to technology and the creative and cultural industries is not established, I cannot see how the SAR Government can promote these new industries properly. I understand that as a start, the Government has established the CreateHK headed by a D3 official. Of course, this is better than nothing but ultimately, this arrangement is not satisfactory because a D3 official cannot be considered high-ranking in the government structure. I believe that the origin of the brainwave of the Deputy Secretary for Commerce and Economic Development, Mr Alan SIU, who created this new unit, can be traced back to the InvestHK and that is why he called this new unit CreateHK. However, we must not forget that the head of InvestHK is a D6 official while that of the CreateHK is only a D3 official, so this is really not an official of a rank that is capable of

changing policies. As regards the promotion of the creative industry, it is indeed necessary to have an official with new thinking, stamina and willingness to carry out reform. It is said that — just now, Dr Joseph LEE also pointed out that "efficient tools are the prerequisite to the successful execution of a job", so a sound structure is definitely the prerequisite to success.

In addition, some members of the technology sector pointed out that in order to develop complementary facilities for technology and the creative industry, it is necessary to make policy changes, for example, to offer investment tax credit to technological researchers as well as giving tax concessions and devising a complementary immigration policy. All these cannot be taken forward by an official of D3 rank. I am also very concerned that if Secretary Rita LAU is so burdened with work that she becomes the bottleneck, this will not be favourable to the promotion of technological innovation and the creative industry either. Recently, I noticed that the view of our former Honourable colleague, Mr Bernard CHAN, is the same as mine in this regard. Recently, in a commentary on the six major industries proposed by the SAR Government, he said that our approach of implementation is far worse than those of our neighbouring countries. Mr Bernard CHAN said, "This is in contrast with places like Shanghai and Singapore. When officials in those places announce plans for such a project, they mean it. They set up high-profile departments with real power, they mount big publicity campaigns, they cut through bureaucracy, they revise regulations or legislation. They go all out to make it happen and they seem confident of success."

We should make reference to their stamina and determination in carrying out their tasks. What are the cultural and creativity industries? The SAR Government has not given us a proper explanation and some members of the industry told me that they had discussions with officials of the Commerce and Economic Development Bureau on this subject but it seemed they did not know that the creative industries involved technology and culture. Perhaps they think that the creative and cultural industries only involve design. I notice that recently, the Deputy Governor of the People's Bank of China, Mr MA De-lun, gave the creative and cultural industries an excellent definition. He said, "In the context of globalization, the cultural and creative industries refer to new cross-industry and cross-domain industries supported by high technology, using such new means of dissemination as networks as their media, fully integrating culture and the arts with the economy and technology. To vigorously develop

cultural creativity is the crux in nurturing new points of economic growth and creating greater internal demand." I hope officials of the Commerce and Economic Development Bureau can make reference to this insightful definition. In fact, some of the most successful enterprises of modern times, such as the Facebook or Google, are all successful examples of this kind of cross-sectoral and cross-industry enterprises integrating the humanities with technological industries. For example, the young man who founded the Facebook understands the need of human beings for social interaction, so he capitalized on the opportunity presented by the Internet and globalization to forge this platform on the Internet. As a result, he became a billionaire in as early as his twenties. We should really reflect on why Hong Kong people, with their good training in mathematics and their quick minds, are unable to establish such networks as the Alibaba.com or Baidu. In addition, we also have to make reference to overseas experience. For example, in the United Kingdom, there are the Department of Culture, Media and Sports dedicated to the promotion of culture, as well as the Department for Innovation, Universities and Skills. In Korea, there are the Ministry of Education, Science and Technology and Ministry of Culture, Sports and Tourism. In Australia, there is the Department of Innovation, Industry, Science and Research. In all these countries, there are ministerial officials in cabinets responsible for the promotion of technology and the cultural and creative industries.

As regards the land for development in the Lok Ma Chau Loop and in North East New Territories, they are also very precious to Hong Kong. Of course, we know that various universities are now gearing themselves up to get a share of the land to build campuses or hostels, so as to admit more students from outside Hong Kong. On Monday, the Central Policy Unit organized a discussion in this regard but as I pointed out in the meeting, in the future, no matter how the development will be like, the development of the tertiary institutions in the Lok Ma Chau Loop must be geared towards the greatest interest of Hong Kong and efforts must be made to improve the quality and quantity of tertiary education in Hong Kong instead of enabling individual education institutions to make greater financial gains. I strongly demand that the Government reserve land in the Lok Ma Chau Loop and in the North East New Territories for the development of technology and cultural and creative industries in the future. This is because apart from having more added value, these industries can also drive the development of other industries. In particular, the cultural and creative industries do not require a lot of people with high academic

qualifications. For example, if the local film industry is vibrant, it can provide job opportunities to people having no university qualifications but expertise in special effects, sound dubbing and editing.

The last point that I wish to raise is that apart from streamlining the government structure, the Government should also identify talents in the technological and cultural sectors thoroughly and extensively to serve as government consultants. To take the present Steering Committee on Innovation and Technology under the Government as an example, in fact, many of the sectoral members in it are the same old faces and the so-called technology talents in the Government also come from the conventional manufacturing industries. At present, the development of high technology is advancing in leaps and bounds and it is difficult to say that an industrialist involved in the manufacturing of batteries and motors can have a profound understanding of biological technology, environmental protection technology or information technology. For this reason, the Government has to make greater efforts in recruiting talents as consultants.

With these remarks, President, I move my motion.

Mrs Regina IP moved the following motion: (Translation)

"That, as Hong Kong's short-term and long-term economic development will face enormous challenges, with short-term challenges arising from the global financial tsunami and the economy entering recession; while in the long term, with the industries in the Pearl River Delta gradually transforming and upgrading, the enterprises in Hong Kong are facing big challenges and the risk of being hollowed out, coupled with the fact that the State Council has decided to develop Shanghai into an international financial centre, the competitive edge of Hong Kong's traditional economic pillars, including finance, trading and logistics, tourism as well as the related service sectors, etc, is on the wane, Hong Kong must therefore promote new economic strategies which can create higher economic value, and the Task Force on Economic Challenges headed by the Chief Executive also announced earlier its decision to develop industries including those based on innovation and technology as well as cultural and creative industries; in this connection, this Council urges the Government to adopt the following measures to develop these new industries:

- (a) formulating long-term and practicable development strategies for the new industries and implementing them in a down-to-earth manner to ensure that the new industries will not become 'empty talks';
- (b) drawing reference from the successful experience of countries such as the United Kingdom, Korea and Australia, etc, for example, setting up a policy bureau to promote innovation and technology as well as cultural and creative industries, fully co-ordinate work in these areas and restructure the organization of the various policy bureaux to achieve a more rational distribution of work among them;
- (c) making good use of the land available for development in the Lok Ma Chau Loop and the North East New Territories, putting emphasis on supporting the development of innovation and technology as well as cultural and creative industries, and utilizing the geographical advantage to complement the development of the Pearl River Delta so as to achieve synergy; and
- (d) recruiting talents from the private sector, making good use of society's resources and introducing new ideas to ensure that the new industries will not lose vitality due to the Government's bureaucratic way of doing things."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Regina IP be passed.

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

I will call upon Ms Audrey EU to speak first, to be followed by Mr LEE Wing-tat, Mr WONG Kwok-hing, Ms Miriam LAU and Ms Cyd HO; but no amendments are to be moved at this stage.

MS AUDREY EU (in Cantonese): President, the focus of Mrs Regina IP's original motion today is on new economic strategies. If we simply use a few words to describe these new economic strategies, I would say that they are the regional co-operation of new green politics and securing a footing on the global stage. However, before talking about the economy, I wish to point out that in fact, Hong Kong cannot look at the economy solely from an economic viewpoint. Among the strengths on which our success depends, our soft strengths are often neglected. By this I do not just mean our historical or geographical advantages but also the universal values we uphold, our system founded on the rule of law, free trade, the freedom of the press, a social norm of integrity, strict rules and norms, a vibrant market, professional services which meet international standards, and so on. We need all of them very much and very often, we also place great emphasis on them.

In addition, President, Members have been talking about the trend of globalization but it is also necessary for us to look at regional trade co-operation. In particular, this can be seen in my amendment. Next year, China and the Association of Southeast Asian Nations (ASEAN) will form a free trade area, that is, the China-ASEAN Free Trade Area (CAFTA), and with the step-by-step implementation of the related Investment Agreement, the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Cooperation and the General Agreement on Trade in Services, a huge market with a population of 1.9 billion will be created. It is estimated that the GDP in the area will pass the US\$4,000 billion mark next year and it will be transformed into the third largest free trade area in the world. The other Asian economies, such as Japan, Korea and India, are also seeking to boost their economic and trading ties. More trade barriers will be come down and this is set to have a direct impact on intermediary trade and the effect of the CEPA in Hong Kong.

At the same time, we can see that the flow capital will be free in Asia. In addition, the currency swap mechanism of the 10-nation ASEAN will be extended to three other countries, namely, China, Japan and Korea. Moreover, a "10+3" arrangement will be put in place and a "regional foreign exchange reserve pool" with a value of US\$120 billion will be established. The Renminbi will be further internationalized and Hong Kong will also face a very different business environment. For this reason, we must formulate a counter strategy at an early date or we will be marginalized. Will Hong Kong be able to seize this juncture to turn crisis into opportunity and become a centre for offshore Renminbi clearing

and financial products, as well as a place for the centralization and integration of services and resources in trade, commerce, financing, and so on, and play an important role in trade and finance in the region?

However, in the face of the changes in the economic situation in East Asia, it seems Hong Kong has not made a lot of or adequate preparations. Looking back at the past three years, in the papers submitted by the Government to the Legislative Council, such as those submitted to the Panel on Economic Development, the Panel on Financial Affairs or the Panel on Commerce and Industry, there was no discussion on regional co-operation or regional development in this area. On this issue, we hope that the Government will formulate coping strategies as soon as possible. This is also the reason for my proposing this amendment to Mrs Regina IP's original motion.

In addition, I also wish to stress that at present, everyone is following the herd by talking about new economic strategies or new economic engines. However, before we can truly develop new economic engines, we must first consolidate our original pillar industries. This will be the focus of the speech given by Mr Ronny TONG later. In addition, there is also another point that I have raised in my amendment, namely, the second point in my amendment, as Mrs Regina IP's original motion mentioned the establishment of a Policy Bureau to promote innovation and technology as well as the cultural and creative industries. I believe that these issues are always controversial in nature. Which area should be combined with which area to form a Policy Bureau? People may have different views on this. For this reason, I have proposed a slight amendment in this regard, hoping that there can be greater flexibility.

Furthermore, I also wish to say that when discussing new economic strategies, the focus is often on discussing how to develop new pillar industries or those hot new pillar industries such as information technology, the cultural and creative industries, educational services, health care services, testing, certification or some other areas proposed by the Task Force on Economic Challenges. When creating job opportunities in these areas, often, only people or young people with higher education qualifications are catered to. For this reason, my amendment proposes that special attention should be paid to non-skilled workers or middle-aged unemployed people. What sort of help do these new economic opportunities mean to them? If we look back at the 1990s, the development of

our information technology industry was very good but this could not help the grassroots improve their living. This is something that we should pay special attention to when discussing new economic strategies.

For this reason, President, I also wish to point out that Members should refer to the annual report released by the United Nations in October last year. The Gini Coefficient for Hong Kong was as high as 0.53 and has exceeded the alert level of 0.4. Hong Kong is also a place with the greatest wealth disparity in Asia and its situation is even worse than that of New Dehli in India or Ho Chi Minh City in Vietnam. The wealth in Hong Kong is concentrated in the hands of a small group of people. Not only has this given rise to a destabilizing factor in society, more importantly, many families have to live in the miserable world and abyss of great wealth disparity. Therefore, this is an unjust situation and something that we must care about and put a stop to.

When we develop new economic strategies, we must pay special attention to the living of low-income people. If with we look at the 1930s of the last century, in the face of the Great Depression, the American President ROOSEVELT did not just save the economy at that time; he also had to enhance protection for the livelihood of the working class. In view of this, the Civic Party proposes some green new deals and we wish to point out in particular that there are many so-called green collar jobs that are tailored not just for people with high pay, young people or people with high education qualifications. Rather, they are also designed to offer security to non-skilled, middle-aged or even older people. Apart from developing energy-saving industries and renewable industries, we also have to consider whether or not more jobs can be made available in tree care or the recovery and recycling industry, and whether or not more jobs suited to people of various strata can be created.

I also wish to point out that in Pope John Paul II's *Centesimus annus*, he said that in the struggle against an economic system, what is being proposed as an alternative is a society of free work, of enterprise and of participation. Such a society is not directed against the market, but demands that the market be appropriately controlled by the forces of society and by the State, so as to guarantee that the basic needs of the whole of society are satisfied. President, in order to meet this requirement, we must ensure that socially disadvantaged groups have the opportunities to improve their living and climb the social ladder. The new economic strategies must emphasize equal opportunities and promote social

mobility, paying particular attention to the children of socially disadvantaged groups.

In view of this, the next area that I wish to talk about is the education and training system which I propose in the amendment. If Hong Kong wants to develop information technology, biotechnology, green technology and the creative and cultural industries, as the Government proposes, a large pool of talents has to be fostered. For this reason, to take the creative and cultural industries as an example, education and training have produced quite a large number of highly-popular illustration products. The commercial artists or illustrators of such characters as Mc Mug and Mc Dull, Maggie and Siuyuenshan (Maggie's husband) in *My Stupid Wedding* as well as the *Wun Ying Collection* have all received training in the School of Design of The Hong Kong Polytechnic University. This reflects the fact that investments in education can turn into opportunities of wealth creation and they can also give rise to new economic products. The education and training of human resources is the fundamental element of the creative industry.

At the same time, social atmosphere is also very important. We have to see whether we can attract enough talents to devote themselves to a career in the creative industry. In this regard, I hope very much that our Government can show appropriate respect to our talents in design or technology. Often, we find that it is only after they have shot to fame in overseas countries that they receive attention in Hong Kong. In this regard, I hope the Government will pay particular attention to promoting an atmosphere of cultural freedom, so as to preserve the existing resources in Hong Kong as well as develop a new creative industry. Thank you, President.

MR LEE WING-TAT (in Cantonese): President, the crux of the motion moved by Mrs Regina IP today is the word "new". To implement new economic strategies require creative thinking, and creative thinking has to be nurtured through culture in society. It can therefore be seen that the culture of a place really has great bearing on the development of the creativity of a place.

Hong Kong has a unique colonial history and a culture resulting from the East meeting the West. All these are the capital in our development of a creative economy. However, promoting the development of culture and the arts in Hong Kong is by no means easy because artists are subjected to constraints of various degrees in terms of finance, operation and exhibition venues. Although the

Government commits about \$2.5 billion to culture and arts each year, after deductions of various kinds are made, only about \$400 million is spent on supporting medium or small art groups and budding artists, while most of the resources are used in administration or the funding of major art groups. This reflects the Government's lack of vision for nurturing budding artists in its arts funding policy and there is no means to assist the development of small and medium art groups. With limited resources for so many, it is practically impossible for artists to make a living out of their creative endeavours.

Fortunately, even though many artists cannot derive their major source of income from their creative endeavours, so long as there are people who appreciate their works or performance, they are willing to use even their leisure and their own money to continue with their creative pursuits. However, has the Government ever exhibited or promoted their works? The answer is obviously in the negative. Earlier on, an animator was awarded the Grand Prize in Japan in the TBS DigiCon6 Animation and Movie Awards, which was considered the largest-scale competition of its kind in Asia. Unfortunately, the response of the Government is very lukewarm. Even though a Hong Kong resident had won an award, the Government was still unwilling to commend him, so may I ask how the Government can promote creativity and develop the economy in Hong Kong?

In fact, if artists want to exhibit their works in Hong Kong, this is even more difficult than getting to paradise. At present, the arts collection of the Leisure and Cultural Service Department consists of nearly 31 500 items and these collectibles can only remain in warehouses without ever seeing the light of the day, so the venues for local young artists to exhibit their works are even more limited. For this reason, quite a number of artists have taken the initiative to look for venues for exhibition or performance themselves, such as in the shopping centres and public spaces. Fortunately, their efforts have paid off. In recent years, the Fotanian: Fotan Artists Open Studios, which artists took the initiative to set up and promote, has attracted the attention of society, media coverage as well as visits by many members of the public.

The arts exhibitions organized by artists on their own have also brought up the concept of public art. Public art stands for "art objects exhibited in public areas or outside museums and galleries and they belong to the public". This concept reflects the fact that art does not just exist in museums or art galleries but also in local communities. We can go to art galleries to look at paintings and we can also go to shopping centres or parks to appreciate sculptures. The "New

Face of Heritage — Installation of Public Artworks at Yat Tung Estate, Tung Chung, Stage II" is a good example of a public arts programme in Hong Kong. However, at present, besides museums, the number of works exhibited in other outdoor venues or public spaces provided by the Government amounts to only two or three items. Even in such a large place as the Hong Kong International Airport, there are only a total of 42 items of art. Since there are examples to show that promoting public arts in Hong Kong is feasible, the Hong Kong Government should take more complementary measures by utilizing existing properties or resources to provide more exhibition venues to artists on the one hand, and to bring art into local communities and instil vitality into them on the other.

President, I believe that many artists in Hong Kong are willing to devote their energy and time to creative work and are willing to go into local communities to co-organize various arts education activities or community theatres with schools and local organizations. Not only do we have to appreciate their sincerity and courage, we also have to give them a hand when necessary, so as to promote cultural and artistic development in Hong Kong together and enable culture and the arts to take root in local communities, so that creativity can be nurtured in Hong Kong. In that way, Hong Kong will acquire the name of a "cultural metropolis" and become more charming in the international community.

President, the creative industry is an industry with a wide spectrum and many industries are included in it, including the broadcasting industry. However, looking in retrospect at the discussion on the creative industry by the Hong Kong Government or the Legislative Council in the past decade, one will find that the Government has never attached any importance to the broadcasting industry.

However, in the countries that are leading the world in the field of the creative industry, the broadcasting industry always figures prominently in the creative industry. Take Canada as an example, in 2007, its creative industry accounts for 7% of the GDP and in it, the broadcasting industry, which includes private radio and television stations, accounts for 16% of the entire creative industry and is one of the three industries in the entire creative industry offering the greatest number of jobs. The investment in and importance attached to the broadcasting industry in Canada are in stark contrast with those found in the Hong Kong Government.

Whether creativity can become an industry depends on whether creativity can create value for society. However, the prerequisite is that we must provide platforms to creative talents, so that they have channels to show the world their talent. One of the highly effective channels is to develop the broadcasting industry and let talented people develop their talents by way of television and radio stations. The singer, Susan BOYLE, who shot to fame overnight by virtue of the television programme "Britain's Got Talents" in the United Kingdom recently, is a very good example. I believe that the President may also have heard in news reports about this ordinary lady who leads a life in the countryside. After taking part in this programme, within the short span of a week, 20 million people worldwide have listened to her singing. I have also listened to her sing and it was beautiful.

If we look at Hong Kong again, we cannot talk about relying on the broadcasting industry to promote creativity because we do not even have a basic public service broadcasting system. The development of public service broadcasting has been discussed for over a decade without making any progress. There are very few radio stations and television channels providing public service, not to mention private radio stations, the emergence of which the Government is very apprehensive. To say the least, for a long time, the Government has not given the public and the RTHK an account of how the RTHK can be turned into a public service broadcasting company, how the legislation can be amended to open the door to private radio stations, and so on. President, in fact, early this year, in the Panel on Information Technology and Broadcasting, I raised queries concerning the RTHK and what is called private radio stations a number of times. The Government, in particular, Secretary Rita LAU, should give a very clear account on this to the public. However, it is now April and after holding three more meetings, the Panel will finish its work for this year. The Under Secretary is here today, so can he give a reply to us on when a detailed account and explanation will be given to the public?

We can also look at local free-to-air television stations in Hong Kong. No competition exists between the Television Broadcasts Limited and the Asia Television Limited (ATV) for a long period of time and it seems the Government does not care much about its licensing policy. It only lets the television station which has long been the underdog to continue in this state. President, why do I raise this point? Because at present, there are fewer and fewer locally produced television programmes. We requested our articles research officer to study the programmes broadcast by the ATV each day and it was found that on several

occasions, it broadcast the same programme repeatedly on the same day. The programme involved was not locally produced but purchased from overseas or the Mainland. In fact, the licensing conditions for local television stations do not attach any importance to ensuring that the two television stations holding free-to-air television station licences encourage the production of more local programmes and allow the participation of local residents from the cultural or creativity sectors in the purchase of programmes. If we merely buy overseas or mainland programmes, I am afraid the local creative and cultural industries will die out soon.

President, I believe that so long as the Government does not have the determination to implement public service broadcasting or encourage the public to take part in the operation of radio stations, Hong Kong will not really have a creative broadcasting industry with development potential. I hope the Government can conduct a stringent review of whether or not television stations can foster a more creative environment and oversee them in making greater efforts.

President, I so submit.

MR WONG KWOK-HING (in Cantonese): President, the amendment I propose seeks to improve and complement the original motion. The onset of the financial tsunami, apart from landing the Hong Kong economy in an immediate recession, has also impacted heavily on the four major economic pillars on which Hong Kong has all along depended for development. Among them, the financial and logistics industries are the most seriously affected. Before the financial tsunami, the FTU and many people in society have voiced the opinion that the Government should not concentrate on the development of such industries as the financial industry alone but should have a broader vision, so that the economy can have a more diversified development and more diversified employment opportunities can be created. After the global financial tsunami, the Government has finally heard this opinion. Recently, the Task Force on Economic Challenges proposed the development of six economic areas with high potential, including testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry and educational services. At first sight, these six major industries look as if they are part of a grand blueprint. However, how much of this blueprint is actually achievable? In order to develop new industries, the Government must provide

powerful support in resources. How much support and assistance will the Government provide to these six proposed major industries in terms of resources and complementary facilities? In order to prevent these goals from becoming slogans that are "high-sounding, grandiose and hollow", the Government must have a comprehensive development plan.

My amendment also points out that in the middle of this month, the Chinese Academy of Social Sciences released the 2009 Blue Book on Urban Competitiveness, in which the competitiveness of the cities nationwide was analysed according to 12 criteria. Although Hong Kong still ranks as the most competitive city in China, it is being gradually overtaken by other cities in respect of some of its strengths. In this nationwide comparison of competitiveness, Hong Kong has fallen out of the first three places in science and technology as well as culture. Among them, it ranks eighth place in culture, falling far behind places like Shenzhen, Qingdao and Dongguan. How can we develop the cultural and creative industries? What complementary facilities and support do the authorities plan to provide? In addition, the competitiveness of Shanghai in infrastructure has also overtaken that of Hong Kong. For this reason, in my amendment, I propose in particular that tax concessions, land resources, infrastructure facilities and one-stop support services be provided, so as to assist the development of new industries in an even more comprehensive manner.

President, on offering tax concessions and land assistance, tax concessions are definitely nothing new and many cities in the world, in order to attract foreign capital and develop specific industries, have adopted this means to assist budding industries in their development. To take Hong Kong's neighbour and major competitor, Singapore, as an example, the Singaporean Government offers tax concessions to budding industries and service industries for five to 10 years. Companies that make substantial investments, possess advanced technology or highly skilled employees can even enjoy long tax breaks. Places like mainland China and Taiwan all offer various kinds of tax concessions to attract new industries. In addition, in Hong Kong, due to the high land price policy as well as limited land supply, the development of industries and high technology has been seriously impeded. For this reason, if we want to truly develop our budding industries, it is necessary to provide support in these two areas in order for such a measure to be meaningful. Regarding high technology, in recent years, the Government has built the Cyberport and the Science Park to attract foreign capital. However, in fact, the sizes of the sites for the Cyberport and the Science Park are not really very large. Moreover, developing high technology

requires a lot of time and abundant land for research and development. The Government must step up its efforts before these industries will have the chance to take root in Hong Kong.

As regards making good use of vacant factory buildings, in the last Legislative Council, I also raised this request in this Council, hoping that the Government can make good use of vacant factory buildings. With the relocation of industries across the border, only vacant factory buildings have remained in conventional industrial areas in Hong Kong and many of them have been converted to ministorages and factory outlets. In fact, these factory buildings can precisely be used to provide excellent places for the development of budding industries in Hong Kong. However, due to the various harsh restrictions in the Factories and Industrial Undertakings Ordinance, people and companies wanting to use such buildings cannot move into these factory buildings and do business there, thus leading to the mismatch of "factories not being used and people not being able to use factories". In fact, is it not necessary for the Government to sit up and think about this? For this reason, the authorities have to relax and amend such outdated policies in order to enable new industries to move into these places and for the diversified development of the economy to occur.

President, just now, I mentioned that in the 2009 Blue Book on Urban Competitiveness, it is said that Hong Kong's competitiveness in infrastructure facilities does not compare favourably with that of Shanghai. This is a comparison from an overall perspective. The infrastructure facilities that I mention in my amendment do not just refer to facilities such as road networks. More importantly, it refers to workplaces and laboratories that meet the needs of various industries. For example, recently, several laboratories and network communication facilities have been completed in the Science Park but we should not use just one park as the only infrastructure facilities to assist new industries. Another example is the EcoPark in Tuen Mun. The authorities should not fancy that a single EcoPark can lead to breakthrough developments in the environmental protection industry. All along, the FTU has proposed the development of the environmental protection and waste recovery industries to create more job opportunities, but the Government has all along turned a deaf ear to this, so the development opportunities of a new industry with high potential are wasted. As we all know, at present, the three existing landfills in Hong Kong are nearing their full capacity. Regarding how to deal with refuse in the future, the authorities have not yet found a definite solution. On another front, the Waste Separation and Recovery Programme has been implemented in Hong Kong

for years but the result is unsatisfactory. At present, the rate of recovery is just 30% to 40%. In other words, a great deal can still be done in waste recovery. In fact, there is still very great potential for the environmental protection and waste recovery industries to develop in these two areas. If we look at the figures, in areas surrounding Hong Kong, for example, in Singapore, the industrial output value of the environmental protection and waste recovery industries has reached over \$10 billion, and in Taiwan, it is some \$30 billion and in South Korea, it is as high as some \$50 billion. But in Hong Kong, it only amounts to some \$10 billion, lagging far behind the other three small dragons in Asia. At present, the proportion of waste recycled in Hong Kong is only 40%, a far cry from 75% in those developed Western countries. It can thus be seen that there is very great development potential. However, the Government is only providing inadequate support and talks more than it takes action.

As regards the provision of one-stop support services, the aim is to remedy the present situation of confusing government policies and poor co-ordination among government departments. In fact, at present, the registration, application for licence, government subsidies and tax concessions involved in the establishment of a company are under the charge of different government departments. However, companies requiring such services have to approach various departments and make a number of applications. This is time-consuming and causes a lot of delay. In the end, time is wasted. If the Government does not provide one-stop support services, how can we see the sincerity of the Government in assisting the new industries?

President, finally, I also wish to talk about the question of whether the Government has the determination to provide funding. I will illustrate this problem with a very obvious example. Recently, the Government, that is, your esteemed Bureau, proposed to revive of the film industry in Hong Kong. The words "to revive" sound very grand but how many resources will the Government allocate to the efforts of revival? It turns out that in the coming year, (*The buzzer sounded*) it will just subsidize Hong Kong in producing 11 small-to-medium budget films. Can doing so revive the film industry in Hong Kong? This is really a joke. For this reason, I hope that in developing new economic strategies, the Government will not turn out to have high aspirations but little ability or be conceited but has little competence, incapable of attracting talents or providing an appropriate amount of funds, thus ending up "using a sieve to scoop water, getting nothing in the end". I hope the Government will not adopt such a policy in developing the creative industries. Otherwise, it will

become the biggest laughing-stock and the subject of criticisms by the public in the future.

Thank you, President.

MS MIRIAM LAU (in Cantonese): President, engulfed by the spectre of a global financial crisis, many people are very concerned about Hong Kong's direction of economic development. Should we seek to strengthen our existing basis? Or, should we aim at making bold innovations? These two questions both merit our consideration.

The original motion is more on the side of developing new industries, as if suggesting that traditional industries are already out-dated. But the fact is that our four traditional pillar industries have made very great contributions to our economy, accounting for some 60% of our Gross Domestic Product (GDP) and employing nearly 50% of our workforce. They are still playing a very important role now. If the Government lightly shifts all the attention to new industries and neglects these four pillar industries, I am afraid we may end up achieving nothing at all.

This is not to speak of the fact that in the development planning of the Central Authorities, the four pillar industries of Hong Kong are expected to also play a role. For example, in the Eleventh Five-year Plan of the country, it is mentioned that support will be given to the development of Hong Kong's financial and tourism industries. It is even stated very clearly that it is necessary to "transform and upgrade traditional service industries through the application of modern management methods and information technology." And, the Outline of the Plan for the Reform and Development of the Pearl River Delta released by the National Development and Reform Commission early this year also states the policy of supporting the development of modern service industries, including Hong Kong's four traditional pillar industries.

For this reason, I do not think that new economic strategies mentioned in the original motion should be "narrowly" confined to the development of new industries. The four pillar industries should also be reformed under a new economic strategy. We hope that under a policy encompassing both new and old industries, we can create new avenues and new "shiny spots" for Hong Kong's economy.

It cannot be denied, thought, that our traditional pillar industries have been faced with many challenges in recent years. In the case of the transportation and logistics industries, for example, a negative growth of over 20% in overall export was recorded every month in the first quarter of this year. This has led to spates of closures and layoffs in these industries. According to a recent survey, the unemployment rate of container lorry drivers is as high as 26%. How can the Government turn a blind eye to this situation?

I have been putting forward various suggestions on revitalizing the logistics industry, including the provision of land for the logistics industry, the development of a logistics park, the construction of a third runway in the Hong Kong International Airport, and so on. But the Government has not been caring much. Success depends on one's attitude, as the saying goes. I am convinced that the sound development of the logistics and other industries must depend most importantly on a change of the Government's present indifferent attitude.

As a matter of fact, over the past few years, the Government of the Special Administrative Region (SAR) has been criticized for its outdated mindset, myopia, irresoluteness and the resultant slow pace of progress. The case of the logistics industry is just one of the examples. The other three pillar industries also require the Government's attention.

Naturally, we also agree very strongly that Hong Kong should look for more economic prospects, rather than always relying on the traditional industries. We therefore think that the six new industries mentioned by the Chief Executive, especially the health care, education and environmental industries, are worth developing.

Hong Kong's health care industry, for example, is quite rich in development potentials. At one time, many mainland women liked to come to Hong Kong to give birth to their children, thus giving local private hospitals a large supply of clients in their obstetrics and gynaecology department. But the development of the health care industry should not be restricted to obstetrics and gynaecology services. Health checks and specialist health care services (such as angioplasty, kneecap replacement, installation of prosthetic joints and complex and high-tech cases) should also be included. The demand for such services is very keen, especially among middle-class people on the Mainland.

Actually, as early as 2003, the Liberal Party already started to advocate "the development of health care industry". The Government has certainly chosen the right direction. However, we are also of the view that tourism elements must be added to "the development of health care industry" for the purpose of achieving greater effects. The SAR Government should learn from the successful experience of nearby Singapore and Thailand in that.

With regard to the education industry, we agree that the Government should start with higher education and encourage the development of private universities before proceeding to consider the development of the private basic education industry. When it comes to student intake, we are of the view that we should aim at diversity in the course of development. Apart from students from the Mainland, we should at the same time try to attract foreign students. The Government should provide universities with sufficient lands and loans, so that they can construct more hostels. It should also encourage universities to offer a greater number of recognized and high-standard self-financing programmes. It is believed that all these will encourage more non-local students to further their studies in Hong Kong, thus fostering the development of our education industry and adding to Hong Kong's pool of talents.

With regard to environmental industry, Hong Kong likewise possesses some development potentials. One example is "MyCar", which is very much in the public eye these days. Developed by The Hong Kong Polytechnic University on its own, "MyCar" has received certification by the European Union. The project is at present a Mainland-based investment project, and many European countries have already placed their orders. If certification from Hong Kong can be obtained later, the product can hopefully enter the local market within this year. But the manufacturer of "MyCar" has already made it very clear that if this type of electrical vehicles can be manufactured on the Mainland with quality control from Hong Kong, the synergy effect will be "one plus one equals more than two." At present, all will depend on whether the authorities can provide a land lot measuring roughly 15 000 sq m (which is about the size of two standard soccer pitches) as a test-run yard. It is hoped that the Government can offer concrete support, instead of giving mere lip-service.

Environmental industry is capable of very great development, but in the case of the long-discussed EcoPark, for example, very few operators have been able to start due to the lack of appropriate policy support and inter-departmental

co-ordination. If the Government continues with all the empty talks about the EcoPark project while advocating other environmental industries in such a high profile, it will find it very difficult to convince others that it can achieve anything worth the name.

President, the unsatisfactory development of many industries in the past was largely attributable to the lack of co-ordination and co-operation among different government departments. The former Ombudsman, Alice TAI, for example, gave the parting criticism that all Policy Bureaux were pre-occupied with attending to their own business. I hope the Government can squarely address this issue, so as to achieve both division of work and co-operation among different government departments. That way, they will be able to form a formidable team that can promote economic development.

The promotion of industries cannot well do without the provision of land by the Government. Many places, such as the Lok Ma Chau Loop, Kwu Tung North, Fan Ling North and Hung Shui Kiu, are all good options. But the Government should not restrict the development in these places to one or two industries only. Rather, it should draw up a proper plan on promoting the right industries in the right places, so as to tie in with any new economic strategy.

Finally, I wish to remind the Government that before developing any industries, it must first seriously consider the issue of "target markets". If it has no clear idea of what the target markets should be, all efforts will be rendered futile. In the end, it will only yield half of the result with twice the effort, or everything may end up in a fiasco. We therefore hope that the Government can listen carefully to the advice of the experts belonging to the focus groups on the six major industries. I also hope that it can adopt a new, market-oriented mindset for industrial development, rather than making all the decisions itself.

President, I so submit.

MS CYD HO (in Cantonese): President, in the past six months, we already pointed out in many debates that Hong Kong should aim at a diversified industrial structure, rather than relying solely on the financial, tourism, logistics and information technology industries, or the so-called four pillars of the economy. The reason is that three of these four pillars are actually highly dependent on outside factors. Once the external environment worsens, our economy will be

plunged into great trouble. For this reason, I have always supported the idea of industrial diversification in Hong Kong.

Recently, the Task Force on Economic Challenges has advanced a new idea, saying that there are six economic areas where Hong Kong enjoys clear advantages, including testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry, and educational services. Frankly speaking, I do not agree that Hong Kong really enjoys any advantages in these areas, with the only exception of testing and certification. Testing and certification is certainly Hong Kong's well-known feat. Our advantage in this area is especially obvious when so many foodstuffs on the Mainland are found to contain excessive levels of chemicals. Foodstuffs tested and certified by Hong Kong have always commanded the confidence of mainland residents.

Following the further liberalization of the Individual Visit Scheme, many mainland residents have come to Hong Kong for the purchase of formula milk. This means that they have confidence in Hong Kong's social order and its systems of scientific certification and quality identification. This is good proof of our "golden fascia" in these areas. I therefore think that the Government should intensify its promotional efforts, so that apart from testing and certification, we can also establish a "golden fascia" for food manufacturing. But over the past few weeks, many problems have been detected in the drug manufacturing process. If the relevant departments and Policy Bureaux do not rigorously enforce testing and inspection, our "golden fascia" will soon lose its lustre.

And, I really have great reservations about the remaining five economic areas. With regard to environmental technologies, the Government has not provided very strong support for waste recovery or other activities such the development of electrical vehicles, which Members mentioned just now. Our investments in technological research have remained at a low level. Of course, in case it is decided to invest in environmental technologies, I will certainly express my welcome.

My greatest worry is about the industrialization of health care and education. All along, the provision of health care and education services in Hong Kong has been quite stable. We can see that social workers and the education sector have raised many queries about the industrialization of these services. They are worried that if market elements are introduced to the

provision of these two types of services and people are not told how this will be done, grass-roots people may suffer before they can gain any benefit. I therefore think that before proceeding with the industrialization of these two types of services, the Government has the duty to tell society what it intends to do and how it will go about the task

Unfortunately, in the case of education, the Government has failed to keep the public adequately informed before taking actions. Why do I say so? There is an item on the recent agenda of the Panel on Education — the construction of more international schools. The Government proposes to provide land for the construction of four international schools, but at the same time it also says that more local students will be admitted. On the one hand, it says that there is a shortage of international school places, but on the other, it says that more local students will be admitted. This cannot help us tackle the issue of attracting foreign talents by meeting their children's demand for international school places. We therefore hope that the education authorities can tell us clearly what it plans to do with the construction of international schools, and what their intentions are. I hope they do not simply try to get business opportunities because they are supposed to complete the fundamental task of training up local talents.

There is one more thing which is very hard to understand, and which has even eluded the mass media. From a commentary in *Ming Pao*, I learned that Hong Kong had signed a Memorandum of Educational Co-operation (Memorandum) with Vietnam. Having read this commentary, I immediately telephoned my friends in the mass media, asking them why this piece of news had been omitted and why there had been no report on it. This piece of news was not reported even in large newspapers such as *Ming Pao* and *Sing Tao Daily*, which have education columns. But this commentary was written by an education worker who has contacts with the Education Bureau. After doing so research, I know that the SAR Government has signed such a Memorandum with two countries only. Vietnam signed it only very recently. The other country is the United Kingdom. I can understand why a Memorandum is signed with the United Kingdom. The United Kingdom has been doing quite well with its education policies and provision of higher education, and it used to be the sovereign power of Hong Kong, so I can understand why Hong Kong has signed a memorandum with it.

But when I learned that apart from the United Kingdom, Vietnam also signed a Memorandum, I was extremely puzzled. Why did the Government sign

a co-operation agreement with Vietnam before so many other countries? What is the agreement about? We know nothing at all.

President, I will of course discharge my duty and follow up this matter in the Panel on Education. Actually, I have asked the relevant government official about the industrialization of education. He has told me that the Task Force on Economic Challenges must first hold a workshop. It seems that he does not know the reasons either. I think it will be very unfair to local students and their parents if any measures are rolled out without telling them the reasons. As a pre-condition, there must be enough places to meet local demand before the industrialization of education can be implemented. This explains why we have been pointing out that 14 500 first-year university places are far from being enough. The reason is that they can only cater for the demand of 18% of the local students only. There are many other Advanced Level students who can also meet the JUPAS requirements. But they cannot find a place in university. When so many local students are still unable to enter university, the industrialization of education is unacceptable. Therefore, President, I strongly agree to the first point in the original motion, that is, before developing all these industries, there must be thorough policy discussions, so that the public can know what the Government is trying to do.

With regard to the second and third points in the original motion, I have put forward two changes. One point is about recruiting talents from the private sector to add new ideas. I have already told Mrs Regina IP of my worry that the talents recruited may be deployed to work in the Policy Bureaux. I am worried about this because the new Under Secretaries and Political Assistants have already made many blunders. I will be very worried if more talents from the commercial sector are lightly recruited and posted to Policy Bureaux regardless of established administrative procedures. I do agree that the development of new industries and areas must require a new mindset. But I hope that talents from the private sector can be recruited to form a steering committee only. On the one hand, civil servants should be allowed to follow the established procedures, and the use of public money should be made accountable to the public. On the other hand, the steering committee can provide checks and balances and monitoring.

Civil servants must be subject to checks and balances. In the case of the Film Development Fund and the Hong Kong Design Centre, many operational

practices of the industries are rejected by government officials. The industries are required to follow the procedures set down by government officials. This has often led to many hindrances. For example, in one invitation to tenders, the Hong Kong Design Centre invited 10 artists to take part. But they even invited famous and outstanding personalities in the cultural sector such as LO Kai-yin, Alan CHAN and Vivienne TAM to take part. I do not think that these people will respond to the invitation. But I think every exemption must be supported by written justifications, and government officials must apply the greatest flexibility to assessing the justifications presented. In this way, a balance can be struck. There will be flexibility, and at the same time, the use of public money can be subject to public scrutiny.

Another change I have proposed is the need for paying attention to the life of indigenous residents when developing northeastern New Territories. As I pointed out this morning, the residents of the entire Choi Yuen Tsuen will be affected by the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. As a matter of fact, the number of villages affected by the development of northeastern New Territories will only increase. We must therefore formulate a fair policy on resettling the affected villagers, so as to ensure that there will be no drastic changes to their life. We must work out an appropriate and timely resettlement policy for the villagers. We do not wish to see the sacrifice of any minority residents' interests in the course of economic development.

Thank you, President.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the outbreak of the global financial tsunami last year has seriously affected Hong Kong and most of the economies of the world. As a small and open economic system, Hong Kong's economy has been adversely affected by the economic conditions of our trading partners, that is, Europe and the United States. In the light of the abovementioned circumstances, the Government has already taken swift and resolute measures to stabilize the economy, support enterprises and protect employment. While rising to the financial crisis, we must not neglect exploring opportunities for promoting the long-term and sustainable development of our economy.

It is precisely for these reasons that, apart from consolidating our conventional economic pillar industries, including finance, trade, logistics, tourism and related service industries, we are actively exploring the existing and brand new areas of Hong Kong's economy with a view to boosting our competitive edge and diversify our economy in order to face future challenges.

The Task Force on Economic Challenges was set up by the Chief Executive in October last year to monitor and evaluate the impact of the financial tsunami on the local and global markets and make timely judgment. Furthermore, the Task Force will propose specific corresponding measures for consideration by the Government and the trades to help Hong Kong tie over the difficulties and turn crises into opportunities, so as to explore new business opportunities and upgrade Hong Kong's competitive edge. The efforts made by the Task Force will lay a more solid foundation for the sustainable development of Hong Kong's economy in the future.

After the fourth meeting of the Task Force on 3 April, the Chief Executive announced that the Task Force would examine ways to develop six industries which Hong Kong has advantages. These industries include, as mentioned by Members earlier, testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry, and educational services.

Here I would like to express my gratitude to Mrs Regina IP for proposing the motion on "Developing new economic strategies to meet economic challenges" today. The motion debate today precisely provides us a timely opportunity to listen to the views expressed by Members on developing new economic strategies in Hong Kong to meet future challenges. Ms Audrey EU, Mr LEE Wing-tat, Mr WONG Kwok-hing, Ms Miriam LAU and Ms Cyd HO have proposed their amendments to the motion. I believe other Members will also express their views on this motion today. This will make our industries, as mentioned by Mrs Regina IP just now, not only impressive, but also magical.

President, I will first listen to Members' speeches before delivering my concluding speech. Thank you, President.

MR RONNY TONG (in Cantonese): President, I rise to speak in the hope of striking a balance between the major viewpoints put forward by Members. After reading the preamble to Mrs Regina IP's motion, I feel especially impelled to say a few words.

President, Hong Kong's status as a financial centre is facing the challenge from Shanghai. But we still say that our advantages are fading. I cannot help asking myself whether we have already given up ourselves. I also want to ask, "What are the advantages we are talking about? Why have our disadvantages disappeared? Is that because the Central Government is giving us less support? Or, is that because our rivals have increased that our advantages are gone?" President, I am sorry to say that the present situation is not like this. From the news report today, I learn that the National Development and Reform Commission has made a remark in Shanghai: in the short run Hong Kong can still maintain its status as a financial centre. This means that we still have some time. President, the question is how we can make the best use of the available time.

Today, some Members talk about developing creative industries or other industries. However, President, we must first ask ourselves what our advantages are supposed to be. President, we possess four major advantages. First, we have an excellent legal system that commands credibility. Second, our professional services are of international standards. Our legal and accounting services, in particular, can be described as one of the best in South East Asia. Third, we have an independent and effective legal monitoring system. And, our fourth advantage is also unique in South East Asia — the popular use of an international language.

President, all these are the advantages we enjoy not only over other cities on Chinese soil but also many others in South East Asia. Similarly, these are the greatest advantages which our financial industries enjoy over all other industries in Hong Kong. What other local industries can enjoy the same advantages in South East Asia? The answer is no. I must go on to ask, "Which of the four major advantages are fading away?" And, if any of these advantages are really fading, what should be done to remedy the situation? President, as Members have said, the present recession has led to the decline in the financial and services industries, and these industries are impacted very greatly by external factors. President, the challenges we now face are the same as those faced by other places. Our situation is not particularly worse. Quite the contrary, the economy of our

country can still manage to maintain a growth rate of 8%, or at least 6% if this is not possible. With the strong support of our country's economy, how can we say that our advantages are gradually fading under the impacts of the global financial crisis? Or, how can we say that our economy is on the decline? I think such a viewpoint only shows people's myopia and lack of understanding of the global economic trends.

President, there have always been huge potentials for the development of financial industries in South East Asia, especially in the vast Chinese market. No other new industries can possibly catch up with financial industries. We need only to look at some simple statistics to see the point. President, in the past four years, of all the four pillars of our economy, financial industries accounted for the highest proportion in our Gross Domestic Product (GDP). Their growth rate was also the highest. In the four years between 2003 and 2007, the proportion of financial industries in our GDP rose drastically by 7% from 12.4% to 19.5%. The case was not quite the same for other industries. The growth rate of the tourism industry, for example, was in the region of 2% to 3% all the time. In the case of the logistics industry, the share in GDP even dropped from 26% to 25%. As for professional services, there was no marked increase either, with the GDP share rising from 10.4% to 11% only.

President, more importantly, we must realize that under the current recession, other industries, especially creative industries, will sustain heavier impacts than financial industries. President, I hope my point will not be misunderstood. I am not saying that we should give up creative industries. This is not what I mean. What I am driving at is that if we lay emphasis on the wrong areas in the course of exploring how we should develop our economic lifelines, we may end up in utter failure. As I have mentioned, I only want to strike a balance between the major viewpoints expressed by Members.

President, the recent efforts of the SAR Government to develop the bond market and turn Hong Kong into an RMB clearing centre are in the right direction. There are many things we can do in these areas. Time is running short, so I shall make my point as quickly as possible. President, we should expeditiously rewrite our company law, enact an ordinance on fair competition, perfect the legislation on investor protection, enhance the corporate governance of enterprises, upgrade the standard of professional services and continue to perfect our regulatory regime and culture. All these are of extreme urgency, and they

are the advantages we enjoy over the Mainland. President, we still have some time, so we can make of use of it to shake off Shanghai and maintain and consolidate our status as a financial centre on the basis of our existing advantages. This should be our only economic future. Thank you, President.

MR ANDREW LEUNG (in Cantonese): When faced with various challenges, we must try to tide over the crisis and make a rebound as quickly as possible. In the Outline of the Plan for the Reform and Development of the Pearl River Delta announced earlier by the National Development and Reform Commission, the Pearl River Delta (PRD) is positioned as "a major economic centre of the country" and "a base of advanced manufacturing industries and modern services for the world". The Guangdong authorities are also requested to vigorously promote the co-operation between the PRD and Hong Kong. This will bring forth a most precious opportunity for Hong Kong to be included in the development of the Greater PRD. When leading a business delegation on a recent visit to PRD cities, Chief Secretary for Administration Henry TANG even described our relationship with the PRD in this way, Guangdong-Hong Kong co-operation will bring forth the greatest advantages to all.

Since the 1980s, Hong Kong has been acting as the "Southern Gate" of the Mainland, an important "window" through which the Mainland imports and exports goods. Although Hong Kong is no longer the only "door" of the Mainland, Hong Kong is still the base of many enterprises in the Greater China region or even the Asia-Pacific Region. These enterprises conduct technological research, product development and quality inspection and certification in Hong Kong, while using the Mainland as their manufacturing base. I agree that the Government should formulate a policy on inducing more enterprises to make investments in product development and high-value added research. I also think that a preferential policy should be put in place to induce foreign enterprises with creativity and technological achievements to set up their regional headquarters in Hong Kong. We must also reform our population policy to attract world-class talents to live in Hong Kong, so that while they can assist Hong Kong in developing creative industries, they can at the same time help our traditional enterprises upgrade and transform themselves and grasp the opportunity of promoting a green economy.

For all these reasons, the Federation of Hong Kong Industries (FHKI) has been striving to promote the development of environmental industries since

several years ago. Apart from setting up "Group 26: Environmental Industries", it has also implemented the "One Factory-One Year-One Environmental Project Programme". The aim is to do away with the pollution that affects Hong Kong and the PRD Region and foster the development of green production in the region. I am very pleased to say that our efforts over the past few years have received the recognition of the Task Force on Economic Challenges; which has proposed to explore the development of environmental industries as one of the economic areas in which Hong Kong enjoys an advantage. The FHKI and I both think that environmentalism is now a rising global trend and the sales volumes of green products are on the increase. Since environmental industries are in line with the world trend, Hong Kong should not miss the resultant business opportunities. Nowadays, most environmental industries adopt advanced technologies for the production of high-value added green products and the development of anti-pollution technologies. The FHKI is of the view that Hong Kong environmental industries are equipped with sufficient talents and technologies. As long as the Government can provide appropriate support, they will be able to build a firm foundation and expand themselves. And, using Hong Kong as the base, they will be able to expand into the entire PRD Region.

Many Members have discussed the need for nurturing creative talents and giving young people more opportunities to manifest their creativity. The industrial and commercial sector naturally hopes that the Government can provide enterprises with more incentives to give more opportunities to young people and to exploit their innovative spirits for product design and upgrading productivity. However, as I mentioned in this Chamber a couple of months ago, there is a need for nurturing creative talents. For this reason, we must give students more exposure, so that they can broaden their horizons and have more opportunities of interaction. The Hong Kong Design Institute (HKDI) under the Hong Kong Vocational Training Council chaired by me has made active efforts to take students outside Hong Kong. Students have been to Japan and Fujian, and contacts have been established with the Mainland and other countries to enable them to have more exchanges with the outside world. I know that many government officials and Members do support such efforts. Should the Administration consider the possibility of organizing more exchanges, so that more students from tertiary institutions and even secondary schools can also take part? Students of the HKDI have recently received many awards in recent years. They have also won many prizes in open design competitions.

The success or otherwise of creative industries hinges on the availability of talents. Hong Kong has always been noted for its abundance of professional talents. But we must make sure that talents are not confined to Hong Kong in their endeavours. We must help them expand to other places from the base they have established in Hong Kong. Under the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA), the Guangdong Province has been opened as a testing point for the expansion of Hong Kong's professional services sector into the mainland market. We should be far-sighted and undertake planning for the development in the coming decades. In the past 30 years, Hong Kong focused solely on secondary industries. We concentrated on shifting our secondary industries northward to nearby mainland places. All the secondary industries shifted northwards to the Guangdong Province have constituted the bulk of Hong Kong's producer's services. The time has now come for us to grasp the opportunity of extending our tertiary industries to the Mainland. If we can make use of CEPA as a means of consolidating the position of the Guangdong Province as a services centre on the Mainland, we will be able to serve the role of an exporter of services. The clientele of our services industry is at present merely 7 million people, but in the future, they will be able to serve 55 million or even 1.3 billion people in the mainland market.

For this reason, Hong Kong and the Mainland must speed up their mutual recognition of professional qualifications. The SAR Government must strive to assist our professional sectors in speeding up the pace and progress of such mutual recognition with the relevant mainland authorities, so as to remove all barriers and enable Hong Kong professional talents to receive the same treatment as Chinese nationals on the Mainland, especially the Guangdong Province. We understand CEPA has opened a door for Hong Kong professional services on the Mainland. The purpose of using Guangdong as a testing point is to open the "small door" of Guangdong and remove all shackles and constraints. Then, it is hoped that all obstacles and barriers can eventually be eliminated. It is only by adopting a new mindset and allowing the free movements of talents that we can really grasp this rare opportunity. Hong Kong and Guangdong must first build up an economic relationship based on mutual benefits before they can be developed into the most vibrant economic region in the world.

President, I so submit.

DR RAYMOND HO (in Cantonese): President, over the past three decades or so, Hong Kong has been benefiting from the Mainland's policy of economic reform. On the one hand, through their manufacturing bases in the Pearl River Delta (PRD), Hong Kong manufacturers have been able to manufacture highly competitive products and get a share in the world market. On the other hand, Hong Kong has also been serving as the country's main "door" in the course of economic reform and opening, playing the important role of an entrepot once again. All these favourable conditions have enabled Hong Kong's financial, trading, logistics, services and tourism industries to develop very rapidly. But as China's development gradually converges with the market economy, Hong Kong's development direction and advantages have come under new challenges, hence necessitating expeditious adjustments. As a matter of fact, Hong Kong can no longer depend solely on its traditional advantages and refuse to introduce changes. We must adopt a new strategy with an innovative mindset, so as to identify a new direction of development.

As the development of the global economy continues to intensify, Hong Kong manufacturers can no longer rely solely on the traditional mode of development, that is, the production of low-tech and down-market products for sale in the world market. Hong Kong must no longer regard the Mainland merely as its manufacturing base. Rather, it should treat the Mainland as a partner in its future development. However, for quite some time after the reunification, Hong Kong made very conscious efforts to distance itself from the Mainland, and in this way, it missed many wonderful opportunities of economic co-operation. Fortunately, in recent years, the two places have managed to make some progress in the sphere of economic co-operation.

In order to enhance the economic co-operation between the two places, we must improve cross-boundary facilities, especially the cross-boundary transport infrastructure. The SAR Government has taken steps to launch a series of cross-boundary infrastructure projects, including the Hong Kong-Zhuhai-Macao Bridge, the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the rail link between the Hong Kong International Airport and the airport in Shenzhen. This Monday, that is, the 27th of this month, our Secretary for Development Carrie LAM and the Executive Vice-Mayor of the Shenzhen Municipal Government, Mr LI Feng, convened the third meeting of the Hong Kong-Shenzhen Joint Task Force on Boundary District Development. During the meeting, a consensus was reached on the timeframe for constructing the new control point at

Liantang/Heung Yuen Wai. The construction work is expected to commence in 2013, and it is also expected that it will commence operation no later than 2018. This is another good example that can show the closer co-operation between the two places.

It is worth mentioning that in-depth discussions on the development of the Lok Ma Chau Loop were also conducted during this meeting. Both sides initially considered that higher education could be the leading use in the Loop, complemented with hi-tech research and development facilities, as well as cultural and creative industries. A comprehensive study will be launched to explore the development of the Loop and nearby areas in Hong Kong and Shenzhen which could provide infrastructure and supporting facilities.

Although Hong Kong has been talking about the need for identifying a new mode of economic development since the reunification, only mere discussions and exploration have been conducted so far. There are some exceptions of projects that are completed, such as the Cyberport, but even in this particular case, it is still open to question as to whether it can really add to Hong Kong's economic benefits, especially in respect of upgrading Hong Kong's high-tech development. I hope that the SAR Government can take stock of the experience in the past 10 years and refrain from engaging in mere studies without taking any actions. It must take concrete steps and identify a new direction for Hong Kong. The development plan for the Lok Ma Chau Loop must be finalized as early as possible.

I have mentioned on various occasions that Hong Kong actually enjoys an advantage in the development high-tech industries. With regard to technological research, many tertiary institutions in Hong Kong have already made some remarkable achievements in many areas. Hong Kong may capitalize on the advantage enjoyed by the Mainland in technological research. And, with all its market senses and sales networks all the world, Hong Kong can actually form a complementary partnership with the Mainland based on a division of labour. Hong Kong can play a very significant role in project financing, market development and the protection of intellectual property rights. I am convinced that through its co-operation with the Mainland, Hong Kong will certainly be able to establish a unique brand name for its services and products in the global market.

What is more, Hong Kong should also intensify its efforts to strengthen the competitiveness of its existing pillar industries, such as the financial, trading, logistics, services and tourism industries. This is to ensure that Hong Kong can strive to develop new industries and follow a new direction on a firm economic foundation.

President, I so submit.

DR PRISCILLA LEUNG (in Cantonese): President, "teaching a person how to fish is better than giving the person a fish", as the saying goes. Economic restructuring must depend on the nurturing of talents. This should be the pre-condition. Given the high unemployment rate under the current financial tsunami, we should really start to consider the issue of manpower restructuring. The Task Force on Economic Challenges led by the Chief Executive earlier on mentioned six economic areas, namely, testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry, and educational services, as the new impetus for our future economic development.

Members can easily understand why these six industries are mentioned. But the mentioning of these six industries should not be the most important thing. The most important thing is that we must at the same time find out how we can nurture the required talents, increase the variety of front-line employment opportunities and so promote Hong Kong's economic development. Premier WEN Jiabao mentioned in Thailand earlier that Hong Kong could develop new six major industries, including financial services, trading and logistics, tourism, health care, technological education and innovative technologies. The key to the development of these industries is the availability of talents.

With Hong Kong's economic restructuring in recent years, the number of low-qualification and low-skill jobs has been on steady decline. This profound problem actually shows that if Hong Kong continues to focus on the existing pillar industries, an imbalance will result, and some in our workforce will be unable to catch the train of economic development that we have been talking so much about. And, these people will probably remain unemployed. Earlier on, Premier WEN Jiabao pointed out in Thailand that since Shanghai's position as an international financial centre has been confirmed, Hong Kong's status as a

financial hub will come under challenge, and that Hong Kong will lag behind if it does not make any progress. This remark tells us that if Hong Kong still relies solely on financial industries, it will be putting all its eggs in one basket.

I therefore agree very strongly that in order to achieve a diversified industrial structure, we must first promote education and training, so as to enable the currently unemployed middle-class people and low-skill workers to change their skill sets. That way, they can re-join the workforce and there will be a greater supply of talents. When putting forward my views on the Budget this year, I repeatedly requested the Financial Secretary to earmark \$1 billion for the establishment of a manpower restructuring fund to provide the unemployed with interest-free loans. The aim is to encourage the unemployed middle-class people and those from other walks of life, including grass-roots and low-skill workers, to apply for admission to the programmes offered by tertiary institutions and other training organizations. In this way, they may switch to some emergent industries.

Mrs Regina IP has mentioned the Lok Ma Chau Loop area, where many tertiary institutions want to operate training programmes to nurture talents. I agree that quality is very important to the nurturing of talents, and I must also say that when deciding on quantity, we must take account of our present development, which may still be subject to various constraints. The six major industries mentioned by Premier WEN Jiabao and the six major economic areas mentioned by the Chief Executive must be developed. But we must note that we do not have enough talents at the moment. Frankly speaking, even if funding is available now, meaning that these unemployed persons can now apply for interest-free loans to finance their enrolment in training programmes, there may not be enough instructors. We can see that tertiary institutions must now cater for the demands of many people with high abilities. These people come from different parts of the world and Hong Kong itself, and they all have good working experience and high academic qualifications. But they still want to enrol in some particular degree programmes. Obviously, then, their objective is to change their skill sets. After changing their skill sets, these people may in turn create many more posts. And, they may even create new types of posts for low-income and low-skill people.

But honestly speaking, I really wonder whether these people, who are already in their thirties or forties, will still be able to work as employees after

changing their skill sets. Most of them may have to become self-employed persons. And, they may even have to work as consultants for the so-called green industries or infrastructure projects on a self-employed and independent basis.

I am of the view that besides innovation and technology as well as cultural and creative industries as mentioned in the original motion, green economic activities are also a new industry that deserves our full support. But I must say that if the whole thing is just meant as a concept for discussions, or if the scope is narrowly restricted to the establishment of the Hong Kong Green Building Council, we will certainly fail to get what we expect of this very reluctant first step taken by the Government. I urge the Government to set up an advisory committee on the development of a green economy with responsibility for exploring how we can translate the concept into the provision of new types of front-line jobs. Extra funding should also be provided to assist people in changing their skill sets for catching the train of green economic activities. In this way, it will be possible to enable all people to benefit from the development of a green economy.

In regard to the promotion of cultural and creative industries, the Government should make the best use of the Western Kowloon Cultural District. In particular, I propose that the management of the Cattle Depot Artist Village in To Kwa Wan must be strengthened, and the place must be revitalized, so that art development, tourism and even the nearby restaurants can all benefit. In this way, new types of jobs can be created. I strongly agree to Mr WONG Kwok-hing's amendment. I think the Government should expeditiously make the best use of all vacant factory buildings. These buildings should all be revitalized or used for art development. They should even be turned into a segment of creative industries.

"Teaching a person how to fish is better than giving the person a fish". In the wake of the Lehman Brothers incident and the financial tsunami, Hong Kong must face up to the restructuring of its unemployed masses. I hope that the Government can make it a matter of extreme urgency and earmark \$1 billion for the establishment of an interest-free manpower restructuring loan fund in the upcoming mid-term review, so as to enable more unemployed middle-class persons to catch the train of economic progress. Thank you, President.

MR FREDERICK FUNG (in Cantonese): President, if Members have been following the news recently, they will remember the speech delivered by President OBAMA of the United States at Georgetown University in Washington D.C.. In this speech, he said that the economy of the United States must tread a new path and abandon its bias towards the financial industries based in Wall Street. He even quoted a parable in the Bible, saying that the American economy must not be rebuilt on a pile of sand, and that houses must from now on be erected on solid rock, so as to lay a new foundation for growth and prosperity.

OBAMA put forward five pillars that will boost the American economy. One of the pillars is the formulation of new rules for Wall Street. The new economic strategy will include vigorous investments in a green economy and renewable energy and technology that will create new jobs and new industries. There will also be new investments in education that will make the workforce more skilled and competitive.

President, it seems that the financial tsunami has attacked us all of a sudden. But it is actually the result of the undisciplined economic policies adopted by different countries over all these years. Anyway, the financial tsunami has brought home to all countries the dire consequences of their undisciplined economic policies and over-reliance on financial industries. They have realized that all is too late by now. After spending astronomical sums on salvaging their national economies, they have yet to identify new growth areas.

President, even the United States, which has been regarded as the leader of the world economy and technological development, now also wants to introduce innovation and has put forward the new economic strategy I mentioned a moment ago. As a city that has been relying solely on financial industries, what should Hong Kong do?

President, I think the SAR Government has all the time been very complacent, caught inside the straitjacket of "big market, small government". Obsessed with the philosophy of the market economy, it has simply "dragged its feet", failing completely to draw any lesson from the financial tsunami. It is still obsessed with the idea of turning Hong Kong into another New York City, and it still cherishes the unrealistic hope of jacking up the Hong Kong economy with only the financial industries.

Like it or not, the global economy has undergone drastic changes. If the SAR Government still sticks to the same old practice of building Hong Kong's economy on that pile of sand called financial industries, I must comment that its policy must be wrong and inadequate.

Perhaps because of Premier WEN Jiabao's earlier comments on the profound problems with Hong Kong's economic structure and the request for diversified economic development in society, the Administration has reluctantly mentioned the so-called six economic areas on the basis of Premier WEN Jiabao's advice. The six economic areas include testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry, and educational services. The Hong Kong Association for Democracy and People's Livelihood (ADPL) welcomes the Administration's proposal. But judging from the approach and attitude adopted by the Government for the promotion of new industries in the past, I simply do not think that the Government can really get rid of the constraints of the so-called market economy philosophy it imposes upon itself. I am therefore not optimistic about the development of the new industries mentioned above.

Actually, the ADPL has advised the Administration countless number of times that it should aim at diversification in our economic development. It is a pity that instead of grasping any opportunities, the Government has repeatedly refused to heed our advice on the excuse that the market must be left alone. But on the other hand, it has been advocating that Hong Kong must focus on promoting the status of Hong Kong as an international financial centre. Obviously, it has failed to take account of Hong Kong's long-term development. We do not oppose the policy of making Hong Kong a financial centre. But we also think that there must be diversification. While developing its financial industries, Hong Kong should also develop other economic activities. The ADPL maintains that active efforts must be made to identify new growth areas for our economy, some examples being high-value added industries, creative industries, green economic activities and technological research and application. The ADPL is of the view that economic diversification can enable us to avoid any over-reliance on financial industries, something that will surely reduce our overall economy's ability to withstand adversities. Besides, new industries can also provide grass-roots workers with development opportunities.

President, I can tell Members that if the Administration adheres to the old measures of promoting the development of new industries, such as the

establishment of funds, the fine-tuning of policies and the provision of capital investment in the initial periods of development, all new industries will be doomed. The EcoPark is a fine example. It can show clearly that the approach of relying on market forces is not conducive to the development of new industries. And, the situation has turned even more complex with the onslaught of the financial tsunami and the resultant economic uncertainties. In that case, how can any enterprises be willing to invest in any emergent industries marked by high risks and slow returns? I think the whole idea will not work at all.

The ADPL proposes that while promoting new industries, the Government must change its mindset completely. It must change its mentality and attitude completely, conduct an in-depth review of the market-led approach and make the required improvements. In particular, at this very time when the market economy has already failed to function properly, the Government must do some rethinking, define its role again and identify a new "point of intervention". In so doing, the Government may find that it may have to intervene directly with the development and operation of new industries for quite some time in the immediate future.

President, the global economic situation has changed completely. The days of extreme ideologies are already gone. In marked contrast to the past, the efficacy and stabilizing effects of policies are now the ultimate guiding principle to go by. Therefore, for the sake of Hong Kong's long-term economic development, the Government should no longer refuse to adopt a new mindset to embrace the new development trends of the world on the excuse of "big market, small government". The Administration should discard all unnecessary constraints. Diversification is the only future for Hong Kong's economy.

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

PROF PATRICK LAU (in Cantonese): President, finance, trading, logistics and tourism, our four main economic pillars, are highly regarded in Hong Kong. In my opinion, apart from our continuous efforts in promoting these four main economic pillars — I am glad to hear that both the Government and Members share the same view that we should promote economic strategies which will ensure sustainable development through developing innovation and technology, plus cultural and creative industries.

I very much support the proposal that the Government formulate viable and long-term development strategies on new industries. As we all know, Hong Kong lacks resources. What we have are just talents. However, I must stress that the relevant authorities should rationalize the co-ordination among departments, and their vetting and approval of applications so as to enhance the efficiency in decision-making and operation, especially in relation to the promotion of creative industries, granting approval to subsidies and concessions.

I would also like to urge the Government to consider two points, and one of which is that those who are engaged in creative industries need an ideal working environment. Currently, no industrial activities are carried out in many old factory buildings. If these old factory buildings are modified for promoting creative industries instead of being demolished, the Government should consider lowering the amount of regrant premiums. According to my observation, many young people in the creative design industry are interested in identifying some old residential or industrial building units for setting up their offices or workshops which emit a nostalgic aura but are equipped with advanced installations after thoughtful renovation and modification. We can see that there are many such creative work studios and workshops operating in old tenement buildings found in the old areas of Central, Sheung Wan and Wan Chai. The Hong Kong Architecture Centre is one of these examples.

As the Administration intends to promote creative industries and such creative offices are mostly small and medium enterprises, it would be much helpful to them if their rentals could be reduced. In fact, Hong Kong is a piece of soil suitable for the development of creative industries that we are talking about because Hong Kong is a blend of Chinese and Western cultures.

As for the various measures and proposals on the promotion of creative culture and the arts as put forward by Members, I support them in principle.

President, I think the second point concerns both you and me. In order to genuinely develop creative industries successfully, the most important thing is to start from education so as to nurture our next generation. Frankly speaking, I think nowadays students are really working very hard. Many children have started learning a lot of difficult subjects since attending kindergarten and primary school. They spend most of their time in doing their homework alone. How can they have time or room to nurture and develop their creativity?

According to the findings of a study of gifted children conducted by some education experts, the main difference between gifted children and ordinary children is that gifted children have a lot of time for daydreaming. In other words, they have a lot of room and time to let their imagination run wild. If there is no imagination, how can there be creativity? According to the British philosopher Bertrand RUSSELL, leisure is an essential element of civilization. If we do not have any leisure, it will not be possible for us to break away from a barbaric society and there will be no culture.

Therefore, we should seriously consider and review our education system. Subjects which are too difficult should be reduced in a proactively manner so that our younger generation can have more time and room to explore their interest and creativity. I also support the development direction of the Education Department which encourages the wider use of project work in teaching because students' concentration and team spirit can be enhanced through such activities. They can also make use of their creativity when compiling a report on their project work.

President, as those who teach architecture, we have actually been promoting creativity by adopting such an approach. Of course, I have mentioned the problem in kindergartens and primary schools. But in fact, secondary school students are also facing the problem that they are divided into arts and science streams at a very early stage. I do not know why some students have to study arts subjects while the others have to study science subjects. In fact, students should possess both arts and science knowledge if we intend to promote creative industries as both science and culture are essential ingredients. So, I think this is what we should consider seriously from various perspectives.

Of course, post-secondary education which emphasizes specialization is more important. Currently, our Public Works Subcommittee has vetted and approved the hardware development of tertiary institutions, apart from promoting the development of The Hong Kong Polytechnic University and the City University. Just like the approach adopted by the Hong Kong Design Institute mentioned by Andrew LEUNG earlier, we have been making contributions in this area. However, the development of hardware alone is not enough. Although architects are mainly responsible for the building of hardware, the most important thing is the software, and that is, the co-ordination between teachers and training so that students can be provided with more internship opportunities, thus allowing

them to participate in a wide spectrum of work. Only in doing so can the ideal result be achieved.

I so submit. Thank you, President.

MR CHAN KAM-LAM (in Cantonese): President, currently, the room for economic development and industrial structure in Hong Kong are so narrow that it is not conducive to economic expansion. Both former and incumbent Chief Executives have always emphasized in the policy addresses the need to strengthen Hong Kong's four major pillar industries, namely financial services, business support services, tourism and logistics industries. However, after a rapid changing economic situation in the international community and the Mainland in just four or five years, the weakness of Hong Kong's industrial structure has surfaced and its original edge has lost.

According to the 2009 Blue Book on Urban Competitiveness released by the Chinese Academy of Social Sciences a few days ago, Hong Kong remains the most competitive city in China, but a number of indicators have dropped in their rankings. For instance, Hong Kong has been surpassed by Shanghai and Beijing and ranked second in terms of economic scale and industrial levels. It should be noted that Hong Kong has failed to achieve full integration with Shenzhen and Guangzhou in its economic scale, thus resulting in its feeble co-operation in the region. On the other hand, the SAR Government has not established any closer co-ordination with our neighbouring cities in a large spectrum of areas, leading to the problem that policies are not tied in with each other. The substantial financial resources, resource management systems, human resources, raw materials for production, infrastructural and international networks which have been accumulated in southern China during the past three decades' reform and opening up are relatively fragmented. And Hong Kong remains an isolated economy without establishing close or standing co-operation and ties with Mainland cities. If Hong Kong continues to rely solely on the four industrial pillars and the local economy, with a mindset of living on our established advantages, the economic development of Hong Kong will be greatly hindered. The SAR Government should adopt an open mind and take the initiative to expand the territory of Hong Kong's economy. In view of the recent economic situation, the Chief Executive has proposed the development of six industries which Hong Kong has a clear advantage. This idea supported by us. To look

for Hong Kong's new growth point in such a direction is a good start in enhancing Hong Kong's competitiveness.

In Hong Kong, President, there are a large number of mature enterprises which enjoy international standing and repute. However, these privately-developed industries could only produce limited economic benefits in the past. It is difficult for them to develop into cross-regional industries and expand their room for development. The talents, corporate governance, good legal system and international certification system in Hong Kong are the prerequisites for our development.

In Hong Kong, we have quality medical services which are obvious to all. Every year, the two local medical schools keep launching advanced medical technology, which is on a par with the international medical standards. In Hong Kong, there are a large number of creative talents in technology, in addition to quality and advanced facilities which can tie in with innovation and technology. In particular, we can introduce more leading scientific technologies jointly with the Mainland and overseas countries. Hong Kong's cultural and creative industries are second to none. Our movies, comics, literature, Cantonese opera, music and drama represent a blend of Chinese and Western cultures, suitable to both refined and popular tastes. Hong Kong's green technology is not backward either. Given the huge mainland market, our green industry is promising. Moreover, Hong Kong, given its international background, can attract talents and academics from the Mainland and overseas for exchanges, and outstanding students for further studies, thus enabling the further development of our higher education.

In order to develop these industries which have already got a solid foundation, the Government should take the initiative to introduce good and comprehensive policies so as to create a macroeconomic environment and meet the people's aspirations. If such policies can be implemented effectively, there will be room and opportunities for their development. In the past, the SAR Government was often criticized for being too ambitious and unrealistic. It has created a lot of names such as the Chinese medicine harbour, Cyberport, Science Park and so on. But so far, we do not see any advantages in these aspects in Hong Kong due to the lack of specific and far-sighted measures for the gradual fostering of these industries. Instead of making co-ordination for these industries in a scientific way, the Government is myopic and lacks vision. Being inconsistent in its implementation effort, it has also failed to immediately

solve problems which have emerged in the course of development. As a result, people are confused and get the impression that the Government is indulging in empty talks and failed to achieve its over-ambitious goals due to its ineffectiveness.

President, we do not wish to get such a negative impression from the government policies again. We need new thinking and firm determination in the implementation of new industrial policies. The policy-makers should have the mindset of removing barriers to meet our practical needs and market demands expeditiously. Meanwhile, the business sector and the community should co-operate in a pragmatic and people-based manner. Only such a policy can really meet our needs and benefit the whole economy. If outdated legal provisions are upheld on the pretext that they are established policies and practices, if removal of restrictions under old thinking is resisted and bureaucratic shackles are preserved, the further development of these advantageous industries will become impossible.

President, the early formulation and implementation of specific policies related to these industries which Hong Kong has a clear advantage is a crucial factor in determining whether Hong Kong can turn a new leaf for its economy. If the Government still adheres to the market-oriented principle as it did in the past and let the market feel the way forward on its own, if it does not expand Hong Kong's territory of development or grasp the development opportunities, many of our advantages will be lost in the blink of an eye. The SAR Government should play an active co-ordination role in formulating its people-based and specific measures with a new mindset. It should also put these measures into practice with determination to ensure the effective implementation of these macro-economic strategies.

I so submit.

MR IP WAI-MING (in Cantonese): President, the industrial structure in Hong Kong has been hollowed out since the 1990s, resulting in the relocation of manufacturing industries and loss of employment opportunities suffered by numerous workers in the manufacturing sector. These workers were forced to accept low-paid jobs and work long hours in the service sector. The Federation of Trade Unions (FTU) has pointed out the problem of the hollowing-out of industries and requested that the problem be faced squarely by the Government.

In response to the financial turmoil in 1998, Miss CHAN Yuen-han from the FTU moved the motion on "Restructuring Hong Kong's economy", pointing out the employment difficulties faced by local employees because of the undue emphasis laid on the financial and real estate businesses in Hong Kong's economy over the years at the expense of a diversified economic development. Miss CHAN Yuen-han urged the Government to restructure Hong Kong's economy and modify its development strategies, thereby creating employment opportunities.

Ten years on, however, we think that the situation described by Miss CHAN Yuen-han has not undergone any substantial change at all. We are still over-reliant on the financial industry and have not learned a lesson from the financial turmoil in 1998. We seem to forget that this single pillar is subject to severe fluctuations. Although it will occasionally bring some hope to our economy, our economy will soon plunge into the bottom. Two years ago when there was a boom in the financial market due to speculative activities, the Chief Executive said that he wished to create a golden decade for the people. Unfortunately, good times never last. We were hit by the financial tsunami in less than a year, not to mention a golden decade.

During the past 10 years, it seems that there is neither progress nor change in Hong Kong's economic structure, although there is progress in all mainland provinces and cities and even the whole world. Hong Kong's competitive edges no longer exist as it did 10 years ago. As Premier WEN Jiabao said, even though Hong Kong wishes to maintain its status as an international financial centre, it should improve its competitive edge or risk lagging behind.

The crisis now facing Hong Kong is more severe than the financial turmoil 10 years ago. In our opinion, the Hong Kong people should draw a lesson from the bitter experience and develop new industries in order to seek a new growth point and create new job opportunities.

The Task Force on Economic Challenges, at its fourth meeting in early this month proposed the development of six major economic areas with advantages, including testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry and educational services. Although we do not know band on what criteria these six industries are selected, we hope very much that the creation of employment opportunities be made the

obvious goal of promoting these industries so as to absorb human resources, especially the grass-roots workforce.

As at the fourth quarter of 2008, there are 3.68 million people in the workforce in Hong Kong, of whom more than 1 million have an educational attainment below junior secondary level and nearly 800 000 are over 40 years of age. In most of the cases, it is very difficult for them to upgrade themselves both in terms of education level and technical skills. In a knowledge-based economy, the Administration, in facing structural unemployment, should create jobs which are suitable for them so as to alleviate their situation of being marginalized in the labour market.

The FTU has time and again since 1999 moved motions on supporting the recycling industry because this industry will generate very high economic benefits and create a lot of employment opportunities for the grassroots. Currently, the recycling industry in the world treats over 600 million tonnes of all kinds of wastes, with a turnover of more than US\$160 billion and a workforce of more than 1.5 million people.

For instance, since 1 June 2005 the German Government has made it a mandatory requirement that wastes in all federal states be undergone pre-treatment process instead of being buried directly. By the end of 2006, the resource recycling industry has employed a total of 250 000 employees, with an output value of €50 billion. In our neighbouring regions, such as Singapore, Taiwan and South Korea, the industrial output values of the recycling industry have also reached more than \$10 billion, \$30 billion and \$50 billion respectively. In Hong Kong, the output value is just over \$1 billion. We can see that the local recycling industry is far lagging behind many other countries. Moreover, the three landfills will hit full capacity in six years. We therefore think that it is imperative to promote the recycling industry indeed.

If the Government really intends to turn the environmental industry into an industry with advantage, we urge the Government to promote not only relevant high-end technology, but also waste recycling so as to create employment opportunities.

President, regarding the six industries such as medical services, innovation and technology, and creative industries, we do not start saying today that development of these industries is essential. Rather, it was proposed in the early

years of Hong Kong's reunification with China that these industries be developed vigorously. However, over the years, no action has been taken. It seems that no much progress has been made. We hope that the Government will implement a concrete policy or some measure to promote the industry instead of indulging in empty talk.

More importantly, the size of Hong Kong's workforce has been constantly on the rise. During the past eight years from 2000 to the present, our workforce has increased by 283 500 people, representing an annual increase of around 35 000 people. Therefore, we think it necessary to develop new industries. We should pay attention to employment instead of only talking about economic growth.

President, I so submit.

MRS SOPHIE LEUNG (in Cantonese): President, the motion today is a very good one. I have been listening carefully to the speeches of my colleagues. I can no longer contain myself but rise to speak up.

First of all, I would like to respond briefly to the speeches of two Honourable colleagues. The first one is Ms Cyd HO, who expressed concern that if the business sector participated in policy formulation, it would run counter to the civil service I cannot quote her wordings directly as I do not quite catch what she meant. However, President, it sounds to me that she supports the idea of maintaining the restrictions within the civil service system. Here, I would like to tell Ms Cyd HO that even some of the internationally famous universities have awakened in recent decade that progress is not possible without inviting representatives of the business sector to join their management. The President of Stanford University who has caused a public sensation, for example, was a well-known businessman. He joined the renowned university and became its leader. I wish to share this concept with Ms Cyd HO. Nowadays, even famous secondary schools are inviting people from the business sector to join their management to become at least the deputy principal in order to get the whole academic sector integrated into society in the future. I also wish to share this point with Members.

The second Honourable colleague to whom I wish to respond is Mr Ronny TONG. I actually agree very much to what he said. He said that the rule of law has been the best and most important element of our society. I agree with

him that it is the element which deserves our pride. He further said that we should not look down upon ourselves although we did have quite many disadvantages. This is in line with what Mrs Regina IP has raised. When Mr Ronny TONG looks at a glass half full of water, should he be seeing a glass half empty or half full instead? Mrs Regina IP was only trying to remind us not to be complacent. Things can always be judged from different angles, not just from two angles. He said that a balance should be struck. Instead of extolling new things to the skies, we should also take old things into account. This is also a point of his that I agree very much to. Yet, I do think that stepping into the 21st century, our developments should be diversified in order to strike a balance. We should even have a few more "stakes" in our industries in order to gain a steady foothold. Simply take financial industry as an example. We have been under the impression that the financial sector is developing very well in Hong Kong and that we benefit from the large influx of capital into Hong Kong. However, the capital may flow out to places where money is needed. If it happens, we are all doomed. Am I right? Therefore, I think the financial sector should also be diversified in its development.

Speaking of the rule of law, I wish that those legal professionals, especially Honourable colleagues from the Civic Party in this Council, can sit together and ponder over the issue of whether Hong Kong really has to set up a patent board. Hong Kong has a large population and is heading towards the goal of turning itself into another economic entity in East Asia and we are also working hard on the promotion of innovative technology. This patent board is very important if Hong Kong is to position itself.

As for the issue of patent board — I am sorry, President, because I do not know how to call patent board in Chinese — I have actually been discussing this topic with my friends in the legal profession for the past 10 years. Some of them expressed their enthusiastic support while others opposed strongly. In this regard, friends in the legal sector should demonstrate their power and examine the question of what can be done. Frankly speaking, we can link our minds to the practice in the United States or the European Union. Although Hong Kong adopts the Chinese practice, it may not be globally acceptable. Singapore has its own version, but it may not be acceptable worldwide either. Should we consider having our own practice?

President, I would like to raise several points. First, we have been considering innovation, but we should not abandon our original trades. These

trades are a crystallization of decades or generations of experience, nurturing some world-famous enterprises, comprising businesses related to the clothing, food, shelter and transportation needs of the people. Clothing, food, shelter and transportation are basic necessities of life. President, as for my garment industry, it should be value added. I also hope that the Creative Industry Office can be set up as soon as possible because I have a set of suggestions for their consideration. The apparel industry — especially in the area of design — has much room for value adding. My proposal even touches upon the issue of building up brand names. If we say today that we have to build up a brand name, there is no way that we can instantaneously build up a brand name.

Secondly, I wish to say that creativity and culture are inseparable. A multi-cultural atmosphere is indispensable to a creative society. I also have a whole set of ideas enabling the general public to come into contact with a culture well-suited to them. I expect that after the establishment of the Creative Industry Office, we can sit down and study in detail.

President, the third point I would like to say is that academic qualification is undoubtedly important. Some Members who have just spoken thought that we should provide more university places. I strongly disagree with them. No matter how advanced a city or even a nation may be, it is always impossible for the government to create sufficient university places to accommodate all students. Many successful people do not possess a degree. I think that a flexible mind, a strong craving for knowledge and an unremitting enterprising spirit are more important — these are the elements of entrepreneurship I am talking about.

President, I so submit.

PRESIDENT (in Cantonese): Before I adjourn the meeting, does any Member in the Chamber wish to speak?

DR SAMSON TAM (in Cantonese): President, what are still missing if Hong Kong is to develop a new economy, especially in promoting technology and creative industries? I agree very much to the motion proposed by Mrs Regina IP today. I also believe Hong Kong needs a Policy Bureau focusing on innovation and technology as well as creative industries.

I wonder if Members still recall that a Technology and Broadcasting Bureau was set up after the reunification, and the Bureau was later renamed as the Commerce, Industry and Technology Bureau. In May 2007, the Bureau was again renamed, with "Technology" being removed, as the Commerce and Economic Development Bureau. In response to a protest outside this Council staged by a group of people from the technology sector and me, plus Mrs Regina IP who is here today, the Chief Executive said that the renaming of the Bureau did not mean that the Bureau no longer existed. However, a number of my foreign friends told me that it would not be appropriate for the Policy Bureau to engage in technology matters if "Technology" is removed from its name. Hence, I would like to implore the Government to consider restructuring the Bureau into a new one in its future reorganization exercise.

In fact, is it very difficult to restructure a Policy Bureau? Let us take a look at our Motherland. The Ministry of Information Industry, established as a result of a merger of the former Commission for Technology and Industry and Ministry of Posts and Telecommunications, was restructured and renamed as the Ministry of Industry and Information Technology last year to specifically promote the restructuring of the process of information technology in the enterprises for adaptation to the new economy. Over the past decades, the Ministry of Science and Technology of the Motherland has been focused on the implementation of technological development and planning. While even such a big country as China can keep abreast of the times through re-engineering when required, why is Hong Kong unable to act in the same manner? Is it because the Hong Kong Government is unwilling to move forward?

Regional collaboration and turning the Pearl River Delta (PRD) from a workshop of the world into the world's creative centre or regional centre for technology applications, as expected by everyone, are key to the successful transformation of Hong Kong economy. I was very hopeful when the Chief Secretary Henry TANG led a delegation to visit Guangzhou and Foshan last Thursday. Even though the meeting I attended the day before did not end until two o'clock in the morning, I still joined the delegation by catching the ferry at around seven o'clock in the morning. I recall that we visited a company in Guangzhou on that day. The company, named NetEase, boasts a market value of more than \$20 billion. Its annual business turnover is not huge and it is only around \$3 billion, but its profit has reached \$1.6 billion. Relying on the new economy, especially online games, the company has turned itself into a world-class online games company. While Guangzhou has such a remarkable

company, there is another company, called QQ Tencent, in Shenzhen, whose performance is even more remarkable, as its market value is even higher than that of NetEase. Its founder, Mr MA Huateng, a young entrepreneur in his 30s, has already become one of the richest persons in China. While new enterprises have emerged as a result of the growth of the new economy in Guangzhou and Shenzhen, why can we not find similar examples in Hong Kong? I think it is because the Hong Kong Government does not have any policy to develop technology, and our market is simply too small. This is why people in our trade are very worried that Hong Kong will be marginalized one day should the situation remain unchanged.

In an IT delegation I organized to visit Guangzhou this Monday, I joined 30-odd people from the IT sector to examine how Hong Kong's creative industries and modern service industries can enter the Guangzhou market. I was very pleased because I found out during the trip that Hong Kong enterprises were much admired by enterprises in Guangdong Province because we had freedom of information and Hong Kong was regarded to be very creative. This explains why our movies and television programmes are very popular on the Mainland. However, because of the content of our productions, our creative industries have been unable to enter the mainland market. This is why, very often, that despite our persistent efforts, we have been unable to open up the mainland market.

Hence, we hope the SAR Government can launch some policies, especially now that CEPA has been put in place, to truly help Hong Kong's enterprises and creative industries fight for landing rights in Guangdong Province or assist our online games in opening up markets in China. I believe if the SAR Government is willing to put things into practice seriously, it will certainly be capable of doing so.

Lastly, capital is indispensable if enterprises, especially technology enterprises, are to thrive. Of course, I do not mean to ask the Government to allocate funds to the enterprises. I just hope that the Government can strive to lend Hong Kong a helping hand in the financing market for technology enterprises.

President, subsequent to the establishment of NASDAQ in the United States in 1971, a large number of enterprises have come into being over the past three decades or so. By relying on a sound financing market, high technology giants, such as Microsoft, Intel and Google, have been able to grow. We have

always described Hong Kong as a financial hub with its strength in financing. However, we have often found capital flow into such conventional industries as real estate. As for technology financing, I have not seen any results achieved so far. We were full of expectations when the Growth Enterprise Market (GEM) was proposed in Hong Kong years ago. But for various reasons, the GEM has been unable to bring its function into full play. On the contrary, it is said that Shenzhen wants to set up a GEM. But will it be a good thing for Hong Kong's technological enterprises? Should a GEM be established in Shenzhen, the upside is that an additional financing channel will be provided. But the downside is: Will Hong Kong be replaced or overtaken by Shenzhen in terms of financing, which has all along been considered as a strength of Hong Kong? In this regard, we are really very worried. This is why the authorities must really face this issue squarely. In order to boost the new economy and assist Hong Kong's transformation, a dedicated Policy Bureau must be set up. The authorities should also help Hong Kong form a zone of excellence with Shenzhen and Guangzhou and step up its efforts in financing. I believe Hong Kong can definitely be in for a new economy more quickly and successfully if the Secretary or the SAR Government is willing to act in this manner.

President, I so submit.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 9 am sharp tomorrow.

Suspended accordingly at fourteen minutes to Ten o'clock.

Annex I

PUBLIC HEALTH AND MUNICIPAL SERVICES (AMENDMENT) BILL 2008

COMMITTEE STAGE

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>(a) In the proposed section 78A, in the definition of “food”, by deleting “by the definition of “food” in” and substituting “to it by”.</p> <p>(b) In the proposed section 78A, in the definition of “section 78B order”, by adding “and, as the context requires, includes such an order as varied from time to time under section 78B(4)” after “section 78B(1)”.</p> <p>(c) In the proposed section 78A, by adding – ““hazard” (危害) means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;”.</p> <p>(d) In the proposed section 78B(2), in the Chinese text, by deleting everything after “防止對公眾衛生” and substituting “造成危險，或減少對公眾衛生造成危險的可能性，或緩解任何對公眾衛生造成危險的不良後果，該命令方可作出。”.</p> <p>(e) In the proposed section 78B, by adding – “(2A) In determining whether there are reasonable grounds under subsection (2), the Authority may, in so far as is practicable and reasonable, take into account all factors</p>

relevant to the circumstances of the case that the Authority considers appropriate, including but not limited to the following –

- (a) information obtained from any importer or supplier of the food;
- (b) information, reports or testing results obtained from a public analyst;
- (c) information (including reports, alerts, warnings and advisories) obtained from any international food or health authority or the food or health authority of any place;
- (d) the time required for obtaining reports or testing results from a public analyst;
- (e) characteristics of any hazard in the food, the level of the hazard in the food, consumption pattern of the food and the exposure of the general public and vulnerable groups to the food;
- (f) any statutory requirement relating to the food;
- (g) information on the source and extent of the hazard, in particular on whether the hazard exists throughout or in any part of the manufacture or supply chain or is limited to a

particular batch of food.”.

- (f) In the proposed section 78B(3)(c), by adding “and the principal factors that led to the making of the order” after “order”.
- (g) By deleting the proposed section 78C(3) and substituting –
 - “(3) A section 78B order addressed as referred to in subsection (1)(b) or (c) must be published in the Gazette.”.
- (h) By deleting the proposed section 78C(6) and substituting –
 - “(6) A section 78B order addressed as referred to in subsection (1)(b) or (c) takes effect at the time specified in it.”.
- (i) In the proposed section 78D(3)(a), by deleting “any act” and substituting “the act”.
- (j) By deleting the proposed section 78D(3)(b) and substituting –
 - “(b) the employee was not, at the relevant time, in a position to make or influence a decision regarding that act or omission.”.
- (k) In the proposed section 78G(1), by deleting everything after “within” and substituting “28 days from becoming bound by the order, appeal to the Municipal Services Appeals Board against the order as originally made.”.
- (l) In the proposed section 78G, by adding –
 - “(1A) A person bound by a section 78B order who is aggrieved by a variation of the order under section 78B(4) may, within 28 days from becoming bound by the variation, appeal to the Municipal Services Appeals Board against the order as so varied.”.

(m) In the proposed section 78G(3), by deleting “subsection (1)” and substituting “this section”.

(n) By deleting the proposed section 78H(1) and substituting –

“(1) A person bound by a section 78B order may apply for an amount of compensation, recoverable as a civil debt due from the Government, that is just and equitable in all the circumstances of the case, for any loss of a kind set out in subsection (1B).

(1A) The person is entitled to compensation only if the person proves that –

(a) the Authority did not have reasonable grounds to make the order at the time of making the order or to vary the order at the time of a variation of the order; and

(b) the person has suffered the relevant loss.

(1B) The losses referred to in subsection (1) are the following losses arising as a direct result of compliance with the section 78B order or as a direct result of the exercise of a power under section 78I(1) in relation to the section 78B order –

(a) total or partial loss of the food that is the subject of the order and that –

(i) has been destroyed or otherwise disposed of;

(ii) is no longer fit for human consumption; or

- (iii) is depreciated in value;
 - (b) costs or expenditure actually and directly incurred.
- (1C) The amount of compensation recoverable –
 - (a) in relation to a loss of a kind set out in subsection (1B)(a), must not exceed the market value of the food immediately before the time of making the section 78B order or immediately before the time of the variation, as the case may be; and
 - (b) in relation to a loss of a kind set out in subsection (1B)(b), must not exceed the actual amount of the costs or expenditure incurred.”.
- (o) In the heading of the proposed section 78J, by adding “**and principals**” after “**employers**”.
- (p) By deleting the proposed section 78J(2) and (3) and substituting –
 - “(2) An act done or omission made by an agent of another person with the authority (whether express or implied and whether precedent or subsequent) of that other person is treated for the purposes of this Part as done or made by that other person, as well as by the agent.
 - (3) In any proceedings for an offence under this Part brought against a person in respect of an act or omission alleged to have been done or made by an employee or agent of the person, the person is liable to be convicted of and be

punished for that offence unless the person establishes the defence described in subsection (4).

(4) If any proceedings are brought against a person by virtue of this section, it is a defence for the person to show that the person exercised all due diligence to prevent the employee or agent from –

- (a) doing the act or making the omission; or
- (b) doing an act or making an omission of that description in the course of the employee's employment or the agent's authority."

(q) By adding –

“78K. Codes of practice

(1) The Authority may issue any code of practice that in the Authority's opinion is suitable for providing practical guidance in respect of this Part.

(2) If a code of practice is issued under subsection (1), the Authority must, by notice published in the Gazette –

- (a) identify the code;
- (b) specify the date on which the code is to take effect; and
- (c) specify for which of the provisions of this Part the code is so issued.

(3) The Authority may from time to time revise the whole or any part of a code of practice issued under subsection (1).

(4) Subsection (2) applies, with the necessary modifications, in relation to any revision made under subsection (3) as it applies in relation to the issue of a code of practice.

(5) The Authority may at any time revoke a code of practice issued under subsection (1).

(6) If a code of practice is revoked under subsection (5), the Authority must, by notice published in the Gazette –

- (a) identify the code; and
- (b) specify the date on which the revocation is to take effect.

78L. Use of codes of practice in legal proceedings

(1) A failure on the part of any person to observe any provision of a code of practice does not of itself render the person liable to any civil or criminal proceedings.

(2) However, if in any legal proceedings the court is satisfied that a provision of a code of practice is relevant to determining a matter that is in issue in the proceedings –

- (a) the code of practice is admissible in evidence in the proceedings; and
- (b) proof that the person contravened, or did not contravene, the provision may be relied on by any party to the proceedings as tending to establish or negate that matter.

(3) In any legal proceedings, a code of practice which appears to the court to be the subject of a notice under section 78K is taken to be the subject of that notice in the absence of evidence to the contrary.

(4) In this section –
“code of practice” (實務守則) means a code of practice issued under section 78K(1) as revised from time to time under section 78K(3);
“court” (法院) has the meaning given to it by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) and includes a magistrate and the Municipal Services Appeals Board;
“legal proceedings” (法律程序) includes proceedings of the Municipal Services Appeals Board for an appeal under section 78G.”.

3

By adding –

“78K Director of Food and Environmental Hygiene”.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Security to Ms Cyd HO's supplementary question to Question 2**

As regards how the Government of the Hong Kong Special Administrative Region (HKSARG) would make a request to the Central People's Government if it requires any part of the military sites of the Hong Kong Garrison for public use, Article 13 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (the Garrison Law) provides that if the HKSARG requires for public use any part of the land used for military purposes by the Hong Kong Garrison, it shall seek the approval of the Central People's Government. The HKSARG shall in return provide land and military facilities for the Hong Kong Garrison at such sites as agreed to by the Central People's Government, and shall bear all the expenses and costs entailed.

Generally speaking, if the HKSARG requires any land for public use, it will search for a suitable site that is available for use for the specific purpose. If the HKSARG considers that the most suitable land for the purpose is located within a military site of the Hong Kong Garrison, it will consult the Hong Kong Garrison and then formally seek the approval of the Central People's Government in accordance with Article 13 of the Garrison Law to make the relevant military land available for public use. If approval is obtained from the Central People's Government, the HKSARG will in return provide military land and military facilities for the Hong Kong Garrison at such sites as agreed to by the Central People's Government, and bear all the expenses and costs entailed.