

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 27 May 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.

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

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

THE HONOURABLE CHAN HAK-KAN

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

THE HONOURABLE CHAN KIN-POR, J.P.

THE HONOURABLE TANYA CHAN

DR THE HONOURABLE 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:

DR THE HONOURABLE MARGARET NG

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

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE JOHN TSANG CHUN-WAH, J.P.
THE FINANCIAL SECRETARY

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

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

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

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

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

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

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

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

THE HONOURABLE MRS RITA LAU NG WAI-LAN, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

MR RAYMOND TAM CHI-YUEN, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

PRESIDENT (in Cantonese): Clerk, will you 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>
Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009.....	107/2009
Prevention and Control of Disease Ordinance (Amendment of Schedule 2) Notice 2009.....	108/2009
Fixed Penalty (Smoking Offences) Ordinance (Commencement) Notice	109/2009
Fixed Penalty (Smoking Offences) Regulation (Commencement) Notice	110/2009
Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice (Commencement) Notice	111/2009

Other Papers

- No. 94 — Report by the Trustee of the Correctional Services Children's Education Trust for the period from 1st September 2007 to 31st August 2008
- No. 95 — Broadcasting Authority Annual Report 2007-2008
- No. 96 — Report of changes to the approved Estimates of Expenditure approved during the fourth quarter of 2008-09
Public Finance Ordinance: Section 8

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Developing Mainland Market for Hong Kong Products

1. **MR WONG TING-KWONG** (in Cantonese): *Earlier, the Hong Kong Trade Development Council (TDC) organized more than 250 companies of Hong Kong brands to participate in Hong Kong Consumer Products Expo, held for the first time in Guangzhou. There were more than 30 000 visitors on the first day of the event, which reflected the immense appeal of Hong Kong brands to mainland residents. Some members of the business sector have pointed out that with increasingly frequent exchanges between Hong Kong and the Mainland, it is now an opportune time for Hong Kong brands to develop the mainland market. In this connection, will the Government inform this Council:*

- (a) *whether it knows the number of trade fairs organized by TDC on the Mainland in each of the past three years to promote Hong Kong brands, the cities in which such fairs were held, and the major categories of the products being promoted; whether the effectiveness of such fairs has been assessed; if such an assessment has been made, of the outcome; if not, the reasons for that;*
- (b) *whether it knows if TDC has any plan to organize similar fairs in various mainland cities in the next two years; if TDC has such a plan, of the details; and*
- (c) *whether the Government has enhanced discussions with the relevant mainland authorities on specific policies, so as to proactively assist Hong Kong products in developing the mainland market?*

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

- (a) In the past three years, the Hong Kong Trade Development Council (TDC) organized different large-scale trade promotion and consumer fairs in various mainland cities. Details are as follows:

- In November 2007, TDC brought the Style Hong Kong Show to the Mainland for the first time. The event took place in Hangzhou and presented over 140 Hong Kong brands to the city. It featured mainly a range of trendy and lifestyle products such as fashion, accessories, watches, jewellery, gifts, housewares and health food. Around 65 000 visitors turned up. The event was held again in Hangzhou in November 2008 and drew over 50 000 visitors. The number of participating Hong Kong brands increased to 200.
- In March 2009, the Hong Kong Consumer Products Expo was held in Guangzhou, presenting the products of some 250 Hong Kong brands, including fashion, accessories, watches, jewellery, food, gifts, housewares and cosmetics, to over 140 000 visitors.
- In mid-May, the Style Hong Kong Show was held in Wuhan, attracting over 300 000 visitors. Products of nearly 300 Hong Kong brands covering lifestyle items, health food and fashion were showcased.

Through the above promotional activities, Hong Kong enterprises may promote their brands and products to local consumers direct and gauge local demand, purchasing power and market situation. On the other hand, local retailers, wholesalers and dealers can be attracted to explore collaboration opportunities with the exhibitors in domestic sales in both near and longer terms. Some exhibitors indicated that participating in the events had helped them assess the business case for developing the mainland market. Encouraged by the favourable response to their products in the trade fairs, some enterprises became more confident in entering the mainland domestic market. Some even set up their business in the Mainland soon after the events. Judging from the number of visitors, business generated and feedbacks from the exhibitors, the trade fairs mentioned above are effective.

- (b) TDC will stage the Style Hong Kong Shows in Chongqing and Guangzhou in November this year and February next year respectively. It is also considering organizing similar events in

other cities that are interested in Hong Kong products and more affluent in terms of purchasing power.

- (c) One of the priorities of the SAR Government this year is to join force with the mainland authorities to help Hong Kong enterprises tap the mainland domestic market. We have through various channels, including arranging meetings between leaders of the trade and mainland officials, reflected views on policies and supporting measures needed for developing the mainland domestic market to the relevant authorities for follow-up.

In addition, at the 105th China Import and Export Fair in Guangzhou held in April, we also arranged for more than 100 Hong Kong enterprises to participate in the Domestic Market Business Matching Forum and meet with mainland buyers.

We will continue to examine, with the Central Government and relevant ministries, further measures for facilitating Hong Kong enterprises to tap the mainland market. These include streamlining the procedures for establishing retail outlets and certification/inspection, expediting the approval process, simplifying the tax filing arrangements, and implementing the "single tax return for multiple domestic sales" arrangement.

MR WONG TING-KWONG (in Cantonese): *President, the 1st Guangdong Foreign-Invested Enterprises Commodities Fair will be held from 18 to 20 next month in Dongguan City. The local government will grant subsidy on exhibition fees and accommodation expenses to participating purchasing delegations, and provide a through-train service in order to facilitate foreign-invested enterprises in Guangdong to develop the Mainland market. However, the industry told me that the notice from the Hong Kong Government only arrived two days before the deadline of application for the Fair. Fortunately, the industry had already been notified through other sources. This raises queries on the sensitivity of the SAR Government. Indeed, the industry has expressed the wish to have more access to similar promotional platforms as one of the ways to explore the market, no matter if these fairs are held in places like Jiangxi or Hunan, and so forth. The industry believes that it is worthwhile to participate in these activities. Will the authorities consider improving the relevant notification mechanism to enable*

Hong Kong enterprises to receive information of the trade fairs or economic activities organized by mainland authorities more quickly?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): In fact, we have a smooth channel in the notification mechanism. According to my conjecture, decisions related to the Fair are of course made by the Dongguan Municipal Government. In this regard, we would enhance our communication with municipal governments through our Mainland offices, so as to ensure that information can be disseminated to Hong Kong enterprises in the first instance.

MR ANDREW LEUNG (in Cantonese): *In the main reply, the Secretary has recognized the consumer fairs organized by the Hong Kong Trade Development Council (TDC) in the past. I went to Hangzhou in November 2008 as the officiating guest of honour and deeply experienced that, no matter it is retailing or wholesaling, Hong Kong brands are popular in the Mainland. As a council member of TDC, I believe that considerable resources and collaboration from the Government are needed before TDC, whose resources are limited, can work more on this front. Although the Government has implemented arrangements such as the "single tax return for multiple domestic sales" and so forth, has it considered discussing with TDC in expediting the work on domestic sales? This would be very helpful to manufacturers in terms of upgrading and transforming as well as domestic sales.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): In fact, we believe that we can promote the policy to subsidize or assist Hong Kong enterprises in developing the Mainland market at two levels. On the one hand, the Financial Secretary announced yesterday that the SME Export Marketing Fund will be enhanced by earmarking an extra \$1 billion for the exhibition and marketing efforts of small and medium enterprises (SMEs), and this of course includes the work to develop the Mainland market.

On the other hand, we increased the amount to be applied by each SME under the Fund from \$100,000 to \$150,000 in November last year, and this certainly can give direct support to the SMEs. Moreover, the Government has discussed with the Hong Kong Trade Development Council (TDC) to increase the

vigour that, apart from the trade fairs held respectively in Chongqing this November and in Guangzhou in February next year, TDC is conducting a study on holding trade fairs in other cities, including Changsha, and Hunan. As arrangement is needed for such work, the details will be announced to the industry once they are available.

MR ABRAHAM SHEK (in Cantonese): *I would like to ask the Secretary, on promoting Hong Kong products, how many offices have been set up by the Hong Kong Trade Development Council in the Pearl River Delta to materialize its ability to assist Hong Kong enterprises in the Mainland?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, about the exact number of the offices set up by the Hong Kong Trade Development Council (TDC), I will give Mr Abraham SHEK a written reply as I do not want to have any error in the figure. (Appendix I) However, apart from that of TDC, our office in Guangzhou would take part in the liaison efforts too.

MR ABRAHAM SHEK (in Cantonese): *President, I would like to have the number of offices that have been set up. Are there none? If there are not any, will they be set up?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, as far as I know, the Hong Kong Trade Development Council has offices there. Regarding the details of the work distribution, I would like to give Mr SHEK a written reply.

MR CHAN KAM-LAM (in Cantonese): *President, several of the trade fairs previously organized by the Hong Kong Trade Development Council in the Mainland have illustrated that Hong Kong brands are highly appealing there. As pointed out by the Secretary in the last paragraph of the main reply, the arrangements of "expediting the approval process, simplifying the tax filing arrangements, and implementing the 'single tax return for multiple domestic*

sales" are needed. Has the Government considered striving for a policy that incorporates the seeking of a comprehensive liberalization of both export and domestic sales from the Mainland, following the implementation of the "Outline of the Plan for the Reform and Development of the Pearl River Delta"?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Indeed, the policies implemented are clear enough. It is the current policy of the Central Authorities to stimulate local consumption. While stimulating local consumption, the Central Authorities will tie in with consumers' demand through their policies. Regarding taxation and tax rebate for Hong Kong enterprises, specific measures have been introduced by the Central Authorities, together with the market promotion efforts of the Hong Kong Trade Development Council, I consider that specific practices have already been established to assist Hong Kong enterprises, which are complementary not only at the policy level, but also in business promotion. More specific measures even include the study on how to introduce to Hong Kong enterprises more clearly the domestic sales networks, information and approval procedures. We are making such efforts, and hope that the relevant ministries and commissions can publish the details as soon as possible.

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

MR CHAN KAM-LAM (in Cantonese): *The Secretary has not provided an answer to my request that the SAR Government implement in full scale the so-called compatibility between export and domestic sales, following the implementation of the "Outline of the Plan for the Reform and Development of the Pearl River Delta" in the Mainland. At present, products for export can only be exported, and they are not allowed for domestic sales. Domestic sales can only be conducted under the 'single tax return for multiple domestic sales' arrangement. I hope that this policy can be exempted in the future, so that a more liberalized policy will be applicable to Hong Kong enterprises, no matter they are investing in the Mainland or in Hong Kong.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, according to the State policy on taxation arrangement regarding the dutiable products manufactured in the Mainland originally aiming for export, certain policy adjustments have to be made before the exporters can fairly turn the products into items available for domestic sales. In this respect, it is indeed a very substantial improvement for us to have successfully secured the Mainland authorities' implementation of the "single tax return for multiple domestic sales" arrangement in the procedure. If we go further to request an overhaul of the whole taxation policy, the tax law of the whole country will then be involved. I predict that we will maintain the communication channels, with the hope that there will still be a simplifying arrangement for taxation. But we cannot overlook the entirety and integrity of the taxation policy. Apart from making requests, we have to consider the overall condition in the application of taxation too. We will make the greatest effort in seeking from the Central Government further facilitation measures in the simplifying arrangements for taxation.

DR SAMSON TAM (in Cantonese): *I believe that for many manufactures or enterprises, it is a very broad direction in the future development of their Hong Kong business to develop their brands and enter the Mainland market. As indicated in the Secretary's main reply, the Style Hong Kong Shows held by the Hong Kong Trade Development Council (TDC) since the year before the last have yielded desirable results, but I can see that these shows, having held only once or twice in the similar periods previously or to be held within the next year, are not significant in number. My supplementary question is: Will the Secretary consider asking TDC to collaborate with commercial enterprises, especially those in the exhibition industry, so as to leverage the market force and transform the exhibitions into regular activities organized seasonally in future?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, trade fair is one of the channels in products promotion. If we wish to build up the Hong Kong brands, apart from holding trade fairs, we can achieve this through regular contacts, websites and publications. It is not to be forgotten that we also have a platform on the web, that is, the "tdctrade.com" platform of the Hong Kong Trade Development Council, which provides information to buyers or interested parties. Apart from this, organizing trade

fairs these days can of course create an effect, but most importantly, responses from entrepreneurs, manufacturers and exporters alike, indicate that it is more effective to have regular opportunities for them to have access to Mainland vendors, agents and large-scale department stores. Therefore, the arrangement of Business Matching Forums will be one of the efforts that we would like to focus on, so that the entrepreneurs can agree on some kind of long-term business arrangements after participating in the Forums. This is an important channel to promote Hong Kong brands and facilitate the industry in exploring business opportunities.

MR IP KWOK-HIM (in Cantonese): *Indeed I am still concerned about domestic sales. Currently, many manufacturers are involved in the processing of imported materials. As the imported materials are non-dutiable, the products have to be exported. The current situation is that problems on taxation arise when the products are turned into items available for domestic sales. I learn that there is a practice called "pay tax after successful domestic sales". Can the Secretary provide information on the relevant progress? Is the operation smooth in the process, and are there any opportunities for further expansion?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the implementation of 'single tax return for multiple domestic sales', which we have been striving for, is already a streamlined procedure in taxation arrangement. This also indicates that the Central Government and the authorities have responded proactively to the request for simplifying measures. However, as I have mentioned when replying to Mr CHAN Kam-lam's question just now, the State has to enforce its own policy and we also have to respect its legislation on taxation, too. In terms of taxation arrangement, we have been communicating via normal channels with the Central Authorities on how taxes are to be paid and how export taxes are to be rebated, with the hope to strive for more simplified taxation arrangements from the relevant authorities again.

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

Driving a Motor Vehicle Under Influence of Drugs

2. **MS MIRIAM LAU** (in Cantonese): *President, under section 39 of the Road Traffic Ordinance, a person who drives a motor vehicle while he is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle commits an offence. While the law, as far as drink driving offence is concerned, has now set out clearly the upper limit on alcohol concentration and the arrangements for conducting screening breath tests, and so on, no relevant standards and arrangements are provided in the law in respect of drug driving offence. In this connection, will the Government inform this Council:*

- (a) of the number of traffic accidents caused by drug driving and the resultant casualties, as well as the number of cases of motorists being convicted of drug driving, in each of the past five years; the penalties imposed on them by the court and the types of drugs involved;*
- (b) how law-enforcement officers currently detect whether a motorist is driving under the influence of drugs, and how they prove such an offence; and*
- (c) whether it knows how overseas countries regulate drug driving behaviours; if it knows, of the details?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, driving under the influence of drug is an irresponsible behaviour. It will endanger both the driver himself and other road users. The Government has spared no efforts in combating drug abuse, and we agree that the question of drug driving should be taken seriously. If drug driving is involved in an accident, or an accident with personal injury or fatality, the relevant driver may be charged with dangerous driving, or dangerous driving causing death.*

At present, a great variety of drugs are available in the market and reaction to drugs varies among individuals. Unlike alcohol, it is difficult to ascertain the effect of each type of drug on driving behaviour. For example, presently drugs may mean common off-the-counter medicine, such as painkillers, cough mix, and so on, but it may also be prohibited dangerous drugs. The safe dosage for

different drugs also differs. Hence, setting relevant standards and arrangements in respect of drug driving offences is a complex and formidable task.

My replies to the three parts of the question are as follows:

- (a) There is currently no suitable rapid drug-screening device to ascertain whether the driver involved in a traffic accident has taken drugs. Existing legislation does not empower the police to require a suspected driver to provide body fluid specimens for the purpose of drug testing. Therefore, we are unable to provide the exact number of traffic accidents and resultant casualties caused by drivers under the influence of drugs.

According to police records, a total of two drivers were prosecuted in the past five years for driving under the influence of drugs and causing traffic accidents. The drug involved was ketamine. In both cases, only the drivers themselves were injured. Both drivers were convicted, with one of them disqualified from driving for six months and put on probation for twelve months, and the other fined \$1,000 and disqualified from driving for one year.

- (b) In enforcing section 39 of the Road Traffic Ordinance, if a police officer suspects that a driver is under the influence of alcohol or drugs, he will first require the driver to take a screening breath test to ascertain whether the driver is under the influence of alcohol. The police officer will also observe the driver closely and record his demeanour, including the way he talks and walks, as well as the smell on his breath. If the test result shows that the driver has not consumed alcohol or the alcohol level in his body does not exceed the prescribed limit, and the police officer has reasonable cause to suspect that the driver is under the influence of drugs, the police officer will then ask the driver whether he has taken drugs. The police officer will also search the driver and the vehicle concerned to ascertain whether the driver is in possession of dangerous drugs. If the driver admits that he has taken drugs and the police officer finds dangerous drugs when searching the vehicle or the driver, the police officer will arrest the driver. He will also take the driver to a doctor for examination if necessary.

The observation record made by the police officer, the statements of the parties concerned, the dangerous drugs found, and the blood and urine specimens taken with the driver's consent are all important evidence for prosecution.

- (c) We have all along kept a close watch over overseas legislation on drug driving. In general, similar to Hong Kong, there are express provisions in overseas countries making driving under the influence of drugs an offence. Upon conviction, first-time offenders are liable to fines, imprisonment and disqualification from driving. Heavier penalties will be imposed on repeat offenders. However, specific regulatory measures vary among different countries. For example, the legislation of New Zealand does not empower the police to take body fluid specimens for drug testing. But if a driver involved in a traffic accident is taken to the hospital, the doctor, after examination, may take a blood sample from the driver if he believes that the driver is under the influence of drugs. In Singapore, the United Kingdom and Arizona of the United States, the legislation stipulates that a police officer who has a reasonable cause to suspect, may require the suspect to provide a blood or urine sample for drug testing, and refusal to provide such a sample is an offence. On top of this kind of requirement, the legislation of New South Wales of Australia also empowers the police to conduct preliminary oral fluid tests on drivers. Any driver who fails the test commits an offence.

We are constantly concerned about the impact of drug driving on road safety. We will continue to follow closely relevant studies and legislative amendments in overseas countries, as well as the development of rapid drug-screening devices, so as to assess how our legislation can be further enhanced. To ensure driving safety, we will continue to remind drivers through publicity and education that they must not take lightly the influence of drugs on driving.

MS MIRIAM LAU (in Cantonese): *The main reply has indeed demonstrated the inadequacies and ambiguities of the current legislation. The danger of drug driving, as described by a pharmacist, is no smaller than those of "drink driving" and "drowsy driving". Nonetheless, there are a great variety of drugs that will affect driving behaviour, as pointed out in the main reply, and many of them are*

taken by us quite often, including drugs for nasal congestion, anti-emetic drugs, anti-motion sickness drugs and cold drugs. All these drugs will affect driving behaviour. Of course, they also include dangerous drugs mentioned in the main reply.

However, the main reply only focuses on dangerous drugs as it points out that the drug involved in the two traffic accidents related to drugs in the past five years was ketamine. Ketamine is a dangerous drug, the possession of which is an offence already. Therefore, we can see from the main reply that the legislation was not enforced in respect of other drugs in previous years, or so to speak, it could not be enforced at all, because it is not stipulated in the legislation what dosage of other drugs taken will be deemed unfit for one to drive and limits are not set out in clear terms. In this connection, will the Government consider making arrangements to define drugs with greater clarity in law?

Moreover, prior to amending the legislation, how will the Government utilize its publicity and educational efforts to enable members of the public to have a good understanding of what arrangements they should make after taking other drugs? For example, should a person choose not to drive after taking only a small dosage or what should be done then? It is because the publicity and educational efforts made by the Government in this regard were grossly insufficient in previous years.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as I have said in my main reply, according to existing legislation, section 39 of Chapter 374, a person who drives or attempts to drive a motor vehicle on any road while he is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle commits an offence. I have also mentioned in my main reply that we also need to have a look at the definitions of the drugs. The legislation does not specify which kinds of drugs. As we all know, there are a great variety of drugs, and I have just explained that drugs may also include common off-the-counter medicines, such as painkillers and cough mix. Even dangerous drugs fall into the category of drugs.

Thus, having observed the development so far as well as overseas situations, we think that it is difficult to draw any conclusion that a person is under the influence of drugs just by observing his outward appearance. Under the current circumstances, it is also difficult to stipulate which kinds of drugs or

dosage taken will make a person unfit to drive. There are no objective and clear standards in this regard. Therefore, we can see that overseas countries also exercise great caution in handling this matter. Even if legislation were introduced from overseas countries, not all drugs could be given very clear definitions, nor could it be specified that it would be an offence in law for a person to have taken a certain kind of drug or to have taken an excessive dosage. Therefore, we will continue monitoring the situations in overseas countries.

Of course, some countries, such as Australia, are more ambitious. Even so, it only targets at illicit drugs as a starting point. For example, drug testing or rapid drug-screening devices are only meant for testing or screening some psychedelic drugs or narcotic drugs. It is a complex task to specify individually which drug should not be taken or what excess amount of a drug will render the driver unfit for driving. President, what I wish to say is that this involves law enforcement. Regarding law enforcement, there is no doubt that road safety is most important. However, with due regard to the efficiency in law enforcement, we also need to strike a balance between human rights and the right to privacy carefully because with reasonable doubts, the police can require a suspected driver to provide body fluid specimens, such as blood and urine specimens for the purpose of drug testing. We think that we must study the issue very carefully and consider whether such a power should be introduced.

MR CHAN KIN-POR (in Cantonese): *President, we can see from the main reply that various places in the world, including Britain, the United States, Australia, New Zealand and Singapore, have enacted different laws and regulations to regulate "drug driving". Since drug abuse has been rampant in Hong Kong in recent years, I wish to ask the Government whether it has drawn up any timetable, and when it will introduce the related legislation. I ask these questions because the insurance sector to which I belong also needs to amend our insurance policies in the light of the Government's legislative amendments. As it takes time to carry out this task, I would like to ask whether the Government has drawn up a timetable, and when the legislation will be amended to regulate drug driving.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we have been keeping a close watch on overseas developments, but there is not any timetable at this stage. As what I have just said, given the wide definition of

drugs, we can buy any common off-the-counter medicines at the pharmacist's, and in the event of drug overdose, it will affect the capability of the concerned driver to have proper control of the motor vehicle as a result. As such, we think that we must exercise great care and caution in introducing more stringent legislation.

I have just explained why caution must be exercised. On the one hand, it is related to enforcement efficiency; on the other hand, we need to strike a balance between human rights and privacy. We hence do not have any timetable at present, but we will keep a close watch on the developments in other countries.

MR ANDREW CHENG (in Cantonese): *President, has the Secretary considered that the problem of drug driving can be solved in a gradual manner? First, the Government, together with the medical sector, may need to define which kinds of drugs will affect the driver's ability to control the motor vehicle, and specify the respective dosage. After the definitions of the drugs and their respective dosage are stipulated in the legislation, the issue of balancing human rights will be addressed gradually. Unlike the current situation in which no timetable has been drawn up at all but simply following what overseas countries are doing, the police may gradually target at drug driving by deciding whether there is a need to take blood specimens from the suspected driver on the basis of whether the suspicion is beyond reasonable doubt. Is it true that the Government seems to be lacking the pro-active spirit and determination to solve the problem of "drug driving"?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we have all along been very cautious in monitoring the medical problems mentioned by Members just now, and have even studied which combinations of drugs may affect driving, and so on. For example, we have also noticed that many research reports have been released recently in overseas countries.

I would like to point out that, when the police take enforcement actions, very often a rapid screening device has to be used, just like the device we are now using in breath tests for alcohol. In order to establish a reasonable doubt, we conduct a rapid screening test first, to be followed later by a further test. For example, a recent research report released overseas points out that, all of the nine

kinds of rapid drug screening devices fail to achieve the specified level of accuracy, and cannot identify drug abuse situations, such as those involving ketamine.

Therefore, we must keep monitoring the developments in overseas countries, as well as medical and research situations mentioned by Members just now. If such situations can enable us to make things clearer and be able to make quantitative measurements, conduct tests and take enforcement actions very objectively, we will naturally consider introducing such new provisions.

MR JAMES TO (in Cantonese): *President, after reading and listening to the reply furnished by the Secretary just now, we find that we are now in a situation in which we have absolutely no way to assess whether many drivers are driving under the influence of drugs. Under such circumstances, the Secretary should not base solely on the two past cases of the police but conduct more indepth studies in order to identify ways to assess our present situation instead, should she? Of course, if our present situation is not dangerous at all, naturally we may have the time to draw reference from overseas experience slowly. However, if in fact we have many cases of influence by drugs, and at the moment we do not have any legislation in place in this regard or we cannot identify such cases due to all kinds of scientific reasons, we could be in a very dangerous situation.*

I would like to ask the Secretary whether we are just sitting here keeping an eye on the situations overseas, without actively exploring past cases for our assessment. At least we should make some reasonable assessment, such as the actual number of cases that happened under such situation. I am not talking about proof, nor am I saying that we need to prove anything. I just ask about reasonable assessment and doubts that are related to "drug driving".

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, I think the objective constraint is that we have not empowered the police to collect evidences or information in this regard at present. However, as Members have asked just now, have we done other analyses? The enforcement figures I have just listed are one of the indicators. On the other hand, another source that may help us in analysing the problem is the analysis conducted by forensic pathologists in the Government Laboratory on drivers died in traffic accidents.*

Over the past five years, a total of 245 drivers unfortunately died in traffic accidents. The Government Laboratory has discovered that, residues of one or more kinds of drugs were found in the bodies of about 35 drivers. Among them, 10 had drunk wine in addition to taking drugs. And the drugs taken by these drivers include common painkillers or drugs for the respiratory system. However, among these 245 drivers, 13 had taken dangerous drugs, including ketamine, morphine and cocaine. However, we must be very cautious in making our analysis because these are drug residues left in the bodies, so we cannot directly deduce that the deceased had been affected by drugs which caused the traffic accidents. This is because section 39 stipulates that a person is considered to have committed an offence only when he has taken drugs and becomes incapable of having proper control of the motor vehicle. We have to prove this "cause and effect" relationship.

Therefore, when we read such figures once again, they have rightly provided evidences to justify the issues I have mentioned just now. First, there are too many types of drugs, which include painkillers, off-the-counter medicines, and also dangerous drugs. There is also the possibility of medicines mixed with alcohol. The problem lies in whether we can explicitly quantify and formulate some indicators in an objective manner. For example, after a driver has taken a certain amount of a particular kind of medicine, he will be affected and become incapable of controlling a vehicle. At present, no mechanism can cover all the drugs, no matter whether it is in the development of the medical field or the development in other countries.

That is why we think that we should continue keeping an eye cautiously on the practice of overseas countries, as well as monitoring our own situation to see if it is serious. We will continue monitoring the situations on both sides.

MR PAUL TSE (in Cantonese): *President, the major purpose of the Ordinance is of course to provide certain protection to our road safety against alcohol or drugs. There are three contradictions in this aspect. First, as the Secretary has said just now, we are still unable to identify which are dangerous drugs, or whether common off-the-counter medicines can have the same effect. In this aspect, we must find it out first. Second, there seems to be discrepancies in penalty. With regard to drink driving, the punishments for those two cases seemed to be too lenient — sorry, it should be "drug driving", the punishment of which is too lenient. In contrast, the punishments for "drink driving" have been*

stepped up substantially in recent years. Third, at the moment we do not have any legislation which mandatorily requires drivers to take screening tests on drugs. In this aspect, will the Secretary consider working with the Secretary for Justice to do something to bring about some legislative amendments, so that our road safety can be protected against both alcohol and drugs?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as mentioned by Members just now, of course we have a set of legislation governing drug abuse. About dangerous driving, we have another set of legislation, too.

However, section 39 has specifically mentioned that a person who drives a motor vehicle commits an offence if he is under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the motor vehicle. About violation of the provision, if a person is convicted, he will face a maximum penalty of \$25,000 and an imprisonment of three years, in addition to the award of 10 driving offence points and the order of attending a mandatory driving improvement course. Section 39 does not differentiate between the influence of alcohol or that of drugs. Instead, the same extent of influence will lead to the same level of punishment.

Besides, regarding the types of drugs, can we have clearer indicators? Just now I have already said that it is more difficult in this aspect. For example, how much cough mix a person has taken before it will make him incapable of controlling his vehicle? We hope we can continue monitoring the situation and explore whether we can formulate a set of more objective indicators so that we can have a set of regulatory rules.

PRESIDENT (in Cantonese): This Council has spent more than 19 minutes on this question. Third question.

Problems of Pre-primary Education Voucher Scheme

3. **MR CHEUNG MAN-KWONG** (in Cantonese): *President, it has been reported that the Pre-primary Education Voucher Scheme (the Scheme)*

implemented by the Education Bureau (EDB) since the 2007-2008 school year has many problems, which include: the abolition of paying kindergarten teachers according to the Recommended Normative Salary Scale has deprived kindergarten teachers of remuneration protection and dealt a heavy blow to their morale; the self-evaluation and quality review (SQR) required of kindergartens, as well as the trivial and tedious administrative work of the Scheme, have greatly increased the work pressure of kindergarten teachers; using the number of pupils as the basis for calculating the amount of subsidies provided under the Scheme to kindergartens, regardless of whether they are whole-day or half-day, is unfair to whole-day kindergartens; the introduction of a ceiling on fee remission which is fixed for five years renders many low-income families having to pay more school fees than the amount payable before the Scheme was implemented. The pre-primary education sector and parents have relayed to me their strong dissatisfaction with the Scheme. In this connection, will the Government inform this Council:

- (a) whether it will follow the practice of the Macao Government and provide qualification subsidies to kindergarten teachers immediately, to give basic respect for their qualifications;*
- (b) whether it will comprehensively review kindergarten teachers' work pressure and introduce measures (including reviewing SQR, streamlining the administrative work of the Scheme, as well as making available free periods to kindergarten teachers through improving the staffing ratio) with a view to alleviating kindergarten teachers' overall work pressure; and*
- (c) when it will review the ceiling on fee remission and the problem of not distinguishing between whole-day kindergartens and half-day kindergartens in the calculation of the amount of subsidies provided under the Scheme, whether it will thoroughly consult the early childhood education bodies, and what the timetable for implementing the relevant improvement measures is?*

SECRETARY FOR EDUCATION (in Cantonese): President, the Pre-primary Education Voucher Scheme (PEVS), since its introduction in the 2007-2008 school year, has provided direct fee subsidy for parents with children attending

kindergarten to ease their financial burden. At present, a total of 820 kindergartens (or 85% of all kindergartens in the territory) have joined PEVS, and some 117 000 pupils (about 85% of the total) are benefiting from the fee subsidy.

The implementation of PEVS demonstrates Government's support and commitment to pre-primary education and positive response to the previous demands from kindergarten principals and teachers, including financial support for their professional development. PEVS aims to provide direct subsidy for parents, rather than fully cover their kindergarten tuition fees. Currently, over 80% of kindergarten teachers have either obtained the Certificate in Early Childhood Education (C(ECE)) or equivalent qualifications or enrolled in C(ECE) courses. To date, the EDB has conducted Quality Review (QR) for more than 320 kindergartens.

In the 2006-2007 school year, that is, before the implementation of PEVS, the annual recurrent expenditure on pre-primary education was about \$1.1 billion. The estimated net additional annual recurrent expenditure to be incurred by PEVS is about \$2 billion in the 2011-2012 school year.

My replies to the questions are as follows:

- (a) Hong Kong's pre-primary education has all along been provided by the private sector, which has grown out of the local context. Therefore, kindergartens should be well placed to make use of market forces in determining teacher salaries at their own discretion. In fact, PEVS has injected new resources, which will facilitate kindergartens to offer salaries and working conditions that are necessary to attract and retain good teachers. The Government has made substantial financial commitment in this respect to pre-primary education, and kindergartens should have adequate capacity to provide qualification allowances for their teachers.
- (b) We realize and understand that kindergarten teachers are under pressure at work. We appreciate their dedication to education. We have maintained close communication with the sector and explored ways to alleviate the administrative work of kindergartens and the workload of teachers, including revising the standard forms to facilitate their keeping of records and reporting changes. We

have, through various measures, streamlined the administrative procedure of PEVS a year after its implementation. The EDB will continue to enhance communication with the sector to ensure smooth and continuous implementation of PEVS.

The QR mechanism for kindergartens is premised on the school's self-evaluation as the centre for continuous improvement, and it is not necessary for kindergartens in the QR process to repeat their existing work. We are aware of kindergarten teachers' concern over the workload and pressure brought about by QR. Nevertheless, most kindergartens that have participated in QR agree that it can help improve teaching practice, and enhance frank exchanges and professional collaboration among the staff. We will strike a balance among all the considerations and continue to clarify any misunderstandings that may exist, through professional experience-sharing activities. This will help the sector gain a better grasp of the self-evaluation process in order to ensure that QR can achieve the effect of promoting kindergartens' continuous development.

- (c) At present, families with financial and social needs may continue to apply for fee remission under the Kindergarten and Child Care Centre Fee Remission Scheme. We understand that some parents with financial difficulties may be concerned about the current fee remission ceilings when choosing schools for their children. We are now actively exploring ways to address the problem.

From the perspective of child development, half-day learning programmes should be able to cater for the needs of children aged three to six. As such, the amount of subsidy under PEVS is calculated on the basis of a half-day kindergarten place. However, families with financial and social needs may apply for fee remission for whole-day kindergarten classes to obtain additional financial assistance on top of the voucher subsidy.

According to its original plan, the Government will review the implementation of PEVS in the 2011-2012 school year. In view of the concerns expressed by the pre-primary sector and parents over

PEVS, the EDB has started to collate the relevant information and undertake the preparatory work for the review. In any case, we will continue to improve on the measures and consult the stakeholders.

MR CHEUNG MAN-KWONG (in Cantonese): *President, over the last few years, kindergarten teachers have been teaching and studying at the same time and they have been under the pressure of SQR. It can be said that they have to face challenges from three sides. However, although 80% of the kindergarten teachers have upgraded their qualifications to those of Certificated Masters/Mistresses (CMs) by pursuing further studies, their salaries have not been increased. The reason is that in the wake of the financial tsunami and with the reduction in population, kindergartens dare not increase their tuition fees and the amount of subsidies provided by the Government is not sufficient to cover the fees payable by parents. Does the Government agree that this state of affairs is not fair to kindergarten teachers at all? Regarding those kindergarten teachers who have upgraded their qualifications to those of CMs and Graduate Masters/Mistresses, can the Government, instead of simply showing appreciation, provide qualification subsidies to them so that they can have a pay rise even without any increase in the tuition fees by the kindergartens, just like what they have done in Macao? Will the Government do that?*

SECRETARY FOR EDUCATION (in Cantonese): *President, Mr CHEUNG Man-kwong has implied that the kindergartens have not increased their tuition fees over these few years, but that is not the real case. As we all know, the rate of increase in kindergarten tuition fees has been quite remarkable over these few years. Mr CHEUNG has pointed out in his main question that students with financial difficulties are now paying tuition fees which are over and above the ceiling on the amount of subsidies provided. One of the reasons for that is precisely the increase in tuition fees. Therefore, with the increase of tuition fees, I think the kindergartens have to consider how to deal with the situation themselves.*

As I have explained earlier, in fact the objectives of our entire policy are to provide parents with more options by means of subsidizing them, promote healthy competition within the sector and enhance the quality of education. On this premise, we have noticed the level of income that the kindergartens have obtained. Besides, we should not forget that the Government has a great financial burden to bear under the Scheme. As I have said earlier in my main

reply, our expenditure in this respect was \$1.1 billion in the past and the maximum amount of additional expenditure to be incurred in the future will be \$2 billion. Hence, we have injected \$2 billion in the sector.

Therefore, I think the pre-primary education sector should make good use of this opportunity and utilize the resources to which they are entitled to retain quality staff, establish an appropriate pay scale and adopt different measures to encourage the teachers to stay.

MRS SOPHIE LEUNG (in Cantonese): *President, this is a very good question. The Secretary for Education said earlier that in fact, the entire Scheme aimed at providing more options for parents. I agree with this point very much, but our overall objective should be to enhance the quality of early childhood education.*

It has been pointed out in the main reply that more than 80% of the kindergarten teachers have obtained the C(ECE). However, if we really want to enhance the quality of early childhood education, can it be done through the EDB by leading the community in that direction? For example, the measures do not necessarily involve enhancing the quality of teachers. Instead, the level of capabilities with regard to early childhood education which kindergarten teachers are expected to attain can be examined. For instance, more research can be conducted, perhaps by the schools of education of the universities. With the information boom nowadays, can the cognitive and emotional development of young children be enhanced in a better way? For example, young kids can be guided to identify, feel and appreciate different sounds or show an appreciation for the flowers and the grass so as to increase their acceptance of different things. Child psychologists all over the world have pointed out that efforts should be made at an earlier stage to guide

PRESIDENT (in Cantonese): Mrs LEUNG, I think your submission has already deviated from the main reply. Please ask your supplementary question clearly.

MRS SOPHIE LEUNG (in Cantonese): *President, in fact it has not. Why? As the entire Scheme aims at providing more options for parents, if the options on quality cannot be upgraded automatically at the community level, parents*

PRESIDENT (in Cantonese): Please ask your supplementary.

MRS SOPHIE LEUNG (in Cantonese): *I would like to ask whether more consideration can be given in this regard so that ways can be worked out for kindergarten teachers to receive better further studies? I am not saying that retraining courses should be enhanced. Instead, more research in this respect has to be conducted so that teachers can outperform their predecessors and make the best use of their capabilities.*

SECRETARY FOR EDUCATION (in Cantonese): In this respect, teachers as well as the EDB have organized workshops to help them resolve the problem mentioned by Mrs Sophie LEUNG earlier on. Besides, I would like to provide some figures for Members' reference.

In this sector, there are now 1 475 people taking courses leading to a Bachelor of Education in Early Childhood Education and about 600 people have already completed their courses and obtained the qualification of Bachelor of Education. The total number of these people, therefore, is more than 2 000, which represents about 22% of the total number of kindergarten teachers in Hong Kong. Teachers are allowed to do so under the Scheme and they are already doing that. The Schools of Education of the universities will continue to organize such enhancement courses if appropriate. At present, the Schools of Education train about 230 people each year in this respect to meet the demand. If there is any increase in the demand, we can discuss the matter with the universities at any time.

MR TOMMY CHEUNG (in Cantonese): *Let me read out part (a) of the Secretary for Education's main reply: "Hong Kong's pre-primary education has all along been provided by the private sector, which has grown out of the local context." According to what the Secretary has said, it appears that he is very much in support of such an approach. Although I also give my support, President, you would understand that PEVS has already distorted the behaviour of the entire market. Many independent, private kindergartens have not been admitted into PEVS and therefore the majority of them have either left the market*

or become non-profit-making kindergartens. If the situation continues, the approach would lack flexibility.

President, the Secretary has not, in the entire main reply, distinguish between independent, private kindergartens and non-profit-making kindergartens. In connection with PEVS, he has done two bad things. First, he has taken away parents' right to choose kindergartens. Second, the subsidies for training provided by the authorities to teachers of the independent, private kindergartens are fundamentally different from those given to teachers of the non-profit-making kindergartens and hence he has also taken away the teachers' right to resources for training.

Secretary, under the circumstances, do you think a review should be conducted as soon as possible? Since you are now saying the authorities will inject \$2 billion into the sector, is there a problem in spending an additional \$200 million? In that way, all parents can have the right to choose and teachers teaching in those kindergartens will be treated equally when they receive their training.

SECRETARY FOR EDUCATION (in Cantonese): We have to understand that the Scheme aims at providing subsidies to parents and not covering the full amount of tuition fees for pre-primary education. There is a wide range of tuition fees for pre-primary education in the market. Some cost little while others are very expensive. In implementing PEVS, we have taken into consideration that the more expensive kindergartens would be excluded from the Scheme, and therefore we have set the ceiling of the tuition fees at \$24,000 as an eligibility criterion for obtaining subsidies under PEVS. That is why parents cannot obtain any subsidies if the kindergarten tuition fees exceed that amount.

In fact, under our current approach, 85% of the kindergartens in Hong Kong have been included in the Scheme and the remaining 15% are private kindergartens, some of which charge very expensive tuition fees. For example, according to the information I have at hand, for half-day kindergartens, the most expensive kindergarten charges tuition fees amounting to \$117,600 per year. For whole-day kindergartens, the most expensive one charges \$135,640 per year. These are very expensive fees and there is no reason for the Government to

provide such an enormous amount of subsidies. Therefore, we have adopted different positions when formulating the policies at the time.

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

MR TOMMY CHEUNG (in Cantonese): *President, the Secretary has confused the supplementary that I have asked just now. I asked the Secretary in connection with paying the very expensive tuition fees, I was saying he should set a ceiling and no one was asking the Government not to set a ceiling when providing subsidies for the independent and private kindergartens. Therefore, it is not the question of the amount of money involved but whether parents are given choices. However, President, the most important thing is that he has not answered the second part of my supplementary question, which is, considering that teachers of the independent private kindergartens often receive less training than those of the non-profit-making kindergartens, why has the Government adopted such an unfair approach?*

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

SECRETARY FOR EDUCATION (in Cantonese): Since parents are willing to pay the money, the kindergartens will charge tuition fees at such levels and therefore, the kindergartens themselves have the ability to provide subsidies for their teachers' training.

PRESIDENT (in Cantonese): There are five Members wishing to ask supplementary questions, but this Council has spent more than 20 minutes on this question already. We should end here. Fourth question.

Support Services for Mental Patients

4. **MR WONG SING-CHI** (in Cantonese): *President, recently, a woman suspected to have a mental illness seizure was alleged to have killed her mother at home. In October last year, a mentally ill woman killed herself after killing her son and daughter. Although the mental patient in the latter case had been assessed to be of high risk by social workers, psychologists and occupational therapists, the attending doctor permitted the patient to be discharged without notifying the medical social worker concerned, which eventually led to the tragedy. In this connection, will the Government inform this Council:*

- (a) *whether it knows the current number of mental patients and, among them, the number of hospitalized patients; of the average cumulative duration of hospitalization of each patient (in terms of months); the respective current numbers of doctors, social workers, psychologists and occupational therapists in public medical institutions who provide services for mental patients; and the number of mental patients in the past five years who had killed themselves or committed the offences of inflicting harm on other people, murder or manslaughter within one year from discharge from hospital;*
- (b) *how the systems which respectively provide psychiatric treatment and social rehabilitation service co-ordinate with each other in making arrangements for mental patients about to be discharged, including the procedures involved, the criteria for determining whether the patients may be discharged, as well as the communication on the provision of the follow-up services needed by the patients; and how many mental patients who had been assessed to be of high risk were discharged from hospital in the past five years; and*
- (c) *given that in reply to a question raised by a Member of this Council on 4 February this year, the authorities advised that during the period from 2001-2002 to 2008-2009, the Government provided additional funding to the Hospital Authority (HA) and the Social Welfare Department (SWD) to support a number of initiatives to improve the treatment and rehabilitation services for mental patients, of the relevant details and the number of personnel deployed to undertake the follow-up work; and the latest progress in*

the implementation of the policy decisions on the rehabilitation services for ex-mentally ill persons set out in the White Paper on Rehabilitation?

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

- (a) The number of psychiatric patients (including in-patients, patients at specialist out-patient (SOP) clinics and day hospitals) and the number of psychiatric in-patients of the Hospital Authority in the past five years are shown in the table below:

<i>Year</i>	<i>Number of psychiatric patients (including in-patients, patients at SOP clinics and day hospitals)</i>	<i>Number of psychiatric in-patients</i>
2004-2005	125 626	14 763
2005-2006	134 159	14 802
2006-2007	140 487	14 683
2007-2008	147 557	14 233
2008-2009	154 625	13 910

Psychiatric in-patients of HA can be classified as acute patients and those in other categories (including non-acute patients, new long-stay patients and old long-stay patients). In 2008-2009, the overall average length of stay of psychiatric in-patients was around two months. For acute psychiatric in-patients, the average length of stay was less than a month and for psychiatric in-patients in other categories, the average length of stay was around 14 months. HA does not have statistics on psychiatric patients who committed suicide or committed the offence of inflicting harm on other people, murder or manslaughter within a year after discharge from hospital. HA is currently exploring the establishment of a database to collect data in this respect.

Psychiatric services provided by HA include in-patient, SOP, day hospital and community outreach services. As at 31 March 2009, the health care staff providing psychiatric services in HA comprises 288 psychiatrists, 1 880 psychiatric nurses, 37 clinical psychologists,

131 occupational therapists and 197 medical social workers stationed in various public hospitals and SOP clinics by SWD.

- (b) Before the discharge of psychiatric in-patients, a pre-discharge risk assessment is conducted by HA's psychiatric health care staff. The scope of the assessment covers the extent of the patients' recovery, their propensity to violence, suicidal tendency, their compliance in drug taking and attending follow-up consultations, and the availability of family and community support, and so on.

Generally, if patients are assessed to be suitable for discharge, the hospital will arrange for the patient to receive community rehabilitation support service to help them adapt to community life. Follow-up treatment at psychiatric SOP clinics or psychiatric day hospitals or visits by psychiatric community nurses will be arranged for them by HA's health care staff having regard to their treatment and rehabilitation needs. Referrals to medical social workers will also be made in the light of their welfare and other needs. Medical social workers will provide counselling service for needy patients and their families to help them cope with emotional, family, caring support and interpersonal relationship problems arising from their illnesses, and refer them for application for various rehabilitation services and community support services such as the Community Mental Health Link and Community Mental Health Care.

As for high-risk psychiatric patients who are categorized for priority follow-up, the hospital will assign senior psychiatrists to review the recommendations for their discharge. These patients will only be discharged after the senior psychiatrist has endorsed the recommendations for their discharge and completed the review process. HA will arrange community psychiatric nurses to provide special post-discharge follow-up services, including advanced home visits, to these high-risk patients categorized for priority follow-up. Besides, arrangements will also be made for senior psychiatrists to attend their follow-up consultation sessions at psychiatric SOP clinics as far as possible so as to enhance the support for these discharged high-risk patients. The approximate number of high-risk psychiatric in-patients who were categorized for priority follow-up during their stay in hospital and who required community

follow-up by community psychiatric nurse between 2004-2005 and 2008-2009 are shown in the table below:

<i>Year</i>	<i>Approximate number of high-risk psychiatric in-patients who were categorized for priority follow-up during their stay in hospital and who required community follow-up by community psychiatric nurse</i>
2004-2005	60
2005-2006	44
2006-2007	47
2007-2008	62
2008-2009	41

- (c) From 2001-2002 to 2008-2009, the Government has provided a total of \$250 million additional recurrent funding to HA and \$76.1 million to SWD to support a number of new initiatives to improve the treatment and rehabilitation services for mental patients. To further strengthen the community psychiatric services and community support for newly discharged psychiatric patients, HA has launched the Recovery Support Programme for psychiatric patients in the community in 2009-2010. Under this Programme, hospital clusters are provided with additional community psychiatric nurses to provide community support to discharged psychiatric patients through a case management approach so as to facilitate their early recovery and integration into the community. New service initiatives launched by HA and SWD since 2001-2002 are detailed in Annex 1.

The latest implementation progress of HA and SWD of the recommendations on rehabilitation services for ex-mentally ill persons as set out in the White Paper on Rehabilitation since the publication of the paper in 1995 is in Annex 2. In the light of the change in social circumstances such as population, livelihood and economic changes, the Rehabilitation Advisory Committee has completed the review of the Rehabilitation Programme Plan (the Plan) in 2007 to set out and update the strategic directions for the development of rehabilitation services in different areas (including

rehabilitation services for ex-mentally ill persons). Relevant Policy Bureaux/government departments and organizations will continue to implement the recommendations in the Plan.

Annex 1

New Initiatives on Mental Health Services Launched by
HA and SWD since 2001-2002

(A) HA's new initiatives on mental health services

<i>Year</i>	<i>Initiatives</i>	<i>Details</i>	<i>Approximate manpower</i>
2001-2002	Enhancement of community psychiatric outreach services	To strengthen the manpower of community psychiatric outreach teams with a view to expanding the community psychiatric outreach services to cover all seven clusters in the territory	30 health care staff
2001-2002	Purchase of new psychiatric drugs	To prescribe new psychiatric drugs for 2 500 psychiatric patients	0
2001-2002	Implementation of the Early Assessment and Detection of Young Persons with Psychosis (EASY)	To reduce the lag time between the onset of mental illness and treatment through early detection and treatment of young persons with psychosis	22 health care staff
2001-2002	Implementation of the Extending Care Patients Intensive Treatment, Early Division and Rehabilitation Stepping Stone (EXITERS)	To provide rehabilitation training for psychiatric patients requiring long stay in psychiatric hospitals, facilitating their integration into the community	70 health care and supporting staff
2002-2003	Implementation of the Elderly Suicide Prevention Programme	To provide prompt treatment services for elders suspected to have suicidal tendency or depression problem	30 health care staff
2006-2007	Purchase of new psychiatric drugs	To prescribe new psychiatric drugs for 6 000 psychiatric patients	0

<i>Year</i>	<i>Initiatives</i>	<i>Details</i>	<i>Approximate manpower</i>
2008-2009	Implementation of postdischarge community support service for frequently re-admitted psychiatric patients	To set up community psychiatric mobile support teams in the Kowloon West and New Territories East Clusters to provide post-discharge community support to frequently re-admitted patients	14 health care staff
2008-2009	Enhancement of psychogeriatric outreach services	To increase the number of psychogeriatric outreach service attendances by 10 000. The enhanced service covered 50 private residential care homes for the elderly (RCHEs)	Seven health care staff
2008-2009	Implementation of psychiatric consultation-liaison service at Accident and Emergency (A&E) departments in public hospitals	To pilot the psychiatric consultation-liaison service at the A&E departments in the hospitals in Kowloon East and Kowloon Central Clusters, providing crisis intervention service for patients with acute psychiatric conditions so as to relieve the patients in a timely manner and reduce avoidable in-patient admission	10 health care staff
2009-2010	Further enhancement of psychogeriatric outreach services	To increase the number of psychogeriatric outreach service attendances by 10 000 to cover another 50 private RCHEs	Seven health care staff
2009-2010	Implementation of Recovery Support Programme for psychiatric patients in the community	To provide recovery support service to discharged patients with complex needs through a case management approach to facilitate their recovery and integration into the community.	28 nursing staff
2009-2010	Establishment of triage clinics	To set up triage clinics at psychiatric SOP clinics in Hong Kong East, Kowloon East, Kowloon West, New Territories East and New Territories West Clusters to provide timely consultation services for new patients.	Five health care staff

(b) SWD's new initiatives on mental health services

<i>Year</i>	<i>Initiatives</i>	<i>Details</i>	<i>Approximate manpower</i> <small>(Note)</small>
2001-2002	Implementation of the Community Mental Health Link	To assist ex-mentally ill persons and their families/carers to establish their district support network and provide them with care and support, including counselling service, social/recreational/educational activities and outreaching visits, and so on.	45 social workers and supporting staff
2001-2002	Implementation of the On the Job Training Programme for People with Disabilities	The programme currently has 432 places to provide on-the-job training and placement opportunities for people with disabilities, including ex-mentally ill persons.	16 tutors
2005-2006	Implementation of the "Sunnyway" — On the Job Training Programme for Young People with Disabilities	To provide on-the-job training and placement opportunities for young people aged between 15 and 25 with disabilities or early signs of mental illness	20 social workers and tutors
2005-2006	Implementation of Community Mental Health Care	To help ex-mentally ill persons resolve various adaptation problems they encounter in their daily life and assist them to apply for welfare services, thereby encouraging them to reintegrate into the community	55 social workers and supporting staff
2005-2006	Implementation of the Child and Adolescent Mental Health Community Support Project	To provide early identification and intervention services for children and adolescent aged between 6 to 18 with emotional problems such as depression and anxiety	One clinical psychologist, 16 social workers and supporting staff
2006-2007	Implementation of Community Rehabilitation Day Services	Through outreach vocational services, the programme trains the ex-mentally ill persons on self-care ability and enhances their drug taking compliance and basic health knowledge. It also helps ex-mentally ill persons resolve various adaptation problems they encounter in their daily life so as to encourage their reintegration into the community	20 occupational therapists and Occupational therapy assistants

<i>Year</i>	<i>Initiatives</i>	<i>Details</i>	<i>Approximate manpower</i> <small>(Note)</small>
2006-2009	Enhancement of medical social service	The manpower of medical social workers stationed in various public hospitals and clinics has been strengthened to support the provision of timely counselling service and assistance to patients and their family	Increase of 21 medical social workers
2007-2008	Implementation of the Community Mental Health Intervention Project	To provide in-depth outreaching social work intervention services to people aged 15 or above with suspected mental health problems who are not receiving any psychiatric services	50 social workers and supporting staff
2008-2009	Establishment of an integrated community centre for mental illness in Tin Shui Wai	The centre will provide one-stop mental health support services to a total of 450 ex-mentally ill persons and people with suspected mental health problems, and provide support service for 1 200 family members/carers each year	11 social workers, occupational therapists and supporting staff

Note:

The number of staff is calculated based on the staffing requirements recommended for the relevant subvented services. Under the existing Lump Sum Grant Subvention System, the organizations involved can flexibly use their lump sum grants to pay for their staff cost according to their service agreements and staffing needs.

Annex 2

Implementation progress of HA and SWD of the Policies on the Rehabilitation Services for the Ex-mentally Ill set out in the White Paper on Rehabilitation (1995)

<i>Relevant paragraphs</i>	<i>Service area</i>	<i>Service development</i>
5.12-5.15	Psychiatric medical rehabilitation for people with mental illness	- At present, the psychiatric services of HA are organized on a cluster basis. All seven hospital clusters provides a whole continuum of mental health services, ranging from in-patient, ambulatory care and community rehabilitation services, to ensure the continuity of various mental health services.

<i>Relevant paragraphs</i>	<i>Service area</i>	<i>Service development</i>
		<ul style="list-style-type: none"> - HA has stepped up the efforts in developing more comprehensive community psychiatric services in recent years. The number of community psychiatric outreach teams under HA has increased from two in 1994-1995 to eight at present to provide medical rehabilitation and community psychiatric services in all seven clusters. The number of psycho-geriatric outreach teams has also increased from four to seven in the same period. - HA has introduced a number of new measures to strengthen community psychiatric services. The new initiatives include EXITERS, EASY, Elderly Suicide Prevention Programme, postdischarge community support service for frequently re-admitted psychiatric patients, recovery support programme for psychiatric patients in the community, and enhancement of psychogeriatric outreach services to cover more private RCHEs.
7.9-7.16	Supported employment	<ul style="list-style-type: none"> - The number of supported employment places has increased by 1 295, from 360 in 1994-1995 to 1 655 at present.
7.17-7.19	Sheltered workshop	<ul style="list-style-type: none"> - The number of sheltered workshop places in 1994-1995 was 5 375. Some of the sheltered workshops have been converted into Integrated Vocational Rehabilitation Services Centers (IVRSCs). IVRSCs provide enhanced vocational rehabilitation service incorporating the elements of sheltered workshop and supported employment services. At present, there are 5 113 sheltered workshop places and 3 675 IVRSC places. - Apart from shelter workshops, IVRSCs and supported employment services, the Government has actively developed other vocational rehabilitation services, including the On-the-job Training Programme for People with Disabilities (providing 432 places) and the "Sunnyway" — On the Job Training Programme for Young People with Disabilities (providing 311 places).

<i>Relevant paragraphs</i>	<i>Service area</i>	<i>Service development</i>
8.18-8.21	Residential services for the ex-mentally ill	<ul style="list-style-type: none"> - The number of halfway house places has increased by 652, from 857 in 1994-1995 to the present 1 509. Of the increased places, 110 are designated places provided for the "subtarget group" (that is, ex-mentally ill persons with record of criminal violence or who were assessed to be disposed towards violence). - Eight social workers provide aftercare counselling service to ex-mentally ill persons discharged from halfway houses under the Aftercare Service for Dischargees of Halfway House. - The number of long stay care home places has increased by 1 207, from 200 in 1994-1995 to the present 1 407. - The number of supported hostel places has increased by 63, from 20 in 1994-1995 to the present 83. - Apart from the above residential services, the Government actively developed community rehabilitation services in the past 10 years, including Community Mental Health Link, Community Mental Health Care Services, Community Rehabilitation Day Services, Community Mental Health Intervention Project, and establishment of the Integrated Community Centre for Mental Wellness. These services aim to provide suitable psychological counselling and support services to the ex-mentally ill, persons suspected to have mental problems and their families/carers.
10.6-10.9	Parent Resource Centre	<p>A dedicated resource centre for the families of ex-mentally ill persons has been set up. Apart from that, most of the service units providing residential and community support rehabilitation services have organized parents' groups or parent resource corners to encourage the participation of families/carers in various activities so as to reinforce their role in the rehabilitation process of the ex-mentally ill.</p>

<i>Relevant paragraphs</i>	<i>Service area</i>	<i>Service development</i>
10.10-10.11	Self-help organizations	There are currently five self-help organizations for the ex-mentally ill subsidized by the SWD. Through organizing social, educational and recreational activities, these organizations promote the spirit of mutual help among the ex-mentally ill. They also express their views on the relevant services and policies.

MR WONG SING-CHI (in Cantonese): *President, the Secretary's main reply has worried us deeply. President, in 2008-2009, 41 patients categorized for priority follow-up were discharged from hospital. Yet we learnt from the news in 2008-2009 that consequently, at least seven psychiatric patients committed suicide, homicide or the offence of inflicting harm on other people. The percentage was almost 20%. Surprisingly, HA has not yet compiled the statistics on patients who committed suicide or were involved in offences such as inflicting harm on other people or murder within a year after being discharged from hospital. HA has, in fact, kicked the patients back to the community. It does not care about the patients' plight in the community at all. Moreover, during the course of kicking patients back to the community, it ignored the assessment of this type of patients made by social workers' or other professionals, who told the doctors that these people were of high risks.*

Why did such a situation arise? I hope the Secretary can explain to us how health care workers actually communicate with social workers and other professionals in the hospital. When social workers and other professionals had assessed that this type of patients could not be discharged from hospital, how come health care workers and doctors still assessed that they could be discharged? Such a situation has resulted in many patients' deaths or even tragedies after their discharge from hospital. Should HA be held responsible for these?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *President, first of all, the issue of discharge is not decided by a single person. In the hospital, a special team consisting of different professionals will deal with patients who are to be discharged and determine whether they are high risk patients. If necessary, the special team will also provide follow-up rehabilitation service in the community before allowing the patients to be discharged. This is not a decision*

to be made by only one or two people. Regarding those persons of high risk, psychiatric nurses will follow them up in the community within a short time. There are also senior psychiatrists in out-patient clinics in the community who will do the follow-up work.

As for patients who have a propensity to violence as mentioned by Mr WONG just now, some of them had no propensity to violence at all during hospitalization, and they might not be categorized as high-risk patients at that time. As we could see, many behavioural changes may not be fully detected during the patients' stay in the hospital. Owing to other environmental factors, they may change after their discharge from hospital. Of course, we hope we can lower the figures as far as possible in this regard and enhance our service. For this reason, in 2008-2009 and this year, we have increased the resources in succession to enable HA and SWD to follow up this type of patients.

MR WONG SING-CHI (in Cantonese): *President, the Secretary has not answered why the doctors still allowed the patients to be discharged from hospital even though social workers and other professionals had disagreed.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, as far as I know, in the hospital there must definitely be a team responsible for deciding on the way to deal with the matter. Of course, this team must observe the patients objectively. The decision in this regard will particularly be based on the opinions of doctors and nurses who have looked after these patients for a long time.

PRESIDENT (in Cantonese): Many Members are waiting for their turn to raise supplementary questions. Would those Members who raise supplementary questions please be as concise as possible so that more Members may have the chance to ask their questions?

MR CHEUNG KWOK-CHE (in Cantonese): *President, I would like to follow up the question Mr WONG Sing-chi has just raised. Many social workers have conveyed to me that when determining whether a patient should be discharged from hospital, if their opinion conflicts with the doctor's, very often the doctor's power is very significant. Hence, how should the decision be made when there*

is a conflict? This is the first point. Secondly, when the social worker thinks that the decision may not be beneficial to the case, is there any mechanism for him to appeal and what is the appeal mechanism? In particular, after the patient has been discharged from hospital, if the social worker finds it dangerous for him to stay in the community and he may also pose danger to other people, through what channels can the social worker reflect the situation and make the patient be admitted to hospital again for treatment?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, if anyone, especially professionals, has participated in deciding on how to follow up a patient, naturally they will draw up plans on the patient's discharge in different departments and teams in the hospital, and they will have adequate opportunities to convey their personal or professional opinions. Finally, of course it will be the attending doctor concerned who will decide whether the patient should be discharged from hospital and the practice to be adopted after his discharge. Generally speaking, there are three kinds of follow-up. One is non-priority follow-up; another is priority follow-up and the third one is secondary target for priority follow-up. These may be patients of the highest risk. Hence after they are categorised, decision in this regard will be made.

In the community, if there is any change in the patient's mental condition, or if the patient refuses to take medicine or has shown some unusual behaviour which makes the social worker or community psychiatric nurse think that he should be admitted to hospital again, naturally they will arrange for the patient to receive this kind of treatment and even request him to go to hospital again. As we understand, when we look after patients, we must observe them for a long time. Moreover, not every patient will recover completely. Very often patients will have to go through different stages continuously. Hence social workers and community nurses serve a significant function in this regard, and they also have the responsibility of following up. As I have said just now, since this is a very professional issue, now HA wishes to adopt a case management approach on trial. That means one professional will follow up one patient in the long term so that he will be able to detect the patient's change easily. If too many professionals in different disciplines look after one patient at the same time, although their observations may be different, the length of contact may be too short. For this reason, conducting long-term observation by one single professional will be a better practice. This has been shown in overseas experience too. Hence I think this plan is worth trying.

MRS SOPHIE LEUNG (in Cantonese): *President, in part (a) of the main reply, there is a table which shows that there seems to be a substantial rise in the number of psychiatric patients since 2004. Will the Secretary consider conducting, or has he conducted, a more in-depth study to find out why there is such a big increase in the number of psychiatric patients in society? Is it because materialistic concepts are widespread in society, which in general has caused patients to lose their mental or spiritual balance? We must find out the answer in order to get a better cure to the problem. Has the Secretary conducted any study in this regard, or will he conduct a more in-depth study?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, now I do not have these pieces of information at hand to inform the Members. However, generally speaking, that means in the professionals' view, in the past 10 to 20 years psychiatry as a medical branch has already been generally accepted by many people. As a result, if members of the public have any mental problem, they will not resist seeking help from psychiatrists. Thus more people are willing to seek such medical service voluntarily. Moreover, we hope that psychiatry, like other specialties, will adopt a preventive approach or start treatment when the problem is still mild. Thus, regarding those psychiatric patients' whose condition is relatively minor, we still wish to contact and look after them as early as possible. In the past we have also implemented many plans in the hope of locating psychiatric patients in the community as early as possible to enable them to receive prompt treatment. As we could see, although the number of patients has increased, the figure for hospitalization has actually decreased. This is a good phenomenon because our past concept was to admit them to hospital in order to isolate them and keep them away from the community. The present new concept is to admit them to hospital in order to cure them. After they have received treatment, we hope they will be able to re-join and integrate into society. This is the reason why these two figures which we have seen have respectively increased and decreased.

PRESIDENT (in Cantonese): We have already spent more than 18 minutes on this question. The last supplementary question now.

DR JOSEPH LEE (in Cantonese): *President, the Secretary has just mentioned that the present policy is to enable psychiatric patients to integrate into society for rehabilitation. As I could see from the figures, actually in 2007-2008 and*

2008-2009, the practice of having patients assessed by community psychiatric nurses was necessary and important. However, in the incident mentioned by Mr WONG Sing-chi, we know the accident took place before the client could be assessed by the community psychiatric nurse. Although the authorities' policy aims at having more patients go back to society for rehabilitation, the manpower of community psychiatric nurses is inadequate. On page 5 of this document it is mentioned that there will be additional community psychiatric nurses. May I ask the Secretary how many additional community nurses various clusters will have at present and how many community nurses there are in each cluster?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, please give me a little time to see if I have these figures at hand. President, for community psychiatric nurses, I only have the total. I do not have the breakdown for clusters. In 2006-2007 there were 118 community psychiatric nurses. In 2008-2009 there were 133. As for social workers, that means medical social workers, in 2006-2007 there were 114. At present, there are 197. Despite the slight increase, I totally agree that the demand for community nurses is rather high. I know Dr LEE has trained this type of nurses himself. I believe that in the next few years the demand in this regard will become bigger and bigger, especially if we are going to implement the concept of case management. The need for this type of professionals will be even more intense.

(Dr Joseph LEE raised his hand to indicate his wish to raise a follow-up question, but the President did not see it.)

PRESIDENT (in Cantonese): The fifth question, Mr WONG Kwok-hing. Dr LEE, which part of your supplementary question has not been answered?

DR JOSEPH LEE (in Cantonese): *President, just now the Secretary did not answer my supplementary question. I hope that after the meeting the Secretary will provide me with information about the number of community nurses in each cluster.*

PRESIDENT (in Cantonese): Secretary, your answer please.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I will provide it. (Appendix II)

Regulation of Price Adjustments of Domestic LPG

5. **MR WONG KWOK-HING** (in Cantonese): *President, it is learnt that currently there are only three suppliers supplying piped liquefied petroleum gas (LPG) to 15 public rental housing (PRH) estates, and the way they set the retail prices of LPG has all along been criticized to be lacking transparency. Due to insufficient market competition, the retail prices of LPG set by various suppliers and the extent of price adjustments they made are often very close to one another. Moreover, some residents of PRH estates and private housing estates have relayed to me that the retail prices of piped LPG were significantly higher than those of auto LPG, and the situation of quick-in-raising and slow-in-reducing often occurred when adjustments were made according to the import prices of LPG. In this connection, will the Government inform this Council whether:*

- (a) *it knows the average import prices and average retail prices of piped LPG and auto LPG as well as the respective percentage changes in such prices in each quarter of the past three years; and whether it has explored why the retail prices of piped LPG are significantly higher than those of auto LPG;*
- (b) *it will make reference to the arrangement of the Government signing an Information and Consultation Agreement with the Hong Kong and China Gas Company Limited (Towngas), and enter into similar agreements with the piped LPG suppliers, so as to regulate the retail prices of piped LPG and enhance the transparency in price setting, in order to protect consumers' interests; and*
- (c) *the Environment Bureau will provide support to users of piped LPG to assist them in switching to using town gas; if so, of the number of cases last year of users switching to using town gas?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr WONG Kwok-hing for his question.

- (a) Price adjustments of piped LPG for housing estates (so-called domestic LPG) and auto LPG of dedicated stations are determined

according to different pricing mechanisms and with reference to different timeframes. In addition, as the market scale, mode of operation and cost structure (which includes the expenditure on capital investment, storage, operation and maintenance, and so on) of piped LPG and auto LPG are also different, we can hardly make direct comparison between auto LPG and domestic LPG.

However, if we compare the last three years as per Mr WONG Kwok-hing's question only in terms of changes in the price figures over time, the import price of LPG has fallen by about 3% based on information provided by the Census and Statistics Department. The price of piped LPG has also dropped by about 3% during the same period. Not only is the magnitude of decrease similar, in most of the quarters the price of piped LPG has sometimes increased to a lesser extent than the import price of LPG, as indicated in our annexed table. Particularly in the quarters within 2007-2008, we see that the reduced price was in fact more favourable to consumers. Of course, in certain quarters there were differences between the two. Later on when I explain the price adjustments, I can further elucidate.

- (b) Fuel prices in Hong Kong are determined by individual companies having regard to commercial practices and their operating costs. In a free market economy, the Government does not have the power to mandate fuel prices. Nevertheless, the Government appreciated the impact of LPG prices on the local economy, and therefore also encouraged the industry to increase transparency in their pricing.

Regarding the price adjustment of domestic LPG, Shell Hong Kong Limited (Shell), a major LPG supplier in Hong Kong, has voluntarily adopted a pricing mechanism since 1999 to review its prices regularly so as to enhance transparency in its pricing. In order that the setting of LPG price will follow more closely LPG price movements in the international market, Shell currently reviews its prices every three months (that is, in the end of January, April, July and October), and reviews its operational costs every twelve months. In each review of LPG price, the company will forecast the import prices of the coming three months in light of the latest international LPG price information, but in addition to forecasting, it will also make positive or negative adjustment for any variation between the actual import prices and the import prices as forecasted in the

previous review so as to set the LPG price for the coming three months. Besides, the Government also monitors whether the adjustment in local price of domestic LPG is reasonable in light of the movements in international LPG prices and local import prices. Shell will, after each price review, announce and explain to the public the outcome of the review. Although other oil companies have not established any mechanism to regularly and openly review LPG price and release relevant information, according to our information, the other oil companies on the market generally follow Shell's pricing mechanism, and therefore their prices are very close to one another. We see that the current price review mechanism of domestic LPG has helped achieve the purpose of increasing the overall transparency in their pricing.

All LPG suppliers providing services to public housing estates are required to enter into LPG supply contracts with the Housing Authority (HA) for building and maintaining the LPG compound as well as supplying and distributing LPG to users. Under the contracts between HA and the LPG suppliers, the latter cannot restrict users in public housing estates to use the piped LPG supply. Therefore, the users may choose to use other forms of fuels, such as bottled LPG, or use electricity. To ensure that the users in public housing estates will not be required to pay unreasonable prices for the use of central gas supply, we know that HA has, when entering into LPG supply contracts with the suppliers, stipulated in the contracts that the LPG suppliers shall not levy on the users in public housing estates any charge higher than that in the prevailing private market.

- (c) Currently, it is normally up to the developers or representatives from the housing estates (including HA) to decide on their gas suppliers and forms of fuels, on a case by case basis. In general, the gas suppliers enter into gas supply contracts with the developers or representatives from the housing estates for a period of 10 to 20 years. If the gas supply contracts expire, the representatives from the housing estates are free to choose their gas suppliers or switch to the other forms of fuels, provided that the relevant safety requirements are complied with.

According to the records of Towngas, there was only one private housing estate in Hong Kong (involving 272 premises) that switched

their piped gas supply from LPG to town gas in the last year. A whole host of cost and technical factors have to be taken into consideration by the relevant housing estates in conducting such switch:

- as the two system are different, the LPG appliances may have to be modified to cater for the utilization of town gas, and some of them may have to be replaced for the same purpose;
- there may be interruptions of gas supply during the period of conversion works of the gas supply system;
- if an estate is not covered by the town gas supply network, connecting pipes to the town gas network have to be laid; and
- gas main, service pipes and installation pipes in the estate may need to be replaced.

Annex

Prices of Various LPG Products

	<i>Import price of LPG</i> ⁽¹⁾		<i>Shell's price of piped LPG</i> ⁽²⁾		<i>Average ceiling price of auto LPG of dedicated stations</i> ⁽³⁾			
	<i>HK\$/kg</i>	<i>%</i>	<i>HK\$/m³</i>	<i>%</i>	<i>HK\$/litre</i>	<i>%</i>		
Apr-2006	4.10	4.17	30.31	29.58	3.15	2.92		
May-2006	4.21		30.31		2.72			
June-2006	4.21		28.12		2.89			
Jul-2006	4.43	4.66	28.12	28.12	2.89	3.05		
Aug-2006	4.74		11.8%		28.12		-4.9%	3.03
Sep-2006	4.80		28.12		3.23			
Oct-2006	4.51	4.40	28.92	28.92	3.29	3.04		
Nov-2006	4.23		-5.6%		28.92		2.8%	2.96
Dec-2006	4.46		28.92		2.88			
Jan-2007	4.64	4.49	28.92	28.75	2.99	3.13		
Feb-2007	4.41		2.0%		28.67		-0.6%	3.25
Mar-2007	4.42		28.67		3.16			

	Import price of LPG ⁽¹⁾		Shell's price of piped LPG ⁽²⁾		Average ceiling price of auto LPG of dedicated stations ⁽³⁾	
	HK\$/kg	%	HK\$/m ³	%	HK\$/litre	%
Apr-2007	4.62		28.67		3.08	
May-2007	4.86	4.83	30.32	29.77	3.23	3.22
Jun-2007	5.01		30.32		3.36	
Jul-2007	5.06	5.10	30.32	30.95	3.51	3.48
Aug-2007	5.14		31.27		3.44	
Sep-2007	5.09		31.27		3.48	
Oct-2007	5.74	6.46	31.27	32.39	3.37	3.73
Nov-2007	6.42		32.95		3.72	
Dec-2007	7.21		32.95		4.09	
Jan-2008	7.26	7.09	32.95	35.58	4.66	4.57
Feb-2008	6.97		36.90		4.67	
Mar-2008	7.04		36.90		4.37	
Apr-2008	7.00	7.29	36.90	37.24	4.46	4.48
May-2008	7.27		37.41		4.40	
Jun-2008	7.60		37.41		4.59	
Jul-2008	7.88	7.53	37.41	37.72	4.84	4.83
Aug-2008	7.54		37.87		4.95	
Sep-2008	7.16		37.87		4.70	
Oct-2008	6.91	5.45	37.87	33.68	4.48	3.95
Nov-2008	5.68		31.58		4.37	
Dec-2008	3.75		31.58		3.01	
Jan-2009	3.71	4.03	31.58	28.62	2.36	2.69
Feb-2009	4.28		27.14		2.58	
Mar-2009	4.10		27.14		3.12	
Net adjustment over the last 3 years:		-3.4%		-3.2%		-7.9%

Notes :

(1) Source: The Census and Statistics Department

(2) Being the price of piped LPG of Shell, one of the major LPG suppliers in Hong Kong

(3) Source: The Electrical and Mechanical Services Department

■ shows that the price of piped LPG has increased to a lesser extent than the import price of LPG, or even has decreased in some cases as against import price increases.

MR WONG KWOK-HING (in Cantonese): *President, I wish to follow up part (b) of the main question. Part (b) of the main question asks the Government whether it will actively consider requesting gas suppliers to provide a transparent pricing platform for public scrutiny and I cite the agreement with Towngas as an example. Currently there are five LPG suppliers in Hong Kong. Three of them provide piped supply, but at present only Shell has voluntarily done so. Therefore, may I ask the Secretary via the President whether the Government will actively request those five LPG suppliers, three of which being piped suppliers, to provide a pricing platform for public scrutiny, making the data also available to the Consumer Council, in order to protect consumers' interests?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): *President, I thank Mr WONG for his supplementary question. The current pricing mechanism basically has a certain degree of transparency. Not only the prevailing and future LPG prices are reflected and forecasted respectively in the pricing mechanism, there is also an additional mechanism for positive or negative adjustments, under which any difference between the price forecasted in the last quarter and the actual price will be reviewed and then adjusted.*

At this point in time, what Mr WONG said is correct. One of the suppliers is so doing. We see that the other two are following this approach broadly. I notice that Shell adopted an open approach when publishing the data and explained the reasons for price changes. Therefore, in terms of the transparency of prices, as shown in the information in the Annex, the approach actually adopted is quite open. Shall we request the other two companies to provide similar pricing information? In this connection, we can relay the question to them. As regards whether there is a need for the Consumer Council to take heed of these issues, we can do the same, too.

MR FRED LI (in Cantonese): *President, I am concerned about the contracts that last 10 to 20 years. While there are 15 government or HA housing estates, why did the Government not consider Currently there are only three suppliers. The fourth largest supplier is in fact Towngas. Has the Government considered the advantages of Towngas and allow it to join the competition? If town gas is used, there is no need for a gas tank at all. At present each housing estate which uses piped LPG has to set aside a large area to set up a storage tank, wasting a lot of space indeed. If town gas is supplied, the space for the gas*

tank can be used as open space or even for building a public housing block. I believe that this is favourable to HA. Why do we not consider this? Rather than recruiting more piped suppliers, it is in fact possible to make Towngas another competitor. As regards subsidizing households to replace cooking appliances, I believe that Towngas can manage. Has the Government considered Towngas as a new competitor so that those several companies cannot manipulate this market?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr LI for his supplementary question. First, I believe that there must in fact be certain historical factors in determining which approach to be adopted by which housing estate for the supply of domestic LPG or town gas, because for some housing estates, both private and public, decisions on which system to use might have been made based on the availability of town gas and the prevailing condition at that time.

Moreover, consumers are most concerned about the price. Today, the cost of piped LPG is slightly higher than that of town gas, but looking back to the past decade, the unit price of town gas has been higher than that of LPG. Therefore, if the Government has to mandate the selection of a system, it may not be feasible. At present, for the housing estates under the Housing Department, it is in fact not impossible to make such a change in the relevant contracts. To make such a change, however, the consent of the owners themselves is necessary in the first place. In addition, it is also necessary to make everyone know that such a change may affect the cost and cause inconvenience, as I mentioned in part (c) of my main reply. Therefore, all of the abovesaid may need to be considered. Looking back to the past few years, we can find one or two cases in which some housing estates actually switched from piped LPG to town gas, but in this regard it would be feasible only with prior discussion with the owners and residents.

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

MR FRED LI (in Cantonese): *The Secretary has not answered me about town gas. If town gas is used, the space for the gas tank can be saved. The area concerned can be handed back to the Housing Department for developing*

housing or a garden for use of the estate residents. It seems that the Government has not responded to this issue.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I have not answered the question on this aspect because I consider that for the reply just made, many aspects have to be taken into account in advance. If the housing estates can make a decision taking into consideration the prices, impact of the choice, inconvenience caused and so on in relation to the two options, the space that can be saved as proposed by Mr Fred LI may be a merit. However, I believe that if a housing estate is to change the system, the owners, HA and the suppliers may all have to consider firstly the issues that I have raised just now.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary said in part (c) of his main reply that the representatives from the housing estates are free to choose other suppliers. In fact, for public housing estates, HA is the major owner. As far as I know, they entered into contracts that would be renewed every 10 years. After the expiration of a contract they would never ask the residents whether there is any need for any change. That being the case, I wish to ask the Secretary via the President whether it means that these piped suppliers have disguisedly monopolised the LPG supply in these 10-odd housing estates. Why does the Government not consult with the residents of the relevant PRH estates upon contract expiration so that they have a right to choose?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I would like to answer the supplementary question raised by Mr WONG. I know that at present HA has a mechanism which includes reviewing every six months whether the performance of the suppliers is satisfactory in such areas as staffing arrangement, supervision, management and co-ordination. In addition, the information on fees and charges of the LPG suppliers will also be reviewed. Therefore, I believe that HA will pay attention to whether the existing piped LPG suppliers can meet the requirements in this regard. As to contracts, I know that the current contracts last approximately 10 to 20 years, and there is in fact a way to cope with the expiration of contracts. As to how HA will discuss with individual residents or residents' groups, I have to look up other information before I can give a reply. However, I know that in the near future, at the meeting of the Panel on Housing to be held on 1 June, this issue will be raised,

and part of my reply given just now is based on the contents of the documents submitted by relevant departments to the Panel.

(Mr WONG Kwok-hing raised his hand in indication of his wish to raise a follow-up question but the President did not see it.)

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

MR WONG KWOK-HING (in Cantonese): *The Secretary has not answered me. I asked why HA had not consulted with the residents upon contract expiration in the past. The question has not been answered.*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I do not have such information. If Mr WONG does not mind, can we answer the same question in one go at the meeting of the Panel on Housing?

PRESIDENT (in Cantonese): Last oral question.

Measures to Tackle Unemployment Problem Aggravated by Influenza A (H1N1) Epidemic

6. **MR IP WAI-MING** (in Cantonese): *President, it has been reported that the Influenza A (H1N1) epidemic has spread to many countries and regions. As many students will return to Hong Kong for their summer vacation from countries such as the United States and Canada, where the epidemic is serious, it is anticipated that the epidemic situation in Hong Kong will deteriorate. Members of the labour sector have relayed to me that the situation will deal a blow to the tourism industry and the consumer market, and in turn aggravate the unemployment situation in Hong Kong further. In this connection, will the Government inform this Council:*

- (a) *whether it will employ more people to undertake anti-epidemic work (for example, street cleaning, free household cleaning for the elderly and disabled persons in need, as well as checking whether arrivals have influenza symptoms at the airport and cross-boundary checkpoints), recruit more ward assistants, enhance medical appointment escorting service, and create temporary posts for environmental greening, community betterment and provision of tourism, leisure, and cultural and arts services; if it will, of the anticipated numbers of additional persons employed for the various jobs, as well as the respective monthly salaries of those posts; and*
- (b) *whether it will introduce new short-term training courses for the grass-roots and middle-level unemployed persons, and provide them with training allowance, so as to help them change occupation after training?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, Hong Kong's economic performance continues to worsen so far this year. The unemployment rate released on Tuesday last week indicated that the seasonally-adjusted unemployment rate rose to 5.3% for the period February-April 2009. While the increase in the unemployment rate has slowed, the rising trend persists mainly because of the notable weakening in labour demand arising from the global economic recession. Since the outbreak of the financial tsunami in September last year, the Government has been striving on all fronts to introduce appropriate measures with a view to "stabilizing the financial system, supporting enterprises and preserving employment".

On preserving employment, apart from increasing the manpower for improving environmental hygiene, the Government will continue to promote infrastructure projects. The Government plans to apply for funding from the Legislative Council for works projects worth \$100 billion within the current Legislative Session. So far, we have already secured funding approval amounting to \$52 billion from the Legislative Council Public Works Subcommittee. We hope to create more jobs in the short term so as to provide impetus for Hong Kong's economy.

"Supporting enterprises" also has positive effects on preserving employment. For instance, in December last year we set up the Special Loan

Guarantee Scheme with a guarantee commitment of \$100 billion. Under the Scheme, the Government undertakes to provide a guarantee of up to 70% for loans approved by participating lending institutions. The Scheme has so far benefited some 8 000 businesses which altogether employ over 140 000 people.

We will continue to strengthen employment services. Legislative Council Finance Committee (FC) has recently approved a new commitment of some \$400 million for enhancing various employment programmes. The Labour Department (LD) will launch the enhanced and integrated employment programmes as soon as possible to help relieve the pressure on employment. To facilitate local residents to seek jobs, LD would also continue to hold large-scale job fairs. In fact, one is being held at Tsing Yi from this Monday to today while another one is scheduled for 5 June in Tung Chung. These two job fairs offer over 4 000 vacancies in total.

My reply to Mr IP Wai-ming's question is as follows:

- (a) With the global economy still in an unstable state, the outbreak of Human Swine Influenza has no doubt added further uncertainty to, and increased the pressure on, the labour market. Since the development of the epidemic in Hong Kong and other regions remains uncertain, it is difficult to assess with accuracy at this stage the impact of the Human Swine Influenza epidemic on the local labour market. Therefore, we do not consider it appropriate to make a premature judgment on the potential impact.

Nevertheless, the Government will not let off its guard. We will continue to closely monitor the situation on job creation and employment and proactively adopt a multi-pronged approach comprising measures on all fronts to promote economic activities in order to create employment opportunities.

On the other hand, the Government has also planned targeted measures for the necessary anti-epidemic work. The Financial Secretary announced yesterday that the Social Welfare Department (SWD), Leisure and Cultural Services Department (LCSD), Food and Environmental Hygiene Department (FEHD) and Home Affairs Department (HAD) are working out plans to promote environmental hygiene and publicize anti-pandemic measures. Such plans will

involve creating short-term posts and the additional funding required by these projects is around \$300 million. The Government will take into account the development of the pandemic and, if necessary, seek additional funding for new measures.

Besides, the Department of Health (DH) and HAD have recruited some additional 500 staff for anti-epidemic work. DH has also recruited more than 130 additional staff through the Aviation Security Company Limited to help distribute to and collect from visitors health declaration forms. The Hospital Authority (HA) needs not employ additional ward assistants at the moment, but will suitably deploy existing manpower and recruit additional staff in view of the development over the Human Swine Influenza and operational needs to support anti-epidemic work.

- (b) At present, Hong Kong residents aged 15 or above with education at sub-degree or below may attend training courses funded by the Employees Retraining Board (ERB). To meet the training needs of its target clientele, and in face of the financial turmoil and its adverse impact on local employment, the ERB plans to provide 123 000 training places in the current financial year. In addition, it has also reserved resources for providing an additional 20 000 places in anticipation of an increase in training demand. About 60% of the planned training places (that is, around 70 000) are full-time placement-tied courses targeting unemployed persons.

Placement-tied courses provided by ERB are pitched at Qualifications Framework Levels 1 to 4 and currently cover a total of 24 industries. The course length is approximately one to three months with total training hours ranging from 100 to some 300 hours. Full-time placement-tied courses are offered free-of-charge. Trainees who are able to meet the attendance requirement will be given a training allowance. To meet the varying demands of its clients with different education levels and career aspiration, ERB has developed a total of over 120 new placement-tied training courses in 2008-2009. Through training bodies, it will continue to introduce new courses geared to the needs of the employment market and provide placement service to help its trainees in securing jobs. The ERB will also closely monitor the changes in the labour market and

adjust the allocation of training places flexibly having regard to the latest development.

LD all along actively promotes youth employment. The Youth Pre-employment Training Programme (YPTP) and the Youth Work Experience and Training Scheme (YWETS) have been launched respectively in 1999 and 2002 to provide comprehensive pre-employment and on-the-job training to young people aged 15 to 24 with educational attainment at sub-degree level or below, with a view to enhancing their employability and helping them land on sustainable employment.

To provide more focused training and employment support to youth with employment difficulties, YPTP/YWETS and the Community Investment and Inclusion Fund (CIIF) collaborated to launch a new initiative ("新紮創奇職") in late 2008. The LD/CIIF collaboration encourages the development of new projects, which flexibly and suitably integrate pre-employment and on-the-job training elements under YPTP/YWETS and social capital development strategies advocated by CIIF, with a view to reaching out to young people with employment difficulties, motivating their job readiness and preparing them for further sustainable development in the employment market. It is envisaged that the approved projects under the LD/CIIF collaboration will be rolled out in the second half of this year.

MR IP WAI-MING (in Cantonese): *I would like to follow up part (a) of my main question, as what I ask in my main question is whether the Government will allocate more resources to recruit temporary workers for undertaking anti-epidemic work. Previously, a report pointed out that the manpower supply of ward assistants or other health care staff was tight. However, the authorities advised in the main reply that HA did not need to employ additional ward assistants at the moment, and it would decide on the way forward in view of the development of the pandemic. The Government has all along warned us that it will not be long for an outbreak in the community. In that case, may I ask the Government under what circumstance it will consider that additional manpower is required in wards for undertaking anti-epidemic work? Whether the expenditure in this regard is included in those \$300 million?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, first of all, I would like to clarify that the \$300 million just mentioned by Secretary Matthew Cheung does not include the funding for HA to cope with its special operational needs. After the SARS crisis, HA is of the view that as far as anti-epidemic work is concerned, the best way is to consider the matter from a long-term prospective, especially when it relates to the enhancement of manpower and resources. In particular, it is not suitable to recruit inexperienced staff to work in hospital wards during the outbreak. Undoubtedly, if the pandemic situation worsens, leading to a surge of hospitalized patients, we will consider deploying professional staff from hospitals treating chronic diseases to those providing emergency services, while the formers can hire temporary workers to provide assistance instead. However, in view of the present situation, there are not many patients requiring hospitalization. Although a few dozens of patients are admitted to hospitals each day, the number is offset by those discharged from hospitals, as patients with mild symptoms will be discharged upon examination. Therefore, deployment of staff is not necessary at the moment. Most importantly, in the fight against pandemic threat, it is imperative to have sufficient number of experienced front-line staff to take up important posts. This principle is observed by all hospital clusters of HA. We will surely take heed of the spread of the epidemic. Nonetheless, it may be the clinics, but not hospital wards, which will be under pressure. Hence, there should be professional staff at the clinics to cope with the work concerned. HA is well prepared, and whenever necessary, it will recruit private practitioners to provide assistance. We have worked out our plan to implement all these measures.

MR JEFFREY LAM (in Cantonese): *In the past few years, given the development of hotel and tourist industries in neighbouring areas of Hong Kong, many Hong Kong people have been recruited to work in these fields. Hong Kong has made painstaking effort in training up new hands to work in the tourism sector. We hope that they can secure their jobs. However, we notice that the outbreak in the United States and Canada has worsened recently. In the past few days, passengers contracted the disease were found on numerous flights to Hong Kong. In what way can we guard against the disease at source? Whether quarantine measures should be imposed before the boarding of passengers?*

What makes the tourism and hotel sectors worry most is the cordoning off of the hotel by the Government for seven days when the first confirmed case was detected. I concur with the Government's way of handling the matter, but this

may lead overseas visitors to worry that when there is another outbreak in Hong Kong during their visit, they may be detained in the hotel for seven days. I would like to ask the Government what publicity and anti-epidemic measures will be taken to rebuild people's confidence in visiting Hong Kong, so as to preserve the employment opportunities of local workers?

PRESIDENT (in Cantonese): Which Director of Bureau would like to answer?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, regarding the impact of Human Swine Influenza, that is Influenza A (H1N1), on tourism, we have thoroughly discussed it with the sector. It has expressed particular concern on a number of issues, including the way to deal with the safety of passengers by airlines. The sector is also particularly concerned about the way to deal with arrival flights from areas affected by the flu. They have already reached some consensus, especially on informing boarding passengers of the risk involved.

As regards Mr LAM's worry about the requirement for visitors to be quarantined and isolated upon arrival to Hong Kong, we made adjustment to this requirement more than two weeks ago. We have discussed it with the sector, and the latter has been informed of the adjustment, too. For visitors unfortunately sitting beside an infected person on a flight to Hong Kong, they have only to be placed under monitoring and medical observation, and they need not go to an isolation camp. The sector is very clear about this. Most importantly, at the request of the sector, we have assured that tourism and economic activities in Hong Kong will continue as far as practicable, on condition that the health of the public and visitors is safeguarded. The Commissioner for Tourism, government departments, Hong Kong Tourism Board and so on will continue to deliver this message abroad with a view to keeping tourism activities in Hong Kong running. Nevertheless, as we all notice that the risk of global outbreak is increasing and widely reported, it is not surprising that people's desire to travel will be dampened. Their reaction is normal. If Hong Kong is able to delay as much as possible the onset of a community outbreak, some of the tourism activities can still be maintained in Hong Kong. The sector needs not worry too much about that. It is most important for both the Government and the sector to work together to take proper measures in this respect.

MS LI FUNG-YING (in Cantonese): *President, in the Secretary's main reply, he mentioned that in order to implement targeted measures for anti-epidemic purpose, SWD, LCSD and FEHD were working out plans to promote environmental hygiene and publicity. Such plans would involve creating short-term posts. Can the Secretary inform us the details about the number, working hours and salaries of such short-term posts?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Yesterday when the Financial Secretary made the announcement, he clearly indicated that details had not been finalized at this stage. However, it is considered by relevant departments at the moment that around \$300 million will be needed, including the amount required by SWD. I will use the case of SWD as a typical example. SWD will focus on creating jobs at residential institutions and day service units. At present, there are altogether 599 residential institutions and more than 1 000 day service units. We will allocate time-limited resources to these organizations to enhance the cleansing work and reduce the workload of their existing staff, so that they can be relieved from the heavy workload arising from more anti-epidemic work. In the meantime, resources will also be provided flexibly to these organizations, but they will be on a time-limited basis. As to the detailed number of posts, Ms LI, these posts will be definitely created because we need manpower to undertake the work concerned. Regarding the detailed information, we will surely prepare and provide a full report when seeking funding from the Finance Committee at its last meeting on 3 July.

MRS SOPHIE LEUNG (in Cantonese): *President, as mentioned in the main reply, government departments have worked out plans to promote environmental hygiene. I would like to ask the Government whether it will consider establishing a convenient platform to facilitate the public to report environmental black spots in order to enable the work on promoting environmental hygiene to be undertaken more thoroughly?*

PRESIDENT (in Cantonese): Mrs Sophie LEUNG, the subject of this main question is about the relation between the outbreak of Influenza A (H1N1) epidemic and unemployment. Would you specify the supplementary question you wish to raise?

MRS SOPHIE LEUNG (in Cantonese): *Sure, President. When replying to Mr IP Wai-ming, the authorities pointed out in paragraph 3 of part (a) in the main reply that various government departments had worked out plans to promote environmental hygiene and publicize anti-pandemic measures with a view to identifying some environmental black spots to facilitate temporary workers to perform their cleansing duties. If so, it will be better for the Government to engage community-wide support in promoting environmental hygiene by encouraging the public to report dirty places where cleansing should be enhanced, so as to facilitate the implementation of cleansing work.*

PRESIDENT (in Cantonese): Which Director of Bureau would like to answer?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, we started to meet the Chairmen of 18 District Councils two weeks ago. All of them agreed that it was imperative for all districts to duly undertake their work to step up environmental hygiene. Moreover, on the Sunday two weeks ago, Secretaries of Departments and Directors of Bureaux conducted a promotion campaign by participating in a total of some 200 cleansing activities across the territory.

In consultation with District Councils, FEHD has identified 86 hygiene black spots where the department will perform large-scale cleansing and disinfection. Subsequently, upon a review by various districts, another 20 hygiene black spots have been added to the list. At present, there are a total of 106 hygiene black spots, with the majority of them located in public areas and some in private premises. We hope that all such black spots can be cleaned up in three to four weeks.

We have encouraged the public, especially the local community, to report to the authorities through the Government's hotline once they discover these black spots in the vicinity of their living and working places. Their reporting will arouse the authorities' awareness. Mrs LEUNG's idea is very good, because I believe that besides personal and domestic hygiene, we should also monitor the environmental hygiene around us at present in order to combat pandemic flu.

PRESIDENT (in Cantonese): We have spent about 20 minutes and 30 seconds on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Vacancy Rate of Market Stalls of Luen Wo Hui Market in Fan Ling

7. **MR RONNY TONG** (in Chinese): *President, the Director of Audit's report on the results of value for money audits released in October 2003 pointed out that the vacancy rate of the market stalls of Luen Wo Hui Market had been on the high side since it was commissioned in July 2002. The major reason seemed to be that the market had to compete with Shek Wu Hui Market in Sheung Shui for patronage, and the Food and Environmental Hygiene Department (FEHD) had not conducted any viability study before the two markets were built. The aforesaid situation is similar to the complaints I received from the tenants of Luen Wo Hui Market, who indicated that despite the growth of population in the neighbouring districts, their business turnover had been decreasing instead of increasing, and the number of leased stalls had also continued to drop, hence making the business environment very difficult for them. In this connection, will the Government inform this Council:*

- (a) *of the relevant vacancy rates and the patronage of the two markets, set out in the table below:*

Period	Shek Wu Hui Market			Luen Wo Hui Market		
	Vacancy rate of market stalls	Vacancy rate of cooked food stalls	Average monthly patronage	Vacancy rate of market stalls	Vacancy rate of cooked food stalls	Average monthly patronage
January 2003 to March 2004						
April 2004 to March 2005						
April 2005 to March 2006						
April 2006 to March 2007						
April 2007 to March 2008						
April 2008 to March 2009						

- (b) *given that the aforesaid report recommended the authorities to take remedial measures to reduce the vacancy rate of the market stalls, of the follow-up actions taken by the authorities and the effectiveness of such actions; and*

- (c) *of the authorities' specific plans to make Luen Wo Hui Market more appealing to residents in the vicinity, so as to improve the business environment for the tenants concerned?*

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

- (a) The respective vacancy rates and average monthly patronage figures of Luen Wo Hui Market and Shek Wu Hui Market since 2003 are tabulated below:

<i>Period</i>	<i>Shek Wu Hui</i>			<i>Luen Wo Hui</i>		
	<i>Vacancy rate of market stalls</i>	<i>Vacancy rate of cooked food stalls</i>	<i>Average monthly patronage</i>	<i>Vacancy rate of market stalls</i>	<i>Vacancy rate of cooked food stalls</i>	<i>Average monthly patronage</i>
January 2003 to March 2004	2.9%	3.6%	1 800 000	19.7%	22.7%	570 000
April 2004 to March 2005	3.3%	3.5%	Statistics not available	22.5%	22.3%	630 000
April 2005 to March 2006	3.5%	3.5%	1 200 000	21.8%	14.5%	600 000
April 2006 to March 2007	3.1%	2.9%	Statistics not available	20.7%	12.3%	660 000
April 2007 to March 2008	2.9%	0	Statistics not available	22.3%	14.5%	690 000
April 2008 to March 2009	3%	0	Statistics not available	22.7%	17.7%	600 000

- (b) and (c)

The FEHD organizes various promotional activities for its public markets every year, including activities to celebrate traditional festivals (for example, Lunar New Year, Tuen Ng Festival, Mid-Autumn Festival, and so on), thematic workshops and roving exhibitions, and so on, with a view to improving the business environment of the markets. These activities have been well received by the public and market tenants. Opinion surveys of participants showed that an average of over 90% of participating customers were satisfied with the activities and supported organizing similar activities, while an average of 70% of tenants considered that the activities could galvanize patronage and was conducive to the

business environment. The FEHD will continue to organize similar promotional activities.

Since February this year, the FEHD has lowered the upset auction prices of long-standing vacant market stalls in order to attract more bidders, thereby reducing the vacancy rate. Upset auction prices are set at 80% and 60% of the Open Market Rental for stalls fallen vacant for six months and eight months or more respectively. As at end April 2009, 552 long-standing vacant stalls (eight of which are in Luen Wo Hui Market) have been successfully let out under the scheme.

Moreover, in response to the views raised by the Audit Commission and the Public Accounts Committee of the Legislative Council, the FEHD has commenced in-depth utilization and opinion surveys since March this year on all its wet markets by batches to gather the views of tenants and customers on possible improvements to the markets. The FEHD will take into account the findings of the survey and devise suitable measures and arrangements to enhance the attractiveness of individual markets and improve the business environment of the tenants. The first batch of the opinion surveys (including that for Luen Wo Hui Market) is expected to be completed in mid-2009. It is planned that the survey findings will be reported to the Legislative Council Panel on Food Safety and Environmental Hygiene in July this year. Drawing on the findings of the opinion survey on Luen Wo Hui Market, the FEHD will work out practicable improvement measures in consultation with stakeholders, such as tenants and the Market Management Consultative Committee, and so on.

With a view to further increasing patronage and improving the business environment of public markets, the FEHD has recently launched a new scheme by allowing designated vacant stalls in six selected public markets to operate services trades and new types of business, such as traditional snack shops and bakeries. Luen Wo Hui Market has joined the trial scheme and 17 stalls in the market are designated for such trades, including domestic services agencies, beauty/manicure/massage/Chinese medicine/bone-setting, real estate and computer-related service. Open auction to let out these stalls will be held in June this year.

Implementation of "Trap-neuter-return" Programme for Stray Dogs

8. **MR ANDREW CHENG** (in Chinese): *President, I have learnt that in February 2009, the Agriculture, Fisheries and Conservation Department (AFCD) gave an undertaking to the Animal Welfare Advisory Group that the authorities would formally implement the "trap-neuter-return" trial programme (the trial programme) for stray dogs within this year provided that the programme had the support of the public. On the other hand, AFCD is now implementing a similar programme for wild monkeys. In this connection, will the Government inform this Council:*

- (a) how it assesses if the public support the implementation of the trial programme;*
- (b) which District Councils (DCs) currently support the trial programme in principle, and whether it will implement the programme in the District Council districts concerned first; and*
- (c) whether it has assessed the effectiveness of the similar programme implemented for wild monkeys; if so, of the assessment outcome; and the respective numbers of wild monkeys in each of the five years before and after the implementation of the programme concerned?*

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

- (a) and (b)

Local animal welfare organizations have earlier proposed to the AFCD the introduction of a "Trap-Neuter-Return" (TNR) trial programme for stray dogs. Apart from examining the feasibility of the programme from the technical and legal perspectives, it was also necessary to ascertain public support. In this connection, the AFCD, in collaboration with the animal welfare organization which has advocated this programme, consulted the 18 DCs on the TNR trial programme in 2007. The outcome of the consultation showed that the DCs held differing views. Nine of the 18 DCs (namely, the Central and Western District, Wan Chai District, North District, Yau Tsim Mong District, Eastern District, Kwun Tong District, Yuen Long District, Sai Kung District and Sha Tin District) supported in principle the implementation of the programme in their districts,

while seven (namely, the Islands District, Wong Tai Sin District, Southern District, Tsuen Wan District, Kowloon City District, Kwai Tsing District and Tai Po District) expressed objection. The Sham Shui Po District and Tuen Mun District made no indication.

Based on the outcome of the consultation described above, the animal welfare organizations concerned have indicated that they would identify suitable sites for implementing the trial programme in the nine districts which have indicated in-principle support. At present, the AFCD and the organizations concerned are actively examining the implementation details and the pertinent legal issues. Upon finalizing the details, the AFCD will, in collaboration with the organizations, consult the DCs concerned again. The AFCD will also encourage the organizations to further consult local residents in the vicinity of the sites selected for the trial programme, with a view to seeking community support for a smooth implementation of the trial programme.

- (c) According to the Environment Bureau, the AFCD estimated in 2004 that there were about 1 500 to 1 600 wild monkeys in Hong Kong and their population was increasing at an annual rate of 6% to 8%. Based on a survey on local wild monkeys conducted by the AFCD in 2008, it was estimated that there were some 2 100 wild monkeys in Hong Kong. They were mainly found in the Kam Shan, Lion Rock and Shing Mun Country Parks and the Tai Po Kau Nature Reserve.

To control the population of local wild monkeys in the long term, the AFCD has been conducting small-scale field trial programmes of catching and conducting contraceptive/neutering treatment for wild monkeys since 2002. Results indicated that most of the female monkeys given contraceptive treatment showed no signs of pregnancy in the following few years. Given the initial success, the AFCD extended the contraceptive/neutering programme in 2007 to cover the wild monkeys in the Kam Shan and Lion Rock Country Parks. To date, over 860 wild monkeys have received the contraceptive/neutering treatment. As the contraceptive/neutering treatment was carried out mostly in or after 2007, the actual growth rate of wild monkey population is yet to be ascertained. The AFCD will continue to monitor changes in the number of wild monkey communities.

Admission of Non-JUPAS Students by Local Universities

9. **DR RAYMOND HO** (in Chinese): *President, it is learnt that as the financial situation of the families of some of the students currently studying in overseas high schools or local international schools has deteriorated due to the financial tsunami, these students intend to abort their plan to study in overseas universities, and apply for admission to the local universities instead. However, since these students generally do not possess the qualifications required for taking the Hong Kong Certificate of Education Examination and the Hong Kong Advanced Level Examination, they are unable to apply for local universities through the Joint University Programmes Admissions System (JUPAS). In this connection, will the Government inform this Council whether it knows:*

- (a) *the respective numbers and percentages of JUPAS and non-JUPAS students admitted by local universities in each of the past five years;*
- (b) *given that the academic qualifications and achievements required by JUPAS and the non-JUPAS admission system are not the same, how the local universities can objectively choose between these two categories of applicants in making decisions on admitting students; and*
- (c) *whether students of local mainstream secondary schools (particularly those with examination results not meeting the JUPAS requirements) may be admitted by local universities through the non-JUPAS admission system?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) The respective numbers and percentages of students admitted to the University Grants Committee (UGC) — funded First-Year-First-Degree (FYFD) places through the JUPAS and non-JUPAS routes in the 2004-2005 to 2008-2009 academic years are set out at Annex.
- (b) Student admission is within the institutions' autonomy and the Administration does not intervene. We understand that the institutions will give due consideration to the applications having regard to the merits of individual cases.

- (c) Students studying non-Hong Kong Advanced Level Examination curricula in local secondary schools can submit their applications to the UGC-funded institutions direct through the non-JUPAS route. However, according to the JUPAS Guide, non-school applicants who have obtained HKALE results as well as other qualifications can apply either through JUPAS or non-JUPAS channels for admission to UGC-funded programmes but not both channels.

Annex

Student Intakes of UGC-funded Programmes
for the 2004-2005 to 2008-2009 Academic Years

(Full-time Equivalent)

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
No. of students admitted through the JUPAS route (% of total)	11 795 (80.1%)	11 400 (76.1%)	11 353 (73.7%)	11 240 (72.9%)	11 608 (73.9%)
No. of students admitted through the non-JUPAS route (% of total)	2 924 (19.9%)	3 573 (23.9%)	4 052 (26.3%)	4 187 (27.1%)	4 107 (26.1%)
Total	14 719 (100.0%)	14 973 (100.0%)	15 405 (100.0%)	15 427 (100.0%)	15 715 (100.0%)

New Rent Adjustment Mechanism Under Housing (Amendment) Ordinance 2007

10. **MR LEUNG KWOK-HUNG** (in Chinese): *President, will the Government inform this Council:*

- (a) *of the respective quarterly median rent-to-income ratios (MRIRs) of all public rental housing (PRH) households and of PRH households by household size since the third quarter of 2007;*

- (b) *given that the Hong Kong Housing Authority (HA) will conduct a review of the relevant rent next year under the Housing (Amendment) Ordinance 2007 and make adjustments to the relevant rent according to the rate of change in the income index (which reflects the level of the mean monthly household income of PRH tenants) for 2009 as compared to that for 2007, of the details of the data collected by HA for computation of the income index for 2007 (including the respective percentages of the number of PRH households with one person, two persons, three to four persons and more than four persons in the total number of PRH households); and whether HA has started collecting data for computing the income index for 2009; if so, of the data collected so far; and*
- (c) *of the respective numbers of PRH households who are currently receiving PRH rent assistance and Comprehensive Social Security Assistance (CSSA), their respective percentages in the total number of PRH households, as well as the number of such households who are elderly tenants living in one-to-two-person flats?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Housing (Amendment) Ordinance 2007 (the Ordinance) introduced a new income-based PRH rent adjustment mechanism, which provides for both upward or downward rent adjustments according to the changes in PRH tenants' household income to replace the previous statutory 10% MRIR cap. The Ordinance was passed by the Legislative Council in June 2007 and came into operation on January 1, 2008. Under the new rent adjustment mechanism, the Housing Authority (HA) shall conduct a review for PRH rent every two years, and vary the rent according to the change in the income index over the first and second periods of each rent review. According to the Ordinance, if the income index for the second period is higher than the income index for the first period by more than 0.1%, HA shall increase the rent by such a rate of increase or 10%, whichever is less; and if the income index for the second period is lower than the income index for the first period by more than 0.1%, HA shall accordingly reduce the rent by such a rate of reduction. The first rent review will be conducted in 2010.

Response to the three parts of the question is as follows:

- (a) As MRIR is no longer the statutory mechanism for rent adjustment, HA has not computed the relevant data since the enactment of the Ordinance.
- (b) In relation to the first rent review in 2010, the first and second periods refer to the period of 12 months expiring on December 31, 2007 and the period of 12 months expiring on December 31, 2009 respectively. HA will collect income data by random selection of PRH households in the "Survey on Household Income of PRH Tenants". As regards the first period, the percentages of households with one person, two persons, two to four persons and more than four persons in the survey were 11%, 19%, 74% and 15% respectively.

Under the new rent adjustment mechanism, the PRH rent is varied according to the change in the income index over the first and second periods of each rent review. The first period of the first rent review will be taken as the base year and hence, its income index will be set at 100. As for the second period, since the collection of income data of PRH households is still in progress, we cannot as yet provide the relevant data.

- (c) As at March 31, 2009, there were around 12 000 PRH households receiving assistance under the Rent Assistance Scheme (RAS), representing 1.8% of the total number of PRH households. A total of around 147 000 households were receiving CSSA, representing 22% of the total number of PRH households. Of these, about 5 400 and 55 000 were one-to-two-person elderly households receiving assistance under RAS and CSSA respectively.

Assistance to Grassroots who are Renting Bedspaces and Cubicles

11. **MR FRED LI** (in Chinese): *President, I have learnt that under the impact of wage reductions, layoffs as well as rising rents and prices, the grassroots who are currently renting cubicles and bedspaces in private buildings as well as places in singleton hostels are in severe hardship. In this connection, will the Government inform this Council:*

- (a) of the respective numbers of households and persons currently renting permanent rooms, cubicles, bedspaces and cocklofts in private buildings, together with a breakdown, by household size, of the number of such households and the average monthly rentals they are paying;
- (b) of the respective numbers of applicants currently on the Hong Kong Housing Authority's Waiting List for public rental housing (PRH) who are living in the premises mentioned in (a) above, and their average waiting time for allocation of PRH flats;
- (c) of the current average waiting time for admission to singleton hostels set up by the Home Affairs Department, and whether there is a shortage of such hostel places; and
- (d) what measures are in place to ease the aforesaid difficulty of the grassroots?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the question touches on various policy areas. We have, therefore, co-ordinated input from the Labour and Welfare Bureau and the Home Affairs Department on the parts of the question under their respective purview. The reply to the four-part question is as follows:

- (a) The Census and Statistics Department is able to make the following estimations from the data on "Private Residential Flats" as collected in its 2008 General Household Survey:

<i>Domestic households residing in rooms, bedspaces or cocklofts in private permanent housing</i>		
<i>Household size</i>	<i>Number of domestic households</i>	<i>Median monthly household rent</i>
1	14 500	\$1,500
2	6 400	\$2,300
3	2 800	\$2,300
4 and above	2 500	\$2,500
	26 200 (total)	\$1,800 (overall average)

- (b) The Housing Department is unable to provide the statistics concerned because the department does not require applicants on the Waiting List for PRH to provide information on the housing type of their residential addresses. The existing average waiting time for Waiting List applicants is around 1.8 years.
- (c) The Home Affairs Department's Singleton Hostel Programme was specifically launched to tie in with the introduction of the licensing regime under the Bedspace Apartments Ordinance (Cap 447) (the Ordinance). The objective of the Programme is to accommodate those bedspace lodgers displaced as a result of the implementation of the Ordinance through services provided by the non-governmental organizations (NGOs). Since the Ordinance came into effect in 1994, the number of lodgers affected by the Ordinance has substantially reduced. As such, at present there is not a situation of affected lodgers having to wait for allocation of accommodation nor the supply is insufficient to meet the demand.
- (d) The Government has always attached great importance to the needs of the grassroots. On social security, the Comprehensive Social Security Assistance (CSSA) Scheme provides a safety net of last resort through a non-contributory scheme. Individuals or families with income insufficient to meet their basic needs may consider applying for CSSA.

For people or families who could not afford the rents of private accommodation and are eligible for subsidized PRH, they may apply to the Hong Kong Housing Authority for public housing. People with genuine and pressing housing needs but incapable of meeting such needs themselves may seek assistance from the Integrated Family Service Centres of the Social Welfare Department or NGOs. The Centres will provide assistance appropriate to their needs after considering their actual circumstances such as resources and support network available to them. The form of assistance may include short-term financial assistance to meet rental and removal expenses, arrangements for admission into urban singleton hostels and temporary shelters operated by NGOs, referrals for applications for CSSA or recommendation to the Housing Department for admission to public housing for cases eligible for compassionate rehousing.

The Social Welfare Department has also worked with NGOs in implementing five short-term food assistance service projects covering the whole territory. This initiative aims to provide immediate and direct food assistance for individuals or families who have difficulties coping with daily food expenditure (including those among the unemployed, low-income earners, new arrivals, street sleepers and individuals or families encountering sudden changes and facing immediate financial hardship) as well as those who have not benefited from any of the relief measures announced by the Government last year. The five operating NGOs have already commenced the service projects since 27 February 2009, which are expected to benefit at least 50 000 persons.

Measures to Prevent Abuse of Elderly

12. **MR ABRAHAM SHEK:** *President, while children and juveniles under the age of 18 are protected by the Protection of Children and Juveniles Ordinance (Cap. 213), so far there is no separate legislation protecting the welfare of elderly people. As most elderly people are financially dependent on their families, it can be expected that they have become more helpless since the onset of the financial tsunami. According to the Central Information System on Elder Abuse Cases (the System), the number of reported abuse cases rose from 528 in 2005 to 612 in 2007 and 647 in 2008. In this connection, will the Government inform this Council:*

- (a) of the number of elderly abuse cases in the past three years in which assistance had been sought, and the latest figures and details of such reported cases during the period from January to April 2009, including the gravity of the abusive acts, whether such acts have given rise to suicidal tendency among the elderly concerned, and how such cases were handled;*
- (b) of the progress of the Pilot Neighbourhood Active Ageing Project, and whether the authorities have assessed the Project's effectiveness in curbing abuse of the elderly and promoting respect for the elderly in the community; if such an assessment has been conducted, of the outcome; and*
- (c) whether it intends to study the enactment of legislation against elderly abuse, and consult this Council, the relevant professions and*

members of the community; if so, of the details, if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE: President, the objective of the Government's elderly policy is to enable the elderly to live with dignity and provide them with the necessary support with a view to enhancing their sense of belonging and enabling them to enjoy a quality life.

My reply to the question is as follows:

- (a) Based on the information collected by the System of the Social Welfare Department (SWD), there were 522, 612 and 647 newly registered elderly abuse cases in 2006, 2007 and 2008 respectively. The information collected covers the types of elderly abuse but not a breakdown on whether assistance had been requested or whether there was any suicidal tendency among the elderly concerned. As to the period from January to April 2009, the data relating to the elderly abuse cases are still under processing and not available at the moment. The following is a breakdown by types of elderly abuse for the cases in 2008:

<i>Types of elderly abuse</i>	<i>Number of new cases in 2008</i>
Physical abuse	363
Psychological abuse	188
Neglect	1
Financial abuse	66
Abandonment	1
Sexual abuse	6
Multiple abuse	22
Total	647

At present, elderly abuse cases are received by reporting officers in the SWD, Department of Health, Housing Department, Hong Kong Police Force, Hospital Authority and non-governmental organizations. Upon identification and assessment of the service needs of the victim in an abuse case, the reporting officer will refer the case to a Family and Child Protective Service Unit, Integrated

Family Service Centre, Integrated Services Centre, Medical Social Services Unit, District Elderly Community Centre, Neighbourhood Elderly Centre and/or relevant government department(s) as appropriate for follow up.

- (b) The Labour and Welfare Bureau and Elderly Commission (EC) have jointly launched the Neighbourhood Active Ageing Project (NAAP) since early 2008. With the elderly playing a leading role, the NAAP seeks to establish neighbourhood support networks and enable the elderly to become a new driving force in the community. Through cross-sectoral collaboration, the NAAP mobilizes different organizations and individuals to promote active ageing and caring and respect for the elderly.

There are a total of 75 district projects organized/to be organized under the NAAP. Among them, the projects under Pilot NAAP — Caring for Elders launched in September 2008 aim specifically to promote the prevention of elderly abuse in the community through education, prevention and support, and to foster intergenerational integration and harmonious family life.

The Labour and Welfare Bureau and EC will monitor the delivery and effectiveness of the NAAP through different channels, including meetings with stakeholders (for example, elders, volunteers and participating organizations). Participating organizations of the NAAP are also required to submit reports setting out, among others, an evaluation of the district projects. When we have received these evaluation reports, we will conduct a review of the NAAP in due course.

- (c) On criminal protection, victims of elderly abuse cases are protected by legislation for criminal offences (including the Crimes Ordinance (Cap. 200), the Offences Against the Person Ordinance (Cap. 212) and the Theft Ordinance (Cap. 210)). On civil protection, the Domestic Violence Ordinance (DVO) (Cap. 189) provides protection to a range of domestic violence victims in specific relationships. Under the DVO, the abused elders may apply to the Court for an injunction order against molestation by their spouses, children or other relatives as specified in the Ordinance. We do not see a need to enact a dedicated legislation against elderly abuse. We will,

however, focus on enhancing public awareness of the problem of elderly abuse and on the formulation of prevention and intervention strategies.

Rodent Infestation in Indoor Premises Managed by LCSD

13. **MISS TANYA CHAN** (in Chinese): *President, it has been reported that recently some members of the public had spotted rats while visiting the Hong Kong Museum of History. The rats might scare visitors and staff and also damage the collections of the museum. Regarding rodent infestation in indoor premises managed by the Leisure and Cultural Services Department (LCSD), will the Government inform this Council:*

- (a) *of the number and details of the reports received by LCSD of rats being spotted in the indoor premises (including libraries, museums, civic centres and indoor stadia) under its management, as well as the number and details of the reports of facilities, exhibits or other items in the premises having been damaged allegedly by rats, in each of the past three years; and*
- (b) *whether LCSD has drawn up procedure and guidelines on the cleaning and anti-rodent work in various indoor premises; if it has, of the details and whether it will conduct a review in response to the aforesaid incident; if not, whether the authorities will consider drawing up the relevant procedure and guidelines expeditiously?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) In 2007, 2008 and 2009 (up to mid-May), the numbers of rat spotting reports received in the indoor venues (including libraries, museums, civic centres and sports centres) of the LCSD were 14, 22 and 10 respectively. Upon receipt of the reports, venue staff immediately contacted the Food and Environmental Hygiene Department (FEHD) for follow-up actions including the placing of rat baits and traps, attempting to catch the rats, filling up of rat holes, and so on. Prompt arrangements were also made for contractors to carry out thorough cleansing and sanitization at the respective venues. In the

aforementioned cases, there was no report of damage inflicted by rats on the exhibits or facilities.

- (b) The cleansing work of all LCSD venues is outsourced to cleansing contractors. The cleansing contracts has specified the related guidelines, procedures and frequency of cleansing and sanitization for the facilities. Take museums as an example, the contractors have to perform daily cleansing before, during and after the opening hours. In addition, all refuse must be cleared from the museums every day. For prevention of rodent infestation, the contractors also inspect possible hiding places of rats inside the museums, detect signs of rat presence (for example, rat droppings), and report such signs, if any, to the FEHD immediately for follow-up actions. Apart from placing rat traps and baits, other anti-rodent operations and preventive measures will be carried out in accordance with the observations and recommendations of the FEHD. Professional rodent control contractors will also be engaged to perform large-scale anti-rodent work at the venues when needed.

Staff at LCSD venues will continue to monitor closely the cleansing work at their respective venues and step up the related cleansing work and anti-rodent measures as necessary.

Ranking of Director of Environmental Protection

14. **MS AUDREY EU** (in Chinese): *President, under the reorganization of the Policy Bureaux of the Government Secretariat on 1 July 2007, the post of Permanent Secretary for the Environment, Transport and Works was upgraded from D6 to D8 on the Directorate Pay Scale and re-titled as Permanent Secretary for the Environment. The post holder continues to assume the title of the Director of Environmental Protection for the purpose of carrying out statutory functions under various pieces of environmental protection-related legislation. Regarding the concern of the staff of the Environmental Protection Officer grade that it would be difficult for them to be promoted to this post in the future and their doubts over the management of the Environmental Protection Department (EPD) by a person who was also a Permanent Secretary, the Government undertook at the meeting of this Council on 14 June 2007 to rationalize these*

problems in the latter half of 2007, and to consult the management and staff representatives of EPD. In this connection, will the Government inform this Council:

- (a) of the details of the views expressed by staff representatives of EPD on the aforesaid problems during consultation; and*
- (b) whether the aforesaid problems have been rationalized; if so, of the details; if not, the reasons for that, and when and how the problems will be rationalized?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, in the Re-organization of Policy Bureaux of the Government Secretariat which took effect from 1 July 2007, the post of Permanent Secretary for the Environment which was pitched at AOSGA(D6) was upgraded to AOSGA1(D8) to reflect the expanded scope of responsibilities of the post. At the same time, the Permanent Secretary for the Environment continued to assume the title of the Director of Environmental Protection for the purpose of carrying out statutory functions under various related legislations.

During the deliberation of the above re-organization, the following views were expressed by the Environmental Protection Officers Branch of the Hong Kong Chinese Civil Servants' Association:

- (i) upgrading the post of Permanent Secretary for the Environment/Director of Environmental Protection from the rank of D6 to D8 on the Director Pay Scale would adversely affect the prospects of colleagues of the professional grade to be promoted to the post of the Director; and
- (ii) the post of Director of Environmental Protection should be reinstated and filled by colleagues of the professional grade, who would advise the Permanent Secretary and assist her in formulating and effectively implementing environmental policies.

The Environment Bureau, the EPD and the Civil Service Bureau are reviewing the concerns and views of the Environmental Protection Officers

Branch. The assumption of the title of the Director of Environmental Protection by the Permanent Secretary for the Environment was supported by the Establishment Subcommittee of the Legislative Council and endorsed by the Finance Committee. The main consideration, among others, was the need to consolidate the views of those representing the professional as well as the public policy sides at the early stage of policy formulation process so as to enhance efficiency. Therefore, in reviewing whether there is a case to reinstate the post of the Director of Environmental Protection, we must carefully consider the effects on the efficiency in policy formulation. Moreover, we must also study the long-term effects in other aspects, including the organization, establishment and work arrangement of the Environment Bureau/EPD. The Administration is well aware that support from departmental staff is crucial in pursuing organizational optimization proposals and will consult departmental staff when we have detailed proposals.

Measures to Assist Hong Kong Enterprises to Operate on the Mainland and to Develop Mainland Market

15. **DR LAM TAI-FAI** (in Chinese): *President, after meeting the Premier of State Council on 18 April of this year, the Chief Executive indicated that the Central Government would implement measures to further facilitate Hong Kong enterprises engaged in processing trades on the mainland to sell their goods on the mainland market. In this connection, will the Government inform this Council:*

- (a) *whether the Government of the Hong Kong Special Administrative Region (HKSAR Government) will take new actions, apart from the existing measures or those under study, including organizing promotional activities such as exhibitions and symposiums on the Mainland, implementing the "single tax return for multiple domestic sales" arrangement, streamlining the procedures for opening shops and certification/inspection, expediting the approval process and simplifying the tax filing arrangements, and so on, to complement the aforesaid measures to be introduced by the Central Government soon;*
- (b) *whether it has specially formulated specific policy (for example, providing tax concessions by amending the Inland Revenue*

Ordinance (Cap. 112) or other means) to further strengthen the competitiveness on the mainland market of the goods produced by Hong Kong enterprises; and assist Hong Kong enterprises in upgrading and restructuring so as to meet the relevant requirements of the mainland market; if it has, of the details; if not, the reasons for that; and

- (c) whether the HKSAR Government will consider setting up, in addition to the Economic and Trade Office of the HKSAR Government in Guangdong and the Office of the HKSAR Government in Beijing, a dedicated department to focus on providing through-train services to Hong Kong enterprises and assisting them in developing the mainland market as well as upgrading and restructuring; if it will, when the department will be set up; if not, of the reasons for that;*
- (d) whether it will consider amending the legislation, so that the existing arrangement of assessing Hong Kong profits tax on a 50:50 basis of apportionment, which is applicable to the profits from sale of goods processed by mainland factories through "contract processing", will also apply to profits from sale of products procured from mainland factories engaged in the "import processing" trade, so as to encourage the upgrading and restructuring of Hong Kong enterprises on the Mainland; if it will, of the details; if not, the reasons for that; and*
- (e) given the difference in the trademark registration and intellectual property rights (IPR) protection regime between the Mainland and Hong Kong, whether the HKSAR Government will negotiate with the mainland authorities more actively, so as to expeditiously strengthen the protection of the IPR such as brands, trademarks, designs and patented technologies of Hong Kong enterprises, and implement facilitation measures (for example, studying the feasibility of "one-registration, two-uses" for trademarks with reference to overseas practices, establishing a mutual recognition regime for trademark registration for the Mainland and Hong Kong, and giving special protection to famous trademarks and brands); if it will, of the details; if not, the reasons for that?*

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

(a) and (b)

One of the priorities of work of the HKSAR Government this year is to make sustained efforts in collaboration with the mainland authorities to help Hong Kong enterprises upgrade and restructure themselves and tap the mainland market, the latter also tying in with the Mainland's policy of expanding domestic demand. We are adopting a multi-pronged approach to achieve our work targets, including taking the following measures:

Maintaining close contact with the Mainland

- We will continue to maintain close contact with the trade, the Central Authorities and other mainland authorities at all levels, reflecting the views and suggestions of Hong Kong enterprises in the interest of helping them to develop and tap the mainland domestic market. These suggestions include further streamlining the process and procedures for opening retail outlets and certification/inspection, expediting the approval process and simplifying the tax filing arrangements for Hong Kong enterprises.
- Through the Hong Kong/Guangdong Expert Group on the Restructuring and Upgrading of the Processing Trade and other channels, we will continue to actively pursue further progress in implementing measures such as "restructuring without stopping production", "carrying forward without appraising the value" and "single tax return for multiple domestic sales" by the relevant mainland authorities, and to examine different facilitation measures for Hong Kong enterprises.

Organizing Exhibition Events

- We will continue to organize domestic market business matching events and trade fairs with the Ministry of

Commerce (MoC) and the relevant mainland authorities with a view to providing a platform for Hong Kong enterprises to engage in domestic sales. For example, we organized the Domestic Market Business Matching Forum at the 105th China Import and Export Fair in Guangzhou jointly with MoC in late April with success. We will also support the Guangdong Foreign-invested Enterprises Commodities Fair in Dongguan organized by the Guangdong Province in mid-June.

- We are also giving strong encouragement and support to the Hong Kong Trade Development Council in organizing trade fairs in the Mainland. Examples include the Hong Kong Consumer Products Expo held in Guangzhou in March this year; the Style Hong Kong Show held in Wuhan in May, and the Style Hong Kong Shows to be staged in Chongqing and Guangzhou respectively in November this year and February next year.

Financial and Other Support

- To facilitate Hong Kong enterprises in developing the mainland and overseas markets, we have enhanced the SME Export Marketing Fund (EMF) at the end of last year by raising the grant ceiling and extending the scope of reimbursable items. Further to that, the Financial Secretary proposed yesterday (26 May) afternoon to inject an additional \$1 billion into the EMF and further expand its ambit by further extending the scope of reimbursable items to cover advertisements placed on websites. This could provide SMEs with greater flexibility in making use of the fund for tapping overseas markets, broadening their customer base and attracting more orders.
- The Hong Kong Export Credit Insurance Corporation (ECIC) will also introduce further measures to give more protection to the export trade, including raising the ceiling of "small credit limit" applications to cover those of \$1 million or below. The ECIC will process these applications with greater flexibility and within two to three days. In addition, the

ECIC will step up co-operation with the China Export and Credit Insurance Corporation in the area of business referrals with a view to assisting enterprises in obtaining credit insurance services for their domestic sales. The two organizations will hold seminars in the Mainland and Hong Kong to promote credit insurance services to Hong Kong enterprises.

- Moreover, in order to further assist enterprises in obtaining commercial loans, the Financial Secretary announced yesterday his decision to extend the application period for the Special Loan Guarantee Scheme to the end of 2009 and proposed to raise the Government's loan guarantee ratio from 70% to 80% of the loans granted. The loan ceiling for each enterprise will also be substantially increased by one-fold, from \$6 million to \$12 million, of which the amount that can be used for revolving credit facilities will be increased from \$3 million to \$6 million. The maximum guarantee period will also be extended from three years to five years. As for the standing SME Loan Guarantee Scheme, it has been proposed to substantially increase the Government's total loan guarantee commitment from \$12.6 billion to \$20 billion.

With regard to the proposal for providing tax concessions mentioned in part (b) of the question, the HKSAR Government is committed to maintaining a low, simple and predictable tax regime so as to provide a level playing field for all sectors. Any proposal for providing tax or other concessions for specific industries must be considered in accordance with this principle.

- (c) The Commerce and Economic Development Bureau and relevant Government departments, including the Trade and Industry Department and the offices of the HKSAR Government in the Mainland, have been assisting Hong Kong enterprises in developing the mainland market and upgrading and restructuring themselves. In close liaison with Hong Kong enterprises through various channels, the bureau and departments endeavour to reflect their views, make recommendations to the mainland authorities, and

disseminate up-to-date information about the business environment in the Mainland. Apart from keeping in close contact with the MoC and relevant authorities in the Mainland, we are also studying possible support measures with the Guangdong Province, through the Guangdong/Hong Kong Co-operation Joint Conference as well as the Hong Kong/Guangdong Expert Group on the Restructuring and Upgrading of the Processing Trade established under it. We consider that the present arrangements have been effective and there is no need to set up a dedicated department to take up the tasks.

- (d) With regard to the tax treatment for "contracting processing" and "import processing", the Inland Revenue Department (IRD) has on different occasions explained to taxpayers, tax representatives and the trade the different profits tax arrangements for these two types of processing through different channels over the past years. For "contracting processing", raw materials are provided to the mainland entity by the Hong Kong enterprise for processing into finished goods for sale by the enterprise. In the entire process from manufacture to sale, the mainland entity is only paid a processing fee whereas the Hong Kong manufacturer has ownership title to the raw materials provided by it and the finished products. Recognizing the involvement of the Hong Kong enterprise as a manufacturer in the manufacturing activities in the Mainland, IRD accepts that the profits may be apportioned on a 50:50 basis. As for "import processing", since the mainland entity purchases raw materials and processes the goods on its own account, it takes ownership title to both the raw materials and the finished goods. The Hong Kong manufacturer only purchases the finished goods from the mainland entity for sale, making sales profits in the same way as it does by purchasing goods from any other overseas companies. As such, the profits of the Hong Kong enterprise carrying out this kind of trading activities in Hong Kong should be taxable in full.
- (e) Hong Kong's regime for IPR is in compliance with the standards set out in the international conventions for protecting IPR, including the Agreement on Trade-Related Aspects of IPR of the World Trade Organization and the Paris Convention. Under these conventions, IPR protection is territorial in nature, which means that member states or economies, including the Mainland and Hong Kong, are to

protect and execute IPR within their jurisdictions in accordance with the provisions of their respective legal systems.

On the proposal of "one registration, two uses", as has been highlighted above, the fact is that the authorities responsible for handling applications for registration in the Mainland and Hong Kong would still have to process cases according to their respective trade mark registration systems, laws and regulations. Hence, we have no plans for the time being to discuss such a proposal with the mainland authorities. Separately, under Hong Kong's current trade mark registration system, a registration category for "famous trade mark" does not exist. Nonetheless, under the Paris Convention which is applicable to both the Mainland and Hong Kong, owners of trade marks which are entitled to protection as "wellknown trade marks" could enjoy the pertinent protection, even if they have not registered their trade marks in the Mainland or Hong Kong.

The intellectual property authorities of both places have been in close co-operation with each other all along. We are endeavouring to help enterprises enhance their understanding of the IPR laws and regulations in the two places and the corresponding protective measures. We are also striving to enhance the IPR protection and management capability and standards of practitioners in the two places. Co-operation items include organizing IPR symposia or seminars, setting up co-ordination or expert groups, maintaining one-stop web-based IPR database and trade marks column, and so on. Looking ahead, we will continue to explore with the mainland authorities measures to facilitate IPR protection for enterprises in both places.

Improving Environmental Hygiene in Hong Kong

16. **MS STARRY LEE** (in Chinese): *President, under the threat of human swine influenza, the Government has allocated a total of \$10 million to the 18 District Councils (DCs) to enhance the community cleansing campaign. Also, in support of the Clean Hong Kong Day, several senior government officials went to various districts to promote the environmental hygiene message. Yet, there are comments that such actions were just superficial acts. On the other hand, after*

the outbreak of the Severe Acute Respiratory Syndrome in 2003, the Government installed closed-circuit television (CCTV) cameras at various hygiene blackspots to monitor the hygiene conditions of districts, but those cameras have been removed one after another since 2007. Early last year, the Government also stopped the release of Community Cleanliness Index (CCI), which was introduced in 2004 to assess on a regular basis the cleanliness level of various districts in Hong Kong, and quite a number of hygiene blackspots relapsed. In this connection, will the Government inform this Council:

- (a) of the justifications for terminating the CCTV surveillance scheme and stopping the release of CCI; whether the authorities will launch the relevant schemes again given that the hygiene conditions of some places are still poor at present;*
- (b) whether the authorities will set priority in dealing with hygiene blackspots according to how poor their conditions are and formulate a sustainable action plan for the cleansing campaign; if they will, of the details; if not, the reasons for that;*
- (c) whether the authorities will consider cleaning regularly those rear lanes and streets with poor hygiene conditions but are privately owned; if they will, of the details; if not, the reasons for that; and*
- (d) whether it will launch activities, such as territory-wide campaigns for reporting hygiene blackspots, campaigns for reporting "Lap Sap Chung" in public housing estates, cleansing competitions in housing estates and a monthly home cleansing day for Hong Kong, as sustainable civic education to raise the public concern about hygiene conditions?*

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

- (a) Over the past few years, Government departments have put in place a range of measures to promote personal, home and community hygiene. Most of these measures have been thoroughly implemented and incorporated into the routine of the departments concerned. The Administration also found after a review on the CCI Project in early 2008 that it had achieved its intended objective

of arousing community awareness of environmental hygiene during its implementation. Meanwhile, the departments concerned will continue to monitor and follow-up the hygiene problems in premises under their purview. Besides, the surveillance by CCTV at hygiene blackspots mainly aimed at facilitating the departments concerned to collect information on the patterns of environmental hygiene offences. With the installation of the CCTV, the enforcement departments have already obtained the necessary information, such as timing and patterns of these offences, for planning of cleansing operations and enforcement actions. To continue implementing such measure is thus no longer necessary.

- (b) In consultation with the DCs and District Offices (DOs), the Food and Environmental Hygiene Department (FEHD), taking into account the hygiene conditions of various districts, has identified over a hundred priority hygiene blackspots. Since 5 May 2009, the respective Environmental Health DOs have launched extensive cleansing operations and the first round clean-ups have mostly been done. During the operations, the FEHD, apart from stepping up cleansing work, will also take prosecution actions against any irregularities. In addition, if damages of pavements, leakage of pipelines, blockage of pipelines or unauthorized structures are found, they will be referred to the relevant government departments such as the Highways Department, Buildings Department and Drainage Services Department for follow-up actions.

The FEHD will, in collaboration with the DCs and other government departments concerned, review the list of blackspots and action strategies on a regular basis, in order to eradicate these hygiene blackspots.

- (c) For private properties and private lots, owners concerned have the responsibility to maintain the cleanliness of their premises. At present, the FEHD provides routine street sweeping service for private streets or rear lanes open to public access.
- (d) Apart from the efforts of the Government, the support and participation of the community is vital to maintaining environmental hygiene. In this connection, the Government organized a Clean

Hong Kong Day on 10 May 2009. A series of activities will be carried out afterwards by various government departments as continuous efforts in cleansing and hygiene promotion. For instance, the FEHD will, in collaboration with the DCs and other government departments concerned, review the list of blackspots and action strategies on a regular basis, in order to eradicate hygiene blackspots. At district level, DOs will arrange community groups, volunteers and contractors to carry out cleansing work in some buildings, especially those without owners' corporations or owners' associations. With the consent of owners, common areas such as rear staircases, corridors and lift lobbies of the buildings will be cleansed. This one-off cleansing operation serves as a demonstration for owners of the buildings. Moreover, to cater for the needs of elderly singletons, DOs will mobilize volunteers to visit elderly singletons and help clean their homes so as to convey to them the message of hygiene. DOs will also step up publicity through posters, banners and talks, and continue to work closely with the DCs.

Waiving Travel Agents' Licence Fee

17. **MR PAUL TSE** (in Chinese): *President, in reply to my written question on 25 February of this year, the Secretary for Commerce and Economic Development pointed out that the travel agents' licence fee was drawn up on the basis of the "user-pay" principle, and aimed to recover the cost of the services provided. The Secretary also undertook to study carefully the proposal to waive the travel agents' licence fee. In this connection, will the Government inform this Council:*

- (a) *what cost items are involved in the licensing services for travel agents and the relevant details; whether it has regularly reviewed if the costs are properly spent; if it has, of the details of the review; whether it had streamlined in the past three years the procedure and manpower involved in the services concerned, so as to increase the room for lowering the licence fee;*
- (b) *of the progress of the study to waive the travel agents' licence fee; when the study outcome will be available the earliest; whether the Government has viewed the situation of the substantial decrease in*

the number of visitors to Hong Kong due to the financial tsunami and outbreak of human swine influenza as the prime factor of consideration in conducting the study; and

- (c) *whether it has adopted more measures to assist the tourism industry in tiding over the double blows of the financial tsunami and human swine influenza; if it has, of the details, if not, whether it will expeditiously formulate and implement the relevant measures?*

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

- (a) The costs of the licensing and associated services for travel agents provided by the Travel Agents Registry (TAR) are about \$9.35 million in the 2008-2009 financial year. Details are as follows:

<i>Item</i>	<i>Estimated Cost (\$ million)</i>	<i>Percentage</i>
Staff cost	7.45	79.69%
Office expenses	1.33	14.23%
Other departmental administrative expenses	0.57	6.08%
Total	9.35	100%

TAR conducts costing reviews regularly, with the most recent one completed in October 2008. The result revealed that the cost recovery rate for the licensing and associated services for travel agents was about 97%. TAR keeps under review its staffing level to ensure that the work specified in the Travel Agents Ordinance (Cap 218) are carried out effectively, including vetting and approving licence applications (for both new licence or renewals) and relevant monitoring work. TAR also consults the Advisory Committee on Travel Agents on subjects including its service standard, for continued improvement of its services. To cope with the workload arising from an increasing number of travel agents in recent years, TAR has maintained high service standard through internal redeployment and staff motivation.

(b) and (c)

The Government is very concerned about the impact of the financial crisis and human swine influenza on the tourism industry. In this regard, the Secretary for Commerce and Economic Development, the Secretary for Food and Health and the Commissioner for Tourism have met with various industry representatives to understand the difficulties they face and their requests, and consider how we can render assistance.

To assist enterprises to cope with the financial crisis, the Government introduced at the end of 2008 a package of relief measures, including the Special Loan Guarantee Scheme, to help industries, including the travel trade, secure liquidity. So far 66 travel agents have obtained loans with a total loan amount of around \$71.8 million under the Scheme. The Tourism Commission has also arranged for the Hong Kong Monetary Authority, the Hong Kong Export Credit Insurance Corporation as well as the Trade and Industry Department to conduct workshops for the trade on issues such as credit tightening by banks, export support programmes and services, as well as loan guarantee schemes.

The global outbreak of the human swine influenza has seriously dampened people's desire to travel. In view of this, the Hong Kong Tourism Board (HKTB) will step up promotion before the summer peak season, in particular in short-haul markets like the Mainland, to attract visitors to travel to Hong Kong during the summer. Separately, the HKTB has earlier allocated \$21 million from its reserve to offer the industry partial fee waivers for participating in the HKTB's promotion activities in 2009. The aim is to help the trade reduce marketing expenses and encourage them to take part in the HKTB's activities to explore new business opportunities. Since the beginning of 2009, the HKTB has participated with members of the industry in nine trade shows and organized two travel missions overseas. The trade participated actively in these activities.

The Government liaises closely with the Central Government in further facilitating mainland residents to visit Hong Kong and in the early implementation of measures to facilitate Shenzhen residents to

visit Hong Kong, including allowing Shenzhen non-permanent residents and their close relatives to visit Hong Kong via group tours, as well as introducing a one-year multiple-entry Individual Visits Scheme endorsement for Shenzhen permanent residents. The response of Shenzhen residents to these new measures is encouraging. The HKTb has leveraged on these new measures to launch thematic promotion activities in Shenzhen.

On 26 May, the Financial Secretary announced a series of relief measures including the waiver of travel agents' licence fee for 12 months. We believe the measures will help reduce the trade's cost of operation. The Government will keep in view the business environment of the travel trade and continue our close liaison with the trade.

Provision of Female Toilets in Public Places

18. **MS EMILY LAU** (in Chinese): *President, a paper provided by the authorities for the meeting of the Panel on Welfare Services of this Council on 23 October 2008 indicates that the Food and Environmental Hygiene Department (FEHD) has, since April 2004, increased the female-to-male WC compartment ratio (F/M toilet compartment ratio) from 1.5:1 to 2:1 in planning its public toilet facilities. Furthermore, the Buildings Department (BD) promulgated a new Practice Note in 2005 advising developers to provide female toilet compartments according to the increased F/M toilet compartment ratio in designing shopping arcades, cinemas and places of public entertainment. In this connection, will the Executive Authorities inform this Council:*

- (a) *of the current average F/M toilet compartment ratio of public toilets under FEHD, and the respective numbers of public toilets that have reached the 2:1 ratio and those that have not;*
- (b) *whether they know the number of female toilet compartments that have been added to existing shopping arcades, cinemas and places of public entertainment since the aforesaid Practice Note was issued; whether such figures have met the authorities' expectation; if they have, of the details; if not, how the authorities will follow up; whether they will consult various women's groups on the*

implementation of the Practice Note; if they will, of the details; if not, the reasons for that;

- (c) whether they are aware that some shopping arcades have refused to let members of the public who are not their customers to use their toilets, which exacerbates the problem of shortage of female toilets; if so, of the details; and whether they will urge the shopping arcades concerned to allow the public to use their toilets; and*
- (d) whether there is any plan to provide in busy districts additional public toilets or single toilets similar to the unisex ones provided for disabled persons at present to improve the situation that male toilets are oversupplied while female ones are insufficient; if they have, of the details; if not, the reasons for that?*

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

- (a) Since 2004, the FEHD has adopted a male-to-female (M/F) toilet compartment ratio of 1:2 in planning for new public toilets, reprovision or refurbishment of the existing public toilets and conversion of aqua privies into flushing toilets. Subject to the location and size of the public toilets, together with other technical considerations, the FEHD will provide more female toilet compartments to facilitate female users whenever the circumstances permit. At present, there are a total of 854 public toilets (531 flushing toilets and 323 aqua privies) under the management of the FEHD, of which about 120 have reached the M/F toilet compartment ratio of 1:2. The FEHD will continue to adopt this ratio in planning for new public toilets and reprovisioning of the existing public toilets and aqua privies.
- (b) Building plans for the provision of sanitary fitments in private premises are approved by the BD in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (the Regulations). In May 2005, the BD issued the Practice Note for Authorized Persons and Registered Structural Engineers (the Practice Note) to recommend raising the ratio for assessing the number of male to female in private shopping

arcades, cinemas and places of public entertainment from the statutory standard of 1:1 to 1:1.25 and revising the standard for provision of female toilet facilities accordingly. Since the promulgation of the Practice Note in May 2005, the BD has received, as at end of March 2009, a total of 35 applications for building projects with provision of increased female toilet facilities in accordance with the recommendation of the Practice Note. Among them, 33 are shopping arcades and 2 are cinemas and 14 of them have already been completed.

Prior to the promulgation of the Practice Note, the BD has consulted women groups and other stakeholders. Views collected during the consultation revealed that the revised ratio leading to an increase in female toilet facilities was well received. Many stakeholders also hoped that the relevant standard could be further enhanced. In this connection, the BD, taking the Practice Note as basis, plans to further enhance the provision of female toilet facilities in the premises concerned. The BD is now consulting the industry and relevant stakeholders on the package of proposed amendments to the Regulations and undertaking the preparatory work for the amendment of the Regulations in parallel.

- (c) Whether a shopping arcade will open its toilets for public use is a decision resting with the management of individual shopping arcade. The Administration does not have such information. However, if there are complaints, we will convey the request for opening the toilets for public use to the shopping arcades concerned accordingly.
- (d) In providing public toilet facilities, the FEHD takes into account a variety of factors such as availability of suitable sites at the proposed location, pedestrian flow at the location and the areas nearby (for example, whether it is a popular tourist attraction), and whether the provision of public toilets in Government premises (for example, parks and playgrounds) or shopping arcades in the vicinity is sufficient to meet the needs of local people and visitors. Hong Kong is a small, densely-populated place. There are already a lot of on-street facilities (such as telephone booths, signage, fixed-pitch hawker stalls and electricity meter boxes) and underground services (such as electricity, gas, and water supply as well as drainage) in

busy districts. It is therefore difficult to identify suitable sites for providing public toilets (including the single unisex ones). As a matter of fact, upon a decision to build a new public toilet, the FEHD will determine the number of M/F toilet compartments with reference to pedestrian flow and the area of the site, and will also provide single toilets for the disabled. The FEHD will, as far as circumstances permit, provide more female toilet compartments in building new public toilets or reprovisioning the existing public toilets.

Processing of Small House Applications

19. **MR CHEUNG HOK-MING** (in Chinese): *President, regarding the Lands Department's processing of applications for construction of small houses, will the Government inform this Council of:*

- (a) *the following details of the applications received by each district lands office (DLO) in the past five financial years:*

<i>Year</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008</i>	<i>2008-2009</i>
<i>(i) Number of applications received</i>					
<i>(ii) Number of processed cases in (i)</i>					
<i>(iii) Percentage of (ii) in (i)</i>					
<i>(iv) Cumulative number of applications received since 2004-2005</i>					
<i>(v) Number of cases in (iv) with small house documents executed</i>					
<i>(vi) Percentage of (v) in (iv)</i>					

- (b) *the number of applications the Lands Department expects to receive in each of the next five years, with a breakdown by DLO; and*
- (c) *the respective numbers of applications currently being processed and yet to be processed by the Lands Department, as well as the respective numbers of such applications received in 2006 or before?*

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

(a) (i)

In the recent five financial years, the total numbers of new small house applications received by each DLO of the Lands Department are as follows:

<i>DLOs</i>	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009
DLO/Yuen Long	225	417	603	510	525
DLO/Tuen Mun	68	80	73	99	99
DLO/Tsuen Wan and Kwai Tsing	9	168	47	75	71
DLO/North	159	252	280	271	310
DLO/Tai Po	131	236	273	209	410
DLO/Shan Tin	65	105	114	194	97
DLO/Sai Kung	172	170	270	220	178
DLO/Islands	47	34	33	68	97
Total	876	1 462	1 693	1 646	1 787

(ii)

As regard the "number of processed cases in (i)" required in item (ii), the Lands Department does not have the statistics on the number of cases processed within the same year of receipt. The numbers of small house applications approved by each DLO of the Lands Department in the recent 5 financial years are as follows:

<i>DLOs</i>	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009
DLO/Yuen Long	159	305	437	538	451
DLO/Tuen Mun	56	58	55	43	59
DLO/Tsuen Wan and Kwai Tsing	78	19	17	1	6
DLO/North	185	156	142	150	154

<i>DLOs</i>	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009
DLO/Tai Po	261	232	305	343	236
DLO/Shan Tin	29	30	15	47	16
DLO/Sai Kung	51	101	73	106	82
DLO/Islands	19	18	39	39	22
Total	838	919	1 083	1 267	1 026

The number of processed cases also includes some rejected and withdrawal cases. However, the numbers of these rejected and withdrawal cases have not been included in the above numbers which refer to approved cases.

(iii)

Since the Lands Department does not have the information required in item (ii), the relevant percentage cannot be provided.

(iv)

The cumulative numbers of small house applications received by each DLO of the Lands Department since the financial year of 2004-2005 are listed as below:

<i>DLOs</i>	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009
DLO/Yuen Long	225	642	1 245	1 755	2 280
DLO/Tuen Mun	68	148	221	320	419
DLO/Tsuen Wan and Kwai Tsing	9	177	224	299	370
DLO/North	159	411	691	962	1 272
DLO/Tai Po	131	367	640	849	1 259
DLO/Shan Tin	65	170	284	478	575
DLO/Sai Kung	172	342	612	832	1 010
DLO/Islands	47	81	114	182	279
Total	876	2 338	4 031	5 677	7 464

(v)

As regards "the number of cases in (iv) with small house documents executed" required in item (v), the Lands Department does not have the statistics on the number of small house applications executed among the cumulative number of applications received within each financial year. The numbers of cases with small house documents executed by each DLO of the Lands Department in the recent five financial years are as follows (the figures are not the same as those provided in (ii) above as there is a time gap between approval of applications and execution of documents):

<i>DLOs</i>	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009
DLO/Yuen Long	147	192	305	339	374
DLO/Tuen Mun	47	43	33	32	49
DLO/Tsuen Wan and Kwai Tsing	74	6	16	18	1
DLO/North	181	139	107	152	125
DLO/Tai Po	243	341	312	252	318
DLO/Shau Tin	13	14	41	51	11
DLO/Sai Kung	69	105	66	91	82
DLO/Islands	34	22	16	45	21
Total	808	862	896	980	981

(vi)

Since the Lands Department does not have the information required in item (v), the relevant percentage cannot be provided.

- (b) As there is no time limit for submission of small house applications, eligible indigenous villagers under the Small House Policy may submit their applications at any time. As such, it is difficult to forecast the number of new applications to be received in the coming five years. Based on the data of the last five years, the Lands Department received on average about 1 500 new small house applications each year.

- (c) As at 30 April 2009, the Lands Department was processing 7 665 small house applications and 3 232 small house applications were pending processing. Among these 10 897 cases, there were 5 585 small house applications submitted before 2006. Of these 5 585 cases, many were cases being processed and only a small number of cases were pending processing. The cases pending processing were mainly related to Village Expansion Areas now under discussion, and hence were not purely a matter of procedures of processing applications.

Promoting Use of Electric Vehicles

20. **MR KAM NAI-WAI** (in Chinese): *President, it has been reported that several government departments will take turn to use, on a trial basis for a period of six months, an electric private car imported by a Japanese vehicle manufacturer, so as to complement the work to promote the use of electric vehicles (EVs). In this connection, will the Government inform this Council:*

- (a) *how much more time, after completion of the aforesaid trial use, the Government expects it will need to complete the relevant review and use EVs extensively;*
- (b) *whether it has discussed with major developers the installation of charging facilities for EVs in the car parks within their properties, and whether it has started a study on the installation of roadside charging facilities; if so, of the details;*
- (c) *of the Government's estimated increase in electricity consumption of Hong Kong when EVs are widely used; given that the power companies of Hong Kong (especially the Hongkong Electric Company Limited) still use coal to generate electricity, of the Government's strategies to deal with the relevant air pollution problem arising from the increase in electricity generation due to EVs being widely used;*
- (d) *whether it has plans to introduce other types of EVs (for example, buses) for use in Hong Kong;*

- (e) *whether it will adopt measures to facilitate investors to set up vehicle battery factories in Hong Kong and develop Hong Kong into a production base for EVs; if so, of the details; if not, the reasons for that; and*
- (f) *of the Government's estimated economic benefits and employment opportunities for Hong Kong to be brought about by the widespread use of EVs?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) To promote the wider adoption of EVs, the first and foremost condition is that automobile manufacturers are able to produce and provide sufficient EVs. We anticipate that commercial scale production and worldwide distribution of EVs will commence within two to three years. We will carry out preparations and enhance the necessary ancillary infrastructure with a view to facilitating the introduction of EVs to our local market. The Government has commenced trial of the first EV since May this year. The trial programme will facilitate our understanding of the performance of EVs. We will also continue to monitor closely the development of EVs, and discuss with other automobile manufacturers the feasibility of conducting trial for other EVs in Hong Kong.
- (b) The Steering Committee on the Promotion of Electric Vehicles has been set up under the leadership of the Financial Secretary, with members drawn from the property development sector amongst others. Members of the Steering Committee will offer their views on various matters in connection with the wider use of EVs in Hong Kong, including the setting up of vehicle battery charging infrastructure.
- (c) We anticipate that commercial scale production and worldwide distribution of EVs will commence within two to three years. The number of EVs to be supplied to the Hong Kong market then has yet to be ascertained. As EVs are zero emission vehicles, the wider use of EVs can greatly improve roadside air quality and reduce exhaust emission which will benefit pedestrians and shop owners.

Separately, the charging of EVs will mostly be carried out at night when the overall electricity consumption is lower. We anticipate that EVs can utilize the relatively more abundant generation capacity of power plants at night for charging, and this will not have a major impact on our peak electricity demand. Nonetheless, we will monitor the situation closely. Though the large-scale use of EVs in future might result in an overall increase in electricity consumption, with the increased use of clean energy and the phased installation of emission abatement equipment by the power plants, the emission will be further reduced. Generally speaking, the actual impact on roadside air quality and pedestrians brought by the use of EVs is far less severe than the exhaust emission produced by ordinary vehicles on roads.

- (d) The promotion of the wider adoption of EVs by the Government is not restricted to private cars. We will closely monitor market supply situation and technical development to introduce other types of vehicles including those heavier ones such as buses, with a view to examining the feasibility of the wider use of EVs.

- (e) and (f)

Promoting the use of EVs in Hong Kong is one of our key measures for promoting green economy. It is expected that business opportunities in various areas will be created. For example, the Government has been encouraging overseas investors and local industrialists to conduct research and development (R&D) in the areas of innovation and technology in Hong Kong. To facilitate local industrialists to participate in the sizeable automobile manufacturing industry in the Mainland, the Government established the Hong Kong Automotive Parts and Accessory Systems R&D Centre in April 2006 to strengthen Hong Kong's R&D capability in this area with an aim to creating business opportunities in Hong Kong. At present, the Centre is also engaged in R&D activities in relation to automotive parts of EVs. Separately, having regard to the creation of business opportunities, the Steering Committee on the Promotion of Electric Vehicles will recommend a strategy complementary with specific measures to promote the use of EVs in Hong Kong.

BILLS**First Reading of Bills**

PRESIDENT (in Cantonese): Bills: First Reading.

**VILLAGE REPRESENTATIVE ELECTION LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2009****MERCHANT SHIPPING (SAFETY) (AMENDMENT) BILL 2009**

CLERK (in Cantonese): Village Representative Election Legislation
(Miscellaneous Amendments) Bill 2009
Merchant Shipping (Safety) (Amendment) Bill 2009.

Bills read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

**VILLAGE REPRESENTATIVE ELECTION LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2009**

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I move the Second Reading of the Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009 (the Bill).

The Village Representative Election Ordinance (the VREO) was enacted in February 2003 to provide village representative (VR) elections with a statutory foundation so as to ensure the openness, impartiality and fairness of VR elections, and the compliance of VR elections with the requirements of the Hong Kong Bill of Rights Ordinance and the Sex Discrimination Ordinance. Two village ordinary elections were held in 2003 and 2007 respectively after the enactment of the VREO. At present, all VRs are selected by election in accordance with the legislation.

In the 2007-2008 policy agenda, we were committed to reviewing and improving the arrangements for rural elections in the light of the experience gained in the first two rounds of VR election, and working on the way forward for the next round of village ordinary election in 2011. For this purpose, the Home Affairs Department and Heung Yee Kuk (the HYK) jointly formed a Rural Elections Review Working Group to review the arrangements for rural elections. The main purpose of the Bill, which has been introduced in the light of the results of the review, is to improve the arrangements for rural elections by amending the VERO and related subsidiary legislation. The Bill includes, inter alia, four categories of amendment.

The first category of amendment seeks to include Lai Pek Shan in Tai Po and Yuen Long Kau Hui in Yuen Long in the Schedules to the VERO for the purposes of electing VEs from these villages. The then policy and legislative intent pursued during the enactment of the VERO are clear: VR elections are held for the indigenous villages and existing villages already included in the village representation system in the New Territories in 1999, when the last round of VR election before the enactment of the VERO was held. Such villages are listed in the Schedules to the VERO.

The Administration did not add Lai Pek Shan to the Schedules to the VERO during the enactment of the VERO. The review has examined the case of Lai Pek Shan, establishing that Lai Pek Shan was already in existence in 1898 indeed. As it is an indigenous village with the village representation system already established in 1999, we are of the view that Lai Pek Shan meets the policy and legislative intent pursued during the enactment of the VERO. Thus we currently propose to include Lai Pek Shan in the Schedules to the VERO for the purposes of electing one Indigenous Inhabitant Representative (IIR) and one Resident Representative (RR) from Lai Pek Shan.

As regards Yuen Long Kau Hui, it has long been the position of the Administration that Yuen Long Kau Hui is a market town. The residents of Yuen Long Kau Hui failed to prove during the enactment of the VERO that they had any form of a village representation system in 1999. As such, it has not been included in the VERO. Some residents of Yuen Long Kau Hui produced fresh evidence as a result of the review. Having considered the arguments and evidence put forward by the residents, members of the Legislative Council Panel on Home Affairs (the HA Panel) took the view that Yuen Long Kau Hui should be included in the Schedules to the VERO so that VR election could be held for it.

Having considered the fresh evidence produced by the residents of Yuen Long Kau Hui and the opinions of the HA Panel, we are of the view that Yuen Long Kau Hui has a persuasive case unique to its own circumstances and should be recognized as an indigenous village and an existing village for the purpose of the VREO. We hence propose to include Yuen Long Kau Hui in the Schedules for the purposes of electing one IIR and one RR from Yuen Long Kau Hui.

We intend to hold the first VR election for Lai Pek Shan and Yuen Long Kau Hui as part of the village ordinary election in 2011. However, the VREO stipulates that, for all villages included in the Schedules, their first provisional and final registers of electors shall be compiled and their first VR election conducted in 2003. Therefore, these provisions, which are now spent, have to be removed.

The second category of amendment seeks to change the names of some villages that now appear in the Schedules to the VREO. The proposed changes are in response to the requests from the rural community to highlight the historical background or location of the villages, or to adopt village names that have been used in the rural community for some time.

The third category of amendment seeks to suitably extend the time limits for lodging and handling claims, objections and reviews in relation to voter registration. According to the legislation, a person who is determined to be not eligible to be registered, or a person who has made an application but whose name does not appear on the relevant provisional register, among others, can make a claim. In addition, a person who considers that a registered person is not eligible to be registered may make an objection to the registration. After the Revising Officer (the RO) has made the ruling, the person who has made a claim or objection, and the person in respect of whom the objection is made, may apply for a review of the ruling made by RO.

The total number of claims, objections and reviews handled by us in the last village ordinary election in 2007 is 1 240. We find by experience that the existing timeframe for the persons concerned and the ROs to bring or handle these cases is too tight. As a result, they have to handle a large number of cases within a short period of time. We hence propose to suitably extend the time limits concerned.

The last amendment seeks to increase the maximum penalty of imprisonment for some offences from three months to six months. The offences include taking a photograph or making audio or video recording in a polling station, or communicating to another person information as to the candidate for whom an elector has voted. With the amendment, the maximum penalty for the offences would be aligned with that for similar offences arising from the Legislative Council and DC elections.

President, the proposed amendments in the Bill have marked the fruition of the joint efforts made by Administration and the HYK, and addressed the views of the HA Panel. The proposals were discussed in the meetings of the HA Panel held on 14 November 2008 and 9 January 2009. I hope that Members will support the Bill so as to improve the arrangements for VR elections and allow sufficient time for the Administration and the rural community to work on the way forward for the next round of village ordinary election in 2011.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009 be read the second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

MERCHANT SHIPPING (SAFETY) (AMENDMENT) BILL 2009

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I move the Second Reading of the Merchant Shipping (Safety) (Amendment) Bill 2009 (Bill).

The Bill mainly proposes to adopt a direct reference approach in making subsidiary legislation under the Merchant Shipping (Safety) Ordinance to achieve timely implementation of the latest provisions of international marine safety-related conventions (marine conventions).

The amendment is made in consideration of the fact that there are, on average, two voluminous sets of amendments every year covering a wide range of technical details to marine safety. The clauses concerned are all technical in nature, and for ships going on international routes, they also have to comply with the same safety requirements in other places. In Hong Kong, according to the existing Ordinance, its subsidiary legislation has to be re-written from time to time to spell out the corresponding amendments to marine conventions. But there is always an undesirable time gap between the amendments made to the international standards and the corresponding amendments to local legislation. In view of this, and in consideration of the fact that there are precedents of the use of a direct reference approach in the legislation of Hong Kong, thus we propose to add a direct reference approach to the Ordinance, so as to achieve a timely implementation of the latest provisions of marine conventions in Hong Kong.

In addition, the Bill will adapt, remove or replace outdated references and will put forward some proposals to streamline and rationalize administrative procedures.

Finally, the Bill proposes to make technical amendments to certain provisions of the Ordinance, so as to make the requirements conform to the relevant marine conventions, and will make some consequential and minor amendments.

President, the Bill will enable the timely implementation of the latest provisions of marine conventions in Hong Kong, and it is supported by the shipping industry and the Panel on Economic Development. I hope Honourable Members can support and pass the Bill to enable its expeditious implementation.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Merchant Shipping (Safety) (Amendment) Bill 2009 be read the second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill is referred to the House Committee.

MOTIONS

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

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

PROPOSED RESOLUTION UNDER THE LEGAL AID ORDINANCE

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

In accordance with sections 5 and 5A of the Legal Aid Ordinance, a person whose disposable financial resources do not exceed \$165,700 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (the Ordinary Scheme). The corresponding limit for the Supplementary Legal Aid Scheme (the Supplementary Scheme) is \$460,300. The limit for the Ordinary Scheme also applies to criminal legal aid. The Administration reviews the limits annually to take into account movements in consumer prices, so as to maintain the real value of the limits.

We increased the limits by 2.1% in 2007 to reflect the rise in Consumer Price Index (C) recorded during the reference period of the 2007 annual review.

We have recently completed the 2008 annual review. The increase in Consumer Price Index (C) between July 2007 and July 2008 is 6.1%. I now propose the motion to adjust upward the limit for the Ordinary Scheme from \$165,700 to \$175,800, which will also apply to criminal legal aid and that for the Supplementary Scheme from \$460,300 to \$488,400, in accordance with the 6.1% increase in consumer price index.

The Legislative Council House Committee had set up a Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91) (the Subcommittee) to scrutinize the proposed amendments. We note that some Subcommittee members had other views on the financially eligible limits of legal

aid applicants, however, members of the Subcommittee agreed that we should proceed to amend the legislation to adjust the limits in accordance with inflation. I would like to thank the Subcommittee members for their views on the matters.

I invite Members to support the motion.

The Secretary for Home Affairs moved the following motion:

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

- (a) in section 5(1), by repealing "\$165,700" and substituting "\$175,800";
- (b) in section 5A(b) –
 - (i) by repealing "\$165,700" and substituting "\$175,800";
 - (ii) by repealing "\$460,300" and substituting "\$488,400"."

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

MR LEE CHEUK-YAN (in Cantonese): President, in my capacity as the Chairman of the Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91), I now report on the deliberations of the Subcommittee.

The Resolution seeks to adjust upwards the financial eligibility limits of legal aid applicants in accordance with the movements in Consumer Price Index (C). The Subcommittee supports the relevant adjustment proposed by the Administration.

Nevertheless, the Subcommittee members (members) have raised two concerns. Firstly, members are of the view that as the financial eligibility limits for legal aid are far too low, many employees have failed to obtain legal aid in employees' compensation claims and employer insolvency cases. They consider

that the Administration should introduce measures to help these employees obtain legal aid in filing the bankruptcy or winding-up petition against the insolvent employer.

In addition, members also note that a biennial review will be conducted to reflect changes in private litigation costs. Members are concerned that due to the Administration's failure to collect information on private litigation costs, no proposal for adjusting the financial eligibility limits of legal aid on account of such information has ever been put forth over the years. Members are of a unanimous view that it is incumbent upon the Administration to obtain reliable information for conducting a meaningful review of the trend of private litigation costs. The Administration has undertaken to review the methodology on collecting information on private litigation costs in the context of the current five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants.

The Subcommittee agrees to refer the relevant issues to the Panel on Administration of Justice and Legal Services for follow-up.

President, the above is my report on the work of the Subcommittee. Now I would like to express my personal opinion.

President, in fact, the Subcommittee has done very little work this time. It just dealt with a regular adjustment of the legal aid upper limits proposed by the Government, that is, an adjustment of the financial eligibility limits for legal aid in accordance with the Consumer Price Index. Nevertheless, during the Subcommittee's discussions, we realized that the adjustment exercise could be based on two criteria: the Consumer Price Index and changes in lawyers' litigation costs. However, we found out that the Government, on the ground of impracticability, has never compiled any statistics on changes in lawyers' litigation costs. Why was it impracticable? The Government explained that it was impracticable because such information was neither available from the Law Society nor the Bar Association, while information provided by the court was very limited.

President, frankly speaking, neither the Law Society nor the Bar Association can do so, of course. Why should a sector disclose their charges? Besides, they have not conducted any survey of this kind. As for lawyers' fees, in fact no fixed charges have been set, so I am quite sure that they do not know.

Yet the courts should be in a position to check this out. But when we were having discussions with the Legal Aid Department and the Home Affairs Bureau, we discovered that they had never conducted such survey. Hence, given that the required survey has not been conducted, we tend to suspect that the Government has indeed failed to fulfil its due responsibility to take into account the said criterion in the adjustment exercise. I hope, therefore, the Government will give it a thought. Although a mechanism is currently in place, it has turned out to be useless in the absence of the said survey. I think it is incumbent upon the Administration to conduct such review.

Secondly, President, our concern is not confined to an adjustment in accordance with the Consumer Price Index. What we are most concerned about is the overall limit for legal aid, which is only a bit more than \$170,000 even after the adjustment. In Hong Kong, if you ask the people to "scrape clean" their savings, their insurances and all of their property, and surrender their income as well, the financial eligibility of many of them will easily exceed \$170,000. Only a tiny little number of people can pass the threshold. The latest limit of over \$170,000, therefore, falls far behind the actual exorbitant fees currently charged by lawyers. Let us think for a moment, it is common for a lawsuit, even an ordinary one, to incur litigation costs as high as \$1 million, not to mention the lawsuit on which Chinachem Group has spent more than a hundred million dollars. Now we are talking about \$1 million. Under the present limit, people whose total financial resources amounting to less than \$175,000 are eligible for legal aid, whereas those having \$300,000 will not receive any aid, nor will those having \$400,000. But a single lawsuit costs \$170,000 \$1 million of litigation costs, how is it possible to proceed? Hence, if the difference between the set limit and lawyers' fees is too large, the whole legal aid system can only help a very small group of people. To the public at large, it is nothing but a mirage.

Therefore, firstly, there is no point in waiting for the Government to act. I understand that the Government conducts a review every five years. But in my view, waiting for the next five-yearly review will be too late. I hope the Government will conduct the review as soon as possible. Secondly, President, I think that actions can be taken promptly as the Government has implemented another scheme known as the Supplementary Legal Aid Scheme which deals specifically with cases involving personal injury and death. For these cases, the Government will collect 6% if litigation is not required and 12% if litigation is to be conducted. In fact, a remaining a surplus has been accumulated under

the Scheme. With its surplus, the Scheme can provide assistance to a lot of people if its limit of around \$400,000 can be adjusted further upwards. Raising the limit will not have any implications to legal aid because the higher the limit is, the larger the number of people eligible will be. President, in most circumstances, 6% or 12% of the damages recovered from these personal injury and death cases can be deducted. Lawyers' fees are retrievable in most cases as the Government will carry out assessments and provide aid to those cases it deems having the upper hand. Hence, I reckon that the Secretary may adjust right away the Supplementary Legal Aid Scheme of over \$400,000. If that is the case, we hope, on the one hand, that the threshold of \$175,000 can be raised expeditiously to a reasonable level in the long run so as to allow ordinary Hong Kong people earning a low income to seek justice through litigation. On the other hand, I think the Government may take immediate actions with regard to personal injury and death cases. I hope the Government will provide a response as soon as possible on the direction of development in this respect. Thank you, President.

MR IP WAI-MING (in Cantonese): President, a few months ago I said playfully during a motion debate that I wanted to do some work about etymology. I said, "How is the character '法' (meaning 'law') written? It comprises the radical '水' (meaning 'water', which is Cantonese slang for 'money') and '去' (meaning 'go away'). In other words, if there is 'water' (i.e. 'money'), there is 'law'. Without water, what is left is to 'go away.'" That is to say, for many working people, the law is sometimes perceivable but unattainable indeed. In fact, it is sometimes very difficult to have justice done, especially when the existing thresholds for legal aid is so particularly low.

The Ordinance has now been revised to implement the adjustments. Before the adjustments, we had been criticizing, and so had many colleagues, about the \$165,000 — the sum of \$165,000 covering everything. Our colleagues always say that basically everything, even one's savings for their coffin and grave, is to be "scraped clean" counted. Almost anything will be included. If the party happens to be a couple, their total financial resources must not exceed \$165,000 either. We think that this limit is indeed too low. In general, it is not uncommon for a Hong Kong citizen, having worked for eight to 10 years, to save up \$80,000 to \$100,000 or \$100,000 to \$200,000 if he is not too extravagant. However, in labour cases, the sum total of the amounts or outstanding wages in dispute, and even if severance payments are included,

usually ranges from a few dozens of thousand dollars to a hundred thousand dollars only. Does it mean that employees should always take out everything they own in order to seek the protection and justice to which they are entitled under the law?

Hence, we consider the current levels of legal aid too low. In fact, we think that all along, the Government has not taken into account I mean it has only taken into account the price level and not the overall litigation costs in determining the limits, and we are dissatisfied about that. Why? The Government has norminally agreed to conduct but at the Subcommittee meeting, we realized that the Legal Aid Department (LAD) had never conducted Is it really impracticable? We think that it is human effort that counts. Why do we say so? Actually, is it really the case that LAD will not conduct any questionnaire surveys, will not collect any data in courts or information on the prevailing litigation costs?

Furthermore, we find it strange and astonished that quite often LAD does offer certain amounts of money when outsourcing cases to lawyers. So how are these amounts determined? It will be unacceptable to us if it reckons that it can not obtain information on litigation costs. We hope that the Government will listen to more views in this respect so as to review if the existing levels are reasonable.

The present resolution proposes to adjust upwards the assets limit for ordinary legal aid from \$165,700 to \$175,800 and that for the Supplementary Scheme from \$460,300 to \$488,400 in accordance with the Consumer Price Index. We consider that it is definitely a good move to raise the amounts. However, we still hope that they should be raised higher and the Government will truly accept HKFTU's views that both litigation costs and our real income should be considered in reviewing the limits for legal aid. The current amounts — this line — is considered by us to be far too low. Hence, the Government should no longer determine the relevant eligibility with the existing standard.

President, I so submit. HKFTU supports this motion.

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

MR RONNY TONG (in Cantonese): President, I am not a member of the Subcommittee, though I should have joined in. As Dr Margaret NG has done so, I do not need to. However, since Dr Margaret NG is at present out of town, I have to speak on her behalf. We share very similar views in this respect.

President, firstly, the most essential element of the rule of law is not as simple as everyone obeying or being restricted by the law. A very essential element of the rule of law is that everyone is entitled to the safeguards in the law and the right to legal protection.

President, this is not only an underlying principle of the rule of law, but also a very fundamental human right. In fact, reference to this principle can be found in the Basic Law. Article 35 of the Basic Law states clearly that "Hong Kong residents shall have the right to access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies."

President, given that this is an essential element of the rule of law, a fundamental human right as well as a basic right conferred on Hong Kong people by the Constitution, if Hong Kong people are denied judicial care or protection because they have no money, it is a very serious flaw in our system or the society. In this connection, the Government has an unshirkable responsibility, and it must face up to the issue.

Many different theories have been put forth in this regard. Apart from the means tests, our existing legal aid system also imposes a threshold which, in my opinion, is unfair both intrinsically and theoretically. The criterion for granting legal aid is based on the considered or assessed balanced probability of success and failure. President, such practice is absolutely wrong for two reasons. First, as I have said a moment ago, every person is entitled to legal aid. This underlying principle remains valid regardless of the grounds for seeking protection from the court or the probability of success of the case. Otherwise, many people will query why criminals are protected by the law for there is no need to protect criminals. Yet we must understand that in saying that a criminal does not deserve legal protection, we have already made a judgment of basic values, that is, we think that the person is guilty. However, no such thing will happen under our existing judicial proceedings. A person is innocent until being ruled guilty by the court. Similarly, before the court rules against a person, that person has the right to present his case to the court for its decision as long as his

case is not abusing the proceedings or completely hopeless. Therefore, if the balanced probability of success and failure is adopted for determining the granting of legal aid or the need for legal assistance and judicial care, such criterion will basically violate human rights and even contravene the Basic Law.

Second, President, under our Basic Law show we have many examples showing that real changes to our laws were inspired by losing cases. Those who have studied the law should be well aware of that many milestone verdicts actually came from cases which, in the beginning, had been considered standing no chance at all. However, at the subsequent hearings of appeals lodged with the Supreme Court, the House of Lords' or the Privy Council of the United Kingdom, or the existing Court of Final Appeal, it was discovered that these previously unsuccessful cases in fact had their points in terms of justice. Eventually, the relevant laws were amended in the light of such findings. Hence, if we say that cases considered unlikely to win need not receive any legal aid, our laws will probably become stagnant and unable to cope with the changes in our society. President, this is very important.

President, the third and yet more important issue is that who should play the role of God or the judge? Staff members of the Legal Aid Department (LAD) are ordinary lawyers. I am also a lawyer myself, but I dare not say that I am forever right — though I am most of the time while not a hundred percent. Neither can LAD lawyers say that they are forever right either, regardless of their quality and experience. They cannot replace the judges and quite often they are wrong. It will create extreme unfairness if we put the sole approval power in the hands of LAD.

Hence, there are inherent problems in the existing legal aid system. Very often, the Government will propose changes to the lawyer system or the legal system in response to the recommendations of the Law Reform Commission, allowing lawyers to share the fruits of litigation like their American counterparts. That is, the lawyer of a winning case may share a portion of the award ordered by the court. If the litigant loses, he will not be required to pay any money. Why is this system not feasible in Hong Kong? Why has the relevant study taken so long without any implementation plan? The major problem, President, is that when a lawyer faces a conflict of personal interest, his judgment may be swayed by it. Under such circumstances, he will be incapable of giving objective and independent advice. Sometimes, we should note that lawyers are also humans who can be tempted by benefits. If they are allowed to bear or share the

outcome of litigation, they will easily be affected by their secret desires. But more importantly, under such system, especially in a capitalist society, many lawyers may choose to serve big conglomerates only and ignore small organizations. Worse still, litigants may not be able to engage law firms to represent them. Why? This is because law firms are afraid of crossing big conglomerates, and thus they will refuse to take up small litigation cases.

Such a system does have a number of problems. I do not consider it suitable for Hong Kong either. However, if this system is introduced into LAD, the problems I have just mentioned will not exist. President, why will those problems disappear? The reason is that LAD is neither a profit-making institution nor a commercial organization. Financial gains will not affect the lawyers of LAD at all. I also hope that they will not waver in front of big conglomerates. In other words, the defects I have pointed out just now can be eliminated or reduced to an acceptable extent if LAD adopts the said system. By the same token, we have put in place the Supplementary Scheme under which a certain percentage of the damages recovered from successful cases shall be paid to LAD, though it is not exactly sharing with LAD the fruits of litigation. The percentage concerned is higher than those for other cases. This is a compromising arrangement. However, an upper limit is set for the Supplementary Scheme.

President, there is still room for improvement in this system. For instance, the upper limit can be abolished or raised to a higher level to cover more people. President, why should we do so? It is because this will allow LAD to establish a system of sharing the fruits of litigation. Legal protection can be provided to more people at lower costs. So why not pursue this practice? Of course, if a litigant loses his case, he need not pay anything. President, but we can view this as taking out insurance, which is a balanced social system. Why do we take out insurance? We want to disperse the social risks and crises more evenly. Hence, if LAD operates this system, litigation costs can be contributed and shared by everyone, thereby addressing squarely the problem of high litigation costs we are now facing. I am quite sure that, eventually, someone will say, "You are a lawyer, right? Why do you not take the lead to lower your fees?" Can I do this, President? Yes, I think so. I often charge my clients according to their financial situation. If my client is a big conglomerate, the fees will definitely be higher. But if an elder comes over to seek my legal service, the fees can be very low. Nevertheless, President, this problem cannot be dealt with by one person alone. One person's effort cannot effect any changes to the

system. Even if a large number of my fellow practitioners do this together, the system will not change a bit. I think the answer lies not in whether lawyers should adjust their fees, but in making appropriate calibration to the system, so that more people can enjoy the protection of the rule of law. In my mind, this is the right approach.

President, what I have just said is merely a standing dish which has been served for many years. However, it seems that the Government has always turned a deaf ear to it. Today, in this Chamber, I reiterate this issue all over again, hoping that the SAR Government will conduct as soon as possible a comprehensive review of our legal aid system, in particular the upper limit for the Supplementary Legal Aid Scheme. To enable more Hong Kong people to share the advantages of the rule of law, the upper limit should either be abolished or raised at least by 50%. Thank you, President.

MS MIRIAM LAU (in Cantonese): President, the Liberal Party supports in principle the proposal of the Secretary for Home Affairs to adjust the financial eligibility limits of legal aid applicants in accordance with the cumulative increase in Consumer Price Index (CPI). We see that the drawing up of the proposal has followed the relevant mechanism. In the past, corresponding adjustments have also been made in response to the movements in CPI.

Liberal Party considers it reasonable to make corresponding adjustments to the financial eligibility limits of legal aid applicants in accordance with the inflation rate. As the income of many people may have increased in recent years and taking into account the rise in inflation rate, we believe that the present adjustments proposed by the Government can ensure a stable number of legal aid recipients, thereby avoiding people in need of legal aid falling out of the legal aid safety net due to slight adjustments or increases in their income.

However, as I have just said, the Government's practice can only ensure a stable number of legal aid recipients. It cannot further help more people in need, in particular the sandwiched middle-class people, obtain legal aid.

Liberal Party has on numerous occasions raised the subject of accessibility to legal aid for the sandwiched middle class and strongly urged the Administration to enhance its support in this respect in order to enable more sandwiched middle-class people to receive legal aid. The major part of Hong Kong's revenue comes from the sandwiched middle class. Yet the reality is that they bear the duty to pay tax without getting a proportionate return. We always

comment that every time the Government "gives out candies", the sandwich class is bound to be left empty-handed.

What I am talking about is not "giving out candies", but the actual legal needs of the sandwiched middle class. It is necessary to safeguard certain legal rights of theirs. When they need to take legal action, it is usually very hard for them to obtain assistance. I hope the Government will consider their needs and provide them with some relief. In fact, most of them cannot pass the existing thresholds for legal aid. They are often turned away for they can neither pass the threshold of the Ordinary Legal Aid Scheme nor that of the Supplementary Legal Aid Scheme. As a result, their grievances are muffled while justice is denied.

A recent example exasperated me very much. A taxi owner-driver suffering from the sequelae of a recent operation intended to sue the relevant parties for medical malpractice. His taxi, which was his only tool for making money as well as his only asset, had been mortgaged to a bank. Under such circumstances, he applied for legal aid but was still rejected. Of course, even if I offer help, the question is — most of the lawsuits like this involve not only a solicitor, but also instructing a counsel. Hence, even if the taxi driver did not mind whether the solicitor would collect fees or the amount of the solicitor's fees, he still had to take into consideration the counsel's bill. In the end, after some negotiations, he had no choice but to forgo the litigation concerned, and there was no way for him to seek justice anymore.

Should we do this to a group of people who have been contributing so much to the Hong Kong community? How can the Administration be so apathetic? If such situation goes on, how will a harmonious society be achieved?

Today, Liberal Party would like to make use of this occasion to fight for justice for the sandwiched middle class. Once again, we urge the Administration to conduct a comprehensive review of the existing legal aid system and increase substantially the current upper limits of financial resources for legal aid, so as to allow more sandwiched middle-class people to be eligible for legal aid.

With these remarks, President, I support the resolution.

MR LEUNG KWOK-HUNG (in Cantonese): President, having heard Mr TONG's speech, I think that the existing legal aid system has in fact somewhat contravened the United Nations International Covenant on Civil and Political Rights (ICCPR). According to ICCPR, whether a person should be legally represented shall be decided by the court rather than the Legal Aid Department (LAD). How about our current system? Under this system, a person whose application for legal aid is rejected by LAD may lodge an appeal. If the judge rules that legal aid should be granted, the appeal case will be delivered back to Mr TSANG, recommending the approval of the application. Of course, Mr TSANG cannot refute the court's decision. If he does, it will be a very serious matter. But such circumstances are quite indirect. Let me read out Article 14(d) of ICCPR, which says, " to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;".

That is to say, if the judge considers that it cannot do without legal representation, he will suggest that a lawyer be assigned to the defendant. Sure enough, such system could be abused. In the Mainland, a defendant will be assigned with a lawyer to plead guilty and request mitigation on his behalf. This is very common in the trials of political prisoners. A political prisoner who wants to engage a legal representative may not be able to find one. This point can be illustrated by the case of Mr ZHANG Sizhi, a very famous lawyer. He had defended the Gang of Four in their trials. Later on, he intended to help pro-democracy activists undergo legal proceedings but was unable to do so. The accused concerned was assigned with another lawyer only to plead guilty.

These things happen. They are examples of abuse cases. However, the article of the said covenant states that the court shall decide in a trial whether the accused should be provided with a representative to defend him. If he does not have enough money, the court may order — the court is vested with the power to prosecute against a suspect if based on the presumption of innocence, everyone is innocent until being ruled guilty — hence the court has the power to require that the accused be provided with a representative to defend him, which is a fair practice.

Nevertheless, our existing system is not like this. There is a barrier in between. I once went to LAD, which is under the Secretary, to make enquiries.

I explained to them our present situation and realized that a number of additional restrictions have been imposed. A person having assets of more than \$160,000 is no longer eligible. He will have to pay part of the costs without being informed of whether his case is likely to win or not. The Secretary is a layman, so he is not clear about whether there is any chance of winning. In this regard, he needs to listen to the advice of the Director of Legal Aid (DLA). Of course DLA is a lawyer himself, and I respect him very much. Yet what he has to say is a one-sided story after all, particularly when a department is straitjacketed by the so-called envelope pressure. That is, what will LAD do when its expenditure is limited to a certain extent? Say, for instance, the Government suddenly allocates 100 million dollars to it while it has spent 200 million dollars during the current cycle. This is the time when Parkinson's disease breaks out. Better not do so much work, right?

During this time, the Secretary is kept in the dark. The Secretary is a politically-appointed official responsible for monitoring things only. He has to rely on the advice of DLA and his lawyers. Hence, the Secretary will be ill-advised so long as LAD slightly feels that doing more will not bring it any benefits or share of bonus, and that it will be blamed by its superiors if the number of cases gets too large.

I have raised this issue many times. Such situation is utterly unfair to Mr TSANG Tak-sing, the Secretary. He is a politically-appointed secretary. As he is tasked with monitoring these things, he has to remind DLA, "You have exceeded the spending limit. What is to be done? You should keep a closer watch." A closer watch is required. Yet nobody knows which areas are to be watched. Do they include the probability of winning, impact on the public interest, significance to the public interest, financial status of the applicant (if a lot of applicants possess assets of more than \$170,000, they certainly have to pay some money back to LAD)? Actually, these factors should not be supervised by the Secretary. The Secretary is being manoeuvred into this scenario. If the Secretary intends to take up such work, I will persuade him to drop the idea. This is because his supervising the abovementioned factors will definitely arouse heated controversy. Specifically, in view of Hong Kong's current political situation, if he institutes prosecution against me without granting me any legal aid, I will criticize him for sure. No need to elaborate on that. However, all these matters have nothing to do with him.

So the question before us is that we have not abided strictly by the article in ICCPR, that is, item (d). I believe the translation is correct as I am referring to the version published in the Mainland by China Books Press. Our Government has in fact jumped the gun and violated ICCPR, taking advantage of the fact that we will not resort to the judge for every single matter, and neither will the judge deal with such matters for no reason at all.

Therefore, regarding our entire system, of course the Duty Lawyer Scheme is in place for lower courts. Those places resemble wet markets. I have seen so many of them — no need to stare at me, Barrister, Ms CHAN. I am airing the grievances of lawyers here. Those lawyers are paid \$5,000 daily for doing everything, including "coffin and grave", "funeral rituals". They apply for bail, request mitigation for the convict and defend the accused. Being given \$5,000 only, they are required to do what in reality they are unable to cope with. There are indeed serious flaws in this respect.

Talking about the magistrates, I believe that they are neither stupid nor foolish, and they have justice in their hearts. Nevertheless, they are helpless. I have no idea whether Mr TONG knows if the magistrates have read the covenants relating to human rights. Actually, they are vested with such power. It is impracticable to offer \$5,000 for carrying out "funeral rituals". They should suggest that the defendants be assigned with better lawyers, or that a proportionate number of lawyers be provided. For example, it is unreasonable for one lawyer to handle ten cases. The trips within the court building alone are onerous enough. One moment the lawyer goes up to the seventh floor; the next moment he comes back down to the sixth floor, bustling about like a social butterfly. This is not going to work.

I am not trying to debase lawyers. The lawyers I saw were like that. I just describe the truth. Please do not feel offended. The lower courts have fallen into a state in which the requirement stipulated in item (d) has been abandoned. Because I have never seen any judge pointing out that such situation is improper — lawyers bustling around, judges waiting for them, lawyers appearing in courts to say a word or two offhandedly for mitigation. However, if we look at the High Court or the Court of Final Appeal — generally, legal aid is separated from the Magistrates' Courts, and we have deviated from this system. Our system tells an ordinary citizen to approach LAD to accept a publicly-funded institution and a group of lawyers instead of trusting a judge to decide whether he should be assigned with a suitable defence lawyer. At this

low level, less than \$500 will do. However, at a higher level, there is in fact no other alternative. If LAD rejects your application, you will have to engage a lawyer at your own expense to appeal against the decision of LAD. This exactly echoes Mr TONG's view that only lawyers will be benefited, whereas members of the public will be like being skinned.

Such a system could not be more remote from item (d) which I read out earlier on. The judges will not know anything about that until one day LAD rejects an applicant who happens to be a poor man and may have to live without food for a whole year in order to take legal action. This is because the lawsuit will cost him several dozens of thousand dollars. Assuming that the person's monthly salary is \$4,000 and he engages a lawyer to appeal against the decision of LAD but loses in the end, he will be required to pay \$40,000. Under such circumstances, he will not have any money left to buy food for a whole year, will he? What I am saying is that the strait gate to Heaven is so narrow that only a worm can pass through. It will be great to be a worm. However, the gate to Heaven is open for everyone. What kind of system is this?

As for the legal aid system, I have no intention to criticize the SAR Government. The system was established by the Hong Kong British Government in response to the requirements of the Hong Kong Bill of Rights Ordinance (HKBORO). Its objective is laid down in the article I read out just now. Hence, if we want to put forward a reform today, we should not simply propose to inject more money to raise the income limits on account of the current inflation rate as well as the high price of rice with roasted pork. If that is your opinion, thank you but I cannot agree.

However, certain factors should be taken into consideration for the ultimate overall setting. Firstly, putting LAD under the purview of the Secretary gives rise to animal farm politics, David's deer politics. This David's deer can walk around. How could the Government send the Secretary for Home Affairs to take charge of this department? Secondly, our entire legal aid system is meant to operate in a patronizing and reactive mode. Yet our community has become more and more complicated. With the enactment of the Basic Law and HKBORO, this kind of litigation cases will, naturally, keep increasing. As we are protected by these laws, the Government has to do something. Hence, our system has only an outer shell without serving its real purpose.

Of course, I have also benefited from LAD myself. Before I was elected a Legislative Council Member, I had sometimes applied for legal aid to undergo legal proceedings. At times, my applications had been approved. Nevertheless, I am merely a worm which can pass through the strait gate to Heaven. Many people have had the gate snapped shut in their faces. Therefore, although I do not know what is in the minds of the judges in Hong Kong, if the judges in Hong Kong are to really observe ICCPR, they must be conferred with independent jurisdiction by means of a genuine reform. In implementing the covenant, consideration must be given, for all types of cases, to whether it is appropriate for the parties concerned to be legally represented. If legal representatives are deemed necessary, the Government must act accordingly. Our discussions on legal aid reform will be futile unless we adopt this principle as the yardstick since there is no way for us to monitor the system. Being unable to perform any monitoring work, Legislative Council can only hold discussions. Subsequently, the system will remain the same as though nothing has ever happened.

My conclusion is very simple. Give to Caesar what is Caesar's, and to God what is God's. If we truly honour the rights enshrined in ICCPR and let the judges take the reins, we have to place a bet. Of course, judges are also humans. I have met some unsympathetic judges, but nothing can be done about that. I think this practice is comparatively desirable. I always criticize the Public Order Ordinance, arguing that the Commissioner of Police should not be the authority to decide whether and how our freedom of assembly should be restricted and whether relevant conditions should be imposed. Neither should the Broadcasting Authority be appointed to vet applications for various licences. Decisions on these matters should rest with a neutral institution — the Judiciary. This is the essence of the separation of powers. Under the colonial rule, the executive power usually eclipsed and encroached upon other powers. It did not override the judicial power, to be exact, but adopted a built-in protocol to prevent the Judiciary from accessing to its powers. Just read any world-renowned constitutional classics and you will realize how fragile our system is.

As far as I am concerned, I cannot object to the proposed amendments. However, I think that our whole discussion today has not touched upon the core issue. And the core issue is whether the SAR Government or the then Hong Kong British Government, being an institution with public authority and no matter whether it was formed by election or not, has upheld the principle of the separation of powers. In terms of judicial matters, is it not reasonable to

designate an independent Judiciary to decide if a person should be provided with publicly-funded defence? Thank you, President.

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

(No Member indicated a wish to speak)

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

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I thank Members for their views on this motion. As I have mentioned in my previous speech, the motion proposed by me today seeks to raise the upper limits of financial resources to take into account movements in consumer prices, so as to maintain the real value of the limits. I hope Members will support my motion.

Our legal aid policy objective is to ensure that no one with reasonable grounds for taking legal action in the Hong Kong court is prevented from doing so because of a lack of means.

In calculating an applicant's financial resources, the Legal Aid Department (LAD) will deduct a series of allowances. It will also deduct the applicant's standard personal allowances, rent or mortgage payments, salaries tax payment, contribution payment to a pension or retirement scheme, maintenance payment and expenses to provide for the care of his dependants. The remaining sum will then be used for calculating his financial resources. The gross value of any interest in the only or main dwelling in which the applicant resides is disregarded in computing the amount of his disposable capital. The existing allowances have catered for the basic needs of the applicant.

I understand that some Members consider that the increases in the upper limits of financial resources proposed by the Government are inadequate. However, similar to any other public services, we have to strike an appropriate balance between expanding the coverage of legal aid and the effective use of public funds.

The Legislative Council Panel on Administration of Justice and Legal Services (the Panel) has indicated that it would follow up with this issue in the context of the five-yearly review of legal aid. We will continue to listen to Members' views and report to the Panel the outcome of the Government's consideration of the relevant matters.

Earlier on, Members have mentioned some problems concerning criminal law encountered by the applicants. In this regard, where the interests of justice so require, the Director of Legal Aid may still grant legal aid to an applicant involved in criminal litigation even if the financial resources of the applicant exceed \$165,700.

As for the attempt to capture the changes in litigation costs during the review period, although LAD and the Judiciary have gathered their own exact figures, these figures can only represent the market litigation costs of around one third of civil cases. Moreover, the picture revealed by these figures is one of minor fluctuations in litigation costs. We, therefore, consider that private litigation costs may not have been truly reflected.

Members also pointed out a moment ago in their speeches that even though the two legal professional bodies could not make available figures on litigation costs to the Government for use as the basis of the proposed adjustments to the limits, the Government should study if relevant information could be obtained through other means. We will seriously consider whether there is any room for improvement in the existing review mechanism in conducting the five-yearly review of legal aid.

Members have expressed their hope that more legal aid could be provided to employees involved in employer bankruptcy cases. In applying for legal aid to initiate liquidation or bankruptcy proceedings against insolvent employers, the employees concerned will normally elect among themselves a person who they think would meet the financial requirements of applying for legal aid as their representative.

In fact, the number of applications for legal aid to initiate liquidation or bankruptcy proceedings against insolvent employers for the recovery of outstanding wages and the related employment benefits was 327 in 2008. Among them, only seven applicants were rejected due to their failure to pass the means tests.

Furthermore, Members have also raised a number of issues about the Supplementary Legal Aid Scheme (SLAS). SLAS is financially self-sufficient. It is funded by the contributions from legal aid recipients as well as the charges deducted from the damages or compensation awarded to the recipients. To sustain the financial viability of SLAS, we must pool our resources to process claims which involve reasonable amounts of money, have high successful rates and stand good chances of recovering damages.

Under the five-yearly review of legal aid, we will also examine whether there is still room for expanding SLAS without undermining or jeopardizing the financial stability of the scheme.

With these remarks, President, I invite Members to support the motion.

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

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Fixed Penalty (Smoking Offences) Regulation and Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice.

I now call upon Dr Joseph LEE to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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

President, at the meeting of the House Committee on 8 May 2009, members agreed that the Subcommittee on Fixed Penalty (Smoking Offences) Regulation and Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice (the Subcommittee) be formed to study the Fixed Penalty (Smoking Offences) Regulation (the Regulation) and Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice (the Notice) which were tabled in the Legislative Council on 29 April 2009.

To allow sufficient time for the Subcommittee to conduct deliberations and report its deliberations to the House Committee, I, in my capacity as Chairman of the Subcommittee, move that the period for scrutinizing the Regulation and the Notice be extended to 17 June 2009.

President, I implore Members to support the motion.

Dr Joseph LEE moved the following motion:

"RESOLVED that in relation to the –

- (a) Fixed Penalty (Smoking Offences) Regulation, published in the Gazette as Legal Notice No. 66 of 2009; and
- (b) Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice, published in the Gazette as Legal Notice No. 67 of 2009,

and laid on the table of the Legislative Council on 29 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 17 June 2009."

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

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

(No other Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Two motions with no legislative effect. 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: The 4 June incident.

MR JAMES TO (in Cantonese): President, there is no government official present. Of course we know that there was no public officer designated to attend the debate last year regarding the motion on the 4 June incident as well. However, President, among the amendments this year, Mr CHEUNG Man-kwong's amendment refers to the curriculum of the Education Bureau, while Miss Tanya CHAN's amendment relates to the remarks about the 4 June incident made by the Chief Executive. These are obviously the responsibility of the SAR Government and responses are thus necessary. As shown in the agenda, the Government is not going to designate any public officer to attend the motion debate. President, is the Government still not going to designate any public officer to attend the debate even though there are two amendments which are seemingly related to its responsibility?

Moreover, President, can I, through you, make a last attempt to enquire the Government once again whether it is not going to designate any public officer to attend the debate on these two amendments?

PRESIDENT (in Cantonese): Members, according to the Rules of Procedure, whenever it is mentioned that public officers designated by the Government are to attend the meetings, it is referred to as they may attend the meetings, which means that the Rules of Procedure allows the designated public officers to attend the meetings, but it does not provide that designated public officers must attend any meeting. The Administration has already informed this Council prior to this meeting that, in respect of this debate, no designated public officer would respond to the motion or any amendments thereto. Before the meeting, I also received an enquiry from Mr James TO. The Secretariat and I then enquired the Administration again, and the Administration again reiterated its position that no public officer would be designated to attend this motion debate. Therefore, I believe that, even though we require, once again, that public officers be designated to attend the debate, the answer will probably be the same.

(Mr LEUNG Kwok-hung rose to his feet)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): Have you read the *Romance of Three Kingdoms*? In his three visits to the thatched cottage, LIU Bei

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): I believe that, under the previous ordinances related to the Legislative Council, this is a high-class consultation club where they can of course either attend or not.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): If, after spending more than \$100 million to set up this Accountability System, we make "Three Visits to a Thatched Cottage", through you, President, to ask them to come, yet they are not attending. This means that they are sick, Buddy.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): I hereby lodge a formal protest.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): How can they be held accountable? Costing us more than \$100 million, have a look at there

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, this Council can only handle our matters in accordance with the agenda. If you are not raising a point of order, but a query of whether the Rules of Procedure needs to be amended, then we can only discuss this on other occasions.

(Mr James TO raised this hand)

PRESIDENT (in Cantonese): Mr James TO, is it a point of order?

MR JAMES TO (in Cantonese): Yes. President, although I have learnt that you, President, may have tried to enquire the Administration whether public officers will be designated to attend this motion debate prior to the meeting, I have no idea about the viewpoints of other Honourable colleagues. Of course, they cannot speak at this moment, but I wonder if the President can contact the Government once again now, to see if it can give any justification, especially when Mr CHEUNG Man-kwong's amendment is about the curriculum of the Education Bureau and Miss Tanya CHAN's amendment refers to the remarks made by the Chief Executive. President, can you give it one last try to see if the Government will otherwise, President, I may propose to adjourn the motion debate to, through other means, force public officers to uphold their accountability and attend this meeting to speak on the policies within their purview.

PRESIDENT (in Cantonese): Mr James TO, as I have just pointed out in replying to the question raised by Mr LEUNG Kwok-hung, I do not think that this is a point of order. As I have already received a clear reply from the Government that it will not designate any public officer to attend this motion debate, I consider that I do have no justification to suspend the meeting to enquire the Government again on whether public officers will be designated. However, Mr TO, in the course of the debate, I would ask the Secretariat to convey Members' view on this matter to the Government once more. If the Administration has any new changes, I believe that it can join our motion debate in time.

(Mr Albert HO raised this hand)

PRESIDENT (in Cantonese): Mr Albert HO.

MR ALBERT HO (in Cantonese): President, firstly, I notice that a quorum is lacking, I would like to seek your summoning of Members. Secondly, I hope that, in asking the Secretariat to call for the Government's reconsideration, you can request the Government to think about those two amendments today that it

should respond to. One of them is related to history textbook while the other one is about the remarks made by the Chief Executive.

PRESIDENT (in Cantonese): Regarding the two amendments, indeed we have already mentioned that clearly to the Government earlier. Clerk, please ring the bell to summon Members to the Chamber.

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

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

PRESIDENT (in Cantonese): Members who wish to speak in the debate on the motion please indicate their wish by pressing the "Request to speak" button.

I now call upon Mr LEE Cheuk-yan to speak and move his motion.

THE 4 JUNE INCIDENT

MR LEE CHEUK-YAN (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. On 21 May 1997, Mr SZETO Wah, the Chairman of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, moved a motion in this Council for the first time urging that "the 4 June be not forgotten and the 1989 pro-democracy movement be vindicated". This year marks the 20th anniversary of the 4 June incident. It is also the 12th time for the same motion being moved in this Council. In order to have the 4 June incident vindicated, we must keep on struggling with great tenacity until the day we triumph.

May and June 1989 are the brightest yet the darkest of times in China. The 1989 pro-democracy movement is a spontaneous patriotic movement initiated by the students. "Mom, I am hungry but I cannot eat!" — the written slogan of the students on hunger strike still lingers. Not only did it touch the hearts of each and very one of us in Hong Kong and China, it also inscribe an

epic in the history of great democracy movement. However, the students had their innocence and patriotism answered with a bloody crackdown.

The 4 June massacre shocked the whole world. It aroused the indignation of both man and god with the entire world being overwhelmed by grief. Chinese people all over the world plunged from the pinnacle of hope to the abyss of desperation. The 4 June incident has inflicted a wound in history, leaving behind a mark of conscience that cannot be wiped off. It has been 20 years since then. Yet, people have not forgotten the incident and they never will.

To have the 4 June incident vindicated is a struggle between memory and oblivion. Lies penned in ink cannot cover the truth inscribed with blood. Over the past 20 years, the Chinese communist regime has been trying to play down and avoid the subject of the 4 June massacre. Under its baton, flatterers attempt to erase the 4 June incident from people's memory with words like "putting down the baggage of the 4 June incident" and "the most important thing is to look ahead". The Chief Executive Donald TSANG's recent remark that he represents the people is another memory crackdown. "The country's development has achieved tremendous results and the people will make an objective assessment," Donald TSANG said. I would like to ask the Chief Executive about objective assessment. Did he mean that the killings were well-done and the crackdown justifiable? Can the massacre be legitimized and justified by the development of the country's economy and national strength? Should Hong Kong bury its conscience and whitewash the massacre for the sake of economic benefits?

In fact, Donald TSANG's words are the mimicking of a parrot. I learn from the newspaper today that MA Chaoxu, the spokesperson of the Ministry of Foreign Affairs, refused to apologize for the 4 June incident. He pointed out that the development of China over the past 20 years was testimony of the communist party's positive military intervention. I would like to ask the Chinese communist party why are open discussions not allowed had the suppression with gunfire had been right, aboveboard and noble? Why are words related to the 4 June incident deleted whenever they appear on the Internet? Why is a lavish party not thrown to celebrate the 20th anniversary of the suppression of the 4 June revolt? It is because the Chinese communist party has a guilty conscience. There is a saying that having a sense of shame is akin to courage. I hope they see the point of vindicating the 4 June incident and healing the wound in history, which are the right course to take.

Undeniably, the economy of China has been progressing well over the past 20 years. Nevertheless, economic development should not be the only yardstick and goal to be pursued by a nation and a country. Human rights, the rule of law, democracy and freedom are equally important. A country which only emphasizes the economy and national strength but not freedom is just insulting its people. In such a country, human beings were reduced to animals. People were treated as if they did not have the soul or intelligence to go after spiritual freedom, and they would be fine as long as they were well-fed. We do not wish to see the people of China lose their soul. This is exactly the spirit of the May 4th Movement which took place between the 1890s and the early 20th century. President, lamentably, China today is still miles away from the May 4th spirit. A strong country is not necessarily a great country. To be a great country or a great nation, it requires not only hard power but also soft power; not only "Mr Rich" and "Miss Money" but also "Mr Democracy" and "Miss Conscience".

Some people say that we should look ahead instead of laying bare the scars of the communist party left by the 4 June incident. Fine, President, let us look ahead. Let us take a look at what is happening in today's China. Corruption is more wide-spread and rampant in China nowadays than it was 20 years ago. Today the Charter 08 is not tolerated in China and neither is HU Jia. During the bourgeois liberalization which took place 20 years ago, intellectuals had the courage to speak out and could actually do so. In comparison, the present situation is a retrogression. President, China's refusal to investigate jerry-built projects has rendered it impossible to mete out justice for the mothers in Sichuan and Wenchuan. With the responsibility for man-made calamity being absolved at the convenience of natural disaster, what kind of progress is it? Even DING Zilin is not allowed to participate in the memorial meeting to mourn for the children who lost their lives in the 4 June Incident, what kind of progress is it? I would like to ask President HU Jintao: what are you afraid of? Despite the hosting of the Olympic Games, the launch of Shenzhou-7 and being the biggest creditor of the United States, China is afraid of its people and oppresses the freedom of speech. President HU, what are you afraid of?

President, a nation which is reluctant to face up to history is pathetic. Vindicating the 4 June incident is a major issue of principles. As long as the Chinese communist regime refuses to acknowledge and ascertain the responsibility for the massacre, the day the nation faces its conscience will never come. The vindication of the 4 June incident, in fact, symbolizes that China will

not only implement economic reforms but also political reforms. Furthermore, it will be on the road to democracy, freedom and human rights.

The most terrifying part of the 4 June incident was the rude awakening of all the Chinese people on that particular night. What were they awakened to? They were awakened to the fact that communist party would go to any length to stay in power, including resorting to gunfire. Indeed, it broke the hearts of all the Chinese people. By vindicating the 4 June incident, the communist party tells the world that it is willing to part from despotic rule by embracing democracy and freedom. Only when the 4 June incident is vindicated can the Chinese people around the world get rid of the hang-up. There will also be a stronger cohesive force pulling together the Chinese people to build the future of the country.

Some people say that the Chinese nation has a history of 5 000 years. Regrettably, President, this is the history of 5 000 years of feudal despotism. At first, it was thought that the May 4th Movement had enlightened China. However, 90 years have gone by but democracy and freedom still have no place in China. In 1944, MAO Zedong said, "China does have a shortcoming in short, is the lack of democracy. The Chinese people badly need democracy because they can only have the strength to fight against foreign invaders if they have democracy. And only with democracy can they tread on the right path, win the war against foreign invaders and build up a good country only with the addition of democracy can China take a step forward". This was the promise the Chinese communist party given to the people before the founding of the People's Republic of China. It is too bad that the promise has not been fulfilled. Over the past 60 years, we have been living under such promise and waiting China to take a step forward. Lamentably, this day has yet to come.

All fellow citizens of Hong Kong, we have waited long enough. I want to call on everyone to go to Victoria Park to join our pro-democracy rally on Sunday, 31 May at 3 pm and the vigil at 8 pm on 4 June. We will light the candles of hope to illuminate China, Hong Kong and history, and pray for democracy and freedom in China. If you belong to the younger generation, I ask you to carry on the spirit of the May 4th student movement and the 1989 pro-democracy movement by playing the vanguard of democracy. Victory will be on the side of those who stand by their conscience. With these remarks, President, I move the motion.

Mr LEE Cheuk-yan moved the following motion: (Translation)

"That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated."

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

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

I will call upon Mr LEUNG Kwok-hung to speak first, to be followed by Mr CHEUNG Man-kwong, Mr Albert HO and Miss Tanya CHAN; but no amendments are to be moved at this stage.

MR LEUNG KWOK-HUNG (in Cantonese): President, firstly, this year is the 20th anniversary of the 4 June incident. At the same time, this is the third year after Mr ZHAO Ziyang has passed away following 16 years of confinement. At last, his testimonies were smuggled out of the country. In 1989, I did not have a good impression about him. I considered that he was among those who led to official profiteering and collusion between business and the Government. However, since 1989, he had been kept under confinement for bidding farewell to students in the square. He rejected the confession to any wrongdoings, and his viewpoints still had not changed at the end. Here, I cannot but to pay tribute to him. Of course, the incident of ZHAO Ziyang is merely the tip of the iceberg. Any great man would know, and would understand, that one stands higher only because of the support given by the people.

I would like to express here my condolence to the victims of the 4 June incident, and pay tribute to the political prisoners imprisoned for political reasons. In particular, I would like to express my condolence to the families of the victims of the 4 June incident, for example, Ms DING Zilin. ZHAO Ziyang reminds me of another political leader, AUNG SAN Suu Kyi, who has also been held in confinement. Since 1988, she has been kept in confinement intermittently. Today, she is on trial. I also think of another female councillor in Afghanistan,

who is oppressed by the warlord regime supported by the United States. A few days ago I watched the clip of her interview underground broadcasted by the British Broadcasting Corporation. Now, she needs to keep herself hidden and would be killed if seen. This respectable woman, though not as well-known as AUNG SAN Suu Kyi or ZHAO Ziyang, deserves our respect as much as the Chinese man who sacrificed his life by blocking the military vehicles in 1989.

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

And, I would like to pay tribute to a few of my deceased friends. One of them was Mr NG Kung-siu, another was a woman under the pseudonym of "嘉菲", while the other was an old woman. Why do I pay tribute to them? Since I had made friends with them in 1989, they had never in their lifetime hesitated, and never for once had they not voiced out their opinions wholeheartedly. Admittedly, they died not for democracy spectacularly, yet I consider that they were persons of integrity who held themselves accountable to history.

Mr LEE Cheuk-yan has just mentioned that "Lies written in ink can never disguise facts inscribed in blood". Indeed, these words originated from an incident in which students were massacred by a warlord regime, that was, the so-called "318" incident. That day, Mr LU Xun remarked his remembrance of Ms LIU Hezhen, a student of his, with these words of grief. However, he concerned not solely with the sorrow, and had written this saying of "If things are not given vent to, they will only die off in silence" in his work of *In Memory of Miss Liu Hezhen*. Today, why are we having our defence here? We, at this time when the SAR has already been under the reign of the Central Government for over 11 years, have to refuse to be in silence, refuse to forget. This is our responsibility.

And I also think of a martyr in the Communist Party called General YE Ting. He wrote a poem when he was imprisoned by the Kuomintang. I would like to introduce this to our colleagues, "The door for a human being to go through is tightly locked, while the hole for a dog to crawl out is widely open. A voice is yelling, 'Crawl out and freedom be given!' I eagerly hope for freedom, yet I clearly know that never can a human body crawl out from a dog's hole! I just look forward that, on the day, the roaring flame from beneath the ground will burn this living coffin and me. I should achieve immortality in

burning flames and fervent spirit!" I do not require that everybody achieve immortality in burning flames and fervent spirit. I just request everybody to remember the 4 June incident in a comfortable environment, to enlighten one's sentiment and be accountable to history.

The Kuomintang killed too many of the Communist Party cadres. There is yet another poem, written by Mr LU Xun after five of his very good friends (five writers) had been executed by the Kuomintang, "In the long, dark nights of spring, I am inured to fleeing with my wife and children, with grey locks flying. In my dreams, I vaguely saw my mother in tears and bandits' banners come and go on the city wall. Suppressing my wrath on hearing my friends' recent death, I decided to compose an angry poem in this night of bloody knives. But having done so, I found nowhere to write it down, seeing only my moonlit dark clothes." These five youngsters were killed only because of the dictatorship of the Kuomintang. There was another Communist Party cadre killed by the Kuomintang, that was, Mr YANG Xingfo. LU Xun wrote in *A Lament for Yang Quan*, "Gone, I thought, impassioned moods like those of long ago: Flowers blossomed, flowers fell — and of their own they did so. That tears would fall in southern rain — how I was then to know Our people's loss of a dauntless son would plunge me again to woe?" There were indeed plenty of these incidents.

The Communist Party seized power with the ambition to fight for the freedom and democracy of the Chinese people and the realization of socialism. In 1989, DENG Xiaoping and the bureaucrats of the Communist Party of China, for the purpose to permanently retain one-party dictatorship, sent the Chinese People's Liberation Army, which should protect the people, to kill its own people. This is a sin that cannot be forgiven. Members, a single decision will distinguish human beings from animals. What is human being? "A human being's style of action is the self the human being," says a French philosopher. In judging historical events and the value of human beings, we must not allow any ambiguity. "The blood of human beings is not to be taken lightly" are my words of condemn to Donald TSANG. I have to take off this piece of clothes today, because I need to bid farewell to this. I demand that one-party dictatorship be ended.

Deputy President, I strive for the vindication of the 4 June incident. I am in the first place a Chinese, before my identity as a Hong Kong resident. And, before my identity as a Chinese, I am a human being. Indeed, the vindication of the 4 June incident has its universal value, for if the 4 June crackdown is right,

this implies that the 1989 pro-democracy movement to strive for the people to become the master of the country is wrong, and that today, the killing and the crackdown can continue. In future, when there is a movement similar to the 1989 pro-democracy movement, those who supported the 1989 pro-democracy movement have to consider in their own minds: should I come out and face this abundant number of Liberal Army? This is a matter that the pan-democrats must consider.

I am a believer in socialism and that is why I wear this piece of clothes today. I consider that those cracked down in the 4 June incident were not the capitalist class, but tens of thousands of proletarians who contributed diligently for China. It was the proletarians who blocked the military vehicles. Therefore, I am reading out a section of the *Internationale* to pay tribute to them, "Arise, the slaves of bitter cold and hunger. Arise, those all over the world who suffer. The fervent spirit to fight for the truth is aroused with heat, so let the old world be in crushing defeat. Arise, arise, the fellow slaves. Never to say that nothing we do have, for we aspire to be the master of the world we are in."

Members, we aspire to be the master of the world we are in. We have to campaign for the universal suffrage in Hong Kong, and to campaign for the universal suffrage in the whole nation. We have to campaign for the future and benefits for the working class. Therefore, I move this amendment, that is, to demand that one-party dictatorship be ended, political prisoners be released and elections by universal suffrage be held for the whole nation (*The buzzer sounded*)
.....

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

MR LEUNG KWOK-HUNG (in Cantonese): the responsibility for the massacre be ascertained.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, it has been 20 years since the bloody crackdown of the 4 June incident. The blood stains in the Tiananmen Square have already been erased; the bullet marks on the Monument to the People's Heroes have been flattened. But the conscience of the

people and the historic truth would not vanish with the passage of time and the growing prosperity of the economy of China.

As early as 1994, Dominic WONG, then Director of Education, without going through any consultation or testing, used the pretext that historic events that have not lapsed for 20 years should not be included in history textbooks, in a bid to stop details of the 4 June incident from being included in textbooks. His words provoked strong objection from the education sector. Textbook publishers are business-oriented. In order to enable their own textbooks to appear on the Education Bureau's list of recommended textbooks, they deliberately played down, simplify or even distorted the 4 June incident. As a matter of fact, this patriotic and democratic movement, which has a far-reaching repercussion on the future of China, has always remained a vacuum in the syllabus of Chinese History. Even today, with the lapse of 20 years, this tragic and painful episode in the history of China is still hidden behind the syllabus of reforms and openness. It has become the taboo of history lessons in secondary education.

This year marks the 20th anniversary of the 4 June incident and the new senior secondary education system will commence in September. Even if the Government's adoption of 20 years as the division line for historic events prevails, it can no longer evade its responsibility now. Instead, it has to face up to the aspiration of the education sector and society, and formally and explicitly include the democratic movement and the 4 June incident into the syllabus of the new senior secondary education, so as to make our next generation have a proper understanding of this painful historical incident and come to realize that Beijing students had devoted their own lives for the cause of democracy of China, and in this way, they can reflect upon the true meaning of patriotism and democracy.

Recently, the Chief Executive Donald TSANG and the Secretary for Education Michael SUEN have spoken on different occasions to give their own explanations of the textbook issue. But facts speak louder than words. The insincere explanations of the Chief Executive and senior officials cannot conceal the Government's lack of confidence and fear in the face of truth. Michael SUEN said that the curriculum of Chinese History of the new senior secondary education had gone through extended and extensive consultation, and its syllabus was written from a macro perspective, so it was impossible to include all events, major or trivial, into it in an exhaustive manner.

Michael SUEN's account was a bureaucrat's cunning argument intended to justify the Government's action. At the time when the Government made the decision and drew a line of 20 years to stop the 4 June incident from being written into textbooks, had it ever consulted the education sector at that time? Had the Government ever respected the opinions of teachers of History? At that time, the Professional Teachers' Union had conducted a survey among teachers of Chinese History and World History on a territorywide basis. As a result, 85% of the respondents did not agree with Dominic WONG. There were 90% of them who thought that, even for major events with no universally agreed views, they could still be included in the teaching syllabus. Recently, on the issue of whether the 4 June incident should be included in textbooks, the Democratic Party has conducted a survey among nearly 600 members of the public. Among them, 80% think that the 4 June incident is a significant part of the contemporary history of China; 74% think that it should be included in the curriculum guide of Chinese History. It is the consensus of teachers and the public that teachers should, guided by their own conscience, cover the 4 June incident in their teaching with nothing to fear and hide. How can the Government avoid the issue forever? How can the 4 June incident be buried forever? How can students remain ignorant forever?

The 4 June incident was a democratic and patriotic movement initiated among the people, but it ended in the bloody crackdown of the 4 June incident. This was a major incident in contemporary Chinese history. When the education authorities regard the May Fourth Movement as an individual incident, which is explicitly listed in the curriculum guide and becomes a compulsory and optional unit, why do they lack the courage to even mention the 1989 democratic movement and the 4 June incident in the curriculum guide? Although the Central Government refuses to vindicate the 4 June incident, the SAR Government has suffered from a "4 June-phobia", and does not treat it like the May Fourth Movement by including it in the syllabus of Chinese History. Instead, it tries its best to avoid even terms as neutral as "4 June incident", simply treating it as if it were non-existent.

The Chief Executive Donald TSANG was so complacent in stating in the Chief Executive's Question-and-Answer Session that he had read several Chinese History textbooks for senior secondary classes, and he said "the contents of such books were rather detailed, adequate and had completely covered the issue in a factual manner." I would like to ask Donald TSANG: Is the 4 June incident really covered in a detailed, adequate and factual manner in textbooks for senior

secondary education? I have browsed through all the 13 Chinese History textbooks published in Hong Kong — nine of them are written according to the present syllabus, whereas four according to the new senior secondary syllabus. All of them played down and simplified the historical account of the bloody crackdown of the 4 June incident. And for the most crucial night of 4 June, the textbooks just say that the People's Liberation Army (PLA) had cleared the Square, without mentioning the bloody crackdown with the use of tanks and machine guns. There are even textbooks written according to the new secondary education that attribute the PLA's clearance of the Square to the students' refusal to disperse and their persistent gathering at the Tiananmen Square, without mentioning the students' hunger strike and sitting out there were for fighting for a peaceful dialogue. For textbooks written in such a manner, the writers are actually exercising self-restraint and they should feel sorry about that. Therefore, Donald TSANG absolutely could not represent me as he commented on the textbooks with regard to 4 June incident, nor could he speak to represent all the teachers and the general public.

Some people write history for the purpose of pleasing those who are rich and in power, others for preserving the truth and speaking on behalf of the people. May I call on all teachers to make use of whatever channels available to them to make our next generation have a genuine understanding of the history of 4 June incident, so that they would understand that patriotic students and compatriots had lost their precious young lives 20 years ago for the causes of fighting against corruption and promoting democracy and freedom. We intend not just to make Hong Kong students know the truth but also to pursue historic justice for those students who had sacrificed their lives, so that their blood would not have shed in vain. As such, I propose an amendment to the motion on the 4 June incident to urge the authorities to include the 4 June incident in 1989 in the syllabus for Chinese History, so that the messages on the 4 June incident can be passed from generations to generations, and provide a chance for the historic truth to be discovered.

Example is better than precept. I do hope that teachers and headmasters can encourage students to attend the candlelight vigil for the 4 June incident to let them experience personally the feeling of Hong Kong people with regard to the 4 June incident. For 20 years, the persistence of Hong Kong people in striving for the vindication of the 4 June incident has completely been embodied in the rallies, in the people's tears and candlelight in Victoria Park, which are always a moving scene to any onlookers. LONG Yingtai said Hong Kong people only

cared about Central's values which consisted of nothing but money and business. But if she happened to be in Victoria Park on 4 June, and when she witnesses the sea of candlelight, she must be touched by the affection and sincerity which have remained unchanged for 20 years, and she would then understand the Victoria Park values which consist of Hong Kong people's deeply-seated patriotism and the love of the people. This will be the most beautiful evening in Hong Kong, and this is also the most meaningful and affectionate patriotic education. How can students afford to miss this most valuable lesson they can have in Hong Kong?

Last week, I wrote to Henry TANG, the Chief Secretary for Administration, requesting him to make arrangements for Michael SUEN to attend this debate in order to respond to the educational issue of including the 4 June incident into the curriculum of Chinese History. However, the Government is still suffering from "4 June-phobia", so the officials refuse to attend and dare not respond. As such, I must put forward to the Government my strong condemnation and protest. When we see the officials' performance in dealing with the 4 June incident — Donald TSANG buried his own conscience, Henry TANG was silent and evasive, Michael SUEN was negligent and not fulfilling his duties — we would understand that the so-called "national education" promoted by the SAR Government can only be the education intended for training slavish, ignorant and complying people, which goes contrary to the democratic China pursued by the students who participated in the 4 June incident. They are bad role models of national education. Hong Kong students should draw a separation line from these Hong Kong officials.

President, I so submit.

MR ALBERT HO (in Cantonese): Deputy President, this year marks the 20th anniversary of the 4 June incident. Once again we keep up our tradition in this Council and conduct a debate on the motion on the 4 June incident, so that we can examine the conscience of each and every Member, and can have the chance of speaking the words from the bottom of our hearts on this most significant and meaningful issue. However, recently, some comments which twisted the truth and betrayed people's conscience were made — people making such comments included the Chief Executive Donald TSANG and the ex-President of the Student Union of the University of Hong Kong, CHAN Yat-ngok.

Today, outside the Legislative Council Building, dozens of members of the Hong Kong Federation of Trade Unions (FTU) shouted loudly, with the aid of loud hailers, to drown out our voices calling for the vindication of the 4 June incident. They said, "We want to have enough food, and we need to feed our families and children properly." Their action reminded me of the mentality of "we want meal coupons, not voting ballots" in the 1980's. We requested that both sides should stop for a while, and then after they had chanted their slogans for some time, they should give us one minute of time for voicing our aspiration. But they said no, not even for one minute. Their intention was to drown out the voices of calling for the vindication of the 4 June incident. Deputy President, I find them very pitiable. May I ask our Honourable colleagues from the FTU to respond to this later on to enlighten us why they were so pitiable? I strongly feel that there is a persistent struggle between those with conscience and those who are evil, as well as that between truth and power.

Some may say that 20 years have passed since the 4 June incident, and our country had achieved astounding success in its economic development. Therefore, the crackdown was right. If there were no crackdown, it would not be possible for the country to have attained the present achievement.

Honourable Members, during the 1989 pro-democracy movement, both the students and the people expressed their aspirations to combat corruption and official-speculation in a peaceful and rational manner. These could have been resolved by adopting the approach suggested by ZHAO Ziyang at that time, which was having the issues resolved through peaceful dialogues, as well as democratic and legal channels. However, the Chinese Communist Party (CCP) then acted in an autocratic manner and made use of the editorial of the *People's Daily* on 26 April to conclude that the students movement as "an anti-socialist and anti-Party riot", and adopted a suppressive approach to tackle the movement as if it were fighting against its enemies, and consequently, it had caused a historic tragedy and become the source of a major error.

Even if the Government had to take law-enforcement actions, it should never mobilize tanks and troops and made use of powerful ammunitions and highly destructive bullets to kill the armless people. Killing the people is an unforgivable sin.

It is impossible for the CCP to make use of its economic achievement to cover up the crime it has committed in massacring the people, nor can it use

economic benefits to make the people forget this ugly historical episode. This historical incident cannot be forgotten, nor can it be covered up, played down or twisted. If a tortured people can be bribed by money, or be overwhelmed by prosperity, or be conquered by authority, they must have already lost their conscience and integrity. The Chinese people is absolutely not so degraded.

Deputy President, a country with good economic development does not necessarily mean that the country or society has balanced development, nor does it mean that such a society is moving towards civilization, righteousness, liberty, rule of law and democracy. The logic is simple enough, a civilized society will not be satisfied with just having enough food to feed its people because human beings need to live with freedom and dignity. Furthermore, it is evident to all that there are so many unbalanced and confused situations in today's society. Even the Government admits that corruption and incompetence have become increasingly serious, thereby threatening both the Party and the country with their possible downfall, not to mention such situations as the great wealth disparity between the rich and the poor, the collusion between the officials and the businessmen, the poor rule of law, the suppression of freedom — all of which could be seen by us today in the Mainland. In fact, these situations have proved that the slogans of "combating against corruption and official-speculation, demanding democracy" put forward by Beijing students in 1989 were justified. The rejection of their righteous aspirations has subsequently led to the political and social consequences mentioned by me just now.

Some may say that, for the stability and development of the country, we should for the time being put aside the "4 June incident controversy", and allow the incident to be given fair assessment in proper historical perspective by our future generations.

Deputy President, history is not written by any government. "Fortunately, history is written by the people", which was the last open remark made by LIU Shaoqi when he was taken away by the Red Guards and made no more public appearance since then. That was his last remark — "Fortunately, history is written by the people". The people have already arrived at a fair conclusion of the 4 June incident: That the 1989 pro-democracy movement was a patriotic and democratic movement; that the massacre on 4 June was a fact as plain as daylight, which was a historic incident witnessed by everyone, as clear as daylight and cannot be wiped off. In fact, just like the Nanjing Massacre, how can it be forgotten? Of course, the greatest difference lies in the fact that the Nanjing

Massacre was committed by militarist invaders and our countrymen were the victims of such an invasion, whereas the massacre on 4 June was an incident in which the people's troops of our own country killed our own people — this is a point we find most miserable and heartbreaking.

The 4 June controversy is originated from the Chinese Communist regime's refusal to face history, its lack of the courage to accept responsibility and admit its mistakes. A government that has committed crimes is now living in fear. As we have frequently said, it is suffering from "4 June-phobia". We can see that, when the mainland government faces the 4 June incident, all it can do is to ban open discussions of it, let alone initiating any discussion for the vindication of the 4 June incident. They ban all unofficial activities commemorating the sacrificed victims of the 4 June incident. Even though the mothers of Tiananmen victims wished to perform some commemorative rites for their children, they could not enjoy such freedom. The Government has even categorically refused to conduct any independent inquiry, thus making it impossible to unveil all the truth relating to the 4 June incident. It is most ridiculous that, up to this day, we still do not know how many people died or had their lives sacrificed, not to mention their names and identities. Such information is, to our surprise, even classified as confidential.

Deputy President, during the 20 years after the 4 June incident, the Government has kept suppressing the dissidents, implementing the so-called policy of "cracking down riots when their first signs are detected". Therefore, nowadays many irregularities in society cannot be given fair coverage in the press, thus making the Government unable to have a good and timely grasp of such irregularities. As a result, public opinions cannot play the monitoring role to rectify such mistakes. However, is it possible to sweep all the problems under the carpet by adopting such an approach? Can we bury our head and allow the officials to turn a blind eye to all these? Of course not. We can see that today there are many grievances and complaints in the Mainland, and there are many "fighting for rights" incidents. According to official reports, there were 58 000 open conflicts in 2003, over 70 000 such cases in 2004 and over 80 000 in 2004. Then from that time onwards, the official authorities stopped releasing the relevant figures. But as far as I know, there are over 120 000 such cases in 2007.

Charter 08 says, "China has its own Constitution, but it does not have its constitutional system; China does have its own law, but it does not have any rule

of law." This is a clear reflection of the existing situation in China. Deputy President, Charter 08 was promulgated by 303 intellectuals with consciences in our country on 10 October 2008, which was the 60th anniversary of the introduction of the Universal Declaration of Human Rights. The Charter demonstrates the universal values that the country should comply with, such as the implementation of democracy according to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It reflects the voices of the people and is a historical trend that cannot be resisted. May we once again call on the Government to accept Charter 08, vindicate the 4 June incident and build up a democratic China?

Thank you, Deputy President.

MISS TANYA CHAN (in Cantonese): Deputy President, this year marks the 20th anniversary of the 4 June incident. Twenty years has passed since the occurrence of this tragedy. If I say that the day 4 June 1989 was destined to be written into history, I believe most people will not disagree. On the same day, Poland, a communist country in Eastern Europe, held its first ever democratic election, in which the Solidarity of the opposition won an incredible victory, winning 160 seats out of 161 seats in the Lower House of the Polish Parliament and 92 seats out of 99 in the Upper House. From that day onwards, democracy has become deeply-seated in Poland. But on the other side of the globe, in China, also a communist country, a tragedy that rocked all the countries in the world happened — merciless tanks crushed a democratic movement initiated by students into pieces. In the period between spring and summer of 1989, a tragedy shook the entire country, with armless students falling down one after the other in the early hours of 4 June.

In the history of China, this was a day that must be marked in black ink.

Twenty years ago, in the Tiananmen Square, Beijing students' sentiments and affections towards the country triggered the determination of a million Hong Kong people to strive for democracy. They staged sit-ins and hunger strikes outside the New China News Agency (NCNA) in Happy Valley. The curfew in Beijing motivated a million Hong Kong people to take to the streets. And then we had "Democratic Singing for China", and the "Mass Walk for All Chinese in the World", which was participated by a record number of 1.5 million people. Many Hong Kong people have experienced this historical moment in the

democratic movement of 1989. I was studying in the Sixth Form 20 years ago. The first thing I did right after returning home from school was to switch on the television to watch any television coverage and news commentary of the incident and watch the latest development of the democratic movement.

On 20 May, typhoon signal number 8 was hoisted. A curfew order was issued in the early hours of that evening. I still recall that I had an argument with my mother because I wanted to take to the streets. That was the first ever demonstration in my life. Eventually, I went to join the demonstration with a girl classmate and a senior relative of my family. We lost contact with each others soon after we arrived at the destination. But I can clearly recall that we walked from Victoria Park to the NCNA, with tears mingling with rain. Walking around me on the way were many adults and at that time, many of them looked extremely miserable. Perhaps they had already predicted that the curfew could lead to a tragedy.

On 21 May, a million people took to the streets. On the following Monday, I can still clearly recall that I, together with some schoolmates of the same form as well as some younger schoolmates, went to the Queen Elizabeth Stadium, which is opposite to the NCNA, to continue giving support to the democratic movement in Beijing. Like many Hong Kong people, I never expected the Beijing authorities to send troops to suppress the students. At that time, I did not have any noble political ideals, nor did I understand what politics were all about. But I thought no political regime would ever use violence against its own people, and in particular, they were all armless and they were young people of more or less the same age as mine. At that time, I started to confirm that I am a Chinese, not a Hong Konger. The identification of my own nationality started from that moment.

One of the survivors, who had participated in the democratic movement then, ZHANG Jian, had a bullet embedded in his thigh. It was not until last November that he decided to undergo an operation to take out this dark and distorted bullet, and it unfolded many events associated with that historical incident that took place then. ZHANG Jian said, "If bullets of hatred do exist in this world, I hope this is the last of such bullet. By opening the wound again today, I am not promoting hatred. I just hope that everyone can remember this historical incident." For 20 years, we have kept promoting loudly for the vindication of the 4 June incident. In fact, this is not an expression of our hatred towards the Chinese Communist government; instead, like what ZHANG Jian has

said, we hope that everyone can remember this historical incident, and that the Chinese Communist Party (CCP) can acknowledge this historical incident. This year marks the 20th anniversary. For many people, the wound still hurts up to this day and it still cannot be forgotten. The 4 June incident is a historical taboo in the eyes of the CCP, but it is a historical incident that is as true as steel and cannot be denied.

This year also marks the 90th anniversary of the May Fourth Movement, which was initiated by students to fight against imperialism. In the movement, two imaginary figures, Mr Science and Mr Democracy, were promoted as the symbols to save the country. Now, it seems we have gained some success with Mr Science. Yet, while seeing our astronauts strolling in space, the Melamine Incident happened. Where is Mr Democracy? All along, he has been standing outside the main gate of China. During the past nine decades, he did not have any chance of going into China. The 4 June incident was a bloody lesson, and a tragedy that could be avoided. Twenty years have passed, but its vindication is still so remote. The newborn babies then have now grown up to become young adults. For students who had participated in the democratic movement, if they survived it and are still alive, they could have got married and started their own families. How long does the Central Government wish to evade facing up to this historical incident?

Students took the initiative of organizing the patriotic and democratic movement in order to fight for a fairer and cleaner society, a more democratic and liberal government. They took such actions out of good intentions, but were eventually not appreciated by the Government, nor were they given fair comments. For twenty years, the Central Government has been consistently unwilling to confess its wrong-doings in the 4 June incident, and it has even deliberately tried to play down or evade this historical incident. In recent years, some people even tried to shift the Central Government's responsibility in suppressing the students to the students themselves — saying that student leaders in the movement had ulterior motives and had plans for starting counter-revolutionary riots. Today, the Central Authorities do not even have the courage to acknowledge the 4 June incident, how can they encourage others to conduct rational discussions? Still less would they be expected to go into discussions of details of the historical incident. Before taking the first step of admitting their own wrong-doings, they proceed to magnify the details indefinitely for discussion and then shift the responsibility to the students. Is this reasonable? Is this fair?

Some people suggest that we should unload the historical burden from our shoulders and forget CCP's bloody crackdown on that fateful day. Some even say that, given China's rapid economic development, we should not bring up the subject of 4 June incident again as China has already made great strides forward now. All these viewpoints are weird theories fabricated by way of confusing concepts. Sorry. It is not possible for me to accept the above arguments. Donald TSANG said in an earlier Question and Answer Session that, the incident happened many years ago, and our country had made outstanding achievement in many different aspects and it had contributed significantly to the economic prosperity of Hong Kong, and he believed that Hong Kong people would make objective assessment of the development of our country. He even pointed out that "his opinions represented the opinions of Hong Kong people in general." His comments triggered great repercussions in society, causing many young people and members of the public voice their discontent and disgust.

Chief Executive, no matter how good the economic development of China is, and no matter how powerful China has become, even if it has become the greatest super power in the world, even if China's astronauts have successfully landed Mars, I can tell you this: the military crackdown that took place on 4 June 1989 was a fact that can never be changed. Even if China has attained outstanding economic achievement, its massacre of students is still a fact that cannot be denied. If a person wishes to draw an equal mark between economic achievement and the 4 June incident, he is trying to confuse the facts and bury his own conscience.

With these remarks, Deputy President, I support the vindication of the 4 June incident, and at the same time, I think that the remarks on 4 June incident made by the Chief Executive on 14 May 2009 cannot represent the opinions of Hong Kong people in general. I strongly regret and feel extremely angry on hearing such a comment.

Deputy President, next I am going to say a few words on behalf of Dr Margaret NG as she is now out of Hong Kong. In spite of her absence, the 20th anniversary of the 4 June incident is a highly meaningful moment. So she finds it necessary to express feelings for herself as well as those who cannot express their own feelings.

Deputy President, Dr Margaret NG has always supported the vindication of the 4 June incident — a stance she has upheld since she joined the local political

scene; a stance she has upheld to this day and will never be changed until the actual vindication of the 4 June incident. When facing the 4 June incident, the Administration always uses the economic prosperity of our country as the pretext. They do display some creativity today because no officials have come forward to provide any response in this debate. Having seen our own country done so well economically, we definitely have good reasons for feeling happy about it. But economic success is one thing, the 4 June incident is quite a different issue. Be it China or Hong Kong, and regardless of whether the economy is good or bad, we should never forget the 4 June incident — we should remember it just in the same way as we remember the 1911 revolution, the May Fourth Movement and the Nanjing Massacre.

People who have personally experienced the 4 June incident will never forget the incident. For those who have not experienced it personally, they will not forget it either because without knowing it personally, the act of forgetting will not take place. However, I deeply believe that there are certain issues in the world which will pass from one generation to another, surpassing all temporal and spatial barriers because such things are too important. As long as people have access to such information, they will naturally bear such information in mind. For example, the 1911 Revolution in China, probably no one alive now has personally experienced it. But everyone will not forget this incident. This is the reason.

Deputy President, with the lapse of 20 years, we are facing the danger of losing the new generation. Many young people do not know anything about the 4 June incident at all, or they may have misunderstanding of the 4 June incident. Therefore, at this moment, for people who have experienced it, or for people who have a good grasp of the 4 June incident, we must not only hold fast to our own conviction, but also spread the information about the 4 June incident as far as possible, so that even those who do not know the 4 June incident will eventually come to know it. In this way, the history, the spirit and the values of the 4 June incident will be passed from one generation to another, and will become the lessons to be learned and the driving forces for the advancement of the Chinese people.

Thank you, Deputy President.

MR CHIM PUI-CHUNG (in Cantonese): Deputy President, this is the 60th years since the Chinese Communist Party liberated China, the 90th Anniversary of the 4 May Incident and the 20th Anniversary of the 4 June Incident. Since the liberation of China, there have frequently been struggles of one kind or another within the Chinese Communist Party and even throughout the country. In the early 1950's, there were "the Three Against's" and "the Five Against's." In 1957, the anti-rightist movement happened. In 1966, the Cultural Revolution started. In 1989, the 4 June Incident broke out. As we can see from history, and even until now, the Chinese Communist Party always maintains its own characteristics; ideological struggles are inevitable. Such struggles were more broad-based in the past, involving the country as a whole, but now they become partial ideological struggles and struggles between individual officials. All these are undeniable facts.

I do not intend to argue with colleagues over the question of 4 June Incident. I simply look at the facts from history. With memories of the incident happened in 1989, I want to talk about my feeling of what I saw and learnt at that time from newspapers and the media. It is indisputable that on the day of 4 May, some students actually went to Tiananmen Square for memorial activities. 4 May, which I have just mentioned, was the 70th Anniversary. But in fact, looking back, we can see that the situation was ever changing. When it was two or three days before 4 June, Beijing was in complete disorder. If we deny this piece of fact, we are too naïve and neglect history.

From television, newspapers and the media, and so on, I saw injured persons being carried to hospital. How were they injured? I really did not see this at that time. I just saw that some persons were injured, like what happened elsewhere in an incident. On the night of 4 June, all Hong Kong people were watching television. We saw soldiers rushing into the Square. However, at that moment, it was really pitch-dark. If you say that you really saw anything, then I must ask you to take notice of one point, that I am under no duty or obligation to defend the Chinese Communist Party. What I have just mentioned is the situation that I saw myself. As to what inferences we later made, what ideologies we held, what thinking they had, and so on, I think that if we were not the participants, it would be far too great and imaginary for us legislators to infer what the students were thinking at that moment. I would like to stress again — perhaps a large number of audience is listening — do not regard me as a reactionary. I am a truth teller. As a legislator, I should speak the truth that I saw and learnt. Making inferences is not a responsible act.

Deputy President, let us look back on a country that was at that time in a situation very similar to that of China: the former Soviet Union. It is true that the Soviet Union was the union of a number of dependencies, which already split into independent states. Currently, some states are even at war or in armed conflict. Let us look back on the past incidents. If China were split in this way, would we, Chinese people, want to see it happen? I am not saying that it will be the case, but the possibility exists. Let us return to the subject. It is undeniable that the Chinese Communist Party's liberation of China is supported by the people. Its control of the country is fought to gain, not alms given. As I have always said, we can see the situation of today's Chinese Communist Party and Kuomintang. The chairmen of both parties are still in Beijing this morning. They are shaking hands, while we are engaging in empty talks. We should look back on this part of history. We should, after all, take an impartial attitude towards politics, otherwise whatever comments will just be a joke.

Deputy President, as we can see, Hong Kong is not independent. It is a special administrative region of China. We enjoy a high degree of freedom. We can openly criticize the Central Government. But, after all, it is the government that leads us. In this situation, whether or not the Central Government was said to be oppressive or broad-minded, we, after all, enjoy the freedom of speech. But unfortunately, in Hong Kong, we can have different interpretations of the so-called freedom of speech and hold opposed views on 4 June Incident, just as in the case that someone criticized the University of Hong Kong. It is true that it has its own system. It can even dismiss the Vice-Chancellor. However, everyone can enjoy their own freedom of speech and expression of views. Besides, for what reasons should matters be criticized as totally worthless? Personally speaking, ever since 1991, many colleagues have been here with me for over a decade, though I have left here for a few years. But I always respect the adherence to ideology by others, and I also hope that other members can develop mutual respect with people holding different political views. This will then be a harmonious society which fights for democracy and freedom. Deputy President, I hope that this speech will not be the target of other colleagues' attack. If any other colleagues make anonymous attacks on me, I can tell you, I will stand up to them and oppose the criticism that those colleagues of different political views made about me. I have persisted until the end of my speaking time. So I take my seat.

MR CHEUNG KWOK-CHE (in Cantonese): Deputy President, "6.4" (4 June) is a set of numbers that inspire people with passion. It is even a date that would reopen the wounds of the people. 20 years ago, during typhoon signal No. 8, braving the storm, I went alone to Victoria Park. I thought that not many persons would attend the rally when a typhoon signal was hoisted, but it turned out that there were tens of thousands of people in support of Beijing students' movement of "opposing official profiteering and fighting for democracy." We marched on orderly to the Xinhua News Agency in Wanchai and held a rally outside its entrance. We feared no storms. We got drenched to the skin. It was all because the students in Beijing

(Mr CHIM Pui-chung left his seat and spoke with Mr WONG Yuk-man)

DEPUTY PRESIDENT (in Cantonese): Mr CHIM Pui-chung, please return to your seat.

MR CHIM PUI-CHUNG (in Cantonese): Why was he allowed to do so, but now I am not?

(Mr CHEUNG Kwok-che paused)

DEPUTY PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che, you may continue.

MR CHEUNG KWOK-CHE (in Cantonese): inspired the fervour in us.

In April, 1989, a large group of Chinese students with ideals were having peaceful and patriotic petitioning for democracy and against corruption and official profiteering. After the publication of the editorial of the *Peoples Daily* on 26 April, even though students only went on hunger strike with no violence involved, those in power branded the students' action as riotous on the pretext that it was "counter-revolutionary." During the small hours of 4 June, soldiers entered the Tiananmen Square. Today, 20 years from then, someone do not

want our future generations to know about this blood-tainted part of history. Hence, in history books, this fact is evaded.

Secondary school students of this generation were born in the 1990's. To them, 4 June Incident may be no more than a description of 10-odd words in history books: "Students went on hunger strike in Tiananmen Square. 50 days later, the incident was settled." However, the historical background of the incident, the aims of the movement, as well as the perseverance of the students and the bloody suppression, were not mentioned in history books. Young history teachers may not grasp the whole course of the incident, let alone knowing how to teach. As for the next generation with little knowledge of it, their attitudes towards the 4 June Incident depend on the teachers who teach them. This is absolutely not the scientific approach to study history. I believe that if young people today really understand the course of the incident, they will hope that the reforms of the country can bring about democracy, just as the students in Tiananmen Square did 20 years ago.

Everyone may have their own views on the 4 June Incident. However, none of us can forget this incident. The number of casualties in this incident is beyond our estimation. As to the reasons why those in power made such a decision and suppressed this patriotic pro-democracy movement by force, many people will raise doubts and demand vindication. "The 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated" is the focus of today's question. There are many means that we can use — lobbying or even going on marches — all these means serve to influence the Central Authorities of Beijing to vindicate the 1989 pro-democracy movement as soon as possible. We demand vindication, not only for the ideals of the students but also for those who sacrificed their lives at that time, and even for the deceased's families who are still alive. All along, "The Tiananmen Mothers" have wanted to mourn for their family members, who died 20 years ago, openly and without interference. To them, the loss is forever. Therefore the authorities should not deprive them of the right to grieve and cry.

We continue to demand the vindication of the 1989 pro-democracy movement. Similarly, "the 4 June incident be not forgotten" is the thing that we can do in Hong Kong. For our young generations, the history of 4 June incident should never be evaded. In Hong Kong, we can include 4 June incident in

history textbooks so as to learn the lessons from history, hoping that the 4 June tragedy will never happen again. I appeal to the people of Hong Kong, especially the youth, for joining the march on 31 May and also the 4 June candlelight vigil to be held in Victoria Park.

Deputy President, I so submit.

MR ANDREW CHENG (in Cantonese): Deputy President, as time flies, this year is the 20th anniversary of the 4 June Incident. But I believe that many Hong Kong people have not yet been relieved of their concerns about the incident happened 20 years ago. Every year, tens of thousands of people joined the march and attended the candlelight vigil. The reason is that this patriotic pro-democracy movement has yet to be vindicated by those in authority. Those who were killed innocently and their families have yet to be offered a proper account of the incident. The wounds of history have yet to be soothed. Justice has yet to be done. How then can people forget this incident? Those in power may hope so much that our people would forget it. They may hope so much to play it down, trying every means to make us forget the 4 June Incident. Mr CHIM Pui-chung has just raised a lot of views. At the end of his speech, he has also expressed that if anyone criticizes him, he will stand up to protest. Deputy President, here are a few points that I would like to make in response to Mr CHIM Pui-chung's speech, and I also hope that we can respect each other: I respect Mr CHIM Pui-chung's views, but when I do not agree with it and even consider it a bit cold-blooded, I need to voice my opinions. Certainly, he may well disagree with me.

Deputy President, he has raised a point that all of us did not see, or that he did not see at that time, he stresses that from the media — the television and news media — saw that there were however, were those people really the soldiers of the People's Liberation Army was it really the soldiers of the People's Liberation Army that carried out the massacre? It was pitch-dark, and the soldiers of the People's Liberation Army entered the capital. Should such view be adopted, Deputy President, let me use a simple analogy. If we see a person, or several persons (of strong build) rush into a house and carried away many items, you will then say, "Have you see them robbing anything? They are not robbers. It is only you who say that they have robbed something. This is simply not the case." When we saw tens of thousands of soldiers and saw tanks

in town, followed by the occurrence of bloody violence, you will then say, "You did not witness that the soldiers of the People's Liberation Army ever fired guns. So it was not necessarily a massacre. We should not draw a conclusion too soon." I think that it is indeed distressing to have this argument. I am a Catholic. Deputy President, it is often told at Christmas that after the Resurrection, since Thomas, one of the apostles, did not see the resurrected Jesus, Jesus went to see him face to face and let him touch his hands. In the most well-known Bible, it often says, "Blessed are those who have not seen and yet have believed." If this applies to patriotic feelings, I hope that we have not seen and yet have believed. I believe that we will then be even more patriotic. On the contrary, to have seen and yet have not believed is simply blind patriotism, or even superficial patriotism. In substance, it is a hope of doing whitewash for our country and our Communist regime with the blood of the people.

Deputy President, I have often heard of this argument about secession for the past 20 years. Due to the penetration of foreign influence into those students, the riot must be settled as quickly as possible. If we remember it well, in the same year, that is, in May, 1989, there were anti-government demonstrations, just as the case in Bangkok of Thailand this year. But the Thai government dispersed the anti-government protesters with plastic bullets and water cannons, instead of loaded guns. Hence, Deputy President, I wish to tell Mr CHIM Pui-chung that although we are of opposed political views, in an atmosphere of mutual respect, it does not matter to deliver speeches. We cannot agree with each other, but we can still maintain mutual respect. Here I wish that we in the past Donald TSANG has recently raised an argument about whether the matter should be obliterated from memories due to the progress in the economy. Looking back on the past 20 years, in many aspects, there has been indeed substantial progress in the country. However, corruption and collusion between government officials and businessmen behind it have grown much more serious than they were 20 years ago. The earthquake in Sichuan lets us see the jerry-built projects, and the incidents that involved melamine, false egg white disguised as genuine milk and blood coal mines happened one after another. While there were remarkable achievements in the development of the country, we also wonder whether the Chief Executive ever notices the corruption which I have just mentioned. Did he ever mention or think of the problem of disparity between the rich and the poor that has been growing serious in the country?

Deputy President, today is the sequel to yesterday, just as tomorrow is to today. If seeds had not been sown yesterday, there can never be any sprouting

today, and never any blossoming tomorrow. The future of the Chinese nation can only be built up through the concern and endeavour of the new generation. Therefore, we have to provide the new generation with a clearer account of the 4 June Incident and encourage them to understand the 4 June Incident with a rational mind and a Chinese heart so that this part of history will not be forgotten. If we only care about money and economic progress, our next generation may become heartless, money-oriented people, not the next generation that really love the country.

Deputy President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, although our society is sometimes full of fallacious arguments, the eyes of the people are discerning, and justice has always been in everyone's heart.

I believe that the majority of Hong Kong people know well about the incident that happened in Beijing 20 years ago. The rights or wrongs of it lie in everyone's heart. Many people do not want to remember, but surely they dare not forget.

Recently, there has been an argument that "the wrong strategies of the students led to the crackdown." This argument tries to put the blame on the students in Beijing. Someone even says that there was foreign influence behind the students movement, that is to say, there was the man behind the scene. In fact, such arguments, which reverse the rights and wrongs so as to confuse people, appeared 20 years ago. It is just because from the very beginning, DENG Xiaopeng labelled the students movement as a riot that the students in Beijing went on hunger strike, which was the saddest yet bravest form of protest, as a means of accusation.

I would like to quote several extracts of the "Hunger Strike Manifesto" written by the students in Beijing when the hunger strike was initiated, for I think that this "Hunger Strike Manifesto", which has moved hundreds of million Chinese people, explains everything. It reads, "In the month of May with bright sunshine, we go on hunger strike. In this most wondrous, youthful moment, we are bound to leave the entire beauty of life behind. But how reluctant we are, how unwilling we are! The country is our country. The people are our people. The government is our government. If we do not cry out, who will? If we do

not take any actions, who will? Tender as our shoulders still are, and although death is clearly much too heavy for us, we must nonetheless go ahead. We have no alternative. We are demanded by history to do so. The purest of our patriotic sentiments and the noblest aspirations of our young hearts are, however, associated with 'riots', 'ulterior motives' and the 'manipulation by a handful of people'. All righteous Chinese citizens, all workers, all peasants, all soldiers, all civilians, all intellectuals, all social celebrities, all government officials, all police officers and all those who have put various trumped-up charges on us, we ask you all to be true to your conscience. What are we guilty of? Are we stirring up a riot? Why do we boycott classes, stage processions, go on fasting and go into hiding? But, time and again, our sentiments are taken advantage of. We have persisted in pursuing the truth despite our hunger, only to be beaten up by the army and the police Student representatives begging for democracy on their knees are totally ignored. Our request for equal dialogue is delayed repeatedly. Student leaders are in grave danger Hunger strike is the very last resort, which must be done. By dying heroically, it is life we battle for."

Deputy President, due to what the students said, numerous Chinese people, whether in Beijing, or even in different provinces and cities of China, were in support of the students in Beijing. I believe that they were mainly moved by the moral courage of the students. I remember most clearly that when the students in Beijing were on hunger strike and received no positive response from the Chinese government, many residents of Beijing took to the street for protest and demonstration, alleging that "the government was without the least humanitarianism." These words actually reflect the voices of most Chinese people at that time.

Hence, Deputy President, since 1989, those in power in China have repeatedly mentioned so-called "the man behind" the students movement and "the manipulation by the foreign influence." However, just as in the lately released audio transcripts of ZHAO Ziyang, the then General Secretary of the Chinese Communist Party, a question was asked in return, "You say that the man was behind the students movement, so where was the man? Are there any supporting evidence?" In fact, the so-called "the man behind the scene" is all the way an absurdly groundless allegation. It is simply an excuse for power struggle within the Chinese Communist regime.

The history of the 4 June incident in 1989 deeply saddened people. The sadness it brings to me is that today, 20 years from then, someone still sacrifices

their conscience for self interest. The Chief Executive Donald TSANG's opinion of the 4 June incident given at the last Question and Answer Session of this Council is a very good example. No matter if Donald TSANG was forced to say so, or if he had obtained any benefits so that he did believe the 4 June incident should not be mentioned again, he will never represent all Hong Kong people. I have to ask: Donald TSANG, where has your conscience gone?

Deputy President, despite all these, fortunately, justice lasts forever, and people's will never dies. For this reason, followed by Donald TSANG's opinion of the 4 June incident, his popularity dropped instantly. This is indeed the strongest and fairest response of Hong Kong people to his opinion.

All Hong Kong people, and all Chinese people, have the right to the 20th anniversary of the 4 June incident. I believe that we will light even more candles in the memorial activities held this year in Victoria Park to indicate the never-ending quest of Hong Kong people for justice. In Hong Kong, which is a land of freedom, the insistence on openly commemorating the 4 June incident is also the historical responsibility of every Hong Kong people who expects democracy in China.

Lastly, I hope that we can see each other again in Victoria Park on the night of 4 June.

Deputy President, I so submit.

MR WONG SING-CHI (in Cantonese): Deputy President, on the 20th anniversary of the 4 June Incident, many Hong Kong people will hold different mourning ceremonies. However, I feel deeply disappointed that our Government officials did not commemorate this incident with the Hong Kong people. We cannot expect these Government officials to do anything for us. Being a Christian, however, I still pray that our Lord would bless those in power and arouse their conscience to vindicate the 4 June incident, which took place 20 years ago.

Here let me quote and share with you the jointly signed prayer initiated by "Hong Kong Christian Patriotic Democratic Movement" in commemoration of the 20th anniversary of the 4 June incident:

Cherishing our hope for 20 years, we have no regrets;
Longing to see our families, we find our way back in our dream.
Lord, creator of heaven and earth, let us pray to You.
In Your eyes, a thousand years may flash past like yesterday;
In man's eyes, sorrowful days just wear on like years.
For 20 years, 4 June is there; memories did not fade away.
Through opening-up and reform our country leapt;
With strong economic power she stands erect.
We did not forget, 20 years ago, fallen at Tiananmen
Were those young lives, seedlings of democracy.
O Lord, humble as we are,
We dare not forget to pray for the sin of our country,
That she, blessed with thousands of years of traditional culture,
Shall learn to confess and repent,
And following the glory of humanity and the rule of law,
Honestly rewrite this dusty chapter of blood and tears in history.

God of mercy and grace, let us pray to You.
You have built families of love for man;
You lay stress on family unity in the God-man relationship.
In the story of the prodigal son,
You are the loving parent awaiting at the door.
Today, under the roof in foreign land
Stay a flock of Chinese people who were forced to leave their country.
That country is their country; those homes are their homes.
On the long and desolate road, walled off by politics in the cold,
Only your great love can melt the callous heart of man,
Like the way Jesus, with the caress of His nail-scarred hands,
Has dissolved hatred and suspicions.
For those Chinese who have lost their homeland,
Please pave them a way home.

God of justice and peace, let us pray to You.
Tears of the Tiananmen Mothers have yet to dry;
Injustice to the martyrs has yet to be redressed.
Please help us to keep our heart gentle and humble
While persevering on our mind
Not to let distorted history be covered up as conclusion.
Persist with the prayer each year,

Keep the candle in our heart alight,
No matter how long the night may be,
Our hope will shine as long
Because Jesus' love will last forever.
We pray in the name of Christ our Lord.
Hear our prayer. Amen.

MR LEE WING-TAT (in Cantonese): Deputy President, today is the 20th anniversary of the 4 June massacre. Although a long time has passed, much of the experience has made a deep impression on us. I remember that in 1989, when the students' movement in Beijing was at its height, Hong Kong people, including those whose position on 4 June has now drastically changed, those who have made an about-turn, or those who used to support it but now have become silent or have even aired opposing views, would bring up this incident every time they discussed 4 June in Hong Kong. This incident was already something which happened 20 years ago. Nevertheless, in Hong Kong there is basically little change in the people's view. They still regard this as a massacre and the Communist Party should be held responsible.

On the other hand, Hong Kong people's perseverance in this issue has made me proud to be a Chinese living in Hong Kong. We often say that Hong Kong people are very pragmatic; they worship money and their main concern is to make money while all other things are less important. However, on this major issue of right and wrong about 4 June, even the ordinary citizens and members of the public have not changed their position, given that they have to rely on the economy of our Motherland, that they have to make money, or that there is pressure from the ruling party or the Beijing Government. On this point, I find the Chinese people in Hong Kong very adorable. Of course, on the Mainland actually there are tens of thousands of people who uphold their views on this issue, but they all face different kinds of pressure and suppression.

In this free society in Hong Kong, today we still have the freedom to say what we truly feel. This is something which cannot be done on the Mainland. For this reason, I hope those who have made an about-turn in public and found all kinds of excuses to rationalize such an act would frankly ask themselves how they can they bury their conscience in such a place where they can freely express their opinions. Think about the human rights lawyer on the Mainland, those

who are under pressure but still persevere to speak their mind and still wish to continue to do this job on the Mainland, how big is the pressure they endure?

I totally agree with a point which LEE Cheuk-yan mentioned just now. Many people, by hook or by crook, try to find excuses to whitewash this incident. However, let us think carefully. If this is something commendable, or if, like what many people have said, it is a matter worth mentioning, following the way of working of the Communist Party of China or the PRC Government, there should be a big celebration. If it wants to hold a big celebration on the Mainland, actually no one can stop it. Yet at least the Communist Party knows this is not something commendable. It has the power to do that, but it does not have the courage to do so. The reason is that people can distinguish right from wrong on their mind. In judging what is so-called right and wrong, when those in power feel what they have done is not right, even though they have the power, they still dare not publicize with absolute reason something which is against the common values in the world. Killing is wrong. Even if there were 100 reasons to do that, killing people and students was still unjustifiable.

Hence, I hope those who still want to say China has developed very well and we had better not mention this incident again would think whether economic development means losing judgment on what is right and wrong. Does economic development mean we need to rewrite history? So, why did Chief Executive Donald TSANG apologize after bringing up his theory about representing the general public last week? It is because he found what he said did not represent Hong Kong people's opinions. The values he mentioned, in fact, conflicted with people's conscience. Actually we should feel lucky. In Hong Kong, if someone says something against his conscience, he will be condemned and despised by public opinion. In our heart, at least we have this sense of right and wrong and justice.

Deputy President, here I would like to take this opportunity to pay tribute to "Tiananmen Mothers Campaign, to the parents of those students who lost their lives 20 years ago. In these 20 years they have kept the courage to insist on mourning their children in China. Although I do not have any children, I know that parents' love for children is deep and strong. When their children were killed on unreasonable grounds but unfortunately, China does not even have the courage to let them mourn their children freely, I would wonder what kind of government it is?

Deputy President, we hope that in the near future, the 4 June incident will be vindicated. The truth about this incident will be made public, and for those who have contributed to the democracy movement in China, their sacrifice will not be in vain. Thank you, Deputy President.

MR JAMES TO (in Cantonese): Deputy President, it has been 20 years since the 4 June incident. However, when I repeatedly read the Hunger Strike Manifesto, a manifesto announced on 13 May, 1989 by the Beijing college students who went on hunger strike, I still think that I should share this historic record with you. Here is their Hunger Strike Manifesto:

" In the month of May with bright sunshine, we go on hunger strike. In this most wondrous, youthful moment, we are bound to leave the entire beauty of life behind. But how reluctant we are, how unwilling we are!

However, the country has reached this moment: inflation is rampant, corruption is raging, authoritarian is prevalent, bureaucracy is rotten, many people of integrity and ambition are in exile overseas, social order is deteriorating day by day. At this life-and-death moment of our people's survival, fellow countrymen, all fellow countrymen with conscience, please listen to our cry!

The country is our country.

The people are our people.

The government is our government.

If we do not cry out, who will?

If we do not take any actions, who will?

Tender as our shoulders still are, and although death is clearly much too heavy for us, we must nonetheless go ahead. We have no alternative. We are demanded by history to do so.

The purest of our patriotic sentiments and the noblest aspirations of our young hearts are, however, associated with 'riots', 'ulterior motives' and the 'manipulation by a handful of people'.

All righteous Chinese citizens, all workers, all peasants, all soldiers, all civilians, all intellectuals, all social celebrities, all government officials, all police officers and all those who have put various trumped-up charges on us, we ask you all to be true to your conscience. What are we guilty of? Are we stirring up a riot? Why do we boycott classes, stage processions, go on fasting and go into hiding? But, time and again, our sentiments are taken advantage of. We have persisted in pursuing the truth despite our hunger, only to be beaten up by the army and the police Student representatives begging for democracy on their knees are totally ignored. Our request for equal dialogue is delayed repeatedly. Student leaders are in grave danger

What can we do?

Democracy is the highest survival emotion of life. Freedom is the endowed human rights by birth. But we have to achieve them with the exchange of our young lives. Could this be the pride of Chinese people?

Hunger strike is the last resort. It is also the resort we have to take.

We are fighting for life with the spirit of death.

But we are still kids, we are still kids! The Mother China, please take a good look at your sons and daughters. Hunger is ruthlessly destroying their youth. As death is approaching, would you be able to stand by untouched?

We don't want to die. We want to live nicely, because we are at the most beautiful age of our lifetime. We don't want to die. We want to study hard, because our Motherland is still so poor and we can't just die like this and leave her behind. Death is definitely not our desire. But if the death of one or a few could make the lives of many better, make the Motherland rich and prosper, then we have no right to shamelessly live.

Fathers and mothers, don't feel sad when we are in hunger. Uncles and aunts, don't be heartbroken when we die. We have only one wish, that the lives of everyone will become better. We have only one request, that you do not forget that death is absolutely not our desire! Because democracy is not just an issue of a few, nor can it be achieved by only one generation.

Death is expecting a widest and most persistent echo.

As a person is approaching death, his words would become kind; as a bird is approaching death, its cry would become solemn.

Goodbye, my fellow students, take care! The departed holds the same loyalty as the ones alive.

Goodbye, my love, take care! I can't bear to leave you, yet I have to bid farewell.

Goodbye, my parents! Please forgive me, your child cannot fulfil our duties to both you and the country.

Goodbye, my People! Please allow us pay our loyalty in such an unnatural manner.

Our pledge, written with our lives, will eventually brighten the sky of the Republic!¹

Reasons for the hunger strike: first, to protest against the Government's indifference to the class boycott of Beijing students; second, to protest against the Government's reluctance to have dialogues with the student representatives; third, to protest against the Government's continuous denunciation of the student democracy movement as "turmoil" and its large number of untrue reports.

Our requests: first, the Government should enter into a substantial dialogue with the student representatives immediately on an equal basis; second, the Government should name this student movement appropriately by giving it a fair comment and acknowledging it as a patriotic and pro-democracy student movement.

Time of the hunger strike: start at 2 pm on 13 May. Venue: Tiananmen Square.

No turmoil! Vindication now! Talk to us! No delay! Go on strike! No choice left! Public appeal worldwide, please support us! Democracy advocates, please support us!"

¹ Eddie Cheng, *Standoff at Tiananmen*, 2009 Available from: <<http://www.standoffattiananmen.com/search/label/Hunger%20Strike>>

Deputy President, when I watched TV at the Ante-chamber just now, it came to me that the latest public opinion poll conducted by the University of Hong Kong revealed that 69% of Hong Kong people supported the vindication, representing an increase of 12% as compared to last year's figure. This support rate is also the highest after 1997. Hong Kong people, bravo!

MS CYD HO (in Cantonese): Deputy President, Mr CHIM Pui-chung is always a "real baddie" and I can only respect his freedom of speech. As to the content of his speech and his stance, I can only say that I despise them.

History has taunted China with no mercy

(Mr CHIM Pui-chung raised his hand)

DEPUTY PRESIDENT (in Cantonese): Mr CHIM Pui-chung, is there a point of order?

MR CHIM PUI-CHUNG (in Cantonese): Deputy President, under the Rules of Procedure, Members are not allowed to criticize the speeches of other Members. I hope that Ms Cyd HO can retract her words.

MS CYD HO (in Cantonese): Deputy President, the Rules of Procedure disallow the use of offensive language, but criticism is totally allowed. I will not retract my words of conscience.

DEPUTY PRESIDENT (in Cantonese): Ms Cyd HO, please continue with your speech.

MS CYD HO (in Cantonese): Thank you, Deputy President.

History has taunted China mercilessly. Hong Kong was once a colony, but outside China, we are the only Chinese, apart from those at the Tiananmen Square by then, who know the most about what happened in the 4 June incident

and details of the whole movement. It is a taunt to China because Hong Kong enjoyed some freedom of press and speech, though not much, when it was a colony. It was such freedom that allowed us to watch the news broadcasts and reports. As we knew the truth, as we knew that students and civilians were in support of this patriotic movement, we changed from a group of colonists who knew little about nationalism to people who care about our country. Therefore, the essence of patriotism is to let your people know about the truth and not to deceive them nor hide the truth from them. It was fortunate that Hong Kong had some freedom of speech at that time. Although this freedom is reducing, we still enjoy the right to expression and room for discussion. History has chosen Hong Kong. What we have to do is to take up this historic duty and be a man with clear conscience.

Rulers will certainly want to play down and distort the truth. They want their people to forget about it. Some previous supporters of this patriotic movement now bow to economic and political powers. You may just look at our Chief Executive. He even asked Hong Kong people to bear in mind the economic achievements of our country. In other words, he wants us to get rid of the burden and look forward. By no means can his remark represent the views of Hong Kong people. While he gives up justice for economic interests, it only reflects his lack of integrity and such attitude is not applicable to us.

Unfortunately, the entire society is consciously playing down this incident. Let us look at our textbooks. There are 12 textbook publishers in Hong Kong but only the Modern Educational Research Society, Ltd. has mentioned the casualty toll of the 4 June incident in its textbooks. It has quoted from the report of the Mainland's Ministry of Public Security that 931 died and 22 000 were injured in the incident. As for other publishers, say, the Hong Kong Educational Publishing Co., the discussion on the causes of the 4 June incident is like this: ideologically, some people had deep distrust over the rule of the Communist Party of China (CPC) and the socialist system; on the other hand, some were influenced by the transition of other communist countries, particularly the Soviet Union and Eastern European countries, from communism to capitalism and considered officials as corrupted profiteers abusing their power. Yet, the course of military crackdown is not mentioned in the main text but in the supplementary note: when students and citizens in Beijing mourned the death of HU Yaobang, the Former General Secretary of CPC Central Committee who had resigned for being regarded as failing to tackle student movements and oppose bourgeois liberalization effectively, they put forward their request for promoting

democracy; this movement later grew from Beijing to many other places with the participation of millions of students and civilians, causing much unrest.

(THE PRESIDENT resumed the Chair)

Our textbooks only spare one page to describe the 4 June incident but illustrate the Cultural Revolution with three to 10 pages. Our society has got a plan to make our young people forget about this incident. Please consider the qualities of our next generation who are educated here in Hong Kong. Some young people asked the show host to prove that Mr LEE Cheuk-yan had not distributed money in Beijing. They have no idea about the rule of law at all. Some queried why the student leaders left the Square and why they dodged the bullets. However, they did not question how the troops managed to get through Changan Street and went into Tiananmen to clear the scene violently with a bloody crackdown. These young people are so selfish and cold-blooded. The indoctrination through textbooks is to prepare young lackeys for the lackeys' lackeys. If, 10 to 20 years later, these little lackeys come to power, they will not be able to distinguish right from wrong. Hong Kong will then become a place with no justice.

Last year, I met some outstanding students of the University of Hong Kong. Unexpectedly, they regarded HITLER and MAO Zedong as great social leaders on the grounds that they were able to mobilize the whole country to move in the same direction. Nonetheless, they did not ask why the Nazi Germany massacred 6 million Jews under the leadership of HITLER. Neither did they ask how many people had died in the movements against the three evils and the five evils in the tragic Cultural Revolution. They only care about achievements but not the right or wrong. If the Government of the Special Administrative Region is smug about their selfishness and cold-blooded character instead of feeling sad, it will not be able to talk about morals or civic quality with Hong Kong people.

History books are always written by those in power and have their errors covered. However, people's memory is the best weapon for fighting against tyranny. History has chosen Hong Kong. What we have to choose is whether or not to insist on justice and conscience. Today's voting results are foregone. Nevertheless, I wish to tell Hong Kong people that Members who abstain from voting or vote against this motion today have given up democracy and the rule of

law. They have also abandoned their conscience. Why do we have to continue the debate while none of the officials is present? What is it for? It is because we refuse to forget. We have to guard the last cordon for justice and conscience.

MR ALAN LEONG (in Cantonese): President, 20 years after the 4 June incident, the Chief Executive Donald Tsang previously made a remark in the Question and Answer Session of this Council, saying that it had been a long time since the incident and over the years our country had got great accomplishments which brought Hong Kong with economic prosperity and social stability. He believed that Hong Kong people would give an objective comment to the development of our country.

To make it plain, his remark is actually suggesting that justice can be given up for interests. He rationalized the wrongful killings in the 4 June incident by our country's economic achievements but the logic behind was actually a mess. First of all, economic prosperity and social stability of our country should never be placed above precious human lives. How can we denounce the patriotic pro-democracy movement launched by students in 1989, a campaign opposing corruption and official profiteering, as anti-revolutionary and hampering economic development? Second, making such remark is tantamount to approving moneygrubbers seeking profits by every unscrupulous means, including making money at the expense of others' lives without feeling guilty at all.

President, do you find the above logic somewhat familiar to us? Are they not the logic and values behind the emergence of tainted milk powder, toxic vegetables, melamine and other food safety issues in the Mainland?

President, if the Central Government had then accepted the requests of the students and carried out political reforms by fighting corruption and promoting democracy and liberty, China might possibly have been more powerful than it is now. Or, if the ruling party had vindicated the patriotic students after the tragedy, the mainland community would definitely have a better humanistic spirit and its people would have shared social values which were better than those we see today.

While the big earthquake on 12 May last year caused numerous casualties, many collapsed schools were later found to be jerry-built schools which could not

withstand earthquake. It is the reason for the death of many innocent students in the quake. Over the year, many parents have kept fighting for their children by protesting against jerry-built works. Eventually, they are regarded by the authorities as trouble-makers and being suppressed.

Apart from that, some earthquake victims revealed that after the collapse of their houses in the earthquake, some village officials profited by selling the building materials required for redevelopment. Three months after the earthquake, although the authorities announced that each villager would receive RMB 10 yuan and one catty of food every day as a short-term relief, local governments did not honour this promise. With regard to the numerous relief supplies donated by other countries and places to Sichuan, not all of them had reached the victims. The local governments had first distributed them to the officials, followed by the defence forces and members of the Communist Party. Only those left behind were distributed to the victims.

President, 20 years ago, the students asked the Communist Party of China to give positive response to their opposition to official profiteering and corruption as well as their advocacy of democracy. Their request was echoed by all the Chinese in China and even in the world. Nonetheless, those students were eventually cracked down by the armed force of the Central Government. 20 years have passed. Today, officials in the Mainland are still seriously corrupted. News about local officials bullying civilians is often heard. Little progress has been achieved by the civil rights movements. When compared with the situation 20 years ago, corruption may have become collective or even institutionalized activity which no longer confines to a few individuals.

President, when we look back and consider the development of our country in the past 20 years, has it not proved that the students had pointed out the real issues of the Mainland? Their request for reform represented their wish for the betterment of our country. Unfortunately, they are still under the accusation of being anti-revolutionary today.

President, the vindication of the 4 June incident has its positive meaning, that is, to restate that we Chinese are not so materialistic and we care about universal values like benevolence, fairness, justice, freedom, democracy and human rights. This will certainly make our country more lovable and beautiful.

Recently, I attended a university forum which allowed me for the first time to know about the understanding of mainland students towards the 4 June incident. They queried if there was bloody crackdown at the Tiananmen Square and why information on the death of soldiers was not available in the community. They even questioned the authenticity of the photos. Over the past 20 years, the Central Government has indoctrinated students who did not personally experience the 4 June incident with skepticism to give advantage to the Communist Party. It has turned them into the Party's "hearsay force" which keeps on questioning the truth of the incident. However, we should not blame the students too much for that. On the contrary, we should understand that for the past 20 years they have only heard about the distorted truth in the Mainland. We should instead criticize the approach of the Central Government in dealing with the 4 June incident.

President, in order to let the next generation learn from history, to let the truth exposed in the sun as well as to let the faith in human rights and the rule of law be seen, the Civic Party calls on the Central Government to investigate the 4 June incident in depth promptly, bravely admit the mistake then made, acknowledge the student movement as a patriotic pro-democracy movement, give a serious thought to its own faults and get set again. China will certainly become more prosperous and harmonized. People in the world will also find China more respectable.

President, I so submit.

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

MR RONNY TONG (in Cantonese): President, at first, I wanted to see if Members holding a different view would give speeches for I did not want this debate to end up as the monologues of those Chinese people with conscience. However, so far I have only heard some viewpoints from Mr CHIM Pui-chung. I do not mean to insult him, of course. While we all know that the Earth is round, how many of us have ever seen that the Earth is round?

By the same token, President, whenever 4 June is approaching, a lot of people will say that the incident should not be regarded as a massacre for only a few hundreds or a thousand people were killed. President, such argument is totally pointless. Even if only one had died, it would have been a very big issue,

not to say that the deceased were activists fighting for democracy and social justice.

President, I read the list compiled by DING Zilin again last night. I want to tell Mr CHIM Pui-chung the details of some records: "DAI Wei, male, 20, a cook in Beijing's Hepingmen Roast Duck Restaurant. On 3 June 1989, DAI went to work but was blocked at the Minzu Hotel. He was shot in his back." Perhaps Mr CHIM Pui-chung should read this list too. "ZHANG Xianghong, 20. ZHANG and her family members were blocked and dispersed by the martial law troops on their way home. When ZHANG was hiding behind the bushes west of Qianmen with her sister-in-law, a bullet hit her in a main artery on the left side of her chest and got through her back. She died in the early morning of 4 June, 1989. LU Peng, 9 — he would have been 29 this year" President, I do not want to read it out anymore.

None of them was pro-democracy activist. They were just in the wrong place at the wrong time but they died because of the pro-democracy movement. Their deaths have made a song written in 1987 for the Sino-Vietnamese War 1984 an everlasting song. I would like to quote a few lines of lyrics of this song: "Perhaps, I will not get up again if I fall. Will you not wait in hopes for me for evermore? If that turns out to be true, shan't you leave sorrow with you." President, we should not leave sorrow with us but should we wait in hopes for evermore? China is a great nation with 5 000 years of history and culture. Yet, it is exactly because we have such a long history, we should not be bound by feudal thinking. How many Chinese rulers have acknowledged their mistakes after wrongful killings? From Emperor Qin Shi Huang, who ordered burning books and burying scholars alive, to ZHU Yuanzhang, who persecuted intellectuals by literary inquisition, how many Chinese emperors have sent out imperial decrees to reprimand themselves like Emperor Han Wu Di?

President, is the vindication of the 4 June incident just for the sake of an apology? Of course, it is important to apologize but more importantly, the deceased's blood should not go in vain. For DAI Wei, ZHANG Xianghong, LU Peng and XIAO Jie, whom I have just mentioned, together with many unknowns, their blood should not go in vain. Regardless of whether they voluntarily scarified their lives for democracy and justice, their deaths should carry some weight.

President, I just want to say that a heartfelt vindication should embody the spirit of the pro-democracy movement in 1989. As the saying of ZHAO Ziyang goes, our blood will only paint the real glory when the real parliamentary democracy can be established on our native soil. Thank you, President.

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

MR FREDERICK FUNG (in Cantonese): President, one year after another, the debate on the 4 June incident goes on here. I consider it particularly worth discussing and commemorating this year, which marks the twentieth anniversary of the 4 June incident. As a matter of fact, these 20 years have passed very fast. The development of the global situation has also undergone numerous changes: the Berliner Wall collapsed; communism broke down in the Soviet Union; the Cold War came to an end. As a result, the dominance of the United States is unrivalled; terrorism threatens the whole world; regional conflicts intensify. In addition, the ever accelerating pace of global warming, the everyday occurrence of natural disasters and the worldwide rampant viruses, coupled with the rapid development of technology and transportation, further speed up globalization. The world economy can also be said to have experienced several cycles of boom and bust. 20 years seems to have passed very fast, but in fact there have been ceaseless changes.

However, no matter how the world changes and how fast China's economy takes off, the deafening gun fires, cannon shots and noises of tanks rumbling as the tanks of the People's Liberation Army rolled into the city on the evening of 3 June and in the small hours of 4 June 20 years ago, as well as the hysteric cries of the people, are still lingering in our ears. I believe that all these were facts. Even if the world continues to change, these facts are not going to enable those who experienced them, saw them and heard them on that very day to forget the matter, or dare to forget it either. Year after year, rain or shine, we came to Victoria Park. We went on processions. We used candlelights as well as our thoughts and feelings to mourn for the departed souls from Tiananmen Square. Our commemorative sentiment precisely reflects the fact that at this time every year, although the economy of Hong Kong continues to grow, although Hong Kong people are very busy, although many people consider that Hong Kong is economically baptized and money oriented, you can note that so far Hong Kong people have not forgotten the 4 June incident, to such an extent that they would

absolutely never forget it. Up to date, the sentiment and will for the vindication of the 4 June incident has not been compromised, nor will it be considered abandonable or possible to be let go for the sake of economy or in return for a full stomach.

President, surprisingly, I remember that during the past 20 years, whenever 4 June was near, no matter those in power or those in the establishment, they would do something and made some remarks that astonished us, brightened up the 4 June incident, and caused Chinese people to further believe that the 4 June incident should not be forgotten. These matters included the Central Government keeping more dissidents under house arrest and stepping up surveillance of their external communications during this period of time; the Hong Kong Government refusing entry to pro-democracy activists who came for academic exchanges during this period of time; and some people in the pro-establishment camp making comments on the 4 June incident one after another in order to show their allegiance. However, these actions and remarks have not made us forget and let go the 4 June incident. Instead, they have caused us to ponder how such actions and comments have come into being, and how come such actions and comments still remain as they were 20 years ago while the world economy has experienced so many cycles. The world has undergone changes after changes, but these people who insist on not vindicating the 4 June incident remain unchanged and still do not recognize that it is a fact.

President, for the Chinese people the 4 June incident is a nightmare, but I can still say that no matter how prosperous the economy is and how peace is celebrated with songs and dances, this nightmare will continue to haunt those in power, those in the pro-establishment camp, as well as the soul of each Chinese until the day when the 4 June incident is vindicated. Although some people have said, no matter once, a hundred times, or even a thousand times, that converting from not believing at the beginning to believing now may make themselves feel better, improve their own economic conditions, and bring them closer to the core of power, at the bottom of their hearts, that fact and that nightmare will still loom up until the day of vindication.

President, I believe that "may the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated" is a historical fact, and it is indeed. It signifies that a regime, in order to consolidate power, ruthlessly killed its own people and suppressed conscientious students with brutal tactics under the banner that stability overrides everything. The students were sacrificed for the

improvement of the country, of the people's livelihood and of the problems of corruption, as well as for pushing forward a democratic system. This became a means for those in power.

Regarding this history, president, I am sure that you know a sentence in *The Records of the Warring States* which reads, "Past experience, if not forgotten, is a guide for the future". The greatest significance of history is that lessons we learned from it can be passed from generation to generation so that we can learn to improve ourselves and make progress.

Regarding this history, we cannot accept it being downplayed and altered, just as in the case that the people of Hong Kong, the Hong Kong Government, the Chinese people and the Central Government do not accept the Japanese continuously trying to downplay and alter the historical facts of their aggression against China. While we cannot accept others' historical faults and urge them to face up to such faults, I consider that we should likewise face up to our own historical facts and our own historical faults, face up to them and make a reasonable as well as an evaluation. I wish to continue to put forward such a demand, and persist in it until one day we see that the 4 June incident is vindicated and there is democracy in China.

Thank you, President.

DR JOSEPH LEE (in Cantonese): President, I believe that all the people in Hong Kong would remember that on this day 20 years ago, the weather was just like the present, characterized by intermittent windy downpours and sunny freshness. At that time, as a nurse, I joined a medical first aid team. Whenever there was need for medical first aid service in connection with the 4 June incident or the pro-democracy movement, no matter in a rally or in a procession, we would be called out. While others sought to maintain order, we were responsible for providing first aid service in case someone got a cramp, fainted or felt sick.

I remember clearly that on that day 20 years ago, certainly what I saw was not the happening in Tiananmen Square, but I saw how numerous tens of thousands, hundreds of thousands, or even a million Hong Kong people viewed this incident. They took to the streets to express their views on this matter with voices and gestures. At that time, I felt that I not just had no political stance but

was also neutral because we were responsible for treating injuries and providing medical services. However, I clearly remember that 20 years ago, regardless of the weather and environment, whether it was in a rally or in a procession, the public would express their views on this incident in only one way. They felt that this incident was a pro-democracy movement, and as Hong Kong people they had to support a kind of democratization in China come out to give their support. I believe that what we supported at that time was not only the movement in Tiananmen Square, but also the passion of this group of people in the Mainland.

Twenty years later, of course, 20 years have passed, and a lot of things have changed, but the 4 June incident as we mention today is in fact a very important topic. Why is it important? What makes it important is that it is a historical fact. From the academic perspective, history is what it is, not to be doubted. The fact was that some incidents did occur. No matter by what means they were downplayed, concealed, suppressed, intensified, exaggerated or tried to be continuously born in mind, it was a fact. Therefore, I believe that today, as 20 years has passed, the people of Hong Kong have their own unvoiced judgments in their hearts on the 4 June incident and the pro-democracy movement happening in China during that period of time from May to June that year.

As regards different interpretations by different people, comparing today with 20 years ago, we may of course have different interpretations, or base on our own subjective point of view to see things or express different views. However, obviously the objective fact is that 20 years ago such a pro-democracy movement did take place and the full stop of the 4 June incident was a tragic one. Of course, the word "tragedy" has also been refuted: it is a subjective description. However, in any case, this incident being put to an end with such a full stop was also a fact in history.

Today, I do not intend to evaluate any matter related to the 4 June incident. Today, I see very clearly that the ending of this incident was a tragedy at that moment. However, today we view this incident with different approaches. I respect different views from different people, but here as it will soon be the 20th anniversary of the 4 June incident, I believe that Hong Kong people will not forget this incident. We will remember it. Therefore, we have the responsibility to convey this message to the next generation. In that year, 20 years ago, this incident occurred in China. What is important is that in that year tens of thousands or even millions of Hong Kong people perhaps I have

exaggerated it more than a million Hong Kong people did take to the streets to voice their views in support of this incident. This incident, even if we do not view it from a historical perspective, or whatsoever, is a fact that occurred in the history of Hong Kong. From this perspective, I think that we should not deliberately forget this incident. I call on you all to attend the 4 June rally.

Thank you, President.

MR KAM NAI-WAI (in Cantonese): President, as a new Member of the Council, I was late in ringing the bell; in fact I wanted to see how Members from different parties or new Members view the 4 June incident. Of course, some of the veteran Members told me that usually the royalist camp and the pro-establishment camp would not speak, but personally I am of the view that as new Members, regardless of whether they belong to the royalist camp or the pro-establishment camp, and as representatives of public opinions, they should have the responsibility to clearly express to the public their views on the 4 June incident. Not only is this a proper account given to their constituents by representatives of public opinions, but as we mentioned just now, it is also an expression of attitude towards their conscience. Particularly among the directly elected Members, I see a number of new Members, including Mrs Regina IP, Dr Priscilla LEUNG, Mr CHAN Hak-kan, Ms Starry LEE and Mr WONG Kwok-kin of the Hong Kong Federation of Trade Unions. Is it that they dare not voice their standpoints because they are suffering from a "phobia of 4 June"?

As regards the speech delivered by Mr CHIM Pui-chung just now, of course I respect his speech, but I would like to clearly tell him that I do not agree with the contents of his speech. When the 4 June incident occurred, we all watched the same screenshots and heard the same reports, but my conclusion is considerably different from his. I think people can distinguish right from wrong. At the last two meetings I brought along a book entitled "People Will Not Forget". In fact this book has been in my home for 20 years. We can see that this book has turned yellow. I suggest that Mr CHIM Pui-chung read some essays in this book, one of which entitled "Troops looming large, people fear no death", and the other "Tanks rolled over students". I believe that these two essays will enable Mr CHIM Pui-chung to see more and in further depth. But what conclusion can he draw? It is up to Mr CHIM Pui-chung to give a proper account to the people of Hong Kong.

Today, we all see Members from the Democratic Party wearing this T-shirt. Perhaps many people do not quite understand the significance represented by this T-shirt. Our demand for vindication is well known. If you turn this T-shirt over, you will know that it means "vindication of 4 June 89" (The word "vindication" in Chinese also means "to lay flat and turn over"). Earlier on in mainland China, there were some T-shirts Even some T-shirts marked with "8964" in Roman numbers could not be sold in mainland China. I do not know what the Chinese government, or our Motherland, is afraid of. We also see that recently the chairman of the Communist Party and the Kuomintang chairman managed to shake hands in the Great Hall of the People and discuss about their future development. Despite its growing strength, is it that our country still dare not face up to the 4 June incident?

Nevertheless, most regretable is the remark made earlier by the Chief Executive in a Question and Answer Session. In fact, over the past 20 years, we have seen ceaseless attempts to whitewash the 4 June massacre in a bid to play down the trauma of the 4 June incident by highlighting economic development. Recently WANG Dan also mentioned that as Chief Executive, Mr Donald TSANG in fact underestimated the wisdom of Hong Kong people in his remarks. Our colleagues have also said just now that a public opinion poll conducted by the University of Hong Kong also revealed that 60% of the respondents supported the vindication of the 4 June incident and 78% considered that Hong Kong people have the responsibility of promoting the development of democracy in China. The survey outcome is a double slap right in the face of the Chief Executive. Officials try all means to play down the 4 June incident, but I believe that they will accomplish the very opposite.

Recently there were other remarks, as our colleagues have just mentioned as well. Mr CHAN Yi-ngok, a former students' union president, suggested the notion of "runaway student leaders". At the latest City Forum a gentleman called LUI Chi-wai said that it was because Hong Kong people "gave out money" in the Mainland that the 4 June incident changed in nature. After all, are these young people ignorant about the 4 June incident, or they deliberately distort the facts? It is difficult to draw a conclusion. However, the Democratic Party has recently conducted a survey in which we interviewed 600 people. More than 60% of the interviewees considered that the students were ignorant about the 4 June incident. This was particularly obvious among interviewees aged between 18 and 30: 75% of them considered that the students were ignorant about the 4 June incident. We also stress our hope that the Government should include

the 4 June incident in the guidelines for textbooks and curricula; as regards the rationale, I am not going to repeat it here.

However, we have also seen that the Government announced the relief measures yesterday, intending to spend considerable sums of money. The Government said earlier on that the constitutional development cannot be discussed until later, but this time it announced the relief measures right before 4 June. Here I call on the people of Hong Kong to put it in action to tell the Hong Kong Government that, in the first place of course, it is necessary to prove that Mr Donald TSANG does not represent us, and having money to give out does not mean that people will forget the 4 June incident. Here I call on you to attend the candlelight vigil on 4 June. Thank you, President.

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

MR ALBERT CHAN (in Cantonese): President, 20 years ago in September, I had a meeting in Paris with a cohort of pro-democracy students, including WU'ER Kaixi, LI Lu and others. It was a meeting of the Civil Human Rights Front. After the meeting, a company of young friends held a farewell party on board a boat on the river of Paris. At the final moments of the party, they sang together the song "Wine for 9 September", after which all the big boys embraced each other in bitter tears. At the time, all of them said that it should not take long to have the opportunity for reunion and a return to Motherland.

However, 20 years flashed by. The vast majority of these young friends are still in exile abroad, willy-nilly, and not even able to return to their country for sightseeing. Not only are they unable to return to their Motherland, but also refused entry to Hong Kong. What does this reveal? On the one hand, it shows the cowardice of the regime; on the other, it demonstrates how unbearable the Hong Kong SAR Government is. The government of the People's Republic of China could welcome people all over the world to Beijing to attend the Olympic Games in 2008, and will hold the World Expo in Shanghai next year, but why are hundreds of students in exile prohibited from setting foot on their own Chinese soil? What would it be, other than revelation of its cowardice?

President, the issue of the 4 June incident has been repeatedly raised year after year since I joined the Chamber in 1991. However, every year and every

time the issue was raised again, it turned out that in the Chamber a number of people devoid of conscience dared not speak their heart out, possibly for their fear, worship or flattering towards those associated with power and riches. Two weeks ago, I showed Mr LAU Kong-wah a book printed 20 years ago, in which there were names of a group of then Regional Council members, including himself, Mr LAU Wong-fat and others, who expressed support for the Beijing students. At that time, the Beijing students put forward the demand for three basic principles: down with official profiteering, down with corruption, and down with decadence.

Had the demand that the Beijing students made 20 years ago been fulfilled, the school children in Sichuan Province would not have been crushed to death as a consequence of jerry-built projects. I have been to Sichuan on and off several times, and came back by flight just this morning. Yesterday I visited a rural area and saw schools being built. The iron bars used for the reconstruction of schools are more than one inch in diameter. In the middle of last year, around the end of May, I went to Sichuan to inspect the situation of the schools that had collapsed. From a collapsed school, among 300-odd students, only 30 survived. 90% of the students died, and the iron bars used for building that school were as thin as chopsticks. This is exactly a jerry-built project. This is a problem caused by corruption and official profiteering.

From Yingxiu town in Wenchuan county to many places, I saw collapsed buildings, mostly government-built buildings such as schools, government buildings and hospitals. I have been to a street, which I cannot remember whether it is in Mianyang or elsewhere. Along the street there are many private buildings, as well as many government buildings. One of the government buildings among the newest is a public security complex, and the one most seriously damaged in the whole street is exactly this complex, which was built only three years ago. What would these be, other than cases of corruption and official profiteering?

Two decades have passed, but in this Chamber, are the pro-government and pro-Beijing Members oblivious to these facts? Are they unaware of what harms corruption and official profiteering would lead to? Can they make a fair remark about the students of 20 years ago and about those still in exile, unable to return to Chinese soil?

President, at present, many acts of the Communist Party are very similar to what Kuomintang did back then: they both resorted to high-handed crackdowns. Kuomintang killed many members of the Communist Party, and vice versa. Nevertheless, Kuomintang has managed to redress the tragic 28 February incident in Taiwan and faced up to historical facts. Why is it that Kuomintang is able to redress the 28 February incident but the Communist Party cannot be so broad-minded and have the vision and conscience to re-evaluate the anti-corruption, anti-official profiteering and anti-decadence political acts in the 4 June incident?

In fact, when all is said, it is a matter concerning vested interest groups, because should official profiteering and decadence be cracked down on, many people inside the Communist Party would be confiscated entirely of their family properties, and even members of the incumbent ruling class may also be involved. Out of the protective shadow of this gang of senior officials and Central Government officials, even those rich and powerful who hang around these corrupt officials, including some of the Members in this Chamber, would not have the opportunity to serve as a Member in this Chamber, and many economic benefits that they are enjoying would also vanish.

Therefore, President, today's discussion is a demon-revealing mirror reflecting that those people are neither human beings nor real demons.

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

MR WONG YUK-MAN (in Putonghua): President, the League of Social Democrats (LSD) is firm and unshakable in its stance on the tragic 4 June incident. We are of the view that China ought to strive towards a society with democracy, freedom and rule of law. The Central Government should return power to the people, allow people freedom of association and the right to form political parties, and allow different political parties to contest with the Chinese Communist Party for people's support in fair, just and open elections. At the same time, the Central Government should put into effect the various freedoms granted to the people by the Constitution, including freedoms of speech, press, assembly, association, procession and so on, so that China can catch up with advanced Western countries not just in organising international events, but also in terms of the standards for civilized societies in the world.

At the juncture of spring and summer in 1989, China experienced dramatic changes, with the surging tide of a patriotic democracy movement ending in a bloody crackdown. Over the past two decades, being on a relatively free land and out of conscience, we dare not forget it. We are convinced that the Central Government will eventually have to make the truth about the tragic 4 June incident known to the public, ascertain where the responsibility lies, and compensate the families of the victims of the tragic 4 June incident. This is an iron law of history as well as the wheel of the times that no one can reverse.

Amid serious concern about the Central Government continuously oppressing the new generation of human rights defenders, we strongly urge the Central Government to release all the detainees who have peacefully expressed their political views and exercised civil rights, as well as to implement as soon as possible the International Covenant on Civil and Political Rights adopted by the United Nations.

Over the past century, China experienced a transition from feudal autocratic rule under emperors to single-party authoritarian rule under the Chinese Communist Party. Nine decades ago, the 4 May Movement promoted democracy and science, but no progress has been made in these 90 years. A Member mentioned just now that Mr Science has been found; no, it is nowhere to be found. We want to find the spirit of Mr Science, the scientific spirit, but there is not any at all! Twenty years ago, the Beijing students stood up to voice their demand for actions against official profiteering and for democracy, but they were subject to bloody repression. The rights and wrongs of the tragic 4 June incident are so markedly clear that no distortion is tolerable.

Recently, some people have castrated their own conscience in a bid to whitewash the murderers, but the lies written in ink can never disguise facts written in blood. Donald TSANG and CHAN Yi-ngok, whether for lack of a sense of shame or out of ignorance, attempted to downplay the responsibilities of the culprits of the citywide massacre, but they would only work their hearts out to no avail. Murder is sinful, as all children know well. Regardless of all else, murder is always the greatest evil. It needs no explanation to realize that deploying the army to slaughter unarmed students is even an act full of heaven-defying wickedness. If we look around the world, there is no repressed democracy movement that will not be vindicated. In Taiwan, there was the 28 February incident; in South Korea there was the Kwangju incident. In 1989, the first 2-28 Memorial Museum was built in the city of Chiayi, Taiwan; in 1994,

the South Korean government established a compensation fund for the families of the victims as well.

No matter how developed the economy is, killing the innocent is unacceptable. If economic development were to be taken as a reason for rejecting the vindication of the 4 June incident, it would be a denial of the fundamental human morality. As such, what future can we expect from this nation?

On 19 May 1989, LI Peng made the 19 May speech denigrating the patriotic democracy movement as a riot. On 20 May, Beijing began to be placed under martial law, which was opposed by the Beijing citizens who took to the streets, blocked the troops from entering the city, and explained to the soldiers that the student movement was not a riot. Later, one million students, cadres and members of the public participated in the procession defying the martial law orders. The civil disobedience of Beijing students and citizens against the repressive apparatus has established a model for the civil disobedience actions of future generations.

The LSD's confrontation at the legislature is incomparable to that of the then Beijing students in terms of sustained threat and stress. However, our stance against injustice is based on the same thought despite the difference in location. Our spirit is consistent with theirs, because the moral courage demonstrated by the Beijing students and citizens enables us to inherit the past and usher in the future, as well as carry forward the cause of predecessors and fight to the end for justice.

All say that the Legislative Council is solemn, and its dignity should be safeguarded. However, since the reunification, motions for the vindication of the 4 June incident have never been passed, and justice has never been served. Today's motion for the vindication of the 4 June incident will be rejected again, confirming once again that the Legislative Council is still manipulated by most of the royalist forces who are shameless and weak in conscience. May I ask what dignity we can proclaim for this Chamber? Taiwan's Democratic Progressive Party will propose a resolution in the Legislative Yuan for the vindication of the 4 June incident. If passed, it would highlight how unbearable the Legislative Council is.

President, I so submit.

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

MR PAUL CHAN (in Cantonese): President, it is justified to say that the Chinese history of the last two centuries has been written in blood and tears. These chapters of history in which our country was invaded and our people were humiliated and killed evoke nothing less than righteous indignation from whoever reads them. Nevertheless, President, what is most heart-breaking to the Chinese people both at home and abroad is most likely the 4 June incident, because it was the people's government that, in the time of peace, fired bullets at unarmed students, used tanks against its own people and remained evasive in speaking about the incident afterwards.

The night before 4 June, my pregnant wife and I were at home watching the live television broadcast of the latest development of the student movement in Beijing. Filled with feverish agitation, I said to his wife: "I really want to fly to Beijing tomorrow to support the students". In the early hours of the day, hearing from the live television broadcast gunshots ringing out in Beijing and news coverage of tanks rolling straight towards Tiananmen Square, I was indeed driven into an uncontrollable state of commotion. I dashed out through the rain to the Xinhua News Agency to stage a demonstration at its front entrance, and chanted slogans with the people who kept arriving. The scenes of that night are still vivid in my mind.

I did also participate in a number of million-people marches back then.

President, the doctrine that "university students are the conscience of society" did provoke a feeling beyond words among those who graduated in the 1970s like me. An era of burning passion, the 1970s saw students embracing the mission of "caring about society and getting to know the Motherland" as their own. They would voice their protest against inequalities in society, and even took to the streets. During their fight for Chinese to be recognized as an official language and their defence of the Diaoyu Islands, quite a number of senior schoolmates of mine were beaten badly, ending up with their heads broken and bleeding, or were even detained in custody, thus paying the price with their own career prospects. I also personally participated in many demonstrations on campus and beyond. In retrospect, although not all the aims we pursued were correct and not all the means we used were the most appropriate, it is precisely this burning passion of youngsters and their romantic sentiments in going all out

regardless of the possibility of success that has touched all walks of life in society and pushed forward social progress.

While the 4 May Movement was a patriotic student movement, did the 1989 student movement make any difference in its purpose? The strivings against corruption and official profiteering as well as for freedom and democracy should be recognized. In this movement, students paid the price with their blood. We must not forget it, nor can we. "The 4 June incident be not forgotten" has my support.

It has been 20 years since the 1989 pro-democracy movement. In recent years more and more relevant information has been disclosed, enabling us to generally gather up some threads. In this regard, I am prone to agree with the viewpoints expressed by columnist Mr TSUI Sio-ming in his article published in Hong Kong Economic Journal: the student movement evolved into a token in the game of power struggle within the Chinese Communist Party; the two factions in the party overestimated the destructive power of the student movement and the student movement leaders also overestimated themselves, so much so that both sides were not just locked in a stalemate, but also escalating the confrontation, resulting in a tragedy. Being in Hong Kong, I know very little about the political struggles in the Mainland, and the media coverage is not entirely trustworthy either. Is there any inside story related to the whole incident? Who is right and who is wrong? Now that the whole truth cannot yet be grasped, it is difficult to make a judgment; therefore at the present stage vindication is hardly a timely subject to be raised. For this reason, as far as the second part of the original motion is concerned, I can only abstain from voting. However, I am confident that history will pass a fair judgment on this incident and the students' blood would not have been shed in vain.

President, more than a decade ago, I went to Germany on a business trip, and was received by a German whom I was not much acquainted with. Taking advantage of the time gap between jobs he took me to visit a German concentration camp of the World War II. Germans can frankly face this widely-condemned chapter of German history and recognize responsibility. Such moral courage is solemnly respectable.

Along with 30 years of reform and opening up, our country's development has indeed made impressive achievements. We are all glad to see prosperity and progress of the Mainland, as well as the impression of our national leaders being

open-minded, diligent at government affairs and caring about the people. I hope that in the near future, a comprehensive and fair evaluation can be made of the 4 June incident in the Mainland so that the people's wounds deep down their hearts can be healed and a good relationship between the people and the government can be restored. Then perhaps a monument to this incident can be erected to encourage young students to keep on embracing social conscience as their own mission, as well as to caution politicians to be honest, self-restraining, and courageous in shouldering responsibilities and making commitments in order to live up to what the country and the people expect of them.

President, I so submit.

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

MR FRED LI (in Cantonese): President, I do not speak on the 4 June incident every year, but as this year marks the 20th anniversary, I have some feelings to share. President, having just listened to Mr Paul CHAN's speech, I guess that there is not much difference in age between us. On the day of 4 June, I received a call from a friend in Canada suggesting that I watch television together with him. He was watching live broadcast in Canada. Basically we were watching the same screen. Seeing that scene of gunshots and tank movements, he advised me to migrate as soon as possible.

At home, my wife and I were also very worried. In 1989, I was not yet a Member of the Legislative Council; I was merely a district board member, as well as, however, one of the key figures in the executive committee of Meeting Point. Frankly speaking, I may not be able to remember recent happenings now, but the older things are, the more clearly I remember them, probably because of my growing age. Things that happened 20 years ago are very clear in my memory, but I may not be able to recall immediately what happened two days ago. This is a problem for old people like me.

Twenty years ago, the television stations broadcast a special report every 15 minutes to cover what was happening in Beijing. There was also coverage on the situation from the end of May until martial law was imposed and the atmosphere became tense. I think that every citizen of Hong Kong was worried at that time, and I remember that despite sweeping wind and rain, or even when

the typhoon signal No. 8 was hoisted, people took to the streets. As Mr CHEUNG Man-kwong said on radio, the rain was so heavy that his entire body was soaked, and his phone book was so wet that the words were blurred and thus invisible. However, at that moment nobody minded; no one wanted to leave early, nor leave at all. Only today when looking back at the then prevailing passion of the people can I find that they really had their hearts in it. Of course, the public is not so passionate now, but the memories are still there.

Why are we so angry and unhappy about the response made by Chief Executive Mr Donald TSANG that day? Of course, he does not represent us, but a very important issue is that while the country has become prosperous, the economy has improved, the GDP remains at a high level every year, and the Eight Percent Protection has been achieved (despite global meltdown, we have managed to achieve "Maintaining Eight Percent Growth"), it is indeed worth celebrating, but what significance does it carry? Our hardware We went on a field trip to the Pearl River Delta for four days. There are many beautiful buildings. Interlaken at OCT East, Shenzhen, where we stayed, is very beautiful. The hotel room that costs \$1,500 per night is very luxurious and beautiful, but does it imply that everything is good in our country? Have the culture, ways and quality of our people been enhanced? In this regard, all of us must have the score in their mind.

Going back to the Mainland, one would find that there are still many going-by-back-door situations as in queuing up and dining. Folks engaged in business know much better. They know what taxes local officials want to collect and what gifts to give for Chinese New Year or festivals. Such circumstances still exist. Corruption is still a serious problem. What makes it most pathetic is that people find it nothing special. They think that it is quite normal. Life is worth nothing; that is why we often hear of accidents in coal mines and coal holes resulting in fatalities, as well as plenty of illegal mining activities and other circumstances. In order to earn a little more income, people are willing to risk their lives. All these take place because of the different views on the value of human beings between Hong Kong and the Mainland.

We are Chinese too, but we are a type of people different from those growing up in the Chinese mainland. We have so many years of cultural growth; therefore we should not say any more things like "tanks and troops were deployed to stabilize the situation in return for 20 years of economic growth". Some have even distorted the information claiming that some people were "making trouble", and that LEE Cheuk-yan sent money up there to fatten up those

students, so much so that they made trouble and carped at the government rather than studied. I feel that these words have distorted the most treasurable thing in our values as human beings. Apart from caring about finances, personal matters and our own families, do we live just for staying alive and earning money? If so, it is very saddening indeed.

Nevertheless, the problem now is that China's development seems to aim at these things. Regardless of the desire for sharing power and monitoring the government, so long as the government eventually let everyone have the opportunities to make money and fill up the stomach, people are happy. They are not concerned about how the government is elected, where the officials hail from, and how the officials become corrupt and ultimately disappear. Hong Kong and the Mainland have become two very different worlds.

Turning back to the 4 June tragedy, maybe not so many students actually died at Tiananmen Square, but many people coming out of Chang'an Avenue, had really been shot with AK-47. Many more might have died there but we are not necessarily fully informed. However, as for the use of live ammunition to control the situation massacring one's own people, I think that no matter how blatant the pretext is, such as of stabilizing the country before it collapsed, I cannot accept it.

We, a small group of Democratic Party members, may be called moderate Members, but on this matter, I also have my bottomline: if it is not acceptable, it will not be accepted. On occasions of contact with mainland officials, I also expressed my view that as for the 4 June incident, the State can no longer make use of pretexts such as stabilizing the country before it collapses. I think that what is wrong is wrong; one should admit one's own fault and review it. But unfortunately, so far nothing has been done. So, why should it be vindicated? Mr Paul CHAN, why should it be vindicated? In fact, it serves at least to afford an opportunity for a review of the incident, but there is no such opportunity at this moment. Wielding leadership, the Chinese Communist Party has neither recognized this incident nor made its stance known. The initial description was a "riot"; now it has been changed to a "turmoil", and then later it may be referred to as an "incident", but this has not solved the problem. They have to seriously face up to it in order to have confidence in leading the Chinese people. It is high time those high-ranking officials under Hu and Wen faced up to the issue. I so submit.

MS EMILY LAU (in Cantonese): President, the massacre that happened 20 years ago made millions of Hong Kong people cry their eyes out. The incident also shocked the world. President, just as Mr Paul CHAN did, members of your party attended processions, demonstrations and protests with many Hong Kong people.

Today, Mr Paul CHAN says that who was in the right has yet to know. I feel really puzzled about it. He could see so many processions. On the television, he could see so many people killing. He even went to Beijing and said that the students had their blood shed as the price. How come he turns the other way round today to say that who was in the right has yet to know, so it may not be appropriate to have vindication? Such an act is really weird. However, President, you may well say that Mr Paul CHAN has been much better than the others. Some of them entirely reversed themselves on this. Some were in total silence, and some others even voted against this motion so as to do the whitewash for the murderous government.

I believe that we in the pro-democracy camp and millions of Hong Kong people will not tolerate this situation, President. Every year, so long as there are still Members in the pro-democracy camp in this Council, we will continue to propose such a debate. I really hope that Hong Kong people can see clearly that unlike what "Bow tie" said, the development of society is not solely achieved through remarkable economic progress with the tens of thousand massacred people obliterated from memory.

In reality, President, why does the Central Authorities not conduct an investigation? We may check and find plenty of evidence. Just as some colleagues have said, people will not forget. Dr Priscilla LEUNG is one of them who wrote so. Now audio transcripts of several dozen hours are released in the book of ZHAO Ziyang. This year, numerous books have also been published. I invite Mr Paul CHAN and other Members to read these books. They can also read them online. Many victims are still alive, President. In Hong Kong, we may hold public hearings and invite all of them to come forth to speak. I agree that such an act may be disputable. Someone may even agree with "Bow tie", but "Bow tie" is absolutely not representing every Hong Kong people.

However, President, as many may agree, some people really died at that time and this could be seen in a lot of photos. If we consider the incident as highly controversial, then we should conduct a large-scale investigation and

invite different people to come forth to speak so as to see what should be done to handle the incident, so that we can turn a new leaf and start again. The incident is the greatest shame and the biggest wound in the modern history of China. If the Central Authorities does not address itself to it, President, I believe that it will be difficult for it to manage other affairs.

Economic progress has been achieved, but so what? Even many intellectuals in the Mainland say that there should be political reforms. This was also advocated by ZHAO Ziyang. But what did he receive in return, President? As the man who took the highest power of the country, he was, however, put under house arrest by the government for so many years. Do you not say that this is lawless? In this book, ZHAO Ziyang mentioned that the so-called extended meeting which they convened was in entire violation of rules and regulations. ZHAO Ziyang revealed all these. If "Long hair" were there, he would surely file a judicial review. This is probably the little spirit of rule of law that the British left us. How can our Chinese Communist Party not work in accordance with its own rules and regulations? How can some of us, who are seated here, still say, "There was nothing wrong! Vote against it!"

This year is the 20th anniversary of the incident. President, all of us know that many Hong Kong people are furious. They are also angry with the Chief Executive of the Special Administrative Region about his ravings. Therefore, I earnestly hope that those with sense of righteousness will come to crowd Victoria Park on 4 June. Here I give once again a strong message to the international community and the Central Authorities that Hong Kong people will not forget, President. We have conscience. We possess the sense of righteousness. No matter how remarkable the economic achievements are, in return, there should not be a group of people who dare not say anything. We do not oppose economic progress. But it cannot be told that argument is not needed, for we have the progress and the food. Members of Hong Kong Federation of Trade Unions have just quarrelled with us outside. They prevented us and members of Hong Kong Alliance in Support of Patriotic Democratic Movements of China, the Democratic Party and the pro-democracy camp from staging protests or showing our stances. We asked you people around if you could stop for a while and spare us some time to speak. Some reporters and other residents would be listening to us. But you refused to do so! You did not spare us even one minute!

President, these situations are exactly the same as the way that Mr LAU Kong-wah of your party acted when the legislation on wiretapping was being enacted last year — no matter how many amendments you proposed, I would not make even the least concession to you! Can such acts be regarded as reconciliation? President, did you not lead us to form a delegation? Do you want to show goodwill? Do you want to have "disinfection"? However, I tell you, President, the case is not that simple. We people with conscience will not be easily bribed, President.

In 2005, we paid a visit to Guangdong. When we were back, we vetoed the constitutional reforms package. Speaking of participation, we will do so. We really want to communicate, but we are not asking for an exchange. If the Central Authorities want to show goodwill, it should really address itself to the 4 June massacre. So long as we can enjoy freedom in Hong Kong, we people with conscience will still step forward. Here I appeal to all people with conscience, Chinese or anyone else, to attend the procession. On 4 June, see you in Victoria Park. Let us crowd Victoria Park!

MR PAUL CHAN (in Cantonese): President, Ms Emily LAU has wrongly quoted my words. I do not want to obstruct her, so I have not

PRESIDENT (in Cantonese): This is not a matter of rule of order. If you think that your speech has been misinterpreted by other Members, you may clarify what is said in your speech.

MR PAUL CHAN (in Cantonese): I have mentioned who was in the right. By this, I refer to the political struggle within the Chinese Communist Party.

MS MIRIAM LAU (in Cantonese): President, it has been 20 years since the occurrence of the 4 June incident. Over the years, different Members have raised motions about the 4 June incident in this Council. On each occasion, Members in the Liberal Party delivered speeches and cast votes. Today, this issue is debated again in this Council, and Members propose a number of amendments with many other elements added. Although the Liberal Party will not forget the issue of the 4 June incident, our stand remains the same.

The Liberal Party believes that all Chinese people will agree that the 4 June incident is a tragedy. Every Chinese people who deeply love the country will not want such incident happen again. However, in regard to the cause and effect of the incident and the eventual bloodshed, the Liberal Party has always been convinced that time will clarify everything, and that history will pass its own judgment.

The Liberal Party always thinks that the path of future development of the country is currently the most important. We also observe that after the 4 incident, in various aspects, the State has continuously introduced reforms and achieved results that drew worldwide attention.

The latest example is that in 2008, the national economy maintained a steady growth despite the tough challenges of numerous natural disasters and the global financial tsunami. The Gross Domestic Product exceeded RMB 30 trillion yuan, 9% higher than that of the previous year. The total production of food has been increasing for five consecutive years, marking a record high of 1 057 billion. The *per capita* disposable income of urban residents rose to RMB 15,781 yuan, and the *per capita* income of rural residents reached RMB 4,761 yuan, at the respective real growth rates of 8.4% and 8%. The above figures indicate that the overall living standard of the people has been further upgraded. While making full effort to carry out disaster relief work and redevelopment after the Sichuan Earthquake, the State also successfully held the 29th Olympics and Paralympics Games in Beijing and accomplished the Shenzhou-7 manned space mission. The upgraded overall national strength was thus manifested.

In fact, ever since President HU Jintao advocated the philosophy of "people-orientation" and "governance for the people" and Premier WEN Jiabiao adopted a style that was approachable and showed loving care for the people, they have won the support of many people. For instance, in his government work report that was made early this year, Premier WEN announced a series of measures that strived to maintain the registered urban unemployment rate within the limit of 4.6% and contain the price level within an increase of about 4%. The Central Government also invested huge resources in the redevelopment after the Sichuan Earthquake, increased the subsidies for the social enterprises involving health, education and culture, enhanced job opportunities of tertiary institution graduates and peasant workers, as well as housing 7.5 million urban low-income families and 2.4 million shanty town dwellers in three years' time,

and so on. As to the "three agricultural problems" (i.e. those related to agriculture, rural areas and farmers), RMB 716.1 billion yuan was invested this year, that is, RMB 120.6 billion yuan more than that of the previous year. This indicates the Central Government's people-oriented principle of governance.

Overall, throughout the years, China has made progress and has fully presented new looks in terms of economic growth, the living standards of the people, the social condition and the national strength as a whole. The Liberal Party also understands that the 4 June incident is still on the mind of many Hong Kong people for 20 years since the incident occurred, but we think that political, economic and social stability, together with people-orientation, is the prerequisite for any reform to be implemented in the country and only on this basis can there be a democratic and prosperous society.

President, in regard to the amendments, the Liberal Party thinks that as an essential part of the Special Administrative Region, the Legislative Council should uphold and respect the spirit of "One Country, Two Systems." Therefore, we find it hard to support the amendments proposed by Mr LEUNG Kwok-hung and Mr Albert HO that the Mainland's political systems be intervened. Besides, at an earlier time, the Chief Executive has explicitly made his apology for his inappropriate remark and has indicated that his speech cannot represent all Hong Kong people. For this reason, the Liberal Party considered that the issue should end here.

On the formulation of guidelines to require the inclusion of the 4 June incident in textbooks in Hong Kong, the Liberal Party thinks that currently, many textbooks actually mention the 4 June incident although there are no such guidelines. Hence, we agree that the 4 June incident should be included in textbooks, but we do not consider such guidelines as necessary.

President, I so submit.

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

MR VINCENT FANG (in Cantonese): President, the subject of the 4 June incident is really a hot potato for the Legislative Council. If Members do not deliver any speeches, they will be criticized as indifferent and afraid of showing

their stand; if they do, their speeches may not suit certain Members' tastes, and someone will take such opportunities to accuse them. To avoid the embarrassment of being accused, you had better speak less. Still, I want to say a few words today about my feeling about this issue.

Last week, I travelled to Beijing for a business trip. I had not been there for a long time. Seeing Beijing's progress and listening to some residents' views, I realized something. On Saturday, I also watched a Cable TV programme on the 4 June incident, in which the words of WEI Chaoyong, Associate Professor of the Zhongshan University, was quoted, and I understood more from it. Hence, even if certain colleagues do not feel comfortable with what I say today, I hope that in the spirit of democracy and with the respect for human rights and freedom, you will give room to different opinions. This is because when you speak, I listen to your speeches with the same respect.

Just as Prof WEI Chaoyong said, there is no one who will not be in support of democracy and freedom. In the generation of our fathers, that is, more than half a century ago, people migrated to Hong Kong due to political changes in the Mainland. At that time, they were not able to express what they strived for, but they all knew the reason for their striving.

Today, many say that we return to the Mainland to earn money. It is true that we aim to earn money, but most importantly, this is due to the reforms, opening up and continuous progress in the Mainland. A number of colleagues who have not returned to the Mainland for the past few years recently paid a visit to the Pearl River Delta Region. They recognized that the Mainland was developed more quickly than Hong Kong. Our colleagues were also free to mention the 4 June incident, which happened 20 years ago, to the mainland officials. I think that this is a giant step forward.

No one has ever denied that the incident happened 20 years ago in the Tiananmen Square. Also, the State admits that there was a patriotic pro-democracy movement. Just as Mrs Rita FAN, our former President, described, this patriotic movement is a tragedy!

What should we do after this tragedy? Just as in a book written by the elder sister of CHONG Chung-yin who was crushed to death by a falling tree in Stanley last year, it says, "One must recover from grief as quickly as possible. Otherwise, the longer the grief last, the harder it is to resume normal life." She

and her parents recovered from grief quickly. But will her younger sister, their daughter, be obliterated from their memories? Of course not.

It is said, "Past experience, if not forgotten, is a guide for the future." I hope that tragedies will never happen again. However, what is the purpose of holding the debate on the 4 June incident each year in this Council? If you only want to express your feelings once again in this Council, I shall fully understand this. But I strongly hope that this can be a rational expression. I also hope that you can break away from what Prof WEI's said and not to simply criticize on facts of the 4 June incident. I further hope that such culture of criticism will not impede the political, economic and social development of Hong Kong.

Prof WEI's views inspired me to contemplate whether there is any close relation between this movement and the increase in the degree of various freedoms through the radical changes and tremendous progress over the past 20 years.

Looking back on our Hong Kong, during this period after the reunification, the SAR Government did everything with respect to public opinions. It was worried that if its work was not done properly, many people would take to the street; if it was done, the Government would be queried if it served to take the heat off the issue of the 4 June incident. Then, it would be better not done so as to avoid mistakes. As a result, Hong Kong's progress will remain stagnant. As the legislature of Hong Kong, should the Legislative Council work for the effects of the 4 June incident, or should it work for Hong Kong's own needs? If you are worried that Beijing and Shanghai will surpass Hong Kong, you should ask yourselves what you have done to help raise Hong Kong's competitiveness, instead of asking incessantly the Government to solicit benefit from Beijing!

Hong Kong is now really at the crossroads. If we fail to treasure our own competitive edge and take active steps forward, we will lag behind in the overall situation before long. Every single word of mine today is from the bottom of my heart. I hope that while enjoying the air of freedom and the economic and social progress, all Members will work in concert to keep Hong Kong move on, so that we can weather this crisis of the century, and the economic, social and political development can thus be achieved at the same pace.

I so submit. Thank you, President.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may now speak on the four amendments. You may speak up to five minutes.

MR LEE CHEUK-YAN (in Cantonese): First of all, I thank the few Members for proposing the amendments. The first one is Mr LEUNG Kwok-hung's amendment. He actually includes the five goals of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance), with some wordings altered. Because of this, I have to state clearly these five goals of the Alliance, namely to release the dissidents, vindicate the 1989 pro-democracy movement, square accountability for the 4 June massacre, end one-party dictatorship and build a democratic China. Mr LEUNG Kwok-hung has changed the word "massacre" as "crackdown." I believe that he wants to circumvent your ruling, President. I wonder if this is the reason — not this reason? It does not matter. Sorry, Mr LEUNG Kwok-hung.

However, I think that I have to raise an argument today. It does not matter if Mr LEUNG Kwok-hung is saying massacre or crackdown. On an occasion, I went to the University of Hong Kong. One mainland student asked me, "How many deaths should there be to make a massacre?" I wondered how could these words come out of a person. On 21 March 1960, 69 people were killed in South Africa. This is called the Sharpsville Massacre. That day later became the Human Rights Day of South Africa. In China, more than 200 000 soldiers were mobilized. Even the Chinese Communist Party's own riot report says that over 200 people died. But what is the actual number of deaths? Up to now, the Chinese Communist Party has been so gutless to conduct a comprehensive investigation. As I often said, if this incident is so glorious and right, why has it not the courage to conduct a comprehensive investigation? Therefore, first, I think, you cannot call it anything but a massacre. You cannot call it anything but a crackdown.

Second, on the issue of textbooks, today, I am deeply disappointed and angry with the Secretary Michael SUEN's absence from this meeting. What attitude is this? President, for all motions involving policies of the Hong Kong Government, it always sends representative to the meetings, except for this

occasion. My only explanation is that the second governing force of the Liaison Office of the Central People's Government in the SAR (the Liaison Office) has been exerting influence, not letting the SAR Government send any officials to attend this debate. You might say that the officials were absent previously because the policies of Hong Kong were not involved. But it is clear today that the issue of textbooks and Donald TSANG's speeches are related to the policies of the HKSAR, but they are still absent. What message will this give to the younger generation of Hong Kong? The message is that they should not meddle in these matters.

We have just discussed the issue of textbooks, for we want to educate our next generation on the 4 June incident. However, in the New Senior Secondary Curriculum Guide, there is not a single word on the 4 June incident; the 4 May Incident is mentioned, but the 4 June incident is not. So, this is clear enough. President, you say, what will our younger generation be? Under such education system, how can they understand the history? If the Government intends to do brainwashing in Hong Kong with the Chinese Communist Party, how can our next generation understand the 4 June incident? But I strongly believe that we parents, and teachers in Hong Kong still with conscience, will pass on this message to the next generation.

President, Donald TSANG has a theory of representation, which I consider a highly shameful argument. What qualifies him to represent Hong Kong people? First, he was not elected by the people. He was elected only by a small circle of 800 people. What qualifies him to represent Hong Kong people? That day, he was out of his mind somehow, saying that he represented all Hong Kong people. He later changed it as representing Hong Kong people in general. But he is not qualified to represent Hong Kong people. Today, I read an advertisement saying that Donald TSANG does not represent us. This makes me so happy. But I even hope that you will think that he cannot represent you, especially when he said that the country's progress should override the crime of the 4 June massacre. If he does not represent you, I hope that you will attend the candlelight vigil on 4 June to make a clear break with Donald TSANG. Thank you, President.

PRESIDENT (in Cantonese): I now call upon Mr LEUNG Kwok-hung to move his amendment to the motion.

MR LEUNG KWOK-HUNG (in Cantonese): President, I wish to express my opinions. That is, crushing this tank, crushing this tank

(Mr LEUNG Kwok-hung crushed a paper tank model)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you should move your amendment to the motion.

MR LEUNG KWOK-HUNG (in Cantonese): No, because I have listened to so many speeches, and I cannot stand them at all. I am here

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you should comply with the House Rules. You should now move your amendment to the motion.

MR LEUNG KWOK-HUNG (in Cantonese): The House Rules are inflexible, but human beings are flexible. As regards some Members who hold the theory that history has yet to pass on its own judgment, I feel very angry

PRESIDENT (in Cantonese): Please move your amendment to the motion.

MR LEUNG KWOK-HUNG (in Cantonese): That is the same as the theory that the Nanking Massacre has yet to confirm

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you may not speak again.

MR LEUNG KWOK-HUNG (in Cantonese): Now I formally move my amendment to the motion, that the responsibility for the crackdown be ascertained, the 1989 pro-democracy movement be vindicated, political prisoners be released, one-party dictatorship be ended, and democratic elections by universal suffrage be held for the whole nation. Thank you, President.

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

"To delete "and" after "the 4 June incident be not forgotten" and substitute with ", the responsibility for the crackdown be ascertained,"; and to add ", political prisoners be released, one-party dictatorship be ended, and democratic elections by universal suffrage be held for the whole nation" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEUNG Kwok-hung to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Mr LAU Wong-fat, Ms LI Fung-ying, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, three were in favour of the amendment, 13 against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed by a majority

of each of the two groups of Members present, he therefore declared that the amendment was negatived.

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

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "4 June incident" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "4 June incident" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong, you may move your amendment.

MR CHEUNG MAN-KWONG (in Cantonese): President, I move that Mr LEE Cheuk-yan's motion be amended to demand the inclusion of the 4 June incident in the history textbooks for secondary schools.

Mr CHEUNG Man-kwong moved the following amendment: (Translation)

"To add ", and urges the Education Bureau to include the 4 June incident in 1989 in the junior secondary and new senior secondary curriculum guides for Chinese History" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Man-kwong to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr Paul CHAN and Mr CHEUNG Kwok-che voted for the amendment.

Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr LAM Tai-fai, Mr CHAN Kin-por and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, four were in favour of the amendment, seven against it and 11 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Mr Albert HO, you may move your amendment.

MR ALBERT HO (in Cantonese): President, I move that Mr LEE Cheuk-yan's motion on demanding the vindication of the 4 June incident be amended, and add that the Central Government be urged to endorse the principles and spirit of Charter 08.

Mr Albert HO moved the following amendment: (Translation)

"To add ", and urges the Central Government to endorse the principles and concepts of Charter 08, and stop detaining and keeping under surveillance the people who initiated and jointly signed the Charter, so as to prepare for the vindication of the 1989 pro-democracy movement" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert HO to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Mr LAU Wong-fat, Ms LI Fung-ying, Dr LAM Tai-fai, Mr CHAN Kin-por and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, three were in favour of the amendment, 13 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Miss Tanya CHAN, you may move your amendment.

MISS TANYA CHAN (in Cantonese): President, I move that Mr LEE Cheuk-yan's motion be amended and add after the wording of his motion that "at the same time, this Council considers that the remarks about the 4 June incident made by the Chief Executive at the meeting of this Council on 14 May 2009 cannot represent the opinion of Hong Kong people as a whole, and also expresses grave dismay and anger at such remarks."

Miss Tanya CHAN moved the following amendment: (Translation)

"To add "; at the same time, this Council considers that the remarks about the 4 June incident made by the Chief Executive at the meeting of this Council on 14 May 2009 cannot represent the opinion of Hong Kong people as a whole, and also expresses grave dismay and anger at such remarks" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss Tanya CHAN to Mr LEE Cheuk-yan's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr LAM Tai-fai, Mr CHAN Kin-por and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, three were in favour of the amendment, 11 against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the amendment and nine against it. Since the question was not agreed

by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may now reply and you have six minutes 36 seconds. This debate will come to a close after Mr LEE Cheuk-yan has replied.

MR LEE CHEUK-YAN (in Cantonese): First of all, I would like to thank Members for their speeches.

Members who have spoken but abstained or voted against the motion say that we should respect their freedom of speech. At least, I must point out one thing that I pay more respect to them than to those who dare not say anything, for at least they voice out their own views. I believe that the second governing forces of the Central Government Liaison Office (the Liaison Office) have been exerting influence, because the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) did not utter a word and neither did the Hong Kong Federation of Trade Unions (FTU). What are they? Why did they not dare to give their own views? Is it because they once attended the procession with us that it would be too shameful for them to have a volte-face now and thus find it too embarrassing for them to defend themselves? What are they?

I have just gone outside to think about how to respond to their silence. President, what have I seen? I have seen them watching the film "Mr Vampire (1993)" on the television. What I can see now is "Mr Vampire (2009)" — they are those walking zombies, as they dare not give their own opinions. If they have good reasons to object to the motion, why do they not voice them out? Mr LAU Kong-wah has inherited the good tradition of Mr Jasper TSANG's eloquency. Why does he not make his speech? What are they afraid of?

The motion on the 4 June incident is actually a matter of conscience for Chinese people. If they are not devoid of conscience and voice out their views, I will have very high respect for them. But I am afraid that it is not the case. As Chinese people, why do they not speak words from their conscience?

I felt even more angry just now. I am deeply disappointed at the FTU. This is not only due to their abstention from delivering their speeches — I have

already expected this — but also because of the FTU's slogan board, with "we have to make a living, we have to feed our wives and children" written on it, which I have seen outside. The slogan "we need to make a living" that they have chanted reminds me of the time we struggled for holding direct elections in 1988, when the FTU said, "Our workers want rice coupons, not ballot papers." Similarly, today they demand to make a living. This is an insult to our workers. The working class of Hong Kong is insulted by the FTU's act today. Our workers want more than making a living

MR WONG KWOK-KIN (in Cantonese): President.

MR LEE CHEUK-YAN (in Cantonese): We are with conscience.

PRESIDENT (in Cantonese): Mr WONG Kwok-kin, what is your point?

MR WONG KWOK-KIN (in Cantonese): The person who has been outside is not a member of the FTU. He is a construction worker. That has been the construction workers expressing their views.

PRESIDENT (in Cantonese): Mr WONG, since this is not a point of order, you may not interrupt. Please sit down first. Mr LEE Cheuk-yan, please continue.

MR LEE CHEUK-YAN (in Cantonese): President, he makes a clear break with the Hong Kong Construction Industry Employees General Union, an affiliated union of the FTU. So, kick him out of the union. If you have guts, kick him immediately out of the union. Let us see if you will kick him out. The Hong Kong Construction Industry Employees General Union is the leading union in the FTU. Who dares not recognize it? Is it that Mr WONG Kwok-kin of the FTU does not recognize it today as one of their affiliated unions?

President, I was really more than disappointed. I am most dissatisfied with his idea that workers only care about making a living. The Mainland and Hong Kong workers are no pigs. Apart from making a living, we have souls and

conscience. Therefore, President, today's motion is actually telling the whole China that despite the 20-year economic progress, so many Chinese workers were deprived of the fruits of prosperity, and the major fruits of economic success were also taken away by corrupt officials.

Recently, Premier WEN has said that so much money was given out — I must state clearly that I did not go to Beijing to give out money. When it comes to giving out money, I feel outraged again. In Beijing, I, LEE Cheuk-yan, did not Except for 5 June, I never gave out money at any time. What happened on 5 June? At that time, some students in Beijing came to the hotel to pay us a visit. I gave \$200,000 to them for the use of fleeing. It is true that I gave out money on 5 June. But, before 5 June, how had we handled the donations? The donations received by the Alliance's had been handed over to Hong Kong students who stayed in the square as long-term support for them. Hence, at that time, I did not give out even a penny. I think that WAN WAN Chi-wai insulted at that time

MR WONG YUK-MAN (in Cantonese): That is LUI Chi-wai.

MR LEE CHEUK-YAN (in Cantonese): LUI Chi-wai? He insulted the students at that time. Hong Kong people, at that time, were self-motivated and purely fought for the democracy of China. Please do not insult them. They were not fighting for money. So, at that time, we did not give out money. We only left a sum of money to the Hong Kong students for purchase of backup resources as necessary. However, in the end, my own money, the Alliance's money and Hong Kong people's money was all confiscated. Honestly speaking, the money confiscated was more than the money that I carried there. If you want to know the reason, I will explain it to you later. But there were receipts issued for the money confiscated.

President, last of all, I feel so happy that Mr James TO has said that there was a 12% increase in the extent of Hong Kong people's support for the 4 June incident. I hope that with our freedom Finally, I hope that the Chinese compatriots can attend the candlelight vigil on 4 June.

(The following was delivered in Putonghua)

Lastly, I call upon all compatriots who love democracy, freedom and the country to attend the candlelight vigil on 4 June to let Hong Kong be the conscience of China.

(The following was delivered in Cantonese)

Thank you, President.

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

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

PRESIDENT (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

MR LEE CHEUK-YAN (in Cantonese): President, I call upon the Members present to observe silence in this minute for the dead compatriots.

(During the ringing of the division bell, a few Members stood to observe silence)

(Mr CHIM Pui-chung pointed to the Members who stood to observe silence)

PRESIDENT (in Cantonese): Mr CHIM Pui-chung, please sit down.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau, and Mr CHEUNG Kwok-che voted for the motion.

Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, four were in favour of the motion, seven against it and 11 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 19 were in favour of the motion and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion: Implementation of One Country, Two Systems.

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

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

IMPLEMENTATION OF ONE COUNTRY, TWO SYSTEMS

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

President, in moving this motion today — and I am pleased to see that Secretary Mr Stephen Lam is present, for I thought that all the "quails" would not dare to attend today's Council meeting — I wish to deliver a message to the Central Government and to the SAR Government that many Hong Kong people treasure "One Country, Two Systems", "a high degree of autonomy" and "Hong Kong people ruling Hong Kong".

However, from last year to this year, or maybe from even earlier time, we have seen many moves that caused great worries among us, fearing that the Central Government may have discarded this policy, and the SAR Government may not have the courage or enough competency to safeguard "a high degree of autonomy" for Hong Kong.

In the Question and Answer Session held on 14 May, the Chief Executive said that the Liaison Office of the Central People's Government in HKSAR (the Liaison Office) had not provided any list of candidates for appointment to public offices, nor there were two governing teams in Hong Kong. He said there was only one governing team in Hong Kong, namely the SAR Government. However, if we look at the actual fact, President, I believe we can hardly correspond what the Chief Executive has said to what we have seen.

To begin with, President, let me talk about the article written by Mr CAO Erbao and published in *Study Times*, a newspaper of the Party School of the Chinese Communist Party, on 29 January last year. Of course, we were not aware of that until this year, but the article was published in January last year. He pointed out that there should be two governing teams in Hong Kong, one was the SAR Government, and the other a team of cadres from the Central and mainland authorities working on Hong Kong affairs. If we make a count, there would be so many of them indeed. One of these authorities, President, would be the Liaison Office of course.

Recently a new director has been appointed to the Liaison Office. The President would certainly know this better than we do, as there has been no communication between the Office and us. In addition to Director Peng Qinghua of the Liaison Office, there are six deputy directors, an assistant director, a secretary general and a deputy secretary general. At one level down the hierarchy, President, there are 18 departments. Judging from an organizational structure like this one, what could the total number of personnel be? I do not know, but I heard that there could be as many as 2 000 to 3 000 people.

What are these 18 departments within the establishment? They are the departments for research, personnel, publicity, culture and sports, co-ordination, social liaison, youth affairs, economic affairs, social affairs, education and technology, Taiwan affairs, legal affairs, administration and finance, security, police liaison, Island affairs, Kowloon affairs, New Territories affairs, Guangdong liaison, and there are other offices as well. This is remarkable, President, and it is comparable to the SAR Government. Here, we have some of them.

Yet, Mr CAO Erbao referred not just to these people, but a team comprising the authorities from different provinces and municipalities in the Mainland whose work are related to Hong Kong. Alas, how astonishing!

President, a couple of days after the release of this article, Macao's Journal San Wa Ou published another article on 5th February, in which the Liaison Office was said to be actively playing its role as the second governing force of Macao. The article made reference to CAO's argument, describing the suggestions he made as fairly innovative and hitting the mark. The author of the article is called Yong Yi, meaning to settle things once and for all. He pointed out right from the beginning that the role of the Liaison Office as the gatekeeper of Hong Kong, as Jiang Zemin used to describe it, meaning guarding the entrance and prohibiting a certain people from entering Hong Kong, had been rescinded. Instead, the Central Government had become mission-driven and active on all fronts. This being the case, what has the Liaison Office in Macao been asked to do since February last year? That is to become the second governing force of Macao, supporting and backing up the Macao Government, as well taking to the stage at times of elections. That is the case of Macao, leaving the backstage and taking to the front stage.

They intend to do just the same in Hong Kong — as a matter of fact, that is no longer merely an intention — excuse me, President, in fact, much have been done indeed. Even prior to 1997, the New China News Agency had much involvement in Hong Kong's elections, conducting a great deal of co-ordination, lobbying the pro-communist bodies to work on which candidate to win, dressing up particular candidates as independent candidate or as professional member running for an election. Or let's say, if Hong Kong people preferred to see female candidates winning in an election, they would get more female candidates to run in the election. Furthermore, instead of competing with each other, they would come up with ways to help these people, so that they could solicit more support. Things went on like this even prior to 1997.

Meanwhile, the aforementioned 18 departments of the Liaison Office have been very active. The only thing they have stopped short of doing is to come forth to the Legislative Council, President. A couple of years ago, I criticized Deputy Director LI Gang for interfering in the election of Chairman of the Finance Committee. What did he say to the media, President? He said he had not come to the Legislative Council Building to intervene — that was to say he rang them up. Subsequently, with some stokes of luck, and thanks to the support of my fellow colleagues, I won the election. Some colleagues told me that Members were called to the Liaison Office one by one for questioning. If that was not intervention, what was it then? Even TUNG Chee-hwa had been summoned, and some said that he had been questioned for three hours. Not

even TUNG Chee-hwa should interfere with the business of the Legislative Council, but then why should the Liaison Office have intervened, President?

Therefore, what was described by CAO Erbao has all along been in actual operation. They have been probing the commercial sector, the education sector and all different sectors. The many department heads have been active on many fronts too. All in all, they are not doing what the Liaison Office is supposed to do. President, what are its functions? It is to liaise with different sectors of Hong Kong, foster exchanges between the Mainland and Hong Kong, and relay the views of the Hong Kong people on mainland affairs. Yet, many of its discussions were on Hong Kong affairs instead of mainland affairs. Therefore, its fifth function is to undertake other businesses assigned to it by the Central Government. What do these "other businesses" refer to? That is to intervene into the affairs of Hong Kong. Therefore, matters like these have been taking place all along. The SAR Government would even solicit their intervention — for example, when there is insufficient number of supporting votes. President, at times when Members are reluctant and unwilling to give their support, or if some pseudo-independent Members are not supportive, the Government would have to ring up the Liaison Office and ask for their help in vote canvassing. This is one point at issue.

I think the Liaison Office believed it was time for it to step out. How did it go about it? By instructing LI Guikang to put forth the 10-point agreement while he was attending the Chinese People's Political Consultative Conference (CPPCC) meeting held in March 2009. Yet, in the reply he made in the Question and Answer Session, Mr Donald TSANG said there was no such thing, President.

What were the contents of the agreement? A 10-point agreement had been reached under which the Hong Kong members of CPPCC were allowed to take part in the affairs of the HKSAR. Why use the word "allow"? That is because of Article 22, President. According to Article 22 of the Basic Law, they may not interfere in the affairs which the HKSAR administers on its own. If the HKSAR disallows it, they may not interfere. Apart from allowing them to participate in the affairs of the HKSAR, the agreement also stated that should there be suitable talents among members of CPPCC, the Government may appoint them to public offices or award them Medals of Honour, accord them treatment according to protocol, and provide venues for them to hold activities.

When going on official visits in the Mainland, the SAR Government officials may invite them for company.

Mr Donald TSANG said there was no such thing. However, President, if you and I check out the CPPCC member list (but we cannot go through all of them, President, because really there are so many names), I can see that some of them are listed as CPPCC Hong Kong members. President, there are 126 of them. Some of them are listed as members from other sectors. Furthermore, if we count only those who are members of the National Committee of CPPCC, there are 48 of them — that is to say, there are 174 Hong Kong members of the National Committee of CPPCC. And CPPCC members at the provincial and municipal level have not been included. For example, Mr Abraham SHEK is a CPPCC member of the city of Shengzhen, and I have not counted him in.

Of these 174 CPPCC members, how many of them have taken up public offices? President, there are 74 of them. Most importantly, four of them are Members of the Executive Council, including Mr LEUNG Chun-ying, Mr LAU Wong-fat, Ms Marjorie YANG and Prof Lawrence LAU. How many of them are Members of the Legislative Council? President, there are nine of them, including you yourself, Mr TAM Yiu-chung, Mr Timothy FOK, Mr CHAN Kam-lam, Mr CHEUNG Hok-ming, Mr LAU Wong-fat, Dr LAM Tai-fai, Mr Jeffrey LAM and Mr Andrew LEUNG. Some of these CPPCC members are also holder of key positions; they are Chairman of the Council of the University of Hong Kong Dr Victor FUNG Kwok-king, Chairman of The Chinese University of Hong Kong Council Dr Edgar CHENG Wai-kin and Chairman of the Council of the City University of Hong Kong Mr LEUNG Chun-ying.

President, another organization under the SAR Government which is of great importance is the Commission on Strategic Development (CSD). President, what are the terms of reference of CSD? It is to advise the Chief Executive on Hong Kong's long-term development needs and goals, in particular the direction and strategy for Hong Kong's socio-economical and political development. CSD is Chief Executive's beloved think tank. President, there are 66 non-official members in the CSD, and how many of them are CPPCC members? 33 of them, president, and what a coincident! To what organizations do these CPPCC members belong? They are members of the Judicial Officers Recommendation Commission and members of the Honours Committee.

Moreover, LI Guikang also asked the Administration to award Medals of Honour to these people, and the total number of people who have been awarded Medals of Honour such as the Orders of the Grand Bauhinia, the Gold Bauhinia Star, the Silver Bauhinia Star, the Bronze Bauhinia Star is 61 (I believe my count must be on the low side. In fact, our staff members have been working very hard, and there are difficulties in gathering information. The Secretary should have given us more manpower). President, when it comes to holders of the Justice of Peace title, which some people regard as a matter of great importance, 39 of them, President, are CPPCC members. But let me talk about the duties of these CPPCC members first. President, CPPCC is an organization of a patriotic united front formed by the Chinese people, which is an important body for multi-party co-operation and political consultation under the leadership of the Communist Party. CPPCC is an important vehicle for the implementation of the basic political system made up of multi-party co-operation and political consultation under the leadership of the Communist Party, it is an integral part of the Chinese political system, and it has an irreplaceable role in the political life of the country. With so many CPPCC members in Hong Kong, who have taken up so many public offices, and many of them have been awarded Medals of Honour, President, it is evident that many of these matters have already become mutually interlocking.

In addition to CPPCC members, President, there are also deputies to the National Peoples' Congress (NPC), whose status are even more distinguished than CPPCC members. There are 36 of them in Hong Kong, and they are the so-called Hong Kong deputies to NPC. But they are not elected by us. How many of them are holder of public offices at present, President? 34 of them. How many of them have been awarded Medals of Honour, President? 25 of them. How many of them are Justice of Peace, President? 21 of them. Among these NPC deputies, two of them are Members of the Executive Council, namely Mr CHENG Yiu-tong and Mrs Laura CHA. Five of them are Members of the Legislative Council, namely Mr IP Kwok-him, Mr WONG Kwok-kin, Mrs Sophie LEUNG, Ms Miriam LAU and Dr Raymond HO. How many CSD members are NPC deputies, President? Eight of them. President, haha, many of the NPC deputies are right here, so what is the point of saying that there is no candidate list? What is the point of saying that there is no agreement?

Hong Kong people demand "a high degree of autonomy". If one would like to be a CPPCC member or an NPC deputy, which forms a part of the national structure, one should deal with the affairs of the Mainland; but they have

stealthily repositioned themselves and have made their way into the Government, doing things at the highest power organ that even Members of the Legislative Council are unable to do, which is to advise the Chief Executive. This is what I find worrying, President.

Therefore, I am putting forward a motion for Members to debate and examine whether "One Country, Two Systems" has been subject to huge repercussion. With these remarks, I beg to move.

Ms Emily LAU moved the following motion: (Translation)

"That, it was reported in *Wen Wei Po* on 11 March 2009 that LI Guikang, Deputy Director of the Central Government Liaison Office ('the Liaison Office'), said at a group meeting of Hong Kong ('HK') members of the Chinese People's Political Consultative Conference ('CPPCC') held in Beijing on 10 March 2009 that the Liaison Office and the Special Administrative Region ('SAR') Government had reached a 10-point agreement to allow HK members of CPPCC to participate in the political affairs of the SAR, which includes: should there be suitable talents among the HK members of CPPCC, the SAR Government may appoint them to public offices or award them Medals of Honour; the SAR Government should accord them treatment according to protocol and provide venues for them to hold activities; if conducting visits in the Mainland, the SAR Government officials may approach them for company, etc; moreover, in January last year, CAO Erbao, Head of the Research Department of the Liaison Office, published an article entitled 'Hong Kong's Governing Forces under One Country, Two Systems' in *Study Times*, pointing out that there are two governing teams in HK; one is 'a team of the establishment of the HKSAR', comprising the Chief Executive, principal officials, Executive Council members and civil servants of various ranks, judges and other judicial officers, etc, while the other is 'a team of the Central Government and Mainland cadres engaging in Hong Kong affairs', comprising competent authorities and representative offices of the Central Government responsible for Hong Kong affairs or specialized in work related to Hong Kong, competent authorities of the Central Government responsible for other national affairs and relevant policies, and party cadres of the relevant mainland provinces/regions/municipalities having close ties with the HKSAR, as well as government cadres responsible for matters involving HK, so as to rationalize the comments

and acts of the Liaison Office and various provincial, municipal and local governments to interfere in the HKSAR affairs; in this connection, this Council urges:

- (a) the Central Government and SAR Government to solemnly clarify whether there is such a 10-point agreement and whether two governing teams exist in HK;
- (b) the Central Government to strictly abide by the Basic Law and require that no Central Government departments and local governments may interfere in the affairs which the HKSAR Government administers on its own; and
- (c) the Central Government to restrain the Liaison Office and other mainland officials from making impudent comments, so as to avoid creating confusion in governance and causing the public to worry and panic;

thereby implementing 'One Country, Two Systems', 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy'."

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the motion proposed by Ms Emily LAU today questions the will of the Central Authorities and the Hong Kong SAR Government to implement "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". Ms LAU's present motion bases its argument on two things: first, the media reports in March this year that the Liaison Office of the Central People's Government in the Hong Kong SAR (the Liaison Office) and the SAR Government had reached a 10-point agreement on the role of the members of the National Committee of the Chinese People's Political Consultative Conference (national CPPCC members) in the Hong Kong SAR; and second, an article written by an official of the Liaison Office during his study at the Central Party School of the Chinese Communist Party.

Over the past two months, the SAR Government has on various occasions repeatedly made it clear that the SAR Government has not reached any consensus or agreement with the Liaison Office on the role of national CPPCC members in the Hong Kong SAR.

We have also reiterated many times that the State's basic policies of implementing "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" have been included in the Basic Law. Since the reunification, the Central Government has been consistently and thoroughly implementing these policies.

Should Ms LAU keep on questioning without factual basis that the Central Authorities interfere with "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" in Hong Kong, she would be not just catching at shadows but also acting on pure imagination.

The SAR Government has all along been dealing with Hong Kong affairs in accordance with the Basic Law and the principle of "One Country, Two Systems". This also forms the basis of the Hong Kong SAR Government's position on the role of Hong Kong deputies to the National People's Congress (NPC deputies) and national CPPCC members in the Hong Kong SAR.

The Chief Executive has repeatedly stressed in public occasions and in Question and Answer Sessions of the Legislative Council that the SAR Government and the Liaison Office have not reached any consensus or agreement on the role of national CPPCC members.

I myself have also reiterated this fact to Members at the meetings of the Panel on Constitutional Affairs, and elucidated the position of the SAR Government. Mr LI Guikang, Deputy Director of the Liaison Office, has also stated via the media that the national CPPCC members have to play their role in accordance with the principle of "One Country, Two Systems", and that the Liaison Office and the SAR Government have not entered into any agreement on this matter.

On the media reports that the SAR Government and the Liaison Office have reached agreement on a number of specific arrangements, we have also made clarification.

Firstly, in appointing members to advisory bodies and committees, the major consideration of the SAR Government is the expertise and relevant experience of the candidates. Whether they are NPC deputies or national CPPCC members is not a factor for consideration. This has been for many years a principle pursued in Hong Kong in dealing with appointments for the bodies and committees within the local systems, including the Executive Council, university councils and other committees. These NPC deputies and national CPPCC members of Hong Kong are in fact members of the public in Hong Kong; they are also part of the Hong Kong community. As the SAR Government, in considering whether to invite them to join any committee, we have to first take into account their experience; then, we have to consider their abilities rather than their capacities as Hong Kong NPC deputies or national CPPCC members. We should not refuse them from participating in the work of other committees or the Legislative Council for reason that they are Hong Kong NPC deputies or national CPPCC members.

Secondly, in awarding honours to members of the community, the major consideration of the SAR Government is the contribution made by the nominees to Hong Kong; whether or not they are NPC deputies or national CPPCC members is not relevant.

Thirdly, the election of NPC deputies and appointment of national CPPCC members are matters for the mainland authorities to address. At present, there is no established mechanism through which the SAR Government nominates candidates for NPC deputies and national CPPCC members.

Fourthly, although there have been views hoping that the Government would provide NPC deputies and national CPPCC members with accommodation for work or organizing activities, the SAR Government has not made any such arrangement at present.

Some Members are concerned about an article published by an official of the Liaison Office during his study in Beijing, which led them to think that the Central Authorities interfere in Hong Kong's "high degree of autonomy". They are indeed oversensitive and may also be paranoid.

The Central Government's fundamental principles of implementing "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" in Hong Kong are safeguarded by the Basic Law.

Article 2 of the Basic Law states: "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law".

Article 16 of the Basic Law stipulates, "The Hong Kong Special Administrative Region shall be vested with executive power. It shall, on its own, conduct the administrative affairs of the Region in accordance with the relevant provisions of this Law".

In addition, under the Basic Law, the Central People's Government shall be responsible for the foreign affairs relating to and defense of the Hong Kong SAR. All offices set up in the Hong Kong SAR by departments of the Central Government have all along been acting in accordance with the Basic Law and under the authorization of the Central Government.

Firstly, the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong SAR has been established in accordance with Article 13 of the Basic Law to deal with foreign affairs.

Secondly, the garrison has been stationed in Hong Kong in accordance with Article 14 of the Basic Law for the defense of Hong Kong.

Thirdly, the function of the Liaison Office was clearly stated in 2000, that is, it should discharge its duties in Hong Kong as authorized by the Central Authorities without involving itself in the affairs within the scope of "a high degree of autonomy" in Hong Kong.

The Basic Law has been enacted by the National People's Congress in accordance with the National Constitution to provide for the systems practised in the Hong Kong SAR and safeguard the implementation of the basic national policies regarding Hong Kong. The implementation of the basic policy of "One Country, Two Systems" in Hong Kong is a national policy that will not change.

Facts have also proved that over almost 12 years since the reunification in 1997, foreign governments, foreign parliaments, international journals, as well as the people of Hong Kong generally agree that "One Country, Two Systems" has been successfully implemented in Hong Kong and has opened up new development opportunities for Hong Kong.

At different stages over the past 12 years, the Central Government has always adhered to the requirements of the Basic Law, and has actively taken measures to support Hong Kong in its economic development, improvement of people's livelihood and promotion of democracy, bringing in plenty of new development opportunities for Hong Kong.

For example, on the economic development front, with "One Country, Two Systems" being successfully implemented under the Basic Law, Hong Kong retains its membership of the World Trade Organization (WTO) after the reunification, and with China's accession to the WTO in 2003, Hong Kong could enter into the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) with Beijing.

Under the support of the Central Authorities, we have been working closely with Guangdong Province over the past years to push forward Hong Kong-Guangdong co-operation in order to promote a closer collaborative relationship between Hong Kong and Guangdong and take forward the development on both sides, including joint initiatives for the construction of major cross-boundary infrastructural facilities such as the Hong Kong-Zhuhai-Macao Bridge and the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the arrangements for which were all made under the framework of "One Country, Two Systems".

Naturally, different departments of the Central Authorities, such as the Ministry of Commerce in charge of the CEPA, the National Tourism Bureau overseeing the Individual Visit Scheme, the National Development and Reform Commission responsible for these major infrastructure projects and so on, have designated personnel to deal with affairs relating to Hong Kong. However, this does not mean that the various ministries have each set up a Beijing-based team to govern Hong Kong. All of them deal with these Hong Kong-related affairs in accordance with the framework of the Central Authorities in Beijing. The same goes for provincial and municipal governments.

After today's motion debate, I very much hope that all of us have a better understanding of the facts, and that this dispute comes to an end. The expectation from the public and the community of Hong Kong is that Hong Kong's future development in all aspects would benefit from closer co-operation with the Mainland, for which Hong Kong has indeed such a need itself. However, this co-operation is based on "One Country, Two Systems", "Hong

Kong people ruling Hong Kong" and "a high degree of autonomy" set out by the Central Authorities dating back as far as the 1980s. These are national policies that will not change.

President, I so submit, hoping that Members will vote against Ms Emily LAU's original motion.

MISS TANYA CHAN (in Cantonese): President, the arrangement for the meeting of today is, in my view, impeccable. First, we have discussion on the 4 June incident, followed by discussion on "One Country, Two Systems". They stem from exactly the same root. You may still remember that the exodus prevalent in the 1980s and 1990s was, to a certain extent, the result of the 4 June incident, which caused some Hong Kong people to question whether "One Country, Two Systems" could be implemented smoothly subsequent to the reunification.

I have watched an online episode of "Hong Kong Connection" entitled "Hong Kong People in Agony" produced by RTHK in July 1989. The programme interviewed Mr Martin LEE, Hong Kong's father of democracy (whom I have seen here just now), the incumbent Convenor of the Executive Council Mr LEUNG Chun-ying and a member of the public. The three of them unanimously remarked that judging from the Central Government of that time, it was questionable whether it would honour the Sino-British Joint Declaration and the Basic Law. I believe we fully understand what was on the mind of the Hong Kong people at that time.

Back then, the voices of the Hong Kong people told us clearly that the confidence of the Hong Kong people towards the Central Government and their acceptance of the reunification with the Motherland were fully dependent on whether or not "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" would be genuinely implemented. Almost 12 years have passed since the reunification, and we can see that both the Central Government and the SAR Government have spent tremendous efforts in proving this to the people of Hong Kong. Unfortunately, the remarks made by mainland officials on two recent occasions have caused the Hong Kong people to once again question if the promises made by the Central Government in the past still hold.

The exodus in the past resulted in the loss of many talents in Hong Kong and weakened the momentum propelling our social development. Today, in the shadow of the global financial tsunami, Hong Kong can no longer withstand another confidence crisis. Therefore, both the Central Government and the SAR Government have to summon all their might and stand by their undertakings with a view to maintaining Hong Kong's prosperity and stability and building a harmonious society.

In fact, I do not understand why it was necessary for Mr LI Guikang to put forth the so-called 10-point at the CPPCC meeting. Most of the Hong Kong members of CPPCC are pro-establishment already, and the current Donald TSANG government has blatantly displayed its position of affinity differentiation. This being the case, what is the point of having the 10-point agreement?

For instance, according to the 10-point agreement, the SAR Government should appoint more HK members of CPPCC to public offices. Just now, Ms Emily LAU has already given us countless examples, and there are so many of them that I have lost count of the actual number of these people. As such, we would question the urge for appointing even more CPPCC members to public offices. Is it true that they have been overlooked under the existing mechanism for appointment to the public offices of the SAR Government?

In the system of the Mainland, it is through CPPCC that the Central Government recruits elites from different sectors to give advices on national affairs. It is the most important consultative framework at the national level as well as a major foundation for consolidating people from different sectors of the society. People being appointed to CPPCC are, to a certain extent, eminent figures. This being the case, these people need not worry about not being appointed to public offices, need they?

Just do a simple check and we will find that many CPPCC members are already holder of key positions in public offices, such as Mr James TIEN, Chairman of the Hong Kong Tourism Board; Dr Victor FUNG, Chairman of the Greater Pearl River Delta Business Council and member of the Task Force on Economic Challenges, and Mr Jack SO, Chairman of the Trade Development Council. Among our fellow Members in this Council, there are also a considerable number of CPPCC members, whom Ms Emily LAU has mentioned just now. We reckon that if an appointment to the office of CPPCC should remain inadequate, do they need the Central Government to back them up?

We should know that CPPCC members are all appointed by the Central Government, and even the efforts on elections can be saved. Those who are eligible for appointment to members of CPPCC come from an exclusively small circle. Those who are slightly distant from the pro-government camp need not count any chance at all. If the appointment of public offices is really tilted towards members of CPPCC, would it not deprive the chance of other experienced and qualified people to take part in public affairs? Is that not tantamount to indirect intervention to the public office appointment system of Hong Kong by the Central Government? This may look like a minor problem from the outset, but as the saying goes, small details reveal a lot. If it should go on like this, will there be more frequent and increasingly direct intervention from the Central Government on the governance of Hong Kong?

President, the so-called 10-point agreement has given us enough worries already, and then comes an article from Mr CAO Erbao, which has sent a chill down our spines. The article blatantly describes the existence of two governing teams in Hong Kong, one in Hong Kong, one in the Central Government. Although we do not see any supervising/subordinating relationship between the two teams, we cannot help but think, "Is it true that any policy of Hong Kong will have to be discarded and start again if it is not to the liking of the Central Government, even if the policy has been endorsed by the Legislative Council? Or is it true that we cannot expect the implementation of any policy which has not been scrutinized by the Central Government?"

The Basic Law states clearly that save for defence and foreign affairs, the SAR Government shall, on its own, formulate other social policies. Even when it comes to Hong Kong's constitutional issues, the roles of the Central Government are clearly prescribed in Annex I and Annex II of the Basic Law. This being the case, it means that save for these businesses, the HKSAR Government possesses absolute governing power. As such, I have not the slightest idea about the meaning of the two governing teams Mr CAO Erbao described. What does it actually mean?

As I have just said, the implementation of "One Country, Two Systems" is essential to maintaining the confidence of the Hong Kong people. The Secretary said just now that maybe the Hong Kong people, or some Hong Kong people, were being oversensitive; some people say that maybe those were merely internal papers for internal reference only. However, if the HKSAR Government had a step brother or even a twin brother and he knew nothing about it, or, as we can

see, since the current discussion is fairly extensive, does it mean that the HKSAR Government has not been doing good enough, so much so that many Hong Kong people are lacking confidence in the implementation of "One Country, Two Systems"?

President, a tragic event that took place 20 years ago scattered the confidence of many Hong Kong people in "One Country, Two Systems". Over the past 20 years, many people have put in tremendous efforts in a bid to restoring the confidence. After 20 years now, with what can we ensure that the confidence of the Hong Kong people will not be retrogressing, and that they can focus their attention in coping with the financial tsunami and building a harmonious society without having to worry about something else?

I so submit. Thank you, President.

MR LEE WING-TAT (in Cantonese): President, in his speech, the Secretary described Ms Emily LAU's remark as paranoid and oversensitive. I hope the Secretary will understand that although the system of "One Country, Two Systems" has been laid down in the Basic Law, there have been all sorts of incidents that we found worrying, and it is not that we are being oversensitive over what have happened. To begin with, it was not the Democratic Party who started off the two incidents under discussion today in the first place.

The first incident, that is, CPPCC's 10-point agreement, came from a report of *Wen Wei Po*. Unless the Secretary would dismiss *Wen Wei Po* as oversensitive, trouble-making and fire-fanning — let me come up with more adjectives to describe the matter — at any rate, it came from *Wen Wei Po*. If *Wen Wei Po* did not release the report, we would not have been made aware of the matter; do you know that, Mr Secretary? Now that the report has been released, is the Secretary telling us that *Wen Wei Po*, a newspaper subsidized by the country, was "stirring things up", disseminating inaccurate information and misleading the Hong Kong people and Members of this Council, so much so that we can flatly ignore the matter? Would the Secretary give me an answer later on regarding whether he thinks that the report of *Wen Wei Po* is incorrect?

Second, actually Mr James TIEN has mentioned this as well, before you people asked him to fall in beside you. I do not know if he has been asked to fall in beside you in the end, but in the first week after the incident took place, he

was still highly charged when he said: "Yes indeed, there was a 10-point agreement". Actually information was available from the interviews of other newspapers. Of course, two weeks after that, he stopped talking about the matter anymore — I do not know if that was because the government had duly shown its concern to him, or if the Liaison Office had had tea with him and expressed its concern.

Therefore, would the Secretary please bear in mind that we are not being oversensitive or paranoid over this incident. I have been engaged in political affairs for many years now, and matters like these do happen time and again. It is just that when it happens in an excessive degree, subsequently there will be worries that it would be like poaching a frog in slowly heating water, meaning that if the intervention was conducted little by little, nobody would care about it, take note of it, or say anything against it, so much so that in the future, even if there would be large-scale intervention, people would not find that a problem.

Talking about elections, that the Liaison Office is engaged in liaising with the so-called pro-establishment camp or royalist camp is a fact we all know. However, honestly speaking, although DAB is a political party with more than 10 thousand members, more than 10 Members at the Legislative Council, and more than 100 members at the District Council, some independent DC members have no regard for them nevertheless. Also, sometimes pseudo-independent Members such as Dr Priscilla LEUNG have no regard for them either. This being the case, what do they do? Therefore, they need the help from the Liaison Office, otherwise, how could they have done such an excellent liaison job for the Legislative Council election? Although they did less handsomely in the last event, basically it was co-ordinated. As regards the District Council by-election, I do not know what had happened in the Wan Chai district. In the last Wan Chai by-election, there was a candidate by the name of Ms Phyllis KWONG, who had withdrawn in the middle of the run. As a result, only a candidate from DAB and a Mr KWAI from the League of Social Democrats took part in the election. Honestly speaking, had there not been an invisible hand? Nobody would believe it even if one should say so.

In the hierarchical structure, many organizations at the district level have connection with the Liaison Office. Just now Ms Emily LAU mentioned a department of the Liaison Office known as Department for Social Liaison. We know that this organization is also a department for election affairs, and it often

liaises with organizations at the district level. In fact, it is with the assistance from the Liaison Office that DAB and Hong Kong Federation of Trade Unions (FTU) are armed with strong mobilizing forces at the district level. That is because the Liaison Office will tell these organizations that if they dare to get too close to the democratic camp, say by staging activities together, they would be digging their own graves. We have been working at the district level for many years, and we are aware of matters like this, because people would tell us about that. Of course, according to them, even if the Liaison Office had done something, they would not admit anything. All they are saying is that if an organization working at the district level should do something like this, there would not be much of a future for this organization.

Thirdly, honestly speaking, the annual number of visitors from the Mainland is enormous — just now I had a discussion with Mr Albert HO — the number of visitors from the Mainland on so-called business purpose is, as far as I can tell, hard to estimate. And what is it that they are doing in Hong Kong? Nobody knows. Maybe this has something to do with the national policy, that there are matters to which approval cannot be given by the SAR Government unilaterally. The Democratic Party had all along hoped that the Government of Hong Kong could decide on its own the type of persons who could come to Hong Kong on one-way permit for family re-union purposes or who could become permanent Hong Kong residents. The answer was no, it could not. As we all know, people from different government organizations or state-owned enterprises at the national level, the provincial level, the municipal level or the Central Government have come to Hong Kong to conduct so-called commercial activities, but are they really engaged in commercial activities? Who knows! Of course, in some cases this is true, which is not surprising. But are they also engaged in other activities? I do not know, but I believe there are such cases. Are these people going to be congregated into a massive body to become the second governing team to govern Hong Kong sooner or later, just as Mr CAO Erbao has said? Apart from taking part in social and political activities, these people have come to Hong Kong to go about activities that are beyond what are allowed by the "One Country, Two Systems" and "Hong Kong people ruling Hong Kong" policy.

Therefore, Mr Secretary, the problem is getting more and more serious, and I think it is very good to have this motion to let people know that we should not transgress the Basic Law. The Central Government has jurisdiction over a

certain matters, but it should not intervene into the daily operation of Hong Kong and the businesses of the HKSAR Government.

Thank you, President.

MR CHEUNG MAN-KWONG (in Cantonese): President, Mr Stephen LAM pointed out that in the matter of Mr LI Guikang's 10-point agreement, the parties involved have already denied it, and therefore the matter is devoid of any substance. The article of Mr CAO Erbao was merely a theoretical discussion, and Ms Emily LAU was being paranoid and oversensitive. However, in reality, there are more people than just the duo Mr LI Guikang and Mr CAO Erbao from the Liaison Office on the part of the Chinese authority who have got the notion of intervening in the affairs of Hong Kong, are there not?

It is widely known that major changes on the Central Government's policy towards Hong Kong have always been related to the mass movements of Hong Kong. In the 1989 democratic movement, when a million people took to the street, a provision against subversion was added to the Basic Law. In 2003, when half a million people objected to Article 23 of the Basic Law, the national policy of the Central Government for governing Hong Kong was immediately changed from "non-intervention" to "mission-driven".

As everyone knows, underlying this major change is more than just the remarks made by Mr LI Guikang and the article written by Mr CAO Erbao. It is also a testimonial to the remarks made by Mr ZHU Yucheng, director of Hong Kong and Macau Research Institute, in 2004. A year after half a million people had taken to the street, Mr ZHU Yucheng talked about the legislation on Article 23 and said, "In view of what happened in Hong Kong last year, the Central Government has made some readjustments with regard to Hong Kong issues. The guiding principle is non-intervention, but it will be mission-driven as the situation warrants". What does it mean by "as the situation warrants"? That means when matters that "Hong Kong could not overcome without the help of the Central authorities" are being handled. What are those matters? I do hope that the Liaison Office will give us a direct response, such as whether the Liaison Office has intervened in Legislative Council elections? Has it co-ordinated pro-Chinese candidates in running for elections? Has it sabotaged the election forces of the Democratic Party, or even the forces of the Liberal Party? Has it

built up a force for the Western District in this Council? Has it stopped Mr LAU Wong-fat from running for the District Council election through functional constituency in order to make way for Mr IP Kwok-him? Has it made any suggestion to the SAR Government for appointing Mr LAU Wong-fat into the Executive Council as political reward? These are questions that warrant clarifications.

In fact, apart from Mr ZHU Yucheng, another member of the Hong Kong and Macau Research Institute, Mr DONG Likun, also pointed out in 2004 that it was necessary for the Central Government to intervene into Hong Kong affairs, because the SAR Government did not have any ruling experience, and that its level of governance was flawed and improvement was needed. As such, the so-called intervention by the Central Government was a well thought out proposition. What the Central Government needs to take charge, it will. "A high degree of autonomy" is not tantamount to complete autonomy. Dr Raymond WU, who was still alive at that time, added rather light-heartedly indeed by saying, "Although the Central Government would not govern Hong Kong directly, there are organizations such as the Liaison Office and the Commissioner's Office of China's Foreign Ministry in the HKSAR, which can play a certain role". These are all well documented.

Therefore, while Hong Kong people were intoxicated with the power of the people as half a million people took to the street, and while Mr TUNG Chee-hwa was kept in the dark to the fact that he was about to be replaced, the Central Government had already begun to build up a second power centre in Hong Kong through its direct organs stationed in Hong Kong, in particular the Liaison Office. Meanwhile, a "high degree of autonomy" for Hong Kong and "Hong Kong people ruling Hong Kong" have been reduced to historic adornments to the Basic Law. As we all know, the political reality of Hong Kong of today is "the Western District has overwhelmed the Central District, and the best scenery is in the Western District".

When the dark horse Mr Donald TSANG replaced Mr TUNG Chee-hwa, it foretold the occurrence of a fundamental change in the model of governance for Hong Kong. As we have noted just now, after Mr CAO Erbao published his "theoretical research", which Ms Emily LAU quoted just now, a Mr Yong Yi with Macao's Journal San Wa Ou — what does it mean by Yong Yi? It means that with the intervention from the Central Government, there would be no strings

attached and it could settle things once and for all — wrote an article under a very frightening title "The Liaison Office is actively playing its role as the second governing force of Macao", proclaiming that the role of the Hong Kong and Macao Office during the Jiang Zemin era and the Liaison Office as the so-called "gatekeeper" had been completely rescinded, and so, officials from Macao's Liaison Office had been working on all fronts, playing its role as "Macao's second governing team" to "back up" "Macao's first governing team", which is the Macao SAR Government. In vernacular terms, to "back up" means "to help out".

President, what a "working on all fronts"! If we compare this to the political reality of Hong Kong in recent years, from the collapse and disintegration of the Liberal Party in the election, the much debated question of whether Mr LAU Wong-fat got appointed to ExCo because he had given way to Mr IP Kwok-him in the election, or the much rumoured case that the second governing team could really "back up" somebody, as evident in the case of Dr Priscilla LEUNG beating Mr Michael TIEN in gaining her seat in the Legislative Council, it illustrates that the second governing team of the Central Government has been working in governing Hong Kong. Mr GAO Siren of the Liaison Office retired yesterday, and he retired after he has finished his job. "One Country, Two Systems" has now become "One Hong Kong, Two Governments" — the big brother being the Liaison Office stationed in the Western District, and the younger brother being the Chief Executive stationed in Central. 10 years after the reunification, the "high degree of autonomy" of Hong Kong is being buried gradually. How can Hong Kong people remain silent about it? How can we say that Ms Emily LAU's words are oversensitive, devoid of substance, or paranoid? Unless one can refute all the articles and all the facts, these are concrete evidences that nobody can dismiss casually.

Thank you, President.

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

MR ALBERT HO (in Cantonese): With regard to the article published by Mr CAO Erbao on the governing forces in Hong Kong and the remarks made by Mr LI Guikang on the existence of a 10-point agreement, are these matters

completely fabricated, or are they just any random rumours? This has really brought forth a whole lot of speculations and apprehension. However, President, if you should ask me, I maintain the view that there must be a reason for what has happened.

Even if that is not 100% identical to what people have said, nor is it like what many people have found worrying — meaning the existence of another governing team working along side the team of the Chief Executive, or a 10-point agreement, the details of which are hardly known, signed and stamped by relevant parties for full implementation — even if that is not the case, what are the matters and phenomena that have been reflected by this article and the report, which I mean the article written by Mr CAO Erbao and the report concerning Mr LI Guikang? Of these matters and phenomena, how many of them have taken place without being acknowledged, or whether somebody has attempted to downplay the matter? These are things that the community has a right to know, and these are things we need to keep finding out and verifying.

President, in 2003, a big march was held on 1 July in objection to the legislation on Article 23 of the Basic Law. As we all know, subsequent to this movement, the Central Government was deeply shocked, so much so that the then Vice-President of State Mr ZENG Qinghong had to formulate — under the consent of the President of State of course, I believe — a policy to readjust its position towards Hong Kong. A Hong Kong and Macao working group was set up to formulate new strategies and new arrangements. Right after that, a vast amount of personnel came to Hong Kong with their service passports. I do not know how many of them have come, but the Secretary can tell us about that. Hong Kong has no control over the number of people coming to Hong Kong with service passports to execute the instructions of the Central Government and engage in different working units. As we all know, the establishment of the Liaison Office has been strengthened substantially. What exactly are these 18 departments doing in a building of 20 to 30 storeys? We just do not know.

President, the problem now is whether the article written by Mr CAO Erbao intended to give credential to a working team that has been working quietly but influentially, with a view to giving it an open and legitimate status? We have found this very worrying.

Secondly, it is about the 10-point agreement. As we recall it, first, the report came from *Wen Wei Po*, which is an official newspaper. Second, the

parties involved were identified by their names, including not just Mr LI Guikang, but also CPPCC members Mr James TIEN and Mr CHAN Wing-kee, plus Mr CHAN Kam-lam, who had responded as an outsider. I once thought that Mr CHAN Kam-lam was one of those present, but he clarified later that he was not present, but he did give a response.

This being the case, is it real that the 10-point agreement is completely fabricated? In the Question and Answer Session held in this Council, I asked the Chief Executive if there had been any consensus, any agreement and any implicit understanding, and he said no. I realize it now there was a question I did not ask, as it could be that none of the above three cases was true. Instead, it could be an instruction, one that the Chief Executive was obliged to accept, such as "Pardon me, but you are not allowed to have a view of your own. Just do as you are told." Could that be the case? President, I hope not, and I do not want to have an answer like this. I do not want what I say today turns out to be true. All I am saying is that I have this speculation, and I have this worry.

President, therefore, the question now is that, as we can see, the 10-point agreement is closely related to what Mr CAO Erbao described as the second governing team of Hong Kong. To begin with, there was an overall strategy and a general direction for deployment, then came the 10-point agreement complete with implementation details. Of course, these are not things that can come into being in a matter of days. As far as the 10-point agreement is concerned, the phenomena that we find worrying have actually existed for quite some time. Another point that we find particularly worrying is that, in addition to the matters that are within the jurisdiction of the Central Government as laid down in the Basic Law, such as defence and foreign affairs, interpretation and amendments to the Basic Law, and appointment of officials and so on, of the many policies that are being implemented, how many of them have been subject to the instructions and influences of the Central Government?

First of all, with regard to the immigration policy, why is it that many people who are deemed dissidents by the Central Government and are therefore barred from returning to the country have always been denied access to Hong Kong as well? Secondly, Sino-Japanese relations appear to be mitigated, is that the reason why our Marine Department has all of a sudden become concerned for the safety of the activists protecting Diaoyu Islands? In fact, the Administration should have shown its concern for me 10 years ago, because I had been there four times before. But all of a sudden, they have become concerned for the safety of

these people, whereupon a number of instructions have been issued to forbid them from staging their demonstration on safety reason. What is the matter? Therefore, these issues concerning the system and the resulting interventions have led us to believe that there is another team, whose operation and existence is indeed problematic. Are these actual facts? I hope the Secretary will give us a direct response later on.

MR LEUNG YIU-CHUNG (in Cantonese): President, regarding Mr CAO Erbao's article on the setting up of a second governing team in Hong Kong, simply put, that is a blatant dismissal of "One Country, Two Systems". I really found it incomprehensible and extremely odd that the head of the research department of the Liaison Office of the Central People's Government in the Hong Kong SAR (the Liaison Office) would have the audacity to say things like this. I have been thinking about this over and over again and I just do not understand why, if his thesis represented the position of the Central Government, Mr CAO Erbao had the courage to bust the false undertaking of "One Country, Two Systems" and "Hong Kong people ruling Hong Kong", as promised by the Chinese Communist Party? If the proposition of Mr CAO Erbao did not represent the Central Government, it would be very "audacious" and extremely unbecoming of him to attempt to overturn "One Country, Two Systems" advocated by DENG Xiaoping. What is more, that would be a blatant violation of the Constitution of the People's Republic of China currently in force, as well as the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which is a national law enacted by the National People's Congress.

President, early this year, Mr LU Ping, former Director of the Hong Kong and Macau Affairs Office of the State Council and former Deputy Secretary-General of the Drafting Committee for the Basic Law of the HKSAR, published a book called "LU Ping's Verbal Recollections of the Reunification of Hong Kong". In the book, Mr LU Ping stressed repeatedly that implementing "One Country, Two Systems" in Hong Kong was an important system masterminded by the chief architect DENG Xiaoping, and that it was a long-term national policy. Mr LU Ping kept re-iterating in his verbal, historical recollections that the Chinese government took it seriously with regard to the implementation of "Hong Kong people ruling Hong Kong" and "One Country, Two Systems", and the policy would be adhered to on a long-term basis.

Mr LU Ping, who used to be a principal official handling Hong Kong affairs for the Central Government, stressed in his verbal, historical recollections that the implementation of "One Country, Two Systems" in Hong Kong was a matter that had been taken very seriously, even by DENG Xiaoping. This being the case, President, I have to ask this question: Does Mr CAO Erbao's article intend to negate DENG Xiaoping's position and policy? Does it intend to negate the position of the Sino-British Joint Declaration or even the Basic Law?

If Mr CAO Erbao's article was merely a theoretical discussion, is it true that the Chinese Communist Party has opened up so much that it is now possible to discuss or even negate DENG Xiaoping's idea openly in public? If it is true that it is now so open and liberal, I believe the Central Government should have the courage to discuss the issue of the 4 June incident openly in public. However, this does not seem to be the case in reality.

Unfortunately, there has been no official statement to clarify whether or not Mr CAO Erbao's proposition represents the official position of the Central Government. As citizens of Hong Kong who have adhered to "One Country, Two Systems", we must condemn this kind of stealthy behaviour! Unfortunately, we have not been able to ascertain whether Mr CAO Erbao's proposition represents the stance of the Central Government. Nor do we know if that is true. Would the Secretary please, by all means, clarify the matter to us?

President, I am not privy to the internal affairs of the Chinese Communist Party, but from my understanding of the New China News Agency of the past and the Liaison Office at present, I tend to believe that the objective of Mr CAO Erbao's article is to expand the role of the Liaison Office for intervention into Hong Kong's affairs.

Although the Liaison Office is an organ of the Central Government stationed in Hong Kong responsible for liaison, according to the Basic Law, the Liaison Office is not legally empowered to intervene into Hong Kong's affairs, or it would contravene the principle of "One Country, Two Systems". However, as we all know, it is an open secret that the Liaison Office has "elbowed its way" into Hong Kong's internal affairs, intervened in Hong Kong's elections, and even influenced the policy decisions of the SAR Government, the extent of which is outrageous. Nonetheless, the Liaison Office does not seem to be contented. Instead, it is ambitious to further expand its power, which I believe is the background of the article of Mr CAO Erbao.

President, Mr CAO Erbao's article put repeated emphasis on the system of parallel leadership by the party and by the government as adopted by the Mainland, with the intention of setting up the same system of party leadership in Hong Kong. But who will be the leading team for the organs of the Communist Party in Hong Kong? As we all know, the director of the Liaison Office is also the Secretary General of the Party Committee. Therefore, we believed that what Mr CAO Erbao described as "the second governing team" refers to a Communist Party team under the leadership of the Liaison Office.

President, 12 years have passed since the reunification, and the Liaison Office is no longer contented to the role of being a "behind-the-scene ruler". Instead, it would like to co-govern Hong Kong jointly with the HKSAR Government openly in public. I believe this is the objective of Mr CAO Erbao's article. I cannot help but worry about whether the Chinese Communist Party will be ruling Hong Kong in the future, instead of "Hong Kong people ruling Hong Kong" in the true sense of the words?

President, given the intention of the Liaison Office, I believe anyone of the Hong Kong people who love Hong Kong and stand by "Hong Kong people ruling Hong Kong" and "One Country, Two Systems" will object to this vehemently. I should also warn that if the scheme of the Liaison Office should materialize, the future of Hong Kong will inevitably be greatly affected. Apart from affecting Hong Kong, it will not be conducive to the development of China either, as it will impact China's development. Therefore, I hope that the Liaison Office will behave itself and stop doing what it ought not be doing, and stop sabotaging "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy".

President, I so submit.

MS AUDREY EU (in Cantonese): President, Part A of Ms Emily LAU's motion demands the Central Government and SAR Government to solemnly clarify whether there is a 10-point agreement as mentioned in Mr LI Guikang's remark. President, actually I sent a letter to the Chief Executive Mr Donald TSANG on 21 and 2 April respectively and asked him to go through the reports of *Wen Wei Po* on Mr LI Guikang. This is not something out of thin air, as we can at least identify clearly the following seven points:

1. HK members of CPPCC can express their views on issues concerning Hong Kong's internal affairs;
2. HK members of CPPCC can be appointed to public offices of the SAR Government;
3. HK members of CPPCC can recommend talents to the SAR Government for taking up public offices or award of Medals of Honour; and they can be accorded recognition according to protocol;
4. formulation of working mechanism to facilitate Hong Kong members of CPPCC;
5. provision of venues for HK members of CPPCC to hold activities;
6. provision of office accommodation for Hong Kong members of CPPCC; and
7. the SAR Government can submit to the Central Government a list of recommendation for appointment of Hong Kong members of CPPCC.

Besides, President, I have found the following paragraph from the policy address released by the Chief Executive in October 2005, and I quote: "Hong Kong deputies to the National People's Congress (NPC) are elected locally in accordance with the law to participate in the work of the highest organ of state power. Hong Kong members of the Chinese People's Political Consultative Conference (CPPCC) participate in discussions on state affairs. Both play an important role and have a better understanding of the Central Authorities and the Mainland. The SAR Government will forge closer ties with NPC deputies and CPPCC members so that they may better play their role."

In addition, President, there are also reports that the Chief Executive received 28 Hong Kong deputies to NPC at the Government House in February 2006, and during the meeting, it was mentioned that facilitation would be given to NPC deputies and CPPCC members so that they could better play their role. The Chief Executive also undertook that more NPC deputies and CPPCC members would be appointed to the advisory bodies of the government. It was further indicated that a "double six" principle would be strictly adhered to,

meaning that each person could be appointed to a maximum of six committees for a maximum term of six years, in order to make available more positions at the advisory bodies to accommodate the appointment of NPC deputies and CPPCC members.

In view of the information we saw in the past, I raised the following specific questions in my two letters to the Chief Executive:

1. Has the SAR Government reached a consensus with the Liaison Office with regard to the roles of the CPPCC members as reported by the newspaper? What are the details?
2. A point by point elucidation on whether consensus has been reached with respect to each of the seven points mentioned above, and the respective details.
3. What are the measures taken by the Chief Executive in order to honour the undertaking made in the 2005 policy address with respect to facilitating NPC deputies and CPPCC members in playing their role?
4. Did he make the undertaking to NPC deputies and CPPCC members during the meeting held in February 2006 as reported by the newspaper, which I quoted just now?
5. Provide a breakdown on the number of NPC deputies and CPPCC members appointed to statutory advisory bodies.
6. Provide a breakdown on the dates, details and attendance list for meetings held over the past five years in which the Chief Executive had sought advices from NPC deputies and CPPCC members on government policies.

I added another point subsequently and asked the Chief Executive to provide, based on the government structure of statutory advisory bodies, a breakdown of the numbers, names and office titles of NPC deputies and CPPCC members appointed to advisory bodies over each of the past five years.

President, as you know, although many questions have been raised, the government has merely given me a simple reply. Of course, it would not answer each of my specific questions one by one. Instead, it broadly denied having reached any agreement, and indicated that it took the views of many parties very seriously. Appointments were made by the government on the merits of individual candidate, without regard to whether they were NPC deputies or CPPCC members. Furthermore, no information whatsoever has ever been provided. Ms Emily LAU and other colleagues have spelt out many names in the remarks they made, President, and obviously, if the Chief Executive and the Government have nothing to hide — when they were asked to give us the names, they were unwilling to do so — but those are facts, and it is obvious that on the matter concerning NPC deputies and CPPCC members being appointed to government's advisory bodies and taking part in relevant meetings, these are factual data that can be provided.

President, such facts have also prompted people who are familiar with the Chinese Communist Party (CCP) and the operation of the Central Government to probe into the matter because Mr LI Guikang's 10-point agreement cannot just come out of thin air. There must be traces of hints. Therefore, when Mr CHING Cheong started probing into the matter, he found the article written by Mr CAO Erbao. It is well known that CCP have always put emphasis on public opinion and unity of thought. Therefore, whenever major changes in policy takes place, or when political movements are about to be initiated, there are always publicity materials that people need to familiar themselves with. Therefore, as we can see from past history, from the Kuomintang-CCP conflict, the onset of the Cultural Revolution, to the disputes on the "setting up of another stove" with regard to constitutional reform, similar articles containing general guiding principle would always come up in advance. Given this historical background, Mr CHING Cheong and others started probing into the matter and found the article written by Mr CAO Erbao. Going over Mr CAO Erbao's article on two governing teams, the article clearly shows that these are *fait accompli*, as references have been made several times to the incidents happened after half a million people had taken to the street in 2003.

Colleagues have given countless examples just now to demonstrate how the Western District team or the second governing team has intervened in Hong Kong's affairs. There has been no shortage of similar reports all along, and the Hong Kong people have got used to that. What worries us is that since people have get used to the idea that these are established facts they have to accept, it is

like poaching a frog in slowly heating water. Therefore, under the circumstances, the Civic Party is very thankful to Ms Emily LAU for moving this motion to illustrate unequivocally the great importance of "One Country, Two Systems" to Hong Kong. Looking back to the days shortly after Hong Kong reunited with China, we all felt that the Central Government had no intention to intervene; unfortunately, over the past 11 years, the situation has worsened. Therefore, I urge Members to give their support to this motion with a view to ensuring the implementation of "One Country, Two Systems". Thank you, President.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, MS Audrey EU's remark on the forming of public opinions reminds me of what Chairman MAO remarked prior to the Cultural Revolution in "Quotations from Chairman MAO" that the formation of public opinions is as essential for revolution as it is for counter-revolution.

Actually, the topic under discussion is the implementation of "One Country, Two Systems". Personally, I have always believed in the implementation of "One Country, One System" instead, whether it is for Taiwan, Hong Kong, Macao or for the Mainland. Owing to historical reasons, different systems have been adopted among these places, so it is not possible for any particular person to simply order them to switch to "One Country, One System". This being the case, in the process of moving towards "One Country, One System", the democratic camp of Hong Kong has got a historical role to play and an obligation to fulfil, meaning they have to promote a new system that all four regions across the strait will be willing to establish, which is a democratic system. Certainly that would be a new platform, and the development of China will not come to a halt because of the establishment of a democratic system. Democracy is all about a set of concepts about values, in which certain values are manifested through countless sets of systems, such as human rights, the rule of law, freedom and plurality, and so on and so forth. The list can go on indefinitely.

What is it that we are discussing today? Our Motherland is an autocratic state ruled by an autocratic political party. How would Hong Kong be ruled under the system of single party dictatorship? DENG Xiaoping came up with a

marvelous idea, and that is the implementation of "One Country, Two Systems", meaning I leave you alone, and you have to leave me alone too. Naturally, this is consistent with the typical style of DENG Xiaoping, such as "Crossing the river by holding onto the boulders", or "Be it a black cat or a white cat, the one that catches the rats is a good cat". He had to say this at that time, for expediency purposes.

In fact, the "Grand Centennial Plan" DENG Xiaoping depicted was based entirely on his personal experience and insights. He made a decision and then assigned somebody to execute it. In his recently published book "Prisoner of the State", Zhao Ziyang recalled that the reform of the economic system was first initiated by DENG Xiaoping too, who had told him, "Go ahead and cross the river by holding onto the boulders. If something should go wrong, let you be the first to get drowned." Zhao Ziyang really got drowned in the end, is that right? Implementing the "parallel system" was a task entrusted to him by DENG Xiaoping, but when problems did occur, DENG Xiaoping would naturally put the blame on Zhao Ziyang, is that right? This applies to democratic reform as well as political reform, which was taken up by Hu Yaobang. These two people, one a leftist and the other a rightist, were brought to the top by DENG Xiaoping. All the same, they were brought down by DENG Xiaoping.

When it comes to the topic under discussion, "One Country, Two Systems", in fact, how could the senile DENG Xiaoping have thought so far ahead? Somebody else had made it up basing on his idea. He just casually came up with an idea, which was then polished up by someone else. In the same manner, Dr SUN Yat-sen did not write the book the Three Principles of the People either — somebody else wrote the book in his name, simply because the then ruling Kuomintang needed a national figure to be its spokesperson. That was never a serious theory anyway.

Now, what has happened to "One Country, Two Systems"? To begin with, the degree of corruption of the party under his reign must have far exceeded DENG Xiaoping's imagination. At first, political control over Hong Kong was exercised under the principle of "river water will not interfere with well water", with a view to preventing Hong Kong from becoming a base for subversion. To date, national assets have been whacked up by different fractions of the Chinese Communist Party, in particular by the "Gang of Crony Dignitaries". With the influx of a massive amount of assets and capitals into Hong Kong for the conduct of multinational activities, how is Hong Kong being governed? As a matter of fact, according to the logic of Mr CAO Erbao's arguments, in addition to the

stringent control from the Central Government, even relevant authorities at the provincial and municipal level could take part in making decision for Hong Kong, and what else is it if this is not power-sharing and imposition of supremacy over Hong Kong under the acquiescence of the Chinese Communist Party? In other words, even the Chinese Communist Party itself cannot control the situation.

Simply put, and I have said this many times before, members of the "Gang of Crony Dignitaries" have whacked up the assets and come to Hong Kong. These people have affiliates in the Central Government and the Standing Committee of the Politburo. They are saying that once they are in Hong Kong, they would feel free to go and knock on the door of the President. Would the President not be afraid? Even Donald TSANG would be afraid, dude! Under such circumstances, policy decisions are being made by a multitude of parties. As a political party decays from autocracy to corruption, it spreads its virus around, like the way swine flu has become epidemic.

What has the Secretary Mr LAM or the Chief Executive Mr TSANG got to say? What have they got to say? The sovereignty power rests with somebody else, and when these people come to Hong Kong, they would bring with them some "Pork Barrel" proposals — people being appointed to CPPCC are certainly people with money and social status. The same is true with the NPC. It has got an illegitimate son; this illegitimate son finds his father, and he will ask the father to come upstage to reign over people like us. This is the crux of the problem.

It is necessary to have "One Country, Two Systems", and why is that? If something is conducive to the democratic movement and beneficial to the toiling mass of China and Hong Kong, then we must ask that it be observed. If something is counter-productive to these businesses, then we must not observe it. It is not necessary for us to impose upon ourselves an "inhibiting magic spell" such as "One Country, Two Systems", and it is not necessary for us to act like the subdued Monkey King. We should not sell our birthright for a bowl of stew. Let me re-iterate, that a country must practice one system, and this system is a democratic system which the Chinese people strive for. With regard to the current issue, the League of Social Democrats believes that whatever is conducive to this business, the Central Government must be asked to observe it; whatever is not conducive to this business, we must oppose it.

Thank you, President.

MR JEFFREY LAM (in Cantonese): President, both "One Country, Two Systems" and "a high degree of autonomy" are the cornerstones for the development of Hong Kong, which I believe nobody would dispute. In fact, the implementation of "One Country, Two Systems" in Hong Kong since the reunification has been evident to all. For instance, the results of two separate public opinion surveys conducted recently have indicated that most of the Hong Kong people are fairly positive with respect to the implementation of "One Country, Two Systems".

Recently, the Public Opinion Programme of the University of Hong Kong conducted a survey during 21 to 23 April this year, which shows that nearly 73% of the respondents have confidence in "One Country, Two Systems". Public confidence in "One Country, Two Systems" has kept rising in recent years. In 1993, prior to the reunification, only 44% of them had confidence in "One Country, Two Systems"; the figure rose to 64% in 1997 after the reunification, and in recent years, the figure consistently stands above 70%. In a survey conducted by the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong in April, over 80% of the respondents agreed that with respect to the implementation of "One Country, Two Systems", the degree of satisfaction ranged from "fair" to "satisfactory".

Today's motion is concerned with certain disputes involving the Liaison Office recently. In fact, both the SAR Government and the Liaison Office have responded clearly and repeatedly that the 10-point agreement does not exist, whereas it is clearly laid down in the policy of the Central Government on Hong Kong and Macao, as well as the Basic Law, that the principle of "One Country, Two Systems" will be adhered to. The newly appointed Director of the Liaison Office Peng Qinghua has also indicated that he will continue to adhere to the principles of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" in accordance with the Basic Law.

President, I myself am a HK member of CPPCC. The HK members of CPPCC and HK deputies to NPC are themselves Hong Kong citizens too. Since the reunification, apart from giving advices to the Central Government, we have taken up public offices on an individual basis, expressed our views on Hong Kong's affairs and made our share of contribution in full compliance with the spirit of the Basic Law and "One Country, Two Systems".

Closer ties are being established between the Mainland and Hong Kong, in particular in the area of economics and trading. Initiatives such as Individual Visit Scheme and CEPA launched in recent years or projects in the pipeline such as the Hong Kong-Zhuhai-Macao Bridge and the development of the Loop area have been a great support to the economic development of Hong Kong. This being the case, enhanced co-operation and communication between Hong Kong and the Mainland has now become the general trend. Since CPPCC members and NPC deputies have extensive social networks in the Mainland, they can act as a bridge between the two places and make their fair share of contribution to Hong Kong.

President, I so submit.

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

MR RONNY TONG (in Cantonese): President, like the debate we had just now, I am greatly disappointed with this round of debate too, as this is hardly a debate at all. We have been waiting for a long time for the turn of Members of the pro-establishment camp to speak, but to no avail. Sometimes I do have sympathy for them over the fact that they have to vote against the motion without being able to say what they want to.

President, I have found the spell of politics beyond comprehension, under which one can tell lies in broad daylight, report zero casualties when people have actually died, and deny having said the things they have said. There is no wonder why so many people found politicians completely untrustworthy. In this regard, although I am always described as being manipulative in my capacity as a lawyer, at least I am better than politicians.

President, with regard to these two incidents — I am referring to the 10-point agreement and the article written by Mr CAO Erbao which has caused immense repercussions in Hong Kong — they share just a common point. With regard to Hong Kong, the Central Government holds the view that it is necessary to set up a so-called second governing team or centre of power for handling Hong Kong affairs. Interestingly, why is it that what was said publicly and authoritatively in the meeting would have been dismissed right immediately? President, there can only be two possibilities. Either *Wen Wei Po* and Macao's

Journal San Wa Ou were sleep talking in broad daylight, or somebody was dodging the issue deliberately. However, there can be no dodging to the article written by Mr CAO Erbao, because it is written in black and white and have been made public. As such, the matter can only be downplayed as much as possible. But the point is: why does one not acknowledge what one has actually done? More importantly, why has the Central Government come up with the idea of interfering in the governance of Hong Kong? President, there are a number of possibilities. First, it is out of the fear that Hong Kong will get out of control. However, honestly speaking, President, I do not understand why the Central Government has harboured this fear at all. Honestly speaking, since the reunification — and this is evident to all — many Hong Kong people have been very supportive to the Motherland. In many major events, or whenever there are, in the words of the Chief Executive, outstanding achievements, many Hong Kong people would cheer for the Motherland. This being the case, why does the Central Government think that Hong Kong would get out of control? If Hong Kong should indeed get out of control, does it mean that a second centre of power — be they cadres from the Central Government or the so-called CPPCC members and NPC deputies — can restore control of a situation that is already out of control? I cannot figure it out at all. I think this may not be a reason at all.

President, a second possible reason may be that it is a "pie-sharing" endeavour on the part of the so-called pro-Central Government people in Hong Kong in a bid to getting a slice of authority and honour. I have found this likelihood very laughable. President, we have never competed with anybody for anything. The democratic camp does not play this "pie-sharing" game to begin with. All along it has been the pro-establishment camp who have been competing against each other. If we say the cadres do this, it is even more improbable. What good does it do to the cadres to come Hong Kong to take part in this "sharing" match? Therefore, President, this possibility is utterly nonsensical and inadmissible.

President, of the remaining two possibilities, both of them can be very worrying. Of course, the first one is that the Central Government has gone back on its own word in the hope of getting untangled from the framework of "One Country, Two Systems". President, I very much hope that this is not the case, and I hope that this is the reason why what has been said is being dismissed. Another possibility is that the Central Government has found the SAR Government ineffective or even invalid in its governance, so much so that they have to get someone to offer some help. However, too many chefs may spoil

the broth. If there were a second centre of power at all, I believe this centre of power would certainly be more efficient than the SAR Government. As we can see, Hong Kong people actually believe that the Central Government has more credibility than the SAR Government, and they have much higher regard for the Central Government than they do for the SAR Government. Under the circumstances, why does the SAR Government not work harder to master public opinions and perform one or two episodes of "good show" for people to watch? This truly baffles me.

At any rate, President, if the Central Government really believes that the SAR Government is ineffective or invalid in its governance, I think the setting up of a second centre of power would not be the right way to deal with the matter, nor a way to show due respect to "One Country, Two Systems" and the Sino-British Joint Declaration. President, there is only one centre of power in Hong Kong, and it rests with the people of Hong Kong. If we would like to improve the quality of governance of Hong Kong, the only feasible option is to take forward genuine universal suffrage expeditiously. Hong Kong people are patriotic, and Hong Kong people love the Central Government too. If there is genuine universal suffrage in Hong Kong, I do not believe that our SAR Government will be ineffective or invalid in its governance.

President, if the Central Government or the Liaison Office are listening to our debate right now, I hope they will readily make sense of these self-evident logic. To me, the vision of "One Country, Two Systems" and the political framework laid down by the Basic Law ought to be given due respect.

I very much hope that Hong Kong people and the Central Government will reach a consensus on genuine universal suffrage as soon as possible. Thank you, President.

MR FREDERICK FUNG (in Cantonese): President, "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" were brought up and discussed in the 1980s. At that time, the pan-democratic camp had not come into being yet. As a member of a pressure group — the representative of HK Association for Democracy and People's Livelihood — I supported, as other bodies and groups did at that time, the resumption of the sovereignty of Hong Kong on the premise of these principles.

As we can see, several articles of the Basic Law are directly related to "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". Article 2 of Chapter I states that "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law." In other words, HKSAR itself possesses power in these four areas. Article 22 of Chapter II states that "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law." That too provides a clear delineation and defines the scope of area where interference from the provincial governments and the governments of the autonomous regions and municipality of the Mainland is not allowed. Articles 13 and 14 of Chapter II also state that the Central People's Government shall only be responsible for matters relating to foreign affairs and defence, clearly defining the authority of the Central Government over the SAR Government. Certainly, this is a distribution of power in accordance with the law or with the mini-constitution, and it has in fact been well defined.

As I remember it, in the making of the policy on "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", I had, in my capacity as a Hong Kong Affairs Adviser at that time, discussions with director grade personnel from the New China News Agency and the Hong Kong and Macau Affairs Office on the doctrines of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" on different occasions. Now I can only recall, from my memory, my understanding at that time as to why a country perceived as being autocratic would accept "One Country, Two Systems". Given the resumption of sovereignty, from the perspective of the nation and its authority, a single system should be adopted, and there was no reason to accept a second system. My understanding was that the Central Government at that time had come up with some analyses from a number of different perspectives. First, from the perspective of international consideration, it was hoped that the resumption of sovereignty would be a bloodshed-free, peaceful exercise to ensure that the pristine conditions of Hong Kong under the British rule would remain unchanged in the hands of China. Second, members of the Communist Party concluded from the logic of material dialectics that if something objectively in existence were to continue its course of development, it must progress on its original track.

This being the case, for something that could not be accomplished under the socialist or communist system to continue its course of development, a second system had to be allowed. Third, as economic reform had already been underway in mainland China at that time, it was believed that the economic development of Hong Kong would be conducive to the economic development of the Mainland. Furthermore, the economic development of Hong Kong could serve as a role model and a point of reference for the economic development of the Mainland. So, these are, in my understanding, the basic considerations.

Under these circumstances, I cannot see how any person or any official can contravene the Basic Law articles I cited just now. Furthermore, this applies not just to the constitution of Hong Kong. When the mini-constitution was endorsed by the National People's Congress, speeches and explanations were made in this regard, and so this is a policy of the country, or a national policy. As such, I believe that nobody should As regards Mr CAO Erbao, if we compare him against the national policy, who is this person anyway? He is way too junior to have the authority to challenge a national policy. Unless we view the matter from the level of a national issue, that is, would it be that the role of Mr CAO Erbao was to "make some deliberate leaks" and "test the water" to find out the reaction of the people? If there were no reactions, further advances could be made. I do not know if this is the case, and I hope not. If there is a misunderstanding here, I believe clarifications from officials of the SAR Government or even the Central Government are warranted on whether the policy discussed and endorsed by the National People's Congress still exists?

Basically, I fully support "One Country, Two Systems" and "a high degree of autonomy". There are many things I would like to say, but given the time constraint, and the fact that the stances of many colleagues who have already given their remarks are similar to that of mine, I would stop short of repeating it. However, there is one thing that worries me a great deal, and I have to remind all the people, including the Hong Kong people, about that. Under these circumstances, if it was on the basis of the abovementioned analysis made from three different perspectives that the Central Government had taken forward "One Country, Two Systems", I would find it worrying indeed. What is it? There are certain circumstances that, if they should unfold themselves in Hong Kong, would render "One Country, Two Systems" obsolete.

The first situation is when our government officials would dwarf themselves by seeking assistance from the Central Government rather too readily

and asking for solution from the Central Government whenever problems arise. That would be catastrophic. When they become paranoid and panicking and regard the Central Government as their saviour, how will they carry out "a high degree of autonomy"?

The second situation is concerned with whether political benefits have been involved. Have our political figures and government officials made political appeals to the Central Government, or are they looking forward to further career advancement?

The third situation is that, due to the human nature of worshipping power, politicians are attracted to the centre of power by the so-called centripetal force. Are the government officials or politicians of Hong Kong interested and attracted by this power and authority as well?

My second worry is that, as we can see, when compared with the economic development of Hong Kong, the economy of the Mainland is developing very rapidly. If it really happens one day when Shanghai has come close to, kept abreast with, or even surpass Hong Kong to become the international financial centre, the economic benefits of "One Country, Two Systems" and "a high degree of autonomy" of Hong Kong and its function as a role model in the realm of economic development would greatly diminish when compared to that of a decade or so ago. By then nobody would care about "One Country, Two Systems", because one system will suffice, and in the future it will be Hong Kong that is following the lead of the Mainland.

Moreover, the constitutional development of Hong Kong must not be overlooked, because I continue to believe that economic development will eventually bring about changes in the political system, which is one of the ideas put forth by Karl Marx. Hong Kong can also become a role model for the Mainland in the area of policy development, including democratic development. Yet, discourses on the democratization of the institutional system are taking place on the Mainland as well. The President of our country indicated before and after the NPC meetings that any political party, including the Communist Party, that is not doing well enough will face its downfall or will be replaced. While words like these have started to spread on the Mainland, whereas our constitutional development still stagnates, will we be the one who will get replaced?

Finally, Hong Kong people are always soliciting help from the Central Government, so much so that the people of Hong Kong might think that the Central Government is superior to the Hong Kong Government. When the overall public sentiment is tilted towards the Central Government, it would no longer be necessary to implement "One Country, Two Systems", because Hong Kong people would believe that the system of the Central Government is superior to that of Hong Kong. As such, to look at it from a crooked perspective, are our officials playing the role of an "undercover agent" whose task is to bring into being "One Country, One System" by virtually failing to implement "One Country, Two Systems"? To conclude, the latter part of my remarks was expressed in a tongue-in-cheek manner. If we genuinely want to get hold of "One Country, Two Systems", we would need to serve as a role model in the economic sphere in addition to serving as a role model in the realm of political development, Mr President.

PRESIDENT (in Cantonese): Speaking time is up.

MS MIRIAM LAU (in Cantonese): President, the policies of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" implemented by the HKSAR are established policies of our country, which are very much treasured by the people of Hong Kong and to which they attach great importance. Ms Emily LAU has, by listing out the two incidents in today's motion, said to the effect that the abovementioned policies have been shaken up and she demanded a solemn clarification from the Central Government and SAR Government. However, the two governments have actually clarified the matter one after the other through different channels, though not everyone would consider such clarifications to be acceptable.

It has been reported since early March this year that the Liaison Office has reached a "10-point agreement" with the Hong Kong Government on the functions and role that can be performed by HK members of CPPCC. The report, together with the relevant remarks made by some people, has given rise to much controversy in the community. However, a few days after the report was published, the Liaison Office and the Hong Kong Government have quickly denied one after the other that there is any agreement at all. Chief Executive Donald TSANG also reiterated the position in the Question and Answer Session held last Thursday that there was no such agreement.

In the article entitled "Hong Kong's Governing Forces under One Country, Two Systems" written by Mr CAO Erbao, Head of Research of the Liaison Office, and published in a newspaper of the Party School of the Chinese Communist Party last year, it was mentioned that there were "two governing teams" in Hong Kong under One Country, Two Systems after the reunification. The article, having been made public by the media, has also caused much controversy.

Similarly, the contents of the article have been clarified speedily. The Hong Kong China News Agency quoted a clarification made by "a person in charge of the relevant department" of the Liaison Office that the article was written by an official of the Liaison Office as "a person studying a subject publishing an article of theoretical discussion". Chief Executive Donald TSANG also stressed in the Question and Answer Session held last week that "there is only one governing team in Hong Kong and that is the HKSAR Government".

Having said that, the reason why these two incidents have aroused widespread concern in the community is that the remarks and the article concerned have touched on the principles of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" and such a topic is bound to be sensitive. In order to avoid any recurrence of a similar incident, we who belong to the Liberal Party consider that, if the official concerned had been more careful in making his comments or expressing any of his opinions, it is believed that unnecessary misunderstanding could have been avoided. That should help in boosting the confidence of the people of Hong Kong and stabilizing the community.

However, if one speaks in a manner similar to that of the original motion and demands to "restrain" Mainland officials from making impudent comments, that would give people the impression that their remarks have already created confusion in governance in Hong Kong and caused the public to worry and panic. I am afraid that would be a bit of an exaggeration which does not represent the truth.

In fact, Hong Kong people's confidence in "One Country, Two Systems" have not been weakened after these two incidents. According to the results of a public opinion poll conducted from 21 to 23 April by the Public Opinion Programme at the University of Hong Kong, 72.9% of the interviewees were "confident" in "One Country, Two Systems".

We believe that "One Country, Two Systems" is adequately protected by the Basic Law. Article 22 provides that, and I quote: "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law" (End of quote). That is essentially the source from which the demand made in item (b) of the original motion has quoted and basically that is exactly what the Central Government has promised. Besides, there are many other provisions in the Basic Law which safeguard "One Country, Two Systems" that the original motion has not quoted. I would not read out the provisions one by one here and there is no need for me to do so.

I would like to stress what Peng Qinghua, new Director of the Liaison Office, reiterated on Monday when he assumed office. He said he would, and I quote: "strictly implement the policies of 'One Country, Two Systems', 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy' and will work in accordance with the Basic Law" (End of quote). We do not have any reason to doubt the solemn promise and guarantee given by the Central Government.

President, we agree absolutely to support the implementation of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", but we cannot agree to the original motion because of the abovementioned reasons.

President, I so submit.

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

MR IP KWOK-HIM (in Cantonese): President, 25 colleagues of ours from the Panel on Economic Development and Panel on Environmental Affairs paid a successful visit to the Province of Guangdong from 15th to 18th this month. The visit was well received by the community, and the public generally accepted and welcomed enhancing exchanges and co-operation between the two places. Of course, in the mean time, some citizens, including certain Members of this Council, might not necessarily agree on this. Just now, in the previous motion debate, Ms Emily LAU bluntly remarked that the visit was an act of the Central

Government to win over Members. Therefore, anything can be viewed from two totally different perspectives, which is only normal.

Since the reunification, Members of this Council have only paid three visits to the Guangdong Province. However, interactions between Hong Kong and the Mainland are taking place at all strata and all levels of the society on an everyday basis, contributing to the well-being of the economic development of Hong Kong. I found that the HK deputies to NPC and HK members of CPPCC have played a pivotal role in this aspect. They take part in the administration of the country on behalf of the Hong Kong people in accordance with the law, and they bring into full play their strength by leveraging on their knowledge in the affairs of both the Mainland and Hong Kong, contributing a great deal in respect of matters relating to cross-boundary issues.

Due recognition must also be given to the Central Government, organs of the Central Government stationed in Hong Kong, and personnel from different provinces and municipalities of the Mainland for their contributions. The governments at different levels of the Mainland and the aforementioned mainland personnel stationed in Hong Kong have made their fair share of contribution in a myriad of issues relating to the Mainland and Hong Kong, such as the visit of the Guangdong Province by Legislative Council Members, the construction of cross-boundary projects such as the Hong Kong-Zhuhai-Macao Bridge and the planning and implementation of CEPA.

Looking at what Hong Kong has experienced in the 12 years after the reunification, we can clearly see that whenever Hong Kong experienced major problems and challenges, the Central Government as well as the provinces and municipalities of the Mainland would reach out to us, give us assistances, and help Hong Kong tide over its difficulties.

This is evident from a number of incidents that took place shortly after the reunification. For instance, when Hong Kong was under the onslaught of the Asian Financial Turmoil, the Central Government insisted against Renminbi depreciation, complete with a high-profile announcement that it would throw its weight behind Hong Kong dollar at all cost, helping Hong Kong to fight back international speculators, safeguard the linked exchange rate system and stabilize the financial market.

In 2003, when Hong Kong was attacked by SARS, Premier Wen Jiabao visited, in person, the residents of Amoy Gardens, which was hardest hit by the SARS epidemic, and encouraged the people of Hong Kong to look into the future positively. The Central Government also provided Hong Kong with medical supplies, entered into CEPA and started the Individual Visit Scheme in support of the economic recovery of Hong Kong.

In the light of the global financial tsunami that struck at the end of last year, which has greatly impacted the country as well, the Central Government has not left Hong Kong in the lurch. Instead, it has come up with 14 initiatives to help maintain Hong Kong's financial stability in defense of the financial tsunami. Later on, it devised an Outline of the Plan for the Reform and Development of the Pearl River Delta to strengthen Hong Kong's ability in defending against the financial tsunami and to assist in Hong Kong's economic transformation.

According to the World Competitiveness Yearbook 2009 released by the International Institute for Management Development in Lausanne, Switzerland a couple of days ago, of the 57 global economies, Hong Kong landed at the second place, only after the United States. Under the ravages of the financial tsunami, Hong Kong has managed to maintain its competitiveness and economic agility, thanks partly to our country. It is evident that the country has become our support and backup, whereas the HK deputies to NPC, HK members of CPPCC and personnel from the Central Government and other mainland authorities have played the role of an adhesive agent.

President, DAB believes that "One Country, Two Systems" is an integral concept. "One Country" and "Two Systems" are inseparable from, much less mutually-exclusive to each other. "One Country" safeguards not only the authority the Central Government enjoys in accordance with the law, but also the sovereignty, unity and safety of the nation. "Two Systems" means that the principle entity of the nation practices the system of socialism, whereas Hong Kong may maintain its original capitalist system and the adoption of the common law system. The nation safeguards a "a high degree of autonomy" for HKSAR in accordance with the law and supports the SAR Government and Chief Executive to govern according to the law.

It is evident to all that "One Country, Two Systems", being a major national policy, has been tenaciously adhered to and implemented during the 12 years since the reunification. I have read the article written by Mr CAO Erbao

several times, and I noticed that he has actually emphasized repeatedly that the personnel stationed in Hong Kong must discharge their duties in accordance with the Basic Law. The DAB believes that the implementation of "One Country, Two Systems" certainly has nothing to do with dismissing and dwarfing the HK deputies to NPC and HK members of CPPCC, depriving their rights to take part in local affairs in their individual capacity, or obstructing the efforts of personnel from the Central Government and mainland authorities in strengthening the interaction between the Mainland and Hong Kong and fostering the development of Hong Kong.

In the beginning of her remarks, Ms Emily LAU cited Article 22 of the Basic Law and accused the Central Government of interfering in the affairs of Hong Kong via NPC deputies and CPPCC members. Either there are some ulterior motives, or it is a demonstration of ignorance on Ms Emily LAU's part. The HK deputies to NPC are elected in accordance with the stipulation of Article 21 of the Basic Law, giving the people of Hong Kong the opportunity to participate in the work of the highest organ of state power. The NPC model will not be adopted in Hong Kong. Therefore, the DAB opposes the motion proposed by Ms Emily LAU, a motion showing her misunderstanding of "One Country, Two Systems", a motion that is not based on facts and one that does not have any solid ground.

Thank you, President.

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

MS CYD HO (in Cantonese): President, I have written something for my remarks, but first I have to respond to Mr IP Kwok-him.

Actually, as I was listening, I was anxious to seek clarification from Mr IP to see whether he meant that the NPC deputies and CPPCC members could take part in the governance of Hong Kong by virtue of their being NPC deputies and CPPCC members. Fortunately he pointed out subsequently that they did so in their individual capacities. If they do it in their individual capacities, we cannot stand in their way. However, why would Hong Kong people react so vehemently against the 10-point agreement? That is precisely because it was a report from a newspaper, particularly when it was from *Wen Wei Po*. The report

quoted the words of Deputy Director LI Guikang, who urged that the SAR Government should appoint more NPC deputies and CPPCC members with high caliber to public office. This worries us. Should they be appointed to public office by virtue of their statuses as NPC deputies and CPPCC members? Besides, the term public office has not been well defined. That could refer not just to advisory bodies but also statutory bodies. Posts like Secretary and Deputy Secretary and so on are also public offices to which appointment could be made. This explains why we are so worried about having two governing teams.

Mr IP has pointed out just now the country has given us a great deal of financial support. That is one of the recent attempts to dwarf Hong Kong and to deprive the confidence of the Hong Kong people. In fact, I would like to reiterate, despite my repetitions, that Hong Kong has become an international financial centre precisely because Hong Kong practises the rule of law. As a matter of fact, Hong Kong is capable of raising capital for state-owned enterprises too. The largest amount of capital was raised in 2005, with an amount reaching 1,600 billion dollars. The economy of Hong Kong and that of the nation are mutually benefiting and reciprocal. I believe the commercial sector which the Liberal Party represents is well aware of this. In the 30 years since the reform and opening up of China in 1979, the entrepreneurs of Hong Kong have made inerasable contributions to the economic progress of the nation. To date, capitals from Hong Kong continues to make up a significant part of the investment in the Guangdong Province.

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

In fact, if we agree that Hong Kong has made contributions to the nation, it is Hong Kong's legal system and the spirit of the rule of law that contribute the most to the progress and development of the nation. This being the case, we are all the more worried about the report of *Wen Wei Po* on Mr LI Guikang's remark that more NPC deputies and CPPCC members should be appointed to public office, because we are afraid that it would jeopardize the legal system of Hong Kong.

Furthermore, Mr IP said just now that Hong Kong needed the assistance of the nation regularly, such as the assistances given to us by different provinces and municipalities during the SARS outbreak. That echoed the final part of the

article written by Mr CAO Erbao, who said the same thing in the article he wrote as well. Therefore, the Party School way of learning is highly effective. He pointed out that the second governing team would take charge when it came to matters that Hong Kong was incapable of managing and resolving. However, what does it mean by incapable of resolving? When half a million people take to the street, does it count as being incapable of resolving a problem? If so, will the second governing team step in to, as they call it, resolve the problem for us? These are all undefined and unclear; therefore, we are all deeply worried.

Over the past 12 years, the tenacity of the Hong Kong people in their pursuit of conscience, democracy, freedom and the rule of law has been subject to constant challenges. At times, the people of Hong Kong have shown their courage of conviction. For instance, we have demonstrated our courage of conviction in the 4 June incident. At times, we have given in, such as in the case of the interpretation of the Basic Law by the NPC. The first time interpretation of the Basic Law by the NPC was called for, due to the economic and social situation of that time, the call for interpretation went unopposed, and it was unopposed by the majority of the people. As a result, the same thing happened for the second time, and for the third time.

As such, we are deeply worried. Although no concrete evidences were found in this case and that is extremely hard to prove, Mr Secretary, because although *Wen Wei Po* and *Ming Pao* subsequently covered the responses made by members of the DAB on this incident, including the responses from the President and Mr CHAN Kam-lam even though they have responded to the matter, nothing has been proved. Why not? It is because Mr TAM Yiu-chung once indicated at the Panel on Constitutional Affairs that they were merely responding to general enquiries from the media, given the fact that they were not present when the meeting was held. According to him, Mr Jasper TSANG was in a room, whereas Mr CHAN Kam-lam was not present at the meeting at all, so those were general responses to media enquires. We have found this truly baffling. Why is it that people who did not take part in the meeting will be able to respond to enquires? Naturally, nothing has been proved again.

Ms Emily LAU has spelt out the names of a number of NPC deputies and CPPCC members who are also holders of public offices. In fact, these people are in no shortage of power and authority, money and prestige. What are they lacking? All they need is an official title to bring them from the backstage to the forefront. This is just another speculation, which the Secretary might disagree,

but I welcome any responses to be made by the Secretary on this particular analysis and deduction. Some commentators argue that by bringing NPC deputies and CPPCC members to the forefront and by setting up a second governing team, Beijing could exercise control over Hong Kong through the NPC deputies and CPPCC members. In the event that Beijing should find the Chief Executive, who is to be elected by one man one vote after nomination and screening, disobedient, this second governing team could then step in and govern Hong Kong.

The Secretary might say that we are being oversensitive, but we have seen too many examples, too many examples of cases in which "One Country, Two Systems" was being jeopardized. For instances, Deputy President, the vessel being used for the Protection of the Diaoyutai Islands Movement was not given permit to set sail this year. The bodyguards of the First Lady of Zimbabwe Mrs Mugabe, who had beaten journalists in Hong Kong, were given exemption without being charged. The former Chairman of the Liberal Party Mr James TIEN called the Liaison Office for assistance when he had not been able to gain an upper hand on the election day. The Garrison Law clearly states that land used for military purposes shall be turned over without compensation to the Hong Kong Government when it is no longer needed for defence purposes, yet in its reply letter, the Government insisted that if they would find it necessary, the People's Liberation Army would be consulted, and the Government would bear the land formation cost for the new military land. What is more, democracy activists who wanted to visit Hong Kong were denied entry visa despite repeated applications, which has obviously violated "two systems". If the Secretary wants to convince me, please tell me facts and rationale, instead of merely saying "empty words".

DEPUTY PRESIDENT (in Cantonese): Ms HO, speaking time is up. Does any other Member wish to speak?

MR ALAN LEONG (in Cantonese): Deputy President, the success of "One Country, Two Systems" or otherwise is largely dependent on whether the HKSAR can contribute to the soft power of our nation through our well-established systems and values, with a view to enabling our nation to become a major player among other world citizens expeditiously. If Hong Kong

becomes just another mainland city, "One Country, Two Systems" should be deemed a failure.

It can be seen from the footprint of history that Hong Kong has all along played a special and important role during the course of development of China. In as early as 1883, Dr SUN Yat-sen, our Father of the Nation, studied at Diocesan School and Orphanage together with LU Haodong before being admitted to Hong Kong College of Medicine. Another person we must mention is Mr YUNG Wing, who, with exposure to western knowledge in Hong Kong, later became the first Chinese student in history to study abroad in the United States on the recommendation of the principal of Morrison School. On his return to China after he had completed his study, Mr YUNG Wing strongly advocated that the Qing Dynasty government should send Chinese children to study abroad in the United States for promotion of cultural exchanges between China and the Western world. The move laid the foundation for the modernization of China with the talents it nurtured, such as Tang Shaoyi, JEME Tien Yow and CHOW Shouson.

Furthermore, Deputy President, in 1850s, Hong Rengan, a cousin of Hong Xiuquan, King of Great Peace of the Taiping Heavenly Kingdom and a resident of Hong Kong for many years, submitted a "New Essay on Economics and Politics", which was an outline for the long-term development of the Taiping Heavenly Kingdom. The essay was based on the western knowledge he learnt and experienced during his years of stay in Hong Kong and Shanghai. In addition to advocating a system of leadership in the political sphere, "New Essay on Economics and Politics" also advocated learning from the West in the economic sphere, such as the establishment of commercial sector, banking institutions, railway system, mining industry, postal services and so on. It also advocated the setting up of a judicial system for protection of individual rights, the use of newspaper for dissemination of messages, and a mechanism for monitoring the government and so on.

Deputy President, in 1992, the Straits Exchange Foundation (SEF), a civic body representing the Mainland Affairs Council (MAC) of Taiwan, met with the Association for Relations Across the Taiwan Straits (ARATS), a civic body representing the Taiwan Affairs Office of the State Council of the People's Republic of China, in Hong Kong for the second round of talks on matters relating to verification of instruments and registered posts across the straits. The

historic meeting that took place in Hong Kong resulted in the "1992 Consensus", marking a landmark in the history of development in cross straits relations.

Deputy President, the afore-mentioned figures and incidents are just some random examples. It is not difficult to see that Hong Kong has nurtured many talents who have contributed to the reform and the soft power of China. As a matter of fact, Mr DENG Xiaoping fully understood that Hong Kong had a unique position and was not replaceable by any other cities of China. Therefore, he allowed Hong Kong people to enjoy "a high degree of autonomy" and "Hong Kong people ruling Hong Kong", which, I believe, is the core concept of "One Country, Two Systems".

Deputy President, with "One Country, Two Systems", it is hoped that the major elements for social development of Hong Kong such as culture, system and history and so on can be retained to ensure that the "Pearl of the Orient" can maintain its radiance after the reunification, with a view to contributing to the Motherland and elevating the power of the nation. However, more than 10 years have passed since the reunification, yet the Central Government has failed to commit to the direction of "a high degree of autonomy" and "Hong Kong people ruling Hong Kong" with ease of mind. Instead, it has come up with various ways to re-interpret what Mr DENG Xiaoping said in the past to re-define the notion of "One Country, Two Systems" so as to facilitate the stepping up of the Central Government's governance over Hong Kong.

Deputy President, it has been reported recently that the Central Government and the SAR Government have reached a 10-point agreement under which Hong Kong members of CPPCC are allowed to take part in the political affairs of the HKSAR. Furthermore, it has also been reported that studies were being undertaken by the Liaison Office on the setting up of a second governing team in Hong Kong. If these are true, it shows that the Central Government has all along failed to understand how it can continue to renew the unique role Hong Kong has played in history and in the history of modern China through "One Country, Two Systems" with a view to bringing about positive impacts to China's reform.

The past decade or so could have provided a golden opportunity for the Central Government to demonstrate to Taiwan through the implementation of "One Country, Two Systems" in Hong Kong the purposes of the great unification. However, as the actual implementation of "One Country, Two Systems" has

deviated from the original design, the Taiwan people have, on the contrary, become more resistant to the idea of "One Country, Two Systems", much to the hindrance of the progress of cross-strait unification.

Deputy President, if the Hong Kong Government tolerates the so-called 10-point agreement and the existence of the "second governing team" in Hong Kong through the mechanism of the party, not only will it contravene "One Country, Two Systems", it will also be overlooking the direction of the progress of China's development, compromising the competitive edge of Hong Kong, wasting the collective efforts of Hong Kong people which have been accumulated over the past century, failing to fulfil its obligation and defying the great idea of "One Country, Two Systems" put forth by Mr DENG Xiaoping.

Deputy President, nobody can refute the fact of Hong Kong's reunification with China. However, neither can we deny that Hong Kong has, over the past century, grown up and ascended to sparkling international status through a system that is different from that of the Mainland. For Hong Kong to maintain its competitive edge, it is imperative that the original intent of "One Country, Two Systems" as designed by Mr DENG Xiaoping be adhered to. China, in the exercise of sovereignty over Hong Kong, should adhere to "a high degree of autonomy" and the spirit of "Hong Kong people ruling Hong Kong" with ease and grace. So long as Hong Kong is able to maintain its unique position in history, I am convinced that more SUN Yat-sen, more YUNG Wing and more Hong Rengan will be bred on the soil of Hong Kong to further contribute towards the modernization of democracy in China.

I so submit.

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

(No Member indicated a wish to speak)

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, Members have expressed various opinions. Some of them will support the motion while others have indicated that they will not. However, I find certain statements in the speeches delivered by some Members incomplete and inconsistent in terms of logic, and I would like to respond to them.

Miss Tanya CHAN, who has just returned to the Chamber, referred earlier to the exodus which occurred in the 1980s and became particularly high in the early 1990s before the reunification in 1997. Those of us who were in Hong Kong at the time would be able to remember the situation clearly. For me, in particular, I was the first Director of Hong Kong Economic and Trade Affairs in Toronto between 1991 and 1994 who witnessed what happened in those days. At the peak of the exodus which occurred probably in the early 1990s, 40 000 people left Hong Kong for Toronto each year. However, Ms CHAN has perhaps forgotten that the tide ebbed quickly by 1997 and there have been many tides of return. Nowadays, about 2 000 people emigrate to Canada each year. What does that show us? It shows that the reasoning behind this is simple. Before 1997, the people of Hong Kong were intelligent and they had a thorough understanding of the political situation. They knew that "One Country, Two Systems" could be implemented successfully. Today, when we look back at the emigration figures, we can see that the judgment made by the people of Hong Kong is certainly correct and "One Country, Two Systems", "a high degree of autonomy" and "Hong Kong people ruling Hong Kong" have been consistently implemented. Therefore, the situation is not what Ms Emily LAU or Miss Tanya CHAN has predicted — that "One Country, Two Systems" would be damaged, everyone would be scared and the people of Hong Kong would be driven away.

Mr LEE Wing-tat and some other Members are very concerned about what is the work to be carried out by the staff members and officials deployed in Hong Kong by the Central Government, or how issues related to Hong Kong affairs will be handled by the Central Authorities. I would like to state clearly here that there is a real need for many authorities of the Central Government to handle issues related to Hong Kong. The People's Bank of China has to handle the issues of how the provision of Renminbi (RMB) services, the settlement of transactions in RMB and the issue of bonds are to be implemented in Hong Kong. The China National Tourism Administration has to make arrangements for the provincial and municipal governments to process visa applications for the implementation and gradual promotion of the Individual Visits Scheme (IVS). The National Development and Reform Commission has to support different authorities in formulating plans of major infrastructure projects such as the projects of Hong Kong-Zhuhai-Macao Bridge (HZMB) and the Express Rail Link (ERL) between Guangzhou and Hong Kong. These authorities and organizations would need a group of staff members with dedicated responsibility for handling matters related to Hong Kong and sometimes, matters related to

Macao. However, these officials in Beijing will not have the time nor is it necessary for them to meet regularly, or every Tuesday, as the Executive Council of the SAR does. No such special governing team has been set up in Beijing, nor is there any at the provincial or municipal level. However, according to the system, these people really have to handle a variety of work and affairs of Hong Kong which are supported by the Central Government.

Mr Ronny TONG has specifically mentioned Mr CAO Erbao's article, which he considered to have caused immense repercussions. Frankly speaking, I cannot see in what ways the article has caused immense repercussions. After reading it, one would find Mr CAO merely repeating time and again that individual officials of the Central Authorities and offices set up by the Central People's Government in the HKSAR have to work in Hong Kong in accordance with the Basic Law and the long-term policies of "a high degree of autonomy" and "Hong Kong people ruling Hong Kong". He has merely written a paper which cannot make any changes to the national policy established by the Central Government since 1980 and that is, the basic policy of "One Country, Two Systems".

Ms Emily LAU and Ms Audrey EU have mentioned many names and they have pointed out who are the CPPCC members and the Hong Kong deputies to NPC and so on. They went on and pointed out the respective duties of individual CPPCC members and the Hong Kong deputies to NPC in the Executive Council, the Legislative Council or the consultative framework. However, to say that the fact that these people hold certain positions in the consultative framework means that "One Country, Two Systems" has been damaged is a kind of illogical thinking that one should not have. I mean I cannot see why that is the case. The Hong Kong deputies to NPC and the CPPCC members are Hong Kong people. They are members of the community of Hong Kong and they too, have their rights, obligations and duties. I hope that Ms LAU and other Members who support her motion would not be suggesting that this group of Hong Kong people should be deprived of the chance to serve Hong Kong as members of these committees in addition to offering their services to the country.

Mr CHEUNG Man-kwong is very concerned about election matters and he has raised the question of whether the Central Authorities have respected the policy that Hong Kong should have "a high degree of autonomy". In fact, the Central Government has all along supported the HKSAR Government's administration in accordance with the law and this principle has also been followed in relation to election matters. The Electoral Affairs Commission

follows the principle of fairness, openness and justness in making arrangements for elections in Hong Kong. The Independent Commission Against Corruption and the Registration and Electoral Office pay special attention to ensure that arrangements for clean elections have been made. This argument is supported by an essential fact. There are more than 3.3 million registered electors in Hong Kong. Every time when there is a District Council election, more than 1.1 million people would come forward to vote; when there is a Legislative Council election, 1.5 million people would do the same. The votes of more than a million cannot be cast at the instigation or under the influences of the SAR Government or any one of the Central Authorities. The ballot is secret. The people of Hong Kong make their own choices and they are intelligent enough to know who can represent them. Members of political parties and those who have been candidates of elections themselves would know very well that every vote has to be canvassed and the support of Hong Kong people has to be secured one person after another. Therefore, we have confidence in the election system of Hong Kong which, I believe, is also very much cherished and respected by the Central Government.

I would like to draw a number of conclusions from the debate we have today. Today's debate has touched upon the foundation of "One Country, Two Systems". Looking back at the past twelve years and the decade before the reunification, we can see that Hong Kong is really a very blessed place. We have everything here in Hong Kong. In terms of the economy, we have CEPA, IVS, the provision of RMB services and we can issue bonds after the reunification. In terms of development, we have the HZMB and plans to build the ERL (Guangzhou-Shenzhen-Hong Kong) and the airports of Shenzhen and Hong Kong will be linked up by railway. In terms of taxation, we do not have to pay any tax to Beijing. In terms of military expenditure, the current situation is even better than that before the reunification. Before 1997, Hong Kong had to make payments to London for military expenditure. In terms of democratic development, we can continue to move toward the ultimate goal of universal suffrage. Over the past twelve years, we have been arguing most of the time on whether and when universal suffrage will be implemented in Hong Kong. In December 2007, after conducting the Public Consultation on Green Paper on Constitutional Development within Hong Kong and after the Chief Executive has submitted the Report to the Central Government, the Standing Committee of the NPC has made a very clear decision that universal suffrage for the Chief Executive and all Legislative Council Members can be implemented in 2017 and 2020 respectively. Therefore, the direction is clear and "One Country, Two Systems" will continue to develop in a very positive direction. I think we should not be overly humble about "One Country, Two Systems". We should treat

Hong Kong fairly and cherish our hard-earned conditions. Today's motion is based on speculation and worries. However, it is not based on the understanding that the Central Government's care for Hong Kong and its creation of various conditions at different levels over the last quarter of a century are intended for the good development of Hong Kong.

Therefore, Deputy President, I consider the motion not positive, nor is it based on the truth. I so submit in the hope that Members will oppose Ms Emily LAU's motion.

DEPUTY PRESIDENT (in Cantonese): Ms Emily LAU, you may now reply and you have one minute 35 seconds. This debate will come to a close after Ms Emily LAU has replied.

MS EMILY LAU (in Cantonese): Deputy President, we have to amend the Rules of Procedure then. It is really ridiculous that his speaking time is even longer than mine in the debate which I have proposed.

Nevertheless, Deputy President, I have proposed this topic for debate on the basis of whether these people are participating or not. LI Guikang has requested that they should be "allowed" to participate so that they can leave the backstage and take to the forefront, just as Ms Cyd HO has put it. However, I have the list of all the names here. Among the 170 or so CPPCC members, about 70 are holders of public offices. Mr IP Kwok-him said I wanted to wipe them out, but how can they be wiped out? All of them have already been appointed. Why is there a problem then? Mr IP has already told us. He said that they were actually safeguarding capitalism under "One Country, Two Systems". But what does CPPCC do, Deputy President? The system of CPPCC is there to act as an important organ for the development of multi-party co-operation and political consultation under the leadership of the Communist Party of China, and promote socialist democracy and multi-party co-operation in China. What should be done when confrontation occurs? Here in Hong Kong, the policy of "One Country, Two Systems" is implemented.

(THE PRESIDENT resumed the Chair)

Besides, why are CPPCC members and NPC deputies the only persons that have been appointed when there are so many talents in Hong Kong? Is it true that we do not have any talents in Hong Kong, or rather, once a candidate has been indentified as a CPPCC member or an NPC deputy, he or she will immediately be appointed? This is the kind of thing which we dread to see. Secretary, the evidence is concrete and mountain-high. We have the list of all the names here. Go on, appoint them! The people of Hong Kong can see for themselves what is happening. If you really want to draw the line and work for the benefit of "One Country, Two Systems", let them work on national affairs and give the management of Hong Kong affairs back to the people of Hong Kong who are not wearing so many hats, please!

I hope that the rest of our Honourable Members will not remain silent, and only three of them have the guts to speak so far, just as what has happened during the discussion on the 4 June incident. Whenever there is a discussion on matters concerning the Central Government, people will behave in that way. Let the people of Hong Kong see for themselves the true nature of these people!

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

(Members raised their hands)

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

(Members raised their hands)

Ms Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Ms Emily LAU has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong voted for the motion.

Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the motion.

Ms LI Fung-ying and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Miss Tanya CHAN, Mr WONG Sing-chi and Mr WONG Yuk-man voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Mr WONG Kwok-kin voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, one was in favour of the motion, 16 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 19 were in favour of the motion and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 3 June 2009.

Adjourned accordingly at eighteen minutes to Eight o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Commerce and Economic Development to Mr Abraham SHEK's supplementary question to Question 1**

As regards the number of offices set up in the Pearl River Delta (PRD) Region by the Hong Kong Trade Development Council (TDC), the TDC has offices in 11 cities on the Mainland, namely, Beijing, Dalian, Qingdao, Shanghai, Hangzhou, Wuhan, Guangzhou, Shenzhen, Fuzhou, Chengdu and Xian. The offices in Guangzhou and Shenzhen are located within the PRD Region.

Appendix II

WRITTEN ANSWER

Written answer by the Secretary for Food and Health to Dr Joseph LEE's supplementary question to Question 4

As regards the number of community psychiatric nurse in each cluster, as at 31 March 2009, the number of community psychiatric nurse in various clusters of the Hospital Authority is as follows:

<i>Cluster</i>	<i>Number of Community Psychiatric Nurse</i>
Hong Kong East	14.5
Hong Kong West	7
Kowloon Central	10.5
Kowloon East	15
Kowloon West	36
New Territories East	18.5
New Territories West	32
Total	133.5

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