

# OFFICIAL RECORD OF PROCEEDINGS

Friday, 31 October 2008

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

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

THE HONOURABLE CHAN HAK-KAN

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

THE HONOURABLE CHAN KIN-POR, J.P.

THE HONOURABLE TANYA CHAN

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE IP WAI-MING, M.H.

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

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

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

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

**MEMBERS ABSENT:**

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

THE HONOURABLE LEUNG KWOK-HUNG

**PUBLIC OFFICERS ATTENDING:**

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

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

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

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

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

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

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

PROF THE HONOURABLE K C CHAN, S.B.S., J.P.  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

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

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

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

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

PROF LAU SIU-KAI, J.P.  
HEAD, CENTRAL POLICY UNIT

**CLERKS IN ATTENDANCE:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY  
GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): Clerk, is there one short?

(The Clerk, after doing a head count, indicated that a quorum was present)

**PRESIDENT** (in Cantonese): Good morning. Council now resumes and we proceed to the fourth debate session. This session covers three policy areas, namely Education, Health Services, and Immigration policies under the policy area of Security Affairs.

## **MEMBERS' MOTIONS**

### **MOTION OF THANKS**

#### **Continuation of debate on motion which was moved on 29 October 2008**

**DR LEUNG KA-LAU** (in Cantonese): President, my response will focus on the part relating to health policy in the policy address. Before making my response, I will first recap the policy address of the previous year, in which only four paragraphs were devoted to health care services. Last year, the Government said that it would enhance primary health care, promote family doctor-based services, introduce more services through public-private partnership, purchasing health care services from the private sector, and development of medical centres of excellence.

In this year's policy address, we can see that the part on health care services has increased to 10 paragraphs. And yet, the Government has again proposed to strive to redress the serious imbalance in the provision of public and private health care services and purchase primary care services and hospital services from the private sector. It even proposes the establishment of medical centres of excellence with the co-operation of different parties, and will enhance primary care services so as to promote a primary care register based on the family-doctor concept. In fact, without any detailed explanation by me, Members can already see that this year's policy address has actually repeated many of last year's concepts.

Regarding health care financing, the Government only stated that public consultation would be launched in the first half of 2009 without giving a specific

direction. Given the existing economic downturn, next year's unemployment rate will probably rise and is expected to be accompanied by a drop in salary. I believe neither mandatory health care contribution nor insurance is likely to be welcomed by the public. Why has the Government all along wished to promote health care financing? To put it simply, it is because too many people rely on the public health care services. In other words, they rely on the Government to pay for them and this is the major cause leading to the serious imbalance in the provision of public and private health care services. If members of the public, particularly the middle class who have the means, are willing to take out insurance policies as precautions, there will not be such a pressing need for the Government to introduce mandatory contribution.

I have therefore time and again put forward a counter proposals, but not asking members of the public to make contributions. On the contrary, I suggest that all health care expenses be granted tax deduction. Just imagine that when the financially capable middle class people fall sick — people usually stay in a hospital for some mishaps, except for giving births to babies — and choose to consult private practitioners using their own money, thereby leaving the precious public resources for the needy poor who cannot afford to pay for such services in the private sector, they should be encouraged. People pay to take care of their health is similar to a company meeting its own operating cost, which should likewise be deductible.

Another justification is that employers' expenditure on health care insurance is currently around \$4 billion a year, which is regarded as the their operating cost and should therefore be deductible. For employees, the health care benefits they receive are also tax-free. So, I do not understand why employees not receiving any health care benefit but instead taking out insurance on their own have to be taxed? Is this not grossly unfair? Can employees ask their employers to reduce a certain amount of their salaries for taking out medical insurance in order to pay less tax?

For this reason, the request to have health care insurance and expenses exempted from tax payment is nothing special. Neither is it in particular favour of the health care sector. The benefits will go directly to the ordinary middle class, who can still choose to use the public health care services. Should they choose to provide better protection for themselves, the Government should give them some incentives when they take out medical insurance.

Furthermore, what should be done if a member of the public does not take out medical insurance but pay for the health care services from their own purse? If we look at it from another angle, he is actually taking out medical insurance to protect himself. So, deduction could also be considered in this regard. Why is deduction not extended to cases where people pay for the services themselves in the absence of an insurance, or the insurance coverage is not extensive enough, or they have been declined insurance coverage by an insurance company (due to previous insurance claims or old age)?

The Government proposed that the effective way to redress the imbalance in the provision of public and private health care services is to purchase private health care services using public money. For instance, the Cataract Surgeries Programme implemented last year ..... it should be this year, and what I mean is the Programme was launched in the last term. In other words, patients who have been waiting at public hospitals for a long period of time will receive a \$5,000 subsidy so that they can turn to the private sector for a cataract surgery. Private practitioners' charge for this surgery is around \$13,000 at the maximum, so the patient is required to pay the balance of \$8,000.

As far as I understand it, this subsidy is not subject to any means test and any person can get it. Some private practitioners have said that the number of patients has, however, dropped with the granting of this subsidy. Why? Because patients who can afford to pay for the \$13,000 surgery fee will then shelve their plan for a cataract surgery and instead join the queue at public hospitals in the hope of getting the \$5,000 subsidy two or three years later. They can then enjoy private service at a lower cost. We can see that the provision of this subsidy has actually aggravated the imbalance in the provision of public and private health care services by encouraging patients who would have been treated by private practitioners to first join the queue at public hospitals.

Given that a subsidy can be provided to redress the imbalance between the public and private sectors, why does the Government not simply offer tax deduction for medical expenses? In other words, granting a 15% tax deduction to the middle class is tantamount to giving patients a 15% discount. And yet, numerous administrative measures can be saved. Why does the Government not allow the patients to use private services?

Earlier on, some opined that the major cause for such imbalance is the exorbitant fees of private hospitals. Under a poor economic environment in



these few years, in particular, the utilization rate of private hospitals has been extremely low. That is to say, the exorbitant fees of private hospitals have deterred the less capable people from using their services, and hence resulted in the imbalance between the private and public health care sectors.

We nonetheless noticed that as the economy improves in the last couple of years (not to say these few months), there was a shortage of private hospital beds. In the good days, many patients are willing to spend more for private services. This explains why the occupancy rate of some private hospital beds rose to beyond 100% in the past month or so. It can therefore be said that the exorbitant fees charged by private hospitals seem not to be the major cause. Rather, looking at the present situation, the imbalance problem is actually caused by a shortage of private hospital beds. This is because members of the profession were forced to refer patients to public hospitals due to the failure to book private hospital beds. This has unnecessarily taken up public health care resources.

The sector welcomes the Government's proposal to identify suitable sites for the construction of private hospitals. However, I can see that most of the selected sites are too remote. I would like to ask if Members would go to North Lantau to seek consultation when they feel very ill. They may probably die on the way to the hospital. Will the Government consider using the existing hospital sites, which are actually medical facilities that have ceased to provide major services and have a low utilization rate? Chest services, for instance, which were previously provided by Grantham Hospital, are now provided by Queen Mary Hospital. Another example is Tsan Yuk Hospital. As far as I understand it, the hospital has ceased to provide beds for Obstetrics and Gynaecology cases. Also, there are some comparatively older out-patient clinics like the one in Sai Ying Pun. Can they be converted to private hospitals?

Thinking further, I am pretty interested in the proposed medical centres of excellence. Regarding the Government's proposal to establish medical centres of excellence in paediatrics and neuroscience, members of the profession support it in principle. They consider that Hong Kong should develop the best health care services and the best hardware. They have however expressed concern about the mode of operation of these medical centres as the Government has yet to disclose what it is.

The Government has once said that these medical centres of excellence would be independent of the Hospital Authority (HA) and will receive private

patients. Some members of the trade suspect that these centres are susceptible to be turned into a club for retired consultants. Given that they are independent of the HA, when a consultant retires and leaves the HA, he will have a new place to go, where the resources and hardware will be provided by the Government, with the best facilities. As a result, retired consultants with renowned images can have their professional life extended.

Saying that these medical centres of excellence can receive private patients, why did the Government not simply turn them into private hospitals of the old days, when they were basically non-profit-making organizations mainly providing the hardware (facilities and equipment) of hospitals? Certainly, these government-established medical centres are also required to provide training and undertake research and development. However, they are only required to provide the necessary hardware for clinical service. Insofar as clinical service is concerned, it is open for use by all HA hospital patients, universities and private hospitals on an equal footing. This will relieve the shortage of private hospital beds because, as far as I understand it, the pace of providing these medical centres is much faster than the selection of sites by the Government earlier on. I have learnt that while the neuroscience centre will be located next to or within the Queen Elizabeth Hospital, the paediatrics centre will be located in Kowloon Hospital, and the work will soon commence. Will the Government consider presenting a clear picture of their mode of operation, and provide them with the best technology so that they can be opened for use by all doctors from both the private and public sectors?

Although members of the sector and the general public have expressed their aspirations for so many years, the policy address still remains silent on such issues as the provision of dental services. At present, the Government's dental services are mainly provided to civil servants as medical care for employees. Members of the sector and the general public have requested for years that basic dental services, such as treatment for toothaches or removal of teeth, should be provided to all the poor. Since the existing Student Health Service only covers primary students, members of the sector consider that it should be extended to cover pre-school children, secondary students and elderly people under institutional care.

Another issue is about the supervision of medical groups. In fact, members of the sector also agreed that these medical groups do have their value of existence because they can provide quality assurance and bargain for the

patients as long as they operate well. However, if they emphasize too much commercial benefits or operation, or incur exorbitant administrative costs, neither the sector nor the public will benefit. For this reason, both the sector and members of the public agreed that all medical groups must be subject to appropriate supervision. The most straightforward proposal is to require that all licence-holders or major shareholders must be doctors, who should be held accountable to the public and the HA for the quality of service and all medical incidents relating to the medical group concerned.

I know that there are plenty of bills and motions waiting to be tabled before the Legislative Council, but the bill on health care proposals has been given a pretty low priority. I have therefore boldly proposed, earlier on, to the sector that a consensus should be forged on the drafting of a private bill on our own, and it is hoped that the Government and the President will join efforts to make it happen. If we succeed in doing so, a door of convenience will then be opened for members of the public and the sector.

This year's policy address has proposed two concrete initiatives, first being the inclusion of pneumococcal conjugate vaccine in the Childhood Immunization Programme, and second being the building of a new hospital in Tin Shui Wai. While the sector welcomes these two initiatives, it has two concerns about the building of a new hospital in Tin Shui Wai: Firstly, as stated in the policy address, the relevant works is expected to start in 2001 ..... sorry, it should be 2011, and complete in 2015. And yet, it seems too long and should be speeded up if possible.

Secondly, the building of a new hospital must go hand-in-hand with an increase in manpower. Perhaps Members will find such a request rather incomprehensible. Why should the building of a new hospital require an increase in manpower accordingly? I can tell Members my personal experience. When Pok Oi Hospital reopened this year or the year before, staff of Tuen Mun Hospital had been requested to serve in Pok Oi Hospital. Many of its services are still provided by staff of Tuen Mun Hospital. In view of the increasing workload, Tuen Mun Hospital staff then asked the HA why no additional staff had been recruited for Pok Oi Hospital. The explanation given by the HA is that Tuen Mun Hospital's health care workers have all along provided services to people living in the New Territories West, including Tuen Mun, Yuen Long and Tin Shui Wai, and since Pok Oi Hospital is also located in New Territories West, the two hospitals actually serve the same group of people and it is therefore more

than sufficient to have the same group of health care workers providing the necessary service. I believe a new hospital is built in anticipation of an increase in demand for local health care services, which should therefore be met by additional manpower. Consequently, the sector learnt that luck should not be taken for granted and efforts must be made.

Last of all, as to the question of whether the Motion of Thanks should be supported, I consider this year's policy address and the revised course of action by the Chief Executive acceptable on the whole. I hope that, as a new Member, I can do something to promote the harmony between the executive and legislature. So, I support the Motion of Thanks.

I so submit. Thank you.

**MR CHEUNG MAN-KWONG** (in Cantonese): President, our investments in education have been swallowed by the recent financial tsunami. In this year's policy address, only three paragraphs were devoted to the so-called "Investing in Education": Three years' subsidized senior secondary education, expansion of the international school sector and a study on e-books. Among these three investments in education, subsidized secondary education and site allocation for international schools were only rehashed initiatives from last year's policy address, whereas the study on e-books is still at a very rudimentary stage and probably nothing will come out of it.

The financial tsunami is critical, but education is nonetheless our most important long-term investment. A government with vision should not determine the amount of investment in education in the light of economic performance because such an investment does not only have an implication on the next generation, but on the future well-being of Hong Kong as well. But our Government only saw the towering waves posed by the financial tsunami, but failed to see the undercurrents of an education crisis. Parents' disappointment is therefore understandable, but the grievances of the education sector also amass.

Next year, the new academic structure for senior secondary education and higher education will be formally placed on the starting line, and our education reform will advance to a more risky stage. The effectiveness of this reform will affect nearly 1 million students. While small-class teaching for secondary education still remains a distant goal, the class reduction and culling of schools is

not only a nightmare for primary schools, but also that of secondary schools. And, it still haunts them. In July this year, Secretary for Education Michael SUEN said that another 50 secondary schools would be culled. Consequently, 30 secondary schools with an intake of less than 67 students are placed on the verge of closure. While the secondary education sector is in terror and panic, the reform of academic structure is at stake too.

With the mobilization and concerted effort of the education sector, the Education Bureau agreed to put forward two new development proposals, under which secondary schools will either be subsidized or operate in collaboration with a view to providing special and diversified courses. As a result, schools with insufficient student intake will continue to receive funding for operation, thereby slightly relieving the risk of closure. However, it is necessary for the details of the new operation mode, say, the number of subsidized schools, to be realistic. Additional manpower must be provided to ensure that there are enough subjects for the choice of students, instead of rigidly requiring schools to deposit millions of dollars into the banks as guarantee by calculating the average unit cost of students. The introduction of collaborative programmes, meanwhile, would not only enhance co-operation among schools, but also enable them to provide more courses and purchase practical courses organized by such institutions as the Vocational Training Council and Caritas, thereby providing alternatives outside the schools. The Hong Kong Professional Teachers' Union will negotiate with the Education Bureau and various schools to draw up the details, ensuring that the new proposals are reasonable and will help alleviate the danger of school closure in the next five years.

To genuinely stabilize secondary education in the long run, the implementation of the two new proposals is not enough to thoroughly resolve the problem. Therefore, we put forward the following supplementary proposals: (1) in order to tie in with the symmetrical class structure of new senior secondary education, overcrowded schools should be allowed to apply, on a voluntary basis, to reduce the minimum number of classes to four, with a view to reducing the number of teachers by natural wastage within the five-year "toleration period", thereby minimizing the trauma to schools; (2) to review the "parents' popularity index" under the Secondary School Places Allocation system, which is said to be operating in a black box, so as to prevent the Education Bureau from using it as an excuse to cull schools, hence shifting the risk of an overall population reduction in the district to just a few schools; and (3) to implement small-class teaching in secondary schools, first in regions with surplus school places, with a

view to stabilizing school development with the introduction of the new senior secondary academic structure and raising the teaching quality of secondary schools.

While the problem of secondary school closure is temporarily relieved, another fire has yet to be put out by the Education Bureau, and that is, the termination of Secondary Four education. During the summer holiday, the Education Bureau refused to continue granting subsidy to four secondary schools admitting Band Three students in the following year. These schools have all along admitted disadvantaged students such as those abandoned, deprived of education or having special education needs. Without the subsidy, these students will have to pay the school fee themselves in order to continue their studies in the same school. If not, they will have to switch to other schools, which will require adaptation to a new study environment. This unfriendly policy has not only made the students feel helpless, but also aroused the discontent of parents.

Since these four schools mainly admit disadvantaged students, their parents' popularity indexes are definitely not high. Why would parents prefer having their children continue studies in the same school to sending their children to senior secondary schools allocated by the Government with a comparatively higher parents' popularity index? Why would parents and their children take to the streets to protect these schools? Because with tireless efforts and continuous positioning, these schools have developed a unique function of education, under which the abandoned students are brought onto the right track. They have become the real choice of the tormented parents. How can the Government turn a blind eye to these students who have gone all out to strive for a second chance?

There are 6 000 students scoring zero marks in the Hong Kong Certificate of Education Examination every year, meaning that they failed to get any mark in all the subjects. It is better for them to receive education in an alternative mode. For this reason, in designing the curriculum for the future senior secondary education, variety should not be provided in subjects only, but also in the type of schools, so as to ensure that the abandoned students will be admitted somewhere and given a second chance to receive education. I hope that the Education Bureau will listen to the voices of the parents seriously and allow these schools to continue providing senior secondary education for a test period of three years, during which it may choose to subsidize schools basing on the unit cost of students, relax the requirement of student intake, and decide on the schools' mode

of operation and way forward in the light of the learning status of the first batch of graduates.

Last year, the Government revised the starting salaries for primary and secondary teachers appointed between 2000 and 2006. However, the computation has neglected the teachers' years of service. This has resulted in the phenomenon of unequal pay and consequently divided the teachers. Knowing that there was a mistake in the computation, the Government still adhered to its own course. As a result, young teachers who had already suffered a reduction in salaries when they were appointed eight years ago and gone through the hard times together with the Government again suffered not just in terms of their dignity, but also in terms of their well-being. A more serious consequence is that a Graduate Master (GM) appointed after August 2007, is generally two or even five points lower than a new recruit or one on in-service transfer. This is indeed a double setback to the affected young GMs, and the Government is actually sprinkling salt over their wound.

According to the civil service pay policy, the Government has expressly provided that from the perspective of human resources management, the remuneration of serving civil servants should not be lower than that of civil servants appointed to the same rank at a later date. The paper issued by the Civil Service Bureau also highlighted the same point. The remuneration of serving civil servants should not be lower than that of civil servants appointed to the same rank at a later date. It can therefore be seen that the salary revision exercise, which has caused GMs of higher seniority to earn less than the newly-inducted or in-service transferred GMs, is apparently in contravention of an important principle underlining the civil service pay policy. The Education Bureau and the government department concerned should expeditiously rectify the situation by providing equal pay to teachers having the same qualification and years of service, and turning all the Certificated Masters/Mistresses holding degree qualifications into GMs so as to treat the young teachers fairly.

President, a group of government school teachers appointed under the "3+3" model has yet to be appointed as permanent staff though they have passed the necessary examinations. How ridiculous and discriminative this is? Worse still, there is another group of supply teachers who are employed under a one-year contract term to make up for the established teaching posts of schools year on year. Among the 54 teachers in a government school, 10 of them are supply teachers. It can therefore be projected that there is presently a large number of

such supply teachers. While their qualifications and job duties are exactly the same as the permanent teachers, they do not enjoy as many benefits as their counterparts. This is so unfair to them. As high mobility of teachers is detrimental to students, why has such a discriminative phenomenon prevailed in government schools? Will the Government become an unscrupulous employer sooner or later?

Early childhood education is another volcano that is about to erupt. After Donald TSANG proposed the introduction of the education voucher in his 2006 policy address, it seems that the market could, he believes, resolve any problem and he could just sit back having done all these. Regardless of how many problems the early childhood education sector raised about, for instance, the salary and pressure of kindergarten (KG) teachers and the operating difficulties of full-time schools and KGs, the policy addresses of the last two years have remained silent in this regard. At that time, the Government had bundled the introduction of the education voucher scheme with the abolition of the salary scales of KG teachers, and subject their salaries to market adjustment. Just one year, it has now proved that the salary level of KG teachers has failed to move upward in tandem with an enhanced qualification notwithstanding the huge demand. Should a KG teacher switch to another kindergarten, her years of service will not be given recognition. What is more worrying is that when the majority of KG teachers graduate a few years later, there will be an excess supply and add to the pressure of a salary reduction.

Following on the heels of the introduction of the education voucher scheme are numerous external school reviews (ESR) and immense pressure brought about by the heavy administrative work and further studies, which have upset the normal family life of KG teachers and hence pushed the angers of the early childhood education sector to the maximum. Opposition will occur at any time. The Hong Kong Professional Teachers' Union is now conducting a signature campaign to make four significant demands, namely: (a) to immediately provide qualification allowances for KG teachers and formulate a pay scale for them; (b) to look squarely at the heavy workload of KG teachers and their tremendous pressure on further studies; (c) to increase manpower to relieve the heavy workload of KG teachers arising from both internal and external school reviews; and (d) to comprehensively review the subsidies granted to different early childhood educational institutions, including an increase in resources for whole-day pre-nursery schools and KGs. I hope that the Education Bureau could hear the voice of the early childhood education sector. I also request the



Government to comprehensively review the education voucher scheme, including the academic qualification, years of service and pay scale of KG teachers, as well as the pressure arising from the ESR, teaching and further studies.

President, the price of school textbooks has increased year on year for a decade since the reunification. It has become a commodity that is always increasing in price but will never drop. Regardless of whether the economy is good or bad, the price of paper rises or falls, or the salary increases or decreases, there is always a reason for the price of school textbooks to increase. This year, as usual, the price of textbooks has increased by 6%. Even though the Government has granted a subsidy of \$550 million for students to purchase school textbooks, this sum of money is actually a subsidy for book publishers to increase the price. In the policy address, the development of electronic books is proposed. And yet, even if it is technically feasible, the money thus saved can never compensate the damage done to the eyes of students, who will be required to read electronic books throughout the 12 years from primary to secondary level and spend more than 10 hours a day reading these books after school. As a result, all students will have to put on glasses. Is the loss not greater than the gain?

Why does the Government not subsidize schools to purchase their own textbooks for students to take turns using them, and dispose of the soiled ones every year? Why do schools not proactively promote the recycling of textbooks? Why does the Government not exercise supervision on the textbooks so that nothing other than necessary information is contained in the books, thereby preventing them from being too heavy and thick as a result of the use of excessive paper, and deterring unnecessary revision of textbooks and the offer of gifts to boost sales? Why does the Government not put a cap on the total costs as shown in the book list to avoid it being too expensive? The average cost of books of primary and secondary schools for this year is \$2,000, and the highest is \$4,266, which doubles that of the average. Why does the Education Bureau not investigate if there is a genuine need for students to buy so many books?

President, after the 18% university education participation rate was laid down by the Government in 1989, the number of subsidized university places has remained unchanged and now lagged far behind the rest of the world. However, the SAR Government still adheres to old inadequacies, and has turned a deaf ear to the study need of students by assigning all training work to someone else. According to the latest report on imported mainland talents, 4 300 applications

had been received between April and late September of this year (a total of six months), among which 3 820 were approved, showing a success rate of nearly 90%. Half of these so-called talents are degree-holders, and nearly 60% of them are earning a monthly income of less than \$20,000. If nearly 4 000 people were imported in half a year, it means that a total of 8 000 will be imported in a year, which equals to 55% of local university graduates in a year.

When the economy is booming, the importation of university students will certainly pull down the average salary. However, the financial tsunami has already dealt a serious blow to the job opportunities of local university graduates. What is more, now that a decade after the reunification, even students who meet the requirements are not admitted to the universities due to a lack of university places. Why would the Government rather waste the talents than increase the university places? Why does the Government deprive local students of their opportunities to further studies by creating a man-made shortfall of local talents and use it as an excuse to import so many mainland university graduates? Take this year's Hong Kong Advanced Level Examination as an example, 17 570 matriculated students successfully met the requirements of universities, which is a record high in these five years. However, subject to the limitation of the 14 500 university places, which would be shared by non-Joint University Programmes Admissions System students and outstanding students applying under the Early Admission Scheme, less than 12 000 places are actually available for matriculated students.

President, when local young people face a predicament in further studies, the Government has instead opened the door for mainland university graduates. When local young people are deprived of a chance to further study due to a lack of university places, the Government has instead imported a large number of mainland people who earn less than \$20,000 monthly. When local students are heavily in debt in their pursuit of further studies, the Government has instead taken away their job opportunities. So, how can our young people compete with the mainland talents in terms of academic qualifications? Is this an act by the Government to ruin our established foundation, or simply to add a few more kicks to the local young people? Or, is this an act to strengthen our local human resources or to sacrifice our young people's well-being?

President, this is an unfair competition which has made our young people victims of this policy blunder. Furthermore, this is a crisis of training for local talents as it does not only deal a serious blow to the next generation, but also brings about structural destruction to the sustainable development of our society.

Donald TSANG said that Hong Kong should emerge as a world-class service centre in the course of the nation's development, and nurture talents required by the region and Hong Kong itself. The nurturing of talent to which he referred is nothing but a scam for the importation of talents. It does not help in enhancing local talents, and what is more, it is self-contradictory. Given the serious lack of talents in the past, at present and in the future, the Government will eventually taste the fruit.

Amidst the current economic slowdown, not only has the Government placed a cap on the number of local university students, it has even imported a large number of mainland university students to compete with them. Local young people are therefore placed in a more difficult situation in the pursuit for further studies and job opportunities. So, I hope that Donald TSANG will increase university places, even in times of economic recession, by breaking the 14 500 cap maintained for nearly two decades, with a view to raising the education level of society. He should also refrain from importing considerable human resources from the Mainland to enable local young people to grasp the opportunity to strive for excellence in times of recession.

President, in the policy address, Donald TSANG proposes to legislate for a minimum wage. I urge that Donald TSANG should pay attention to a long-neglected group in the education sector, which consists of contract teaching staff of universities receiving exceptionally low wages.

In 2003, the Government delinked the university staff salaries with that of civil servants, and reduced funding to universities by 10% in the following year. To reduce expenditure, various institutions had not only effected pay cuts and pay freezes on incumbent staff, but they had even drastically lowered the starting salary point and fringe benefits for new recruits by 10% to 40%. As a result, many newly inducted teaching staff, though holders of doctorate degrees, earn as little as some \$10,000 monthly. Under the contract system, they have to complete assessment reports very frequently on the one hand, and cope with the immense pressure brought about on the other by the risk of being sacked when their contract is about to be renewed every year. Even though they are unfairly treated by the institutions and have to satisfy the unreasonable requests of their bosses, they can do nothing, let alone enjoying academic freedom without any constraint.

President, they are all young and promising, a new pool of teachers tasked to achieve the mission of teaching. However, their remuneration has plunged

like the stock market after the delinking of salaries, and job security has disappeared without a trace like the Lehman Brothers minibonds. These are the adverse effects of delinking. The Government must provide sufficient funding to the universities and remedy the unfairness and inadequacies of delinking, so as to retain local young, outstanding university graduates.

President, the KG teachers' meagre income and immense pressure of teaching; the opposition from the secondary and primary sectors to the culling of schools and their wish to fight for small-class teaching; the injustice arising from the failure to increase young teachers' salaries according to their years of service, as well as the freezing of university places for 20 years which has created great difficulties for young people in pursuing either further studies or a career, are the four major pressing issues faced by the education sector. The financial tsunami has given the Government the best excuse to stop increasing funding for education. National education, which was criticized by State President HU Jintao as being insufficient during his visit on 1 July last year, has instead become the focus of the policy address.

This year, the Government will subsidize 37 000 students on exchange visits to the Mainland. Even primary and secondary students will visit the Mainland, representing a seven-fold increase. This is going too far, and is indeed evident of how the stances of certain policies and authorities shift in a bid to please those in power, which is actually a negative example in national education. I can also imagine that teachers will be required to frequently lead groups of students to visit the Mainland during their holidays in the days to come. Teachers will probably become part-time tour guides. They will thus have to spend more time on trips around the mainland cities at the expense of their family life.

However, I still have high hopes for national education and support it anyway. But national education does not mean frequent visits to the Mainland, nor imbuing national knowledge through examples. What is equally important is that students should learn comprehensively the history of China and the rest of the world, and make history a core subject. What is equally important is that students should learn about human rights and receive civic education to enhance their abilities of independent critical thinking. Since Hong Kong is an international city of China, students should therefore possess national knowledge and an international vision, too. Not only should they recognize their Chinese identity, but they should also have the perseverance to value human civilization — freedom and equality, democracy and fraternity.

Let me reiterate the pressing problems of the education sector which must be resolved: To review the pre-primary education voucher system; to relieve the workload of KG teachers and the pressure brought about by the ESR; to raise the salary level of KG teachers; to immediately stop the policy of school culling; to implement small-class teaching in both primary and secondary education; to recognize the years of service of teachers appointed before 2006; to look squarely at the conflict where more senior GMs earn less than the new GMs; to break the 14 500 cap of university places so as to create more opportunities for young people to continue studies and pursue their careers; to focus on the perseverance to value human civilization while stressing national education; to look squarely at the need of those low-income contract teaching staff at universities and retain outstanding staff by offering substantive appointments and increasing their salaries, and a more practical approach than the development of electronic books, which still has a long way to go, is to show more concern for the problem of expensive school textbooks so as not to add to the heavy burden of parents in the wake of the financial tsunami.

President, I so submit.

**DR JOSEPH LEE** (in Cantonese): President, I will talk about health care.

President, I have read four policy addresses in the past four years and this is the fifth one. While I was reading this policy address, I had a slight feeling that I was involved in an endless and mammoth task. Why do I say so? In the past four years, ever since the first occasion, I have been asking what health is. Members may laugh and say, "Not again? You have asked this for four years and this is the fifth year that you do so and you are still asking?" In fact, health is a very simple thing. Just as the World Health Organization (WHO) says, health should be regarded as physical, emotional, spiritual and social well-being. However, if we look in retrospect at the past policies on health care in Hong Kong, the view held all along is that health means not being ill. For this reason, most of the resources for health care are devoted to medical treatment.

What does medical treatment mean? Medical treatment is very important, not unimportant. However, most of the expenditure on public health care amounting to \$30 billion is devoted to medical treatment. May I ask how many people in Hong Kong are ill? I think that even though we have a population of 7

million people, perhaps only a million or several hundred thousand of them are ill and the majority of them are very healthy. How can people remain healthy? All along, the health care policy of the Government is that it does not matter if members of the public are ill and it will do just for the public to receive medical treatment. They can just see a doctor. If the Government spends more on medical treatment, the public will be healthy and society will be healthy. However, the concept of a healthy society and a healthy city advocated by me in the past four years is not like this.

This time, I find that many passages in the policy address are devoted to health care services and what I find most encouraging is that it seems the Government has sensed and the Secretary also sees that if we want the public to be truly healthy, we cannot just equate this with their not being ill and that we can also commit more resources to the holistic health concept of physical, emotional, spiritual and social well-being. The emphasis of this concept is that whereas the community will be healthy, the demand for hospital services and treatment by doctors will also decrease, so the resources allocated to health care can be better balanced and rational. This time, I find that the Government has proposed that family medicine be strengthened. This was also mentioned in the last policy address and this time, the Secretary mentioned this again. He also introduced the measure of establishing community health centres. This is desirable because strengthening primary care is the cornerstone in promoting the health of the community as a whole.

We should not just say that we need public health. I believe the Secretary also has a very clear idea of what public health is. The Under Secretary is not present today. He also has a background in public health care. I have read some books and found that public health actually does not mean medical treatment at all. Basically, public health refers to the prevention of diseases and the promotion of health. Simple matters such as the drainage in one's toilet are also considered to be within the scope of public health. The public health mentioned in the new school of thought nowadays refers to various factors in society that can cause health problems, for example, the financial tsunami. It poses a major problem for mental health. Not only will it pose mental health problems, it will also pose social health problems. People do not want to spend money and they no longer dine out, so they have fewer occasions for socializing. They may not feel like going on hikes either because they have to travel very far or they do not want to pay the transport fares. As a result, many such instances

will occur in society. Look at the Central District. Over breakfast this morning, we said that the traffic congestion this morning was not that serious and everybody said that that was because members of the public did not want to drive. Why? Because the cost is high. In view of this, a new concept of public health is very important.

I will not stray too far. The subject that I wish to talk about is that in this policy address, it is said that we must take the problem of health seriously. Therefore, what our sector and Hong Kong people find encouraging about this policy address is that the Government is really going to take this matter seriously. In the past, I found that what the Government meant by public health and family medicine was in fact to turn public health or community hygiene into medicine. Why do I say they were turned into medicine? Because the Government says that if one is ill, one should see a doctor and if one goes to a hospital, one would be fine. This is not a direction that is very worthwhile for a very healthy society to take.

This time, here, the Government ..... Secretary, you are promoting family medicine once again, but I hope you will not be like some people who maintain that promoting family medicine means having a family doctor and should anything go wrong, the problem can be solved by seeing a family doctor in a local community. In our local communities, there are many family doctors. The Government often says that 95% of the community health care services are provided by private doctors. This is not the main problem in health care promotion; rather, this is to turn community health care into medicine. Should anything go wrong, the first thing we must do is not to see a doctor. If we want to be healthy, we have to first start with our life habits and dietary habits by abstaining from smoking and drinking and sleep normally — although it is not possible for a Legislative Council Member to sleep normally, at least, we will be moving in this direction to make society healthy.

In promoting family medicine and primary care in society, we should take a holistic approach. For this reason, I hope that when talking about implementing the concept of community health centres, he will not turn community health centres into community medical centres, such that everything will be turned into out-patient services and everyone will queue up to see a doctor. Doing so cannot truly highlight the importance of promoting primary care.

Here, I wish to point out that as members of the sector and members of the Hong Kong public, we hope very much that community health care teams, which the sector has talked about for a long time and which has been mentioned in the past four years, can be established in community health centres. Of course, in such a team, there will be various kinds of health care workers, including doctors, nurses, physiotherapists, dieticians, pharmacists, and so on. The various members in a community health care team can, together with those members providing rehabilitation services, truly help the Secretary in bringing into play the important functions of community health centres. I stress that this kind of community health centres should not just enable the public to see doctors, say, when they hurt their legs, for they can go to an out-patient clinic to see a doctor or a doctor in orthopaedics, or if they suffer from chronic diseases — I will talk about this in greater detail later — they can get their medicine there, and afterwards, they can be healthy again.

In fact, community health centres are not so simple. The main role of a community health centre is to keep the community healthy. What is health? Let me give an example. Will a community health centre assign on its own initiative workers to visit various schools in a community, say, in Central, to provide physical checkups and health care services to students, so that they can grow up healthily and normally? After they have grown up, if they will suffer from fewer illnesses, and so they do not have to seek treatment in hospitals frequently and do not have to queue up for consultation at out-patient clinics or specialist clinics. If they use tertiary care less often, the new generation in Hong Kong will be able to grow up normally.

Second, another important role of community health centres is to carry out health assessments in the homes for the elderly in a local community. Elderly people are advanced in years and of course, they are like machines that suffer from wear and tear. They will experience various degrees of breakdowns at various times. If efforts in health care promotion are made, so that members in the community health team, including doctors, nurses, pharmacists, physiotherapists or dieticians, can go to these homes for the elderly to carry out promotional work and teach elderly people how to maintain a normal diet and acquire better life habits, as well as monitoring the operation of these homes for the elderly, the elderly people in these homes will naturally be able to live happily, enjoy a better quality of life and they will also be healthy. Therefore, community health centres are not just responsible for rehabilitation or medical treatment. I hope that when the Secretary implements the proposals in this



policy address, although it is desirable to commit resources, he must also take the right direction, so that Hong Kong will not be adopt such a simplistic and inappropriate policy of "being healthy means not being ill". This is precisely the reason that I had the feeling of being involved in an endless and mammoth task. I have been talking about this for four years and now, the Secretary has heard it and the Government has heard it. I hope that in implementation, this can be put into practice earnestly, that nothing will go astray and disappoint us.

On another front, I wish to talk about the elderly and children. Let me first talk about the elderly. In our community, services for the elderly are considered a welfare service. In the past, we would definitely think so or I think we would think so out of habit. For this reason, yesterday, I heard friends in the welfare sector talk about increasing the places in Residential Care Homes for the Elderly (RCHEs). What would elderly people say? It is true that in the past, RCHEs were an item of social welfare service. It is not my intention to deny that RCHEs are a kind of social service, I only wish to stress that nowadays, RCHEs are an important area in the policy on health care. Why do I say so? Nowadays, due to various government policies, from 2000 onwards, hospitals no longer admit elderly people with minor illnesses who are otherwise in stable conditions. They have to return to their local communities, so at present, various RCHEs ..... the health of elderly people is poor and they have to be cared for by professionals. For example, the community health teams I talked about just now can help afford them care. Of course, the Secretary would now say that he has figures for this, and that every 60 elderly people are cared for by one nurse. However, this proportion exists only in name but not in reality and many private homes for the elderly are exploiting legal loopholes.

This is not within our scope of discussion. The point I wish to make is that by raising this matter in this session covering public service, we hope that through the establishment of community health centres, assistance can be provided to RCHEs in local communities, so that the elderly people in them can be better off. For example, it is desirable if assessments can be carried out on them, but monitoring is also very important. Last week, we could read press reports about yet another blunder in dispensing drugs and the elderly were in trouble again. Why did such things happen? The Government wants the Social Welfare Department (SWD) to carry out monitoring, but the SWD only carries out inspections in accordance with the legislation on licensing, so it cannot see those professional issues. Social workers in charge of these RCHEs may not have the professional knowledge to see the situation in health care. It all

depends on the homes for the elderly, which will hire a few more nurses if they have money or some Health Care Assistants if they do not. On the whole, the quality of the service and care provided by homes for the elderly are poor. Moreover, it is getting worse. If the condition of an elderly person is not so normal, this will make people feel very concerned.

For this reason, I propose that in addition to stepping up supervision, the Government should also better utilize the existing resources in local communities, for example, by utilizing the community health teams mentioned by me just now or the community health centres to be established by the Government, to monitor these homes for the elderly and help them do a better job. For example, greater professionalism should be ensured in the drug dispensing system and the resources for RCHEs should be boosted, so that they can hire more professionals, such as nurses and pharmacists, to serve local communities and the homes for the elderly therein, so as to ensure their quality. This is a feasible approach. I hope that under this policy, RCHEs will not simply be a kind of welfare, rather, it should also be part of health care service. I hope the Secretary can do a better job and offer some help in this area to help boost the services provided by homes for the elderly, so that elderly people can live peacefully in their old age.

The opposite of elderly people is children. Children are very important. Of course, the Chief Executive encouraged people to have three babies — that was several years ago and he no longer dare say so because we are amidst a financial tsunami. I wonder if members of the public still want to have three babies. An advertisement also says that several million dollars are needed to raise a child, so raising three will cost over \$10 million, so what should one do? I have no idea. Anyway, children are our future pillars and for children to lead a healthy life in Hong Kong ..... in fact, this area has been neglected.

Mr CHEUNG Man-kwong said just now that education was very important. In fact, apart from education, growing up healthily is also very important. Looking back at the past, could children in Hong Kong grow up healthily? Indeed, the Secretary said that we had the School Medical Service Scheme, but is this enough? I am not going to comment on this for the time being, but there is one thing that we must be concerned about, namely, there is already a big problem with the Childhood Immunization Programme that we have talked about. The Secretary would disagree immediately and say that adding the pneumococcal conjugate vaccine is highly desirable, that all would be fine after

children are vaccinated. I learnt from today's newspapers that children would be given various kinds of free vaccination starting from next month. This is desirable, but perhaps let us look at the overall vaccination programme in Hong Kong.

I joined the health care sector nearly three decades ago and in fact, there have been few major changes other than some tinkering only. The problem is that if we look at the WHO and the world, many changes have been made to vaccination programmes. Of course, this issue was also discussed several years ago and the reply given by the Secretary was that it depended on the need in Hong Kong. In fact, I do not quite understand this. Apart from racial differences, there should not be any difference between children in Hong Kong and those in the world in terms of their health care needs. As a more developed place in the world, we have an important role to play, particularly in the prevention of infectious diseases and other chronic diseases. I fail to see why the Secretary cannot make drastic improvements to this area but can only do some tinkering by adding the pneumococcal conjugate vaccine or providing free vaccinations to children. The Government should establish a team to see whether or not, from an overall perspective, a review of the scope of vaccination for children of future generations can be conducted to examine if any change to this service is warranted, so that our children can grow up more healthily.

In addition, I also wish to talk about the establishment of community health centres again. This time, the Secretary said that it was desirable to establish community health centres. However, one level which can be further expanded is that, at present, many schools have to be responsible for their own education on health care, and alternatively, such work is only undertaken by the Department of Health (DH). Compared with the Hospital Authority (HA), the DH is only a very small department. As far as I know, at present, it only has a small number of doctors and some 400 to 500 nurses to take care of the health of 6 million Hong Kong people. I think this situation is quite interesting, but is it working? Members may say "God forbid" because everyone is sitting here healthily. Should credit go to the DH? I hope this is but there is one very important thing, that is, for the sake of our next generation, it may not be enough for children in schools and local communities to rely solely on the DH. Since the Secretary said that community health centres would be established, can this concept be expanded a little and can more resources be allocated to implement a concept known as "school nurses" in each school, which is being implemented in overseas

countries or by some voluntary agencies in Hong Kong? The concept of school nurses is in fact very simple. It is just about having health care workers visiting schools regularly to undertake work relating to hygiene and health care promotion in schools, so that children can have a better idea of what normal life habits and diets are and how they can grow up healthily. This is an important area. I hope that at this stage, the Secretary can consider increasing resources when implementing the concept of community health centres, so that these centres can take care of nearly local communities, schools and elderly people. This concept of primary care using a community health centre as the focus for outreaching services will truly be able to turn Hong Kong into a healthier city.

The Secretary also said that a programme on primary care services had to be formulated and family medicine had to be strengthened. I have also said just now that we must by no means think that it is all about seeing a doctor and that there is a lot of work that can be done, so we have to train people. In this regard, I believe the main task for Hong Kong is to train doctors, nurses and other allied health professionals.

First, I wish to talk about my nursing profession. That the manpower of nurses is inadequate, be it due to policy blunders or not, is an established fact. Now, the Government has boosted the training of nurses in the hope that the manpower of nurses can be increased. However, at present, there is a very strange human resource policy in the public health care sector, that is, no matter how the performance of newly recruited nurses is, they will not get any pay rise in the first two years but they still have a salary scale. No matter how outstanding the performance of these nurses is, they cannot get any pay rise and this is a policy. In the past, this gave rise to a situation in which young nurses who had worked for a couple of years or several years would choose to quit after familiarizing themselves with the entire public health care system. To put it rudely, they found that there was "no buzz" because they could not get a pay rise or any reward even though their performance was good and no one would ever notice if their performance was good. Of course, if one's performance is not good, it does not matter but the majority of my colleagues are doing a good job.

For this reason, this group of young people wants to go out to see the world, particularly given that recently, private hospitals want to recruit these young people with qualifications to work for them. As a result, a situation has arisen, that is, although the HA has money, it has difficulty in recruiting nurses.

This ossified policy also cannot retain a group of nurses more familiar with the system. They are leaving one after another, so their number is diminishing. Yesterday, I attended a meeting of the Board of the HA and found that the increase in the number of nurses in the past was only 0.4% and this is lagging far behind those of doctors or other allied health care professionals. Why? Because there is difficulty in recruitment. The reason is that, first, the number of nurses is inadequate and it is not possible to train enough nurses, so it is difficult to recruit people and second, this ossified human resources policy of no pay rise for the first two years makes young people familiar with the public health care system leave it and this leads to losses. Certainly, the Secretary would say that the HA is not under his charge, but it does not matter. I wonder if he will go to the discussion camp organized by the HA later? Anyway, on this point, can the Government examine whether it can exercise flexibility to encourage young people to stay in the public health care system instead of leaving it? In the long run, is it possible to make them feel that there is prospect in staying in the HA and let them see a different picture, thus enabling them to give play to their strengths?

I do not mean that young people nowadays are short-sighted. If they think that the difference in pay is too great, perhaps amounting to \$4,000 or \$5,000 monthly, why do they not leave and explore the outside world before coming back? The most interesting thing that this policy has given rise to is the way the seniority of each nurse is reckoned. Suppose I have worked for five years and you, President, have also worked for five years. President, you are very loyal and have stayed in the HA throughout this period, whereas I have left to explore the outside world. When I come back five years later, my pay will be higher than yours because you cannot get any pay rise in the first two years whereas I, having worked in the outside world, will find the HA saying to me, "Joseph LEE, you have five years of working experience and we will take that into account by raising your starting point." In view of this, if you have all along worked in the HA, on seeing such a situation, you would think that you are very stupid. This is a very ossified human resources policy, particularly in view of the strong demand for talents, so I wonder if this policy can be changed. Of course, this may be a labour or employment issue, but the point I wish to strike home is that since the Secretary wants to implement primary care and step up talents training, from an overall perspective, some loopholes in policies or actual practices can be plugged, so that a larger number of quality people can stay and serve in the public health care system. This is a more important area that I wish to highlight.

Of course, having talked about various aspects such as talents training, what I want to say is that after more people have been trained and the public health care system has been improved, will the public be drawn back to public hospitals again? Will that not be a big problem? Dr LEUNG Ka-lau said just now that the press had also reported that the Government now wanted to introduce public-private partnership, so as to make better use of resources in the private sector. However, from the angle of resource users or service users, I think it does not matter whether the public sector or private sector is involved. Basically, the Government is talking about two different things: In promoting public-private partnership, first, it is hoped that the concept of money following patients will work and second, it is hoped that those with the means can pay more or pay out of their pockets. People with the means can consult private doctors and they do not have to use the services of the public sector.

However, as users, we have our expectations. When the Panel on Health Services held its first meeting, Honourable colleagues expressed various expectations and they raised one very important matter. Although the public-private partnership has been implemented and the HA or the Government thinks it necessary to buy beds from private hospitals, the quality of basic health care services in public hospitals must not be allowed to drop and the resources allocated should not be reduced. I hope the Government will make this undertaking. I am happy that on that occasion, the Secretary promised that even though public-private partnership would be promoted, the resources allocated to the public sector would not be reduced. In other words, I hope the Secretary will not reduce the resources allocated to the public sector as a result of more members of the public using services of the private sector. I call on the Secretary not to do so. The Secretary has made an undertaking and I hope that this time, he will honour it.

In addition, I wish to talk about the problem of mental health again. In fact, all along, people in Hong Kong are not too concerned about mental health. Moreover, they have a misconception, thinking that it is equal to going nuts or having mental illnesses but in fact, this is not what it is about. The financial tsunami this time around offers a good opportunity to make us understand that mental health means being disturbed mentally, but it is not necessarily a mental illness. This morning, over breakfast, I heard an Honourable colleague say that he was a bit tense and that he started up on hearing the bell ring because he was worried that if he could not make it back here in time, the meeting would be

aborted for lack of a quorum. This is a mental state. How can one be considered to be mentally healthy? According to psychologists, if one comes here and listens to the bell ring every day, it is possible that one will feel nothing after getting used to it, or one can come here within five minutes or three minutes after hearing the bell ring. They may suggest doing so.

This time around, in the Chief Executive's policy address, mental health is also mentioned. We cannot attain true mental health by simply committing funds to the treatment of mental patients and think that the mental patients in Castle Peak Hospital (this morning, I mentioned the Castle Peak Hospital frequently but I am not trying to give it publicity) and Kwai Chung Hospital will then be mentally healthy. This is not the case.

Mental health consists of two parts. Of course, the first part is that we have to commit resources so that people suffering from mental illnesses can recover and be integrated into society. The second part is also very important, which is the mental health of Hong Kong people as a whole. I believe I cannot talk about how one can become mentally healthy here as though I were an expert. However, the Secretary should note that there is one rather important point in promoting mental health, that is, the relationship between emotions and overall mental health. This echoes the comment I made at the beginning of my speech, that being healthy does not simply mean not being ill and the holistic concept of being healthy is to be physically, emotionally, spiritually and socially healthy.

Mental health is also an important aspect and I hope that when promoting it, the Secretary will not just devote all the resources to the treatment of mental illnesses. He should also commit some resources to the education on ways to control one's emotions and ways to make one physically and mentally relaxed. Of course, everyone has his own way and the Secretary may have to do more in this regard.

In addition, I also wish to talk about two points. First, on the issue of health care in local communities, according to the policy address, the Secretary says that the treatment or rehabilitation services for patients with chronic diseases will be strengthened. This is most desirable. Of course, we can also make use of the health service teams to perform this duty and do more work in local communities. However, it seems Hong Kong people have forgotten one point. I once raised this point with the Chief Executive, but he too may have forgotten it. What I said is that there are many unfortunate people in Hong Kong. They

are patients suffering from cancer or terminal illnesses. They hope very much that they do not have to spend the remainder of their lives in hospital and they wish to return to their local communities or their homes to spend the remainder of their lives. At present, there is a kind of service in Hong Kong known as home hospice service. People in Hong Kong may not know about the home hospice service because, "God forbid", people do not want to know and do not want their family members or friends to encounter this kind of things. However, the importance of the concept of home hospice service is that it is hoped that ..... if I, Joseph LEE, have got terminal lung cancer, I would hope very much that I could pass the remaining three months of my life in my own home because if I go back home, the quality of various things, such as the surroundings, would be better than those in hospital, where I have to face a large group of patients of all sorts every day. However, complementary resources are required. At present, in Hong Kong, to take New Territories East as an example, there are only about 10 nurses responsible for home hospice visits and they are taking care of several hundred patients of this kind the New Territories East. In this regard, if we want to promote primary care, I hope the Government can do a better job in caring for patients with chronic diseases. This is an area that we cannot neglect.

The Secretary can perhaps let a little resources slip through the gaps of his fingers, so that he can let a group of patients with terminal illnesses who wish very much to stay at home to enjoy better quality of life while living the remaining several months of their lives through the provision of better care or medical service to them. This is desirable, but it seems the authorities only focus on treatment, overlooking this area. I hope that if the Secretary wants to put the proposals in this policy address into practice, he can provide more resources to give the efforts in this area a great boost.

In fact, I have been repeatedly talking about one thing, that is, if we want to do a good job in primary care as pledged by this policy address, an important implementation measure is to commit resources to community health centres. However, when taking this measure, the most important point is we must not forget that being healthy does not merely mean not being ill, so resources should not be committed to treatment only because if we want to achieve health for all, an even distribution of resources is an important means. I hope the Secretary will understand this point policy-wise and will be able to deliver on this point.

Finally, I wish to raise the issue of being functionally healthy. Concerning patients with chronic diseases, take some of my family members as



an example, they have hypertension and some have diabetes. However, they lead very meaningful lives each day. They go out to play chess, have strolls and take care of their grandchildren. They are very normal and healthy and help me take care of my children. They also lead normal social lives and this is desirable. In fact, they only have chronic diseases but they are healthy and this is what the concept of functionally healthy is about. What we call health does not just refer to treatment or queuing up and getting medicine from specialist clinics. For this reason, I hope that the Secretary, in promoting primary care and dealing with patients with chronic diseases, will not neglect the concept of being functionally healthy because this group of people can all play their roles in local communities healthily.

I shall stop here. I hope the Secretary has heard my suggestions and I hope this policy address can be put into practice in the coming year. Thank you, President.

**MRS REGINA IP** (in Cantonese): President, I wish to talk about education. Since Mr CHEUNG Man-kwong has already expressed his views on a number of issues relating to education (from early childhood education to university education), I am not going to cover them again.

However, I agree very much with his remark that any far-sighted government should attach importance to education. Moreover, in this regard, we find that it is not just in this year's policy address but also in the policy addresses of the past three years that the Government has obviously not attached due importance to education. For this reason, I have taken some examples along with me for Secretary Michael SUEN's reference. Each year, the President of the United States publishes an Economic Report of the President, which looks just like a book. Unlike our Budget, not only does it give an account of public finance, it also gives a very clear account of the entire macro economic philosophy of the government and great lengths are devoted to elaborating on the investments made each year in education, and human resources and technology upgrading as a way of enhancing economic productivity. Sometimes, a whole chapter consisting of tens of pages is devoted to the topic of the importance of education and this is really worthy of our emulation.

When I spoke on the day before yesterday, Secretary Michael SUEN was not present but I also pointed out that according to many international indicators,

the quality of education in Hong Kong, be it in terms of quality or quantity, was not very high. The day before, I also mentioned the recently-published Global Competitiveness Report 2008 of the World Economic Forum, which says that the quality of the education in Hong Kong ranks only the 22nd. According to the World Bank World Development Indicator 2008, Hong Kong's expenditure on education ranks the 91st in the world. According to an earlier (2006) report of the United Nations, the Human Development Report of the United Nations Development Programme, in terms of admission rate, the education standard in Hong Kong stood only at 77%, ranking the 66th in the world. Compared with our competitors in Asia, that is, Korea, Singapore, Japan and even the Philippines, Hong Kong ranks the lowest.

Although Secretary Michael SUEN often says that the Government spends every one in four dollars on education, the investment in education in Hong Kong is still inadequate. For this reason, I have joined the Panel on Education of the Legislative Council and will continue to follow up this area and ask the Government to assume greater responsibility in several areas in education. The first is resources and the second is that apart from quantity, quality also matters. On quality, today, I have just read the latest examination report published by the Hong Kong Examinations and Assessment Authority. It is pointed out therein that students — I think these are students who sat the Hong Kong Advanced Level Examination — had a dire lack of common knowledge. Hardly could any candidate of the Hong Kong Advanced Level Examination this year explain clearly what universal suffrage meant and they had an incomplete understanding of inflation and euthanasia. They even took the through-train to mean the bullet train, so this is most lamentable. If we commit \$60 billion to education each year, which is three times the resources for the Security Bureau, yet not only can we not meet the goals in quantity, even the quality is in such a state, this is indeed quite disappointing.

For this reason, I pointed out in the first meeting of the Panel on Education that I was very concerned about whether or not, in implementing general education under the New Senior Secondary Academic Structure, the design of the curriculum or the training of teachers was adequate. If general education is only about raising topical issues found in the press for discussion and this is considered to be teaching and learning, this will make the knowledge of our high school students lag far behind that of students on the Mainland, in Asia or in other overseas countries.

Having said that, I also have to tell Secretary Michael SUEN that some figures are a cause for comfort. According to the Global Competitiveness Report 2008 of the World Economic Forum, in the quality of Mathematics and Science Education, Hong Kong ranks the sixth, with Finland in the first place, followed by Singapore, Belgium, France, Switzerland and then Hong Kong. That means Hong Kong students are really doing quite well in mathematics and science.

I have also another interesting discovery, that is, in the Economic Report of the President for 2006, a great deal of the text was devoted to education and human resources. It is pointed out therein that the standard of mathematics and science among students in the United States was low and a large number of figures provided therein points out that be it in the age group of nine, 13 or 15 years, Americans found that Hong Kong ranked the first. Hong Kong ranked the first in mathematics and second in science, that is, it was at the forefront in both mathematics and science. I think this also applies to our President, Mr TSANG. You are also talented in mathematics, are you not? In fact, students of mathematics and science in Hong Kong are very outstanding. There are several "sons of the star" or students who have won the Intel Award in Hong Kong but unfortunately, the Government has not expounded adequately on its goals, beliefs or ideals in education and how education can promote whole person development as well as the identification and realization of potentials.

We also know that apart from Hong Kong students who excel in mathematics and science, there were often young people who rose to fame overseas and they excelled in painting competitions, music competitions, and so on, held in France or at other places. Unfortunately, it seems our goal in education has become fixated on vocational training. Of course, any education system has to meet the requirements in human resource or what is called professional requirements of a society, but if we look at the top universities of the world, we will find that they all attach the greatest importance to doing a good job in pre-professional liberal education and general education or the so-called pre-professional training. I believe Secretary Michael SUEN also knows that the top universities in the world like Princeton University — the daughter of Ms Audrey EU is also a student of high academic calibre there — do not teach students majoring in accountancy first, instead, they are given an education on the humanities before all else.

Due to the time constraint, I only wish to tell Secretary Michael SUEN that in the next few years, I will pay great attention to the measures on education taken by the SAR Government. Be it on the resources allocated or the quality and quantity, I will continue to raise many issues in the panel concerned and have exchanges with Secretary Michael SUEN and other Honourable colleagues.

Thank you, President.

**MS CYD HO** (in Cantonese): President, there should be a consistent belief underlining every policy on education and appropriation bill in order to yield long-term results. The goal of education should be founded on raising the overall quality of the people, not only raising their productivity. Problems cannot be solved merely by allocating additional resources, instead, it is only by taking complementary measures in terms of school administration and the quality of teachers that the best results can be achieved. However, the policies implemented by the Government in this regard cannot fulfil this requirement, so even though additional resources are available, it is possible that they will be wasted.

I wish to respond to several points in the policy address. The first is e-books. The main purpose of e-books is to reduce the weight of school bags, but they may not be able to ease parents' financial burden. This is because what publishers sell is the contents and copyrights of textbooks. If publishers want to keep prices at a certain level, there are no objective criteria to determine the price of copyrights. If the Government really wants to ease the burden borne by parents, it should let teachers prepare their own teaching materials.

In addition, the Chief Executive extended the period of free education from nine years to 12 years. I am sure this is welcomed by the community. However, even though government funding is available, it is still necessary to have a setting which enables students to learn with peace of mind. In the next school year, at least four schools are facing the threat of having to stop offering senior secondary classes, so the Secondary Three students concerned may not be able to go onto Secondary Four together with their fellow students whom they have been seeing each other almost daily for three years. Instead, they will be passed from one party to another like a human football. Although the Government will subsidize their tuition fees, students have to experience a change in setting once in a few years' time and this will impact heavily on their study and

make them feel disturbed. For this reason, even though 12-year free education will be provided, it may not be possible to reap the expected results from such an investment.

In fact, education is a people-oriented cause, so apart from language proficiency and academic results, it is even more imperative to stimulate students' interest in learning and cultivate confidence in students. However, before they can become independent, it is necessary for them model on teachers whom they have trust in in a setting that makes them feel secure before they can explore further afield with a sense of security. Many junior secondary students who continue to study in senior secondary classes would go back to their junior secondary schools and even primary schools to chat with their teachers, hoping that their teachers can help them solve problems. Even though the Government subsidizes them in continuing their study in other established schools and allow these schools to deal with this group of students whose academic performance are not satisfactory, this kind of trust cannot be replaced easily. It takes time to build trust and these children, in going from primary school to Secondary One, or from Secondary Three to Secondary Four, are going through a most crucial turning point in their growth. To a group of students who are growing up together, who experience the anxieties and revolts of adolescence, who cheer one another on and cultivate an atmosphere of learning together, this period may be the most valuable chapter of their lives and a very important experience in learning to face their future lives. Therefore, I hope the authorities will not cause disruptions to these students' learning setting just for the sake of saving a few years of resources.

At present, this problem has surfaced in four schools but in the future, many other schools may also face the prospect of having to stop offering senior secondary classes, so I hope the authorities can adopt flexible measures to deal with this matter, just as they did in dealing with schools that could not enrol enough Secondary One students. By helping school sponsoring bodies carry out mergers and switching from the culling of schools to offering small classes or reducing the number of classes, the students concerned can be enabled to complete their secondary education in a stable setting.

President, this year, of course, we have to respond to the national education proposed by the Chief Executive. The Chief Executive has generously increased the number of places for going to the Mainland to have exchanges from 5 000 to 37 000. It is certainly desirable to give students an opportunity to go out of

Hong Kong, be it the Mainland or overseas, to understand ways of life that are different from one's own, so making overseas visits is certainly a desirable learning process. However, if we only want to brainwash students and present the country's present development to students, instead of putting today's China in a historical perspective, students will overlook many historical lessons and in taking their country forward, they may make the same mistakes again. In that event, they will be doing harm to the country instead of being patriotic.

When we try to understand our Motherland, I hope the authorities and schools will not just guide students in understanding the reform and opening in the past three decades; they also have to know why our country was still so backward in the 1970s. When we take students to see the Pudong district in Shanghai or the Water Cube in Beijing, I hope schools can also take them to look at the AIDS village — the petitioners' village no longer exists but the AIDS village is still there — and I hope schools can help students understand why the wealth gap between the rural and urban areas on the Mainland is so great and what kind of system has kept the rural population in such tremendous suffering even now.

The Deputy Secretary said in a radio programme that the aim was not to make students identify blindly with their country but to nurture their critical thinking, so that they could judge what was good and bad. May I ask the Secretary what information will be provided to students to enable them to establish their yardsticks in thinking critically before students are taken on visits to the Mainland? How will he guide them to face honestly the calamities in history caused by the follies and dark sides of human nature? This yardstick should be based on the relationship between people and the State and the basic requirement is that they know the responsibilities that the State has towards its people.

The commentary of *Hong Kong Economic Journal* on 2 October this year carries a very good footnote on this. I quote, "The value of being a Chinese cannot be solely derived from such national and collective honour. It is only when the intrinsic value and personal rights of each and every Chinese are protected, when citizens are not deprived of their legitimate rights by the State arbitrarily, when citizens can be the masters of their country, when the State truly serves its people, when the Chinese find themselves in such a situation that the value of being a Chinese can be realized and that it will be a fair deal to be a Chinese."

President, I hope the Secretary can distribute this passage to each student who has the opportunity to visit the Mainland, so that they can establish a yardstick to understand their own country in a more comprehensive manner. Thank you, President.

**MR TOMMY CHEUNG** (in Cantonese): President, not many passages are devoted to education in this year's policy address, but it is said therein that a working group will be established to actively examine the research and development of electronic learning resources, so that e-books can become another option in addition to printed textbooks.

In fact, in the expectations for the policy address submitted by the Liberal Party to the Chief Executive this year, it was proposed that the Government should promote the development and compilation of e-books, with a view to promoting the extensive use of e-books, so as to reduce the expenses on textbooks borne by parents. Now, the Chief Executive has responded to our requests and we welcome this. However, we also hope that the Government can adopt a two-pronged approach by developing e-books on the one hand and finding ways to reduce the expenses on textbooks borne by parents on the other. For example, a "new academic year special subsidy" of \$1,000 should be granted to all students in primary schools and secondary schools in Hong Kong to ease the burden borne by students and parents.

When it comes to expenses, all of us know that the tuition fees for kindergartens are very high. Originally, the voucher scheme for kindergartens introduced by the Government is a desirable measure and all along, the Liberal Party has expressed its support. However, many unreasonable restrictions are imposed on it. For example, a ceiling is imposed on the tuition fee and the vouchers can only be used for enrolment at non-profit-making kindergartens. Consequently, the choices available to parents are restricted and this is a major shortcoming. For this reason, I hope the Government can consider the proposal of the Liberal Party seriously and remove these restrictions on the voucher scheme for kindergartens, so that parents can use this subsidy flexibly to choose the most suitable kindergartens for their children, and it is also hoped that kindergartens can thus upgrade their quality through full-scale competition. Secretary, if the present situation persists, the room of survival of profit-making kindergartens will be curtailed and in the end, they will lose all such room, just like the private primary schools and secondary schools of the past.

Of course, I hope that the Government can also conduct at the same time a comprehensive review of the regime for monitoring the charging of miscellaneous fees by kindergartens, so as to prevent kindergartens from charging excessive miscellaneous fees under all kinds of pretexts and eating up the subsidy provided by the Government in the form of vouchers in order to protect the interests of parents and students.

President, next, I wish to talk about the problem of a declining English standard among students in Hong Kong in recent years. Many employers have said that the English standards of many university graduates now left much to be desired. Hong Kong is a world city and in such industries as finance, business or tourism and even in our catering and retail sectors, the requirement on English standard is quite high. For this reason, the Government should raise students' standard of English in various ways, in particular, it is necessary to ensure that there are enough language teachers who meet the requirements, for example, more supply teachers should be recruited, so that language teachers who do not meet the requirements can pursue further studies full time in order to meet the requirements, so as to approach the issue of raising the English standard of students from the angle of teacher quality.

On another front, it is necessary to give students more opportunities to use English. It is only by listening, speaking, reading and writing more that progress can be made in one's English standard. I hope the Government can do more in this regard.

President, I so submit.

**MR WONG KWOK-HING** (in Cantonese): President, as I am running out of time, I would only say a few words about education.

First of all, basic education is very important to child development. As the Government approves of the need to subsidize pre-primary education, I would like to urge the Government to make implementing free early childhood education as its long-term objective.

Secondly, I would like to urge the Government to provide tertiary students with tax-free support for repaying study loans.



As regards hygiene, I merely wish to raise three points. Firstly, in answering my question a couple of days ago, the Secretary indicated that consideration would be given to the provision of community-wide dental services within the scope of primary medical care. I hope the Government can submit a timetable for review and launch its implementation expeditiously. Secondly, I hope the Government can improve out-patient appointment services for the elderly in detail by providing manpower for the answering system. Thirdly, I hope the Government can expedite its progress of constructing hospitals in North Lantau and Tin Shui Wai and expeditiously improve the health care services in the two districts during the transitional period. Thank you, President.

**MISS TANYA CHAN** (in Cantonese): According to last year's policy address, one fourth of the territory's resources would be committed to education. Unfortunately, when we refer to this year's policy address, we will only see the Government's "three zeros" on the education front. What does it mean by "three zeros"? It means "zero investment, zero commitment and zero planning". In the policy address, not even a single chapter can be found under a heading of education. We can only find the word "education" scattered in different texts. Can this be considered the Government's account on education?

President, in the face of the financial tsunami, we can only see the Hong Kong Government hastily putting off fires here and there without any vision. In the face of education, a concern to the community, the Chief Executive has not even mentioned a single word about it. This demonstrates his indifference to the issue. Is it no longer worthwhile for the Government to invest in education? The education sector, parents and young people alike are greatly disappointed with the Government's "three zero" proposal.

Young people are the hope of Hong Kong. Upgrading tertiary education in both quantity and quality can effectively help the territory nurture more talents. Sadly, young people have been repeatedly disappointed by the Government. With the publication of the results of the Joint University Programmes Admissions System, nearly 12 000 students have been offered university places this year. Compared to the 17 000 Hong Kong Advanced Level Examination students meeting the university admission requirements, 5 600 qualified students, a four-year high, will be rejected because of a shortage of university places.

With nearly 13 200 students being offered university places in 2001, why are only 12 000 students offered university places today in 2008? Why has there been a decrease? Why can fewer and fewer young people go to universities? Why do our education and society keep retrogressing?

Actually, the Government has since 1989 set the target of enabling 18% of students of the appropriate age group to have access to university education. However, in recent years, the opportunities for local students to pursue university education have diminished as non-local students, international school students and overseas returnees ate away some 2% of the university places. As a result, more and more financially capable families would send their children abroad for further studies. As these students would stay and take up employment in the countries where they pursue studies after graduation, while non-local students would prefer working in their home countries after graduating in Hong Kong, this would in effect lead to a brain drain in Hong Kong.

The fact that the number of subsidized university places has remained at 14 500 over the past two decades and that some of the original quota has even been offered to non-local students means a lower chance for local students to pursue university studies and some of the university resources surrendered to non-local students. Why has the number of university places for nurturing talents remained stagnant despite the constant progress of our society in the past 20 years?

Next, I would like to say a few words about the issue of associate degree students. Fortunately, the associate degree graduates this year have managed to secure jobs ahead of the financial tsunami. Some information has revealed that nearly 20% of the associate degree graduates this year opt for employment, and their monthly salary ranges from \$9,000 to \$10,000. However, it has been forecast by some personnel consultancies that, under the impact of the financial tsunami, associate degree graduates next year will fall from "heaven to hell", and their monthly salary might fall to as low as between \$6,000 and \$7,000. Furthermore, the types of work suitable for them will shrink substantially. Therefore, we predict a surge in the number of associate degree graduates opting for further studies. Has the Government paid attention to this point?

We have not seen in the policy address any government commitment to associate degree education. In this respect, I very much hope that the Government will closely monitor the development of associate degree

programmes, strengthen its monitoring of the quality of intake of associate degree programmes, and monitor various professional programmes offered by various institutions to ensure their recognition by professional institutes/associations. Meanwhile, consideration can be given to increasing the opportunities for associate degree students articulating with university places to prevent them from losing self-confidence and feeling at a loss about their prospects.

As regards financial assistance for students, the Non-means-tested Loan Scheme (NLS) established by the Government for students charges a risk rate at 1.5%. This interest return is not bad at all, and total of \$5 million was made in the previous academic year alone. At present, students wishing to pay their tuition fees through the NLS mentioned by me earlier would be required to bear exorbitant interest rates and start making interest payments right from the very beginning. This would impose an enormous financial pressure on students, who might become heavily-indebted even before graduation. Coupled with the unemployment tide brought about by the financial turmoil, graduates have found it very difficult to find a job.

In my opinion, it is only reasonable for loan defaulters to pay higher interest. However, it is absolutely unreasonable to require all students to pay the risk rate. Furthermore, this is unfair to compliant students who have been repaying loans on time. I hope the Government can conduct a comprehensive review of the contents of the Student Finance Assistance Scheme, interest calculation methods and extension of the repayment period to do tertiary students justice and give young people a way out.

President, the financial tsunami has posed great difficulties for Hong Kong people in terms of clothing, food, housing and transportation. For young people, the impact is even greater, for they meet obstacles of all sorts in employment, further studies and accommodation. While associate degree students find it difficult to secure employment, it is even more difficult for them to pursue further studies, as the number of university places has seen no increase despite a long delay, and student resources have been repeatedly exploited. In the face of exorbitant tuition fees, students might wish to borrow from the Government, but then they would have to bear very high interest rates. Hence, they might become heavily indebted while failing to find a job. As for young people aspiring to home ownership, they might really need to wait two or three more decades. Why is there this situation? Why is our education system fraught with problems? Why does the Government not show more concern for the young people?

Despite its repeated pledges to upgrade our competitive edge, the Government has turned a blind eye to the importance of education and treated education with "zero investment, zero commitment and zero planning". I believe the education sector, parents and young people are greatly distressed as I am. While such issues as the "3-3-4" academic structure, sites for international schools and e-books are mentioned in the policy address, they are used merely for the purpose of pacifying the education sector. There is simply no way for us to see from the policy address the Government's real commitment towards education.

I very much hope that the Government can attach importance to education and upgrade tertiary education in terms of both quantity and quality in order to help alleviate the burden on the young people.

I so submit. Thank you, President.

**MS STARRY LEE** (in Cantonese): President, I will speak on education on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) today. The Government and the Secretary often tell us that the Government attaches great importance to education and, if education is quantified in terms of money, about \$1 in every \$4 would be spent on education. However, it is my belief that, in addition to financial commitment, the upgrading of education in terms of both quantity and quality is also a great concern to the public at large and parents.

The DAB also attaches great importance to optimizing human capital and agrees that this is our priority task because, in the face of the challenge of globalization, the place or country possessing the best talents would become the leader. Actually, all parents care about their own children and hope to give them the best, including picking the best schools for them and finding avenues best suited to their development.

I am particularly concerned about how the Secretary would upgrade Hong Kong students' language proficiency, including their biliteracy, trilingualism and whole-man education. Just now, some Members mentioned the problems confronting associate degree students at present and the problem of the loan interest payable by university students. I consider it imperative for the Secretary to conduct a fresh review of these policies.

Today, however, I would like to find out the Secretary's policy and thinking on ways to upgrade students' language proficiency. It was mentioned by a colleague earlier that the English standard of university students in Hong Kong is not considered high. Even one of our colleagues has been ridiculed by some people. I personally think that young people need to learn. However, I cannot help ask this question: Are the standards of English and Putonghua of the students trained by our universities or schools really so unacceptable because of our education system?

In a telephone questionnaire survey conducted by the DAB earlier among 300 parents, it is found that what 75% of the parents wanted most was for their children to master English and then Putonghua. Although 70% of the parents did not specially employ tutors to help raise their children's language proficiency, they did buy some teaching materials from bookshops. This reflects the general aspirations among parents in this regard. I would like to listen to the Secretary's response later because I very much hope, besides upgrading national education, the section mentioned in the policy address, the Government would really come up with ways to upgrade students' language proficiency. On the English front, I consider it necessary to strengthen the training of teachers of English, improve their teaching methods and encourage them to adopt more flexible modes of learning. While students in primary schools should be encouraged to develop a habit of reading and listening in English, schools can also teach in small classes or small groups to enhance students' English speaking and listening proficiency.

Next, I would like to say a few words about Putonghua. I recall that I asked the Secretary at a meeting of the Panel on Education what plan he would put in place to upgrade students' language proficiency. Perhaps he was running out of time back then, for he replied that the language teaching policy would be fine-tuned. I believe fine-tuning the language teaching policy is merely part of the, but not the ultimate, solution to upgrading student's language proficiency.

I would also like to know what ambitious plan the Secretary or the Government will propose for the purpose of upgrading students' Putonghua proficiency. We have been told by the findings of a study sponsored by the Quality Education Fund in 2000 that students in primary and secondary schools taught Chinese in Putonghua have seen their written Chinese standards rising. I know a number of schools have taken the initiative to attempt in recent years

teaching Chinese in Putonghua but met a lot of difficulties. The first obstacle is that there is a shortage of qualified teachers for teaching Putonghua. The second obstacle is that there is a shortage of appropriate teaching materials. In my opinion, young people must raise their competitive edge in the future through upgrading their own language proficiency. This is why I hope the Government can formulate long-term policies to support enhancement of the competence of local Putonghua teachers or upgrading the Putonghua proficiency of local students.

Lastly, I would also like to say a few words about the pressure posed by examinations in Hong Kong from the angle of students or parents. Although the Bureau often stresses that "learning is more than scoring", we can see the emergence of a unique profession in not only Hong Kong, but also many Chinese communities. The profession, namely "celebrity tutoring", is not only very lucrative, it is also highly popular among parents and students. The advertisements placed by "celebrity tutors" are very special, for all of them are typically fashionably dressed with a cool look for the mere purpose of attracting students. Why are the profession of "celebrity tutoring" so popular in Hong Kong? Why would there be such a huge market demand? Has the Secretary considered whether this could be attributed to the failure of schools to provide programmes which can satisfy the needs of students and, as a result, students have to attend the courses taught by "celebrity tutors" in order to score high marks in examinations? In my opinion, in order to alleviate the pressure on students, the Government might as well begin with the examination approach or, as mentioned by a number of colleagues already, formulate policies to provide additional university places when the time is right to prevent local students from believing that they must score high marks or work extremely hard before they can secure a university place. For the purpose of alleviating the pressure of examination on students and providing additional university places, I hope the Secretary can tell students in this manner in the hope of further alleviating their stress in sitting examinations.

Lastly, I would like to say a few words about the importance of teaching by role models, a topic which has received some response from Honourable Members earlier. Besides the Secretary or the Education Bureau which is obliged to teach small children, we as parents as well as every citizen in Hong Kong, and even the media, should also play a role in educating our next

generation. I hope, through collaboration of all parties, including the role models set by Honourable Members, we can greatly enhance the language proficiency, analytical ability as well as the whole-person development of our next generation, thereby further upgrading Hong Kong's competitive edge.

President, I so submit.

**DR LAM TAI-FAI** (in Cantonese): President, I am very pleased today to be able to listen to Mr CHEUNG Man-kwong's professional advice and suggestions on education. As a member of the education sector, I would like to raise some practical and concrete problems confronting the education sector with the Government from the angle of a school sponsor. First of all, I would like to declare my interest as a representative of the Chinese Manufacturers' Association of Hong Kong (CMA). As Members are aware, the CMA has two secondary schools with a long history. Furthermore, I started sponsoring Lam Tai Fai College, a Direct Subsidy Scheme (DSS) secondary school, in Sha Tin back in 2004. Therefore, I believe I can share some practical experience of mine with Honourable Members.

I am in great support of the Government's notion of developing and promoting DSS schools because they are more flexible than subsidized schools in curriculum design, contents of teaching and activity arrangements, thereby providing students with more diversified and quality programmes with characteristics. This is why DSS schools are highly popular with students and parents as they are offered a lot more choices.

Actually, there are different types of students with different potentials in our society, who might find conventional secondary schools not suitable for them in terms of exploiting their potentials and learning. Furthermore, the present-day society requires varied talents.

Although the Government's general direction of encouraging the development of DSS schools is right, school sponsoring bodies will often encounter numerous problems in practical operation. In brief, all expenses incurred by subsidized schools are underwritten by the Government, but the expenses of DSS schools are borne by sponsoring bodies on a self-financing basis. In other words, the Government has indirectly passed its financial burden onto sponsoring bodies.

At present, there are a total of 80 DSS schools, including 60 secondary schools and 20 primary schools, in Hong Kong. The financial assistance to DSS schools is granted according to a two-tier system based on the years of operation, with 16 years being the dividing line. The Government has been using the average cost of a subsidized place to calculate the amount of financial assistance, and the number of students to calculate the amount of subsidy granted to DSS schools.

Under the existing policy, some sponsoring bodies operating new DSS schools are facing enormous financial difficulties, for the student intake will definitely be very low during the initial period. For example, the number of students admitted to our school during the first year was less than 200. As each student received an average subsidy of \$30,000, a total of \$6 million was granted to us. Nevertheless, many expenses are fixed, regardless of whether 200 or 1 000 students have been enrolled. For instance, the salaries of principals and security guards are fixed, regardless of the numbers of students. This is why our DSS school faced serious financial problems, such as failing to make ends meet, and even making losses, during the initial period.

To my understanding, the notion of subsidizing DSS schools is to provide them with adequate funds to cover all operational expenses. The tuition fees collected are used for covering expenses arising from organizing additional diversified programmes and activities. However, the tuition fees collected by us are simply not enough to make up for the operational expenses incurred during the initial operation period when the amount of subsidy received by us was inadequate. As Members should be aware, the success or failure of a school hinges on its principal and teachers. This system has, however, left us with inadequate funds. This has led to difficulties in recruiting principals and teachers as well as an enormous talent drain. Actually, I very much hope that the Government can consider adjusting the amount of annual subsidy for students in the light of circumstances, especially during the first couple of years when a DSS school has just started operating. If the amount of subsidy is not raised, we simply will not have enough money to recruit teachers, especially some experienced teachers, because the amount of government subsidy is calculated in terms of a median figure. While our teachers' salaries will rise several years after the commencement of school operation, the amount of subsidy received by us remains unchanged. In other words, our income will remain unchanged, and yet our expenses have kept rising. This means that we can no longer recruit experienced teachers several years later. This will definitely affect the quality of



our operation. For this reason, I implore the Government here to consider raising the amount of subsidy for DSS schools.

I also very much hope that the Government can provide accountable subsidy to DSS schools for their recruitment of teachers and principals to enable subsidized schools and DSS schools to recruit employees with the same terms and conditions, thereby achieving the fair concept of equal pay for equal work.

I would also like to say a few words about retirement of teachers. While teachers of subsidized schools are protected by the provident fund scheme, teachers of DSS schools are required to participate in Mandatory Provident Fund (MPF) schemes. Given that the provident fund scheme often offers a more generous dividend than the MPF, which is a practical factor, DSS schools invariably experience difficulty in recruiting and retaining teachers. Please allow me to propose allowing teachers of DSS schools to participate in the provident fund scheme and, of course, the costs should be borne by the Government.

Several colleagues have also mentioned small-class teaching earlier. Actually, after repeated education reforms over the years, teachers are already under tremendous pressure, and their workload is extremely heavy, too. If a teacher has to coach a large group of students, the teaching quality will definitely be affected. Neither can our teaching objectives, such as attending to students with varied potentials, implementing integrated education, offering holistic education and providing comprehensive attention to students, be achieved. Therefore, small-class teaching should be implemented expeditiously.

Furthermore, I would like to say a few words about the "3-3-4" academic structure, a New Senior Secondary academic structure. I believe Members will agree with the merits of providing 12-year free education. However, I am worried that the number of the first-batch graduates in 2012 will be overwhelming. Will there be enough university places to cope with the demand at that time? In the past, Secondary Five students would go to different streams after graduation, with one third of them studying at the matriculation level, one third taking up employment, and one third receiving vocational training. By 2012, a large number of students will graduate under the new academic structure. Will there be sufficient university places to satisfy their demand? I would like to ask the Secretary whether has ..... I believe he has. However, I still wish to know what the authorities will do to address this problem. Can a more specific

announcement be made? We understand that talents matter most in Hong Kong, where there is a shortage of natural resources. Actually, when comparisons are made between countries, societies, and enterprises, we are actually comparing their talents. In this society without natural resources, I very much hope that the Government can inject more resources into education to enable more talents to be nurtured in Hong Kong to face future challenges.

President, I so submit.

**MR FRED LI** (in Cantonese): President, I would like to focus on issues relating to health care and hygiene in this session in the hope that Secretary Dr York CHOW would listen to my views. So far, I have convened five residents' meetings in some housing estates in my district. The elderly people attending these meetings have expressed a lot of views, mainly on the "fruit grant", an issue which has basically been resolved. As for health care, a lot of questions were raised by them. For instance, we in Kowloon East — the Secretary should be aware that, of the 18 District Councils, Kwun Tong has the highest number of elderly people, with Wong Tai Sin in the third place. Therefore, Kowloon East has the highest number of elderly people of all the geographical constituencies of the Legislative Council.

We have been told by the elderly that elderly health centres were already full a long time ago because of the quota system. As a result, people applying for use of health centres can still not enjoy the services despite their having already waited for a long time. They also added that members of the health centres are provided with excellent services, including one-year free check-ups and other forms of care. Those who are not members can only wait miserably. Why does the Government not expand the quota for elderly health care centres? I note that community health centre is mentioned in paragraph 87 of the policy address, and the Government has proposed to explore the feasibility of delivering services under the community health centre model through tripartite collaboration among the public sector, the private sector and non-governmental organizations. I wonder if this could satisfy the elderly's demand for health services in some of the districts where there is a particularly large concentration of elderly people. Actually, better prevention can reduce treatment cost, because treatment is the most expensive. Better prevention can also reduce hospitalization of elderly people as well as alleviating the pressure on hospitals.

Furthermore, as regards the Kowloon East Cluster (KE Cluster), I hope the Secretary would not find me troublesome and garrulous because I must say a few words about the KE Cluster, one of the seven Clusters in Hong Kong, for I witnessed how it started. Let me cite the leading United Christian Hospital (UCH), a subvented hospital with a strong religious background, as an example. Even though the percentage of financial assistance offered by the Government appears to be very high, so that people have an impression that there has been a surge in the amount of financial assistance annually, the base of the UCH is lower than those of other hospitals, such as Queen Elizabeth Hospital. Therefore, even with a 20% or 30% rise, like other hospitals, the UCH would continue to experience the problem of inadequate resources, as it did over the past decade or so, because of its own structural problem caused by its extremely low base.

As regards specialist out-patient service, I wonder if the Secretary has conducted inspections without prior notification. If officials are not informed beforehand, everything will appear rather normal. If blitz checks are carried out, the Secretary will find patients queuing up in long lines, like people flocking to a fair, for specialist out-patient service. Under such circumstances, it is doubtful if the patients will be treated fairly and reasonably, and if Kwun Tong residents should be offered such service. As a Member of the Legislative Council representing the district, I really must strongly point out that this is an everyday phenomenon. The situation is not particularly serious only on certain days. Not only is the space for providing out-patient service inadequate, there are also too many people. A consultation room can even hold two patients seeking treatment, with a curtain separating them in the middle. This is not only inhumane, but also completely devoid of privacy. Furthermore, the speed of consultation is even faster than "giving an injection", with diagnoses made by doctors instantly after taking a look at their patients. Doctors are weighed down with work because of the overwhelming number of cases. Without a strong religious belief, they might have already collapsed. I think it is all because of their Christian faith that many of them continue to work like volunteers with a give-away spirit.

In my opinion, a redevelopment of the UCH might be necessary because some of the buildings have been left vacant for a long time. Hence, there should be a demolition plan to expand the existing space for the specialist out-patient service to enable our patients to enjoy more humane treatment. If better efforts can be made on this front, I believe patients need not be admitted to hospitals

frequently. I believe the admission rate of the UCH is much higher than that of other hospitals, and it has definitely remained high over a long period. If the specialist out-patient service is inadequate or there are too many people waiting, patients will turn to accident and emergency departments for medical treatment instead, thereby imposing an additional burden on hospitals.

In the event of a redevelopment of the UCH, its specialist out-patient department can be expanded. Let me cite cataract patients as an example. As far as I know it, some elderly cataract patients have to wait for a couple of years. Should that be the case, they will feel very helpless and might be forced to go to the private hospitals for treatment. Although the elderly are offered a subsidy of several thousand dollars under the Cataract Surgeries Programme, I have been told by some of them that they would still be required to pay thousands of dollars. What can they do if they cannot afford that sum of money? Therefore, the problem would still remain. When I asked them why they did not join the Programme, they told me they could not even afford the thousands of dollars required for financial reasons. Therefore, they could only continue waiting. I wish to reflect to the authorities concerned this problem confronting Kowloon East.

Furthermore, some residents had reflected to me the problem with health care vouchers in the residents' meetings. Many people aged between 67 and 69 asked why they were not qualified and had to wait till they reached the age of 70. As for those aged 69, they will be benefited because they will meet the requirement when they reach 70, after the scheme has been implemented for some time. However, they will probably need to wait for a period of between one and one and a half years. Those aged between 65 and 66 will miss the chance because the trial period will last only three years. As they will still not reach 70 within three years, they will still be unable to enjoy the benefit during the trial period.

Furthermore, as five health care vouchers of \$50 each will add up to \$250 only, the elderly feel that they would have used more than half of the vouchers issued after one medical consultation. For western practitioners who charge more, the consultation fee will even reach \$200. If the elderly are issued with health care vouchers worth a total of \$250 annually, they can only consult a doctor once or twice a year. They would rather turn to public clinics for medical consultations. While the Health Care Voucher Scheme is introduced in the hope

of alleviating the burden on the public health care system by encouraging the elderly to turn to private clinics for medical treatment, the Scheme will not work with great success and run smoothly if the amount of financial assistance is basically inadequate. As the Scheme will commence in January next year, I hope a review can be expeditiously conducted one year later to examine what can be done for further improvement.

I have recently received a case concerning a nasopharyngeal cancer patient who has to undergo regular follow-up consultation and check-ups after recovery, and I wonder if the Secretary has ever heard about this case. Despite the patient's fear about a relapse (as some problems popped up recently made him worried about a relapse), he was told that he had to wait nine months before he could receive a medical examination. However, he could receive a medical examination immediately should he pay \$15,000. This is a real case of Prince of Wales Hospital. As a result, he borrowed money everywhere and received a medical examination subsequently. However, he queried he might have already died if he could not afford the \$15,000 and if he was really struck by a relapse and had to wait for nine months before he could receive a medical check-up. He asked: Is it the case that only the rich people are entitled to medical treatment and those who are penniless would be denied treatment? His question is just so simple. Patients who can pay \$15,000 can receive immediate examinations. Should the hospital behave in such a cold-blooded manner? This is one of the complaint cases I have received. I wonder if the Hospital Authority (HA) really acts in this manner — patients can either receive instant examinations by paying the required fees or wait six months to a year. If this is really the case, is our public health care sector seeking to force patients to opt for private health care services? However, insofar as a medical fee of more than \$10,000 is concerned, the fee charged by public hospitals is close to that charged by private hospitals. Are the authorities seeking to compel the public to regard money as the most important thing and make them feel only the rich can get medical treatment?

As Hong Kong citizens, they might feel that money is everything. For instance, the medication taken by some elderly CSSA recipients for lowering cholesterol is at present not included in the medicines provided by the HA. Patients are now required to buy these medicines, which were formerly provided by the HA, at their own expense. As these medicines are no longer included in the Drug Formulary, they have to purchase the medicines on their own. Of

course, their cholesterol levels must be very high, or else medication would not be required. Even though they are CSSA recipients, they are still required to purchase the medicines at their own expense. How can the authorities concerned explain this situation? Are the services provided by the public hospitals under the HA founded on the notion that money is the most important consideration in every situation? The public grievances and the Chief Executive's plunging popularity ratings are all attributed to the fact that the people are unhappy. They resent the Government because they must pay before they can see a doctor promptly. In my opinion, the Government's integrity and prestige will be affected in the long run.

This is why I have decided to reflect to the Government the complaint cases received by me during the residents' meetings here in the hope that the Government can listen. As a representative of public opinion, I am obliged to tell the Secretary that this sort of sentiment is widespread in grass-roots communities and ageing housing estates. It is generally felt that the Government cannot offer them much health care assistance. Despite the recent introduction of the health care vouchers, people aged about 65 can still not be benefited, even though they can be considered senior citizens. Despite the Government's definition that people aged 65 can already obtain senior citizen cards, people around the age of 65 can still not benefit from the Health Care Voucher Scheme. They would feel that the assistance offered by the Government is not comprehensive, and they truly feel this way. I hope the Secretary can give me a response. I so submit.

**MR JAMES TO** (in Cantonese): President, I only have eight minutes left to express my views on security.

I think the Commercial Crime Bureau of the Hong Kong Police Force should expedite their effort and do its utmost to assist the victims of the Lehman Brothers incident during this period of time .....

**PRESIDENT** (in Cantonese): Mr James TO, do you know that security affairs will be debated in the next session? We will debate immigration matters under security affairs in this session. Do you still prefer delivering your speech in this session?

**MR JAMES TO** (in Cantonese): Yes, because I have arranged to raise an issue later ..... President, no, because I see that the Secretary is here. Because it is most preferable for them to make every effort to assist the victims of the Lehman Brothers incident in identifying fraud cases with criminality or involving criminal misleading acts. Of the numerous cases we have come into contact, I believe there are not many cases like these, but still there should be some. Therefore, I hope the Government can specially expedite its effort in this regard.

The second issue I would like to raise concerns a news article I read today. Although it is about a very minor case, I still hope the Secretary can pay attention to it. Actually, both Secretaries should pay attention to it. The case involves the discovery of 31 half-inch-long bullets in the Cheung Sha Wan wholesale food market. At present, an investigation is being carried out to examine the purpose of the bullets. Although some people might suspect it to be a large-scale importation of arms and query if they will be used to overthrow the Government, I will only regard it as a story for the time being. I do not entirely believe this would be the case.

On the contrary, I tend to believe these bullets have something to do with smuggling activities. Though it might be suggested that the bullets are purely brought here without any purposes, I do not think anyone will take such a great risk merely for intimidation purposes. This is quite unlikely. The bullets are most likely to be associated with smuggling because they can be used guns on board battleships.

Why do I say that the bullets have something to do with smuggling? I have always advocated that food smuggling should be vigorously combated. According to my observation, the Food and Environmental Hygiene Department has been working very hard, but the Customs and Excise Department (C&ED) is not at all concerned. As I do not know the reasons for this, I hope the Secretary sitting here will make a special effort in this regard by urging the C&ED to vigorously combat smuggling, particularly smuggling of food.

The third issue concerns search guidelines. After the publication of a new guideline, it is found that 1 700 of the 8 000-odd cases over the past three months involved third-level searches. In other words, these cases involve "strip searches". Of course, the Government has responded that the relevant persons

were not stripped of all their clothing because only the above-waist or below-waist garment would be removed at one time. The persons being searched would be allowed to put on what had been removed before removing other clothing. In other words, no one would ever be completely naked. But conceptually, such searches are still regarded as most intrusive and humiliating to the dignity and integrity of the public. Of course, if it is deemed necessary from the angle of law enforcement or security, I would agree such searches are necessary.

However, from the legal point of view, I personally very much agree with a submission presented by The Hong Kong Bar Association. Actually, prior to the presentation of the submission, I had already stated clearly that it would be against the law if the new guideline stated that all detainees had to be searched, only that the extent of the searches might vary. In other words, an arbitrary search is against the Basic Law. I hope the Government can seek legal advice on this issue again.

Of course, I think the Government might all along be taking the attitude of not believing that it is necessary to revise the legislation or guideline so long as it does not see a ruling made by the Court in this regard. I would like to say, as I have put this on record to let the authorities know, that I hope the authorities can take this seriously as our comments and criticisms would definitely be very strong. What we are talking about now is that one out of every five detainees will be strip-searched. The Secretary will have to shoulder most of the responsibility should this practice involve the law itself or if the guideline is found breaching the law indiscriminately.

Hence, I hope the Secretary can specially advise the police to seek legal advice and demand police officers of higher rankings to be on the spot. Practically, there should be more people on the spot. Let us imagine this. One in every five detainees will be strip-searched, and the decision will be made purely by a Station Sergeant, which is not at all commensurate with the responsibility of a Station Sergeant. I think the decision should at least be made by a police officer at the rank of Senior Superintendent before the public will find this acceptable. Furthermore, a more prudent decision regarding whether third-level searches should be conducted should at least be made by a relatively senior police officer.



**DR PRISCILLA LEUNG** (in Cantonese): I would like to say a few words about education and raise two key points while Secretary Michael SUEN is here today.

To start with, I have to declare that I am a university teaching staff. Firstly, the difficulties encountered by associate degree students in pursuing further studies are indeed a grave concern to the young people in Hong Kong, especially when the economy is currently in the doldrums. I am really very worried that these young people will soon join the workforce as unemployed youth and become highly critical of the world and its ways. Therefore, whether from the angle of education or social stability, the Government must consider providing associate degree students with concrete plans and financial assistance for pursuing further studies.

Secondly, given that many SMEs are on the verge of closure, some of their key employees who will soon join the unemployed ranks are very likely to be highly aggressive managerial staff of the middle level. I believe they might not be able to find a job within a short period of time. So, what can be done to make them regain their confidence and hope? I believe this is the key to Hong Kong's economic recovery in the next couple of years. We must enable them to add value to themselves and give them a sense of stability in compliance with the culture of Hong Kong people. If we can enable them to enhance their own value, they will naturally not feel that they will be doing nothing but idle at home in the next couple of years. Otherwise, they are very likely to opt for self-destruction or joining demonstration processions. All this is actually not what they wish to do. I believe it is most imperative for the Government to provide additional short-term education programmes in the next three years to nurture these people. I hope Secretary Michael SUEN can seriously consider this.

Secondly, as I am teaching in the university, I have been making considerable effort in tackling problems concerning universities' administrative blunders and scoring mechanisms for a number of university professors and administrators. I very much wish to point out that the Legislative Council cannot represent the Court in explaining to the media and the Court for everything. Actually, I have to tell Honourable Members on behalf of many middle-class people and university staff that most of them are incapable of instituting proceedings. In this respect, many people in universities have actually been hoping that the Government can seriously consider setting up an inter-institutional redress mechanism, such that people well-versed in the

university mechanism can be employed to resolve disputes in the universities. This would do reasonable justice to the universities' reputation and their staff.

With respect to these two points, I hope Secretary Michael SUEN would be willing to give me some response.

Thank you, President.

**MS AUDREY EU** (in Cantonese): The part devoted to education in this year's policy address is disappointing. Besides the part concerning national education, only three paragraphs are actually devoted to discussing education, with e-books being a relatively popular topic. When it comes to books, I have always been wondering why books cannot be recycled in Hong Kong, as in overseas countries which have never had any problems with book price raises year after year.

I was very pleased to listen to Dr LAM Tai-fai's speech in which he shared with us from his practical experience the merits of small-class teaching (SCT). President, after years of campaigning by the Democratic Party, the Chief Executive finally undertook during his election campaign to implement SCT in primary schools. I kept asking Secretary Michael SUEN afterwards the amount of extra resources incurred should SCT be truly implemented, given that SCT was rejected at that time for unsatisfactory results and the implementation of SCT was described as being tantamount to having shark's fin soup when we have a fiscal deficit. However, the Government has so far failed to provide us with the relevant figures. I wonder if Uncle SUEN would give us the figures later. We see that only 65% of the primary schools in the territory will implement SCT in the 2009 school year because of a shortage of classrooms. But the greatest problem is that schools in which SCT will not be implemented would, on the contrary, have surplus teachers and yet, schools would have fewer surplus teachers after switching to SCT. This actually runs counter to the spirit of implementing SCT.

At present, secondary schools are likely to face the greatest problem because they will be confronted with challenges from the New Senior Secondary academic structure, the medium of instruction policy, and so on. However, another round of class reduction and school culling is expected when a reform will soon be launched. According to an estimate by the academic sector, the

number of Secondary One students will drop from 80 000 in 2008 to less than 60 000 in 2013. Despite the Secretary's indication of introducing fine-tuning, I believe more has to be done before the problem can really be resolved. Therefore, we very much hope that the Government can seize this golden opportunity to implement SCT in secondary schools in practical terms. Although we can still hear a lot of disputes on the direction to be taken to fine-tune the medium of instruction policy, I hope more discussions can be held by the Panel on Education when the policy is launched, probably by the end of this year.

President, insofar as special education is concerned, some progress was made last year, thanks to the efforts made by Dr Fernando CHEUNG and a group of parents of students receiving special education. I am also very pleased that the Government is generally willing to implement reform to an academic structure that runs parallel to mainstream teaching. However, some problems still remain. This is why we are greatly disappointed that the policy address has not touched upon these major issues.

Besides special education, some colleagues have also raised the issue of early childhood education vouchers. Actually, when the Government started discussing this matter, we already pointed out that the vouchers were bogus vouchers, and so a review must be carried out expeditiously. Since the launch of the voucher scheme, kindergarten tuition fees have kept rising, with the number of kindergartens requiring subsidies rising from 50% or so in 2006 to 97% in the current school year. I believe the ensuing problems will even deteriorate in the wake of inflation, thereby imposing an enormous burden on middle-class households. Therefore, the Civic Party has always insisted that 15-year free education be implemented in the hope of helping the middle class as well as the grassroots, and improving the quality of life of young people through education.

President, the issue of tertiary education has been discussed for a long time. It is proposed that the direct assistance for associate degree programmes be increased and, in particular, institutions be exempted from repaying loans for building their campuses, because this would impact directly on the proportion of tuition fees used for teaching purposes. As such, we hope the Government can come up with an innovative mindset. Financial assistance for students has also been discussed for a long time. I think the Government should exempt the students from paying interest during their study period and abolish the 1.5% risk

rate in order to alleviate the burden on both students and parents. As for increasing the number of university places, a consensus has been reached among us, and this issue has also been debated by this Council repeatedly. As this was raised by Miss Tanya CHAN in her speech just now, I will not repeat it here. Thank you, President.

**DR PAN PEY-CHYOU** (in Cantonese): President, first, I have to make a declaration of interest because I am a part-time employee of the Hospital Authority (HA) and I work in the Kowloon East Cluster.

I wish to talk about the position of the FTU on the part concerning health care in the policy address. First, we support the implementation of various health care programmes in the public-private partnership model, including in such new services as the care of patients with chronic diseases and community health centres. We express our support for them. However, we are concerned about whether or not the allocation of resources to private health care services by the Government in this way in fact amounts to putting a cap on the resources for public health care services. We must bear in mind that the Hong Kong people is very concerned about the quality of public health care.

Our second concern is the uneven distribution of resources among the clusters under the HA, which gives rise to variations in service standard. Is it the Government's intention not to concern itself with this area anymore? We wish to make the following requests: First, we hope the Government can continue to commit resources to making improvements to public health care and the issue of the waiting time for specialist services; second, we hope the Government can continue to assist the HA in making improvements to the problem of a lack of resources in some clusters, so as to improve health care services; and third, in response to an ageing population, the Government should increase the number of elderly health centres because this is part and parcel of primary care for the elderly that is not only proven but also very popular with its users.

I so submit.

**MRS SOPHIE LEUNG** (in Cantonese): In this session, I would like to say a few words about matters relating to hygiene and education.

Insofar as hygiene is concerned, I am very pleased that the notion of community health centre is raised in this year's policy address, as it has actually been advocated by me for years. Last year, or perhaps the year before last, I also made a recommendation on the Mainland's health development by proposing the setting up of community health centres. As these centres are indispensable to truly achieving harmony in the community, I am in favour of them.

At the same time, I consider it worthwhile to advocate the provision of more land for the construction of private hospitals in the interest of Hong Kong as a leader in health care or medical services in Southeast Asia or the Pacific Region.

Another point I hope the Government can consider is that all government hospitals, especially major ones, should introduce benchmarking with overseas hospitals by, for instance, competing with other hospitals in terms of supportive facilities under a benchmarking system. I believe the standard of hospitals can thus be raised without the need to listen merely to our complaints about long queues of hospital patients or health care services. I think it is worthwhile for the Secretary to consider such an excellent proposal.

As for education, I wish to focus on three aspects. I believe it is a good thing for our education system to start implementing the "3-3-4" academic structure. However, like schools operated elsewhere, schools in Hong Kong will probably find, regardless of the amount of resources being injected into education, the education system as a whole can simply not match the challenges brought about by social changes. Therefore, in places all over the world — not only Hong Kong — we will find more and more incorrigible students among students requiring enhancement and support and come to realize that, despite the substantial amount of resources already injected, students do not necessarily understand that they really have to wake up as they have received so many resources from society.

Most importantly, through rendering schools assistance in enhancement and support, I have come to realize that, if students cannot change their mentality by having a firm grip of a sense of success, they will always harbour such a mentality as if they were saying, "Come teach me! It is the teachers' fault and society's fault if I do not understand." Such a direction is totally wrong. Even if small-class teaching is implemented in the future, I believe teacher training plays a very important role in this. We must stop teaching students by passing

on our knowledge to them. Instead, they must be inspired to enable them to gain a better understanding of their own directions, their own lives and their own progress. This is why, despite my great support for implementing small-class teaching, I do not believe small-class teaching can be implemented hastily, given the existing teacher qualification, and for the mere sake of implementing small-class teaching. We must change such mentality. This is probably the most important area of the reform discussions held by the education sector worldwide.

Generally speaking, we must change our attitude along with students. Teachers must change their attitude, and the scope of subjects must be changed, too. We must stop believing that students can learn everything from books. Books only mark the beginning of learning. It is important for students to absorb what they have to from a larger scope instead of being told how much they have to absorb.

There is one more point I hope the Secretary can consider. At present, there are eight institutions or universities in Hong Kong. I feel that the tricks of "testing or playing with greenhorns" have become increasing deplorable and bad taste. I believe the campus atmosphere and milieu might be important factors. Years ago, I was appointed by this Council to a university as a member of its committee. During an interview with applicants for the post of Vice-Chancellor, I asked the candidate what he expected of the atmosphere of the campus, that is, the school ethos, in five or 10 years. Neither was he able to answer my question, nor did he understand what I was talking about. I think this is exactly what we have to contemplate. However, since then ..... I do not wish to talk about that incident anymore. However, at a time when we are being battered by the financial turmoil and experiencing the so-called century syndrome, there is a need for better and higher quality of man in the future.

Just now, I heard Dr Priscilla LEUNG discuss what can be done to help associate degree students in terms of enhancement and support. However, I think it is most important for them to have their own way of thinking in charting their own course forward. During the entire process of learning or pursuing university studies in the future, we must not allow students to be nurtured by a single culture. Instead, they must be nurtured by a diversity of cultures. Therefore, I think the Government had better consider setting up a fund (this might not be pleasing to the ears of the teachers and principals of the eight institutions) rather than injecting substantial amounts of resources into the eight

institutions again. Students who have been admitted to overseas prestigious education institutions but cannot afford the tuition fees can then apply to the fund for assistance.

I also hope that all institutions can promote more exchange programmes lasting one year or even longer, not six months. Furthermore, they may even consider recognizing credit points given by overseas institutions. I think we should not consider this issue merely from the angle of making money for our own educational institutions with the hope that more mainland students will come to pay tuition fees. On the contrary, we should think from the angle of nurturing talents. I hope the Government can set up funds to facilitate overseas learning and pursuit of further studies in overseas universities in the future. Thank you, President.

**PROF PATRICK LAU** (in Cantonese): President, in the consultation forum organized by me for my sector, many professionals concurred that the future direction of development for Hong Kong must carry a longer-term vision and this must be tackled at the policy level. I agree very much with two areas, namely, that of developing a quality living environment and providing diversified manpower training. I think the Government must not reduce the importance it attaches and the commitment it makes to the education system. Furthermore, it has to step up its efforts.

In view of this, since the Government has committed resources for a number of years to the promotion of electronic teaching resources in schools, I believe there is no reason for us to wait any longer and remain in the phase of "looking into", as the policy address puts it. It is now time that the implementation of e-books was expedited, and the faster, the better.

Concerning the development of diversified manpower training, I believe the Government should, through the provision of additional funds, encourage educational institutions to offer new subjects and training programmes to keep abreast of international academic developments and maintain our competitiveness in the international arena.

Furthermore, apart from expanding the international school sector, the policy address makes no mention of any further arrangement to develop Hong

Kong into an education hub. In view of this, I cannot help but feel concerned that the Government will slow down in its work in this regard.

I attach particularly great importance to two very important items. Of course, one of them is the implementation of small-class teaching, which many Members have talked about, and the other is the construction of hostels for overseas students, either by building new ones or by revitalizing and converting school buildings in disuse as a result of the culling of schools. This approach of revitalizing old buildings is very environmentally-friendly and I agree very much with Dr LEUNG Ka-lau's comment that old hospitals can be revitalized and turned into private hospitals. I call on universities to note that hostels for non-local students should not be confused with expanding the international school sector because in fact, many of the students in the international schools in Hong Kong come from local families. However, attracting non-local students will be conducive to the development of an education hub and creating a pool of talents coming from various places. I hope the Government will attach importance to the significance of these two areas to the future development of Hong Kong.

President, the policy address devoted considerable text to health care reform and I also welcome the Government's proposal. I only wish to remind Members once again that prevention is always better than cure, so striving to improve the health of all members of the Hong Kong public is the best way to reduce the burden on health care and face the challenges posed by an ageing population. The Government should start with schools by promoting common knowledge of drugs and health care and providing education on a healthy lifestyle as soon as possible. Moreover, it can also ride on the trend of sports generated by the Beijing Olympics and the Hong Kong 2009 East Asian Games and take the lead in encouraging the public to do exercise regularly.

I so submit. Thank you, President.

**MR VINCENT FANG** (in Cantonese): President, although this year's policy address has not introduced brand new proposals on health care as in last year's policy address, the general direction of health care development has remained positive. For example, efforts will be made to enhance primary care services, explore the feasibility of delivering services under the community health centre model through tripartite collaboration among the public sector, the private sector and non-governmental organizations, and include pneumococcal conjugate



vaccine in the Child Immunization Programme. I received an e-mail from the Hong Kong Child Vaccine Concern Group yesterday. While they expressed gratitude for the Government's decision, they hoped that pneumococcal vaccines could be re-administered for children under the age of two by the Government. Perhaps the Secretary, who is not in this Chamber today, can study this with his colleagues to ascertain the urgency of this matter.

However, the Liberal Party considers it rather disappointing that the Government seems to be unconcerned about balancing the manpower and demands of the public health care sector. We all understand that the provision of health care services relies very heavily on manpower. All medical equipment, however advanced it is, still requires health care personnel to provide diagnosis and nursing services. This is why I asked the Secretary during his briefing on the policy agenda in the Panel on Welfare Services what effective measures the Government would implement to keep talents in view of a serious brain drain in the public health care sector, especially among senior doctors, in recent years which has led to an imbalance between supply and demand, thus putting health care workers under excessive pressure and resulting in more and more medical incidents.

The Secretary replied at the time that given satisfactory social and development over the past few years, the loss of health care manpower was rather serious but there has been some improvement recently following a slowdown of the economy. Never had I thought that the financial tsunami would have any positive effect. But meanwhile, the Secretary added that an economic slowdown had led to an increase in the number of users of public health care services and in view of this, public-private partnership (PPP) would be further taken forward by the Government in the provision of health care services.

The Liberal Party has all along considered PPP a correct direction for the provision of health care services. However, we do not mean that the Government should push some of the demands for health care services onto the private sector, so as to cut its health care commitment. We hope that the public health care services which have long been the pride of Hong Kong can continue to be maintained at a high standard as they have always been and be further upgraded. To this end, there is still a pressing need to keep talents. If the Government neglects the loss of quality talents in the public health care sector when the economy is bad and when even more talents would leave if the

economy would bottom out two years later, Hong Kong people would suffer an even greater loss.

So, I hope that the Secretary, who used to be a member of the public health care sector, can give more thoughts to retaining manpower. Particularly as manpower and morale are relatively stable now, the opportunity should be taken to conduct a review of the promotion ladder in the Hospital Authority, with a view to providing suitable promotion prospects for the competent talents, especially doctors. This, I believe, is conducive to keeping quality talents.

The Secretary said that the construction works of the Tin Shui Wai Hospital had already been expedited for completion in 2015. Although the Liberal Party does not have any presence in New Territories West, we do support the progress made and we all the more welcome that the Government would, as stated in the policy address, identify more sites for hospital construction and invite proposals on hospital development from the private sector. This is necessary not for meeting my personal needs but to cope with the trend that increasingly more mainlanders will come to use the health care services in Hong Kong, which has already caused the private health care sector to reach capacity. If we do not develop in this direction, we would only turn these demands and opportunities to our neighbouring countries, such as Thailand. But I hope that the Government, in examining the relevant projects, can consult the opinions of all sectors of the community and strike a balance among the demands of various districts.

With regard to the more controversial issue of health care financing, the Liberal Party has all along agreed that health care financing and health care reform are necessary for the long-term development of health care services. Regrettably, just as the year 1997 would have been most opportune for Hong Kong dollar to unpeg with the US dollar, no one knows when another opportunity will knock on the door again once an opportunity was not seized. The case of health care financing is just the same. Given the impact of the financial tsunami, all the people, especially those above the middle class with the means to support health care financing, has suffered losses from a shrinkage of their asset value. All enterprises, irrespective of their scale of operation, have encountered increasingly more difficulties in their operation. Under the current circumstances, I think whatever financing option proposed by the Government would be unlikely to win the support of various strata of the community.

In this connection, any further consultation on health care financing would only lead to internal conflicts. At the present stage, the Government should look into how the purpose that health care financing is intended to serve can be achieved in other ways. In fact, the original purpose of health care financing is to address the increasingly serious problem of population ageing, as the surge in the demand for health care services will substantially add to the financial pressure of future governments. In view of this, can the Government plan afresh the deployment of the existing resources, in order to alleviate the pressure on the public health care sector in the event that health care financing would be deferred? The simplest way, as pointed out in the policy address last year, is to gradually increase the percentage of medical and health care expenditure as a share of the Government's recurrent expenditure from 15% to 17% in 2011-2012. Can the Secretary tell us how far this share has been increased as of this year? In view of the current circumstances, can the Food and Health Bureau make adjustments to the original plan by channelling the increase in resources to meeting the needs for health care services arising from an ageing population? If the Secretary cannot give us a reply today, can he later give a reply in the Panel on Health Services?

This proposal that I have made is intended only to address the possible delay of health care financing without affecting the objective of health care financing. The Government has also introduced many schemes in this direction, such as the health care vouchers for the elderly. The Liberal Party hopes that a review can be conducted of the effectiveness of this scheme after it has been implemented for some time and if it is proven effective, we will support the further extension of this scheme which is underpinned by the "money-follow-patient" concept, because the waiting time of many elderly people and chronically-ill patients for services in government hospitals and out-patient clinics has not been shortened. After that, we can assess the situation and conduct consultation on health care financing afresh at an appropriate time.

President, next, I wish to talk about the qualification framework other than national education. When the Accreditation of Academic and Vocational Qualifications Bill was tabled for scrutiny by the Legislative Council, there was a lot of feedback from non-profit-making and commercial training providers. In particular, training providers in the beauty industry continuously reflected that the requirements imposed by the Bill on the hardware of commercial training providers were too stringent. They were concerned that they would not be able

to meet the requirements of the former Hong Kong Council for Academic Accreditation. They were also worried that the graduates trained by government training organizations could not meet the requirements of the industry and hence could not join the industry.

The Administration responded at the time that they would establish communication with the industry by all means. But recently, I have received many complaints that the Government has strangled the commercial viability of the industry by some very skilful means. Because in order to enable its training courses to meet the requirements of academic accreditation, the Government has recruited many representatives of the industry to join the Industry Training Advisory Committees of the Vocational Training Council (VTC), and the Government has even employed instructors in the industry to be instructors of the VTC. This basically would give no cause for criticism, but the problem is that according to the results of accreditation of training providers published recently, all commercial training providers had failed in the assessment with the exception of the VTC.

On the other hand, the beauty industry has again failed to recruit employees recently. Some of the trainees trained by government training organizations do not wish to join the labour market immediately after training, or they thought that their diploma qualification should qualify them for the post of manager. This reflects a sheer mismatch between the Government's training schemes and the industry. As a result, faced with possible closures of business in the industry, members of the industry are planning to stage industry-wide actions to overthrow the system of accreditation of academic and vocational qualifications.

President, it is primarily a correct direction for the Government to provide employment pilot schemes for young people who do not do well in school. But we all have been students and parents, and we understand that the academic performance of young people and their choice of employment are two different matters. The Government should provide basic, holistic education for students to enable them to make their own choice of employment, while industry-based training organizations should provide training to members of the industry according to the needs of the market. So, their roles are totally different and they are, therefore, irreplaceable by each other. However, the Government is only concerned about the achievements made as presented by the figures, rather than the needs of the industry. I understand that the needs of the industry are not within the ambit of the Secretary for Education, but this case has again proved

that government departments work on their own and never communicate with each other in the implementation of policies.

I have recently reflected this to the Secretary. The Secretary is, in fact, very concerned about this and has instructed an Under Secretary to hold meetings with the industry. But in the end, no progress has been made and worse still, the industry has even demanded the suspension of the system of industry advisory committees. Therefore, I hope that Secretary Michael SUEN can review with his colleagues this framework of accreditation of academic and vocational qualifications and also how best co-operation can be established with industries constantly requiring the injection of "new blood", so that the existing "lose-lose" situation where trainees who completed training provided by the Government cannot find a job in the industry while the industry cannot recruit suitable talents will be turned into a "win-win" situation.

I so submit. Thank you, President.

**MR CHAN HAK-KAN** (in Cantonese): President, I do not have much speaking time left, but I would like to speak on health services on behalf of the DAB. We have seen three major imbalances in the health care system of Hong Kong: First, an imbalance between the public and private health care sectors; second, an imbalance in the supply of in-patient services; and third, an imbalance between the supply of and demand for health care professionals. The DAB holds that if the Government does not implement improvement measures targeting these three imbalances, when the problem of population ageing in Hong Kong becomes more acute in the future, it would only be more difficult to overcome the many difficulties to be faced in the provision of health care services. The Government must be sensitive enough to worry about these problems before they actually appear and so, it must expedite the reform of primary care services, enhance the service delivery model of public-private partnership, and improve the deployment and training of health care professionals, in order to solve the problems. On the training of health care professionals, as some colleagues have already discussed this at length earlier on, I do not wish to make any repetition here.

On primary care services, the Government has proposed the idea of community health centres and this, we agree. This idea aims to co-ordinate the efforts of different service units in the delivery of primary care services through tripartite collaboration among public health care providers, private health care

providers and non-governmental organizations. But as I said earlier, this would involve many different organizations and so, some very complex and difficult issues will be involved in co-ordination. It is certainly necessary for adjustments to be made to the services of the public health care sector, and careful planning must be made in respect of the details, such as the detailed arrangement for co-operation with the private sector, details of the service platform, how the current users of health care services will be affected, and to people in different districts, what kind of demands they have for what kind of services, as well as the distribution and location of health care service providers and primary care service providers. Given that this reform of the service delivery model is very wide in scope, the DAB hopes that the Working Group on Primary Care led by the Bureau must take on more people from different sectors of the community. Apart from health care professionals and managers of health care service providers, the views of patients and the locals also need full representation in the working group. More importantly, it is necessary to explore the specific details of community health centres from the angle of service users.

In respect of public-private partnership in the provision of health care services, the Government will expand the scope of services purchased from the private sector and a dedicated office will be established to co-ordinate the development of an electronic health record system. The DAB supports these initiatives. But in order to balance the market shares of public and private health care services, it is more important to provide financial incentives, such as tax deductions for contributions to medical insurance schemes, in order to attract people with the means to switch to private health care services. In this connection, the DAB proposes that the Government should consider providing tax deductions for contributions to medical insurance schemes as soon as possible.

Moreover, the Government also plans to grant four sites for the development of private hospitals. But in order to facilitate the healthier development of private hospitals, as I said earlier, it is necessary to think from the consumers' angle. The Government should take this opportunity to discuss and explore with the operators ways to improve the regulation of service quality of private hospitals and enhance the transparency of their fees and charges. Only in this way can people with the means be attracted to using private health care services.

President, the DAB has all along called for the development of the Chinese medicine profession but judging from the development of the Chinese medicine profession over the past few years, we have seen that the biggest gestures made by the Government are just the setting up of more Chinese medicine out-patient clinics in the public sector and registration of proprietary Chinese medicines. No planning has been made for the development of a Chinese medicine hospital, collaboration between Chinese and Western medicine practitioners, and continued training in the Chinese medicine profession. Even in the family doctor system consistently promoted by the Government, it remains unknown as to whether or not there will be engagement of Chinese medicine practitioners. The DAB urges Secretary Dr York CHOW to set up a task force on the development of the Chinese medicine profession, with a view to taking forward work in this area.

President, I so submit.

**MR PAUL CHAN** (in Cantonese): President, some colleagues mentioned small-class teaching earlier. I very much support it, but I will not repeat the reasons cited by colleagues earlier.

Here, I wish to make another minor proposal. I think the Government should consider providing additional resources to some schools and social welfare organizations and using them as a platform, so that primary students and junior secondary students can stay behind in school after classes or go to these social welfare organizations to do homework or even take part in interest groups and extra-curricular activities. I think this measure should not require the input of too many resources but it can help students resolve the difficulties encountered in their homework and develop other interests, which is conducive to the whole-person development of students.

This measure is helpful to students and in fact, it can also be helpful to parents because, from the parents' angle, if these primary students and junior secondary students can, after school, stay in a place with which the parents feel more at ease, this is, in fact, a *de facto* child-minding service provided to the parents.

If children can finish their homework before they go home, they will not engage in conflicts with their parents when doing homework at home.

Particularly in Hong Kong society, it is very common for both the husband and wife to work, in order to make a living. When they come home after a busy day of work, they may be too tired mentally and physically to take care of the very taxing homework of their children. Some parents in grass-roots families are not even educated enough to help their children solve the problems in their homework. I think while this measure can improve the academic performance of students, it can, on the other hand, prevent children from wandering around after school, which may otherwise push them to go astray. This is also conducive to fostering harmonious families. I hope that the Government can at least implement this scheme on a pilot basis in districts where the grassroots are more concentrated, such as Tin Shui Wai and New Territories North, so that this pilot scheme, which can kill many birds with one stone, can practically help students and families in Hong Kong. Thank you, President.

**MR ANDREW CHENG** (in Cantonese): President, I will spend the rest of my speaking time discussing the medical and health care issues in the policy address with Secretary Dr York CHOW on behalf of the Democratic Party. President, similar to my discussion on transport issues, I would express views on five areas of health care policies, in the hope that the Secretary will focus on these areas and steer his work in these directions in the future.

President, over the past few days, it was unfortunate that we had sometimes read in newspaper that Hong Kong ..... President, it seems that the timer is not working. I must keep a close watch on the time, for this is the last time I speak, and I would use all my speaking time in this session. President, recently, a psychiatric patient in Pamela Youde Nethersole Eastern Hospital committed suicide and died. Today, we also read in the newspaper that as the financial tsunami has caused many financial difficulties, the number of people seeking psychiatric services in out-patient clinics has increased by 6 467 or 13%, compared with the corresponding period previously. President, this is a most worrying figure. In fact, Hong Kong people are often mentally stressed; they are busy at work and they work very long hours. Even before the advent of the financial tsunami when the economy was prosperous, everyone was working hard to make money, not taking enough rest, but when the economy is in the doldrums, although they may not be able to make money, everyone is worried about their living and this has led to many family problems. This is precisely the time



bomb which, in the view of the community, the Government cannot afford to neglect.

Recently, I have a friend who, because of the financial tsunami ..... In fact, he has long been suffering from depression and President, he has waited for specialist out-patient service for a very long time, and he has to wait one or two months for each appointment. I have reviewed the past statistics and found that the waiting time for psychiatric specialist service varies from one cluster to another. While the waiting time may be different, it can never be considered short, as one normally has to wait from three or four weeks to eight or nine weeks. When my friend could finally see a doctor, he noticed as soon as he had just sat down that the doctor's eye circles were even darker than his, and the first question my friend was asked was whether or not he could sleep and whether or not he had thought about killing himself. My friend said that he had wished to ask the doctor the same two questions because the doctor appeared to be extremely stressed. Then, my friend did ask the doctor whether or not he had enough sleep the night before because the doctor had very dark eye circles. The doctor dismissed his question with a smile and as the consultation time was short, the doctor said that he was asking my friend questions and it should not be my friend asking him questions. Then the doctor explained to my friend that it was because psychiatrists were indeed most concerned about whether or not patients had enough sleep or whether or not they had a tendency to commit suicide that he would ask my friend those questions. After the doctor had finished asking questions and after my friend had answered a few questions in a questionnaire, no advice was given; nor was my friend prescribed with any medicine. My friend will have to wait again for the next appointment.

President, perhaps many of us in this Chamber have not had these problems before, and I hope that we will never have these problems. But in Hong Kong, there are really many mental patients or hidden mental patients. Given a shortage of health care resources, the shortage of specialist psychiatrists and psychiatric nurses has made patients feel more and more disappointed. Patients who do not have depression initially may become more and more depressed after attending their medical consultations. Secretary, I think we have repeatedly followed this up in this Council and also in meetings of the panel. I hope that in view of the impact of the financial turmoil, the Secretary really must not treat this issue lightly. As reported in the press today, patients can now be attended to immediately in all hospital clusters without referrals, and this is a good measure.

But I have listened to Dr LEUNG of the medical profession who talked about the examples in Pok Oi Hospital and Tuen Mun Hospital. Again, it all boils down to the problem of various services competing for the limited resources. If the Government does not inject sufficient resources into hospitals, the clusters can operate only with limited funds and when there is a sudden surge in the number of mental patients or demands for psychiatric services, how can hospitals cope with this "storm" of mental patients? I hope that the Secretary will really seek additional resources from the coming budget.

Speaking of resources, I think the situation of other specialties is just the same. President, the example cited just now is psychiatrics, but other specialties, such as eye diseases of the elderly ..... President, as far as I can remember, your eyes had had some problems, too, but you were able to receive treatment, and perhaps you had sought medical treatment from private practitioners. However, many other patients may not have the resources to do so and even if they are lucky enough to be put on the waiting list for medical treatment, eyes are very important to the elderly. If their eyesight is impaired, they may fall down anytime when they walk and this may lead to other problems. Therefore, apart from psychiatrics, there are other very important specialties, such as ophthalmology and even dentistry, as mentioned by colleagues earlier on and also mentioned by us for many years, because teeth are used for eating and whether or not we can chew properly has a direct bearing on our health. Therefore, secondly, I hope that the Secretary will pay attention to the problem that the resources for specialties have remained insufficient even though we have talked about this for years.

The third area is also related to the elderly, and we have talked about this many times. Insofar as the health care vouchers are concerned, we hope that the Government really should not be so mean. We have said this many times already. While we hope to see this measure implemented as soon as possible, we also hope that the Secretary can conduct a review expeditiously and if, after the review, the annual amount of \$250 is considered inadequate, we hope that the amount of the vouchers can be increased. This is important. Moreover, I wish to talk about free vaccinations against influenza for the elderly. President, students and children are currently provided with free vaccinations, but what about the elderly? This is a very big problem. If the elderly often suffer from influenza, it may lead to complications which will, in turn, affect their life and may spread to people around them, thus triggering a chain effect.

Fourthly, President, public-private partnership may lead to problems with quality assurance in the provision of health care services. President, quality assurance of health care services should certainly start from ensuring that medical graduates have achieved certain academic standards. But the provision of health care services would at least require reasonable regulation and review, in order to examine if there is any problem with the quality of our health care services. I think insofar as service quality is concerned, we should start by examining the working hours of doctors. I think in the next few years, the Secretary will have to spend much time considering how continuous adjustments can be made to the working hours of doctors in public hospitals. Whenever he discussed this problem with us, the Secretary would say that during his internship in public hospitals, he had to work over 60 hours or even more a week. However, I would like to tell the Secretary that time has changed and the community now has increasingly higher expectations of the standard of the quality of health care services and the time that doctors spend on their work. When doctors are put under increasingly heavy pressure, it is very important for them to maintain psychological and physical health. Therefore, quality health care services hinges on a wide range of factors, including the working hours of doctors and the work pressure they have to bear psychologically.

I hope the Secretary will understand why we have, for a long period of time, stressed the need to establish an independent medical complaint mechanism. I hope that this independent medical complaint mechanism will cover not only public hospitals of the Hospital Authority, but also private hospitals ..... rather than telling the public to go to the Medical Council of Hong Kong for problems with private hospitals and private medical practitioners. Because we all know that the Medical Council gives people the impression that they defend only their own people in the profession, and that it would require a lot of efforts, resources and even exorbitant fees to obtain a different medical report to refute the report produced by the doctors concerned, in order to prove dereliction of duty or negligence on the part of the doctors. This is very complicated. Therefore, a truly fair and independent medical complaint mechanism and reasonable working hours to guarantee that doctors and the nursing personnel are assigned to reasonable posts with reasonable working hours are the prerequisites for ensuring the quality of health care services.

Finally, President, I certainly must say a few words on the smoking ban. I think what the Secretary has done in respect of the smoking ban during the last term of this Council has convinced many Hong Kong people that the Secretary is genuinely committed to accomplishing this task and this, I cannot agree more.

That said, I hope that the Secretary, in the coming year or two ..... I must remind the Secretary that it is already stipulated in law that smoking is prohibited at bus terminuses but as the size and area of bus terminuses have not been demarcated with the Transport Department, bus terminuses have not yet been designated as no smoking areas as provided for in the existing anti-smoking legislation. I hope that before summer next year — because passengers suffer most badly when they wait for a bus in summer and if, when waiting for a bus at a bus terminus, the person in front is smoking, that would not be a pleasure in life. Moreover, I hope that the Government will plough in more resources for smoking cessation services. I believe it is better to encourage people to quit smoking than imposing punishment on law-breaking smokers. I believe the more resources injected for smoking cessation, the healthier the living of the community of Hong Kong.

President, I so submit.

**MR ALAN LEONG** (in Cantonese): President, on behalf of the Civic Party, I would like to speak on the health care reform and health care financing. Insofar as the public health care sector in Hong Kong is concerned, in a nutshell, the waiting time is getting longer and longer whereas the consultation time is getting shorter and shorter. As work pressure is increasing, medical and health care personnel, when given the opportunity, will strive to get away from the public health care sector. Due to the loss of quite a large number of medical and health care personnel, patients have to wait even longer, and a vicious cycle has thus emerged.

Moreover, insofar as the Drug Formulary is concerned, more and more quality drugs have been removed from the Formulary. When I work in the district, I do hear many elderly people say that they can either buy medicine not included in the Formulary with the money originally intended for food or take medicine of an inferior quality to treat their health problems. As a matter of fact, both options are undesirable.

President, the Civic Party has all along considered health care a life-and-death issue. It should not be the case that nothing can be done without a new source of financing, as the Government has always said. If the Government attaches importance to human lives, it should not have made such a comment.

What is more, with regard to this consultation on health care reform or health care financing, even though we wish to discuss with the Government the contents of the consultation document, it is actually quite difficult to do so, because while the Government can tell where the money will come from, it cannot tell where the money will be spent; nor has it explained how the new resources will be spent on the existing problems as pointed out in the document and have them resolved. Nothing has been said in this respect and so, it is very difficult to study and discuss it with the Government. Worse still, with regard to the details of how the annual health care funding of \$30 billion is spent, we never know whether or not there is any wastage, and whether or not there is any mismatch. No information has been provided for discussion.

Moreover, President, in the document for the first stage of consultation, for instance, what is the difference between regulated private health insurance and mandatory health insurance? No one knows. The details of regulated schemes have not been clearly explained. Even if we are really going to discuss health care financing with the authorities, we would not know where to start. President, given that the public health care system urgently requires reform and it concerns the life and death of the people, we in the Civic Party hold the position that the Government can put this \$50 billion to good use by expeditiously injecting the funds for the urgently required reform. If, after the reform, the Government would tell the people that work could not be taken forward without a further injection of funds and it could prove that it did not spend the money for worthless causes or wasted any of it, it might be more readily acceptable to the people if the Government would bring up the issue of financing only at that time.

Certainly, it is more heartening to learn that this policy address has mentioned the development of primary care and community care services which were already mentioned in the first consultation document entitled "Towards Better Health" in 1993, and the Chief Executive seems to have given recognition to this area of work in the policy address. We have all along considered these services very important because if preventive care services can be provided by community doctors and nurses in the community, which can enhance the overall effectiveness of preventive care, the rate of hospitalization of patients can hence be reduced. We think that if a group of competent doctors and nurses can persistently provide sustained care services in the community and build up the confidence of patients and their family in them, it would help transferring rehabilitation and convalescent care services to the community health care system. This can thus facilitate the early discharge of patients from hospitals

and ease the burden on hospitals. When the patients and their family have confidence in the community health care system, community doctors can play the role of health consultants for patients and recommend suitable medical examinations or treatment protocol to them. Moreover, community doctors can also play the role of referrers for specialist care service. This will reduce the abuse of specialist service and hence improve the overall efficiency of the health care system.

President, I hope that this \$50 billion can really be put to good use. Part of this funding can be injected for, among other things, the further development of the electronic medical records interactive system currently operating in public hospitals. When the reform has been thoroughly implemented and more patients are treated and cured, and if more resources would then be required for standards to be upgraded, it should not be too late to talk about health care financing then when it is seemed necessary to increase the resources before the standard can be raised. I hope that the reform of primary care services mentioned in the policy address can be implemented effectively with successful results. Thank you, President.

**MR ALBERT CHAN** (in Cantonese): President, with regard to education, health services and security, I wish to raise several issues in the hope that the Government can truly take steps to address them, rather than just taking them into consideration. Over the years, I have continuously and repeatedly raised these issues with the relevant Directors of Bureau, and I have also brought them up in this Council for many times. In respect of security, I wish to particularly focus on debt collection agencies. The problem concerning harassment by debt collection agencies .....

**PRESIDENT** (in Cantonese): Mr CHAN, in the debate session scheduled to commence later, we will debate other matters in the policy area of security. This session is intended for us to debate immigration matters. Do you choose to raise these security issues now in this session?

**MR ALBERT CHAN** (in Cantonese): President, I would like to speak on these issues now, as I do not have much speaking time left. Is that alright? Thank you, President.

The Secretary should know only too well the problem of debt collection agencies. Recently, following the outbreak of the financial turmoil, this problem has, in fact, never ceased. Banks have hired debt collection agencies to force the public to settle their outstanding credit card debts and loans, even though the amount involved may be small. Many people, therefore, have to suffer from their harassment. The small and medium enterprises have been facing enormous difficulties and if they are forced by banks to repay their loans while at the same time harassed by debt collection agencies in recovering their loans, I think the financial turmoil will further aggravate their plights and difficulties. In this connection, with regard to making legislation to impose regulation on debt collection agencies, I hope that the Secretary can truly take forward such work, so that members of the public will not be bullied and oppressed by unscrupulous recovery practices or practices smack of triad conduct.

In respect of education, President, I have raised these issues in the Legislative Council before. On a previous occasion when I asked a question, I mentioned incidents about students being forced to sign a letter of withdrawal or told not to return to school. This is not just the problem of students. This is directly related to the administration, integrity or education ethics of schools. In order to become prestigious schools, many schools often force students to leave the school by hook or by crook when unsatisfactory learning attitude or poor academic achievements is observed in the performance students in Secondary One or Two, making students sign a letter of withdrawal without arranging for the students to study in another school. These incidents just happened every day, causing great nuisance and distress to many parents and students. These educators who have no education ethics and integrity should indeed be denounced, but there is some degree of negligence of duty on the part of the Education Bureau in terms of co-ordination, as they often attach little importance to these incidents and take follow-up actions only when a complaint is lodged. The Education Bureau often argues that it is necessary to respect the autonomy of schools in providing education. I think these practices are in breach of the code of aid in education, enabling schools to muddle through without being punished. I hope that the Education Bureau will step up regulation to deter schools from adopting these practices only to become prestigious schools, thus forcing students to switch from one school to another. Some time ago I dealt with a problem. President, in some schools, a class of Secondary One may have 30-odd students but only a dozen students can be promoted to Secondary Two in the school. This figure is astonishing. We demanded an investigation but more than a month have lapsed and we have yet received any report. Why would such a case

happen? This is absolutely unhealthy and unsatisfactory, and public coffers may even be wasted. In order to become prestigious schools, these schools have employed all kinds of unscrupulous practices which are against the code of aid in education.

Moreover, with regard to health services ..... President, with regard to medical and health care services, can I also discuss them today? On health services, I have reflected my views to Secretary Dr York CHOW before and I understand that the Hospital Authority had, some time ago, looked into the development of a service delivery model whereby some services, especially out-patient services or some services in hospitals, will be gradually transferred to a family doctor system. In the development of Tin Shui Wai Hospital and Tung Chung Hospital, consideration can be given to saving the elderly or people attending appointments for specialist consultation the trouble of having to travel a long distance to the designated hospitals. In fact, I hope that the hospitals in Tin Shui Wai and Tung Chung can be developed as semi-specialist hospitals, so that the chronically ill do not have to travel a long way to Queen Mary Hospital or even farther to the more remote districts for consultation with a specialist and instead, they can access suitable services in their own district. I hope that the Secretary can consider this proposal and provide these services in the two hospitals at the same time. Thank you, President.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak in relation to various policy areas in this session?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon the public officers to speak.

**SECRETARY FOR EDUCATION** (in Cantonese): President, in this year's policy address, the Chief Executive said that the authorities will continue to enhance the quality of English teaching and learning.

As Hong Kong is an international metropolis, young people should be proficient in English in order to make contribution to our country and the SAR.



In the past few years, we have proactively implemented various measures for the enhancement of our students' English standard.

The current English Language curriculum puts its focus on enhancing the students' ability in listening, speaking, reading and writing through diverse materials in life so that they can communicate in English. In designing the current curriculum, we have drawn reference from the latest studies in relation to language learning in foreign countries and the teaching experiences in other places where English is taught as a foreign language. Our target is to enhance students' ability in the use of English through effective teaching. The teachers should design learning activities in the classroom for various scenarios, enabling students to master the basic grammar rules and express their thoughts in English. Through the learning of phonetics, students can also improve their pronunciation. Besides, we will also include in the curriculum light and vivacious activities related to language and art such as stories, rhymes and dramas to foster students' creativity in expression, ability in appreciation and critical thinking so that they can read more extensively, create various literary works and use English in the life setting.

We agree that the quality of teachers plays a key role in enhancing the students' English standard. So, in recent years, we have implemented a host of measures to improve the quality of teachers including the stipulation that all language teachers should reach the designated language proficiency requirements and the upgraded entry qualifications of new English Language teachers.

In order to create a rich English learning environment, we spend more than \$500 million annually on providing more than 900 Native-speaking English Teachers in all secondary and primary schools in the whole territory so that English is taught in a more interesting way and students' efficiency in English learning can be enhanced. To encourage students to read more English books, we have injected around \$9 million a year to promote English extensive reading schemes in secondary and primary schools. Besides, we have also injected almost \$900 million into the Language Fund for subsidizing secondary schools in the implementation of school-based measures, enhancing the standard in English teaching and the English speaking environment. Through subsidizing and organizing diversified large-scale activities, the Standing Committee on Language Education and Research has also created an environment which is conducive to English learning outside the classroom in order to arouse the students' interest in learning English.

To enable teachers under the senior secondary academic structure to use English as a medium of instruction effectively, we have ploughed in around \$2.1 million annually since 2004 to launch two training programmes on the teaching of various senior secondary subjects in English. As a result, 1 860 teachers of English Language and other subjects as well as 56 000 secondary school students have benefited from these programmes, which have also promoted the collaboration among teachers of English Language and other subjects, thus enabling students to learn the senior secondary curriculum in English more effectively.

We believe the direction of the above measures is correct. In respect of learning, according to the inspection report for the 2003 to 2008 school years, more than half of the secondary and primary school students have developed a good learning attitude. According to our observation in the school visits and under the "Seed Project", students are keen on participating in such activities as story telling and drama performance. Through these activities, they enjoy learning English and their confidence has also been boosted.

In respect of reading, our achievement has also been satisfactory. Students are not only more active in reading but their ability in reading has also been upgraded. According to an international survey in 2007, the English reading ability of 24% of the Primary Four students who have participated in the survey is comparable to that of students whose mother tongue is English. The percentage is higher than that obtained in the same survey in 2004, which is 8%.

In respect of teaching, the inspection report has confirmed the quality of English teachers in Hong Kong. More than half of the teachers inspected are assessed as good in terms of their professional knowledge and attitude as they can create a good learning atmosphere, explain the text clearly and make appropriate demonstrations.

Certainly, there is much room for improvement in respect of English teaching. For instance, schools can provide more English-rich environment and pay more attention to students' individual differences in learning. We also hope that diverse opportunities for the use of English can be provided inside and outside the school campus through the systematic engagement of various social sectors. Besides, we should also further enhance teachers' training and upgrade their English standard and pedagogy. Of course, we have also put emphasis on fostering students' self-learning ability and encouraged them to learn English

inside and outside the classroom actively without worries about making mistakes so as to enhance their English proficiency by overcoming difficulties bravely through painstaking trials and practices.

We are now reviewing the long-term effectiveness of various measures and considering how best the resources can be rationalized so as to promote the teaching and learning of English in a more effective way. I hope details of the new measures can be submitted to the relevant panel of this Council by the end of this year.

Just now, some Members mentioned national education, pointing out that the so-called "brainwashing" or spoon-feeding method should be avoided. I would like to take this opportunity to respond. In the school curriculum, all elements of national education are included with the purpose of enabling students to learn the languages, geography, history, culture, arts, institutions and technology of our country so that they can recognize their own national identity and dedicate themselves to making contribution to our country and society. The Education Bureau has arranged exchange visits to the Mainland for students so that they can understand the latest development and challenges of our country from various aspects. Through such exchanges, the teachers should guide the students in learning how to seek information so that they can make objective analysis from different perspectives before drawing their own conclusion. The Education Bureau has never subscribed to any spoon-feeding approach in teaching.

We very much agree that an understanding of the history of our country is an important part of national education. In fact, Chinese History and Culture is a compulsory subject for Primary One to Secondary Three. In primary schools, Chinese History is usually taught through the "General Knowledge" subject. In secondary schools, the elements and contents of Chinese History are organized through the adoption of different curriculum models. At present, around 87% of the secondary schools have provided Chinese History subject for junior form students. Generally speaking, around two lessons a week are devoted to Chinese History in junior secondary schools regardless of the models adopted for teaching the subject. The fact that Chinese History in senior secondary schools has always been an independent subject will not be changed after the implementation of the new senior secondary school curriculum. Besides, the Liberal Studies subject has been incorporated as a compulsory subject under the senior secondary curriculum and "Contemporary China" is a compulsory unit of the subject. So,

in contrast with the present situation where students are divided into arts and science streams and only a portion of senior secondary school students can select the Chinese History subject, all senior secondary students in the future can enhance their understanding of our country through the Liberal Studies module.

Just now, Members proposed that places of the first year of publicly-funded degree programmes be increased. The Administration has to study carefully the additional expenditure, additional teaching facilities and additional student halls required, as well as factors which may affect the quality of teaching and quality of students before any decisions can be made. Although the places of the first year of degree programmes have been maintained at 14 500 for a long time, the development in other aspects has enhanced the opportunities of the relevant age cohort for receiving higher education. First of all, the Government offered around 1 900 publicly-funded senior year undergraduate places in 2008-2009 to provide articulation opportunities to students with sub-degree or equivalent qualifications. Apart from publicly-funded undergraduate places, the self-financing sector has also provided first-degree places and top-up degree places. In the 2008-2009 academic year, the total undergraduate places is more than 21 000, accounting for 25% of the population between the age of 17 and 20 if all the places of these programmes are added together.

At present, the Government's annual recurrent expenditure on the University Grants Committee-funded sector is more than \$10 billion. Given the reality of limited public resources, we cannot rely on publicly-funded places to meet the demand for undergraduate places in society. So, the Government will continue to implement corresponding support measures such as the granting of land at nominal premium and the provision of one-off school building loans in order to support the continuous development of the self-financing sector and ensure its healthy development.

President, despite the limited new items under education in the policy agenda, the Government has progressively implemented several education improvement measures since the introduction of the blueprint on education reform in 2000. One of these measures, the implementation of the new senior secondary school curriculum in September 2009, is an important milestone. We will continue to assist the school management in the planning and launching of the new senior secondary school curriculum. Meanwhile, we will also enhance our communication with various sectors, in particular, the parents, so that they will get the latest information of the new "3-3-4" academic structure. Moreover,

we will also keep in close contact with the tertiary education sector and employers' bodies, including the Civil Service Bureau, in order to brief them on the latest Hong Kong Diploma of Secondary Education qualification so that the schools and employers can formulate the entry requirements for student admission and various positions respectively.

The Government's commitment and determination in improving our education is obvious to all. We will continue to work hand in hand with the academia and other stakeholders so as to provide quality education for our next generations who will be well prepared for the challenges in the 21st century.

Thank you, President.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, first of all, I would like to thank Members for their valuable views and comments on my portfolio. Last year, the Chief Executive said that it was necessary to launch a holistic and fundamental reform to our health care system in order to tackle the ageing population and the increasing demand for medical services in Hong Kong. In this year's policy address and policy agenda, an account of the latest developments and direction of medical reform has been provided with details of some concrete measures.

Early this year, we released the Consultation Document "Your Health, Your Life" for the first-stage consultation on health care reform. It reflects a broad community consensus on the pressing need for reform. Our citizens consider that these service reforms should be expedited.

In the coming years, we will make the best use of the medical funding which will be increased to a committed level amounting to 17% of the Government's recurrent expenditure in 2011-2012, in a bid to roll out the reform on which a clear community consensus has been reached.

One of the main points of the health care reform is to enhance primary care services. The target is to set up a primary health care system which puts emphasis on preventive care and provides continuous, comprehensive and holistic health care to individuals for the protection and promotion of their physical and mental health. The Working Group on Primary Care under my chairmanship has started its work. It comprises Western medicine practitioners, dentists,

Chinese medicine practitioners and other health care professionals, as well as representatives of service users and relevant sectors. The Working Group will focus on the study of how to promote comprehensive primary care services, including how subsidies can be provided effectively for individuals to receive preventive care.

Besides, as the problem of chronic diseases is getting more serious, we will provide more medical care and nursing support for the chronically ill on the level of primary care in order to minimize the risk of complications. In the long run, this will reduce the demand for hospital services. We will implement a set of seamless pilot schemes so as to follow up the cases at an early stage, provide support to the patients and prevent complications as a three-pronged approach. In this way, we are able to provide more comprehensive support to the chronically ill and doctors in the public and private sectors.

There will be new primary health care services which include the Influenza Vaccination Subsidy Scheme to be launched next month. At present, more than 1 000 doctors have participated in the scheme. The Elderly Healthcare Voucher Pilot Scheme, which will be implemented next year, has attracted the registration of more than 1 000 service providers including Chinese medicine practitioners, Western medicine practitioners, dentists and other professionals. The prevention of communicable diseases is also an important segment of primary care services. Starting from the third quarter of 2009, all newborn babies will receive pneumococcal conjugate vaccine through the Childhood Immunization Programme. We have also planned to provide vaccines for children under two years old and are now looking into the specific arrangements.

The delivery of medical services in the form of public-private partnership (PPP) is an important direction of the health care reform. The target is to provide quality medical services by making the most effective use of resources. In the past year, we have implemented PPP in different models. In the coming years, there will be three new pilot schemes to provide the chronically ill with more choices outside the public sector so as to boost cost-effectiveness and shorten the waiting time for public-sector services.

I would like to emphasize that these schemes will increase the overall capacity of our health care delivery system. As a result, all the people, including patients, will stand to benefit. Not only the subsidized patients patronizing the private sector will benefit, patients waiting for public-sector services will also

benefit because the queue will become shorter. This is a win-win situation. At any rate, the Government is committed to increasing the funding for medical care. Apart from putting in more resources to improve the health care services in the public sector, PPP is also an effective measure to deploy resources for the upgrading of service standard.

To achieve the targets of PPP, the Government will formulate measures to positively promote the development of medical services in the private sector, consolidate and develop Hong Kong into a state-of-the-art medical centre in the region. We will also improve the imbalance between public and private medical services. These measures include the identifying of suitable sites for the development of private hospitals. At the same time, we have to strengthen our manpower planning. We are now making preparations for the setting up of multi-partite medical centres of excellence which will pool the elites from both within and outside the territory. We will also look into other feasible proposals of introducing PPP.

In improving public health care services, we are now formulating a funding programme for the Hospital Authority (HA) for the next three years. We will consider the demographic change and the advancement in medical technology so as to cope with the needs of the HA in respect of service delivery and its own operation. The detailed arrangements will be announced in the budget next year.

We will soon apply for funding from the Legislative Council for a \$1 billion injection into the Samaritan Fund so that more new drugs can be included in the subsidized list to strengthen the safety net of public medical services. We will also be actively taking forward the construction of North Lantau Hospital and Tin Shui Wai Hospital. Just now, some Members mentioned manpower resources and I would like to say a few words on this. Before the new hospitals are established, we have to provide more resources to the cluster so that manpower and resources will be transferred to the new hospitals when they are commissioned. To tackle problems such as the long waiting time for the medical services of the public sector and the resources allocation of the HA, we will conduct an in-depth study together with the HA and an account will be given to the Panel on Health Services of the Legislative Council.

While the Government has put in resources to actively reform various medical services, we have to deal with the long-term problem of health care financing in order to ensure the sustainability of the health care system. We are

now carefully analysing the views received in the first-stage public consultation on health care reform. There is still a plan that the second-stage public consultation will be launched in the first half of next year.

President, I hope Members can support our work and the Motion of Thanks.

**SECRETARY FOR SECURITY** (in Cantonese): President, the financial tsunami has an enormous impact on the global economy. As an open economy, Hong Kong cannot emerge out of this unscathed. The Government will do its utmost to tide over this difficult time together with the general public.

Although many industries are suffering from the impact, Hong Kong remains Asia-Pacific's tourism, financial and commercial centre. We should further enhance the competitive edge of Hong Kong by introducing measures to promote passenger and cargo flows, to facilitate entry and exit of visitors, and facilitate import of talents in order to meet Hong Kong's development needs in various aspects.

In promoting passenger flow and to facilitate passengers, we will introduce measures to facilitate the entry of residents of Taiwan and Macao, and we look forward to signing mutual visa-free entry agreements with Russia.

The SAR Government has all along endeavoured to strengthen the co-operation between Hong Kong and Taiwan in trade, tourism and other areas. As to complementary immigration measures, we have taken a number of measures to provide greater convenience for Taiwan residents in recent years. For example, the iPermit Scheme launched in March 2002 enables visitors from Taiwan to make online applications for entry permits through airlines and a confirmation will be issued instantly. In addition, since June 2006, Taiwan residents holding a valid "Mainland Travel Permit for Taiwan Residents" with a valid entry/exit endorsement for the Mainland may enter Hong Kong as visitors without the need to apply for entry permits.

In this year's policy address, the Chief Executive announced that the SAR Government would introduce two new measures in January 2009, including:

- (i) the removal of the restriction that limits a person to two iPermit applications within each 30-day period; and



- (ii) the extension of the limit of stay in Hong Kong from the original 14 days to 30 days for holders of iPermits and multiple-entry permits.

The new measures will provide greater convenience to Taiwan residents visiting Hong Kong, especially those impromptu visitors, and will allow them to have greater flexibility in planning their itineraries.

The ties between Hong Kong and Macao have always been close. On 26 June 2008, when Members of the Legislative Council passed the motion of "Enhancing co-operation between Hong Kong and Macao", they urged the introduction of measures to provide greater convenience in entry/exit to residents travelling between the two places. In this year's policy address, the Chief Executive said that we were about to reach an agreement on this with the Macao SAR.

In Hong Kong, we intend to open up self-service immigration clearance (that is, the e-channels) at border control points to Macao permanent residents after a registration process, as well as to exempt them from furnishing the arrival/departure card. In other words, permanent residents of Macao may visit Hong Kong with just their identity card. We expect that this arrangement could be applied to permanent residents of Macao at the age of 16 or above in the second half of 2009. As for the exemption for Macao residents under the age of 16, we have to make certain technical amendments to the existing legislation, and we also plan to submit the relevant proposal to the Legislative Council next year. In addition, the limit of stay for Macao residents visiting Hong Kong will be substantially extended to a maximum of 180 days.

Similarly, by the second half of 2009, Hong Kong residents, after going through a registration process, will also be allowed to use the automated passenger clearance system in Macao, and they need not furnish the arrival/departure card of Macao. We believe the above arrangement will be welcomed by residents Hong Kong and Macao, as it will provide greater convenience to residents travelling between the two places and will further enhance the relationship and co-operation between both places.

Hong Kong has adopted an open immigration policy. At present, Hong Kong has signed mutual visa-free entry or landing visa agreements with about 130 countries and regions. We hope that in the near future, we will conclude

mutual visa-free entry agreements with Russia. Such agreements will have a positive effect on the promotion of tourism, trade and economic exchanges between the two places. For example, the tourism industry indicated that each year, tens of thousands of Russian tourists would visit the neighboring regions of Hong Kong, including Hainan Island. Many of them were big-spender tourists. We believe the industry will seize the opportunities to attract more Russian tourists to visit Hong Kong.

Quality human resources are part and parcel of maintaining Hong Kong's competitiveness. The importation of talents helps to enhance the efficiency of local companies, strengthen their relationship with customers, explore new markets and expand these companies' business levels, such that more jobs can be created for the local labour market.

The SAR Government welcomes talents from all over the world to work and pursue development in Hong Kong. We have introduced different immigration measures one after another to facilitate qualified talents and professionals in working in Hong Kong.

In order to further beef up Hong Kong's resources of talents, following the relaxation of the eligibility restrictions of the Quality Migrant Admission Scheme in January this year, the Immigration Department simplified in May this year the information required to be furnished by professionals coming to work in Hong Kong. At the same time, under the policy of developing Hong Kong into a regional education hub, we have implemented the immigration facilitation measure to allow non-local full-time accredited degree or higher degree students to stay in Hong Kong or return to Hong Kong for development after graduation.

With regard to the entry arrangement for various talents admission schemes, we will continue to review and improve them from time to time, in order to meet the needs of social development in Hong Kong. In April this year, the Commission on Strategic Development proposed to simplify the application process for employers in the recruitment of non-local senior executives and professionals. On the premise of striking a balance between the promotion of the admission of talents to Hong Kong and the protection of local workers, the Administration will consult the relevant panels on matters relating to the recommendations next month.

Finally, President, we will continue to listen to views relating to immigration arrangements put forward by all sectors and introduce measures in a timely manner, so as to achieve the goal of facilitating the passenger flow and pooling of talents, which will be conducive to the development of Hong Kong and tackling of new challenges. Thank you, President.

**PRESIDENT** (in Cantonese): The fourth debate session ends. We now proceed to the fifth debate session. This session covers the following five policy areas: Administration of Justice and Legal Services; Constitutional Affairs; Public Service; Security (other than immigration policies which have been discussed in the previous session); and Home Affairs (district administration and civic education).

**MR CHEUNG MAN-KWONG** (in Cantonese): President, the employment of retired senior officials by private organizations has once again aroused public concern as a result of the LEUNG Chin-man incident. According to the Government, LEUNG Chin-man's application was handled, during the vetting and approval process, in accordance with established procedures. Later, it was all because of the overwhelming public opinions and voices of opposition that the Government corrected itself, by saying that LEUNG Chin-man's application had to be reconsidered because of his involvement in the handling of the Hunghom Peninsula development and that one of the subsidiaries of the New World Development Company Limited was one of the developers involved, thereby resulting in the farce in which the New World Development Company Limited terminated its contract with LEUNG Chin-man in order to end the fiasco.

My query is: Even if LEUNG Chin-man had not been involved in the Hunghom Peninsula development, would the Government still consider that the vetting and approval was conducted in accordance with established procedures and so it was reasonable and legitimate for the Government to give him approval to work for the New World Development Company Limited? Before his retirement, LEUNG Chin-man had taken up posts in the Housing Department and other posts relating to real estate. These posts simply have too many ties with housing and land. Given that the New World Development Company Limited is a major property developer, how can the Government approve LEUNG Chin-man's post-service employment application? Does the Government consider it a conflict of interest or collusion between business and the

Government only if LEUNG Chin-man had approved the Hunghom Peninsula development or sold it at dirt-cheap prices? Does the Government believe LEUNG Chin-man's previous public service related to real estate and his employment with a major property consortium after leaving public service involve absolutely no conflict of interest? Actually, the Government's approval for LEUNG Chin-man to take up employment with a private property development company right at the beginning, even if the company is not the New World Development Company Limited, and the Hunghom Peninsula development is not involved, is already a vetting and approval mistake.

However, I am more concerned about the loopholes of the system. The incident reminds us of a possible emergence of a new form of bribery. However, I am not making this personal. I would like to point out that the clean system of the Civil Service can be destroyed through these loopholes. What we used to be concerned about was whether senior officials would provide their new employers with confidential or sensitive information in the interest of their new employers when they took up employment with private organizations upon retirement. However, we are now more concerned about the possibility of retired senior officials using his residual power during his tour of duty for the purposes of transfer of benefit or tilting government policies without accepting benefits in exchange for generous salaries and lucrative posts upon retirement. What can be done if there is collusion between business and the Government, in the form of reserving a post for someone or returning a favour with a favour, and a favour after the control period is over, even if the system is still subject to a sanitization or control period, and there are vetting and approval procedures as well as a punishment system? What can be done if the new employers happen to be major consortia or enterprises, and arrangements can be made for retired senior officials to take up posts not directly related to them before their retirement? What can the Government do to plug loopholes relating to this kind of new bribery process?

President, will the Government consider, even after the control period is over, imposing an obligation on former senior officials with respect to statutory disclosure so that the public and the Independent Commission Against Corruption can know the business organizations served by them as well as their duties and salaries, thereby enhancing the vigour of monitoring and deterrence? Will the Government even consider prohibiting some former senior officials from serving consortia, enterprises or affiliated companies, which they had directly dealt with

during their public service, even if the control period is over, for the purpose of plugging visible institutional loopholes by all means, in order to manifest the Government's determination of offering generous salaries to nurture cleanliness and curbing bribery?

President, I so submit.

**PROF PATRICK LAU** (in Cantonese): President, Dr Priscilla LEUNG suggested in the previous session that a truly fair promotion mechanism should be put in place in prestigious tertiary institutions. As a retired professor having had the experience of handling administrative work in a university, I find it very important, too. Actually, the Government's civil service system also plays a very important role in this regard. As regards a recent suicide case involving a senior police officer, I think the Government should take it seriously.

The next few years will be a critical point for our constitutional development. The Government's way to fight for a consensus in this Council will be vital. Therefore, the Chief Executive's allusion to a Third Way is understandable, though it is a pity that he has not explained in detail how he is going walk down this way. I hope the Directors of Bureaux or the Secretaries of Departments can explain to us in their responses later on.

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

Although the policy address has talked at great lengths about civic education and national education and spending a lot of money to subsidize students to visit the Mainland on exchange programmes, I hope it can also mention how their international vision will be broadened. It will be even better if the Government can subsidize the students to travel aboard on exchange programmes.

Deputy President, let me summarize the Chief Executive's policy address. The Chief Executive has unconditionally paid heed to the advice of the public by raising the "fruit grant" to \$1,000. I would also like to give him something for accepting the advice of the people. We have indeed suggested the Hong Kong Institute of Architects to give him a "bow-tie". As for me, I will not give him a

banana, a swimming suit or a book. Instead, I would like to dedicate a famous line by Henry KISSINGER to him. It reads, "If you act creatively, you should be able to use crises to move the world towards the structural solutions that are necessary. In fact, very often the crises themselves are a symptom of the need for a structural rearrangement." In brief, it encourages us to "take advantage of crises to make changes with innovative thinking for the purpose of resolving structural problems". As the Chief Executive has once described himself as a politician, I would therefore like to dedicate the words of Henry KISSINGER, a renowned politician, to him in the hope that he can lead Hong Kong out of this crisis caused by the financial tsunami with changes underlined by new thinking. I so submit. Thank you, Deputy President.

**MISS TANYA CHAN** (in Cantonese): Regarding the Chief Executive's announcement in the policy address of his determination to promote national education more vigorously, can he achieve his goal by merely organizing exchange deputations? At present, national education is still focused on selective reporting by covering good news only. While students are told to respond to the Beijing Olympic Games and the launch of Shenzhou-7 with a big round of applause, not a single word is mentioned in the policy address about incidents involving formula milk tainted by melamine. Can this type of seriously-tilted national education be considered as quality education? Why are human rights education and civic education not mentioned as well?

In the past, regional forums and summits for the youth were organized by the Government on an annual basis. Last year, however, they were put to an end without a known cause. Now, only the Commission on Youth remains; but the Commission's representativeness is very limited, for only sharing sessions and exhibitions would be organized.

In this respect, I implore the Government to seriously review the quality of national education and expeditiously revive the summits for the youth to enable their voices and aspirations to be taken seriously by the Government.

Deputy President, I so submit.

**MS LI FUNG-YING** (in Cantonese): Deputy President, over the past year, a lot has happened in the governance of the SAR Government, arousing extensive

concern in the community. In the Chapter titled "Effective Governance and Social Harmony" in the policy address, the Chief Executive asked a number of questions: "Have the core values of the SAR Government changed? Is the Government trustworthy? Is the Government fair and impartial? Is it less capable than before? Does the Government still adhere to the principle of meritocracy? Does it take into account public opinion in formulating policies?" No doubt these are all reflections of public concerns. Regrettably, the Chief Executive had only presented the problems, mentioning them in passing without responding to the concern of the people and mending the crack between the Government and the community, so as to reduce internal conflicts in society at this extraordinary moment and prepare the community for meeting future challenges.

Deputy President, this policy address has a characteristic which is not found in past policy addresses and that is, major revisions were made before and after the release of the policy address. Revisions were made before its release because of the sudden onslaught of the financial tsunami, whereas revisions were made after its release because the Chief Executive had completely failed to keep tabs on the public pulse by attempting to introduce a means test mechanism for the Old Age Allowance (OAA) which met opposition from the entire community. No doubt the OAA saga is just the most recent incident which has intensified social conflicts and undermined the prestige of the Government in governance. But similar incidents have occurred one after another recently, for example, the frequent breaking down of ambulances while attending service calls, as compared to the replacement rate of limousines for senior government officials. Another example is the super generous remuneration package for Under Secretaries and Political Assistants and the controversies over nationality arising from their appointment. Another example is a recent case in which a retired senior government official made no attempt to avoid arousing suspicions by taking up a remunerated job offered by a property developer. Despite all these cases from minor negligence to serious blunders, government officials can still "get their job done" under the accountability system and sit on the problems. In this incident of a means test mechanism for the OAA, we can see that the Chief Executive faced criticisms from all sides after he had made the announcement. But the public can only see an aggrieved and resentful Chief Executive after making the concession, and they see no official assuming responsibility for making a wrong assessment of the situation. How could this be "effective governance and social harmony"? The Chief Executive said in the policy address, "We will draw

lessons from the controversy and criticisms over the expansion of the Political Appointment System as our political system evolves." There are far too many lessons that the Chief Executive needs to draw.

Deputy President, the constitutional reform package proposed in 2004 was unable to obtain a two-thirds majority support of all Members of this Council and therefore, constitutional development in Hong Kong can only remain stagnant. In the coming year, the SAR Government will again conduct public consultation on the constitutional reform proposals for 2012. While the consultation exercise has not yet been commenced, the din of criticisms has never ceased. How can the Government avoid committing the same mistake as that in the constitutional reform package in 2004? I think the SAR Government must draw a lesson, and various political parties and groupings must also draw a lesson. Now, all I have seen is that the Government has held some political parties and groupings in this Council responsible for the non-passage of the 2004 constitutional reform package, thinking that they had neglected the fact that the constitutional reform package in 2004 was supported by about 60% of the people. The subtext is that the failed passage of the 2004 constitutional reform package is not the responsibility of the Government. I take exception to this attitude of the Government. Under the Basic Law, any constitutional reform proposal can be endorsed only with a two-thirds majority support of all Members of the Legislative Council. If we are to decide whether or not the constitutional reform package should be endorsed purely by looking at the degree of popular support, I think that constitutional reform package must be supported by at least two thirds of the people. If this degree of popular support could be achieved, the Government would have stronger reasons to criticize Members for rejecting public opinions.

Deputy President, public opinions are extremely important in the consultation on constitutional reform proposals, and this is precisely why people representing different political positions will make every effort to steer public opinions in a way favourable to themselves. This is a fact. While the consultation on constitutional reform proposals should attach importance to public opinions, there must also be positive interaction among different opinions before a consensus can be reached, in order to come up with a proposal in the best interest of Hong Kong people. This is not only a test of the wisdom of the SAR Government. It is also a test of the wisdom of Members from various political parties and groupings.



In the policy address the Chief Executive stressed the need to enhance the quality of public services. To enhance the quality of public services, it would rely on the 160 000-strong Civil Service. To effectively improve the performance of civil servants, apart from asking Heads of Departments to review the implementation of their performance pledges and to improve their complaint handling mechanisms as proposed in the policy address, it is equally important to respect the views of staff. As the SAR Government is the biggest employer in Hong Kong, I hope that the Government will take the lead to set up jointly with civil service groups a mechanism of collective bargaining whereby the management and staff can exchange views on an equal footing and make concerted efforts to enhance the quality of the services of civil servants. Deputy President, another problem which has been troubling the Civil Service for years is unequal pay for the same work in the Civil Service. This has undermined the morale of civil servants and shattered the team spirit of civil servants. Moreover, civil servants aged 40 or above currently account for almost 70% of the Civil Service, while those aged between 20 and 39 take up some 30% only, showing a serious succession gap in the Civil Service. I hope that the Government can comprehensively review the civil service employment policy.

Deputy President, lastly, I wish to make a point concerning the employees of subvented organizations. Civil servants have enjoyed a pay adjustment or pay rise this year but many front-line employees of subvented organizations can only have adjustments in their "toil" (辛) — "辛"<sup>Note</sup> as in "辛苦" (meaning toilsome) — for their workload has increased and this has affected the overall service quality. The implementation of the lump sum grant subvention system has led to many disputes.

I hope that the Government can rationalize the relationship with these subvented organizations and work out together a better system, with a view to improving and enhancing their services. Thank you, Deputy President.

**DR MARGARET NG:** Deputy President, Mr Donald TSANG acknowledged in his policy address that the public's trust in the Government has changed over the past year. He wondered why. In fact, the answer is already there, in the next paragraph, and I quote: "Hong Kong people have developed keen political

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<sup>Note</sup> "辛", which means toil, is a homonym of "薪" which means pay or salary.

awareness, which has led to higher expectations for effective governance." (End of quote)

Quite simply, these expectations have been disappointed time and again, and the people are now becoming resigned that Mr TSANG is incapable of meeting their expectations.

The high hopes when Mr TSANG was appointed to replace Mr TUNG are now dashed. The media are freely making fun of Mr TSANG's growing resemblance to Mr TUNG.

It is extremely worrying for stability when the Government loses all credibility. The facts should tell the Central Authorities that changing the man is no answer if the system remains the same.

The fact is, the Government is no longer effective in making the right decisions in a timely fashion. The most recent fiasco is Mr TSANG's notorious about-turn on the "fruit money" policy nine days after its announcement.

Another example is the confusing concession on the levy on foreign domestic helpers, where an intended benefit became a cause for great discontent. Mr TSANG's administration is reproducing exactly the same symptoms of Mr TUNG's administration.

I shudder to think how blunders of this kind in the management of the present financial crisis will affect confidence.

It is all too obvious that the system of the Government must change. If social needs and the public sentiment are not systematically taken into account by a government which is democratic in structure and in culture, growing public anger and frustration will soon break into a deluge.

Mr TSANG cannot put off indefinitely a serious programme to implement genuine universal suffrage. His policy address deals with this central and fundamental issue in an almost purely formal way. This attitude guarantees that ineffectual governance will continue helplessly.

Mr TSANG hides behind his claim of having won a timetable for universal suffrage. Both the "timetable" and the "universal suffrage" are illusory.

Instead of bringing progress to universal suffrage, he is surreptitiously redefining "universal suffrage" to mean something quite different. This is simply cheating and will defeat the purpose.

The crucial issue is whether functional constituencies will be retained in the election of the Chief Executive and of the Legislative Council. Government officials are increasingly hinting that functional constituencies can stay on, while nominees in the election of the Chief Executive will become candidates only after unwelcome ones are screened out by a Nomination Committee which is composed mainly of functional representatives, like the existing Election Committee.

Having stood as a candidate for a functional constituency, I feel very strongly that these constituencies must be scrapped. Hong Kong people were prepared to accept functional constituencies as a transition, but time is long overdue for them to go. They are not only "rotten boroughs" as they are rightly called. They are rotting the system and culture of public policy decision-making, because increasingly candidates for functional constituency seats are standing on a platform of furthering the particular sector's interest. They feel that they have to do so in order to get elected. This is nothing short of promising abuse of public office if the chance is given them. Few candidates have the courage to stand on a declared platform of refusing to put sectoral interest first, and to vote to abolish functional constituency seats altogether. The logical result is that only those prepared to pander to vested interest will be elected, and if such candidates are successful, they will be returned by their electorate who will of course refuse to give up this privilege.

This descent into hell will only be stopped by a clear declaration that the days of the functional constituencies are numbered. This may be done by a willing government with the acquiescence of the Central Authorities, or by the angry multitudes despite an unwilling government. I urge the Government to take the former course. And I urge all right-thinking members of the electorate of all the functional constituencies to elect into this Council only those candidates who pledge to vote to abolish them. The consultation announced in the policy address to take place next year must make clear that the functional constituencies have no place in any form of universal suffrage. The voice of the people must be allowed to prevail.

Last term, this Council enacted the legislation to enable the extensive civil justice reform to be carried out from the intended date of 2 April 2009. The

legal profession will do its very best to digest the numerous new rules and practice directions in order to ensure that the public does not suffer in the transition. I would like to point out that desirable reforms nevertheless need to be implemented with sensitivity and not forced through in order to meet a deadline. We rely on the Bar and the Law Society to give this Council timely advice.

Deficits in democracy and real check-and-balance require us to guard the rule of law all the more jealously. At the heart of the rule of law is the independence of the Judiciary. While I, together with the rest of the community, have implicit faith in the independence of our Judges, we cannot and should not ignore what may pose threats to judicial independence.

At a seminar organized by the Law Society last week to mark the 60th Anniversary of the Universal Declaration of Human Rights, former Bar Chairman, Miss Gladys LI S.C., drew attention to a report on a new party line of the Chinese Communist Party on the Courts in the Mainland, known as "The Three Supremes". Promulgated by President HU Jintao himself, the Three Supremes states this, and I quote: "In their work, the grand judges and grand procurators shall always regard as supreme, the party's cause, the people's interest and the constitution and law." (End of quote)

The report, entitled "Body Blow for the Judiciary", was written by well-known Chinese law expert, Professor Jerome COHEN.

Under "one country, two systems", Hong Kong maintains its own court system separately from the Mainland's. Under the rule of law, the law, and not the cause of the party, is supreme. The Three Supremes are a matter of grave concern to us in the SAR because the thinking and policy of the Central Authorities inevitably affect the atmosphere in the SAR, and the way our senior officials think and act. This is especially so when, as Professor COHEN reminds us, the Three Supremes signifies a sharp change from the liberal thinking promoted under the previous president of the Supreme People's Court which emphasizes professional competence, and individual and collective judicial autonomy.

As I had previously taken heart from the speeches of former president XIAO Yang as helpful in confirming that the SAR is all the safer when the rule of law is national policy, I must now confess concern at this change in tone and emphasis, if not direction.

Many of us will remember the Hong Kong public's unease when, during his visit in July, Vice President XI Jinping told a gathering of senior officials at which our Chief Justice was present, that there should be and I quote: "solidarity and sincere co-operation within the governance team" (End of quote) by which he meant the Executive, Legislature and Judiciary. One may wonder, is Mr XI's speech a version of the Three Supremes made for Hong Kong?

Under our system, the Judiciary is not part of the "governance team", and there is no place for the consideration of the party's cause by the Judiciary. Yet, as Miss LI pointed out, and I quote: "we are not insulated from the policies of our dominant sovereign nation." (End of quote) Up to now, neither the Chief Executive nor his Secretary for Justice has spoken out on Vice President XI's statement, or given any clarification to the Hong Kong public. I hope they will tell us clearly now whether and how the Three Supremes will affect judicial independence in Hong Kong.

Macao has started its process to introduce Article 23 legislation. Theoretically and constitutionally this does not affect Hong Kong's own plans or Hong Kong people. Practically and psychologically, it is another matter because of the proximity of Macao. This is the time to strengthen the rule of law and the protection of rights and freedoms in every way we can, not to weaken them by silence.

Legal services and practice must develop to adapt to the changing social environment. I am glad that legislation to allow suitable qualified solicitors to have higher rights of audience will be introduced within this Session.

However, I am very concerned that the simple legislation required to introduce limited liability partnership (LLP) for solicitors is not on the 2008 to 2009 legislative programme. LLP is urgently needed by the profession. There is no controversy about the policy, or detriment to the public interest. It merely allows the innocent partner not to be exposed to the unlimited liability incurred by a culpable partner. Without this law, solicitors will be reluctant to become partners even if they have full ability and experience. I urge the Secretary for Justice who well understands our predicament, to bring the matter within this Session.

The profession supports the Government's initiative to promote mediation. Practitioners told me that before mediation can become a significant form of

alternative dispute resolution (ADR), enough inexpensive and suitable venues must be provided. More publicity and practical information about how mediation works are needed to help practitioners understand mediation and its availability.

But, in the end, mediation however successful, can never replace legal action, and therefore adequate legal aid, of which I have already spoken earlier in this debate. The Secretary for Justice has a stake in it, because the failure of legal aid is at the root of the flourishing business of unscrupulous recovery agents which it is his job to eradicate.

Deputy President, the important business of governance and the rule of law require much greater attention than the Chief Executive has given it. But I have to end my speech here because time is running out. In fact I do not think that time is running out, but here my speech must end. Thank you.

**MR LEE WING-TAT** (in Cantonese): Deputy President, I criticized in my speech on Wednesday that the Government had failed to grasp the opportunity of the formation of a new Legislative Council after the election to make improvements to the political situation, order and relations. Now, I would like to tell the Secretaries of Departments and Bureau Directors that, in the past year since Chief Executive Donald TSANG appointed new members to his cabinet, though I am not a senior official, I have also thought about what I would take into consideration if I were in his place. There are six points that I would like to share with Members.

When the Chief Executive took office last year, everything looked brand new for a while for there was new leadership, new work and new viewpoints. After the short "honeymoon period", what new government policies looked brand new and encouraging to the public in the past year? I could not find any for it was really difficult. Even though a government has to make so many policies, deal with so many incidents and do so much work within a year, it is not too hard for it to do something encouraging. Yet, it seems very difficult for the Hong Kong Government.

The Government let slip a lot of opportunities in the past year because it stuck to its old ways or previous policies. Putting what happened long time ago aside, I am going to talk about two recent incidents, that is, the Lehman Brothers

minibonds and "fruit grant" incidents. These two incidents could have let the Government display greater political impetus and made people think that it was facing difficulties with them. Quite a lot of Honourable colleagues have discussed the "fruit grant" incident. Many people found it really surprising that the well-intentioned move had caused such consequences. It was a favourable policy for the elderly, but why did the Government propose a means test? As a result, the Government was caught in a dilemma, being criticized and had difficulty handling the situation.

The Lehman Brothers minibonds incident involved such a large number of people; if the Government approached the issue from the perspective of the victims and asked banks to expeditiously handle the case by making use of clout or soft lobbying, a large number of victims would not have staged processions and demonstrations; and there would not have been so much political pressure on the Legislative Council, the mass media and the Consumer Council. As we have observed, though there are new officials with political accountability, they have not changed the way in which the Government works.

From the colonial years till now, there has been little change in the kind of professional, scripted, prudent and predictable handling of things as demonstrated by Bureau Directors and Administrative Officers. If a good point of view was adopted, there would not be any mistakes; but once a bad one were adopted, such combinations and approaches would fail to cope with the new political situation and challenges. If the Government continues to do so every year and in every term, with increasing — I guess there will be increasing — political conflicts and community demands, I do not see this cabinet of accountability officials could hold out for too long.

(THE PRESIDENT resumed the Chair)

Did the Secretaries and Bureau Directors have stronger or weaker public support in the last year? This is the second question I would like to discuss with the Secretaries. We should not bother about the opinion polls conducted by the University of Hong Kong (HKU) and The Chinese University of Hong Kong (CUHK). They are also members of the community and they have relatives and friends, kaifongs and neighbours — though some Policy Secretaries have fewer neighbours because they live in detached houses but they will dine out — what do

they think about the prestige and support of this current term Government? Is it higher or lower? Has it been strengthened or weakened? We need not consider the opinion polls conducted by the HKU and CUHK. We are all ordinary people and we have our ways of life; when we eat out, take taxis or do other things, our impression is that people have more grievances now. We cannot help asking the Secretaries as accountability officials appointed by the Chief Executive why people's anger and grievances have increased substantially. Have those people become wicked and increasingly unreasonable? Is it because, as some Secretaries have sometimes told me, the Government finds it hard to bear when the media frequently badmouth the Government? Has the Government's prestige fallen because of such a simple reason? After all, I wonder if Members are aware that there is not a way out because there are fundamental problems in policies and governance.

The third question I would like to ask is: Were there more or fewer allies in the Legislative Council in the past year? Many significant government policies were still passed easily and there were fewer democrats this year. But I do not think the Government has very stable and guaranteed support in this Council, and it cannot be taken for granted that each and every policy proposal and policy would be "certainly passed". It seems that those concerned feel even worse and not at ease when there are fewer pan-democrats.

I would like to ask the fourth question: Did the Secretaries and Bureau Directors find it easier or harder to implement policies this year or would they find it easier or harder to do so in the future? The simple answer is that it was or would be harder. As we have observed in many incidents, there were changes when the issues were discussed in this Council albeit after consultations. There were also changes at the District Council level and after criticisms made by the media. The changes in public opinions made the implementation of policies difficult. But, has the Government adopted appropriate strategies in terms of the overall arrangements? Moreover, would it be better for the Government to approach the introduction of the relevant policies and strategies from the perspective of the people and the principle of being people-oriented?

About the fifth point, it has been a year since the new Government took office, have the core values supported by Hong Kong people been strengthened or weakened? Ms LI Fung-ying's remarks a while ago are commendable and she shares a lot of my views. People and officials under the accountability system should ask if our core values have been further strengthened. Putting freedom of



the press aside, we may be most worried about a level playing field. We should ask if the policies implemented by the Government are fair and impartial. People have increasing worries about the civil service system. We have relied on professional and highly efficient civil servants who have stood fast at their posts over a long period of time. Has the civil service system been gradually eroded by unfavourable factors and conditions?

The system for the retirement of civil servants and their joining the private sector was substantially changed last year. When the Democratic Party gave such an example in the past, many said that we were being excessively worried about civil servants and we had excessive distrust in the dignity and moral integrity of civil servants. However, as more such examples are found, individual political parties can no longer express views on the issue to influence people. Members can ask their friends if their confidence in the retirement system has increased or decreased. The LEUNG Chin-man incident is a really worrying example. Certainly, we should not discuss this case but this example shows that civil servants or those with decision-making power appear to have been off their guard, and there is a bigger and bigger gap between their feelings or judgments and those of the general public.

Come to imagine this. When the gap between their decisions and judgments and that of the general public is getting bigger, they cannot say that ordinary people are insensible and wicked, and that their thinking is wrong. If ordinary people with common sense are the foundation of our society, there are deviations in our system and the judgments of our senior officials. The criticism I just made is not about ordinary people in my constituency ..... when I was conducting a signature campaign on the LEUNG Chin-man incident, most who supported an investigation were not "uncles and aunties" in slippers but young people in suits, walking arm-in-arm with their girlfriends or wives after work. I need not intimidate civil servants, but these are our indicators when we work in the districts. They showed us that even the middle class who disliked signature campaigns found it intolerable.

President, the sixth question is: Would it be easier or harder for the Government to implement policies in the future? I have just asked this question and said that we have not especially counted the consultation exercises conducted by the Government on bills and policies in these past few years — my impression is that such exercises are getting slower and taking longer and longer. The Government has explained to the public that more consultations have been

conducted for it respects people's views. Nevertheless, I think it has become much more difficult for the Government for the public cannot arrive at a consensus in a short time. In addition, since the Government is not elected, it does not have people's mandate, and changes can be made in all cases.

When the formulation processes of policies and laws become increasingly slow, we are lagging behind because we need updated policies and revised laws to meet social needs. We have discussed for 10 to 20 years such issues as universal retirement protection and health care financing. President, the current consultation exercise has already taken more than a couple of years. I recall that when I first joined the Legislative Council in 1991, a consultation exercise that took three months or half a year was considered lengthy. Nonetheless, how long would the consultation exercises on the policies we are now discussing take? The consultation exercise on the public service broadcasting policy has taken four to five years while the first round consultation on health care financing was only completed after two to three years. The second round consultation has just commenced, and there are other similar cases.

President, having raised the six questions, I wish to say that there are considerable problems with government policies and governance overall. If the Secretaries and Bureau Directors would not like the situation to worsen, the Government needs to conduct a large-scale review and an internal review at least, and it should come up with major ideas rather than sticking to its old ways as it did in the past. When I spoke for the first time, I said that the person in authority would have an opportunity after an election to rearrange his political alliances, order and relations. Though we have lost such an opportunity, it cannot be said that we would never have an opportunity; we may even do so in January next year. However, if the Chief Executive intends to continue working in an ordinary way, I can only conclude that the Government will only linger on in a steadily worsening condition. Thank you, President.

**DR SAMSON TAM** (in Cantonese): President, it is stated in paragraph 122 of the policy address that the Government will more actively collect public opinion from the Internet, to which I absolutely agree. But many industry players would like the Chief Executive to expound the specific measures the Government is going to take. Does the Government know the increasing importance of promoting civic engagement by electronic means to effective governance and that there are lots of problems to solve?

The United Nations E-Government Survey 2008 actively promotes connected governance for more consistent electronic service delivery and the expeditious flow of information between systems; upgrading from the provision of information to the provision of interactive services; and making use of Internet technologies for effective governance. It would be best for electronic services to be provided in three areas, namely the provision of services; administration and governance; and encouraging democratic participation. At present, Switzerland, Denmark and Austria in Europe, and Australia are proactively promoting connected governance. Will the Government follow suit?

The government websites of various European and American countries have applied the web 2.0 concepts to enable more effective civic engagement in monitoring and improving government operation. Blogs and web forums have also been established by government departments and non-governmental organizations (NGOs). For example, the frequent blocking of cycleways in North America by illegally parked vehicles has prompted the people concerned to establish a new website for bicycle users to affix photos and registration numbers of all illegally parked vehicles, and a forum for public discussion so as to effect monitoring by all the people.

I urge the Government to learn from the experience of advanced foreign countries and make use of technologies such as web 2.0 to enhance transparency of governance and improve people's living. For instance, it can establish more open e-Government and e-Community for participation by more people. If people are willing to provide their email addresses, the Government can consider taking the initiative to send emails on policy consultations to those who would like to receive such information to enhance civic engagement.

President, in the course of promoting e-Government and e-Participation, the Government must step up publicity and education to ensure that people understand the rights and responsibilities of e-Citizens. E-Citizens' rights should be practically protected when they obtain government information, participate in policy consultations and give feedback. Respecting privacy is a responsibility of e-Citizens. We have already entered the age of web 2.0 and there are unprecedented security and privacy problems. Therefore, when the Government considers the implementation of e-Government and e-Participation, it has to consider an important factor, that is, how best e-Citizens can be made more responsible. Besides, the Internet security upgrade for the e-platforms of

various government departments should be enhanced. Honourable colleagues may have noticed that recently there have been incidents relating to the disclosure of electronic information on people's privacy. A lot of such cases involve human negligence of government departments, which not only reflects that there are information security problems but also the fact that those responsible for information technology management have a weak sense of information security. Although there are internal guidelines, the Government has not effectively implemented information security education and monitoring. I urge the Government to strengthen the role of the Privacy Commissioner's Office in information security and allocate more resources to encourage participation by industry players in designing a more effective security system. It should also educate the public on information security so that they would understand their responsibilities as e-Citizens and mutually respect privacy rights.

President, in the age of web 2.0, the SAR Government should be more forward-looking and go beyond e-Government; it should promote e-Participation and create more electronic public spaces. An electronic public space is an important concept in a modern civil society. Citizens or various interest groups can have extensive exchanges and debates about issues concerning their own interests, and influence the processes and results of policy formulation. E-Participation gives play to the Internet features of being direct, instantaneous and interactive, and realizes two-way communication between the public and the Government, facilitating the speedy formulation of policies founded on popular will. The greatest danger for the person in power is his failure to understand the feelings and sentiments of the people, especially the grassroots and the disadvantaged. I believe the Internet would provide the disadvantaged with a channel to express their opinions. Of course, e-Participation would not just fall from heaven. The Government must strongly promote e-Participation and set about solving the relevant problems. For instance, are people equally capable of using information technology? Is there an equal, free and effective feedback mechanism? Has the Government seriously analysed and adopted public opinions expressed on the Internet? The Government lacked foresight when it handled other matters, it is my hope that it would address these problems squarely and try its best to find solutions. It should proactively grasp the new opportunities for universal civic engagement brought about by the digital revolution.

President, I so submit.

**MR TIMOTHY FOK** (in Cantonese): President, in the wake of the global financial tsunami, the Chief Executive has delivered another year's policy address which is entitled "Embracing New Challenges" in the hope of turning crisis into opportunities. The fifth session today is focused on security affairs. First, the Chief Executive has talked about intensifying economic integration with the Pearl River Delta (PRD) Region, strengthening co-operation with Guangdong and strengthening exchanges with Taiwan. These initiatives are progressive and worth affirmation.

Along with the expeditious economic development of the nation and enhanced cross-strait relations, the economic integration among three places on both sides of the Strait is going to be the trend of the times and a smooth path that will be mutually beneficial and "all-win". Proactively snatching a market share will be conducive to consolidating the niche and position of Hong Kong. In respect of co-operation with Guangdong, the Government should promote the development of the Lok Ma Chau Loop and research and development. In this connection, the dimension and depth of development is still inadequate, failing to demonstrate the boldness of vision of promoting the economic development and prosperity of Guangdong, Hong Kong and Shenzhen. Furthermore, in regard to continuous regional economic co-operation, Macao should be included in order to form an intact economic plate in the region.

The Government also puts emphasis on district administration and civic education. The sports culture is a very important element of civic education, in my opinion. The Government has particularly appointed members of the cultural sector to the newly established Task Force on Economic Challenges and its approach merits affirmation. Certainly, the development of cultural spending and promotion of cultural activities as well as bringing cultural activities into the communities will make Hong Kong a world-class city of culture and arts. But we cannot just rely on the Government's verbal declarations or the appointment of certain individuals. Instead, we must rely on the co-ordination and support in terms of policies, resources, talents and performance opportunities. Today, the WKCD development has made the first step and results can be predicted if only the Government would commit itself. Nevertheless, the bleak winter is still here for individual groups devoted to the traditional Chinese culture and in the performance arts sector. They urgently need government resources and support, especially those involved in Cantonese opera who even do not have fixed performance venues in the urban area. Supporting government policies and financial assistance are decisive issues that warrant immediate attention.

On the sports front, Hong Kong co-hosted Equestrian Events of the Olympic Games and of the Paralympic Games; the achievements are obvious to all and we should be proud of ourselves. Yet, there will be an even more important task for us. The common task and mission of the sports sector and the whole community is to successfully host the 2009 East Asian Games, participate in the Asian Games to be held in Guangzhou in 2010 and pursue excellent results in the London 2012 Olympic Games. While government policies have been implemented, the decisive factors affecting sports development in Hong Kong are the allocation of financial resources and provision of administrative support, venues and facilities by the Government. Given an economic downturn, industry players can only fend for themselves. Here I urge the Government again to face the reality in a rational manner and formulate attractive commercial sponsorship conditions such as granting the right to name venues and facilities, and further tax concessions. This would attract substantive sponsorship and promotions, and remove the fundamental obstacles for the sports industry. I so submit.

**MR ABRAHAM SHEK:** President, I do not come from a rotten borough, as Dr Margaret NG claimed she came from. I do not rot the system, because I am part of that system. We are here under the Basic Law and we have taken that oath to serve Hong Kong and China. I am proud to be here. I have spent eight years of my life serving Hong Kong as a Member of this Council. My interest is for Hong Kong. I am not here only for the interest of the real estate sector or the construction sector; I am here to represent them to ensure that Hong Kong prospers and has a stable political system. This system is being given to us under the Basic Law since the return to China. It is very important that Members of the functional constituencies (FCs) serve Hong Kong, and we are here because of that very reason.

President, the Chief Executive mentioned that the fourth challenge for Hong Kong lies in effective governance and public trust in the Government. Since reunification, Hong Kong has consistently adhered to the principles of "one country, two systems" and "Hong Kong people ruling Hong Kong", with a high degree of autonomy. Our sense of belonging has been enhanced and we want to be master of our own house. Failures we have, but we know how to handle and correct and make it better. The SAR Government should have recognized and responded to changes in public expectations and strengthened its governance, thereby forging a consensus with our society. However, since years of dispute

have weakened our vitality and delayed local developments, both Hong Kong and the general public should seriously reflect on the opportunities we have missed and learn from our painful experience over the last decade.

On constitutional development, in the first half of 2009, the Chief Executive will consult the public on the matters for electing the Chief Executive, and for forming the Legislative Council in 2012. While the Standing Committee of the National People's Congress has laid down a clear timetable for attaining universal suffrage which enjoys wide support from the community, I believe we should revisit our experience of 2005, and study the reasons why the proposals of the constitutional reform were unable to gain the support of two thirds of the Members of this Council. During the upcoming consultation, the SAR Government should not just liaise with political parties, but should also clearly explain the issues to our citizens, and to the FCs, why it supports the system. Only public support and recognition will endorse the upcoming reform proposals, given the sensitivity and difficulty of promoting constitutional reforms. The Government should be well prepared and must not take this matter lightly.

As for the relationship between the Executive Authorities and the legislature, I am impressed that the Chief Executive has committed himself to fostering multi-level, multi-front communication and to seeking Members' views as early as possible when formulating policies. In most cases, both sides are responsible for the tensions between the executive and the legislature, and rightly so. We are here to monitor the Government, and we are here not just because we want to be friends, but also because we have different roles to perform. However, an elite mentality among the administrators has been mainly responsible for jeopardizing Executive Council-Legislative Council relationship. They have over-emphasized the executive-led principle, and overlooked the importance of sincerity. They have also lacked a genuine openness to diverse opinions.

If the Government really and genuinely wants to listen to the people, it must also hear; just listening is not important, it must hear and adopt those opinions. If it really wants opinions, it does not need to go further than this Council. This Council is represented by 60 Members elected by over 1 million people. Here, we speak on behalf of the people who voted for us. We are the voice of the community. We are the representatives who reflect their views, needs and aspirations. Our advice is no lesser in-depth and no broader in understanding than the selected and appointed ones in the task force or the

Government appointed committees. Also, the Administration should adopt a more open-minded attitude in canvassing for views not only from the pro-establishment legislators or supporters for good advice and sound recommendations, for such advice and recommendations are not exclusively confined to the pro-government supporters. Also, the Government should listen to the not-so-pro-government establishment, and particularly the legislators, for they also have good advice and recommendations.

As a case in point, I am rather surprised and disappointed that the new West Kowloon Cultural District (WKCD) Authority has not appointed a former knowledgeable chairman of the all-party Legislative Council committee on the WKCD. Instead, it appointed two Legislative Council Members who are lesser in knowledge in the WKCD than Mr LEONG. Probably, these two are being appointed because of their ability of acquiescence or their brinksmanship of saying "Yes Sir". This is definitely a loss to Hong Kong. We must employ people who can criticize the Government constructively, and who can actually give sound recommendations on the other side of what it should be. President, I think it is very important that Hong Kong must go forward to listen to different views from different sectors. This is what progress is made of.

Right now, the wave of financial tsunami has started to affect the local economy, and it is believed that the impact on Hong Kong will continue to worsen. As we must survive this global recession together, what should we do apart from implementing the appropriate strategies and measures? It is of paramount importance to foster a co-operative and sincere relationship between the Executive Council and the Legislative Council. Confrontations and conflicts during this turbulent time will only jeopardize the overall interest of Hong Kong.

I sincerely hope that, as proposed by the Chief Executive, the multi-level, multi-front communication between the Executive Authorities and this legislature will signal a new chapter in Hong Kong's social and political development.

Furthermore, the policy address mentioned that the Government will study the reports of international institutes on global competitiveness, economic freedom and the business environment to identify areas for improvement.

With a view to sharpening Hong Kong's competitiveness, I support this proposal since these targeted reports will help us to address weaknesses and avoid recurrence of previous mistakes. I hope the Administration's study of overseas



reports will continue on a regular basis in order to enable our economy to line up with the global trends. Opening up to international comments will help us to promote development and innovation, strengthening Hong Kong's position as an international city.

President, the local impacts of the financial crisis have become clearer. Recently, closures and lay-offs have been reported. With our economy going down, more bad news will come, and the unemployment rate is expected to increase. The SAR Government needs to adopt extraordinary measures to deal with these extraordinary times. For example, the Administration should relax regulation to encourage a favourable business environment and offer extra support to our SMEs. The Government should follow closely global market developments so as to introduce more timely and appropriate measures. It should also consider implementing various measures, such as deferred payment for government charges. The Government should encourage more investment to generate wealth creation in Hong Kong, in particular, to land development. It should review the bureaucratic measures and relax the modification terms and land premium assessment, introduce arbitration system when there is a disagreement in land premium, and also relax the planning constraints which the developers are facing.

President, we are now facing an economic battlefield, we need to be well prepared to survive and ultimately win this war which we have confidence in. Government investment, particularly spending on infrastructure, is the best and the most efficient way to alleviate the impacts of a recession. Though we have a clear target and timetable for the ten major projects, the Administration should study the feasibility of expediting their implementation and commencement.

While inflation has increased construction costs for these projects, the recent slump in international markets means that the costing would definitely be adjusted downwards. Therefore, the Administration should grasp this opportunity to maximize cost effectiveness and decrease upcoming unemployment.

President, in the policy address, as I said earlier, the Government has actually talked about a long-term vision of what Hong Kong should be. The Chief Executive has talked about the Third Way. What exactly is the Third Way? I presume he meant that the Third Way should be a more liberal and more open government, and with the Third Way, there should be some form of a

social democracy. If that is the Third Way, this will be good for Hong Kong under the Basic Law.

While Margaret is here — Margaret, I am very proud to serve Hong Kong as an FC Member, or else I would not be here. If something is rotten under the Basic Law, we should change it. There is provision in the Basic Law, because there should not be anything rotten or wrong in any law. If the law is rotten, we should change it, and there are provisions with which we can change this law. You are a lawyer, you know that. We are proud to be here. We are not rotten legislators, we are here to serve Hong Kong, and I am proud to be a Member of this .....

**DR MARGARET NG** (in Cantonese): Please allow me to clarify my remarks later on.

**PRESIDENT**: Honourable Mr SHEK, please address the President.

**MR ABRAHAM SHEK**: President, sorry, my apologies, because I do not like to be called a rotten legislator. That is all, President.

Finally, President, in the concluding paragraphs of the Chief Executive's address, which I now quote, the Chief Executive said, "I have full confidence in Hong Kong people. Our people should have confidence in themselves, too. Sharing a common vision, we can rise above all challenges and emerge stronger." This is the last paragraph. I think it is very important that the Chief Executive has confidence in the people of Hong Kong. The Chief Executive should also gain confidence from the people of Hong Kong. How to gain that confidence? He must earn that confidence, and we are looking forward to the Chief Executive who can give us strong leadership — a leadership to lead and not to be led; a leadership to direct and not to be directed. We look forward to a government which can act swiftly, courageously, wisely and caringly. And this, we are confident that our Government can do. Thank you, President.

**PRESIDENT** (in Cantonese): Dr Margaret NG, do you wish to clarify the part of your remarks misunderstood by Mr Abraham SHEK just now?

**DR MARGARET NG:** President, I have not actually said that my Honourable colleague is a rotten legislator. I would be quite shocked if I said anything of the kind. In fact, what I said was that functional constituencies are not only rotten boroughs as they are rightly called, but also, they are rotting the system and culture of public policy decision making. This is what I said. I am sure my Honourable colleague has no difficulty understanding the historical meaning of rotten boroughs, meaning that the boroughs themselves though containing so few people, are in fact a disguised way of getting someone to go to Parliament. Rotting the system means that, the effect of maintaining these constituencies is rotting the fairness of the system.

President, thank you for allowing me to clarify that.

(After Dr Margaret NG's clarification, Mr Abraham SHEK raised his hand to indicate his wish to speak)

**PRESIDENT** (in Cantonese): Mr Abraham SHEK, we should not continue to debate the matter.

**MR ABRAHAM SHEK** (in Cantonese): I do not wish to debate it but I just want to clarify the clarification just made by Dr Margaret NG. Rotten borough was part of the history of Britain and we should not approach the issue from the perspective of the present-day Basic Law.

**PRESIDENT** (in Cantonese): Mr SHEK, this is your point of view.

**MR ABRAHAM SHEK** (in Cantonese): This is my point of view but as .....

**PRESIDENT** (in Cantonese): This is your point of view.

**MR ABRAHAM SHEK** (in Cantonese): President, she said that, in using such words, the representative of a certain place would be described as the "product" of that place. I am only telling her that we are not the so-called rotten borough .....

**PRESIDENT** (in Cantonese): Mr SHEK, please take your seat. Dr Margaret NG has already explained what she meant.

**MR ALBERT HO** (in Cantonese): President, when the Chief Executive talked about governance in his policy address, he admitted that people's trust in the Government had changed in the past year. He also raised some extraordinary and very interesting issues that Honourable colleagues have just touched upon: Have the core values of the Government changed? Is the Government trustworthy? Is the Government fair and impartial? Is it less capable than before? Does the Government still adhere to the principle of meritocracy? Does it take into account public opinion in formulating policies?

President, the Chief Executive has asked very good questions, but it is a great pity that he has not given the answers. He feels embarrassed or is not confident in giving the answers. I trust that if he honestly gives the answers, he will feel very embarrassed and will even feel too ashamed to show his face. Now that he has not given the answers, we will try to discuss these issues or try our best to give answers that we consider fair.

The first question is whether the SAR Government still takes into account public opinion in formulating policies. President, the Chief Executive has said in this Chamber that public opinions are just like floating clouds to him. In respect of policies on which there are very explicit public opinions such as the disclosure of salaries under the Accountability System for Principal Officials — we all know that they have aroused angry calls in the community for transparency — and Old Age Allowance for there is already a clear community consensus that the amount should be unconditionally increased to \$1,000; he is still headstrong, ignoring their views in an opinionated way.

The Chief Executive has eventually made policy changes, but we should not forget that, when he announced his acceptance of the increase of the Old Age Allowance to \$1,000, he still reproached that public opinions were irrational and purely impetuous. How can he make people think that he is sincere and would remain humble at all times as well as draw lessons from the controversy and criticisms as stated in the policy address? Really, to do so he must sincerely respect people's views, the remarks made by the representatives of public opinion in this Chamber, his own remarks made in this Chamber, and certainly his remarks made out of this Chamber.

In the face of the critical economic situation in the future, the Democratic Party (including the democrats and a lot of Honourable Members) sincerely wishes to co-operate with the Government, but it is imperative for the Government to sincerely respect the representatives of public opinion.

Second, the Chief Executive has asked if the Government is less capable than before. I believe he has to clarify what is efficiency and effectiveness in his mindset. He often talks about administrative efficiency but he does not know what administrative effectiveness entails. Why am I saying this? Because he still regards the democratization and liberalization processes as stumbling blocks. He considers these processes as opposed to government policies confrontations, struggles and conflicts. How can this be? As we all know, the democratic process entails consultations, debates, monitoring and resolutions; and the Government would judge the hour and size up the situation and make prompt decisions after going through this process. However, the Government is not doing so because it thinks this would hinder its administration.

Moreover, since this process lacks the people's mandate and the Government is sometimes headstrong, we have found cases where there is deliberation but no resolution. The Government has not touched upon some significant issues that have been discussed for years such as the examples just given by Mr LEE Wing-tat; for example, how to even out traffic at the crossings, whether the Government will buy back the crossings and health care issues. There are minor issues such as the fact that the Law Reform Commission completed six reports in 1998 (the Secretary for Justice is present and I would like to draw his attention to this) but no changes have been made after 10 years.

Family Court Judges have told me that they often try cases related to disputes over custody of children. There are no longer such litigation cases in foreign countries because there is co-parenting. Why do we not do the same? The issue of debt collection companies has been discussed for many years and reports were published 10 years ago, but the Administration has not yet tackled the issue. How can we say the Government is effective? If we say the Government is efficient, we would have made an incorrect judgment after erroneously listening to the views of one party; such efficiency is not beneficial to Hong Kong.

Third, in connection with adhering to the principle of meritocracy, when the Chief Executive told us that he would adhere to the principle of meritocracy,

he should first relinquish practice under the affinity difference notion. How can the Chief Executive gain people's trust if he does not completely give up such differentiation? This is the first point.

Second, I wish the Chief Executive would take concrete actions to demonstrate to us that his advisory committees and the statutory framework can accommodate representatives holding different political views. We cited an example a short while ago. The Democratic Party has discussed in private and on public occasions the reasons why Mr Alan LEONG was not appointed to the WKCD Authority. We all know that he has worked on the issue for a few years and made great efforts. He is a representative figure and knows the issue well. Nevertheless, the Chief Executive has taken it to heart that he objects to the bill or has voted against the bill. The Chief Executive lacks the breath of vision for adhering to the principle of meritocracy.

In addition, "meritocracy" should not only refer to professionals for we have a greater need for versatile people with political knowledge and experience. Political judgments are important nowadays. We can very often ask experts for advice, but how can the advices eventually conform to public interests and comply with the popular will? How can policies be practical and effective? Versatile political talents are crucial.

Needless to say, we need fairness and impartiality. We also need to enhance transparency and put an end to collusion between business and the Government. We have all along strongly opposed accountability officials enjoying double benefits. It is not right for some accountability officials who used to be civil servants to draw pensions. If they are not upright, how can they give people an impression that they are fair and impartial?

Finally, prestige in governance cannot be established in the absence of a democratic mandate, and there will only be might and power but not prestige and mandate, and the people will hardly have enough confidence in the Government. That is why we democrats spare no efforts in striving for a democratic system. We should realize that this is the only way out for Hong Kong. There will not be a way out for Hong Kong if a democratic reform cannot be accomplished.

**DR PAN PEY-CHYOU** (in Cantonese): President, I would like to speak on behalf of the FTU and the Civil Service. The composition of the Government is

similar to the operation of the human body. If the Chief Executive and the Policy Secretaries are the brain, the Civil Service would be the limbs and the body; and they put the beliefs of governance into practice together. The Civil Service embodies the Government in the eyes of the public and the morale of the Civil Service is very important to government administration. There will be effective governance and social harmony when the Civil Service has a high morale; otherwise, the Government will often find itself in an embarrassing situation that it is not able to do what it wants very much to do.

We can see from the policy address this year and the policy initiatives of the Secretary for the Civil Service that much has been said about the Civil Service. Among the nine measures to be taken by the Secretary in the new year, seven measures are focused on enhancing efficiency. As the Chief Executive has said, efficiency is a core value of Hong Kong people; and to calculate efficiency, we have to divide returns by inputs. In other words, we can reduce inputs while increasing returns in order to enhance efficiency. These are the two methods available but, regrettably, we find that the Government has focused on reducing inputs rather than increasing returns in enhancing the efficiency of the Civil Service. Perhaps this complies with the "big market, small government" principle of the Government.

However, blindly reducing inputs without regard to the actual workload will initially victimize the 160 000 civil servants and eventually every person in Hong Kong. Let us imagine this. It is no big deal for a person to suffer from hunger for a day or so for it would be tolerable, but there would be worsening results if the person has suffered from hunger for a long time. We certainly support the Government trying its best to enhance the efficiency of the Civil Service, but we will lose more than we gain if we merely going after short-term efficiency at the cost of undermining civil servants' morale.

This is no alarmist talk. The Secretary has pointed out that the civil service establishment has been reduced to 34 000 since 2000; who has taken up the work originally done by these 34 000 persons? Some work has been partially reorganized and taken up by the remaining staff, and some other work has been taken up by a new team of 16 000 Non-Civil Service Contract (NCSC) staff. These NCSC staff were originally appointed to handle work in the short term, but these 16 000 persons have actually become long-term employees of the Government though their remuneration package is much worse than the civil

service package. They are paid differently although they are doing the same work. Since they are not protected under employment contracts, their treatment may be even worse than that of the wage earners. How can we enhance efficiency this way?

Overshadowed by the financial tsunami, wage earners are facing difficulties, for some of them are unemployed and some others have seen their wages reduced. The FTU has assisted the staff of some enterprises that have closed down such as U-Right, Tai Lin; and some staff from the catering industry in the recovery of wages and due benefits. Nevertheless, we are more concerned about the foreseeable wave of wage cuts, and we are worried that civil servants, especially Ambulancemen, Customs Officers who are members of the disciplined forces, NCSC staff and those employed for outsourcing work would become victims. It is our hope that the Administration would conduct a review of the civil service establishment. Rather than just containing the civil service establishment, it should incorporate NCSC staff who have been employed for a long time into the Civil Service, and give them due remunerations as rewards for their having served Hong Kong people for a long period of time. This is an ordinary and reasonable demand. These people did not have a share of the fruits of a booming economy, but they have to tide over difficulties together when the economic circumstances are turning bad. This is not only about justice, but also about setting a good example. If the Government as the biggest employer in Hong Kong exploits its staff, how can it convince other employers to tide over difficulties together with the grassroots during the difficult time of a financial tsunami? For this reason, I urge the Government to review the civil service establishment and the salary adjustment mechanism, and consider whether these workers are given appropriate work and salaries.

I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, "Effective Governance and Social Harmony" is the heading of the section of the Chief Executive's policy address on the government system and governance. But if we review the style of work of the Chief Executive in the past, we would find that he applied affinity differentiation insofar as political parties were concerned, practised cronyism in the choice of Under Secretaries and Political Assistants, and in particular, his indifference to the elderly and the disadvantaged ran counter to effective governance and social harmony.



The popularity ratings of the Chief Executive and the government cabinet keep declining, which reflects that the whole philosophy of governance has not improved at all and it has even continuously worsened. In connection with the "fruit grant" issue in particular, the Chief Executive has superficially conceded to popular will but his attitude showed us that he was not willing as though he had been forced. He should not have adopted such an attitude if he has a people-oriented approach to governance. However, it is a great pity that he preaches one thing but does another. In 2005, Mr TUNG was forced to step down early because of the pain in his legs. Many thought when Chief Executive Donald TSANG took office that the fact that he was a civil servant would guarantee smooth administration. Unfortunately, there has been deteriorating governance these few years. Under the influence of the financial tsunami in particular, the Chief Executive lacks a sense of crisis and the ability to handle crises. In my view, the governance by the Chief Executive is a complete failure.

In the past, both the governance of Hong Kong by a businessman like TUNG Chee-hwa and by a civil servant like Chief Executive Donald TSANG reflected the lack of people's recognition and mandate. People found it very hard to accept or sympathize with the ways in which they handled crises.

This phenomenon and such small-circle elections should be changed, or else the situation will go on deteriorating. When only the person but not the system is changed, the essence will still remain and it cannot bring promising hope to the administration of Hong Kong in the future. Since the Chief Executive's policy address has not brought any new hope to the constitutional reform of Hong Kong, I will certainly not extend my thanks and will continue to denounce such an approach. I will vote against the motion.

**MR IP WAI-MING** (in Cantonese): President, there is not much time left, so I can only say a few words. In connection with the Civil Service, the FTU still has some views on the 3+3 model for new recruits to be appointed on three-year probationary terms, to be followed by three-year agreement terms, which is unfair to newly appointed civil servants. Why is the 3+3 model adopted if the Administration really wants to observe if a person is suitable for the post? I hope that the Government can step up its review because these employees are often very worried after four years or so because they are afraid of losing their jobs. They may have ill feelings or find it unfair as they may have wasted a few years' time.

Concerning the admission of talents, I hope the Security Bureau will exercise tighter control; in particular, it has to check if the talents admitted really take up their original occupations. I hope the Security Bureau would submit relevant information to this Council. In the long run, these kinds of applications should be vetted and approved by the Labour Advisory Board just like the case of the General Labour Importation Scheme. President, I so submit. Thank you.

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

**MS EMILY LAU** (in Cantonese): President, I have proposed an amendment to Ms Miriam LAU's motion.

In the policy address, the Chief Executive mentioned that the timetable for universal suffrage set by the Standing Committee of the National People's Congress (NPCSC) last year enjoys wide support in the community. President, I think this is an absolute negligence of the request for dual universal suffrage in 2012 from the community at large. Therefore, not only do I need to express my deep regret, I also have to raise my opposition to this policy address.

President, it is only 2008 now and we are telling members of the public that universal suffrage will probably be implemented many years later. How can this be considered the timetable for universal suffrage set by the NPCSC? President, this timetable is not clear enough. We have to read the words very carefully, which pointed out that (universal suffrage) will definitely not be implemented in 2012. This cannot be clearer. It is possible in 2017, but it all depends on what will happen in 2012. President, if the progress is unsatisfactory, just like the case in 2005 when a group of people stood in the way, the implementation (of dual universal suffrage) will be unlikely. President, even if it can be implemented, it is probably a selection process conducted by "one person, one vote" inside a birdcage. After some sort of screening, people who are disliked cannot cast any vote. What is more, a nominating committee will be formed to perform screening. Having to do all these, can it still be regarded as universal suffrage?

President, insofar as the case of 2020 is concerned, the situation in 2017 is even more significant. Given so many barriers and uncertainties ahead, how dare the Chief Executive state that the timetable enjoys wide support in the policy address? What kind of support is that, President?

A public opinion poll conducted by the University of Hong Kong in January pointed out that, even if the NPCSC objects to it, 40% of the respondents still request the implementation of dual universal suffrage in 2012, whereas only some 30% oppose it. In other words, it is the request of the community at large to implement dual universal suffrage in 2012. President, despite the claim that a timetable has been set, it is neither complete nor true. I hope that Secretary Stephen LAM or other officials can give an elaboration and not to mislead or cheat the kind-hearted public — I just quote what was said by the Xinhua News Agency.

Even though people still think that there are plenty of outstanding issues pending discussion, that clarifications must be sought from Secretary Stephen LAM, the discussion of this session only focuses on 2012 but not beyond. While people still have many question marks about the future, the timetable is said to enjoy wide recognition and support from Hong Kong people. What kind of recognition? What kind of support? But if people are asked whether or not they agree with the implementation of universal suffrage in 2012, I believe most of them will express strong support.

In fact, we are quite depressed. The Central Authorities have been taking good care of Hong Kong in many respects, President, but why were the political aspirations of Hong Kong people not being taken good care of? Even if universal suffrage is implemented in Hong Kong, President, shall we escape from the leadership of the Communist Party of China? Why are we disallowed to implement universal suffrage? Not only are we disallowed — according to "Hulk" — the fact has been distorted, a total distortion. The real picture has been distorted to become a completely different thing, and this is totally unreasonable.

(Someone said this is an attempt to call a stag a horse)

How can ..... it was you who said "to call a stag a horse". I do not have to say this. President, I really find this most unfair.

Regarding paragraph 112 of the policy address, I asked questions about it during the Chief Executive's Question and Answer Session the other day. This is the key of the issue, and the authorities are also aware of this. The policy

address stated that people have asked, "Have the core values of the HKSAR Government changed? Is the Government trustworthy? Is it fair and impartial? Is it less capable than before? Does the Government still adhere to the principle of meritocracy or takes account of public opinion in formulating policies?" President, all these have been answered and the answers are "nos". It is precisely because of these "nos" that the public's trust in the HKSAR Government is dwindling. President, very simple indeed, politics is no magic. We strongly believe that only a government elected by the people has the credibility and recognition to formulate policies and deal with the prevailing complicated and thorny problems in hand. Nonetheless, neither this Chief Executive nor his team was elected by Hong Kong people. They therefore do not have a mandate. Worse still, they refuse to give members of the public any account.

For instance, it is suggested in the policy address that officials should visit the local communities, but when I told Secretary K C CHAN that the Chief Executive had called on officials to visit the local communities, he refused and he had at best asked his Under Secretary Gregory SO to go. President, he is a member of the DAB, and he was invited to visit the local communities to listen to views on the Control of Obscene and Indecent Articles Ordinance. I think that the authorities need to respond to public views. President, public opinion is of the utmost importance and it demonstrates that Hong Kong people's wish is to be our own masters. Not only do we have the ability and wisdom, we also have the determination to fight for the implementation of universal suffrage.

President, both the DAB and the Liberal Party supported this view in 2007-2008. However, after those in power gave a red light, these parties made a complete change to their political platform. The DAB had once posted banners supporting the implementation (of universal suffrage) in 2012, and last time Mr Albert HO had shown us the relevant pictures taken by *Sing Tao Daily*. President, Hong Kong people really feel very helpless in view of these repeated retrogressions and have become impatient. We do not want any reform, but sometimes we really hope that the political parties and the SAR Government would not go so far. Members of the public have clearly indicated what they want, but it is stated here.

Recently, I noted an article on mass media written by a university professor, MA Ngok. He said that most reports by the media had to follow the line of Beijing, and a number of people were interviewed — who certainly are

unwilling to disclose their names, or else they will be fired immediately. Many of them pointed out how media reports were distorted and tilted to your side. And yet, in the end, the democrats were still able to secure support from nearly 60% of the people. So, President, though in the face of serious marginalization, the public have still demonstrated their eagerness for democracy.

That is why I mentioned the gathering about "fruit grant" which I attended last week. At the end of the gathering, an elderly person ran after us to tell us how unfair it had been to TUNG Chee-hwa, for we held such a mass procession. In the face of the growing public rage, why do we not organize a procession? Why are we biased in favour of Donald TSANG? Are the authorities aware of these problems? Please do not think that the granting of \$1,000 as "fruit grant" can solve all the problems. Do you think that members of the public ..... President, the money is, after all, taken from our own purse. All these years, the community at large and representatives of the people have supported the provision of this grant to the elderly people. So, this is not alms or mercy granted by the SAR Government and I would not support such a poor policy address simply because of this \$1,000.

We want to have dual universal suffrage in 2012. If you ask me now in 2008 — President, it is now 2008 — to break my own legs and admit loss by saying that it is impossible, that would not be Emily LAU. Neither is this the practice of The Frontier. I believe the democrats will not accept either. This is nonsense. These are obviously the aspirations of the tens of thousands of people who had participated in the previous processions, how can they be completely overthrown simply because of a couple of decisions? This I cannot accept. Furthermore, I also hope that the SAR Government would not distort public views in this way. Even though the authorities do not have representation, credibility and public mandate, it should not include such distorted public views in the policy address. President, I believe many people will feel outraged because of this. How can the authorities say that?

If you really have to say so, you may say "Sure, we appreciate your long-standing wish to have universal suffrage, and nowadays the community at large wishes to have it. Although some political parties dare not represent your views, neither does the SAR Government, at least your views will not be distorted. The views are here, but we can do nothing about them for we are too incompetent and useless. We dare not relay them to the Central Authorities." President, this way of saying sounds more honest. And yet, this is not the case

now. The sincere aspirations of the kindhearted Hong Kong people have been distorted time and again by the authorities, which claim that the timetable enjoys wide support and is well received. Well received? President, are we going to have universal suffrage by "one person, one vote" in 2017? I believe neither your party nor any other else would dare say so. President, 2012 is a more remote date.

President, regardless of whether my amendment will win or lose, all I want is to express the rage of a large number of kindhearted Hong Kong people. They are enraged because their views were distorted. I also wish to stand for their perseverance. It is now 2008 only, and we should look further ahead. Only if we work hard together and be united, President, the implementation of dual universal suffrage in 2012 is not impossible.

With these remarks, I oppose the policy address.

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

**MR ALBERT CHAN** (in Cantonese): President, Ms Emily LAU has delivered quite an impassioned speech in the hope of convincing Members, particularly those of the democratic camp in this Chamber, to ultimately oppose this policy address. Members of the Democratic Party which she will soon join will also oppose this policy address if her amendment is not passed later. But if they turn out to support it, I think Ms LAU should better re-consider if she should join the Democratic Party.

President, I would like to briefly talk about security and civic education by highlighting some issues regarding the philosophy of overall administration. Although this was mentioned briefly yesterday, I will not be content until I have aired my views.

Insofar as security is concerned, I mentioned debt collection agencies just now. However, there is another issue which I have also raised for some time, and it is about the police's handling of suspects. Earlier on, some information provided by the Government shows a stunning figure of the number of suspects who had been strip-searched. In fact, I had lodged a complaint before about a person being stripped naked three times within five hours in the police station and

in Court. Such police conduct can be considered an abuse of power, and an insult and humiliation to humanity and human rights. I wonder how the Secretary tolerates such repeated conduct, and how this Government (including Chief Secretary for Administration Henry TANG who has seen so many of these problems) tolerates the dignity of Hong Kong people being repeatedly impinged by the police officers. How come an ordinary citizen involved in a family dispute (also a Tin Shui Wai case), who is neither a drug trafficker nor a criminal but just a housewife, would have all her clothes stripped (including underwear) a number of times within a few hours. She was not stripped naked once, but three times. This fully demonstrates that there is presently a serious deviation in the law-enforcement actions of the Police Force which warrants government attention and rectification.

Regarding civic education, what concerns me most is the change of civic education into "lackey education". Since Secretary TSANG is also a Marxist, he should know very well the importance of critical perseverance in Marxism. All citizens or individuals should adopt critical thinking in shaping their views and perception. I hope that under the leadership of a Marxist Secretary, the promotion of civic education will not turn Hong Kong people into lackeys who are obedient and always resign themselves to the reality. Rather, they should have ego. Marxism emphasizes very much one's ego. Members who have read publications of young MARX in particular should find that much emphasis has been put on how to become a plentiful and complete total man. I hope that the so-called civic education will not become "lackey education" under the state machine.

President, regarding the "fruit grant" issue as mentioned in the policy address, the Chief Executive withdrawn the requirement of a means test a few days ago and increased the amount to \$1,000. He stressed that people's rational analysis and understanding have been carried away by their emotional feelings. This remark is rather unpleasant to our ears. I hope the Government will know clearly that in the formulation of public policies, rational cognition and analysis is certainly an essential element of public administration as a whole. But when it comes to the decision to finalize a public policy, both rational and emotional perception are equally important. Regardless of what the ultimate finding is, consideration should be made to accord priority to different public resources and public policies, to whom in the community the relevant policy serves so as to enable them to benefit without being exploited or suppressed. This is very important.

While the decisions are not purely rational, the existence of figures does not mean that policy decisions are made entirely on them. In many cases, emotional recognition is involved. Take last year's hundreds of billions of surplus as an example, the final decision of the Government to eventually distribute it out was simply made from emotional recognition. Our Government is slanted towards the consortia and would only benefit those in power. This is definitely not rational analysis. Neither is this an objective formulation of a standard to rationally distribute social resources according to a comprehensive principle. It is nothing but an act of the senior government officials transferring and distributing benefits on the basis of political relationship.

The remark that the sudden increase of the "fruit grant" by \$300 was a result of reasoning being carried away by emotions is, just as Ms Emily LAU said earlier, again a distortion of the truth of a constitutional issue and the basic factors to be considered in the course of policy formulation.

President, I have looked up the policy addresses of the past five years. While the Motion of Thanks of 2003, 2004, 2005 and 2006 had been negatived, it was endorsed last year. This year's policy address is, however, even worse than those of 2003, 2004, 2005 and 2006 and the predicament of the community is more serious than that of the past years. Yet, no outlet has been provided in the policy address. Therefore, if the Motion of Thanks for such a policy address can be passed in this Chamber, I wonder how we can face the victims of the Lehman Brothers incident, people who have little or no financial means, the small and medium enterprises and members of the public who are on the verge of bankruptcy. (*The buzzer sounded*) Therefore, I hope that Members from the democratic camp would oppose the motion even if the amendment proposed by Ms Emily LAU is negatived. Or else, the decision would be one made without conscience.

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

**MR RONNY TONG** (in Cantonese): President, just as I said when I spoke on the first day, this policy address had no direction and was empty and hollow. This is best demonstrated in the part on constitutional affairs.



President, Chief Executive Donald TSANG was appointed at a critical and difficult moment three years ago and we all thought that there would be new horizons. During the re-election, he again made some beautiful remarks like "to do something big", "to thoroughly resolve the issue of democratic development" and "to absolutely meet relevant international standards". What is more, in this policy address, he again raised a number of questions that are pretty attractive and poignant. President, I quote: "Have the core values of the HKSAR Government changed? Is the Government trustworthy? Is the Government fair and impartial? Is it less capable than before? Does the Government still adhere to the principle of meritocracy? Does it take into account public opinion in formulating policies?" These questions are poignant. And yet, just one paragraph is found devoted to the discussion on constitutional reform, in which only public consultation has been mentioned. President, we want a capable person to expeditiously guide Hong Kong people to develop a democratic system, instead of a small-time actor who merely plays a supportive role and hides behind a consultation machine.

President, after reading through the whole policy address, we fail to see any direction for constitutional development. However, the direction is very simple indeed. Recently, the Civic Party conducted an opinion poll and one of the questions asked is "Given that the Chief Executive said that next year, a consultation exercise will be conducted on the methods for selecting the Chief Executive and for forming the Legislative Council in 2012, do you think that he should put forward an ultimate proposal on universal suffrage for public consultation?" President, we successfully interviewed 964 people, and the percentage of respondents who supported that an ultimate proposal be put forward reaches an historic high of 78.22%. In other words, eight in every 10 persons consider that there should be an ultimate proposal.

President, there is currently a very strong aspiration among the community and Members in this Chamber that dual universal suffrage should be implemented in 2012. We might encounter some constitutional obstacles, but even if we fail to achieve dual universal suffrage in 2012, is the Government obliged to, at least, tell us how far we are from it? Is mere discussion of the timetable an answer to this? No one knows if the detail of the timetable is acceptable to all, or just as the Chief Executive said, it is genuine universal suffrage that meets relevant international standard. No one knows at all. So, if the SAR Government or

even the Central Government says that Hong Kong people are not going to have dual universal suffrage in 2012, please spell out when and how we can achieve it.

President, this is precisely the justification given by Hong Kong people as mentioned by me just now, that is, eight in every 10 persons wish to know when and how we can have genuine universal suffrage. President, this is actually a simple and pretty logical explanation which all Members should understand. What is the use of talking about the 2012 constitutional reform when no one knows what the ultimate model of universal suffrage is like? This is very simple. If the method for forming the Legislative Council in 2020 requires the abolition of all functional constituency seats, the proposal to increase the seats concerned in 2012 actually defeats the purpose. Is this a deliberate act to cheat Hong Kong people on the pretext that, following an increase in the number of functional constituency seats, the implementation of universal suffrage is not intended to abolish functional constituency seats? This is just an example.

Another example is the selection of the Chief Executive. We must know how the Chief Executive could be elected by "one person, one vote", but that everyone should have an equal opportunity to become a Chief Executive candidate. So, what model should we adopt in order to head in this direction? In case the Chief Executive fails to put forward a proposal that can convince Hong Kong people, I believe our political future will be extremely bleak.

President, I sincerely urge the Chief Executive to listen to Hong Kong people's views, that is, eight in every 10 persons wish to have an ultimate proposal. Thank you.

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

**MR WONG YUK-MAN** (in Cantonese): President, the three Members of the Legislative Council from the League of Social Democrats hold a disapproving attitude towards this policy address. Our disapproval is not intended to be an approval, for nothing in the policy address is worthy of our approval or affirmation. So, in the vote to be taken on the Motion of Thanks, we will certainly vote against it. Even though Donald TSANG has made concessions on the "fruit grant" in the light of the pressure of public sentiments, we think that this policy address has remained utterly disappointing.

Originally, I wished to talk about neo-liberalism as boasted in this policy address. But neo-liberalism is already bankrupt and we are now following the SAR Government on a path heading for the doom of the economy. Taking care of the poor, the elderly and the disadvantaged and meeting the most humble needs of the elderly are the inherent obligations of the Government. Therefore, we will not give our approval or recognition to this policy address because of the concession made in respect of the "fruit grant". Because in respect of many other issues or problems, this policy address has not in the least proposed any specific solution. It is most infuriating that Donald TSANG and his ruling team despise the elderly; they despise workers; they despise women; they despise the poor; they despise the disadvantaged; they despise the small and medium enterprises and grass-roots business operators; and they despise victims of the minibonds. Donald TSANG most reluctantly increased the "fruit grant" and yet, he went on to say that rational policy debates were eclipsed by emotions. This is an insult to the aspiration of the people.

Sometimes I think Hong Kong people have made a very big mistake and that is, they have been too rational and too kind; they have not adequately despised the small-circle electoral system, the totalitarians and their accomplices, the lackeys, and the lackeys of lackeys. In fact, the script of my speech is very long but I only have 10 minutes or so. I had worked very hard writing out this speech which mainly points out that we have not despised this Government enough. The script is very rich in content, but I found that reading it out is not in any way meaningful. Some people have told me not to read out from the script. That is not my habit; nor is that my style, either.

I only wish to reason with the Government on the basis of theories. Do not say that my arguments are not based on theories. I wished to argue with the Government on the basis of theories. I wished to discuss with him the Third Way, in order to strip off his mask, while also discussing the demerits of neo-liberalism. But I got hot under the collar just seeing his attitude towards the "fruit grant" for the elderly and I flew into a rage. I have brought some fruit with me today, right? I am furious as I talk about this. My assistant said, "Yuk-man, we have written a very good speech to be uploaded onto the Internet, and you can read it out." I did read out some of it but I have decided to put it away. I am not interested in reading it out any further.

I actually very much admire the Chairman of the DAB, TAM Yiu-chung. When he asked a question on the "fruit grant" the other day, he pointed his finger

at Donald TSANG criticizing him that his introduction of a means test mechanism was regression and perversion of policy. I wish to ask Chairman TAM if he understands the meaning of "regression and perversion". How dare he criticized Donald TSANG's act as regression and perversion of policy! President, regression and perversion of policy is a criticism made against a totalitarian, a corrupt regime. It is a very strong accusation. Regression and perversion of policy is against heavenly principles and an act of gross injustice. That he had made such a comment instantly caught my attention. Why would TAM Yiu-chung criticize Donald TSANG, not Jasper TSANG, for committing acts of gross injustice and acting against reason and sense? How dare he! Or is it because he does not understand the meaning of regression and perversion of policy, thinking that it only means acting against reason and sense. If we look it up in the dictionary, the meaning given is acting against reason and sense. However, there is actually a story behind this expression.

It comes from *A Biography of WU Zixu in Records of the Historian* (《史記·伍子胥列傳》), and I think you, President, should know its origin too. The father and elder brother of WU Zixu were killed by King Ping of Chu (楚) and he was eager to take his revenge. He had a good friend named SHEN Baoxu (申包胥). SHEN Baoxu said to WU Zixu that if he wished to destroy Chu, SHEN would have to support Chu. They used to be good friends, just that they had different masters to serve. Certainly, WU Zixu had later helped Wu (吳) to destroy Chu. Before Chu was destroyed, he went to the grave of King Ping to whip the corpse of King Ping. SHEN Baoxu said that he could not do such a thing, for it was against the heavenly principles because after all, he was a national of Chu. WU Zixu then said, "My buddy, the sun will set soon; the road ahead is long and I will die soon. I must do something against reason and sense, or else I could not take my revenge." On that day, I thought of this story, and I thought that TAM Yiu-chung did have guts in saying that Donald TSANG had acted against reason and sense by criticizing that Donald TSANG's act was regression and perversion of policy, which could be taken to mean that Donald TSANG's rule should be overthrown.

Wow! He was really something. But was this the meaning that he intended to express? Only TAM Yiu-chung can tell. He certainly did not mean this, buddy. He only happened to make this remark when trying to earn himself credit. This is an expression that I often use. Do you know? Anyone who has read my writings will often see that I would criticize the Government for

being regressive and perverse in its policies. It has become a pat phrase in WONG Yuk-man's writings that the policies of the Government under Donald TSANG's leadership were regressions and perversions. This is similar to the Communist Party saying, "Since the Third Plenary Session of the 11th Central Committee of the Communist Party of China, the Party has brought order out of chaos ....." I can even recite these now. This is known as political cliché.

What he did was criticized as regression and perversion of policy, and since he had done such regressive and perverse acts, this policy address should not merit endorsement, should it? In this connection, if TAM Yiu-chung and the DAB will vote against the Motion of Thanks, I would express my hearty admiration for them. Of course, this is not going to happen, buddy. Earlier on they even sought to take a vote as soon as possible when other Members were not in the Chamber, buddy, so as to get the motion passed quickly and nicely. That is why I had to dash back to this Chamber, and I almost ran all the way back here as soon as I got off the car. Today, I was discussing the Control of Obscene and Indecent Articles Ordinance with Gregory SO, former Deputy Chairman of the DAB, because this is the greatest concern to me. He made me wait at the place as arranged by him for our meeting. He said that he was late because he was attending a meeting and he arrived only at 1.00 pm. I am a hardworking person. I had sat in the Ante-Chamber for a very long time. I did make some calculation about the time and I thought that there would still be more than three hours for Members to speak. But all of a sudden, someone rang me up, saying, "Yuk-man, come back quickly. The number of Members waiting for their turn to speak is zero now. No one is going to speak." This is what a parliamentary assembly is like.

But in spite of this, I am very interested in working in this Council and I feel happy about it. Although I am a newcomer, I come to the Legislative Council feeling relaxed and happy every day and better still, I can chat with the reporters. They would ask me what I am up to, or whether or not I am going to throw any bananas. I do feel very "high". When I am sitting here, I can even point my accusing finger at these people. How good it is! I cannot be happier! The other day I was very puzzled when I heard TAM Yiu-chung speaking here, for he is from the DAB. I have no intention to drive a wedge between them. But President, "regression and perversion of policy" is a very strong criticism. A regime which is regressive and perverse cannot last long. A person who is

regressive and perverse cannot last long. Similarly, a parliamentary assembly which is regressive and perverse cannot last long.

Towards the end of my speech here there is an expression, and I am considering whether or not I should use it. It is "finding the pearl in shit". My apologies. Yes, this is a bit rude but in fact, it is quite literary. Let us not consider something rude whenever we hear the word "shit". I said "finding the pearl in shit" because over the past few days, I have been listening to Members' comments on the policy address. A great majority of Members were pretending to take the Government to task. That they made just a few criticisms against the Government is tantamount to doing the Government a big favour. They said that in spite of this, the policy address is not completely devoid of merits. Then they went on to cite an example or two. I would call this "finding the pearl in shit". If they like to swim in a pit of shit, I have no reason to stop them from doing so. They do not only swim in a pit of shit, they even wish to pick one or two pearls from the shit. They were trying to pick pearls from the faeces. How difficult it is! Have you been to the pit latrines in the old days? When I was small, my family was poor and I always went there. Find me a pearl there. They are really something. They are really going to dig up pearls from shit! This person is trying to dig up a pearl and that person is trying to dig up a pearl, and after all the digging they said in the end that they would support the Motion of Thanks and vote for it. This is known as "finding the pearl in shit".

Only those people who are shit would do such a thing, because the policy address is indeed a heap of shit. They would try to "find the pearl in shit" and then cast a supporting vote. Certainly, we would also criticize those so-called pan-democrats who would also cast a supporting vote. As far as I know, is Ms Emily LAU going to vote against it? You are not going to tell me? Ms Emily LAU has proposed an amendment and if her amendment is passed, the DAB would say that justice is not done, would it not? If her amendment is passed, I would certainly vote for the motion. Does it mean that the amendment would be passed if I vote in support of it? It certainly would not be passed because the system of separate voting is meant to stop this kind of amendment from being passed.

So, it is almost a waste of time and a waste of life for us to sit in this Chamber. All I can do is to hurl criticisms and do stand-up comedy. What else can I do? I have some 10 minutes to speak and I still have four minutes left. What do you expect me to say in these four minutes? The script of my speech

was very long. See this very thick script here. But I am no longer interested in reading it out. My assistant always advises me not to play it by ear, telling me to properly draft a script for my speech. I did write it out very seriously, discussing neo-liberalism and the Third Way and presenting elaborate ideas, and we intended to upload it onto the Internet. The script is very, very thick, and they, considering my presbyopia problem, even printed it out in large fonts. But as I read it, I just lost my interest in it.

What has aroused my greatest interest is TAM Yiu-chung's criticism that Donald TSANG is regressive and perverse in policy. I hope that he would not criticize you, President, as regressive and perverse one day. I responded to Chief Executive Donald TSANG on 16 October. He said that he was searching for a middle ground and steering the middle course, and he asked if we were on the same way with him. I had wished to raise my hand and say that in no way would I have anything to do with him and it is also impossible for me to be on the same way with him. Unexpectedly, the President said that I had already spoken for too long and disallowed me to speak any further. I had wanted to fight back, but on the day before I already threw a bunch of bananas and in order not to make myself detestable, I changed my mind. But then, TAM Yiu-chung was allowed to speak for more than eight minutes and the President did not order him to shut up. This is not according the same treatment to everyone, grossly unfair. Recently, the DAB has organized an "anti-banana campaign" and conducted a questionnaire survey. IP Kwok-chung could not wait to say that this has to be done and that has to be done. TAM Yiu-chung also proposed to build in some control through the Committee on Rules of Procedure. Bring it on, and I am ready to take up the gauntlet anytime. My only shortcoming is that I do not like people treating me nicely. I would feel excited and happy when being treated badly, and I would be in a high morale immediately .....

**PRESIDENT** (in Cantonese): Mr WONG Yuk-man, please come back to issues relevant to the Motion of Thanks.

**MR WONG YUK-MAN** (in Cantonese): This is relevant; this is relevant; this is relevant ....., There is still time; I still have two minutes. If you people want to fix us up, we would certainly welcome that. It is said that there are over 70 complaints, most of which are of the same type. I have not yet made an appeal for public support. Had I made an appeal to the masses, there would be 1 000

complaints against you people. But I will not do such a thing. Let me tell you that this is laughable indeed. It is reported in the press today that the Complaints Division had received many letters expressing support for me because after the coverage in newspaper, many people considered this unfair to me, but I have not read the reports. You can conduct an opinion survey outside this Council. Some people said that those three bananas had been thrown in exchange for the "fruit grant". I did not say that. Some elderly people did. This policy address is for us to "find the pearl in shit", and this is the pearl being taken out, but it was found after the delivery of the policy address when that guy came forth to make an announcement after having a meal with Members of the Legislative Council the other day. But this was not included in the policy address in the first place. This is a sheer reversal of position. Yet, I still would not consider that a pearl. That is not a precious pearl. It is every person's obligation to take care of the elderly. It is our duty. I do not think that he has done the right thing. He just did not do what he should have done. He is even more detestable in dragging his feet in doing his part.

So, insofar as this policy address is concerned, the position of the three Members of the League of Social Democrats is very clear. I can hardly find any room or the slightest reason for me to reconsider this so-called Motion of Thanks. What else is there for me to reconsider? Some friends in the democratic camp may support this Motion of Thanks for the policy address. This, we think is deeply regrettable. This is all I wish to say.

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

**MRS SOPHIE LEUNG** (in Cantonese): President, WONG Yuk-man has put on such a splendid show just now, which, I believe, is admired by many of us in this Council. But he said earlier that we must not just act sensibly. Perhaps let me say a few words about my thoughts.

I have listened to Ms Emily LAU's speech earlier on, and I have also listened to the speeches of some other Members — some people may consider them as the opposition but they claim themselves to be the pan-democrats. Ms Emily LAU said that she did not believe that the Chief Executive could be returned by universal suffrage in 2017. All I can tell Ms Emily LAU is that



down in my heart I firmly believe that the Chief Executive can be returned by universal suffrage in 2017.

Moreover, I also wish to say that it has only been a decade or so since the reunification. We do not have presbyopia yet, and we can see it happen with our own eyes. Not much has changed so far, and what happened in the past decade or so can be summed up in brief. We said that we wish to see "one country, two systems" being implemented in Hong Kong, and there is still a long way to go. Why do we not boost our confidence, especially at this time when the people are suffering from the financial turmoil and living in hot waters? Why do we not persist with marching ahead step by step to do more for "one country, two systems", for Hong Kong, for our convictions to serve Hong Kong, and for the people of Hong Kong? This is, after all, better than speculating here about whether or not there will be universal suffrage in 2017 or when there will be universal suffrage or whether or not they are thinking this or that. This, I believe, will make the public hold our Legislative Council in higher esteem.

President, I so submit.

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

**MR LEE CHEUK-YAN** (in Cantonese): President, every time when Mr Albert CHAN speaks, he will chide Secretary Stephen LAM. But today, I must commend Secretary Stephen LAM and say that he is the most competent Secretary. Why? Because as far as the constitutional development is concerned, his main duty is to "do nothing". He has really done nothing at all. In that sense, he is very competent.

The highest instruction concerning the constitutional development can be summed up by one word: "hea<sup>1</sup>". The Secretary has indeed done a very good job in this regard. Over the past few years, the Secretary has been giving us a runaround here and there. In the end, it turns out that he has done nothing at all. What is the blueprint for universal suffrage in the future? There is none.

I can still remember the occasion on which we discussed constitutional development here with the Secretary. It was in 2005, when we vetoed that

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<sup>1</sup> "Hea" is a newly-emerged Cantonese colloquialism meaning "dally" in English.

package which was neither fish nor fowl. One of the reasons for our objection was the absence of a timetable. The Government did not mention that it would give us a timetable. I can even remember that instead of mentioning any timetable, it simply requested us to first discuss a roadmap. How were we supposed to discuss a roadmap? Well, it published a "green paper" to consult all Hong Kong people on the mode of our future constitutional development.

We were so simple-minded as to publicize the package seriously for the Government. We took great pains to explain the package to the public. In the end, all of our efforts were wasted. We even designed a game on universal suffrage for the public, telling them to beware of traps and avoid opting for "bogus universal suffrage". I also made many useless efforts at that time, and I did many stupid things. After making all these efforts, we realized that the Green Paper was in fact a "bogus consultation paper", because very soon, the introduction of universal suffrage for the two major elections in 2012 was ruled out. Then, the Government even said that there was no need for a roadmap, and that it would first give us a "table". In the end, even a roadmap was ruled out, and the "table" was about the election of the Chief Executive by universal suffrage in 2017. It was said that if universal suffrage could work in 2017, there might be universal suffrage for the Legislative Council in 2020. Mrs Sophie LEUNG is very confident that this can be achieved. But will the "goods" be genuine? Frankly, I do not have any confidence, because so far I do not know what the "goods" will be.

Secretary Stephen LAM, I frequently say that you are competent. Your duty is to continue to delay the matter, continue to be competent and continue to give us a runaround. Secretary Stephen LAM, you have so far been unable to even give us a table. You now say that we should not talk about a roadmap, and that we must first tackle the implementation of universal suffrage in 2012. The issue of a table should be left to the next Government. The whole discussion on constitutional development has been very irrational indeed! A roadmap must be drawn up now. The course of our constitutional development must be made very clear now. Sadly, we cannot see anything in these directions.

Therefore, President, I am very disappointed, because although Secretary Stephen LAM is competent, he has also been wasting a lot of public money. If things are really going to run that way, we had better abolish the post of Secretary for Constitutional and Mainland Affairs altogether. The Secretary has nothing to do in any case. We do not yet know whether there will really be universal

suffrage in the future. The Government still says that even if universal suffrage is introduced for the Legislative Council in the future, functional sectors will still be retained. We simply cannot see why the implementation of universal suffrage can co-exist with functional sectors. This is simply impossible. Therefore, President, I am very disappointed at our constitutional development. It seems that this time around, we are going to mark time again. No roadmaps whatsoever have been presented to us.

However, President, I still wish to talk about civil servants again. The Secretary for the Civil Service is also present today. What I want to discuss is the "3+3" issue. I do not think that there is still any justifications for retaining the "3+3" system of a three-year probation period and a three-year agreement period. This is simply unacceptable. The Secretary will surely reply that a review will be conducted. The point is that such a system is adopted by very few organizations, so it is very difficult for the review to ascertain whether it is effective. Actually, there is no need for any review at all, because the system is simply wrong. Is there any organization in Hong Kong which also adopts this "3+3" system? The answer is no. But the Government has set a very bad example. If private-sector organizations follow the government example, we will be in deep trouble. Everybody talks about employment stability these days, but the Government has instead taken the lead in creating employment instability. Having voiced my dissatisfaction with the "3+3" system, I still wish to add that I am also dissatisfied with the system of non-civil service contracts.

Finally, I wish to spend some time explaining my voting position this time around. I naturally support Ms Emily LAU's amendment. I must say sorry to Yuk-man. He talked about "pearls in shit". The most pitiable thing is that previously, I remarked that if I could find two "pearls" in the shit, I would support the SAR Government's policy address. What are the two "pearls" I referred to? I said that if the Government decided to legislate for a minimum wage level and increase the "fruit grant" to \$1,000, I would render my support. To my surprise, these two "pearls" are really found. Therefore, I must vote in support of the policy address, so as to honour my pledge. Therefore, I must tell Yuk-man that I cannot do anything this time around. I have picked the "shit".

Thank you, President.

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

**MR IP KWOK-HIM** (in Cantonese): President, tomorrow will be the first day of November. Up to November, the District Councils (DCs) of the current term have been functioning for nearly one year. Enhancing the management functions of DCs in district administration, a greater role for DCs, and the provision of a better living environment for the community and the public have all been one of the SAR Government's objectives in district administration. In a bid to tie in with the launching of local minor works projects, the Government has allocated an additional \$300 million to DCs for the new term. DCs can enjoy greater autonomy in the use of this funding for local minor works, but during my recent Legislative Council election campaign, I had the opportunities to have extensive contact with DC members of different political parties and districts, and I came to realize that the funding might not necessarily be used where it is due. A DC member once told me that his DC recently spent \$3 million on constructing a football pitch, but the project consultancy fees and works supervision fees already accounted for near one third of the allocated funding, that is, some \$800,000. In the case of a district familiar to me, the Central and Western District, for example, there was a similar incident — Miss Tanya CHAN and Mr KAM Nai-wai all know only too well. In this particular case, some \$12,000 was spent on constructing a three-seater stone seat in a street, and worse still, the works took several months to complete. Therefore, there should still be room for examining and improving DCs' funding mechanism for local minor works. Actually, this is only one of the powers delegated by the Government to DCs. After a year of implementation, I hope that the Home Affairs Bureau and Home Affairs Department can conduct a review of the operation mechanism.

DCs are an integral part of the two-tier representative political system. In order that DC members can provide the public with quality service and help them resolve problems, the Government must most importantly provide DC members with adequate resources, so that their offices can operate smoothly. Since DCs are an integral part of Hong Kong's two-tier political system, playing the role of liaising with the grass-roots people and reflecting public opinions, DC members should enjoy the same status and respect as that of Legislative Council Members. Several years ago, there was a press report which I can still remember vividly even now. It was reported that a former Urban Council member who no longer held any public posts had to sleep in the streets and live on Comprehensive Social Security Assistance. I can still remember this report vividly. During my recent election campaign, I talked to many full-time veteran DC members who already started contemplating giving more opportunities to aspiring young people to

participate in politics. They already started preparations for "handing over" their jobs. But at the same time, they were also worried about their life after retirement from the political scene. Some of them even feared that they might be as miserable as the former Urban Council member mentioned just now. However, I am very glad that starting from this term of the Legislative Council, all Legislative Council Members will receive an end-of-term gratuity and medical benefits. I therefore hope that the Government can seriously consider the possibility of according the same treatment to all DC members in Hong Kong, so that they can also enjoy the same kind of respect and arrangement.

Another issue we need to explore is DC members' accountable allowances. The Government's inadequate resource support for DC members is a long-standing problem, one which seriously affects the quality of services they deliver to the public. At present, if a DC member does not set up his office in a public housing estate, the allowance he receives simply cannot enable him to rent a shop in a shopping arcade, not to speak of employing a quality full-time assistant. For this reason, many DC members have to use their own money to pay for the operating costs of their offices and their employees' MPF contributions. It is encouraging, however, that there is a new arrangement in respect of DC members' allowances in the new term. There is now a non-accountable allowance. However, there is something interesting about this non-accountable allowance. It is taxable as DC members' salaries. They thus suffer double losses. Why do I say so? Some DC members have told me that precisely because of this non-accountable allowance, they have become "well-off" public housing estate tenants and must pay the "double rent". They thus do not know what to say. The allowance is basically meant for meeting the operating costs of DC members' offices, but since it is non-accountable, the Government thinks that it must be counted for the purpose of salaries tax. Therefore, I hope that in case a DC member uses the allowance for office operation, Government can allow him to apply for tax deduction, similar to the present deduction for charitable donations. In this way, it will be possible to remove the unreasonable burden on those DC members who use the new allowance for meeting operating expenses.

After discussing some situations faced by DC members, I wish to state the DAB's position on constitutional development. The Chief Executive has announced that in the first half of next year, the Government will launch consultation on the electoral methods for the two elections in 2012. This is what

the public expect. However, it seems that those who vetoed the constitutional reform package in 2005 still want to have dual universal suffrage in 2012. This is a complete neglect of the decision made by the Standing Committee of the National People's Congress (NPCSC) and also of the fact that the NPCSC's decision has already commanded Hong Kong people's widespread support. When the NPCSC made its decision in December last year, many organizations conducted some surveys. According to a survey conducted by The Chinese University of Hong Kong, as many as 72% of the respondents said that they accepted or totally accepted the package, including the election of the Chief Executive by universal suffrage in 2017 and the possibility of electing the Legislative Council by universal suffrage afterwards. Therefore, .....

**MS EMILY LAU** (in Cantonese): President, may I request Mr IP Kwok-him to make a point of elucidation?

**PRESIDENT** (in Cantonese): What do you want him to elucidate?

**MS EMILY LAU** (in Cantonese): He mentioned the survey findings of The Chinese University of Hong Kong only. Why didn't he mention the survey findings of the University of Hong Kong? Why did he selectively mention the information favourable to him?

**PRESIDENT** (in Cantonese): Ms LAU, you have already explained which part you want Mr IP Kwok-him to elucidate. Mr IP, you may choose to make the elucidation if you so desire.

**MR IP KWOK-HIM** (in Cantonese): I believe the survey of The Chinese University ..... There are in fact many surveys in society. We can see that different surveys have come up with different findings. The point I wish to make is that in the case of the survey conducted by The Chinese University of Hong Kong, 72% of the respondents said that they accepted or totally accepted. The policy of Hong Kong .....

(Ms Emily LAU rose to her feet again)

**PRESIDENT** (in Cantonese): Mr IP Kwok-him, please sit down first. Ms Emily LAU, what is your point?

**MS EMILY LAU** (in Cantonese): President, I want him to elucidate why he only quoted the findings of a survey favourable to him, instead of quoting the findings of another survey that ran counter to his wishes? I want him to elucidate this point.

**PRESIDENT** (in Cantonese): Ms Emily LAU, I do not think that you are seeking a point of elucidation. You are now trying to start a debate. You are questioning why he only mentioned the findings of one survey but not those of another.

(Mr WONG Kwok-kin rose to his feet)

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin, what is your point?

**MR WONG KWOK-KIN** (in Cantonese): President, I wish that you can enforce the Rules of Procedure. This is not a time for debate.

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin .....

**MR WONG KWOK-KIN** (in Cantonese): According to the Rules of Procedure, a Member is not permitted to interrupt another Member's speech, right?

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin, please sit down. Mr IP Kwok-him, please continue.

**MR IP KWOK-HIM** (in Cantonese): Thank you, President. Actually, Ms Emily LAU needs not be so impatient because I will quote the findings of one more survey. A survey conducted by the Hong Kong Policy Council, 65% of the respondents were satisfied with the decision of the NPCSC. I believe that we can all hear the voices of the public. We respect the decision of the Central Authorities and accept the reality that there shall be no universal suffrage in 2012. We also hope that the Legislative Council can discuss the electoral methods for the two elections in 2012 in a rational manner.

The DAB will participate fully in the discussions on the electoral methods to be adopted in 2012. It will gauge and listen to the views of different social sectors and people with a sensible and accommodating attitude. And, we hope that other Members of the Legislative Council can also adopt the same attitude, tolerating differences and joining hands with others to work out the electoral methods for the two elections in 2012. That way, it will be possible to formulate a democratic package compatible with the actual situation in Hong Kong. A firm foundation can then be laid for introducing universal suffrage for electing the Chief Executive in 2017 and the Legislative Council in 2020.

Thank you, President.

**MR WONG KWOK-HING** (in Cantonese): President, I wish to discuss three issues in this session. The first issue is about the rights of civil servants and those of civil servants on agreement terms. But since my colleagues have already talked about this, I shall make no repetition here.

The second issue is about the establishment of service centres for ethnic minorities. The Government plans to establish four such centres. But I do not think that this is enough. I hope that the Government can establish these centres based on the population distribution of ethnic minorities.

The third issue concerns national education. I am very glad that five paragraphs in the policy address are devoted to national education. I think that to foster a stronger sense of national identity, we must start with our daily life. The Government should take the lead, and the hoisting of the national flag is the most fundamental and dignified state act symbolizing national identity. The national flag can remind people that we are all Chinese nationals living on Chinese soil.



However, the SAR Government has been very hesitant and indecisive on the hoisting of the national flag at all government buildings. Why do they think that hoisting the SAR flag is already as good as hoisting the national flag? Before the reunification, the Union Jack was hoisted at all government buildings every day. Why is it that after the reunification, the Chinese national flag is not hoisted at all government buildings, and only the SAR flag is hoisted? Is the SAR Government less nationalistic than the colonial administration in the past? I must therefore urge the SAR Government not to pay mere lip-service on the issue of national education. I have been following up this issue for five years. How much longer must we still wait until the Government really hoists the national flag at all government buildings every day? I hope the Secretary can give me a satisfactory answer today, so that I need not raise this issue in the policy debate every year. The policy address mentions that next year will mark the 60th anniversary of the founding of the People's Republic of China. This will be an occasion that can test whether the SAR Government is prepared to manifest its respect for the country by taking concrete actions. Thank you, President.

**MR PAUL CHAN** (in Cantonese): President, I must first declare that I am the Chairman of the Legal Aid Services Council. In this session today, I wish to raise one point about legal aid services.

As Members all know, legal aid services are one of the very important pillars of the rule of law in Hong Kong. The purpose of legal aid services is to enable those who do not have the means to employ a lawyer to receive legal aid when they are aggrieved, so that justice can be upheld and done to them. However, if legal aid is to serve the desired purpose effectively, the lawyers representing legal aid recipients must be competent and of good quality, so that they can compete with the lawyers representing the other parties in lawsuits.

I wish to raise one point about the present legal aid services. This is about the fact that the fees for solicitors and barristers in criminal legal aid cases have remained on the low side for a very long time. That the fees for lawyers in criminal legal aid cases are low is a fact well known not only to the legal profession but also to the executive. Last year, the executive and the two legal professional bodies reached an agreement on the mechanism for and basis of computing the fees for solicitors and barristers in legal aid cases. But it is a pity

that in respect of hourly rates, while the executive could reach an agreement with the Hong Kong Bar Association, it could not reach any with solicitors. Therefore, no adjustments can be possible even after all the delay. My worry is that if solicitors and barristers handling legal aid cases cannot receive appropriate remuneration, very few of them will be willing to take up such cases. Even if they somehow still take up these cases reluctantly, how much time will they spend on them? If this situation continues, the quality of legal aid services in Hong Kong may be adversely affected.

Since the Secretary for Justice and the Secretary for Home Affairs are both present today, I wish to put forward this demand to them direct, in the hope that the issue of low fees for lawyers in legal aid cases can be tackled expeditiously. In case it is not possible to reach an agreement with both types of lawyers and implement adjustments all at the same time, I still hope that the fees mechanisms and standards which have been agreed upon can be implemented first, so as to minimize the impacts on the quality of legal aid services and thus our much treasured rule of law. Thank you.

**MS AUDREY EU** (in Cantonese): President, I have listened to Mr Paul CHAN's remarks. Perhaps, he did not realize that Dr Margaret NG had given a detailed account of this issue in her speech. But I shall make no repetition here.

President, I do not have much speaking time left. Therefore, on behalf of the Civic Party, I shall just say a few words in support of Ms Emily LAU's amendment. We have always maintained that fair elections based on "one person, one vote" and genuine universal suffrage should be held in Hong Kong as early as possible. This is actually one of the fundamental solutions to many problems and cases of injustice in society. I am not saying that universal suffrage can solve all problems. But this is a basic condition, the fulfillment of which will help us resolve many structural social problems such as the wealth gap and other unfair cases. Therefore, we totally support the implementation of universal suffrage in 2012 or even earlier, that is, in 2007 and 2008.

President, we are however different from others in one important way. We do not think that universal suffrage is the only thing which we must fight for. The Civic Party has always maintained that it must fight for as many things as possible. President, this means that we also want to fight for each and every seat

in the functional sectors, so that we can eventually achieve the objective of abolishing all functional sector seats. President, in the words of Mr WONG Yuk-man, the present system is extremely confusing and unjust, but I must add that despite all the constraints imposed by this system, and after many years of struggle, we have finally managed to get two "pearls" in the policy address this year: the enactment of legislation on a cross-sector minimum wage level and the increase of the "fruit grant" to \$1,000. These may be the only two things that we have managed to get. But we think that as long as we can sustain our struggle, we should carry on. Therefore, one may well be right in saying that because of these two "pearls", we will vote in support of the whole policy address. As for other injustices, we will continue with our fight. The consent of the Chief Executive is of course required in many cases, or it may be necessary to follow up some complicated issues for many years to come. In any case, President, I shall not make repetition here. I just want to explain the main reason for our voting decision here. Thank you, President.

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

**MS MIRIAM LAU** (in Cantonese): President, I wish to state the Liberal Party's position on Hong Kong's constitutional development once again.

The Liberal Party hopes that when conditions in Hong Kong are ripe, universal suffrage can be implemented as early as possible. Over the past few months, various political parties and groupings have expressed vastly divergent views on a timetable for implementing universal suffrage. There have been many disputes in society, with the result that we missed a chance of constitutional reform in 2005.

The NPCSC made a decision on Hong Kong's constitutional development last year. This decision clarifies the timetable, confirming that in 2017, the Chief Executive can first be elected by universal suffrage. Then, in 2020 at the soonest, the Legislative Council may be elected by universal suffrage. With this decision, our society can conduct focused discussions that can expedite the emergence of a consensus on a concrete package of implementing universal suffrage.

President, we maintain that everybody must devote all energy and narrow differences, so as to work for a package of implementing universal suffrage as early as possible.

President, I so submit.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon public officers to give their replies.

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): President, today's debate session is on "Developing Democracy and Enhancing Governance". Together with several Directors of Bureaux, I will expound on the Government's position on the relevant areas in the policy address with a view to addressing Members' concerns.

First of all, I would like to speak on the action plan on the promotion of democratic development.

The policy objective of the SAR Government is to develop the economy, improve the livelihood of the people and promote democracy. These words are applicable at all times and in all circumstances, for they are the only correct approach to maintain Hong Kong's prosperity and stability. Moreover, the fact that the SAR Government places democracy on this high plane fully demonstrates its determination to promote Hong Kong's democratic system.

Last December, the NPCSC laid a solid foundation for Hong Kong's constitutional development by making a clear decision on the issue of Hong Kong's universal suffrage by specifying the timetable for the elections of the Chief Executive in 2017 and the Legislative Council in 2020 by universal suffrage. And it was also an important milestone in the steady promotion of Hong Kong's democratization.

During the period between 2008 and 2012, we will strive to promote Hong Kong's electoral system to a midway point. Up to the first half of this year, we have conducted several rounds of discussions within the Commission on Strategic Development and the Legislative Council on the methods for electing the Chief Executive and forming the Legislative Council in 2012.

We will conduct public consultations in the first half of 2009 on possible options for the two electoral methods for 2012. Our target is to implement the electoral methods for 2012 within the third term of the SAR Government, with a view to achieving further democratization of the electoral system, and laying the foundation for the implementation of universal suffrage for 2017 and 2020.

The timetable for universal suffrage has been set, and we believe this will help different political parties and groupings, independent Members of the Legislative Council and different sectors of the community as well as the SAR Government to work together to seek a consensus, so as to enable Hong Kong to implement universal suffrage.

The Chief Executive explained at considerable length in his policy address the importance of effective governance and social harmony. He stressed that the SAR Government's decision-making process has to be more transparent and built on wider community consensus, thereby creating an inclusive political environment.

With regard to this requirement, accountability officials and the Civil Service should always bear this in mind and have it conscientiously implemented. In the course of administration, my colleagues and I will adopt an open and receptive attitude in order to enable public opinions to be fully reflected through various channels. With the temperament of opening up for opinions and accepting the monitoring of the media, we will heed constructive advices and voices. Through extensive consultation and public engagement, policy formulation will become more transparent, scientific and will make the final decision more rational and better founded on public opinion.

President, to improve the relationship between the executive and the legislature is an important part of upgrading governance. The SAR Government attaches great importance to the partnership with the Legislative Council. The

financial tsunami has swept across the globe, the world economy is so unstable, the future is so uncertain and the feeling of sailing in the same boat in high winds and waves has never been stronger.

In these extraordinary times, the co-operation between the executive and the legislature is particularly important.

The Chief Executive stressed in his policy address the importance of multi-level, multi-front communication between the executive and the legislature. Government officials at different levels — the Chief Executive, the three Secretaries of Departments, all directors of Bureaux, as well as Under Secretaries and Political Assistants — would maintain dialogue with Members when formulating policies, and take on board their suggestions about administration as early as possible.

Prior to formulating policies and submitting legislative proposals and funding requests, we will consult Members as early as possible. We will also enhance communication with Members through various channels. Meanwhile, before announcing a major policy decision, the Government will first notify the Legislative Council by all means, and give Members the relevant information.

The Government respects the Legislative Council's role of oversight as well as checks and balances. We understand that many new faces have emerged in the current term of the Legislative Council, and there will be a running-in stage with regard to the relationship between the executive and the legislature. We also understand that elected Members should abide by their commitments to their voters by bringing the beliefs you have been advocating into the legislature. However, we hope all the more that we can cherish this new starting point by pooling efforts to build a positive interactive relationship.

It can be anticipated that in the next four years, as a result of the restructuring of the global economic order, the local economy and the livelihood of the people will face a lot of difficult problems that we have never dealt with before. The executive and the legislature should display the wisdom and courage to grasp the priorities and weights. In dealing with the more controversial issues, it is necessary to make the long-term development of Hong Kong the goal and adhere to the best interests of society as a whole, to set aside

personal prejudices by all means, and try not to be calculating and unwilling to sacrifice short-term political gains on the individual level.

Considering the critical economic situation in Hong Kong and views of the Legislative Council and the public, the Chief Executive has announced that the Old Age Allowance would be increased to \$1,000 and to put on hold the introduction of an income and assets test. The decision shows that the SAR Government is prepared to take on board views of Members and the community by flexibly answering public demands in extraordinary times. I sincerely hope that the Legislative Council will, taking account of the overall situation, work together with the Government and focus on economic development and the improvement of people's livelihood, thereby avoiding unnecessary internal conflicts.

To upgrade the Government's service quality, in particular the front-line departments' service quality, is another key to improvement of governance. Over the past year, the civil servants have stood fast in their positions firmly and perform their duties faithfully in order to provide the public with professional, quality and effective services. We have seen the contribution of the Civil Service to the successful hosting of the Olympic and Paralympic equestrian events; we have seen that when disasters struck in Hong Kong or even on the Mainland, our civil servants participated in rescue operations and carried out their duties with selfless dedication, and some of the colleagues even sacrificed their precious lives to save others.

This world-class Civil Service is an indispensable cornerstone of the prosperity and stability of Hong Kong and the pride of Hong Kong. I would like to take this opportunity to pay tribute to the Civil Service, in particular our colleagues in the disciplined forces for their professionalism and selfless dedication.

Nevertheless, we have also seen clearly that along with constant social progress, the public's expectations have also risen. Since 1992, more than 50 departments which provide direct services to the public have announced and publicized their performance pledges annually. Over the years, these pledges have not only helped the improvement of public services, they have also greatly enhanced the transparency of services, which allow public supervision of our work.

To ensure that these performance pledges can keep abreast of the times, we need to further improve the service quality, so as to respond to the demands of the public in a timely manner. Heads of departments will examine the implementation of the relevant departmental performance pledges and the optimization of the mechanism for handling complaints in the coming year. We are convinced that in addition to the provision of quality services to the public, a highly efficient government will also analyse the information and data of complaints by scientific means, and to make them reference and the impetus for further service improvement. The Civil Service Bureau and the Director of Administration will issue the guidelines to various Policy Bureaux and departments shortly.

In addition, we will collect the views of service recipients and the public on the level of service and performance pledges through the client liaison channel of each department.

Finally, I would like to talk about the co-operation among Hong Kong, the Mainland and Macao, as well as measures to enhance exchange with Taiwan.

With the abrupt economic slowdown in Europe and the United States, it has gradually become a consensus in the community to further promote the economic co-operation between Hong Kong and the Mainland (in particular, Guangdong), and to strengthen exchanges with Taiwan in view of the developments of the cross-strait situation.

To tie in with the overall planning of China, we have established a direct working relationship with the Mainland's State Development and Reform Commission which co-ordinates the 12th Five-Year Plan. Under the "one country, two systems" principle and to tie in with the planning work of the 12th Five-Year Plan, we have been providing views on research and development planning involving Hong Kong. This will help us further understand the direction of social and economic development on the Mainland and the formulation of timely, effective and mutually beneficial measures, so as to play an active role in the course of the development of our country.

In Guangdong, over the years since the establishment of the Hong Kong/Guangdong Co-operation Joint Conference, the two sides have achieved



substantial results in various areas of co-operation. In the coming year, we are fully committed to promoting co-operation between the two places in the service industry, and to implement in Guangdong as a start the trial of market liberalization and facilitation measures for service industries. We will jointly establish the green greater Pearl River Delta, and to increase co-operation and co-ordination efforts in the construction, planning and implementation of cross-boundary infrastructures. Both Hong Kong and Guangdong will also take into account the changing economic situation in conducting closer communications and liaisons. Both places will take all possible measures jointly to secure sustained social and economic development on both sides.

In addition, the Chief Executive has also proposed in his policy address a series of forward-looking measures, with a view to strengthening exchanges and co-operation between Taiwan and Hong Kong in the economic and trade, investment and tourism domains. We also expect to further streamline the immigration procedures for Hong Kong and Macao residents travelling to and from both places in the middle of next year. These initiatives will bring positive impact on the promotion of co-operation among Hong Kong, Macao and Taiwan and the opening up of new opportunities for development.

President, two days ago, Premier WEN Jiabao who was visiting Moscow, showed that he could not forget the situation of Hong Kong for a moment. He made sincere remarks and earnest wishes to "tab our pulse" and boost our morale, reminded us of getting our job done, and proposed a series of practical measures to help Hong Kong to overcome difficulties. We are in close contact with the relevant Central Authorities to implement the relevant measures early.

We would like to express our heartfelt gratitude to the Premier's concern and the Central Government's selfless help. The Mainland's strong backing has strengthened our confidence in rising to all the challenges. However, I think the most fundamental thing is the joint effort of 7 million Hong Kong people, that everybody should do his own part. Hong Kong has weathered numerous storms, and each time we managed to tide over safely and to scale new heights. Today, we have a more solid foundation, and our backing is even more powerful. As long as we can fully assess the difficulties and make adequate preparations by helping each others out in the same boat and making persistent earnest efforts to stand on our own feet, we will be able to pull through. After extreme bad luck, good luck will definitely come.

With these remarks, President, I urge Members to support the Chief Executive's 2008-2009 policy address and vote against the proposed amendment.

Thank You.

**SECRETARY FOR JUSTICE** (in Cantonese): President, the economy and people's livelihood is the focus of this year's policy debate because of the financial tsunami. The financial tsunami has drastically changed the global economic and financial environment. In fact, before the financial tsunami, the general situation of Hong Kong's legal services has already undergone a very important change, including the civil justice reform to be implemented next year. In addition to keeping on delivering our duties and work, as we always do, the Department of Justice (D of J) should also make appropriate responses to these changes.

The recent Lehman Brothers incident highlights the inadequacy of the traditional judicial process owing to the litigation cost and time, which have made us consider other alternative dispute resolution (that is, ADR) methods in a more proactive way, particularly those relating to mediation service. The D of J has set up a cross-sector working group earlier this year to study how mediation services could be used in a more effective and extensive manner. The working group has held three major meetings, and its subgroups will continue to follow up the matter from different aspects. Particularly, they have studied three aspects: First, the regulatory framework for mediation; second, accreditation and training; and third, matters relating to public education and publicity. Just now Dr Margaret NG mentioned the need to provide practical information and publicity of mediation services to the sector, so as to enable them to gain a better understanding of the work and nature of mediation. I very much agree with this point. This is what the public education and publicity subgroup — one of the subgroups under the working group — has been exerting efforts to promote. Both The Law Society of Hong Kong (Law Society) and the Hong Kong Bar Association (Bar Association) and relevant mediation service providers are active participants of these subgroups.

Another important driving force to promote mediation comes from the civil justice reform to be implemented in 2009. To tie in with the implementation of the reform, the legal profession has been making the preparations in full swing, such as conducting training, and so on. In addition, I understand that recently

some members of the legal profession have expressed concern about the full implementation of the practical guidance of the ADR process, which I have mentioned just now, in April next year. Just now Dr Margaret NG also specifically mentioned that. With regard to this point, as far as I know, the Judiciary and the legal profession have been maintaining communication closely, and will give full consideration to the views of the sector and all parties concerned, and I myself will maintain close liaison with the sector through the working group. If necessary, I will reflect views to the Judiciary appropriately. In addition to the promotion of mediation, the D of J will also promote international arbitration, with a view to consolidating Hong Kong's role as a regional hub for arbitration.

Dr Margaret NG has also mentioned bills relating to the speaking rights of lawyers, which I have already mentioned in the meeting of the Panel on Administration of Justice and Legal Services, I therefore will not discuss the details here. However, Dr Margaret NG expressed her concern earlier about the legislation progress in respect of limited liability partnership for the practice of law. I would like to assure Dr Margaret NG and Members that I will exert efforts to introduce a bill to the Legislative Council as soon as possible. Although I do not expect the substance of the proposal to be controversial, the appropriate mode of legislation has not yet been determined. We are working closely with Law Society, and their initial proposal was to formulate a separate piece of comprehensive legislation, which has deviated from our original idea. We are studying the feasibility of including the relevant provisions in the Legal Practitioners Ordinance, so as to have it implemented as soon as possible. I would like to reiterate that we will actively follow up and accord priority to this matter, for we understand fully the needs of the sector in this regard.

Dr Margaret NG mentioned the illegal practice of claims recovery agents and pointed out that we are duty-bound to deal with them. I would like to point out that Members may in fact recall that in July this year, the police arrested 21 people engaging in claims recovery activities, and they were prosecuted of offences of maintenance or champerty. In addition, there are Announcements of Public Interest on television to extensively explain to the public these illegal activities.

In addition, just now Mr Paul CHAN mentioned the issue of legal aid. Secretary TSANG Tak-sing will follow up the matter in due course. I know that

my colleagues have been actively following up the matter. I hope that Law Society will reach an agreement with the department concerned on the charges as soon as possible, for we appreciate the importance of the matter.

President, although we are in times of economic turbulence and the general environment of legal services has also changed, some of the core values should not be shaken, and that include the rule of law and the principle of judicial independence.

Dr Margaret NG referred to the remarks made by Vice-President XI Jinping earlier in July this year. I would like to emphasize here that "one country, two systems" is the fundamental principle that the SAR Government and the D of J have been sparing no efforts to adhere to. The Basic Law provides clearly for the powers and functions of the executive, legislature and judiciary and their relationship. Under the Basic Law, the judicial authorities shall be vested with independent judicial power which is free from any interference. In fact, it has all along been the SAR Government's policy to make efforts to maintain judicial independence, and in my capacity as the Secretary for Justice, this is also what I must make every effort to safeguard. But I do not think the Vice-President's remarks would be tantamount to questioning the principle of judicial independence in Hong Kong, and in fact, the Bar Association have also specifically pointed out in a statement that they do not think that the Vice-President has raised any question in this regard.

Finally, I would like to mention that when Miss Tanya CHAN was speaking on national education, she said that we had neglected civic education on human rights and other subjects. I would like to point out that in the course of promoting the Basic Law, both the Basic Law Promotion Steering Committee and the Committee on the Promotion of Civic Education will take a proactive approach to enable the public to understand the protection of civil rights under the Basic Law. We also have promotion materials targeting students and young people. We have been providing information on community legal service through government websites, including the D of J website. The Basic Law Bulletin has also referred to provisions of the Basic Law and cases, as well as rights of the public to take their cases to the Court to sue the executive authorities.

Dr Margaret NG has also noted that we have already submitted the report on the consultancy study of the demand for legal services to the Panel on

Administration of Justice and Legal Services. We will study in due course what we need to follow up in the light of the findings of the report. With regard to this subject, I would like to emphasize that both the Bar Association and Law Society have done a lot of relevant work. Recently, the Academy of Law set up under Law Society also aims at that subject, so that more efforts can be made to enable members of the public to gain a better understanding of the rule of law.

Lastly, with regard to co-operation with each other, I would like to say that I hope that this time around, the Government, Members and the public can work together to ride out the storm together. I implore Members to support the Motion of Thanks.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, quite a number of Members have spoken on constitutional development, and Ms Emily LAU has also proposed an amendment calling for the implementation of dual universal suffrage in 2012.

I must emphasize before all else that in December last year, the Standing Committee of the National People's Congress (NPCSC) already gave a timetable for the implementation of universal suffrage in accordance with the Basic Law. The Chief Executive can be elected by universal suffrage in 2017, and the Legislative Council may also be elected by universal suffrage in 2020. This marks a major breakthrough and milestone in the constitutional development of Hong Kong. And it also enables the Chief Executive to honour his election undertaking that he will actively handle the issue of universal suffrage.

I think I must respond to the views expressed by several Members. Mr LEE Cheuk-yan is not present now, but I must first respond to his remarks. When he and I were both at the University of Hong Kong (HKU) in the 1970s, I already knew that Mr LEE was very eloquent. But I must tell Mr LEE that if I had really done absolutely nothing, the answer sheet will be blank, like this one. But the constitutional decision made by the NPCSC in December last year is written in black and white, complete with a timetable — in 2017, the Chief Executive may be elected by universal suffrage, and all Legislative Council Members may subsequently be elected in the same manner. This is a fact of our constitutional development cast in iron. Mr LEE must not pass a fish eye for a pearl by putting forward any twisted arguments.

Actually, it is very difficult to deal with pan-democratic Members when handling and discussing this issue. The reason is that pan-democratic Members are very adapt and clever at changing their strategy and tactics in politics. When I first became the Secretary for Constitutional Affairs in 2002 to 2003, people were saying that if no timetable could be possible for the moment, a roadmap should be discussed first. And, they also said, if even the conditions for drawing up a roadmap were not ripe, discussions should focus on formulating a package. Even today, the pan-democratic Members are still constantly changing their strategy. The case can be likened to a soccer match. They are actually trying to widen the goal, to change the rules all the time. But we must inevitably adhere to the Basic Law and seek to implement universal suffrage step by step. This is a very clear direction.

Since the establishment of the three-person constitutional development task force by the SAR Government in early 2004, we have been seeking to handle the issue of universal suffrage step by step, in several stages.

The first stage began in 2004, when we confirmed how we should converge with the Central Authorities while seeking to introduce constitutional reform in accordance with the Basic Law. We confirmed how we should proceed with the "five-step programme". In April 2004, all the procedures under the "five-step programme" were made very clear.

At the second stage, which lasted from 2004 to 2005, we listened widely to all public opinions and conducted a consultation exercise on the electoral methods to be adopted in 2007 and 2008. In 2005, we put forward an idea, the idea of integrating District Council members into the Election Committee and allowing them to elect a greater number of their own peers to serve as Legislative Council Members. Although we did not mention how the ultimate goal of universal suffrage was to be achieved, our package still contained many democratic elements and commanded a 60% public support. Unfortunately, we failed to get the two-third support in the Legislative Council necessary for the passage of the package. As a result, we had to mark time and could not introduce any change to the electoral method for the Legislative Council in 2008. However, the discussions on the package laid a very significant foundation for our handling of universal suffrage in the future.

At the third stage, which started from November 2005, we held many discussions on a timetable, roadmap and models in the Commission on Strategic

Development, and we managed to make some progress. After one year, on the 11th day after the commencement of the third SAR Government, we published the Green Paper on Constitutional Development, thus honouring the most important commitment made by the Chief Executive in his election platform. This was also the first time that a public consultation exercise led by the Government was ever conducted to gauge people's views on the roadmap, model and timetable of implementing universal suffrage.

Therefore, the decision made by the NPCSC in December last year on the timetable for the introduction of universal suffrage in 2017 and 2020 is never an easy outcome. Members must not rule out all the efforts made by the third Chief Executive and the third SAR Government to achieve such progress in constitutional development. In terms of such progress, this Government has advanced much farther and much more than any previous governments, including the Hong Kong Government led by Mr Chris PATTEN before 1997 and the first SAR Government after 1997 under the leadership of Mr TUNG Chee-hwa.

In her amendment, Ms Emily LAU accuses the Chief Executive of ignoring people's aspiration to universal suffrage. This is totally untrue. In the Chief Executive's report to the NPCSC in December last year, there are two important points to note, "Implementing universal suffrage for the Chief Executive first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration. At the same time, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community."

President, my purpose of quoting these two points is to bring out two fundamental facts. First, Hong Kong people's aspiration to the early implementation of universal suffrage was already fully reflected last year. We have also reflected this aspiration fully over the past few years. Second, the Chief Executive's conclusion is that implementing universal suffrage for the Chief Executive first by no later than 2017 can be accepted by the majority in our community.

The Chief Executive's conclusion is founded on several significant facts. First, at that time, more than half of all Legislative Council Members supported the implementation of universal suffrage for the Chief Executive first by no later than 2017 or after 2017, with universal suffrage for the Legislative Council at a

later time. Second, more than two thirds of all District Councils had passed motions supporting the abovementioned position. Third, many different opinion polls indicated that 60% of the respondents said that they would accept the implementation of universal suffrage for the Chief Executive in 2017 if 2012 was not deemed a possible date.

And, as pointed out by Mr IP Kwok-him, the opinion poll conducted by The Chinese University of Hong Kong (CUHK) aside, another organization also conducted a survey in early 2008, and the findings indicated that 70% of the respondents accepted the NPCSC decision on the timetable for introducing universal suffrage. As for the other arguments advanced by Ms Emily LAU, I wish to discuss in greater detail the findings of the several opinion polls concerned.

One question stated in CUHK's survey reads, "In 2012, there will be no dual universal suffrage, but in 2017, universal suffrage may be implemented for the Chief Executive, and the election of all Legislative Council Members by universal suffrage will then follow." In response, 72.2% of the respondents chose "acceptable" or "totally acceptable". Another question in this survey reads, "Some organizations still insist on implementing dual universal suffrage in 2012, and they will stage marches in protest. Do you support their move?" In response, 56.6% of the respondents answered "no", and 36.3% answered "yes".

As for the HKU's survey mentioned by Ms Emily LAU, 43.8% of the respondents supported the implementation of universal suffrage for the Chief Executive in 2012; 48.5% of the respondents supported the implementation of universal suffrage for the Chief Executive in 2017 or afterwards. At the same time, 40% of the respondents supported the continued action of some to press for the implementation of dual universal suffrage in 2012.

By explaining all these opinion polls in greater detail, I hope Ms Emily LAU can realize that we had actually examined all relevant opinion polls before announcing in the policy address that the timetable concerned is accepted by the majority public.

"The pursuit of democracy with the ultimate goal of achieving universal suffrage" is not exclusive to any political parties, political groupings or persons. There is no "monopoly" for the cause of democracy. There is no question that pan-democratic Members have been fighting for universal suffrage for many



years. All of us are aware of their efforts. However, I hope they will not rule out the fact that over the years, the SAR Government and other political parties and groupings have also been making steadfast efforts to achieve universal suffrage in accordance with the Basic Law. How great is the difference between the positions of the two sides now? There is just a difference of five years. Some want to continue to strive for universal suffrage in 2012. However, others think that the year 2017 is not bad, so they want to set a timeframe on this basis. As the saying goes, politics is the art of the possible. Instead of continuing to argue over a mere difference of five years, we should really devote our energy, time and efforts to achieving further democratization in 2012, so as to pave the way for the introduction of universal suffrage in 2017 and 2020. Implementing universal suffrage for the Chief Executive in 2017 is approved and accepted by the Hong Kong community, the public and also Beijing. It is best for us to follow this path.

In the policy address, the Chief Executive mentions that in the first half of 2009, a public consultation on the two electoral methods concerned will be launched. In the first half of this year, through the Commission on Strategic Development, we already started the gauging of public opinions. Although the SAR Government has yet to draw any conclusion, it can already note several major opinions.

First, many hold the view that we should endeavour to enable the Election Committee to be set up in 2012 to transform smoothly into the nominating committee in 2017. Second, in regard to the Chief Executive Election in 2012, many hold the view that the one-eighth nomination threshold should be retained. Third, many also hold the view that thoughts should be given to increasing the number of Legislative Council seats in the 2012 election, so as to enlarge the room for political participation and prepare for the subsequent implementation of universal suffrage.

On various occasions, including this debate, many Members (including the pan-democrats) questioned whether there would be genuine universal suffrage for the elections in 2017 and 2020. I hope Members will not be over-worried. They must not market their mere speculations to the public as if they were the truth. Members should not underestimate their constitutional powers and status. One day, when the SAR Government puts before the Legislative Council a package on implementing universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020, all Members (if they or their political parties

are elected in the upcoming elections) will be able to cast their votes, or to veto the package. The Government can put forward a package, but its passage must depend on whether there is a two-third support in the Legislative Council. This means that it all depends on the views of Members and different political parties and groupings. Certainly, now that there is a timetable, the public and society will have expectations. All very much hope that a consensus can be forged regarding 2017 and 2020, so that Hong Kong can eventually achieve the ultimate goal of holding democratic elections.

In the following 12 years, we will proceed with this task in three phases.

First, in 2012, we will bring the Chief Executive Election and the Legislative Council Election to their "transit stop".

Second, we are going to finalize the nomination procedures and the formation of the nominating committee between 2012 and 2017. I must point out in particular that the decision made by the NPCSC in December last year contains a very clear requirement. It is required that the nominating committee shall, in accordance with democratic procedures, nominate several Chief Executive candidates, and all qualified electors in the Hong Kong Special Administrative Region shall then elect the Chief Executive by universal suffrage for appointment by the Central People's Government. The important point is "all qualified electors in the Hong Kong Special Administrative Region shall then elect the Chief Executive by universal suffrage for appointment by the Central People's Government". It is therefore "one person, one vote". People should have no more speculations.

President, the third phase .....

**MS EMILY LAU** (in Cantonese): President, a point of elucidation. Does universal suffrage only mean "one person, one vote"? Why didn't he mention the process of nomination?

**PRESIDENT** (in Cantonese): Secretary, please hold on. Ms Emily LAU, please sit down first. According to the Rules of Procedure, you may request to clarify your own remarks when a Member or public officer is speaking. If the Member or public officer agrees, he or she may give way for you to do so.

However, under the Rules of Procedure, a Member is not permitted to interrupt a speaking Member or public officer and request him or her to elucidate his or her remarks.

Secretary, please go on.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I shall continue with my speech. Actually, I have already explained very clearly the nominating procedures stated in Article 45 of the Basic Law. What I emphasized a moment ago was that according to the decision made by the NPCSC in December last year, "all qualified electors in the Hong Kong Special Administrative Region shall then elect the Chief Executive by universal suffrage". This is a very clear requirement.

As for the third phase, after the election of a Chief Executive by universal suffrage in 2017, this Chief Executive will lead our society and work with the Legislative Council elected in 2016 to devise ways of implementing universal suffrage in 2020. In the course of doing so, the issue of functional constituencies will of course be addressed.

To put it simply, in the next 12 years, we are going to tackle several significant and major constitutional issues in three separate phases. The challenges will be formidable and the problems difficult. And, it is practicable to tackle them in three phases. We fully appreciate Members' concern about how universal suffrage is to be implemented. But the present constitutional duty of the third SAR Government and the fourth Legislative Council should be to deal with the two electoral methods to be adopted in 2012. We cannot possibly make all decisions for the SAR Governments and Legislative Councils to be returned in the coming 12 years. We must promote the democratization of Hong Kong step by step in accordance with the timetable for implementing universal suffrage decided by the NPCSC. President, I am confident that Hong Kong will achieve universal suffrage, and that Hong Kong's constitutional system will mature step by step.

With these remarks, President, I hope that Members can vote against Ms Emily LAU's amendment and support the Motion of Thanks.

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I sincerely thank Members for their concern for the Civil Service and their valuable opinions on the Civil Service in their speeches.

The Civil Service of Hong Kong is a team of permanent and politically neutral civil servants which has a high degree of integrity; it is professional and stable, highly efficient and bold to bear responsibilities. The team wholeheartedly supports the administration of the SAR Government and is united to provide quality services to the public.

In the past two days and today, Mr CHIM Pui-chung, Mr CHEUNG Man-kwong and Mr LEE Wing-tat mentioned the issue of former directorate civil servants taking up employment with private enterprises upon retirement from the Civil Service. The objective of the existing arrangement regulating post-service employment of civil servants is to ensure that civil servants on pre-retirement leave or those who have left the Civil Service not to enter into any business outside the Government, or take up any outside employment which may constitute actual or potential conflict of interest with their previous service in the Government, thereby causing negative public perception and embarrassing the Government and adversely affecting the image of the Civil Service. In considering public interests and at the same time to avoid conflict of interests, we should also take into account the employment and other fundamental rights of individuals under the Basic Law, the Personal Data (Privacy) Ordinance, the Hong Kong Bill of Rights Ordinance and other international conventions applied to Hong Kong, with a view to striking a balance between the two considerations.

The Government understands the public concern about retired directorate civil servants being employed by commercial organizations. For that reason, the Chief Executive established the Committee on Review of Post-service Outside Work for Directorate Civil Servants at the end of September this year to review the existing policy and arrangements governing post-service outside work for directorate civil servants. The Committee has started to work, and, I will convey the views of Members expressed in the past two days to the Committee for consideration.

Just now Ms LI Fung-ying mentioned the situation of different pay for the same work within the Civil Service. To ensure Hong Kong to have a world-class Civil Service which can keep abreast of the times, the SAR Government launched the civil service reform in 1999, including the revision of the remuneration packages and benefits and retirement scheme of the Civil

Service, so as to bring them closer to the market levels and market practices. Therefore, the conditions of appointment of civil servants joining the Civil Service at different times will be different. Let me cite an example. With regard to retirement benefits, civil servants appointed before June 2000 are entitled to the statutory pensions upon retirement. Civil servants appointed on or after June 2006 (*sic*) are entitled to the statutory provident fund, as well as the voluntary Civil Service Provident Fund Scheme on a voluntary basis.

Ms LI Fung-ying was also concerned about the replenishment of the Civil Service and the injection of new blood into the Civil Service, so as to ensure that the Civil Service will not have a succession problem. In last year and at the beginning of this, we removed the open recruitment freeze on most of the grades of the Civil Service in stages. If heads of department/grade consider necessary, they can conduct open recruitment to fill vacancies in most of the grades. In fact, many departments are now actively conducting open recruitment for different grades of the Civil Service.

Just now Mr IP Wai-ming and Mr LEE Cheuk-yan have advanced views on the "3+3" entry system of the Civil Service. I would like to point out that the purpose of this entry system is to enhance the flexibility of the system of appointment of civil servants, as well as to manage the performance of staff in a more effectively manner. The Government seldom carries out staff retrenchment or terminates the employment of civil servants due to reduced service demand. Moreover, in general, civil servants appointed on permanent terms may work to the retirement age of 60. All of these considerations do not apply to the private sector. For that reason, we consider there is a need to ascertain the long-term service demand for civil service posts, as well as to determine whether new recruits are suitable for permanent civil service appointment in all aspects, before we can consider appointing them on permanent terms.

Since the implementation of the new entry system in 2000, the Civil Service Bureau has been paying attention to the recruitment and retention of talents in all grades. The new system has to strike a right balance between flexibility and stability. There was no evidence to suggest that the new entry system was detrimental to attracting candidates of good calibre to apply for civil service posts, but we will continue to monitor the general situation relating to the appointment of civil servants, so as to determine whether there is a need to review the current civil service appointment system.

Dr PAN Pey-Chyou supported the enhancement of the efficiency of the Civil Service, but he considered that the Government should review the establishment and pay of the Civil Service. With regard to the establishment, the Civil Service Bureau will, as always, continue to discuss and work with various bureaux and departments to enhance the efficiency of the Civil Service through initiatives such as internal redeployment, streamlining and rationalization of procedures. At the same time, we will ensure that all bureaux and departments have the necessary manpower to implement various government policies and measures and to make use of limited public resources under the most effective conditions.

With regard to the civil service pay adjustment, we will determine whether the pay of civil servants should be adjusted annually according to the established mechanism and objective data of pay trend surveys, and we will also take other factors into consideration, including Hong Kong's economy, inflation level, the morale of the Civil Service, and so on. In fact, in 2007 and 2008, we made an upward adjustment in the pay of civil servants according to the established mechanism.

Ms LI Fung-ying mentioned our views about the pay of the staff of subvented organizations when we made civil service pay adjustments. In the case of subvented organizations, the pay of staff of most subvented organizations has been delinked with that of the Civil Service. The salary structure of their staff cannot be compared with civil service grades direct. In addition, the pay level of staff of subvented organizations is not determined by the Government. It is a matter of discussion between the relevant organizations and their staff.

With regard to the amount of subvention, if the factor of staff pay adjustment is included in the formula of calculating the amount of subvention, when the Government increases or reduces civil service pay, we will also make appropriate adjustments to the amount of subvention accordingly. When the civil service pay is upward adjusted, we will advise the subvented organizations to use the extra allocation in adjusting the pay of their staff.

Just now Dr PAN Pey-Chyou and Mr LEE Cheuk-yan also mentioned the issue of non-civil service contract (NCSC) staff. The NCSC scheme applies to duties that are time-limited, seasonal, or under review. The Civil Service Bureau and other Policy Bureaux conducted a review in 2006, and the findings of the review showed that NCSC staff could effectively complement the Civil Service in the delivery of services to the public. On the premise of conforming

to the applicable scope under the scheme, the Civil Service Bureau considers that there is a need for various Policy Bureaux/departments to keep on employing NCSC staff to meet their operational needs. NCSC staff are employed on terms different from those of the Civil Service, so it will be inappropriate to make a comparison between the two.

Two days ago, Dr Raymond HO suggested that the Government should make a "through-train arrangement" by according priorities to NCSC engineers in the recruitment of civil servants. I would like to reiterate here that the Government's long-established recruitment policy is to fill civil service vacancies through an open, fair and competitive recruitment process, through which qualified candidates are selected on merits. Such a "through-train arrangement" would also be unfair to those persons wishing to apply for civil service posts but are currently not working in the Government, as they would be denied an opportunity to apply for such vacancies, which is in contravention with the principle of fairness and openness. Having said that, we welcome serving NCSC staff who wish to join the Civil Service to apply for such vacancies and take part in the open recruitment process for those posts where they can meet the basic entry requirements. With the experience they have already accumulated in the Government, they should enjoy a strong competitive edge.

Lastly, I understand members of the public have high expectations of the performance of civil servants, so we will continue to work hard to strive constantly for perfection.

President, I hope Members will support the Motion of Thanks. Thank you.

**SECRETARY FOR SECURITY** (in Cantonese): President, Hong Kong is one of the safest cities in the world. The maintenance of Hong Kong's stability and peace will remain our standing objective. The Security Bureau is responsible in several ways for achieving this objective. These areas are the maintenance of law and order, the implementation of effective and efficient measures on immigration and customs control, assisting in the reform of ex-convicts, helping drug-abusers in detoxification and the provision of expeditious and reliable fire services and ambulance services. Such are all the necessary services required by a modern-day society. I am deeply grateful to Members for their suggestions on security policy matters. We will certainly consider and follow up these views very seriously.

Over the past year, the Security Bureau and the disciplined forces have been striving to achieve the aforesaid objective.

In respect of law and order, Hong Kong's overall crime rate (that is, the total number of crimes per 100 000 people) is lower than those of many metropolises such as Tokyo, Toronto and many others. The credit must go to all in the Hong Kong Police, regardless of ranks. The Hong Kong Police Force enjoys a worldwide reputation as being a professional, dedicated and highly efficient disciplined force. Over all these years, no matter how great the challenges and difficulties are, our police officers have always managed to perform their duties well, work as a whole team and strive to maintain law and order. The overall crime rate and the rate of violent crimes for 2007 are respectively lower than those in 2006 by 1.4% and 0.4%. The overall detection rate was 45.6%. When compared with the corresponding period in 2007, the first nine months of 2008 saw a decline of 3.3% and 3.1% respectively in the overall crime rate and the rate of violent crimes. The overall detection rate was 44.3%. On the whole, the law and order situation in Hong Kong has remained stable.

Hong Kong has been noted for its good social order. As a result, local residents, tourists and business visitors can live or do business in a safe environment. The Hong Kong Police Force have always played a major role in the maintenance of law and order and the combating of crimes. The professionalism of the Hong Kong Police Force is evident to all, and all the major international conferences and events held successfully by Hong Kong bear further testimonies to the competence and efficiency of the Hong Kong Police Force.

As enforcers of the law, police officers must abide by the law and act impartially in the course of discharging their duties. Besides, the police will certainly respect and uphold people's rights. And, we also require police officers to be polite and to adopt an attitude of compassionate understanding when dealing with members of the public. I am convinced that most police officers are professional in the discharge of their duties and able to command public support and confidence. The findings of a recent Hong Kong University opinion poll indicate that the popularity rating of the police is as high as 70%. This can aptly show that the overall performance of the police is highly appraised by the public.

We are proud of our fine police force, and at the same time we also attach very great importance to the complaints lodged by the public and Members about



the acts of individual police officers in the course of enforcement. Recently, some Members have expressed concern about the body search arrangements for members of the public under police detention. Several Members have also expressed the same concern in their speeches during this debate. The police have responded actively to Members' views. After consulting the relevant government departments, including the Department of Justice, on 1 July this year, the police put in place a new set of guidelines on conducting body searches of people under police detention. Under the new guidelines, there are stringent requirements on the scope of search, procedures and record-keeping. Police officers are required, in particular, to explain the reasons for and scope of body search to detainees before conducting any body search. And, detainees also have the right to inform the duty-officer of any concern they may have. Under the new arrangement, there will be greater protection for detainees' privacy and dignity.

The management of the police have been closely monitoring the operation of the new guidelines to ensure their effective implementation. Initial observations are that front-line officers have all been striving to act in accordance with the procedures and principles under the new guidelines. I know that some Members have tendered some advice and recommendations on the new arrangement. The police have already undertaken that following the completion of the judicial procedures connected with the Lee Tung Street case, they will conduct the second-phase review of the body search arrangements. In the review, the police will take all relevant factors and circumstances into consideration, with a view to perfecting the procedures of body search. They will also brief the Panel on Security of the outcome of the review.

The law and order in Hong Kong is good, and it faces relatively low risks of terrorist attacks. The local political and economic environments have never had anything to do with terrorists. No terrorist organizations have set up any support bases or organizations in Hong Kong. Our public security organizations are fully able to maintain Hong Kong's internal safety and stability. We will continue to combat terrorist activities and terrorism financing through our laws, effective enforcement actions, co-operation with the relevant sectors and intelligence exchanges with other regions.

Besides, we will also strive to co-operate with the international community to combat cross-border crimes. Over the years, we have been trying to expand our networks of Mutual Legal Assistance in Criminal Matters and the transfer of

fugitives, so as to enhance our contacts with other jurisdictions in these areas. Between April and June 2008, we concluded agreements on Mutual Legal Assistance in Criminal Matters with Indonesia, Japan and Sri Lanka. So far, we have concluded 25 such agreements with other places. We have also concluded agreements on the transfer of fugitives with 17 overseas jurisdictions. We will continue to hold negotiations with other jurisdictions on expanding Hong Kong's global network in these matters.

Mr Albert CHAN has mentioned the regulation of undesirable debt collection practices. Actually, the Government has always been concerned about the nuisance caused to the public by such practices. Through the adoption of a multi-pronged approach, the authorities have already achieved some effect in combating these crimes. The number of reports on debt collection-related activities already went down from 20 610 in 2005 to 16 542 in 2007. In the first half of 2008, 7 784 cases were recorded, a drop of 4.8% when compared with the figure for the same period in 2007.

Actually, there are many effective legislative provisions on combating the undesirable debt collection practices usually employed by debt collection agencies, such as blackmailing, criminal intimidation, vandalism and common assaults.

I also note with concern that while certain debt collection practices do not involve any criminality, they will still constitute stalking. When considering the recommendations made in the Stalking Report of the Law Reform Commission, the Constitutional and Mainland Affairs Bureau will also take account of stalking acts arising from debt collection. On the basis of the study findings, the Security Bureau will consider whether it is necessary to adopt any further measures and regulatory arrangements to support the prevention of such acts. It is hoped that this can ensure that problems arising from debts can be tackled satisfactorily.

In July 2008, the Legislative Council enacted the Independent Police Complaints Council Ordinance (the Ordinance). Under the Ordinance, the Independent Police Complaints Council (IPCC) is made a statutory body, and there are also clear provisions on its terms of reference, powers and operation. The aim is to enhance public confidence in the police complaints system by increasing the IPCC's transparency and statutory independence. The Ordinance also gives greater flexibility to the IPCC, so that it can employ staff and deploy resources independently. We are currently working with the IPCC to make the

required preparations, so that it can start functioning as a statutory body with effect from the first half of next year.

The reduction of the Frontier Closed Area (FCA) is a measure that takes account of changing security circumstances and serves to bring greater convenience to the people. After consulting local organizations and other relevant organizations in 2006, the authorities announced early this year that the land coverage of the FCA would be reduced from 2 800 hectares to some 400 hectares. In the future, all lands to the south of the boundary patrol road, the Lok Ma Chau Loop, Hoo Hok Wai, the lands to the northwest of Lin Ma Hang and the two land slots to the northwest of Pak Fu Shan will be excluded from the FCA.

In order to maintain the security of the FCA, the authorities will erect a secondary boundary fence and add a new section to the boundary patrol road and the primary boundary fence. In a bid to release the lands concerned from the FCA as early as possible, the authorities will phase in the new FCA. Upon the completion of advanced preparatory work, we will submit a funding request to the Finance Committee in the second half of the 2008-2009 Legislative Session, so that works of the first phase can be launched. The Planning Department has commissioned a consultant to conduct a study and a public consultation exercise on the uses of the lands after their release from the FCA. A statutory plan will then be prepared to provide guidelines on the conservation and development of the lands.

To ensure public safety and protect the public against the threats of fire and other calamities, and also to provide effective emergency ambulance services to the sick and the injured, the Security Bureau will, in the light of actual needs, continue to fight for the resources required for upgrading the equipment of fire and ambulance services.

With respect to upgrading fire safety, the authorities will seek to improve inter-departmental communication, so as to enhance the supervision of fire safety in licensed premises. Besides, we will also explore how the enforcement work under the Fire Safety (Buildings) Ordinance can be expedited, with a view to improving the fire safety installations in old composite buildings.

In regard to emergency ambulance service, the authorities are studying various schemes to ensure that the service concerned can continue to satisfy

public needs. Apart from stepping up publicity to encourage the public to make proper use of ambulance service, we are currently conducting a study on the feasibility of introducing a medical priority dispatch system to replace the present dispatch system based on the order of calls, in the hope that the emergency conditions of patients can be distinguished in a systematic manner, such that ambulances can be deployed to deal with them as a matter of priority. When the findings are available, we will consult Members and the public.

What is more, through prison redevelopment plans and other minor works projects, we will continue to further improve the conditions in correctional institutions. Some examples of prison redevelopment plans are the redevelopment of the Lo Wu Correctional Institution to be completed in 2010 and the proposed redevelopment of the existing institutions in Chi Ma Wan. We will also carry out smaller-scale improvement projects in various institutions, so as to improve the power supply, ventilation and workshop facilities of prisons and to upgrade the correctional facilities required for rehabilitation programmes. We believe that the new facilities concerned will better meet the current needs of prisoners and provide them with more effective assistance in rehabilitation and reintegration into society.

To provide prisoners with greater assistance in their rehabilitation, the Correctional Services Department (CSD) will continue to conduct the required risks and need assessments. Since October 2006, the CSD has conducted assessments for more than 6 000 prisoners and provided young prisoners with more than 7 000 rehabilitation sessions, covering various areas such as education/employment/vocational training, drug abuse therapy, behavioural change and family and community assistance. Through these sessions, we hope to provide prisoners with systematic rehabilitation assistance, so that they can integrate into mainstream society smoothly after discharge.

President, there must be social stability and law and order if people are to live and work happily. Social stability and law and order are also two of the important factors that attract visitors and foreign investors to come to Hong Kong. The Security Bureau and the disciplined forces will continue to implement various improvement measures to consolidate and strengthen our services in these areas, so as to cope with the needs of social development in the future.

With these remarks, President, I hope Members can support the original motion.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the three-day policy debate is about to close. I would like to talk about national education and a couple of issues mentioned by Members.

In the policy address, the Chief Executive said that the promotion of national education is an established policy of the SAR Government. While the greater part of the relevant work is certainly done at schools, the Home Affairs Bureau is responsible for the promotion of national education in the community. We have organized various activities and programmes in conjunction with the Committee on the Promotion of Civic Education and the Commission on Youth to help enhance people's understanding of our country in a more in-depth manner, and enhance the awareness of national identity among people from all walks of life. The activities include the promotion of the Basic Law, assisting the community organizations to promote national education and providing funding for the conduct of inspection visits to the Mainland for young people. Furthermore, a Youth National Education Funding Scheme will be set up to sponsor community organizations in organizing large-scale projects in a more systemic manner, with a view to promoting national education in a more in-depth manner among young people.

Mr WONG Kwok-hing proposed to require all government buildings to hoist the national flag as an initiative to promote national education. Since the national flag is a symbol of sovereignty, the SAR Government must be very cautious in the choice of location when it considers Mr WONG's view, so as to ensure that the national flag will be hoisted at a suitable location with dignity and respect. The regional flag of the HKSAR was developed in tandem with our reunification with the Motherland. The Basic Law stipulates that, apart from hoisting the national flag, Hong Kong may also hoist its own regional flag. It has been the established practice for such government buildings as police stations and fire stations to hoist the regional flag. According to the Basic Law, the regional flag is a red flag with a bauhinia highlighted by five star-tipped stamens. It symbolizes the reunification of Hong Kong with the Motherland. At the Beijing Paralympic Games held last month, Hong Kong's regional flag was raised in the National Stadium, the Bird's nest, and other stadiums when our athletes won gold medals time and again. We all felt very excited and loudly applauded with tens of thousands of mainland spectators.

Just as Prof Patrick LAU has pointed out, while promoting national education, importance should also be attached to helping our young people

broaden their international outlook. We will promote the core values of civil society by various means, including the provision of funding to organizations for organizing activities on civic education in the community, so as to help the young people establish correct values, as well as to learn to think and make analyses in an independent manner.

Mr IP Kwok-him has raised some problems relating to the operation of the District Councils (DCs). DCs are an important partner of the Government in promoting district administration. Since a new term of the DCs has just commenced this year, some new problems have actually arisen in launching certain small-scale projects at the district level. The Home Affairs Department will promptly draw a conclusion on the experience in conjunction with the relevant DCs with a view to enhancing efficiency. By so doing, not only local projects can be expedited, the quality can also be assured at reduced costs.

As to the question raised by Mr Paul CHAN concerning criminal legal aid fees, the Government and the two legal professional bodies have generally reached a consensus on the relevant system, and are considering an adjustment to the scale of fees payable to lawyers. Regarding the rate of increase, a balance would be struck between a reasonable reward and the prudent use of public money. We do intend to increase the fees payable to solicitors and will expeditiously discuss with The Law Society of Hong Kong, and further reports will be made to the Legislative Council Panel on Administration of Justice and Legal Services.

With these remarks, President, I hope Members will support the Motion of Thanks.

**PRESIDENT** (in Cantonese): The five debate sessions have ended.

**PRESIDENT** (in Cantonese): Ms Miriam LAU, you may now speak on the amendment. You have up to five minutes.

**MS MIRIAM LAU** (in Cantonese): President, I do not think that I need to spend five minutes speaking on the amendment.

According to the Rules of Procedure, a Member may move an amendment to a Motion of Thanks. Originally, four Members had proposed amendments, but since the Chief Executive announced last Friday that the proposed income and means tests for the Old Age Allowance would be shelved, and that the amount of the Old Age Allowance would be increased uniformly to \$1,000 monthly, three of the Members then withdrew their amendments. Only the amendment put forward by Ms Emily LAU is left. Since the amendment is put forward by Ms Emily LAU in her personal capacity, it has not been discussed by the House Committee, nor does it represent Members' consensus. And, I am now speaking in my capacity as the House Committee Chairman. For all these reasons, I should not, nor is it appropriate for me to, voice any views on Ms Emily LAU's amendment. Neither should I call upon Members to support or not to support her amendment. Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Ms Emily LAU to move her amendment.

**MS EMILY LAU** (in Cantonese): President, I move that Ms Miriam LAU's motion be amended.

**Ms Emily LAU moved the following amendment: (Translation)**

"To add ", but as many people support the implementation of dual universal suffrage in 2012, this Council expresses deep regret at the Chief Executive's remark that the timetable for universal suffrage set by the Standing Committee of the National People's Congress at the end of 2007 enjoys wide support in the community, which disregarded the request for the implementation of dual universal suffrage in 2012 from the community at large" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Ms Emily LAU's amendment to Ms Miriam LAU's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ms 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, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please first activate the voting unit.

(Members pressed the button to vote)

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Dr David LI, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Dr LEUNG Ka-lau 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 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, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, four were in favour of the amendment, 21 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 18 were in favour of the amendment and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Ms Miriam LAU, you may now reply and you have five minutes and 29 seconds. This debate will come to a close after Ms Miriam LAU has replied.

**MS MIRIAM LAU** (in Cantonese): President, this Council has spent almost three days debating the Chief Executive's policy address. Members' speeches are marked by praises, criticisms and advice. I therefore hope that the public officers present today can hear Members' remarks and opinions. I even hope that they can listen to their remarks, especially their criticisms and advice. The reason is that the Government must then proceed with administration, launch many policies and table many pieces of legislation before the Legislative Council. If the Government is prepared to listen to Members' criticisms and advice, its

subsequent administration and enactment of legislation will certainly be much smoother.

President, I do not need five minutes. The debate this time around is meant mainly as a platform on which everybody can present views on the policy address. I hope Members can support the Motion of Thanks moved by me. Thank you, President.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for three minutes, after which the division will begin.

(During the ringing of the division bell, some Members whispered among themselves)

**PRESIDENT** (in Cantonese): Honourable Members, please be reminded that the meeting is still in progress.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr David LI, Dr Margaret NG, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Dr LEUNG Ka-lau, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted for the motion.

Mr CHEUNG Kwok-che voted against the motion.

Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr Andrew CHENG, Mr TAM Yiu-chung, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr Alan LEONG, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Miss Tanya CHAN, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr WONG Kwok-kin and Mrs Regina IP voted for the motion.

Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Albert CHAN, Mr Frederick FUNG, Ms Cyd HO and Mr WONG Yuk-man voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, 25 were in favour of the motion, one against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 22 were in favour of the motion and six against it. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was carried.

**NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 5 November 2008.

*Adjourned accordingly at twenty-six minutes to Five o'clock.*