

# OFFICIAL RECORD OF PROCEEDINGS

**Thursday, 8 July 2010**

**The Council continued to meet  
at half-past Two o'clock**

## **MEMBERS PRESENT:**

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

THE HONOURABLE TOMMY CHEUNG YU-YAN, 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.

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

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

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

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

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

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, J.P.

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.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

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.

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE WONG YUK-MAN

**MEMBERS ABSENT:**

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

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

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE ALBERT CHAN WAI-YIP

**PUBLIC OFFICERS ATTENDING:**

MS FLORENCE HUI HIU-FAI, J.P.  
SECRETARY FOR HOME AFFAIRS

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

**CLERK IN ATTENDANCE:**

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY  
GENERAL

**PRESIDENT** (in Cantonese): Council will now continue with the debate on "Utilizing young people's power of civic participation". Does any other Member wish to speak?

## **MEMBERS' MOTIONS**

### **Continuation of debate on motion which was moved on 7 July 2010**

#### **UTILIZING YOUNG PEOPLE'S POWER OF CIVIC PARTICIPATION**

**DR PRISCILLA LEUNG** (in Cantonese): President, today, we continue to discuss the motion on "Utilizing young people's power of civic participation" moved by Dr Samson TAM. Yesterday, I listened carefully to the rationales and principles put forward by Dr Samson TAM in moving this motion. I believe no one will deny that the Internet is playing a very important role in the human society as a whole. All along, we have regarded the Internet as a world of virtual reality, yet it has now become something real as many cyber behaviours are practically affecting some decisions and actions in our real life.

Last year, I led a group of 11 teenagers aged about 13 to 14 for an outing by ferry. However, during the entire trip, these young people did not communicate with each other, but played video games with the gadgets on their hands. We should really look into their modes of behaviour and communication, to see if there is any change in the mode of communication in this generation. They could have zero communication and not exchange a word with others in an hour, but they were enjoying themselves. How do young people nowadays look at their own world? In Taiwan, many university graduates aged around 30 just stay at home. Some of them are not interested in taking up full-time employment, but do part-time jobs instead and spend most of their time playing video games at home. What about on the Mainland? We discuss at nearly every seminar a famous case occurred on the Mainland last year which was known as the DENG Yujiao incident. DENG Yujiao killed a cadre condemned by many people, but she was finally acquitted on the opinions of netizens, arousing strong repercussions among the legal profession.

In Hong Kong, the Courts of course do not allow the media to comment on legal proceedings in progress as it will pervert the course of justice. Yet on the

Mainland, in the course of legal proceedings, more than 100 000 netizens express their views on the Internet. In the modern world, what the netizens say can cause great impact. However, in our study, these netizens are just like the Monkey King, everyone can have several identities. For instance, for 10 young people, they can generate as many as a few thousand identities and accounts. A couple of years ago, I came across many cases in which some people — not sure whether they were young people, but should not be confined to young people — fabricated different identities on the Internet to engage in various activities, such as frauds, sentimental swindles or matrimonial swindles, and recently, there are a lot of cases involving netizens teaching people to make bombs on the Internet. They even instigate others to rape a female public figure just because they dislike this lady. To this kind of cyber behaviours, we have to pay attention.

I am appreciative of what Dr Samson TAM said yesterday. He said the Government should be open-minded and conduct a study on the cyber world. I believe not only the Government, but those people who care about the young people and the world's development, should open their mind to communicate with the new or the older generation by means of the Internet, as even people of the older generation are learning to use the Internet. However, I hope Dr Samson TAM can make himself clear in his reply for in part (d) of his motion, he mentions the promotion of a way of communication based on mutual trust and mutual respect, yet he does not mention the responsibility of the Internet. As a matter of fact, we have to emphasize the issue of responsibility. If he fails to give an answer to this question in his reply, I may not be able to support his motion. In my opinion, on the behaviours on the Internet, apart from our rights, we must also talk about our responsibility. Apart from civil and criminal liabilities, responsibilities on the Internet also include those in the moral aspect. We should not instigate others to rape a certain lady on grounds of dislike. In other countries, some websites even abet others in committing murders. I do not encourage this kind of freedom of speech on the Internet. To some aspects, we are appreciative for the Internet as it really brings about great convenience, and a lot of matters can be settled on the Internet, such as business. However, incidents of defamation are also very common on the Internet. I did help a lot of people ask Internet host servers to disclose the identities of those who disseminated information that smears an organization or an individual, and ultimately, they were prosecuted.

Many people have the misunderstanding that there is no question of responsibility in the cyber world, like the Monkey King, they can do whatever they like. In fact, we have the duty to point out that the Internet is not only a virtual world, but is also a world of reality. Copyright infringement and other liability actions on the Internet are subject to legal sanctions. We understand very well that the culture of young people nowadays has changed, and that the Internet is almost the whole world for them. They hardly talk to their family and what they need is the Internet only. As Dr Samson TAM just said, it would be the end of the world for his son if there was a network interruption. However, must we communicate with them in their way? We should bring out the real world and apart from the Internet, young people should have a broader vision of life and a grander objective. As such, the Internet should be a tool for communication and going online should not become an addiction. Thank you, President.

**MR CHAN HAK-KAN** (in Cantonese): President, I would like to thank Dr Samson TAM for moving the motion on "Utilizing young people's power of civic participation" today. I noticed that Dr TAM had mentioned a very important point, that is, to urge the Government to promote the notion of "politics on the Internet", especially in listening to the voices of young people and the public. I also wish to put forward my views in this regard.

President, a recent survey revealed that nearly 90% of the young people spent 20 hours on the Internet per week, in which 98% of them would use the Facebook, a social networking site. Apart from serving a social function, Facebook is in fact a forum for young people, or even the public, to discuss heated topics of public affairs. Why do young people like to express their views and opinions on the network? I believe it is because we do not have sufficient channels and platforms in the community for them to voice their views or participate in public affairs, they therefore choose to air their dissatisfaction on the network.

I see that the pace of the Government has been rather slow in communicating with the public by means of the Internet. The first one to use the Internet is Secretary Eva CHENG. She set up a Facebook account in February this year to communicate with the public. Thereafter, several Under Secretaries, Political Assistants and government officials joined the Facebook one after

another. We also see that, in the recent promotion of the constitutional reform package, the Government has also set up a Facebook account and made some videos for uploading onto the Internet. This is undoubtedly an improvement, but the effect is mixed. As criticized by some people, Secretary Eva CHENG made a wrong choice on the timing to communicate with netizens, and I note that the browsing rates of the YouTube channel and Twitter accounts set up by the Government are on the low side.

President, the most important characteristic of Web 2.0 platform is its "interactivity", but the Government's approach of writing blogs to explain its policies and contacting the public with the Facebook is comparatively unilateral without strong interactive elements therein. As such, I think the Government is adopting a rather passive approach by waiting for the public to express views through emails. If we make reference to the examples of the Central Government, the Guangdong Province and some European and American countries, we can see that they are doing a much better job and we should really learn from them. The British Government, for instance, sets up an official petition website to allow everyone to leave messages and petition to the prime minister. The website is not confined to any particular topic, and all the views are made public. Even if the petition is not accepted by the government, the reasons will be announced on the website. In the United States, President Barrack OBAMA is known as the Internet President. The number of his fans on the Facebook — from the press report I just read — has exceeded 10 million. President, every time he makes a speech, there are live broadcasts and archive records on the Internet. In March last year, an online consultation was held for the first time in which he received 100 000 questions, and he personally answered those selected by votes among netizens. On the Mainland, we all know that in the past few years, during the Two Meetings (the period when the yearly meeting of the National Committee of the Chinese People's Political Consultative Conference is held at the same time as the plenary session of the National People's Congress), Premier WEN Jiabao had dialogues with netizens, while 21 prefecture-level cities and public security bureau in Guangdong Province set up an official twitter to exchange views with the public. These are examples that we should make reference to.

President, in promoting "politics on the Internet", apart from determination on the part of the SAR Government, government officials should also adjust their mentality and mind. As we can see, in the light of increase in communication

channels and faster dissemination of information, some radical expressions will inevitably arise; as such, public officers should be prepared to have patience, tolerance and sincerity in communicating with young people. I know that the Home Affairs Bureau holds a Youth Summit every two years, and youth exchange sessions of smaller scale will be held in between two Summits, allowing public officers to exchange views with young people. I think it is a desirable approach. Nevertheless, I hope they can discuss with young people on specific matters of concern, such as housing, school drug testing, non-means-tested loan schemes and so on, so that they can have direct communication with government officials.

President, I also hope that we can have more voices of young people in our establishment. Early this year, when we debated the motion on "Formulating a comprehensive youth policy", I mentioned that among the 400 or so consultative bodies and statutory organizations in Hong Kong, only 25 of them have appointed non-official members under the age of 30, representing a proportion of 6.4% only and the ratio is indeed on the low side. As such, I hope the Government can introduce an indicator for various Policy Bureaux to make reference to, so that when appointing members in future, they must appoint young people to the relevant consultative bodies.

President, the DAB is in support of Dr Samson TAM's original motion, but we cannot agree to Miss Tanya CHAN's deletion of "the ways of expression and actions of some of these young people have aroused extensive discussions and concerns in the community" from the original motion. We did receive calls from a number of members of the public who expressed concerns on the ways of expression of young people. Regarding Mr LEUNG Kwok-hung's deletion of part (d) from the original motion, in particular "to promote a way of communication based on reasons, mutual trust and mutual respect", as we think it is a very important part, we do not understand why he would do so. Besides, as he adds in his amendment a suggestion involving the Telecommunications Ordinance which is highly controversial, the DAB will therefore vote against it. The DAB has reservations against Mr KAM Nai-wai's proposal of "establish(ing) afresh the youth councils in the 18 districts". According to my understanding, on the level of operation, some youth councils did act in contradictory with respective district councils, thereby affecting the effective expression of young people's voices. We believe that to strengthen the voice of young people in the

constitutional framework, the more direct approach is to increase their representation in consultative bodies. While youth council is one of the many ways, it is not the only way. As such, the DAB will abstain from voting on this amendment.

President, I so submit.

**MS CYD HO** (in Cantonese): President, according to a press report released yesterday, the Chinese Academy of Social Sciences (CASS) unveiled a survey report that social networking sites (such as the Facebook) allowed foreign forces to compile information on personal privacy, commercial secrets and so on, and that it would seed "alien" notions into the community and nurture the ground for infiltration from overseas. Nevertheless, the CASS also put forward positive views, pointing out that it was desirable for netizens to take part in politics on the Internet, and that online discussion was also a strong tool for launching anti-graft campaigns. Researchers of the CASS may not be able to overstride the Central Government's course of suppressing freedom of speech on the Internet, yet they acknowledge the force of free and unfettered communication on the Internet. When people understand that discussion can stimulate thinking, and cyber groups can bring together netizens and make them turn to collective actions, it will become a new mode of development in the civic society.

The Internet does enable many people to go beyond restrictions on locations and time zones to express freely, leading to another mode of social movements. However, if government officials regard it as different comprehension of information technology between the new and older generations or even tune it down as a habit of young people staying up late at night, it is indeed very wrong. This kind of cyber activity of the new generation is indeed bidding for equal rights, an action of reallocation of rights. If government officials fail to see the causes leading to this social culture or the awareness and newly emerging forces thus arisen, they cannot react to the new generation in terms of their demands in society and life.

In fact, each generation has characters of its own. Some people have a strong aversion to privileges, going after equal rights, independence and freedom while casting aside social unfairness and injustice. They are not interested in joining the establishment to solve problems. The establishment I refer to does

not confine to the Government, but also organizations with structured procedures. These people can be found in every generation, acting by their nature and striving for equality and justice. They can be named as "free persons".

These "free persons" do not care about youth councils or youth summits of the 18 districts. Even if the Government gives young people in the establishment a free hand to launch these activities, this group of "free persons" will not participate. Moreover, it was revealed recently that the agenda of the summit held by the Government was manipulated by the authority by setting down a lot of restrictions on the speaking time. If participants have to wait for two years to speak for a few minutes among a few hundred people, they would rather set up their own cyber radio to speak as much and as freely as they could. When their speeches carry weight, they can build up their influence beyond the establishment and may even be enlisted by mainstream media where they can enjoy a broader platform for expression.

President, I will abstain from voting on Mr KAM Nai-wai and Miss Tanya CHAN's amendments. The Government should refrain from holding youth councils or summits, as they can only attract young people who accept the establishment. Yet, as they have already joined uniform groups and have been in the mainstream, there is no need to spend so much time to try to understand them.

President, to Mr LEUNG Kwok-hung's amendment, I cannot agree more as he fully understands the needs of these "free persons" outside the establishment, and also the need of upholding their freedom of expression and thinking, thereby giving them the actual power of electing the Chief Executive and all Members of the Legislative Council, as well as turning their cognizance gained through cyber discussions into actual power.

Before the emergence of the cyber era, these "free persons" do not have much space in society as they are in general regarded as aliens among the mainstream, and not every one of them is willing to show his iconoclasm. It is very likely that they will conceal their unique idea and let themselves become an isolated island. Outwardly, they adapt to a certain extent to the mainstream society, and their creative and progressive ideas are stifled as a result. However, after the emergence of the Internet, these people gather together on the network, finding out that they are not alone and that they are not the minority. Therefore,

they encourage and inspire one another through discussion on the Internet, growing up beyond their school and family. They represent a new force that worth cherishing.

For this reason, if government officials want to understand or listen to the ideas and views of these young people, they do not have to spend a couple of hours to set up an account in the Facebook, but only need to listen to the cyber radio or browse the "golden forum" without any time constraint. Yet, most importantly, after listening and discussing, they have to grant them actual power in affecting the formulation of public policies. As such, I fully support one of the revolutionary proposals in Dr Samson TAM's motion, that is, to make public government information and documents, to formulate legislation on archives and freedom of information, so that online discussions are based on fact, giving basis to rational discussions and nurturing online discussions.

However, I also want to tell Dr Samson TAM that democracy 2.0 is not just empty talk. When debating a point till getting to the truth, we must have the opportunity and channel to make them turn into policy. Otherwise, if after several debates, our policy still takes care of the interests of small circles and remains indifferent to people's livelihood, the Government's foolishness and dominance will only be magnified, deepening people's resentment.

We cannot allow people to talk about democracy while prohibiting them from participating in the policy-making process, and to allow democratic discussions on the Internet is in fact a discursing process with a view to achieving direct democracy. The new generation will demand more in terms of direct democracy. They want to speak on agenda items that have far-reaching effects, such as constitutional affairs and planning, and influence the formulation of policies. To this, not only government officials should give a response, but also those democrats who are used to representative government, otherwise we are "old people" who obstruct the development of the government. For this reason, I hope we all understand that the platform of expression on the Internet is not simply about filthy languages. Thank you, President.

**MR RONNY TONG** (in Cantonese): President, there are currently more than one million young people aged 18 or below in Hong Kong, accounting for nearly one seventh of our population. But is the weight of their opinion directly

proportional to their proportion in the population? In other words, how influential they are? Are their voices genuinely respected in the political, social or planning level? President, many colleagues mentioned the community's impression of the so-called "post-80s" in recent years, which is mostly pretty radical in terms of their speeches and actions.

President, I also have a "post-80" youngster at home and we do have communication. After, or even before, I was elected a Legislative Council Member, I often went to different secondary schools and universities to have sharing with students, and took part in the Hong Kong Model Legislative Council organized by tertiary institutions for sharing almost every year. My impression, however, is that many youngsters in Hong Kong do not speak or act as radical as described in newspapers. Who could represent the voices of young people then? There is not any channel or way which we can gain a better understanding.

President, Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) points out or provides that, the opinion of young people and children aged below 18, who is capable of forming his or her own views, should be respected. Yet, very regrettably, being one of the signatories to the UNCRC, Hong Kong has never respected the international and constitutional obligations we have upon signing the UNCRC. President, what is more, I recalled that when I once met with the Chief Executive, Donald TSANG, and requested him to consider establishing a Hong Kong Children's Council and appointing a Children's Commissioner, he responded that this was unnecessary as we already had a Family Council and a Commissioner, and that family also covered children. President, it is precisely this mindset that has completely ignored the fact that the independent views of children or young people, who are capable of forming their own views, should be respected, and should not be considered together with those of their families. Honestly, if parents cast their votes for the Democratic Alliance for the Betterment and Progress of Hong Kong, why are their young kids not allowed to cast their votes for the League of Social Democrats? I definitely do not think that the matter should be considered from a family perspective. If you take a look at the rest of the world, you may notice that the way other places deal with youth matters is completely different from that in Hong Kong.

The United Kingdom, for instance, has established the nation-wide British Youth Council (BYC) as early as a decade ago. This is a genuine youth council which allows young people aged between 11 and 18 to choose their

representatives by voting, and the British Government has supported its operation with an annual provision of 1 million sterling pounds. In the United Kingdom, there are currently more than 600 BYC members elected by "one-person-one-vote", and 500 000 young people aged between 11 and 18 had voted in last year's BYC General Election. Elected members will participate in the planning and development of different regions, take part in debates on areas of concern to young people at the national level, as well as lobby the British Government. The Government, on the other hand, has also shown its respect for the BYC. The Ministry of Education, for instance, has adopted BYC's suggestion to step up sex education in schools in recent years, and BYC representatives had been invited to sit in the House of Commons. It can therefore be seen that young people's views are highly respected in other places.

President, in fact, the United Kingdom is not the only overseas country that respects young people's views. We can see that there are also similar organizations in Switzerland, Denmark, Canada and European Union countries, which encourage young people to participate in social affairs and help them build a sense of commitment to the community.

What has the SAR Government done in comparison? While the so-called Youth Summits were held — which the Government claims to be an important communication channel with young people — some scandals were disclosed: most of the discussion topics were assigned; the scope of the speeches made by the young people was limited and even censored; and "supporters" of the Government were also sent to speak in support of the Government. Hong Kong used to have a Youth Council, but as a result of a lack of resources and the indifferent attitude of the Government, it had all along merely served a window-dressing purpose. Not only did the public not have much knowledge of it, but young people also did not have much respect for it. When we ask the Government to listen to young people's views, is it a show of political stance? Or is it a concrete inclination?

President, we can see that especially nowadays when the development of the Internet is so rapid, the view of young people has significantly changed when compared with a few years ago with regard to their participation in social and political agendas and knowledge about things that happened around them. We can see that many young people are active in expressing views on the Internet every day. Someone had asked me, "Did these young people only express views on the Internet? Why did they not air opinions at home, in schools or other

occasions?" I had discussed this matter with the youngster at home, and his response was: "Dad, as you are a pan-democratic Member, you would definitely prejudice against my views during our discussion, and probably do not accept my views." President, this conversation inspires me that young people do need somewhere that is free from any restriction or framework to express views on things that are happening around them. I think that these are young people's genuine views, and these views should be respected by the Government. If any restriction or framework is imposed on an occasion that is claimed to be a platform for young people to express views, there is actually no genuine respect for their independence or self-judgment.

President, I eagerly hope that after this debate, the SAR Government will carefully consider the possibility of developing platforms that provide genuine opportunities for young people to express views, as in the examples of the United Kingdom or Europe which I cited earlier on, so as not to allow the media or anyone else to rubbish their views by saying that young people are all very radical, who do nothing but causing destruction and scolding others.

Thank you, President.

**DR PAN PEY-CHYOU** (in Cantonese): President, I speak on this motion debate because of the following reasons: firstly, I have two sons belonging to the "post-80s" group and thus have gained some knowledge about communicating and exchanging views with them over the years; secondly, being a senior medical practitioner in a hospital, I often exchange views with the front-line medical practitioners, and thirdly, I have attended three political forums and seminars which mainly focus on young people in recent months. I have some understanding from these experiences.

On the whole, I think that the exposure of young people of this generation is far much wider than we were at their age, and their point of view and angle of perception are also pretty diversified. I sometimes ponder the reason for this. Has our education system really improved so significantly? I think probably not, but perhaps mainly attributable to the Internet.

First of all, young people who belong to the "post-80s" group, or those who are much younger, are actually growing up in an Internet world, which provides us with plenty of information. Nowadays, if anyone wants to search for

information on a certain topic, a lot of relevant information will be provided simply by pressing a key to search in Google or Yahoo, and the search will go on and on. It does not take too long, probably one or two nights, before one can be turned into an expert.

Secondly, it is the communication function of the Internet. Since many people like to exchange views, chat, keep contact with friends or join their peers, so the Internet has served as a very effective and powerful media enabling anyone in this world who shares the same language and philosophies to communicate and join together. The Internet has therefore saved many people in this world from loneliness. Nonetheless, in the cyber world, young people may belong to different groups at the same time. I have also started to take part in certain Internet group activities in recent years, such as Facebook, and they are fun. I discover that the Internet can really make people addicted, because some people may feel very uncomfortable if they have not checked their Facebook for one day.

The issue under discussion today is nonetheless a problem that human beings have faced since ancient times. Why? The Internet did greatly enhance the media and means of communication, but if there are inherent problems in communication itself, the introduction of this kind of enhanced tools would only highlight the problems. This is true judging from the recent spate of incidents involving the participation of young people in certain civic society movements. This precisely highlights the conflicts and problems between adults and young people under the existing establishment led by adults — families are led by adults, and so is the Government.

Let me tell a little story of my own. For a period of time when my two kids were 10-odd years old receiving secondary education, I discovered that they did not like to talk to me too much. When I told them not to be like this at times, they merely prevaricated and then continued with their chat. I noticed that our relationship had become more and more distant. The more eager I wished to teach them not to do so and so, the less they listen. So, I introspected where the problem lied and changed the way of communication between us. I listened to what they chat about, and asked them what they usually did at school and what happened to their classmates, so as to seriously gain a better understanding of their lives outside the family circle. Not long afterwards, they noticed that their father was also interested about their world and lives, hence communication among us was restored.

The purpose of telling this story is to highlight the essential considerations in respect of communication between adults and young people, and the most important thing to bear in mind is that communication is a two-way road. If you wish to have young people listen to your words, you must also listen to theirs.

The Government has recently launched the "Act Now" campaign to promote the constitutional reform, and much money and effort has been spent. While senior government officials all shouted to the best of their abilities, we could see that public feedback was not promising. When young people saw the slogan "Act Now", they would ask what it meant and where they would be steered to. What do these negative responses show? They show precisely that the "Act Now" campaign is again nothing but adults teaching the kids the dos and don'ts. We should bear in mind that there is no need for the young people to listen to these words all the time. Rather, they have a lot to say to us. If a communication mechanism is put in place through which their voices can be heard and interaction allowed, the situation will be completely different.

Secondly, communication must be sincere. Earlier on, a colleague asked why problems frequently occurred in the Youth Summits. This is because adults only wish to see young people obediently giving views which the Government and adults find pleasing to their ears in respect of certain topics. If the views expressed are not pleasing to their ears, the Government and the adults simply do not know how to react. How can this be regarded as communication? How can you tell the young people that you are listening to their views with sincerity? Therefore, communication must be modest and open-minded, and there should not be any preset proposal before listening to their views, or else it would become a pseudo consultation — "Oh yes, yes, we get it" — but the proposal that comes to light in the end is still the original one which allows no room for change. If you really want to consult the young people, you should let them know clearly that their views would be modestly listened to with an open mind.

In fact, with the participation of young people in public administration, our public decision-making process would be more enhanced, concrete and diversified. While lacking in experience, the passion of young people will bring the Government's public life and administration to a new horizon. Thank you.

**DR LAM TAI-FAI** (in Cantonese): President, information technology nowadays is very advanced when compared to that a decade ago. Young people no longer get to know the world by merely reading newspapers and watching television, but search for information about the rest of the world via the Internet. Many young people even expressed their views on current or political issues in discussion forums, blogs or newsgroups.

Nonetheless, some people prefer using more direct ways, such as public procession and demonstration, to express their views and stance on certain issues. Hong Kong is an accommodating and diversified society in which all citizens are free to express views in their own ways, and this is precisely what Hong Kong needs right now: People from different sectors and of different ages should join forces to enable our society to develop in a better and more advanced manner.

Some people opine that sometimes the demonstrations and protests staged by the young people are too radical, and thus have negative views on them. However, if we look at them from a more positive angle, the features that they possess, such as being bold in innovation and meeting challenges, the pursuit of ideals, having adventurous spirits and new mindsets to make breakthroughs, may not necessarily be found in adults or elderly people.

Therefore, if we can make good use and give play to these features of young people, say providing good opportunities to collect views from them and involve them in social affairs, they can also be converted into positive energy that pushes our society to move forward in all fronts. Whether the same features will be converted into positive or negative energy depends solely on how the Government and the general public utilize or gear them, and whether or not there is sufficient room or channel to give play to their potentials. Yet, before giving play to such civic power of young people, we should first nurture their public awareness. However, the public awareness of young people is still rather weak nowadays, and some even consider that they have already discharged their civic responsibilities by going to school, going to work, returning home every day and not doing anything evil.

While many young people are easily influenced by the Internet, social trends or other cultures, a lot of them lack a sense of social responsibility, an ideal and a goal to strive for. Neither do they have awareness of law compliance. In order to change such mindset and to foster and raise their civic awareness, civic education is not only important, but is also pretty pressing. Civic education

should be introduced in three areas, namely schools, families and the community. In schools, civic education should focus on the principle of hierarchy. For instance, primary students should be allowed to have more personal experiences and insights on various civic activities, whereas secondary students should be encouraged to debate on current issues under the curriculum of Liberal Studies, with a view to cultivating their independent and critical thinking, and inculcating them with a correct outlook on life.

Some people opine that the development of the Internet has shortened the distance of the world, but I would say it has actually made the relationships among relatives and friends become more distant. Nowadays, many people are addicted the Internet to such an extent that the time spent on the Internet is even more than that on chatting with their friends and parents. A survey revealed that young people spent 20.3 hours on the Internet every week on average, and 10% even spent more than 40 hours. Among which, the most stunning case is more than 90 hours. So, in order to encourage more young people to return from the virtual cyber world to the real world and enhance their contacts with others, the Government and different community organizations should organize more community and youth activities to heighten young people's awareness of their contribution and role in community development, as well as to promote their sense of belonging to the community and induce them to learn how to get along with others.

President, apart from stepping up civic education just as I said earlier on, I think that government officials should reach out to the community more frequently and take the initiative to contact young people, and at the same time open themselves to sincere face-to-face talks with them so as to better understand their views and aspirations, thereby bringing government officials and the general public closer to each other.

The Government must let young people feel that they are valued and respected, thereby inducing them to positively voice and express their aspirations. Only in this way can their power be fully demonstrated, and society can be developed in a harmonious and balanced way. Furthermore, the Government should also listen to the voices of more young people via different advisory bodies. Mr CHAN Hak-kan just now also mentioned that only 25 advisory and statutory bodies have members aged 30 or below, accounting for 6.4% of similar bodies. In the Commission on Youth, which is tasked to advise the Government on the development of youth matters, only three in the 28 non-official members

were born after the 1980s. I think that this is not enough and also imbalanced, not to mention that the composition of the "Commission on Youth" does not live up to its name at all. Thus, I hope that the Government will critically review this issue.

President, online groups have become a major platform for young people to make their voices known and participate in social movements, and the Government is also aware of this trend. However, if the Government sticks to such a one-way communication method or simply regards this as a gesture of listening to young people's views, this will only make them think that the Government has no faith at all and thus give rise dissatisfaction. This may easily induce them to resort to more radical means to express their views or aspirations.

The biggest edge of the cyber world is its instantaneity. So, when the Government intends to formulate or introduce new policies or measures, the departments concerned can actually publicize the relevant papers and information by posting them on those online discussion forums of young people, and keep track of the views expressed by young people in the forums so that prompt responses can be made, with a view to expeditiously addressing their concerns or taking heed of their views. I believe these approaches and strategies should be able to positively give play to the young people's power of civic participation, thereby giving new impetus to the sustainable development of Hong Kong.

President, Hong Kong is a diversified society enjoying the freedom of speech, so young people who are interested in discussing social affairs and expressing views should be strongly supported and encouraged. In fact, the future development of Hong Kong is closely related to the development of young people, and they actually depend on each other. However, I do hope that we can calmly communicate and express views in a spirit of mutual respect. While the Government should not act like a "soft-skin snake", youngsters should not get angry so easily when giving views. Only in this way can we give full play to the positive power of young people and achieve a win-win situation.

With these remarks, President, I support the original motion of Dr Samson TAM today.

**MR ALAN LEONG** (in Cantonese): President, after the Express Rail Link incident, a so-called "post-80s" group emerged in our society in less than one year, which has caught the eyes of the general public and the media. Though once being labeled as "politically apathetic", the young people have not only kept up with current issues, but also actively played the role of a citizen. They posted their views on the Internet and issued publications, participated in processions and demonstration, aired opinions in the public hearings conducted by this Council, as well as protested against the Express Rail Link and protected the Choi Yuen Tsuen by staging protest walk on their own initiative, just to arouse public concern on these issues. They even participated in the Legislative Council Election in order to fight for genuine universal suffrage. Their active expression of views has not only made the voices of discussion more enriched, but also conveyed a clear message that young people has accumulated a certain level of dissatisfaction and would like to have a response from the Government, hoping that changes would be made to our society.

Unfortunately, there is no formal channel or system for absorbing young people's views at present. Although Bureau Directors have caught on the trend by communicating with the young people via Facebook, this can yet to be regarded as genuine communication given the limitation in time and a lack of interaction.

President, we noticed from the Star Ferry fare rise incident and the 1967 riot that at those times, young people had already had a part to play, showing that they were dissatisfied with the Government and the community. For this reason, the British-Hong Kong Government had reviewed the youth policy and introduced a number of work plans for youth. In addition, cultural and recreational activities like youth balls were organized for young people to spend their leisure time and prevent them from joining social movements. Even the colonial government was aware of the importance of communication between government officials and members of the public, so the former Secretariat for Home Affairs and the Youth Council were established to absorb young people's views.

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

Even the then colonial government could proactively analyse and face up to the underlying reasons for the social movements, and actively made strategic responses to the problem. How can the incumbent Government, which is designed under the concept of "Hong Kong people ruling Hong Kong", just pray that members of the public will be subservient? Instead, it should take the initiative to understand and take heed of the views expressed by the young generation, and improve its governance.

Today's Home Affairs Department should have continued to take on the role of absorbing views, and provide annual funding for organizing district and territory-wide youth summits. Young people could first identify issues of their concern in the district summits, and then submit them to the territory-wide youth summit. However, the Home Affairs Department had ceased to provide funding for the district summits since 2007, and hence the Youth Summit could only be organized twice a year. For the summit held in March this year, even the theme was decided by the organizing committee. Issues of great concern to young people, such as constitutional reform and Express Rail Link, as well as the school drug test scheme which relates to the young people the most, are not included for discussion. Some even pointed out that the students who chatted with the Secretaries on stage were requested to hand in their scripts to the organizing committee for revision beforehand, and had to read them out without any impromptu alteration. Young people who had attended a number of summits before described that the summit has changed from the previous "bottom-up" approach to the restricted "top-down" approach.

Deputy President, while the scope for political deliberation has become narrower, participating in politics in person is also not a clear way out. In the absence of a roadmap for the constitutional reform, the future of young people who choose to engage in politics is really dim. They may only find a way out when politics is absorbed into the executive, that is, to wait to be invited to work as political assistants. However, as we all know, young people who do not share the same view with the Government will not be appointed as politically accountable officials. They can only continue to perform the role of an opposition party outside the power circle.

Dr Samson TAM mentioned in the original motion that it hopes to "promote a way of communication based on reasons, mutual trust and mutual respect, thereby bringing together social wisdom effectively". However, respect is two-way. We may recall that on the day when the Finance Committee voted

on the Express Rail Link project, the \$66.9 billion funding was finally endorsed without fear of the thousands of people surrounding this Council. In the face of 500 000 people casting their vote in support of "expeditious implementation of genuine universal suffrage and abolition of functional constituencies", the Government again took out its "human tape-recorder" and ignored public views. In the face of such violence under these systems, where should the talk about reasons, mutual trust and respect begin?

Deputy President, I also support the proposal in Miss Tanya CHAN's amendment, which seeks to strengthen resources allocation in civic and human rights education. We must be aware that the rule of law and human rights are the core values of Hong Kong's civic society. For instance, the right to vote is both the right and the obligation of all citizens, and should not be given up so easily. Also, civic education stresses the importance of listening to various opinions, only through which can independent thinking be developed. It is hoped that the Government will pay special attention to this.

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

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

**MR LEE CHEUK-YAN** (in Cantonese): The speech that I am going to make does not in any way disrespect Dr Samson TAM. The motion proposed by him is very good, but if I were a youngster, I would have switched off the television long time ago after listening to the earlier debate. This is because we all spoke like parents or elders lecturing the youth, merely highlighting what the Internet world is like and sharing our experiences in teaching our kids.

I think that the motion "Utilizing young people's power of civic participation" is very simple indeed as it only boils down to two things. I will sit down after I have named them, otherwise, the young people will feel extremely bored. The two things that I am going to talk about are freedom and democracy, and nothing else. The government structure which Members have mentioned is also unnecessary because should there be freedom, young people should be able to act and voice opinions on their own initiative. Following the opening up of air waves, for instance, young people will then find their way on the Internet. So, all they need is freedom, whereby they can give play to their civic power. I

also wish to send them my regards for their boundless creativity as this is something we can never catch up with. Hence, things will be fine so long as there is freedom and no restriction is imposed on their freedom. However, if restriction is imposed on their freedom, especially freedom in the Internet world, the problem will be more serious. Therefore, I consider that the first important thing is freedom.

The second thing of importance is a fair and democratic political system. For Political Assistants and Under Secretaries, they only need to choose the right berth before they are groomed by the Government as political talents, and this unfair treatment is not acceptable to young people. With democracy, they will have plenty of room and lecturing is not necessary. Yet, the point is, the room for democracy is very narrow in Hong Kong at present and universal suffrage has yet to be implemented. Under such an unfair political system, everyone is looking and even begging for some platforms for young people to express views. In fact, if our society and political system are fair enough, and young people can always freely voice their opinions, there is no need to beg for such a platform for the youth.

Therefore, Deputy President, my speech can best be summarized into two words: "freedom" and "democracy". With "freedom" and "democracy", I think the young people can develop on their own, thus saving the need to teach them. Thank you, Deputy President.

**MR WONG SING-CHI** (in Cantonese): Deputy President, today's topic is indeed a platitude. Anyone who has read Hong Kong's history should know that this is not the first time young people launching social movements. As early as the 1960s, a group of students from The Chinese University of Hong Kong initiated a campaign to promote Chinese as the official language, and succeeded in the end. While a fare rise on the Star Ferry had sparked off a riot in the mid-1960s, the Cultural Revolution of the Mainland had brought about a radical patriotic movement against the violence of the British. Social movements organized by the young people at that time were no worse than at present, and so far many people are still introspecting. For instance, the leftists had mobilized a lot of young people at that time, who even threw bombs. These were social movements that had arisen.

(THE PRESIDENT resumed the Chair)

Other examples include the Diaoyutai movement and the "boat-dweller" case. A group of democrats, who are currently in the pan-democratic camp but will soon retire, had also participated in this "boat-dweller" case. What is more, some student movement veterans had even confronted the police of the British Government. I know that some friends of mine even had their heads bashed at that time. Therefore, young people's democratic movement did not emerge today. Another example is the anti-corruption campaign in the 1970s, in which students or young people had also participated. These are also platitudes.

In fact, is it really necessary to provide a number of channels to our young people for their participation? I would say yes because we cannot just leave them on their own. And yet, in my opinion, it is not impossible to leave them on their own. If more channels can be provided to widen their choices, thereby saving them the need to look for the channels themselves, I think that this is worthy of discussion. However, I am perplexed by Mr CHAN Hak-kan who had just said that youth councils in 18 districts were merely advisory bodies, so it would be better to join the establishment. Nonetheless, how many people could have the chance to join the Chief Executive's Office and serve as Special Assistant like Mr CHAN Hak-kan? Not many people could have a chance like this. Mr CHAN Hak-kan thought that young people should find a place in the Government like him so that they can .....

(Mr CHAN Hak-kan stood up)

**PRESIDENT** (in Cantonese): Mr WONG, hold on please. Mr CHAN, do you have any question?

**MR CHAN HAK-KAN** (in Cantonese): I wish to seek an elucidation.

**PRESIDENT** (in Cantonese): Mr CHAN, you can only make an elucidation after Mr WONG has finished his speech.

**MR CHAN HAK-KAN** (in Cantonese): Alright. Thank you, President.

**PRESIDENT** (in Cantonese): Mr WONG, please continue with your speech.

**MR WONG SING-CHI** (in Cantonese): According to what Mr CHAN Hak-kan said, he was probably calling on young people to follow his footsteps by finding a place in the establishment to give play to their potentials. This is nonetheless not the case, and we actually wish to have a pluralistic society and the availability of more channels for youth participation.

Ms Cyd HO, neither do I agree with your remarks that there is no need to provide additional channels for the young netizens, for they can simply make use of the Internet. This is not true, and we should not pinpoint any specific group of young people either. Should there be any channels for development, we really hope that young people would be given more chances to participate.

Mr KAM Nai-wai's proposed amendment intends to throw a sprat to catch a whale, hoping that a youth council can be established in each of the 18 districts. What harm will it cause? Why do Members oppose it? Even if no one participate in such councils after their establishment, so what? This is no big deal. The most important thing is that sufficient channels are available in our society to enable young people to participate and join forces. I think that this is very important.

Just as Mr LEE Cheuk-yan said earlier on, we should have democracy and freedom, and all young people should have their rights. Certainly, they will not merge together so naturally. They are the rights of young people and each and every one of us too, so we must fulfil certain obligations when such rights are exercised.

No matter the Hong Kong society or anywhere else in this world, social balance is not a static balance. Static balance is very simple, like the case of the Mainland, there is only one boss and the rest could only listen. This is static balance, and whoever wishes to express views would be suppressed. However, dynamic balance is what a society need. Dynamic balance means that different

bodies, different individuals and different representatives in society can give play to their unique functions, and are given a chance to voice their interests and viewpoints. The question is whether or not sufficient channels are provided in Hong Kong at present. The answer is no. We must therefore collect more views and be divergent, with a view to providing more channels for the development of young people in different arenas. Nonetheless, under dynamic balance, there are rules to follow, meaning that one must comply with the law whenever he voices his opinion or pursues something, and avoid infringing the freedom of others.

Recently, some young people made use of their rights to voice their opinions. And yet, an alternative approach and channel had been chosen. They used filthy language to stop others from speaking, used loudhailers to make other people's voices not heard, and even stopped others from airing opinions by posting different comments on the Internet. These are considered unreasonable. Hence, I think that while young people are free to choose their channel of expression in the course of participation and exercising their rights, certain obligations must be fulfilled. I therefore hope that young people could genuinely learn to respect other people.

In fact, it is absolutely right to pursue our rights and express views through different channels. However, we should not act in such a way that no one will come out winners or neither side gains. In the end, none of our voices can be heard, or everything is back to square one. If this is the case, all of us will be put into a lose-lose situation. Therefore, I hope to see more in-depth thinking on the part of the young people.

Lastly, some people may ask: "Why is that impossible?" Because there is a lack of channels at present and this is the issue under discussion today. If young people think that certain channels are not sufficient, I urge them to make their voices heard. If they find that certain perspectives cannot be satisfactorily developed or certain remarks cannot be made, I hope they will voice their opinions. Society can only achieve dynamic balance and enable everyone in it to exercise their rights if different organizations endeavour to make their voices heard in pursuit of their ideals or more channels.

President, I hope that the young people can listen to what we "elders" said during our discussion here, and sit together to think about it. If possible, we

would also like to invite some young people to have a debate with us. Thank you, President.

**PRESIDENT** (in Cantonese): Mr CHAN, do you want to explain the part of your earlier speech which has been misunderstood?

**MR CHAN HAK-KAN** (in Cantonese): President, first, in my speech earlier, I did not say that youth councils were useless. Second, while I said that some consultative frameworks did not have adequate voices from the young people, I did not say that it was incumbent on some consultative frameworks to involve a lot of young people who should join the consultative frameworks, just as what Mr WONG Sing-chi said. Thank you, President.

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

**MS AUDREY EU** (in Cantonese): President, in terms of age or the year of birth, I belong to the "post-50s", and at home, I have two of the "post-80s" and one of the "post-90s". President, just as Mr WONG Sing-chi said, this is always a fresh topic because when you reach a certain age, you will surely have different feelings towards the young people. Similarly, young people will have their thoughts when they look at adults.

Every time we debate these issues, I feel that some people are schizophrenic. Why do I say so? On one hand, we encourage the young people, hoping that they can care for society more. This is good and positive but similarly, many people will say that the young people nowadays are very "radical". In her earlier speech, Dr Priscilla LEUNG mentioned that some people said on the Internet that they would rape someone, and there was much language violence. We may recall that in April, The Chinese University of Hong Kong conducted a survey, the findings of which indicated that Hong Kong was on the brink of riots. The survey pointed out that hundreds of thousands of people endorsed some radical behaviour, prompting Prof LAU Siu-kai of our Central Policy Unit to say that we were walled in by our own worries. In the previous month, Prof Michael DEGOLYER of the Baptist University also carried

out a survey, the findings indicated that after the Express Rail Link incident, the young people endorsed some radical means. Interesting enough, we note that when some newspapers want to back up the establishment camp, they will say that 70% of the people do not identify with radical behaviour, but when they adopt a different stance, they will quote another figure, saying that over 10% of the people endorse violence. In particular, Prof Michael DEGOLYER expressed that if 150 000 people endorse violence, it in fact is sufficient to create a situation for riots. Hence, it is a matter of point of view.

President, we cannot on one hand encourage the young people, but on the other hand, when they engage in some special behaviour or make radical comments online ..... I find that some Members of this Council or some adults will rebuke them. However, they are not rebuking the young people, rather, they are rebuking Members of certain camps, saying that they have wrongly set a bad example for the young people to "learn", pushing this society towards violence.

President, if we have young people at home, particularly I heard many Members say so in their speeches, we should very much understand that as parents, reining in one's children is not that easy sometimes, not to mention giving some young people wrong advice, leading them to resort to some violent or over radical behaviour. Actually, I think this is not fair. We should understand that one cannot have the best of both worlds. Regardless of whether we are encouraging them to take part in some forums or committees, there is no way to control them, telling them what they can and cannot say. I very much agree with Mr LEE Cheuk-yan's earlier speech. He said it is not necessary to specially regulate them on these issues. Rather, the two most important words are "democracy" and "freedom". To these, I will add "justice".

On the Express Rail Link incident, many young people of the "post-80s" group make comments and write articles online, which are of great depth and quality. Why do they come out? They come out because of social justice. Why does the Government have to inject \$66.9 billion into the project? They are not against making progress, nor are they opposed to technology or integration with mainland China, only that the public funds have not been well spent. Therefore, they are against the funding and not the Express Rail Link itself.

Nonetheless, on such issues, the Government always likes to draw in one faction to hit out at another. In particular, the latest "Act Now" campaign is the same. What did our Chief Executive do when he visited the districts? He asked a crowd to clap loudly to tell those in opposition that they belonged to the minority. This is making the problem more acute. Even for caring for the young people, what is the situation like? I notice that within the Government, the affinity distinction notion or cronyism still exists. For example, we can pick up from the newspaper the so-called princelings. The six non-full time advisors of the Central Policy Unit are all children of so and so. I will not read out those names because there is no need to single out any individuals, but Members can run a search on who the six non-full time advisors to the Central Policy Unit were in 2008 and 2009. Moreover, the other six persons named for the Greater Pearl River Delta Business Council are also princelings, or brothers or children of certain senior politicians.

President, I am not saying that if the parents are prominent, the children will not be. I do not mean this. Instead, when you see those names, you will ask what contributions have they made. Why is a particular young person appointed? Is it simply because he has appeared in the entertainment section, or because his father is eminent? If he himself has made contributions, people will surely understand that the Government has to appoint him, but if you fail to recognize what contributions he has made objectively to earn him an appointment to some government committees, there will be a problem.

Furthermore, Mr CHAN Hak-kan said earlier that only 25 consultative and statutory organizations have appointed young people below the age of 30, which accounts for 6.4% of statutory organizations in general. To what organizations are they appointed? They are appointed to the Dogs and Cats Classification Board, the Committee on Services for Youth at Risk, some committees under the Rabies Ordinance and the Council of The Hong Kong Award for Young People. Even for the Youth Summit, only young people controlled by them are allowed to join. These are the problems spotted by us.

Therefore, President, the Civic Party today will support the original motion and all the amendments because we are aware that the problem has to be viewed in entirety. In general, we must encourage the young people to get involved in public affairs, but we also have to understand their problems.

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

**MR WONG YUK-MAN** (in Cantonese): President, the topic of "Utilizing young people's power of civic participation" has all along been of particular concern to the League of Social Democrats (LSD). In its more than three years of inception, all that the LSD has done is to enable the young people to break through the logjam amid the adverse circumstances of society's image being twisted by the mainstream media, political dictatorship, a rollback in democracy, destitution, and to open up room for survival and development.

In recent years, quite a handful of youth proactively took part in social movements (for instance, defending the Star Ferry Pier and Queen's Pier, opposing the Express Rail Link) and protested against political campaigns (action against the crap political reform package, attack on the democratic camp which betrayed its voters). Their way of expression has aroused controversies. They are not accepted by the mainstream community and have even been smeared by the media. In his original motion, Dr Samson TAM said "the ways of expression and actions of some of these young people have aroused extensive discussions and concerns in the community". What in fact do "the ways of expression and actions of young people" comprise? Dr TAM, let me tell you, in the context of sociology study, qualitative research in particular, we refer to it as "depth description". In other words, you view "the ways of expression and actions of young people" as complicated, but you can get a clue to this complexity from the fact that fights by the young members of the LSD are being frequently smeared and misinterpreted. As a major organization which protests against political campaigns in Hong Kong, the LSD subscribes to the civil disobedience philosophy of "no struggle, no change" of Martin Luther KING, we advocate the social policy of "helping the vulnerable with no regrets" (that is, defending the rights of the grassroots and the underprivileged), and we share the same aspirations with these young people who actively participate in social movements and political opposition campaign, like attracting like.

There is not much difference between the smearing of the young people's fights as radical by the current mainstream community and what is said now by the influential figures in China or Hong Kong. Twenty-one years ago, the divine land experienced the so-called great change, with the young students' movement being bloodily suppressed. This is because they were not accepted

under the paternalistic regime or gerontocracy. In 1920, Dr HU Shih wrote in the "May Fourth Issue" of *Chenbao* these meaningful words: "In this aberrant society or country, the government is too wicked, and the nationals are denied a formal corrective agency. At that time, activities to interfere with politics are bound to stem from young students."

In fact, Dr HU Shih was quoting from the great Confucian scholar HUANG Zongxi of the Ming dynasty. In his chapter on "schools" in the *Mingyi Daifang Lu*, HUANG Zongxi said tens of thousands of students of the imperial college of the Eastern Han dynasty stormed the government. This incident was too way back, over a thousand years, right? According to HUANG Zongxi, this is "a remnant of three generations", "an incident marking a demise", that is to say, in China, student movements against the establishment and students' uprisings are a good tradition. This is a long essay but I have already left out the analysis by HUANG Zongxi. I have included that in my article. If you are interested, you can read it online.

The fights adopted by the LSD include fights in the legislature, street fights, discussion fights and legal fights. I will not discuss with you here one by one, but I am going to talk about discussion fights.

The LSD is the political party which is the poorest and at the most grassroots level. Having incepted for more than three years, apart from being outspoken at Legislative Council meetings and panel meetings, the three of us from the LSD (not LSD activists) have published six books within two years. Last year, we published the *Record of Troubles Stirred by Yuk-man in the Political Arena* (《毓民議壇搞事錄》); this year, we have another five new books at the Hong Kong Book Fair. We promoted the referendum campaign, the new democratic movement, and also published books, leaflets and newspaper. Over the past year, on our online platform and in a television programme of another online television station which we co-host, we three from the LSD have hosted programmes for more than 300 hours. The three of us have made numerous visits to universities and secondary schools for talks, and I have over and over again attended talks organized by churches. We stood in the streets, and attended residents' gatherings. All these involved contact with young people. This is discussion fight, a kind of fight by words targeting at the mainstream language hegemony, including the use of some unparliamentary language in the legislature. This is also a kind of fight.

I have taken great pains to introduce to you in detail our discussion fights, my intention is to bring out one fact: we are a political party of grassroots nature but at the same time, we are a party of intellectuals, and a party belonging to the young people. Among the political parties in Hong Kong, the average age of our power core is 30. Upon inception more than three years ago, we have successfully put young people in charge of this political party. Thus, to me, I have lots to say when this topic is discussed today. I have written an article entitled "No struggle, no change", making a detailed analysis on why those young people came out to fight. Regarding today's motion, as well as Mr LEUNG Kwok-hung's amendment, I of course extend my support. Although we are simply casting our vote as usual on Dr Samson TAM's motion which is just empty talk, since this is something which we all agree is correct, we will also give our support.

Mr LEUNG Kwok-hung brings out an important point in his amendment: the Government's policy is not favourable to the young people, and is not welcomed by them. This is of utmost importance. Today, in this Chamber, we can still hear those words of the elderly some fifty or sixty years ago, and words of rulers several centuries ago lecturing the young people. You are the movers and the shakers. Who do you think you are to lecture the young people? Why are you in a position to set a value for the young people? How can you say that they are at fault to scold people online? You know the hows but not the whys. Frankly, as Members of the Legislative Council, when discussing these issues, we must grasp the core, stick to principles, and refrain from touching on the side issues and grumbling. We are not grumbling. We are having discussions. The article I wrote amounts to a few thousand words, please read it online. We have held numerous discussions on the work done for the young people, if today, we are still saying here that "we are very willing to listen to the voices of the young people, the young people are the future masters of our country", this is tantamount to saying nothing. But let me tell you, some people really keep on saying this.

Thank you, President.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): President, as pointed out by Mr WONG Yuk-man earlier, a lot of people are still saying that the voices of the young people have to be heard, so that they can develop their creativity and initiative. If we are to continue to debate along this line, this motion today will be rendered useless. Why is it useless? This is because our speeches now only represent the opinions of adults. Therefore, a lot of things are created by us for the young people. In other words, the young people are forced to accept certain things, and this discussion is thus useless.

Of utmost importance, I agree with the last part of Mr WONG Sing-chi's speech, that is, the young people should be allowed to express their wishes, such as how to participate in social affairs, and how to develop their creativity and promote their own initiative. The ideas should come from themselves, and we can then realize how to value and respect them.

In my opinion, whether society can respect and value the young people is of substance to them. Nonetheless, as regards respect, we can hardly see how society will respect them. Even if they are allowed to express their ideas, how are we going to give them this chance? What channels are there for them to make known their ideas? Today, we say that their online views should be respected because we see that they are expressing their views on the Internet. However, it is only today that we recognize this. What would happen if there were no Internet? Are there other channels for them to express their views? In fact, no effective channels are available for them.

Then comes "valuing the young people's views", which is the most important. What is meant by "valuing"? This means whether their voices are listened to or not. This rather is of substance. Many Members mentioned earlier the Youth Council or e-channel. We are not without channels at present. We do have. Every year, I take part in the Children's Council or similar councils, but is there a significant meaning? I see them actively participating in debates and expressing their opinions, but so what? They would just like to ask: we have told the Government what we think, but has it listened? Has the Government accepted? The answer is "No".

My friend has told me that the children's council in Switzerland is different. For instance, when they look at the design for regional parks, they will listen to the ideas of the children's council as regards how the toys or facilities should be

placed before getting down to design. Hence, there is a big difference in this regard. They not only show that the young people will be respected, but also, they will be valued. Unfortunately, although our present channel is referred to as a council, that is, the so-called Children's Council, what is it after all? It has no power, it can do nothing. This is meaningless.

Mr LEE Cheuk-yan mentioned democracy and freedom earlier, and Ms Audrey EU added justice. I also would like to further include hope. If we talk about democracy, freedom and justice, only to discover that it is useless after bringing them up as no one actually listens, nor is there hope, what meaning is there? Not to mention children or young people, even for us adults, the situation is the same. For example, we keep on expressing our views in the legislature but the Government is always turning a deaf ear to us without paying any attention. This is also hopeless and meaningless. Therefore, what is of utmost importance is that if they are allowed to do something, we must ensure that they will be able to accomplish it. It will then be meaningful. Otherwise, it will be totally pointless, and will only disappoint them and disappoint them more, or will even end up in disaster.

Furthermore, Members mentioned violence when discussing participation by the young people. In my opinion, violence may be a social phenomenon. The problem is: have we explored why this social phenomenon has emerged and where does it stem from? Have we explored these? For example, I personally saw that when discussions on the Express Rail Link and the constitutional reform package were held at two recent meetings, not only had the Government deployed a lot of mills barriers, but also, police officers outnumbered participants. Very often, the so-called provocation or violence under such circumstances is not what the participants want to see, rather, they are forced to resist because of the barriers and the authority and power the police apply to the young people.

We are aware that young people are rebellious, but why is it so? This is because some authority or power in society is excessive, giving them a feeling of helplessness and weakness. They can only resort to violence and put up resistance. Of course, we may not consider that this kind of violent behaviour is the most normal and the healthiest, but if we do not explore the reason, it will be totally meaningless. It will be pointless if we only criticize them for resorting to violence.

In my opinion, the most important reason for discussing this issue today is that we should consider what the cause of the problem is, why it emerges now and not before, and why it is getting more and more serious. The crux of the problem is that they think the number of people listening to their opinions is getting less and less, and they are getting less and less attention. This leads them to think that no one really values and pays attention to this way of expression. This in fact is what matters most.

Hence, although we are discussing this topic today, I do not think that consultation should only be done through the legislature. In particular, I am not against Dr Samson TAM's idea, but he attaches importance to consultation. However, consultation implies that views can be expressed any time, does he understand this? The speeches we are making now are also sort of consultation, only that whether the views expressed are useful or not. If no one is going to listen, it would be like talking to the walls, is that meaningful? Therefore, I think there needs to be actual effects. Consultation, simply listening and nothing more, is ineffective. This is particularly so for some channels. For instance, at whatever councils or the so-called Youth Summit, to what extent are the views expressed really valued and heeded? None. Therefore, I consider the several ideas brought up earlier to be the most important, that is, freedom, democracy, justice and hope. I wish the task can be accomplished, thus rendering it meaningful.

President, I so submit.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Dr Samson TAM, you may now speak on the three amendments. The speaking time limit is five minutes.

**DR SAMSON TAM** (in Cantonese): President, I have to thank the three Members for proposing amendments to my motion. First of all, I would like to talk about Mr KAM Nai-wai's amendment. He added three proposals, such as

establishing afresh the youth councils in the 18 districts, holding more youth forums and reviewing the structure. I agree to all of them. Although previous attempts had not yielded effective results, I find it absolutely necessary for the Government to deploy resources in this respect and to do its best by all means. Given that other countries have already put in resources and achieved some success, we cannot call a halt to the pursuit of such a meaningful task just for fear of previous failures or possible chaos.

I generally accept the spirit and suggestions proposed in the amendments of Miss Tanya CHAN and Mr LEUNG Kwok-hung, except that both of them propose to delete a certain part of my original motion. Mr LEUNG Kwok-hung, in particular, proposes to delete part (d) of my motion, which I have no idea of. My proposal, "starting from education and social culture, to allocate resources to enhance the quality of the network citizens, and to promote a way of communication based on reasons, mutual trust and mutual respect, thereby bringing together social wisdom effectively", is indeed very pragmatic ..... because we do not intend to change the viewpoints of young people, but simply to make them aware of the importance of enhancing the quality of network citizens, especially a communication mode with mutual trust and mutual respect. I am aware that there are loud voices in the community demanding enhancement in this regard. As to bringing together social wisdom to facilitate the launching of reforms as desired by young people, this is what I want to see most. Just now, Members said that I suggested to conduct consultation. But perhaps they had not listened to my entire speech yesterday. I did stress the need to bring together social wisdom so as to facilitate the launching of reforms as desired by the young people, but as these two Members have proposed amendments to my original motion, I therefore have reservations about their amendments.

President, I hope that colleagues will support my original motion and provide a suitable platform for young people in Hong Kong, thereby giving them more opportunities to utilize their power of civic participation. President, I so submit.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, regarding this motion today, having listened to Members' speeches, I would like to focus my response on several areas.

Several Members (including Dr Samson TAM who proposes the original motion) said that the Government should enhance interaction with the public, especially the young people. I very much agree with this. The SAR Government and its political team have always valued communication with members of the public, including the young people. The Government will continue to adopt an open and modest attitude, and will listen to and heed the views of people from all walks of life, including the young people, through various channels.

The Legislative Council frequently reflects the views of people of different ages and strata, while the District Councils also actively reflect public opinion at the district level. The views reflected by the two-tier representative councils include the ideas of the younger generation. When the SAR Government holds consultative meetings to collect opinions on major policy initiatives, it also strives to promote the participation of the young people, for instance, consultative sessions exclusive to youth. As a consultative committee of the Government, the Commission on Youth (COY) also provides the Government with many ideas regarding youth development.

Members of the COY comprise students, young social workers, people in charge of youth organizations and academics responsible for studying youth affairs. They are all gravely concerned and well versed about youth affairs, and have a good understanding of the ideas of the young people. For the new term of the COY, one quarter of the members are under the age of 30. The data quoted by some Members may have been figures for the last term of the COY. Regarding the study mentioned by Miss Tanya CHAN in her amendment, the COY is preparing to conduct a study on Hong Kong Youth Development Index covering various areas, including an overview of youth population, education, employment, physical and mental well being, juvenile delinquency and deviant behaviour, leisure arrangement and consumption propensity, civic and social participation, values and competitiveness. We will make reference to the study findings so that Policy Bureaux and departments can better know the needs of the young people when formulating policies.

The COY organizes the Youth Summit every two years to encourage young people to speak their minds on topics of their concern. The COY also holds regular youth exchange sessions to serve as platforms for representatives of Policy Bureaux to have *vis-a-vis* dialogues with young people on different subjects.

The latest Youth Summit was held on 6 March this year. Some Members have expressed concern about the interactivity of the discussion. In fact, on the basis of the wide-ranging theme of "Building the Future — Challenges and Opportunities for Youth", young participants freely discussed an array of subjects of personal concern to young people, such as school drug testing, Internet addiction, employment, student grant and loan schemes, voice-out platform for youth, environmental protection, and so on. In the past, there was only one co-organizer for the Summit, but this time, we have involved more youth organizations as co-organizers, and over 600 young persons participated. In order that those who did not enrol or were not able to attend in person could participate, we have for the first time arranged for online broadcast of the activities at the main venue of the Summit so that more young people could watch simultaneously through the Internet, and the public could also pose questions online. In the future, we intend to invite even more youth organizations to co-organize the Youth Summit.

In between two summits, since May this year, the COY has been holding regular youth exchange sessions for representatives of Policy Bureaux to have dialogues with youth on a variety of subjects. In the past two months, the subjects discussed include the development of football in Hong Kong, non-means-tested loan schemes and green living. Just as Mr CHAN Hak-kan is concerned about, these are all subjects of interest for the young people, and the subject of loan schemes was in fact proposed by the young people during the Summit. In the future, other subjects proposed by the young people will one after the other be discussed in the exchange sessions. I myself have, on behalf of the Home Affairs Bureau, participated in the exchange session to discuss the development of football in Hong Kong. The atmosphere of the exchange session was lively, and the young participants were keen to speak. I was very happy that I had the opportunity to take part in it. From the questionnaires collected from the participants, we learned that the majority considered that the exchange sessions could promote communication between the young people and the government officials. I believe this mode of interactive communication will bring the Government closer to the needs of the young people when formulating policies. The last three exchange sessions were held at Youth Square, Chai Wan, but as some Members once pointed out, youth from other districts may also wish to participate in the exchange sessions, but are prevented from doing so only because of traffic inconvenience. We will actively consider holding the

exchange sessions in different districts to make it convenient for more young people from those districts to participate.

Members are concerned about some negative descriptions or labels slapped by society and the media on the young people lately. The Government very much values the ideas and zeal of the young people, and also believes that society should provide balanced views, both positive and negative, and information analysis in order to encourage young people to think independently, and to assist them to better overcome the challenges they encounter as they grow up and in reality. Then, no matter whether they are thinking, communicating or having discussions in society, they can do so pragmatically, rationally, objectively, respectfully and in the spirit and culture of accommodation.

A number of Members also said that young people's participation in various consultative organizations should be boosted, and Mr KAM Nai-wai is also concerned about the possibility of self-nomination. The consultative and statutory organizations of the Government will strive to tap suitable candidates, including giving consideration to whether an individual's calibre, expertise, experience, virtue and the enthusiasm to serve society meet the requirement of the relevant organizations. In the process of identifying the suitable candidates, the appointing organization can ask the Home Affairs Bureau for personal information kept in the Central Personality Index for reference. All those interested in becoming members of consultative and statutory organizations, including young people, can provide their personal information to the Home Affairs Bureau for self-recommendation purpose. Under the principle of meritocracy, if a young person is suitable to become a member of a consultative committee, the Government will surely be willing to consider.

Dr TAM suggests the formulation of a clear public sector information access policy to make public government information and documents, so that members of the public have the right of access to them. As an open and responsible government, it has always been our policy to provide information as far as possible, so that the public can have a deeper understanding of how the Government formulates and implements its policies, thereby monitoring the performance of the Government. If the public wants to obtain information held by the Government, it can submit application to the government departments concerned under the Code on Access to Information. The Code provides an

effective framework, making it convenient for the public to obtain government information and monitor government performance.

In order to enable the public to conduct effective and well-informed debates on policy matters, we should ensure that the information is available to the public at all times. Consultation documents generally contain background information which can be downloaded from government websites. Moreover, official statistical data prepared in machine-readable format can also be downloaded for free.

Apart from helping the public to gain a deeper understanding of policy matters, information of public organizations can also bring convenience to the people in their everyday life. For example, geospatial information collected by the Government can be utilized to improve the mapping and traffic information services provided by private organizations.

The popularization and development of the Internet has not only changed the *modus operandi* of the economy, but also the way people communicate. Young people are adept at accepting new things and new technologies, particularly about making use of online platforms, such as social media sites and blogs. Hence, apart from consulting the youth "offline", the Policy Bureaux and departments will also actively consider how to make better use of the Internet to communicate with the young people, so as to understand their views on public policies.

For instance, in 2005, the Home Affairs Bureau created an online consultative forum called "Public Affairs Forum". Through this dedicated website, ideas of members of the forum on local politics and different subjects of public affairs are collected via the Forum Discussion Room, and the ideas so expressed are summarized regularly as reference for the Policy Bureaux and departments of the Government.

Government departments and individual government officials will from time to time roll forward online participation in public affairs on various policy initiatives, which includes online opinion polls, writing blogs, collection of opinions through Facebook, participation in online opinion exchange, creation of websites and discussion forums for specific policies to consult the public, exchange of emails with the public, and making live online broadcast. Recent

examples are as follows: first, the creation of a special Facebook Page by the Chief Executive's Office in support of the constitutional reform package which provides the public with a forum for discussing the 2012 constitutional reform package; second, the Transport and Housing Bureau has also created a special Facebook Page and online platform to collect the opinions of stakeholders and the public on subsidized home ownership; and third, some politically appointed officials use Facebook or blogs to communicate with the public.

In the future, we will continue our efforts in spurring the public to participate in public affairs. Apart from learning from the experience of local electronic initiatives of public participation, we will also continue to pay attention to the latest technology and international development, as well as the inherent challenges, such as network security and online violence referred to by many Members, in order to keep abreast of the times. In the upcoming consultation exercises on important government policy initiatives, Policy Bureaux and departments will actively consider communicating with the public, the younger generation in particular, through the tool of Web 2.0 interactive platform.

Hong Kong is a civilized and open society, and the public enjoys the freedom of expression. With the increase in the use of the Internet, the public, including the young people, can more conveniently express its opinions on various social subjects through the network. In order to make use of the network for quality discussion of political affairs, just as several Members, including Mrs Sophie LEUNG and Mr CHEUNG Kwok-che, said, people with different stances and views should have mutual respect for each other, and should conduct their discussions in a rational, open and accommodating manner, refrain from abuses and language violence, or even online bullying.

To promote to the young people an ethical Internet culture, the Government launched a one-year territory-wide Internet education campaign in September 2009 .....

**MR LEUNG KWOK-HUNG** (in Cantonese): I would like the Secretary to elucidate.

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr LEUNG, what is your problem?

**MR LEUNG KWOK-HUNG** (in Cantonese): I would like the Secretary to elucidate what "language violence" is.

**PRESIDENT** (in Cantonese): Mr LEUNG, would you please refrain from interrupting Members or officials by frequently asking for elucidation?

**MR LEUNG KWOK-HUNG** (in Cantonese): As I do not know what that means, how can I understand what the Secretary is saying? Can she explain where the term comes from?

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): I really do not know what "language violence" is.

**PRESIDENT** (in Cantonese): Please sit down first.

**MR LEUNG KWOK-HUNG** (in Cantonese): I only know ..... I have not heard of that term .....

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down first. Secretary, would you agree to let Mr LEUNG point out what he wants you to elucidate?

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, I want to finish my speech first.

**PRESIDENT** (in Cantonese): Secretary, please continue with your speech.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): The activities aim to promote the message of using the Internet properly and safely to the young people, as well as to their parents and teachers. Their technical knowledge in this aspect can also be enriched. At present, a number of activities are being held in various districts and various schools in the whole territory, including large-scale publicity activities, cross-district roving exhibitions and training courses, school talks, inter-school activities, telephone inquiry hotlines, home visits and technical assistance and the like. Parents' handbooks have also been published to provide tips and guidance to parents on how to use the Internet effectively and safely, which can serve as their easy reference. Besides, the Administration has also introduced a professional Internet education kit, which provides organized and practical teaching materials for teachers and school social workers, with a view to assisting them in promoting Internet education in schools.

A number of Members, including Dr LAM Tai-fai and Miss Tanya CHAN, have also mentioned the importance of civic education. The history and development of a country, the challenges and opportunities of a nation, as well as the personal rights and obligations of citizens form the core of civic education in any place. They are just like the two sides of a scale, the loss of weight of one side will render it unbalanced. The Committee on Promotion of Civic Education has long been promoting civic education through different channels to the vast public, including the young people. It also supports different community groups to organize various kinds of civic education activities. The purpose is to promote to the public moral education, national education, human rights education, the concept of safeguarding the spirit of the rule of law and social justice, as well as to encourage the development of a positive and active outlook on life and the values of "being respectful and responsible". We hope that members of the public can actively serve the community and together, we can build up a civic society with mutual respect and tolerance.

The Education Bureau has long been putting efforts in promoting whole person development of students, and in nurturing students with positive values and teaching them how to use information technology properly. Through a comprehensive syllabus which places equal emphasis on knowledge, skills and

values, the Administration has been nurturing them with important values, such as sense of responsibility, respect and care about other people, as well as developing their generic skills, like critical thinking and independent thinking, so that students can make rational decisions and take proper actions in the face of different challenges in their daily lives, including challenges in the Internet world.

Besides, in the existing school curriculum, the related study areas or subjects have also provided opportunities to discuss and develop important concepts and values related to civic education and human rights education. Among them, the design of Liberal Studies under the Senior Secondary curriculum aims to assist students to become independent thinkers who are able to adapt to the environmental changes and build up their knowledge. It also places importance on assisting students to cultivate lifelong learning ability, build up positive values and take an active outlook on life, so that they can become responsible citizens who know about their society, the country and the world.

The Constitutional and Mainland Affairs Bureau, the Equal Opportunities Commission and the Office of the Privacy Commissioner for Personal Data have also launched related public education activities in order to enhance public understanding of various human rights treaties, equal opportunities and personal data privacy.

In regard to the voter registration system mentioned by Mr LEUNG Kwok-hung in his amendment, in order to encourage more young people to register as voters, through the registration counters set up in the five Registration of Persons Offices under the Immigration Department, the Registration and Electoral Office (REO) is giving assistance to those visiting these offices (including the 18-year-old persons who apply for or collect their adult identity cards) to register as voters. The REO also distributes Voter Registration Forms to universities, higher education institutions and youth centres to facilitate young people to register as voters. The Government has also organized other activities which include organizing the opening ceremony of the Voter Registration Campaign, inviting performing artists to appeal to the public, setting up mobile registration booths and advertising in various media to encourage qualified people to register as voters.

Furthermore, Mr LEUNG also mentions broadcasting policies in his amendment. The broadcasting policies of the Government have always been

encouraging competition, so that licensed radio stations and television stations provide quality and diversified programmes. The Administration welcomes any qualified organization that meets statutory licensing conditions, including having the appropriate broadcasting spectrum, to apply for the licences concerned.

With the robust development of the media in Hong Kong, different groups or individuals have opportunities to express their views in radio and television programmes, such as phone-in radio programmes and the "City Forum" television programme. At present, the three radio stations provide an average of about 300 hours of "Personal View Programmes" a week for the public (including young people) to express their views. In accordance with their licensing requirements, free television stations also have to broadcast a required number of hours of programmes per week for young viewers.

Besides, in order to carry out the new mission as a public service broadcaster, Radio Television Hong Kong (RTHK) will provide a number of new services, including providing a platform for community participation in broadcasting. It will provide funding and technical support to community organizations. With the RTHK channel as the platform, the public (including young people) will have more opportunities to convey their messages and express their views.

President, encouraging civic participation among young people depends on the active participation of the Government, non-governmental organizations, families, schools, youth organizations, community members, young people and the general public. The Administration will continue to strengthen its communication with the public, including the young people, encourage public participation in community matters, and will work hand in hand with the public towards the long-term and overall development of Hong Kong.

Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Mr KAM Nai-wai to move his amendment to the motion.

**MR KAM NAI-WAI** (in Cantonese): President, I move that Dr Samson TAM's motion be amended.

**Mr KAM Nai-wai moved the following amendment: (Translation)**

"To add "young people are the pillar of the Hong Kong society," after "That"; to delete "and" after "criticism;"; and to add "; (e) to establish afresh the youth councils in the 18 districts, and to set up a permanent mechanism for schools and youth organizations of the respective districts to send young people as delegates, so as to effectively promote youth activities and services in the districts; (f) to hold more youth forums, so that young people can put forward their opinions to officials in person and the Government can listen to various voices of young people; and (g) to review the structure and operation of the Commission on Youth, and to assess its effectiveness in promoting youth affairs, as well as to implement a self-nominating mechanism for young people to join the Commission, so as to enhance their chances of participation and the Commission's recognition " immediately before the full stop."

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

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

(Members raised their hands)

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

(Members raised their hands)

Dr Priscilla LEUNG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Priscilla LEUNG has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr CHEUNG Kwok-che and Dr Samson TAM voted for the amendment.

Dr Philip WONG voted against the amendment.

Dr Raymond HO, Mr WONG Yung-kan, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr IP Wai-ming, Mr IP Kwok-him and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Ms Audrey EU, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mrs Regina IP, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN and Mr WONG Yuk-man voted for the amendment.

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG

Hok-ming, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, eight were in favour of the amendment, one against it and 13 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 14 were in favour of the amendment and 12 abstained. 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.

**MS MIRIAM LAU** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Utilizing young people's power of civic participation" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Utilizing young people's power of civic participation" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Miss Tanya CHAN, you may now move your amendment.

**MISS TANYA CHAN** (in Cantonese): President, I move that Dr Samson TAM's motion be amended.

**Miss Tanya CHAN moved the following amendment: (Translation)**

"To delete "the development of a knowledge-based society and dawning of the network era" after "That in recent years, with" and substitute with "continuous enhancement in civic awareness"; to delete "and the ways of expression and actions of some of these young people have aroused extensive discussions and concerns in the community;" after "in society,"; to add "conduct a comprehensive study on young people's social participation," after "urges the Government to"; to delete "and" after "criticism;"; to add "and develop young people's independent thinking" after "network citizens"; and to add "; (e) to increase young people's participation in various public bodies and advisory organizations, in particular those organizations related to major subjects of young people's concern, and to consider drawing up reference indicators for the ratio of young people in the membership of these bodies; (f) to strengthen

resources allocation in civic and human rights education, and to make good use of Liberal Studies of the New Senior Secondary School curriculum to nurture young people with civic awareness and independent thinking; and (g) to convene youth summits and related local forums annually, and to provide more appropriate open platforms, so that young people can have more chances to realize public participation" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss Tanya CHAN to Dr Samson TAM's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

**PRESIDENT** (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

**Functional Constituencies:**

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms LI Fung-ying, Dr Joseph LEE, Mr Paul CHAN, Mr CHEUNG Kwok-che and Mr IP Wai-ming voted for the amendment.

Dr Raymond HO, Dr Philip WONG, Mr WONG Yung-kan, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHAN Kin-por and Mr IP Kwok-him voted against the amendment.

Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Dr LAM Tai-fai, Mr Paul TSE and Dr Samson TAM abstained.

**Geographical Constituencies:**

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Ms Audrey EU, Mr WONG Kwok-hing, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the amendment.

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Cyd HO and Mrs Regina IP abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, seven were in favour of the amendment, nine against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 15 were in favour of the amendment, seven against it and four abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, you may move your amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I move that Dr Samson TAM's motion be amended.

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

"To add "coupled with the fact that the Government's policies are not beneficial to young people," after "network era,"; and to delete "and (d) starting from education and social culture, to allocate resources to enhance the quality of the network citizens, and to promote a way of communication based on reasons, mutual trust and mutual respect, thereby bringing together social wisdom effectively" immediately before the full stop and substitute with "(d) to promote an open attitude in society towards young people's political commentaries, including the ways they express their opinions, so as to uphold their right of expression; (e) to improve the voter registration system, so that young people reaching the age of 18 can participate in voting as early as possible; and (f) to amend the Telecommunications Ordinance and broadcasting policies to provide the airwaves and the television broadcasting platform for young people to fully exercise their freedom of speech and expression."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEUNG Kwok-hung to Dr Samson TAM's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for one minute.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the amendment.

Dr Raymond HO, Dr Philip WONG, Mr WONG Yung-kan, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying 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, Ms Audrey EU, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN 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 and Mr WONG Kwok-kin voted against the amendment.

Mrs Regina IP abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, five were in favour of the amendment, 16 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the amendment, nine against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**PRESIDENT** (in Cantonese): Dr Samson TAM, you may now reply and you have two minutes 25 seconds.

**DR SAMSON TAM** (in Cantonese): President, just as I said in yesterday's debate, the cyber world has significantly changed the young people of this

generation. While young people of a millennium or centuries ago also demanded social reform, the development of the cyber world over the past two decades has drawn our attention to how a good government or legislature can be developed, or how the entire society can be made to accept young people who demand social reform, and then unite all efforts.

President, the motion that I moved yesterday seeks to make the Government understand that we are not asking for piecemeal changes, nor any additions or deletions. Our most fundamental request is to make the Government understand that young people call for reforms to tackle social injustice or unfairness. They hope that the Government would acknowledge such an intention, face up to it and accept it, and recognize it as a healthy development and then accept it altogether.

Secondly, I also attach great importance to the need for the Government to change its mindset. A Member just said that much time has been spent on the discussion, but they are our personal views after all. The most important of all is not to change the thinking of young people, but to change ours. That is why I said yesterday we wished to treat the Government's Internet Anxiety Disorder, or change its anxiety about young people as suggested by some Members. But how such anxiety can be changed? I hope that the Government will, just as a Member said just now, provide more freedom, room, justice and hope. Another thing that I wish to add is love. When foreigners, for instance, learn that the young people have developed their own mindsets, they would not expel them or attempt to change their views. Rather, they would change their own mindsets in order to think along the line of the young people in order to contemplate together how to roll forward social reform.

I believe certain perspectives as suggested by different Members do merit our consideration, and are absolutely correct. So, in my opinion, our society will definitely become better when it realizes how the cyber world can be made use of, and how we can join hands with young people to bring together social wisdom.

President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Samson TAM be passed.

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Motion for adjournment. Under Rule 16(6) and (7) of the Rules of Procedure, the total speaking time for this debate is one and a half hours, of which 75 minutes are Members' speaking time. Under Rule 18(b) of the House Rules, each Member, including the mover of the motion, may speak for up to five minutes. The designated public officer making a reply may speak for up to 15 minutes.

**PRESIDENT** (in Cantonese): It is now 21 minutes past four o'clock in the afternoon, the debate shall now proceed.

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

I now call upon Dr Margaret NG to speak and move her motion.

**MOTION FOR THE ADJOURNMENT OF THE COUNCIL**

**DR MARGARET NG** (in Cantonese): President, I move "That this Council do now adjourn for the purpose of debating the following issue: The current arrangement of implementing in Hong Kong sanctions resolved by the Security Council of the United Nations."

President, on 16 July 1997, the Provisional Legislative Council passed the United Nations Sanctions Ordinance (the UNSO). This is a very special ordinance. Under the UNSO, the Chief Executive is empowered to, upon receiving instructions from the Ministry of Foreign Affairs (MFA) of the Central Government, make legislation to implement sanctions resolved by the Security Council of the United Nations in respect of any places. The Legislative Council has no authority to pass, amend or repeal the regulations made by the Chief Executive pursuant to the UNSO. Although according to the UNSO, such legislative power vested in the Chief Executive is not unlimited, this Council still has no authority to pose any restrictions on a regulation made by the Chief Executive even if it is *ultra vires*. It is not until someone has brought an action against the regulation that the Court may declare it null and void.

President, I do not intend to query that matters relating to defence and foreign affairs should be handled by the Central Authorities. However, such an approach of implementing the instructions from the MFA of the Central Government is neither the only means nor is the best method. Prof Yash GHAI, an expert of international constitutions, has provided detailed submissions to this Council in the past and has pointed out that this approach is against the arrangement about separation of the three powers under the Basic Law.

We understand that under the present political reality, it is not possible for Members of this Council to amend or challenge the UNSO. Therefore, the Subcommittee has endeavoured to enhance the transparency and accountability of the entire legislative process, and to make the contents and wordings of the provisions more reasonable, clear and reader-friendly. We also hope that, through the standing mechanism of the Legislative Council as well as the concern and attention of Members, the Administration can be encouraged to continuously enhance its efficiency and standard, as well as its sensitivity to the protection of human rights and the rule of law. Besides, we should also prevent the executive

authorities from abusing the UNSO to the effect that they will entrust themselves with more and more powers.

With the Administration's co-operation, we have already made some improvements. They include the provision of a certificate from the Chief Secretary for Administration to certify that they act according to the instruction of the Central Authorities, together with a Legislative Council Brief and background brief on each regulation, as well as improvements in handling the provisions. We notice that such regulations are actually very similar. Regarding sanctions targets and means, the authority of law enforcers, offences and penalties, they are all similar, with variations only in the combination. In fact, it is absolutely appropriate to deal with this kind of legislation with a model law approach. Unfortunately, the Administration is still unwilling to accept our proposal to date.

President, in fact, this kind of regulations may be merely empty talk and there is not much opportunity to enforce them. To date, we actually still have not heard of any example from the Administration on the enforcement of the UNSO or anyone being punished thereunder. Besides, since most of the places being sanctioned have very few or limited trading transactions with Hong Kong, the actual effect is not that significant. Nonetheless, given the significance of legislation, we cannot turn a blind eye to the discrepancy in constitutional principles. Therefore, I move this adjournment debate today. Although each Member is only allowed for speak for five minutes, I still hope that our report and concerns can be put on record. That is the purpose of this debate today.

With these remarks, President, I move the motion.

**Dr Margaret NG moved the following motion: (Translation)**

"That this Council do now adjourn for the purpose of debating the following issue: The current arrangement of implementing in Hong Kong sanctions resolved by the Security Council of the United Nations."

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

**MS CYD HO** (in Cantonese): President, this principal ordinance was speedily passed by the Provisional Legislative Council on 16 July 1997. I tried to retrieve the official record related to the enactment of this legislation on that day, and found that there are only two pages, in which the most important point is the remark of the Secretary for Commerce and Industry: She sincerely thanked the House Committee for agreeing to waive the normal notification period for the resumption of the Second Reading debate. That is all in the related official record of the meeting. This legislation was hastily passed under the unanimous consent of the meeting, and that is regrettable. It is because this legislation empowers the Chief Executive to, by notice in the Gazette, make regulations with legal effect, and such regulations are not subject to the scrutiny of the Legislative Council. The act of sabotaging the rule of law always starts from an insignificant point where the need for which seems to be strong and imminent. Draconian laws will then follow after the first sabotaging move.

In the past, Chief Executive was granted this power for the purpose of fulfilling the international obligations under the UNSO, or the reciprocal judicial assistance arrangements under bilateral agreements. However, when we scrutinize the legislative proposal on minimum wage recently, similar situation arises. On minimum wage, the issue related to people's livelihood which is of public concern, the executive authorities propose to empower the Chief Executive to set the minimum wage by notice in the Gazette which the Legislative Council is not allowed to amend. The Legislative Council can only veto it. That explains why we are so concerned that once some undesirable rules have been set, our many operations will be affected in future. The executive authorities usually make use of a situation where such a need is urgent, such as anti-terrorism or implementation of international obligations. After securing and expanding these powers, they will be used on other local legislation directly related to Hong Kong people and other issues related to people's livelihood.

President, this kind of power expansion is in fact highly unnecessary. It is because these international obligations do not have to be implemented solely by legislation. Other methods can also be adopted. And of course, it is also not necessary to evade the scrutiny by the Legislative Council.

Therefore, the consequences of enacting this principal ordinance by the Provisional Legislative Council in 1997 are far-reaching indeed. However, what the Legislative Council can do now is really limited. The only thing we can do

is to set up a Subcommittee to scrutinize the texts of the related provisions, and hope that through this scrutinizing procedure which carries no legal effect, the executive authorities can apply some model clauses to implement these international obligations. Why do we request to apply model clauses? Because we have to prevent, as far as possible, the executive authorities from deviating from the powers vested by the principal ordinance and taking the opportunity again to expand their vested powers. Nevertheless, no matter how hard the Subcommittee has requested the Government to apply the model law approach, the Administration has, in the latest case of making the relevant regulation, still seized the opportunity to do something which the principal ordinance has not empowered it to do. In our recent scrutiny of the amendment regulation relating to the Democratic People's Republic of Korea (DPRK), in the seizure procedure of prohibited items, the Administration had made use of the legal loophole again and grasped the opportunity to expand its power. This is very regrettable indeed.

Besides, President, I am very worried that the making of these regulations is only the product in response to the compromise made internationally at the Security Council of the United Nations. Do they carry substantial effects? For instance, in our recent scrutiny of the amendment regulation relating to the DPRK, one part of the Regulation aims to impose sanctions against those people responsible for making decisions in these countries and their family members by refusing their entry into the Hong Kong territory. However, as we all know, some immediate family members of DPRK leaders are living in Macao. Do we really have to refuse their entry into our territory? Have we implemented the spirit of these regulations? If it is only for the purpose of responding vaguely to these international obligations that we enact some laws which we will not enforce or which basically cannot attain the target, we are actually sabotaging the spirit of the rule of law in Hong Kong.

President, thank you.

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

**MR LAU KONG-WAH** (in Cantonese): President, the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations

Security Council in relation to Sanctions has a very long title, but it has just a few members. There are only three members, namely Dr Margaret NG, Ms Cyd HO and Mr LAU Kong-wah. *(Laughter)* We have already become skilled workers. Whenever there are regulations related to the sanction resolutions, we will be responsible for scrutinizing them, and our team leader is Dr Margaret NG. Over the past few years when we discussed the provisions of the related sanction regulations with the Government, some of our views really differed from those of the Government. As a matter of fact, our proposals are rather reasonable.

As we all know, these regulations are made because the Security Council of the United Nations (UNSC) has made the resolutions in relation to sanctions and China (our country) has to enforce those sanctions. The Ministry of Foreign Affairs (MFA) will also instruct Hong Kong as the local government to enforce these resolutions in relation to sanctions. In my opinion, as a global citizen, Hong Kong should carry out this international obligation and be responsible for such a duty. We particularly hope to apply sanctions against those terrorist activities or terrorist groups in certain countries, districts or areas.

President, in regard to the work in general, we find that there are a few aspects which we have to continuously discuss. As mentioned by Dr Margaret NG, the Government has already made partial response. Basically, we have discussions on three issues. First, we find that some resolutions in relation to sanctions might have been passed by the UNSC for a long time. It may be years before they are gazetted in Hong Kong through the instructions by the MFA. This is totally inappropriate and undesirable. However, the situation seems to have improved and the time gap has been shortened. This is welcomed by us.

Second, it is about the model law approach mentioned earlier by Dr Margaret NG. Sometimes when we scrutinize different regulations in relation to sanctions, we do find that their provisions are very similar. If the Government is able to provide us with a model law for our easy comparison of these regulations, so that we can easily spot the new provisions, the differences between regulations, the areas that are different from the model law and the areas that are different from the provisions in other sanctions regulations, we can then conduct a more detailed scrutiny in respect of the differences which are more prominent. However, I understand and the Government has also mentioned that sometimes, the model law approach may not be able to take into account individual situations

peculiar to certain places. And as a matter of fact, the UNSC will also incorporate some new provisions into each resolution. Therefore, the present situation is that every time when we scrutinize the related provisions, we have to study the information papers provided by the Government and the papers prepared by the Legal Advisers of the Legislative Council Secretariat. They will provide a text of comparison on the provisions concerned for Members' reference and this is very helpful indeed. Although our workload is thus heavier, the same effect can be attained.

Third, in the course of scrutiny, some local legal provisions will be applied from time to time, especially provisions relating to criminal procedure. However, when applying them to this kind of sanction regulations, we find that in terms of wording, they may be different from the original law. In that case, does the principal ordinance also need to be amended? We have discussions on this point. In my opinion, if the principal ordinance has to be amended every time when its provisions are being cited, then each sanction regulation may have such a need, and I find that undesirable.

Therefore, I personally think that if the spirit and the contents of the legal provisions do not differ much, this is totally acceptable. This can cater for the differences of each sanction regulation on the one hand, and can avoid making amendment to local legislation in each exercise on the other hand. This is a more realistic way.

Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now call upon the Secretary for Commerce and Economic Development to reply.

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, I am very grateful to the three Members, who have worked

very hard and have made huge contributions, for their views towards the current arrangement of implementing in Hong Kong sanctions resolved by the Security Council of the United Nations (UNSC). First of all, I will explain our arrangements. Then, I will respond to the views expressed by the Members.

Since the establishment of the Special Administrative Region (SAR), foreign affairs have been within the full jurisdiction of the Central Government. In accordance with the Charter of the United Nations, the People's Republic of China has the international obligations to implement sanctions in accordance with the resolutions of the UNSC. Ensuring the implementation of sanctions in Hong Kong falls within the purview of foreign affairs for which the Central People's Government shall be responsible, as specified by the Basic Law. The United Nations Sanctions Ordinance (UNSO) has been enacted to deal with the implementation of UNSC sanction measures in Hong Kong. The enactment of the UNSO aims to build a legal framework to effectively implement in the Hong Kong SAR sanctions of the UNSC, so as to fulfil the obligations in the international treaties under the Charter of the United Nations. Pursuant to section 3(1) of the UNSO, the Chief Executive shall make regulations to give effect to the instructions of the Central Government in relation to the implementation of sanctions as decided by the UNSC. It is also expressly provided in section 3(5) of the UNSO that sections 34 and 35 of the Interpretation and General Clauses Ordinance concerning the negative vetting or positive vetting procedures shall not apply to the regulations made in accordance with the UNSO, so that the arrangement of making regulations to implement sanctions of the United Nations can tie in with constitutional requirements.

Since the 2008-2009 legislative year, the SAR Government has made 13 regulations under the UNSO to lay down, repeal or renew sanction measures in relation to the UNSC resolutions on seven places. The prohibition measures concerned mainly include prohibition on arms or related material, prohibition against the importation of certain goods, prohibition against the provision of advice, assistance or training related to military activities and the like, prohibition against making available to certain persons any funds or financial assets or other economic resources, and prohibition against the entry and exit of certain persons. Apart from the abovementioned prohibition measures which are relatively common, we have formulated some special measures to implement the specific sanctions required in individual UNSC resolutions.

When drafting the new regulation, we have taken into account the views of the Subcommittee. We have tried to use plain wording and style of writing and added proper interpretation to the existing provisions, so that the public can easily understand the content of the sanction measures and the clarity of the provisions can be enhanced.

We recognize that it is very important for the Legislative Council to note and understand matters relating to the implementation of the United Nations sanctions pursuant to the UNSO. Therefore, upon gazettal of the regulations concerned, we provide information papers in respect of the related subsidiary legislation to the Subcommittee to set out the content of the regulations. All the information concerned is set out in the paper submitted to the Legislative Council, which includes the information on the place being sanctioned, the background and purpose of the UNSC sanction, the bilateral trading relations between the place being sanctioned and Hong Kong, as well as the impact of the sanction measures on the overall economy of Hong Kong. In response to the request of the Subcommittee, we send representatives to attend the meetings with a view to assisting the Legislative Council Members and members of the public in taking note of and understanding the legislative intent of the regulations and the specific sanction measures.

In fact, the Subcommittee has expressed a lot of valuable views towards the sanction regulations, which can facilitate the Government in further improving the regulation drafting and enforcement work. This includes improvement to the drafting of provisions, and the arrangement of disseminating information to the industry and the public through public notices, websites and newsletters. We are pleased to continue explaining to the public and the Legislative Council the details after gazettal of the regulations.

I would now respond to the views expressed earlier by the Members. First of all, in regard to the urgency and time lag in making the regulations, Mr LAU Kong-wah has just mentioned the time gap problem in relation to the making of such sanctions regulations. Since mid-2007, we have already arranged designated officers from the Department of Justice to handle the work of making these regulations. At the same time, through checking the website of the UNSC, we also monitor the latest progress of the resolutions which may be related to Hong Kong. These measures are conducive to the speedy

implementation of United Nations sanctions by the Hong Kong SAR, especially for interim or time-limited measures.

Generally speaking, if the resolution is about extending the sanctions measures, it normally takes less than three months between the SAR Government receiving instructions from the MFA and the gazettal of the subsidiary legislation for the implementation of the UNSC decision. However, the time required may be longer for individual regulations mainly because the contents of the resolutions concerned are different from those in the past, or new sanctions measures are involved. In such cases, we have to study carefully the amendments required and the way to draft the provisions concerned. It will thus take a longer period of time.

Ms Cyd HO has just mentioned the recent amendment to the United Nations Sanctions (Democratic People's Republic of Korea) Regulation, under which new provisions on forfeiture and disposal of items are added. I would like to emphasize that the newly added provisions aim to tie in with the decisions of the UNSC on forfeiture and disposal of seized items in the resolution relating to sanctions on the Democratic People's Republic of Korea. After studying other existing and related legislation and upon confirmation by the Department of Justice, we are of the opinion that not only are the newly added provisions in line with the powers set out in section 3 of the UNSO, but the court procedures laid down in the provisions are also transparent and clear. The entire procedure of forfeiture and disposal of items is subject to scrutiny by the Court, so that the rights of the item owners can be more effectively protected. Therefore, the making of the new provisions is appropriate and has solid legal backing.

The above three Members have also mentioned whether a model law approach can be adopted in drafting the regulations in order to enhance the efficiency and consistency of the drafting work. Although model clauses may provide useful reference, the model law approach is considered infeasible in enacting the UNSO so as to implement the United Nations sanction resolutions, given that the contents of different UNSC resolutions are not the same. It is also doubtful whether the United Nations sanctions can be properly and correctly implemented. For instance, in terms of content and specific wording, the sanction measures, sanction targets, categories of prohibited items or conditions exempted from sanctions as decided by the UNSC in respect of different places are always different. If the model law approach is adopted, it may not be able to

reflect the variations. Not only is it ineffectual in cutting down the time spent on drafting, but more time is needed to check the differences between each of the new resolution and the model law. In conclusion, there are difficulties in adding some clauses as model clauses in the UNSO. Nevertheless, not adopting the model law approach may not mitigate the efficiency and consistency of the drafting work. It is because when making new regulations, we will make reference to existing regulations in relation to the implementation of similar sanctions.

Mr LAU Kong-wah has also mentioned whether the Government can apply or amend other existing legislation to implement the UNSC sanction resolutions instead of making regulations pursuant to the UNSO. As I said in the first part of my speech, the legislative intent of the UNSO is to provide a complete legal framework for the implementation of the UNSC sanctions. Although the existing legislation in relation to the control of strategic commodities, the combat of financing activities of terrorists, and the forfeiture of the proceeds of crime in relation to organized and serious crime activities, can in certain conditions deal with part of the sanction contents of the UNSC resolutions, the nature, objectives and legislative intent of these legislation greatly differ from those of the UNSO. If we adopt the approach of amending these legislations, they may not be able to fully cover the scope of sanctions in the UNSC resolutions. Besides, the incorporation of the related sanction measures into one piece of regulation may facilitate the public to have a clear and comprehensive understanding of the UNSC sanction in respect of a certain place. Therefore, the existing way of making regulations pursuant to the UNSO is still the most appropriate and effective way to fully implement the sanction measures of the UNSC.

President, I would like to reiterate that the Government highly values the views of the Legislative Council on the UNSO and on the regulations made for the purpose of implementing United Nations sanctions, and that we have, as far as practicable, endeavoured to improve the current arrangements. Making regulations pursuant to the UNSO is an important policy of the SAR in assisting the Central Government to carry out its international obligations. The current arrangement is in line with the lawful and constitutional requirements. We have constitutional obligation to maintain the current approach to ensure that the Hong Kong SAR can implement the United Nations sanctions effectively.

Thank you, President.

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

(Members raised their hands)

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

(No hands raised)

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

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 3 pm on Tuesday, 13 July 2010.

*Adjourned accordingly at thirteen minutes to Five o'clock.*