

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 25 May 2011

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE 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 ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

MEMBERS ABSENT:

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

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

PUBLIC OFFICERS ATTENDING:

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

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

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

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

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

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

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

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

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

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

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

MISS ADELINE WONG CHING-MAN, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND
AFFAIRS

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Director of Intellectual Property (Establishment) Ordinance (Amendment of Schedule 1) Order 2011	88/2011
Construction Industry Council Ordinance (Amendment of Schedule 2) Order 2011	89/2011
Public Health and Municipal Services (Designation of Public Swimming Pool) Order 2011	90/2011
Public Health and Municipal Services Ordinance (Amendment of Fourteenth Schedule) Order 2011	91/2011
Public Health and Municipal Services (Setting Aside Places and Cessation of Setting Aside Place for Use as Public Pleasure Grounds) Order 2011	92/2011
Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) Order 2011	93/2011
Waste Disposal Ordinance (Application of Section 16) Notice 2011	94/2011
Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2011	95/2011
Human Organ Transplant (Amendment) Ordinance 2004 (Commencement) Notice 2011	96/2011
Administrative Instructions for Regulating Admittance and Conduct of Persons (Amendment) Instructions 2011 (Commencement) Notice	97/2011

Other Papers

- No. 93 — Securities and Futures Commission
Approved budget of income and expenditure for the financial year 2011/2012
- No. 94 — Report of changes made to the approved Estimates of Expenditure during the fourth quarter of 2010-11
Public Finance Ordinance: Section 8

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Road Traffic Noise in West Kowloon

1. **MR FREDERICK FUNG** (in Cantonese): *President, I have received complaints from quite a number of members of the public, pointing out that the noise problem in the West Kowloon district has persistently affected the lives of local residents, particularly during the small hours when vehicles travelling on major trunk roads in the district, for example, the West Kowloon Corridor (WKC), and so on, cause serious noise nuisance to residents living in the neighbourhood, for example, Fu Cheong Estate and Nam Cheong Estate in Sham Shui Po, the old district of Sham Shui Po and Tai Kok Tsui. Some members of the public have also pointed out that the noise problem is partly attributable to the illegal road racing activities on the WKC during the small hours. In this connection, will the Government inform this Council:*

- (a) *of the relevant data obtained from traffic noise surveys conducted by the authorities in the vicinity of the main roads in West Kowloon in the past five years and the changes in such data; whether the authorities had analysed if traffic noise along these roads showed signs of deterioration or mitigation; of the mitigation measures taken by the authorities to combat the noise problem in the aforesaid district in the past five years, and whether they have reviewed the effectiveness of such measures;*

- (b) *of the respective numbers of complaints about the traffic noise along the WKC received by the Government in each of the past three years; whether the authorities regularly conduct traffic noise surveys in the small hours in the aforesaid district; if so, of the relevant data and analyses on the sources of traffic noise; the enforcement actions taken by the police to combat illegal road racing activities on the WKC; and the respective numbers of vehicles intercepted for suspected modification, prosecutions instituted and convictions of those involved; and*
- (c) *whether the authorities will, targeting at the noise problem in West Kowloon and its vicinity at present, explore and implement various new mitigation measures, including implementing traffic control measures (for example, restricting vehicles generating loud noise from using the relevant road sections during the small hours), introducing new technologies for noise barriers (for example, using lighter materials and collapsible or expandable components to reduce additional wind load on existing roads and flyovers), and installing double-glazed windows as noise insulation for residents who are subject to serious noise nuisance?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Good morning, President and Members. I thank Mr Frederick FUNG for his question.

- (a) The Environmental Protection Department (EPD) has all along been using traffic flow data (for example, traffic flow, traffic speed and ratio of heavy traffic vehicles) to assess the traffic noise from major roads in Hong Kong. In Sham Shui Po, West Kowloon, traffic noise from the WKC is higher. Nearby residents are exposed to noise levels of up to 75 to 80 dB(A)L10 (1 hour) during the busiest traffic hours of the day. For the past few years, there was no significant change in the vehicular flow on the busy major roads in the district, and hence there was no significant change in the overall traffic noise level on these road sections.

To mitigate the impact of traffic noise, the Highways Department (HyD) has resurfaced the WKC and other suitable road sections in

the district with low noise surfacing material to reduce traffic noise. The HyD will repave the roads regularly and monitor the condition of road surface. If road surfaces are damaged, the HyD will carry out maintenance works to reduce the traffic noise as far as practicable. In the past, the EPD and the HyD have studied the feasibility of retrofitting noise barriers or enclosures on the WKC. As the road section, especially the flyover, was built about 30 years ago, it cannot bear the extra load brought about by the erection of noise barriers or enclosures. Moreover, there is not enough space to accommodate a free-standing structure for erecting noise barrier near the WKC.

- (b) The number of complaints received by the EPD about traffic noise from WKC over the past three years is as follows:

<i>2008</i>	<i>2009</i>	<i>2010</i>
7	6	9

The complaints mainly concerned noise from the traffic stream on WKC. There have also been occasional complaints about speeding. As compared with day-time, the overall traffic flow during night-time is lower and hence the noise level is lower at night.

Regarding speeding and illegal motor racing as pointed out by Mr FUNG, the police will take enforcement actions from time to time. According to statistics provided by the police, for the period of more than two years from October 2008 to December 2010, 40 anti-road racing operations and 198 speed detection operations were conducted on the WKC. During the operations, a total of 1 073 fixed penalty tickets were issued for traffic offences, most of which were on speeding or other illegal events such as failure to comply with road signs. During the enforcement checks, the police would take appropriate enforcement actions when illegal vehicle modifications are found.

- (c) In addition to the paving of low noise surfacing material on suitable road sections in the West Kowloon area, we have also adopted different approaches to prevent or minimize traffic noise problems, for example, preventing the occurrence of new noise problems

through proper planning and carrying out appropriate environmental impact assessment; regulatory control on import of noisy vehicles into Hong Kong and various retrofitting programmes to tackle traffic noise from existing roads. This is one of the approaches we adopted.

In planning new residential developments near WKC, the developers and relevant departments would adopt appropriate measures, through appropriate planning, to prevent traffic noise problem. For example, when developing Metro Harbour View, the developer had adopted various measures on building layout and orientation to alleviate the possible impact. These included locating noise tolerant podium and non-noise sensitive club house near WKC, and erecting 4 m to 6 m high noise barriers at the podium. This can be done in newly constructed buildings. In addition, the developer provided good quality windows and air-conditioners for those flats still exposed to excessive traffic noise in order to acquire a quieter indoor environment. Besides this, when planning Fu Cheong Estate, the Housing Department (HD) had taken appropriate noise mitigation measures, including building setback, single aspect building design, blank façade facing WKC and other roads nearby, and minimization of the angle of view from the residential unit to the major roads, to reduce the traffic noise impact.

Over the years, various government departments, including the EPD, the HyD, the Transport Department (TD) and the police, have tried their best to explore different noise mitigation measures for roads in the district, including the WKC. With respect to new technology on noise barriers, the HyD advised that the design of the existing bridge structure of the WKC is for supporting vehicles in motion. Even though the proposed noise barriers are made of transparent panels and steel cladding and are considered light, the existing bridge structure is still unable to withstand the extra load from such noise barriers. As for retractable or collapsible noise barriers which may minimize wind load, the HyD is of the view that this type of barriers is even heavier than the type currently used. Again, the existing bridge structure will not be able to withstand the load from such noise barriers.

In order to further investigate the applicability of low noise surfacing material on local roads, the Government has initiated a trial programme for paving of low noise surfacing materials on a number of local roads. In the Shum Shui Po and Tai Kok Tsui districts, there are eight local road sections (for example, Un Chau Street and Lai Chi Kok Road) included in the trial programme. The EPD and the HyD would monitor the concerned road sections and would collect the relevant data for review. If the monitoring results of the trial programme indicate it is practicable, the Government would holistically consider a programme on paving low noise surfacing materials on local roads.

According to the TD, restricting certain types of vehicles from using expressways or major roads requires comprehensive planning that takes full account of the impact on residents along the alternative routes, the transport industry and other road users. Any restriction on the use of the WKC, a major cross-district road, will have a tremendous traffic impact across the region. As heavy vehicles are the main source of high level noise, restricting them from using relevant road sections during night time would mean requiring them to switch to other roads. This will result in a shift of traffic noise and air pollution to other areas and will increase the distance travelled by heavy vehicles. The operation of some sectors of the transport industry may also be affected. As such, the proposed restrictions could not effectively solve the noise problem. At the request of the Traffic and Transport Committee (TTC) of the Yau Tsim Mong District Council, the TD conducted a trial scheme from September to December 2000 to ban heavy vehicles from using the WKC during night-time (11 pm to 7 am the following day). The TTC and relevant government departments discussed the effectiveness of relevant measures at meetings held in November 2000 and January 2001. Having considered the enforcement problems encountered by the police and objection by the trucking industry, the TTC decided to abandon the trial scheme in January 2001. The TD subsequently terminated the trial.

President, to sum up, the Government will consider the implementation of engineering measures, that is, retrofitting noise

barriers or paving of low noise surfacing material on existing roads with high traffic noise level as far as practicable to reduce the impacts of traffic noise on the nearby residents.

MR FREDERICK FUNG (in Cantonese): *President, the Secretary has not listed all feasible measures, probably because he has not thought of other measures. For example, besides large trucks that cause traffic noise, the noise problem caused by high-powered motorcycles and race cars is also very serious. Apart from considering restricting the import of certain types of vehicles because they cause air pollution, can the noise pollution caused by certain types of vehicles be used as a reason for restricting the import and sale of these vehicles? Second, if it has been detected that the noise exposure of public housing estates (Fu Cheong Estate and Nam Cheong Estate) is above the upper limit, should the HD install double-glazed windows for the residents? Third, though the Secretary has mentioned that noise barriers cannot be retrofitted on the road section, can noise barriers be retrofitted in the open space 10 ft to 20 ft from the road section? These are some of the approaches that can be considered by the Secretary; will he consider adopting these approaches?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr FUNG for his question. I understand that noise causes disturbance to residents, and that is why Members have considered the issue and proposed different approaches; I am more than willing to follow up the matter. Concerning the points just made by Mr FUNG such as regulating the noise standards for the import of vehicles into Hong Kong, we have actually followed this direction in dealing with the issue. In 2002, we tightened the noise standards in this area, requiring various types of vehicles including new private cars, buses, goods vehicles and motorcycles to meet higher noise standards upon import. If new standards are to be set in the future, we will continue to follow this direction.

Second, about the sensitive road sections just mentioned, can noise barriers that are not attached to flyover structures be retrofitted at places other than flyovers? I have asked the professional departments and considered these approaches, however, since the WKC — I believe many Members know that — is fairly close to residential dwellings, there are difficulties in vacating certain

areas in the middle for retrofitting noise barriers not attached to flyover structures. Another factor for consideration is that in the event of emergencies such as fire, the rescue work should not be affected by any structures. Therefore, there are actually difficulties in undertaking such work at the relevant road sections or in old districts.

Regarding the changes to the facilities in residential dwellings, we do not have any policies in this area. On the contrary, I believe that we should make the best efforts to deal with the source of noise, regardless of whether vehicles or highway surfaces are concerned, so as to minimize noise impacts. We can also construct noise barriers at relevant places as far as possible. If Members have other new ideas, we would be pleased to continue to discuss related matters with them.

DR SAMSON TAM (in Cantonese): *President, Mr Frederick FUNG has asked in part (b) of his main question whether the Secretary has collected noise data on the WKC on a regular basis. However, the Secretary has not specifically stated in his main reply whether data has been collected regularly. I hope the Secretary would give additional information.*

On part (b) of the main question, I also think that it is very important to combat illegal road racing activities because such activities in the middle of the night will cause noise nuisance to the whole area. As the Secretary has said in his main reply, 40 anti-road racing operations were conducted by the police. Nevertheless, as we all know, when the police carry out anti-road racing operations, those who took part in illegal road racing activities might have received the relevant information, and they would thereby reschedule their activities. Is it effective for the police to undertake combating actions on only 40 days out of 365 days a year? Can the Secretary tell me if there are devices at the relevant places for long-term noise monitoring? Will the police set up some equipment for long-term monitoring of vehicle speed so as to effectively reduce illegal road racing activities?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Dr TAM for the two questions. For the first question, as mentioned in part (a) of my main reply, at present we use traffic flow data to assess noise, and we

undertake similar work each year. Regarding the data on West Kowloon in the past five years, there was a traffic flow of around 96 130 vehicles in 2005; beginning from 2005 — the traffic flow of around 96 000 vehicles in 2005 was actually relatively high — in 2006, 2007, 2008 and up to the traffic flow dropped to around 90 000 vehicles in 2006, it later progressively increased year on year to 91 000 vehicles and then to 92 000 vehicles. It increased to 94 000 vehicles in 2009.

Therefore, I have just explained in my main reply that, for the past five years, there was no significant change in the vehicular flow. The number of vehicles sold in 2009 was a bit less than that in 2005. We generally consider the vehicular flow as stable. Even if the increase in vehicular flow is within 10%, there will not be considerable effects on decibel. Thus, there is no significant change on the whole.

For the second question, I also agree with Dr TAM that illegal road racing activities do not only cause noise nuisance, they also violate the law. We will convey the views to the police. If members of the public think that some road sections have problems, be they noise problems or safety hazards caused by illegal road racing activities, we are happy to make referrals and we will also enhance monitoring of these situations.

DR PRISCILLA LEUNG (in Cantonese): *President, the Secretary has mentioned in paragraph 1 of part (c) of his main reply that "we have also adopted different approaches to prevent or minimize traffic noise problems". I am not sure if the Secretary has noticed that, as discussed among members of the public and more than 10 District Council members from the Kowloon West New Dynamic last Wednesday, the noise level in various districts in West Kowloon have reached 84 dB, that is, 14 dB higher than the limit.*

One of the districts has received responses from the MTR Corporation Limited (MTRCL) in the form of a letter of apology with the same content throughout the years. The noise impact has never ceased. Half of the works on noise barriers has been completed, while the remaining half has not been completed after more than 10 years. Thus, the noise level around Yim Po Fong Street covered by the uncompleted noise barrier works has remain very high.

Will the Secretary consider under section 37 of the Noise Control Ordinance, the MTRCL enjoys certain exemptions if it has, so far as is practicable, discharged its function as conferred by law. Should the Ordinance be amended? During the small hours, areas such as Sham Shui Po, Tai Kok Tsui and Mong Kok are affected by noise nuisance caused by rails. The track polishing works undertaken when train service ends is highly disturbing, people can hardly go to sleep. What are the Secretary's views on the noise created by the MTRCL, the way it controls noise, and the fact that it has not completed another half of the works as mentioned above?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, the source of noise mentioned by Dr LEUNG is different from that mentioned by Mr FUNG. Dr LEUNG has just talked about the noise generated from railway operation.

About railway operation, first, similar measures are adopted in different places and it is most important to reduce noise at source. If noise is produced in the course of railway operation, we should consider if the noise caused by track friction can be reduced. We should also consider if noise barriers can be retrofitted at suitable places. We will consider these issues from various perspectives.

There is a dilemma. To reduce noise from railway operation, we need to have regular maintenance or polishing so as to ensure smooth operation. Yet, these works sometimes create noise as Dr Priscilla LEUNG has just said. We will try our best to follow up the situation and discuss the relevant issues with the MTRCL.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

DR PRISCILLA LEUNG (in Cantonese): *The Secretary has not answered if the Ordinance will be amended. Section 37 of the Ordinance provides that, regarding the works of the MTRCL, if the MTRCL has so far as is practicable and compatible with the discharge of its function*

PRESIDENT (in Cantonese): Your follow-up question is clear enough.

DR PRISCILLA LEUNG (in Cantonese): *it just needs to make efforts to control noise. Can the Secretary tell us if the Ordinance will be amended?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I think the Ordinance has also stated the requirements to be complied with insofar as the source of noise is concerned. On this issue, I do not have very specific information at hand but I can consider after the meeting if certain provisions of the Ordinance should be improved, and I will provide the relevant information later. (Appendix I)

MS STARRY LEE (in Cantonese): *President, residents have been affected by noise nuisance for a long time and the study on retrofitting noise barriers at some black spots has been conducted for 10 years. However, the Secretary told us today that the relevant works could not be undertaken because of technical problems. The other answers provided are just a repetition of those given in reply to questions raised by District Council members. Old wine cannot solve the problem; I hope the Secretary would think of new ways to solve the problem.*

Many residents have reflected to us that another major source of noise is the modified vehicles. These vehicles with extremely large exhaust pipes and much lower chassis make very loud noises. Will the Secretary consider deploying more controllers to some black spots — the Government is now monitoring whether drivers have had alcoholic drinks and whether vehicle emissions have exceeded the limit — can more controllers be deployed to these black spots to check if noises of certain vehicles have exceeded the limit; if so, the drivers should be immediately prosecuted so as to reduce noise nuisance to residents?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, we can do so.

MR JAMES TO (in Cantonese): *President, the subject of this question is about noise in West Kowloon which covers a wide scope. I would like to talk about the problems concerning Yim Po Fong Street as the noise from railway operation exceeds the limit. Noise barriers can be retrofitted there but the Government has not undertaken such works. According to the Government, noise barriers cannot be retrofitted on the WKC, hence, no actions have been taken. In other words, the authorities will not retrofit noise barriers at places where they cannot be retrofitted; and it will not retrofit noise barriers at places where they can be retrofitted. Does the Secretary have the intention of solving the noise problems? Should the Secretary retrofit noise barriers at places where they can be retrofitted to protect members of the public from noise nuisance?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, it does not matter whether the source of noise is from vehicles or railways, so long as we know the source of noise and noise barriers can be retrofitted, we will try our best to get the work done. I know that on some road sections in West Kowloon, the source of noise is not solely from railways. Our approach is: if the source of noise is from railway, we will try to tackle the problems with the railway operators as far as possible; and if the source of noise is road traffic, we will try to tackle the problems with the relevant authorities as far as possible.

Nonetheless, Members should understand that the districts in West Kowloon as just mentioned above are mostly older districts, and the roads within the districts were constructed decades ago, thus the safe load is indeed a problem. For a certain period in the past, we have tried our best to undertake improvement works in areas that could be improved through such works throughout the territory. For example, as we mentioned at meetings of the Legislative Council before, noise barriers could be retrofitted at more than 30 places throughout the territory; we will try our best to implement these projects.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR JAMES TO (in Cantonese): *President, I am not sure if the Secretary has answered my supplementary question; I just want to clarify. In his answer just now, does he mean to say that if railway is one of the sources that creates*

excessive noise, he will undertake to handle the problems if that is technically feasible?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, we will follow up the matter as far as possible.

PRESIDENT (in Cantonese): We have spent more than 23 minutes on this question. Second question.

Internet Learning Support Programme

2. **MR FRED LI** (in Cantonese): *President, in the 2010-2011 Financial Year, the Government allocated \$220 million for implementing the Internet Learning Support Programme (ILSP) through a non-profit making organization to assist needy families in the community acquire Internet access service and computers. It has been reported that five organizations submitted proposals for ILSP and the Government exceptionally recommended collaboration among two of them. One of the organizations, the eInclusion Foundation Limited (eInclusion), being formed by the Internet Professional Association (iProA) which is closely affiliated with a political party, and another partner organization, lacks any track record; the other organization, the Hong Kong Council of Social Service (HKCSS), however objected to the collaboration recommendation. It has also been reported that there is public concern as to whether the personal data of those members of the public who participated in ILSP will be misused. On the other hand, Mr Jeremy GODFREY, the former Government Chief Information Officer who led the ILSP assessment work, suddenly resigned in January this year. While the Government indicated that he resigned for personal reasons, Mr GODFREY said in his letter addressed to the Panel on Information Technology and Broadcasting of this Council in April after his leaving the Government that "the personal reasons" for his resignation were unrelated to his health or private life, but related to the conduct of government business. He further mentioned that his proposed corrections and clarifications would raise serious public interest questions, but the Government did not give permission for him to publicly elaborate the issues. In this connection, will the Administration inform this Council:*

- (a) *why the Government deviated from the original arrangement of engaging one Implementer as set out in the funding submission, and changed to a dual-Implementer approach; and why the Government did not seek permission from the Finance Committee before making such a change; whether the recommendation of the Commerce and Economic Development Bureau for two organizations to collaborate in ILSP implementation is an abnormal arrangement; and whether the Commerce and Economic Development Bureau had recommended the collaboration of two bidders in any of her tender exercises conducted in the past three years;*
- (b) *whether they will permit Mr GODFREY to attend the meetings of the Panel on Information Technology and Broadcasting of this Council so that Mr GODFREY may explain his work as well as the role of other relevant persons in handling ILSP; and*
- (c) *how they ensure that the aforesaid two organizations will not misuse the personal data of members of the public obtained in the implementation of ILSP for the benefits of any political party and organizations concerned?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the five-year ILSP aims to assist students from some 300 000 low-income families to acquire affordable computers and Internet access service, and provide them with user and social support.

To implement the ILSP, the Office of the Government Chief Information Officer (OGCIO) launched an open Request for Proposal (RFP) exercise between 18 May and 5 July 2010. By the deadline for submission, five proposals were received. They were evaluated in accordance with the published process and criteria. Two leading proponents, that is, the HKCSS and the eInclusion, emerged.

The terms of the RFP were such that the selected proponent should nominate a limited company established under the Companies Ordinance and satisfying the provisions for being exempted from tax under the Inland Revenue Ordinance as the Implementer. The HKCSS, founded in 1947, undertook to

establish a new Implementer if selected. In the case of the eInclusion, it is a newly formed non-profit organization and could readily serve as the Implementer if selected. It comprises two core partners, the Boys' & Girls' Clubs Association of Hong Kong (BGCA) and the iProA. The BGCA has been providing community service since its inception in 1936 while the iProA has been providing various information technology (IT) professional services since its establishment in 1999. The Implementer needs to liaise with community bodies as well as IT suppliers to help eligible families acquire Internet access service and procure computers, and to provide them with technical and social support. The partner organizations of the eInclusion have the requisite experience and expertise in this regard. Hence, it is incorrect and unfair to say that they "lack any track record" as stated in the question.

Regarding the three-part question raised by the Mr Fred LI, my reply is as follows:

- (a) The Government assessed the five proposals in accordance with the published process and criteria and, upon completion of the evaluation and a procedural review, identified two leading proposals submitted by the HKCSS and the eInclusion respectively. The former Government Chief Information Officer concluded that it would be in the best interests of low-income families if the programme could be executed so as to incorporate the best elements of the two leading proposals. Upon conclusion of the RFP exercise, the Government invited the HKCSS and the eInclusion to explore the possibility of collaboration in jointly establishing a non-profit organization to implement the programme. The Government engaged the HKCSS and the eInclusion in intensive discussions in November and December 2010 to explore possible collaboration arrangements. While the HKCSS and the eInclusion share the belief in the benefits of the ILSP to low-income families and are fully committed to ensuring its successful delivery, there was difficulty reaching agreement on a collaboration model to co-found an implementation agent to take it forward. The Government therefore reviewed various fallback options carefully, including forming an FSI (Financial Secretary Incorporated) company, the OGCIO acting as implementer, single tendering/retendering, and dual-implementer approach with the HKCSS and the eInclusion as

Implementers in different geographical districts. Having regard to procedural concerns, accountability, speed of securing stakeholder's agreement and finalizing implementation details, and resource implications, and so on, the Government decided that engaging the HKCSS and the eInclusion to implement the programme in two geographical zones would be the fallback in the event that co-founding one implementation agent could not materialize. In early January 2011, when it became evident that attempts to invite the HKCSS and the eInclusion to co-found a single implementer failed, the Commerce and Economic Development Bureau offered, and the HKCSS and the eInclusion accepted, a dual implementation approach.

With the engagement of two non-profit organizations by the Government as implementation agents, the target beneficiaries and the overall funding commitment under the programme would remain the same, and are in line with the objective and scope of the commitment as approved by the Finance Committee. On 18 April 2011, we submitted an information note on the rationale for implementing the ILSP by separate organizations to the Finance Committee.

According to our records, there is a precedent case in the past three years in which we recommended collaboration among different proponents. During an Expression of Interest exercise conducted for the implementation of the District Cyber Centre Pilot Scheme in 2008, the OGCI had identified three leading proposals (submitted by the Hong Kong Cyberport Management Company Limited, the Information Technology Resource Centre of HKCSS and the iProA) from 23 proposals received, and considered that their collaboration would bring the greatest benefits to programme implementation. Upon invitation by the OGCI, these three organizations subsequently formed the District Cyber Centres Alliance to jointly implement the scheme to support 57 computer centres located across the territory to provide needy groups with Internet access service, computers and associated equipment as well as training to facilitate their adoption of information and communications technology.

- (b) Mr GODFREY initially requested corrections and clarifications on his role in the ILSP selection process and disclosure of related confidential information. It is the personal nature of his stated request that the Government considers hard to accept as the basis to merit the waiving of confidentiality rule on the ILSP deliberations. Hence, his request was declined. Given his subsequent statements on "public interest questions", the Government's reputation is seriously at stake. There is a need for the Government's perspective to be properly presented and understood in context. We reiterate that the ILSP selection process was conducted in a fair manner and guided only by what is best for the project in overall terms. As a practical way forward, we have informed Mr GODFREY that the Government would not object to his disclosing to the Panel on Information Technology and Broadcasting his note of corrections and clarifications and information relating to the ILSP selection process, provided that the disclosed information or claims is factually correct and based on evidence and to the extent that the disclosure is relevant and necessary for the sake of public interest.
- (c) The Funding and Operation Agreements concluded between the Government and the two Implementers has included a provision mandating the Implementers to comply with the Personal Data (Privacy) Ordinance. Moreover, the personal data obtained during programme implementation can only be used for purposes directly related to the ILSP and with consent from the persons concerned. The OGCIO will closely monitor the performance of the Implementers to ensure effective programme execution and protection of any personal data collected.

MR FRED LI (in Cantonese): *President, I welcome the Government's permission for Mr GODFREY to present his case to the Panel. However, the crux of the problem is, while the Government stated that there would be only one Implementer when the tender exercise was announced, it turned out that the HKCSS and the eInclusion would work hand-in-hand. Worse still, these two organizations were subsequently entrusted to act as Implementers in two different geographical regions due to a lack of time, which is very unusual. Since the Co-Founder of iProA, Elizabeth QUAT, is a member of the Sha Tin District*

Council from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), many people (apart from us) doubted if there was transfer of benefits throughout the entire tender process, given her intimate relations with a particular political party?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the proposals had been evaluated in accordance with the process and criteria of the REP, and the entire process was fair, just and absolutely impartial. As for the background of people involved in these organizations, it has not been considered in our evaluation.

MR WONG TING-KWONG (in Cantonese): *Regarding Mr LEE's questions about whether certain organizations would abuse the government project by using the personal data obtained from members of the public to gain benefits for the political party, and whether the Government would transfer benefits to certain organizations in the course of it, they do warrant our concern.*

For the HKCSS mentioned by Mr LEE in his main question, I am aware that the Treasurer, LAW Chi-kwong, is a member of the Central Committee of the Democratic Party. Will this easily arouse people's concern that the Democratic Party will gain benefits as a result? Will we believe that the Democratic Party is gaining any benefit at all? I do not believe Mr LEE will think so. What does the Government think in view of all these?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As I have just said in response to Mr Fred LI's supplementary question, we have evaluated the proposals in accordance with the process and criteria of the REP. We focused mainly on two points: The past experience of the proponents will be assessed to see if they are capable of implementing the proposals, and whether the proposals can effectively implement the ILSP in accordance with the published criteria and the appropriation process of the Finance Committee. Therefore, the personal or political background of an individual in a certain organization is not our evaluation criteria.

MR LEE WING-TAT (in Cantonese): *President, the HKCSS enjoys a public standing in the community and is an independent organization. After the incident, many people rose to challenge government decisions, not only because Mr GODFREY has resigned, but also because the Government had originally shortlisted the HKCSS as the leading Implementer. However, information showed that some government officials had suggested the HKCSS to consider implementing the project in collaboration with another organization with political background — at least Elizabeth QUAT, its Co-founder, is a District Council member of the DAB. The Government must inform the public if it had shortlisted the HKCSS in the first place during the selection process, but subsequently requested — or honestly speaking, forced — the HKCSS to work in collaboration with an organization with political background. The Government must give a detailed account of it.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I have already stated the background of the organization concerned in the main reply. Apart from the HKCSS, another partner organization is the eInclusion. As I said earlier, the eInclusion comprises two core partners, and one of them being the BGCA, whose contribution to the community since its inception in 1936 is obvious to all. Equally obvious is the contribution made by the iProA, the second partner, in community and IT professional services since its establishment in 1999.

In the main reply, I also mentioned that the former Government Chief Information Officer had identified two leading proposals among the proposals received, each having their own merits. He concluded that it would be best for the project if the ILSP could be effectively executed to help low-income families acquire Internet access service. Therefore, the OGCIO saw eye to eye with the Government and wanted to invite these two organizations to adopt a collaboration arrangement in implementing the ILSP. As these two organizations failed to reach a consensus, we therefore considered engaging them to implement the ILSP in two geographical regions simultaneously.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR LEE WING-TAT (in Cantonese): *My question is very simple: Has the Government selected the HKCSS in the first place but subsequently requested it to work in collaboration with another organization?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, there was no such case. Upon completion of the evaluation and a procedural review, the authorities concluded that the proposals submitted by these two organizations were the best and thus both were selected. There is no such thing as to which gets higher mark. As they are the leading contenders, we therefore invited them to implement the ILSP together.

MS EMILY LAU (in Cantonese): *President, according to the Secretary, the former Chief Information Officer concluded that it would be in the best interests of low-income families if the best elements of the two proposals could be incorporated. However, this is not the case now and the two organizations will have to implement the programme independently. This would render them unable to achieve the best result.*

The Secretary also said that the statement made by Mr GODFREY has put the Government's reputation seriously at stake, it is thus necessary for the Government to properly present its perspective. However, President, the perspective has not been properly presented today, nor is there any explanation of the sudden resignation of Mr GODFREY in January. At that time, Members agreed that he resigned for personal reasons. Yet, he later stood out and stated that his resignation did not relate to personal reasons, but the conduct of the Government. Today, the Legislative Council is still very confused with the circumstances surrounding the incident. Worse still, the beneficiaries are unable to obtain the best result. In this connection, Secretary, why did you not give a full account of the incident to the Finance Committee?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, as the former Chief Information Officer considered that the programme would yield the greatest benefits if the best elements of the two proposals could be incorporated, so he hoped that the two organizations could

work together. The fact is, however, that they failed to reach a consensus on the mode of co-operation and other options would have to be explored.

As I have said earlier in the main reply, we have reviewed different options and considered on the basis of various criteria. Considerations had been made to the possibilities of the OGCIO acting as implementer, another single tendering or retendering, or even a dual-implementer approach. However, having regard to procedural concerns, accountability, speed and confidence of securing stakeholder's agreement, speed of finalizing implementation details, implications on government resource and low-income families, as well as public reaction, we considered that the most beneficial and best option is to have the two organizations implementing the programme in different geographical regions.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MS EMILY LAU (in Cantonese): *I asked him why Mr GODFREY was said to resign for personal reasons at that time, but he later stood out to refute this. Could the Secretary not read out the main reply once again?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): We have no intention of speculating what was in Mr GODFREY's mind. As the Government considered that Mr GODFREY's statements have put the Government's reputation seriously at stake, it has therefore permitted him to give an account to the Panel. President, the entire process is fair, just and open.

MR RONNY TONG (in Cantonese): *President, we heard the official response of the Government today. However, what Mr GODFREY said on other occasions has given Hong Kong people the impression that today's response does not represent the entire truth, and they doubted if there are malpractices on the part of the Government.*

President, the concern of Mr GODFREY is whether or not the Government would invoke the Official Secrets Ordinance, the Civil Service Code or other provisions in his employment contract to find fault with him. May I ask the

Secretary if the Government can state publicly here that no such provisions will be invoked to stop him from disclosing the entire truth, thereby ensuring that he can make public the circumstances surrounding the incident?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, first of all, I have to make a solemn response to Mr Ronny TONG's question — there is no malpractice on the part of the Government.

Furthermore, we have stated very clearly that we do not object Mr GODFREY's disclosing to the Panel his note of corrections and clarifications mentioned earlier, provided that the disclosed information or claims is factually correct and based on evidence and to the extent that the disclosure is relevant and necessary for the sake of public interest.

MR RONNY TONG (in Cantonese): *President, my question is: Mr GODFREY is concerned that he would be penalized in the aftermath*

PRESIDENT (in Cantonese): Please briefly repeat your supplementary question.

MR RONNY TONG (in Cantonese): *President, the question put by me earlier is: Can the Government state publicly that the abovementioned ordinance, code and provisions would not be invoked to stop Mr GODFREY from giving an account of the circumstances surrounding the incident? Why does the Secretary not answer this question?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, as Mr GODFREY has yet to disclose any information, we cannot tell at this moment the measure or stance to be adopted by the Government towards the disclosed information. I have nonetheless said clearly that Mr GODFREY could present his case to the relevant Panel. I believe Members would agree that the disclosed information must be factually correct and based on evidence and to the extent that the disclosure is relevant and necessary for the sake of public interest.

PRESIDENT (in Cantonese): This Council has spent nearly 23 minutes on this question. Third question.

Manpower Supply and Allocation of Resources for Public Hospitals

3. **MR RONNY TONG** (in Cantonese): *President, some healthcare staff have relayed to me that Mainland pregnant women giving birth in Hong Kong has triggered the problem of severe shortage of healthcare manpower and resources in the public sector. These healthcare staff have pointed out that not only have the nurses complained that the nurse-to-patient ratio has exceeded international standards, the doctors have also complained about excessive working hours and patient numbers which have turned them into "medical machines", leaving them insufficient time for patient consultation; and there is even competition for resources among hospitals or hospital clusters because of the dearth of resources. They have also pointed out that although the Hospital Authority (HA) and the Food and Health Bureau have respectively proposed allocating additional funding and training more healthcare staff to meet the shortage so as to solve the problems emerging at present, healthcare staff and the professional bodies to which they belong are not optimistic about this. They also query whether the authorities have any long-term improvement plan to cope with the shortage of healthcare manpower and resources. In this connection, will the Government inform this Council:*

- (a) *of the measures to be formulated or the resources to be allocated by the authorities in the next five years to solve the problems of shortage of healthcare manpower, long working hours of doctors, insufficient resources and insufficient development of services in various hospitals;*
- (b) *whether the authorities have estimated the community demand for public healthcare services in the next five to 10 years; if they have, of the specific content and the outcome as shown in the estimation, whether the authorities can ensure that the recommendations or policies concerned will effectively meet the estimated demand at that time; if such an estimation has not been made, the reasons for that, and the role and strategy of the Government in public healthcare policy; and*

- (c) *under the situation of severe shortage of healthcare manpower, whether the Government will negotiate with the trade to expeditiously study the relaxation of the restrictions on foreign healthcare professionals practising in Hong Kong; if not, of the reasons for that?*

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

- (a) With an ageing population and advances in medical technology, there is an increasing demand for healthcare services in the community, and the manpower requirement for healthcare personnel grows commensurately. We are concerned about the heavy work pressure faced by the front-line healthcare professionals in the HA, and we gratefully appreciate their dedication and devotion in serving the citizens in public hospitals.

In the past few years, the HA has been allocating additional resources to address manpower issues. In 2011-2012, the HA will continue to recruit additional healthcare staff, including about 330 doctors and 1 720 nurses, to meet the service demand. At the same time, the HA will implement a series of measures, including the creation of additional promotion posts and strengthening of professional training, with a view to improving staff retention, boosting staff morale and strengthening manpower.

We are particularly concerned about the working environment of our healthcare staff. The HA has been endeavouring to relieve the workload of its front-line healthcare workers by re-engineering work processes, streamlining work procedures and recruiting additional supporting staff. For instance, the HA has substantially increased the number of healthcare supporting staff since 2008, with an annual increase of more than 7%. Besides, to increase doctor manpower in the short-term, the HA will extend the existing pilot scheme for employment of part-time doctors in the Obstetric and Gynaecological specialty to other specialties in 2011-2012.

Over the past years, the Administration has proceeded with the planning to increase the number of training places for doctors and nurses. It is anticipated that there will be an increase in the number of medical graduates and nurse graduates in the next few years. For doctors, the student intake of the two faculties of medicine has increased from 250 to 320 annually in the 2009-2010 to 2011-2012 triennium. As for nurses, the number of nurse graduates is expected to reach about 1 800 this year, including graduates from local universities (including University Grants Committee (UGC)-funded programmes and self-financed programmes), the HA nursing schools and local private hospitals. In the next few years, it is anticipated that there will be approximately 2 000 nurses each year available for recruitment. The HA will continue to step up its recruitment efforts to meet the service demand.

- (b) In planning the provision of public healthcare services, the HA takes into consideration a number of factors, including the projected demand for healthcare services having regard to population growth and demographic changes, the growth rate of services of individual specialties, and the possible changes in healthcare services utilization pattern, and so on. According to the HA's projection, during the period between 2008 and 2016, it is estimated that the number of discharges from hospitals and the number of attendances for Accident and Emergency, specialist and general out-patient services will have an annual increase of about 2%, while the population grows by 0.8% annually on average. The HA will continue to monitor the trend of demand for various healthcare services, and to implement hospital development programmes and other appropriate measures to ensure that our services are capable of meeting the needs of the society. For instance, the HA will provide additional general beds in the New Territories West Cluster this year to cope with the projected growth in demand for hospital services in some districts. In addition, a number of ongoing hospital development projects, such as the new North Lantau Hospital (Phase 1), the expansion of Tseung Kwan O Hospital and a new hospital in Tin Shui Wai, will also provide additional beds in the coming years.

As regards the supply of healthcare manpower, apart from the increase in the supply of healthcare graduates in the coming few years as mentioned above, we have recently reviewed the manpower requirements for healthcare professionals and forwarded our findings to the UGC in step with its triennial academic development planning cycle. In projecting the manpower requirements for healthcare professionals, we take into account the views of the major employers of healthcare workers, including the HA, the Department of Health, welfare service providers and private hospitals. The relevant considerations include the number of retirees each year, the trend of wastage, the assessment on ageing population, demographic changes, the special needs of the community for particular areas of services, and the trend of development of healthcare professions and medical technology, and so on. We will continue to encourage the tertiary institutions to increase student places to ensure an adequate manpower supply for the provision of healthcare services in the long-term.

- (c) Under the Medical Registration Ordinance, with the exception of graduates of the faculties of medicine of The Chinese University of Hong Kong and the University of Hong Kong, all those who intend to obtain a practising licence through registration with the Medical Council, regardless of whether or not they have already obtained a practising licence outside Hong Kong, are required to satisfy the Council that they have completed medical training and hold a medical qualification approved by the Council, sit and passed the Medical Council's Licensing Examination and completed successfully a 12-month internship training in Hong Kong before they can register as medical practitioners in Hong Kong. The Licensing Examination of the Medical Council aims to ensure that those who wish to register as medical practitioners in Hong Kong after receiving medical training outside Hong Kong have attained a professional standard comparable to that of local medical graduates, so as to safeguard the quality of our medical services and public health.

The Medical Registration Ordinance also empowers the Medical Council to approve individual applications of overseas medical

practitioners for limited registration for a period not exceeding one year. Applicants must meet the qualifications stipulated in the Ordinance. Upon approval and endorsement by the Council, they can be exempted from taking the Licensing Examination and registered as medical practitioners with limited registration. The HA will consider recruiting doctors trained in the overseas to serve in public hospitals through limited registration, with a view to strengthening healthcare manpower and providing supporting services.

As regards healthcare manpower, the Administration will study service developments and manpower requirements in the public and private sectors, and consult the practitioners and the Medical Council as and when appropriate. When considering different feasible measures, we have to ensure that all healthcare professionals providing services in Hong Kong satisfy our requirements on professional standards in order to provide the public with reliable and professional healthcare services.

MR RONNY TONG (in Cantonese): *President, as usual, I am gravely disappointed with the official's reply to the question raised by Members. President, the focus of this question is that given the present situation of acute shortage of healthcare manpower, inadequate support and insufficient resources, when and how this serious problem will be resolved?*

If the Government says that the current shortfall of healthcare manpower is 1 000 medical staff and 100 staff will be recruited each year, I would know that the problem will be improved in 10 years' time. However, nothing of that sort has been mentioned in the two-page reply provided by the Government. The reply only gives information about the annual increase of manpower. It is meaningless because the Secretary has not told us when this problem of acute shortage of resources and manpower will be improved.

Perhaps, let us put forth a very simple question: When will the situation be improved?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, basically, we have been making every effort to improve the problem. The situation can be clearly seen from the statistics. In the past five years, the number of medical doctors at the HA has increased by 434, from 4 617 in 2006-2007 to 5 051 in 2010-2011

MR RONNY TONG (in Cantonese): *He has already read out those figures just now, and it is meaningless to repeat them.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I have not read out those figures just now.

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have not read out those figures just now. That is why I am

PRESIDENT (in Cantonese): The Member is asking when the situation will be improved.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I have to tell Members that the situation is improving continuously. Over the past five years, the number of medical doctors has increased by 9.4%, while that of nurses by 4.6%. We are recruiting additional healthcare staff constantly so as to meet the needs of an ageing population and advances in medical technology.

I believe the demand for public sector services will continue to rise and public expectation has also grown significantly. Our healthcare staff have been striving to serve the public. Hence, we will definitely continue to allocate additional resources so as to improve the quality of service in every aspects. We are confident that healthcare services will continue to improve in future.

MR RONNY TONG (in Cantonese): *I do not ask him to provide information about the annual increase of healthcare personnel.*

PRESIDENT (in Cantonese): Please repeat your question.

MR RONNY TONG (in Cantonese): *My question is when will we catch up with the internationally accepted standard? When will improvements be made? He has answered none of my questions even up to this moment.*

PRESIDENT (in Cantonese): Secretary, by improvement, the Member means an internationally accepted standard. Can you give us a date in this regard?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I believe that presently there is not so-called a "internationally accepted standard". All around the world, and even in the United States which spend most heavily on healthcare services (medical expenses account for 16% of their GDP), countries are embarking on medical reforms. In this regard, we note that there is not a single model in the world which we can make reference to or copy directly. We cannot just borrow overseas experience out of expediency. We must develop Hong Kong's healthcare system taking into account our conditions, resources, medical professionals and development trend.

DR JOSEPH LEE (in Cantonese): *President, while the Secretary has given us a two-page long main reply, Mr Ronny TONG still needs to chase after him for reasons leading to these problems. If the situation was really as ideal as that outlined in the two-page main reply of the Secretary, there should have been no problem at all on the part of healthcare personnel. However, many problems still exist.*

Just now, the Secretary said that there was no single unified standard in the international world. I will not argue on that. But according to an indicator adopted in the United States, Canada and Singapore, one nurse will

basically take care of four to six patients. This benchmark can be controversial, or perhaps the situation in Hong Kong is so unique that I am not sure whether this indicator can apply here. In the main reply, the Secretary mentioned that a lot of resources had been spent on nurse training and additional funding would be allocated to the HA to recruit a large number of nurses. It is expected that out of the 1 800 nurse graduates this year, 1 720 will be recruited by the HA. If all the nurse graduates recruited by the HA accept their appointment, private hospitals will experience staff shortage. I do not know what the situation will be like then. I would like to ask the Secretary: Given the substantial amount of resources spent on training and recruitment of additional staff, what is the Secretary's expectation in terms of the nurse-to-patient ratio to be achieved under Hong Kong's public healthcare system? At present, there is this international standard — no, not international standard — an indicator of one nurse taking care of four to six patients; whereas in Hong Kong's public healthcare system, one nurse is required to take care of 14 to 16 patients. I would like to ask the Secretary: In his opinion, what standard has now been achieved in Hong Kong? As just mentioned by the Secretary, with the allocation of so much resources, whether any standard is applicable to Hong Kong?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, as far as the ratio is concerned, we have been holding discussions in the past 20 to 30 years. When planning for the development of our healthcare system, we see the need to formulate a specific nurse-to-patient ratio for certain specialized services such as the intensive care unit. In respect of other services, flexibility should be allowed. For instance, when a certain speciality is inundated with patients or those with complicated or serious conditions, more nurses will be required to provide intensive care for the patients. In this regard, there are internal guidelines in the HA on how to achieve this objective. However, we also notice the situation in overseas countries, even if such a mode is adopted for the recruitment of nurses, their standard of healthcare services are not much higher than that of Hong Kong. Therefore, we must utilize our healthcare resources in a prudent manner. We must make the relevant decisions taking into account our local environment, available resources and scope of development.

I agree that we must continue to recruit more nurses. I also agree — and it is a decision made some six or seven ago — that in the next few years, we need

to recruit some 2 000 nurses each year. In this connection, we have been maintaining communication with the nursing profession. It is our mutual understanding that this level of manpower is indeed achievable. Also, we hope that all nurse students will be fully employed after training. I think this is of utmost importance. At the same time, we consider that with this level of nursing manpower, we will be able to meet the future development needs of our healthcare system, including those of the HA and private hospitals, as well as the need for nursing manpower by other welfare agencies. In this connection, we will continue to make our decisions in accordance with changes in society.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

DR JOSEPH LEE (in Cantonese): *President, the Secretary has not answered my question. In fact, my question is quite simple. Just now, the Secretary also mentioned that an internal guideline had been formulated in the HA*

PRESIDENT (in Cantonese): Please simply repeat the supplementary question you asked just now.

DR JOSEPH LEE (in Cantonese): *My question is: If the Secretary does not have the information now, can he provide us with a written reply after the meeting, stating whether the HA has any indicator in respect of the average number of patients one nurse has to look after in different clinical departments?*

PRESIDENT (in Cantonese): The Member's question is about the indicator for nurse-to-patient ratios. Secretary, please.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, we will request the HA to provide additional information. (Appendix II)

DR LEUNG KA-LAU (in Cantonese): *President, having reviewed the annual reports of the HA, I notice that the total number of discharges was 1.15 million in 2001-2002, while that of last year (2009-2010) was 920 000, representing a drop of 24%. In 2001-2002, the number of specialist out-patient attendances was 7.7 million, while that of last year was 6.4 million, representing a drop of 20%. In 2001-2002, the number of accident and emergency attendances was 2.4 million, while that of last year was 2.2 million, representing a drop of 8.5%. In other words, within the past decade, service demand has dropped by 8.5% to 24%, while resource allocation to the HA has increased by some 25% and its manpower also rose by nearly 20%. Why is the efficiency of HA services still so low? Can the Secretary give us an explanation?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): *President, I also have some statistics on hand about the services provided by the HA. According to the statistics, in respect of in-patient services, the number of in-patients has risen from 865 525 in 2006-2007 to 981 638 in 2010, representing an increase of 3.2% over the past five years. Regarding accident and emergency services just mentioned by the Member, the number of accident and emergency attendances has also risen from 2 052 774 in 2006-2007 to 2 237 251 in 2010, representing an increase of 2.2%. Regarding operating theatre services, 251 000 operations were performed in 2008, while the number rose to 278 000 in 2010, representing an increase of almost 5%. Regarding the ageing population, while our population is only growing slightly at 0.8%, service demand arising from the ageing population in terms of in-patient, operating theatre, or even accident and emergency services has been increasing. Hence, we cannot say that the efficiency of HA has been reduced. In fact, the service volume of HA is commensurate with its establishment and resources.*

MS LI FUNG-YING (in Cantonese): *President, the Secretary has mentioned in part (b) of the main reply that when projecting and planning for the demand of healthcare services, the authorities would mainly focus on internal demand of our society. However, the Government has now earmarked medical services as one of the six major industries. I would like to ask the Secretary: When projecting and planning for the future demand of healthcare services, has any consideration been given to the development of medical services as one of the six major industries, and the formulation of adequate supporting measures from the*

perspectives of strengthening healthcare manpower and service provision to the public to cushion such impact, so as to ensure that the quality of service provided to the public will not be affected?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the priority task of our healthcare services is to serve the people of Hong Kong. In this connection, our planning in terms of both resource allocation and manpower training has already taken this into account. As to whether more and more overseas patients will be attracted to Hong Kong such that additional burden is created on our workload and manpower requirement, we have also made some preparation. In particular, we note that with the allocation of four new sites to increase the supply of private hospital beds, more healthcare staff will be required. Regarding the demand for healthcare staff, I think as more flexible services are provided by private hospitals, their need for additional manpower may be not as great. However, due to the ageing population, we estimate an annual increase of 2% in the manpower of our public healthcare system for both doctors and nurses. If there are other service considerations, such as the recent manpower demand in obstetric services, we will also allocate funds for the training of healthcare staff.

As I have mentioned just now, a decision has already been made in 2009 to increase the number of training places for doctors. Moreover, additional training has been provided for nurses in the past five years. On top of the above, we hope to bid for funding in respect of the resources for tertiary education in the coming year such that additional resources can be available to increase the number of training places for doctors, nurses and other allied health staff.

PRESIDENT (in Cantonese): Although a number of Members are also concerned about manpower supply and resource allocation for our healthcare services, this Council has already spent more than 23 minutes on this question, and so Members have to follow up on the issue through other channels.

Fourth question.

Parole for Hong Kong People Serving Imprisonment Sentences on the Mainland

4. **MR PAUL CHAN** (in Cantonese): *President, some members of the public have pointed out to me that Hong Kong people serving imprisonment sentences on the Mainland would not be given parole like Mainland prisoners even if they behave well in prisons, as mainlanders could report to the local police at specified intervals after their release on parole, while Hong Kong prisoners applying for parole would be regarded as going back to Hong Kong afterwards and thus would not be able to report to the law-enforcement agencies on the Mainland at regular intervals. Therefore, according to such members of the public, the terms of imprisonment served by such Hong Kong people will be much longer than those of mainlanders even if sentences of the same length are being imposed on them and they have behaved well in prisons. In this connection, will the Government inform this Council:*

- (a) *whether it knows the above situation and whether it knows that some Hong Kong people serving imprisonment sentences on the Mainland have expressed the wishes for parole; if it knows, how the Hong Kong Government handles and follows up those cases; and of the number of requests for assistance received by the Hong Kong Government in the past seven years in relation to applications for parole by Hong Kong people serving imprisonment sentences on the Mainland;*
- (b) *whether it knows if the Mainland judicial departments are prepared to respond to the wishes of such Hong Kong people; how the Hong Kong Government will follow up the issue and act in concert with these departments to enable those Hong Kong people who behave well in prisons to receive the same treatment as their Mainland counterparts and be given parole; and*
- (c) *whether it will consider proposing to the Mainland judicial departments that Hong Kong people serving imprisonment sentences on the Mainland should be allowed to return to Hong Kong to report to the police stations in the territory instead after they are given parole, or they may stay temporarily on the Mainland and report to the Mainland police at specified intervals, with a view to enabling*

these Hong Kong people to be reunited with their families as early as possible?

SECRETARY FOR SECURITY (in Cantonese): President, under the principle of "one country, two systems", the Government of the Hong Kong Special Administrative Region (SAR) should not and would not interfere with the law enforcement, judiciary and punitive systems of the Mainland. Neither do the Mainland authorities interfere with the jurisdiction of the SAR in these respects. Hong Kong residents who are sentenced on conviction of any criminal offence in the Mainland should be dealt with in accordance with the Mainland laws and regulations.

The SAR Government and the Mainland authorities have been discussing the arrangements for transfer of sentenced persons between the two places according to Article 95 of the Basic Law. Once a mutual agreement or consensus can be reached, the Legislative Council will be consulted and through the enactment of local legislation, Hong Kong residents serving sentences in the Mainland may then choose to serve their remaining sentences in Hong Kong, or be released under supervision in accordance with local legislation.

In the meantime, we will continue to exchange views with the Mainland on providing assistance to Hong Kong people serving sentences in the Mainland.

The SAR Government is very concerned about the legal rights of Hong Kong residents who are detained and sentenced in the Mainland. Since 1 January 2001, the Mainland and the SAR have put in place a reciprocal notification mechanism for cases involving unnatural deaths and imposition of criminal compulsory measures on residents from the other side, so that notification could be made as soon as practicable. Upon receipt of notification from the Mainland authorities, the SAR Government will inform the family members of the persons concerned as soon as possible so that they can consider whether to engage a lawyer to help the detainees or to seek other assistance through the SAR Government. In this connection, the Mainland public security authorities and other relevant authorities have been offering active assistance and co-ordination, and the reciprocal notification mechanism has been operating smoothly. Since the operation of the mechanism in 2001 to the end of April this year, over 7 900 notifications involving more than 5 700 Hong Kong residents were made by the Mainland authorities to the Hong Kong.

In addition, upon receiving requests for assistance from Hong Kong residents in the Mainland and their case information, the Beijing Office (BJO) and the Guangdong Economic and Trade Office (GDETO) of the SAR Government as well as the Assistance to Hong Kong Residents Unit of the Immigration Department (the Unit) will provide appropriate assistance, having regard to the nature and circumstances of the cases and the requests of the assistance seekers. In general, on cases of persons detained in the Mainland, officers of the Immigration Divisions of BJO and GDETO or the Unit will explain to the assistance seekers the relevant Mainland legislation and criminal proceedings. Depending on the volition of the assistance seekers, our officers will provide the contact information of Mainland lawyers' associations for their consideration.

We do not have any statistics on applications for parole by Hong Kong residents serving sentences in the Mainland. Upon receipt of related requests for assistance from Hong Kong residents serving sentences in the Mainland, the BJO and GDETO will relay such requests to the Mainland authorities.

MR PAUL CHAN (in Cantonese): *President, the Secretary's reply is just irrelevant. My main question does not seek to interfere with the law enforcement, judiciary and punitive systems of the Mainland. I just want to ask whether the SAR Government knows the situation mentioned in the main question, that is, the difficulties faced by Hong Kong people.*

I will now repeat part (a) of the main question: whether the Government knows the above situation and whether it knows that some Hong Kong people serving imprisonment sentences on the Mainland have expressed the wishes for parole; if it knows, how far has the Government followed up those cases? Does the Government know the above situation? The Secretary has been beating around the bush on this part of the question just now.

SECRETARY FOR SECURITY (in Cantonese): President, I have already answered, stating that we do not have such information.

MR PAUL CHAN (in Cantonese): *I ask him whether he knows the situation.*

SECRETARY FOR SECURITY (in Cantonese): As far as I know and according to the information I have collected, we have never received cases relating to such wishes.

DR MARGARET NG (in Cantonese): *President, in the second paragraph of the main reply, the Secretary mentioned the arrangements for transfer of sentenced persons between the two places. Actually, discussion in this respect started in 1998. At that time, a host of issues had been discussed, including the transfer and investigation of criminal cases, and so on. The discussion of the transfer of sentenced persons between the two places had been regarded by the then Secretary for Justice Elsie LEUNG as relatively easy and less controversial. But why after several decades of discussion it has not been as long as several decades. Why the authorities still fail to make the relevant arrangement after 10-odd years of discussion?*

President, we all understand that when a person has to serve imprisonment sentence overseas, it will seriously limit the rehabilitation arrangement available for the person concerned. What are the reasons for the slow progress in handling such arrangement with the Mainland? As such, it will be useless to mention cases of persons imprisoned in other places. I have received many complaints, and the prisoners concerned have great grievances. Will the Secretary explain the progress made in the past 10 years or so? Why relevant arrangements have not been laid down till now?

SECRETARY FOR SECURITY (in Cantonese): President, to my great regrets, we still have not yet reached a consensus with the Mainland. However, in our negotiation with another jurisdiction on the arrangement of these issues, decisions cannot be made unilaterally based on subjective preference, and a consensus between both parties has to be reached.

Regrettably, I must point out that a consensus has not yet been reached between both sides so far. We will continue to negotiate with the Mainland authorities on the work in this respect, hoping that a consensus can be reached as soon as possible, and we may consult the Legislative Council and follow up the relevant legislative work expeditiously.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

DR MARGARET NG (in Cantonese): *President, the Secretary has not answered my supplementary question. My question is: Why a consensus has not been reached despite years of discussion? Can he explain the difficulties encountered?*

PRESIDENT (in Cantonese): Secretary, will you disclose the case briefly?

SECRETARY FOR SECURITY (in Cantonese): President, since we are still at the stage of discussion and negotiation, it is inappropriate for us to disclose the content of the negotiation before a mutual consensus has been reached.

MR CHIM PUI-CHUNG (in Cantonese): *President, will the Secretary confirm the number of prisoner exchanges carried out in the past 10 years or so? If there was no such case, it implies that the work in this respect is a failure. The Security Bureau has failed to do its level best in handling Hong Kong residents serving sentences overseas, particularly on the Mainland, and reaching a consensus with the parties concerned on prisoner exchange. May I ask if any condition for prisoner exchange has ever been fulfilled in the past? If the answer is in the negative, it means the Secretary has not fulfilled his duties.*

SECRETARY FOR SECURITY (in Cantonese): President, I have to correct the remarks of Mr CHIM. We are not talking about the exchange of prisoner, not on a one for one basis. It is about the transfer of sentenced persons. When it comes to the transfer of sentenced persons, it must involve the signing of agreements and the formulation of legal mechanism. At present, legislation in this respect has been laid down in the laws of Hong Kong. In the past 10 years or so, we have signed agreements with many other jurisdictions, at least 10, at different times and set up the relevant mechanism.

Unfortunately, up to date, we have not yet reached a consensus with the Mainland in this respect, let alone the setting up of a legal mechanism for handling relevant issues. Therefore, in the absence of a relevant statutory mechanism, Hong Kong people serving sentence on the Mainland or Mainlanders serving imprisonment sentence in Hong Kong cannot return to their place of origin to serve the sentence under any mechanism.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR CHIM PUI-CHUNG (in Cantonese): *Since the Security Bureau has failed to do this, it is dereliction of duty on their part to the people of Hong Kong. Am I right?*

PRESIDENT (in Cantonese): This is your opinion. The Secretary has already answered your supplementary question.

MR IP KWOK-HIM (in Cantonese): *President, in the fourth paragraph of the main reply, the Secretary mentioned that the SAR Government was very concerned about the legal rights of Hong Kong residents who are detained and sentenced in the Mainland, and since 1 January 2001, the Mainland and the SAR had put in place a reciprocal notification mechanism for cases involving unnatural deaths and imposition of criminal compulsory measures on residents from the other side, so that notification could be made as soon as practicable.*

I have received many requests for assistance, and the development of one of the cases is very special. A couple passed the control point together to enter the Mainland. After clearance, the wife did not see her husband despite waiting for a long time. She made some enquiries, and she was informed that her husband might have left already. However, after returning to her home at Shantou, she did not find her husband there. She then left and returned to Hong Kong, but she has lost the whereabouts of her husband. She was extremely worried, for she did not understand why her husband would disappear among the crowd after clearance. She later sought assistance from us. We then enquired the relevant departments of the SAR Government about the case, but we were

informed that notification about the case had not been received. Eventually, about four days later, we managed to understand the case from the Mainland public security authorities via another channel, and learnt that the person concerned had been detained for his involvement in economic crimes and he had been led to another place.

Concerning the notification mechanism mentioned in the main reply, it is stated that reciprocal notification will be made by the authorities as soon as practicable, may I ask the Secretary whether any specific time limit has been set for the term "as soon as", requiring that notification must be made within that time frame? In respect of the notification time under the mechanism, can improvement be made so that Hong Kong people will be informed by the SAR Government promptly and understand the situation of their relatives?

SECRETARY FOR SECURITY (in Cantonese): President, the notification mechanism is an administrative arrangement, which should be carried out on the premise of respecting the relevant laws of the both sides. According to the regulation of the Mainland, after the arrest of a person, the Mainland law-enforcement agencies will inform his or her families or the unit he or she belongs of the reason of arrest and the place of detention, in the exception that the notification will obstruct the investigation or that notification is impracticable.

Under this statutory foundation, and adhering to the principles of mutual respect, mutual support and the non-intervention of the law-enforcement actions of the other side, both sides are required under the notification system to make notification as soon as practicable. If there are suspected cases of detention which we have received no notification, the Police Force will enquire the Mainland units about it. I can tell Members that no express provision requiring for notification within 24 hours or 48 hours is included in the agreement, but the authorities should make the notification as soon as possible. Regulations of the Mainland also stipulate that notification of families within 24 hours is most desirable unless in exceptional case.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR IP KWOK-HIM (in Cantonese): *The Secretary has not answered whether improvement can be made to speed up the notification time under the mechanism.*

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

SECRETARY FOR SECURITY (in Cantonese): President, in response to the Member's request, we may continue to discuss this with the Mainland authorities concerned.

MR LEUNG KWOK-HUNG (in Cantonese): *President, most administrative authorities incline not to comply with the laws, as in the case of illegal structures in Hong Kong. Despite saying that illegal structure will be removed as far as possible, those structures that cannot be removed will be left unaddressed.*

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

MR LEUNG KWOK-HUNG (in Cantonese): *Alright. I sympathize with the Secretary. Mr Ai Weiwei has been arrested for days and we could only know the reason for his arrest from the information disseminated by the news agency. Surely, I have sympathy for the Secretary. However, has the Secretary enquired about the number of cases where notification of arrest of Hong Kong people had not been made to Hong Kong authorities in accordance with Mainland laws? Does he have the statistics in this respect? Secretary, have you enquired the Mainland about this?*

PRESIDENT (in Cantonese): Please be seated after you have raised your supplementary question.

MR LEUNG KWOK-HUNG (in Cantonese): *Improvement in democracy can only be achieved through this. Have you made such enquiries?*

SECRETARY FOR SECURITY (in Cantonese): President, I cannot answer this supplementary question. Up to date, as I mentioned earlier, the Mainland authorities have made more than 7 000 notifications relating to Hong Kong people under the notification mechanism. If any person from Hong Kong, that is the person involved in the case, is in need of assistance or feeling his legal rights being infringed, we may suggest him to seek assistance from Mainland lawyers, as well as conveying his requests to the authorities concerned. However, I cannot answer Mr LEUNG Kwok-hung about the number of times in the past where enquiries had been made to the Mainland authorities on cases exceeding the limit of detention. We do not have such information.

MR PAUL TSE (in Cantonese): *President, the Secretary mentioned Article 95 of the Basic Law in his main reply, which is related to reciprocal legal assistance. Given the frequent communication between Hong Kong and the Mainland, many Hong Kong people have encountered problems in this respect. May I know, apart from invoking Article 95, whether the Secretary has other options to improve the situation of Hong Kong people encountering these problems on the Mainland as far as possible on the premise of respecting "one country, two systems"? The authorities have already made arrangements and measures in this respect with other countries, such as the 10-odd countries mentioned by the Secretary earlier. But for what reasons the authorities cannot make such arrangement and measures with the Mainland?*

SECRETARY FOR SECURITY (in Cantonese): As I mentioned in my reply to Dr Margaret NG's supplementary question, we have been negotiating with various jurisdictions on several agreements on reciprocal assistance since the reunification, which include the agreement on the transfer of sentenced persons. Up to date, we have had negotiation with several dozens of jurisdictions and have entered into agreement with 10 or more than 10 jurisdictions to enable the transfer of sentenced persons under the agreement and in accordance with the laws of Hong Kong. However, by now, discussion with various Mainland provinces and municipalities and even Macao must be carried out according to Article 95 of the Basic Law, for the present negotiation with the Mainland is not about affairs between countries, so the mechanism is not applicable. As such, we must discuss the transfer of sentenced persons with various ministries under the Central Authorities and public security departments via this channel. Today,

I find this somehow regrettable that no agreement has been made so far despite the discussion for over 10 years. However, we will continue to work hard on this.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR PAUL TSE (in Cantonese): *Has the Secretary examined thoroughly whether Article 95 is the only channel?*

SECRETARY FOR SECURITY (in Cantonese): I think if we really want to reach an agreement with the Mainland, we should act in accordance with Article 95. If Mr TSE has any better option, he is most welcome to propose that to us.

DR MARGARET NG (in Cantonese): *President, as far as I know, even if an agreement on the transfer of sentenced persons has been laid down, at the time of enforcement, the transfer can only be carried out with the consent or upon the request of the imprisoned person. I would like to ask the Secretary about certain figures. What is the number of Hong Kong people serving imprisonment sentence on the Mainland and that of Mainlanders serving imprisonment sentence in Hong Kong? Is the discrepancy in the two figures a concern? Since the number of Mainlanders imprisoned in Hong Kong hoping to return to the Mainland to serve their sentences is relatively small, but the number of Hong Kong people imprisoned on the Mainland hoping to return to Hong Kong to serve their sentences is relatively large, will this affect the progress of or create additional difficulty to the negotiation?*

SECRETARY FOR SECURITY (in Cantonese): President, regarding the number of imprisoned persons, in fact, the percentage of Hong Kong people serving imprisonment sentence on the Mainland has been decreasing in recent years. In 2006, this type of prisoners accounts for 27.9% of the penal population, but by 13 May this year, they only accounts for 14.9% of the existing

penal population. As for the number of Mainlanders imprisoned in Hong Kong, we do not have the information for the time being. However, since the Correctional Services Department (CSD) often holds meetings or seminars with the prison authorities of the Mainland, it has provided some relevant information though it is not 100% accurate. According to such information, most Hong Kong people imprisoned on the Mainland are serving their sentences in the Guangdong Province. If I remember this correctly, there are about 800 people. Regarding the number of Mainlanders serving imprisonment sentence in Hong Kong, as at May, there are about 1 250 persons. In comparison, the number of Mainlander serving their sentences in correctional institutions in Hong Kong is larger than the number of Hong Kong people imprisoned in the Guangdong Province.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

DR MARGARET NG (in Cantonese): *The Secretary has not answered the second part of the supplementary question: Has negotiation been made more difficult because of the relevant figures?*

PRESIDENT (in Cantonese): Secretary, will you reply?

SECRETARY FOR SECURITY (in Cantonese): President, since the negotiation work is still going on, I do not wish to comment on the disputes arisen with the Mainland authorities or issues both sides failing to come to terms here. I wish to report to the Legislative Council when negotiation has completed and an agreement has been reached.

PRESIDENT (in Cantonese): This Council has spent more than 22 minutes on this question. Fifth question.

Termination of Block Crown Lease Granted to Wong Wai Tsak Tong

5. **MR CHIM PUI-CHUNG** (in Cantonese): *President, the former Legislative Council enacted the Block Crown Lease (Cheung Chau) Ordinance in 1995 to terminate the Block Crown Lease granted to Wong Wai Tsak Tong of Cheung Chau (WWTT) so as to resolve the disputes between WWTT and the sub-lessees. According to the Ordinance, WWTT is entitled to claim compensation for the termination of the Block Crown Lease and for the deemed surrender of the land to the Government upon expiry of the sub-leases specified in section 9(2) of the Ordinance. In this connection, will the Government inform this Council whether:*

- (a) *the Government has granted compensation to WWTT; if it has, of the area of the land affected, the amount of compensation granted by the Government and the average amount of compensation per square metre; and*
- (b) *the Government has instituted any legal proceedings in the process of land resumption?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, WWTT was first granted land on Cheung Chau by a Block Crown Lease as early as 1905. Since then, WWTT had been granted additional land on Cheung Chau under New Grants, as such, WWTT was, at a certain point in time, the registered owner of 90% of the private land on Cheung Chau. WWTT sub-leased most of its land on Cheung Chau using a simple form of sub-lease which is renewable every five years on the same terms until the termination of the Block Crown Lease.

Between the 1980s and the 1990s, WWTT and the sub-lessees had disputes over the land title, the renewal of sub-leases, payment of government rent and redevelopment of land. Although legal action was taken in 1990 between some of the sub-lessees and WWTT with a settlement reached subsequently, such action did not help resolve the disputes. Afterwards, in 1994, a majority of these sub-leases were not renewed upon expiry as a result of the disputes, creating uncertainty to title. Property transactions in Cheung Chau were thus effectively frozen. Despite the Government's repeated attempts to mediate differences between the two parties in the hope that an agreement could be reached, such

attempts proved to be in vain. As the abovementioned disputes had built up to an extent that undermined the Government's proper land administration in Cheung Chau, the Government introduced the "Wong Wai Tsak Tong (Renewal and Extension of Sub-leases) Bill" in 1995, with hopes to regulate matters concerning the renewal of sub-leases, payment of government rent and redevelopment of land, and resolve the disputes. However, the bill introduced by the Government was negated at the resumption of Second Reading.

In the meantime, a Private Member's Bill was introduced, which sought to terminate the Block Crown Lease granted to WWTT and to deem all sub-lessees and sub-leases under the Block Crown Lease as Crown lessees and Crown leases respectively. The Private Member's Bill was subsequently passed by the former Legislative Council in July 1995, and became the Block Crown Lease (Cheung Chau) Ordinance (Cap. 488). Commencement of the Ordinance took place in September 1995. Section 10 of the Ordinance stipulates that WWTT is entitled to claim compensation, and that WWTT shall submit a claim within 12 months from the commencement of the Ordinance to the Lands Tribunal for determination of the amount of compensation to be paid to WWTT.

Subsequent to the commencement of the Ordinance, WWTT submitted a claim to the Lands Tribunal in September 1996 in accordance with section 10 of the Ordinance. In May 2004, subsequent to agreement on the amount of compensation between the Lands Department and WWTT, the Lands Tribunal handed down a consent judgment and determined the full and final amount of compensation. Since then, the problems concerning WWTT and the Ordinance have been settled. The disputes between WWTT and the sub-lessees no longer exist, and the Government's land administration in Cheung Chau has been carried out smoothly.

My reply to the various parts of Mr CHIM's question is as follows:

- (a) As mentioned above, WWTT submitted a claim to the Lands Tribunal in September 1996 in accordance with section 10 of the Ordinance. The Lands Department subsequently reached an out-of-court agreement with WWTT in May 2004, and the Lands Tribunal thus handed down a consent judgment and determined the full and final amount of compensation at \$20 million. The compensation was released in June 2004. The consent judgment

did not mention that the size of land was a factor considered in the determination of the compensation amount.

- (b) As I have mentioned in my main reply, the Private Member's Bill sought to terminate the Block Crown Lease granted to WWTT and to deem all sub-lessees and sub-leases under the Block Crown Lease as Crown lessees and Crown leases respectively. With the passage of the Bill and the commencement of the Ordinance, the abovementioned arrangements came into effect automatically. There was no land resumption process involved. The legal proceedings involved with the Ordinance were those for the claim for compensation, which I have mentioned in my main reply as well as part (a) of my reply. Such proceedings had been concluded in 2004.

MR CHIM PUI-CHUNG (in Cantonese): *President, I raked up the case of the former Legislative Council 16 years later to monitor whether the Government has faithfully fulfilled the request unanimously made by Members of the former Legislative Council at that time to provide appropriate compensation. In its reply to my question, the Government did not mention the area involved. As Members may have learnt from the Government's reply, WWTT owned 90% of all the land on Cheung Chau, but it was only awarded \$20 million in compensation. Is this not evident that the Government has taken advantage of the people? The Government did not award the compensation until 2004, as if saying "take it or leave it". President, my supplementary question is: why did the Government not calculate the compensation in terms of the number of square feet affected? Why should it take advantage of WWTT by releasing the compensation in a "take-it-or-leave-it" manner? Hence, my supplementary question is: why did the Government not grant reasonable compensation in accordance with the Lands Resumption Ordinance?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, first of all, I wish to clarify that the Government has not taken advantage of WWTT. I believe Mr CHIM also remembers what happened because he had spoken for a number of times during the scrutiny of the bill concerned in 1995. The bill was proposed by a Member of the former Legislative Council. Section 10 of the bill, which I just mentioned, was the result of an amendment introduced by the

Government to enable WWTT to claim compensation. In other words, although in principle the Government did not quite agree with the Member of the former Legislative Council to annul a private land title by legislative means, in view of Members' support of the bill, we held that a compensation mechanism should be put in place. The Government thus proposed an amendment to add section 10 to the Private Member's Bill. The work subsequent to the passage of the bill was taken forward in accordance with the legislative procedure: the claimant filed the claim to the Lands Tribunal where the two parties reached a mutual agreement after discussion. Hence, as this is an agreement reached by both parties, it did not involve any possibility of the Government taking advantage of WWTT.

PROF PATRICK LAU (in Cantonese): *President, may I ask the Secretary whether there is any other case in Hong Kong which is similar to this one and also involves unresolved disputes over numerous lots granted by a Block Crown Lease?*

SECRETARY FOR DEVELOPMENT (in Cantonese): As far as my understanding goes, we are not aware of any such cases at the moment.

MR PAUL TSE (in Cantonese): *President, we do not have sufficient data at hand concerning the history and the judgment at that time. I am puzzled why, as Mr CHIM just mentioned, the land titles of 90% of the land on Cheung Chau were worth only \$20 million in 2004. Section 10 of the Lands Resumption Ordinance sets out the factors determining the compensation payable by the Government in respect of land resumption. The factors include the value of the lot, the buildings erected thereon, the usage of the lot, the business conducted on the lot, the damage made, the legal counsel fee incurred, and so on. All factors are set out in black and white. Although the compensation of \$20 million awarded in the consent judgment was made in accordance with the mutual agreement and endorsed by the Court, has the Secretary tried to understand why the compensation awarded in the consent judgment was so little? Has the Court properly considered the determining factors stipulated in section 10, which I just mentioned, before handing down the judgment, so as to dispel the suspicion that the villagers or the ancestral hall concerned was forced to reach the so-called agreement?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I wish to reiterate that it was a mutual agreement endorsed by the Lands Tribunal which then handed down the consent judgment. According to the record which I have looked up, the area and the per-square-foot price of the land affected, as I mentioned in the main reply, were not factors considered in determining the compensation amount. The consideration was based on the revenue that WWTT would lose due to the termination of its Block Crown Lease by the ordinance. Members also know that when WWTT rented its lots in the form of sub-leases, the agreements were in the form of payment of government rent, sub-lease renewal charges, revision fees, exchange of land, and so on. All these were elements which WWTT had cited as the grounds for the claim as well as the factors which the Government had considered in determining the compensation amount, but the area of land was not a determining factor.

MR CHIM PUI-CHUNG (in Cantonese): *President, in her reply to Prof Patrick LAU's supplementary question, the Secretary said that they were not aware of any such problems in Hong Kong now. However, as far as my memory goes, the Lee Garden Land, covering Pak Sha Road and Lan Fong Road of Causeway Bay, was also sold in a similar way as a Crown Lease by a commercial company. Any subsequent owner of the land intending to proceed with redevelopment of the land is required to seek prior consent from the company. My supplementary question is: if Members raise this case as a motion debate in the Legislative Council and the motion is endorsed, in what way will the Government handle this unfair ordinance? Although she has not mentioned this case, it does exist.*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the land title problem of the Lee Garden Land mentioned by Mr CHIM is entirely different in nature from that of WWTT. The former simply did not involve a Block Crown Lease. I have answered a similar question concerning the Lee Garden Land case raised by Mr CHIM in the Council meeting on 13 April. Simply put, the Lee Garden Land case purely involved a private land conveyance where a private company, which was the original owner of the Lee Garden Land, imposed certain covenants in the deeds of assignment to require subsequent assignees in future conveyance to seek prior agreement of the company in respect of the design and use of the proposed buildings to be erected thereon. The restrictive covenants

have been legally challenged in the past. Ultimately, the judgment of the Court of Final Appeal was for the original owner. Hence, the case is unlike that of WWTT where the disputes and difficulties had built up to such an extent that undermined the Government's implementation of its land policy.

Mr CHIM also raised a hypothetical question, that is, what I will do if a Member of this Council proposes a bill today in relation to this issue. As I just said, we did not support terminating private land titles by legislative means. Hence, if the same thing happens today, I will also strive to defend private property ownership.

MR CHIM PUI-CHUNG (in Cantonese): *President, the Secretary has not answered my supplementary question. I asked her whether she would support such an unfair ordinance, that is, whether she would encourage that explicit covenants be laid down in future conveyances of properties to require prior approval of the property owner be sought before carrying out any redevelopment or works on the lot. Does the Government agree with this practice concerning private land titles?*

PRESIDENT (in Cantonese): Member is of the view that this is an unfair ordinance and thus asked the Government whether it would encourage such an unfair practice. Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): I think Mr CHIM can refer to the judgment handed down by the Court for the details. The case is a conveyance of land title concluded in black and white where all parties involved were aware that there was such a restrictive covenant in the conveyance of the Lee Garden Land lot.

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

Places in International Schools

6. **MS AUDREY EU** (in Cantonese): *President, it has been reported that many members of the senior echelons of multinational enterprises came to Hong Kong to take refuge after the serious earthquake in Japan; and the Immigration Department indicated earlier that there was a significant increase in the number of visitors from Japan coming to Hong Kong for refuge, with many of them bringing their family members along. In this connection, will the Government inform this Council:*

- (a) *of the numbers of applications for relevant work visas received and approved by the authorities so far; whether they know, among such applications, the number of applicants who have brought their family members along to Hong Kong; given that the Education Bureau indicated earlier that the average admission rate of the international schools in Hong Kong reached 88% at present, whether the authorities have assessed if the aforesaid significant increase in the number of members of the senior echelons of multinational enterprises coming to Hong Kong will further aggravate the tight supply of international school places at present; and whether they have any measure to ease the present problem of tight supply of international school places; if they have, of the details; if not, the reasons for that;*
- (b) *given that the Education Bureau has indicated that 37 primary and secondary school premises had become vacant in the past three years, among which 14 have already been deployed or re-allocated for educational use while 13 have been provisionally earmarked for educational use, including those for future development of international schools, of the original names, addresses and duration of vacancy of the 37 primary and secondary schools; which 14 schools have already been deployed or re-allocated for educational use, and which 13 schools have been provisionally earmarked for educational use; and*
- (c) *given that the list of international schools currently uploaded to the Education Bureau's website provides information on school places in the 47 local international schools only up to 2009-2010, of the*

numbers of places in such international schools (in tabular form) at present?

SECRETARY FOR EDUCATION (in Cantonese): President, the Administration supports the development of a vibrant international school sector in addressing the demand for school places from overseas families living in Hong Kong, and families coming to Hong Kong for work or investment. Our response to the three parts of the question raised by Ms Audrey EU is as follows:

- (a) Since the earthquake in Japan on 11 March 2011, up to 17 May, the Immigration Department has received 203 applications involving transfer of employees from multinational companies in Japan to work at Hong Kong offices, as well as dependent applications from 37 accompanying spouses and 48 children. All applications have been approved. Regarding the education needs of children from these families, we understand that some international schools in Hong Kong have taken temporary measures to accommodate children coming to Hong Kong arising from the earthquake largely through utilizing vacancies in their schools. Most of these students stayed in Hong Kong on a short-term and temporary basis, and many of them have returned to Japan or other areas to continue their studies. Since only a small number of students have decided to further their education in Hong Kong, it does not have significant impact on the demand for international school places.

The Education Bureau has been taking a three-pronged approach to promote the development of the international school sector. These measures include allocating vacant school premises and greenfield sites for development of international schools, as well as facilitating *in situ* expansion of existing international schools. The four existing international schools that have been allocated vacant school premises to facilitate expansion have progressively come into operation in the premises, providing more than 500 international school places in the 2011-2012 school year.

In addition, over the past two years, there were a total of nine international schools applying to the Government for using vacant

school premises as temporary campuses under tenancy agreement. All applications have been approved. The majority of the schools have also completed refurbishment of vacant school premises and commenced operation. We will continue to consider on a case-by-case basis should there be similar applications from school sponsors in future.

With the above measures, around 5 000 additional international school places are expected to come on stream in the coming few years.

- (b) The 37 school premises referred to in the question spread across 18 districts. The districts in which they are located and the year in which these schools ceased operation are set out at Annex 1.

Among these premises, 14 have been redeployed or re-allocated for further educational uses. Details of these schools are set out at Annex 2. On the other hand, 10 premises were found not suitable for educational purpose owing to their limited size and remote locations. The Education Bureau has returned these 10 premises as listed at Annex 3 to relevant government departments for disposal.

For the remaining 13 premises earmarked for further educational uses, the Bureau has been following up to take forward plans to redeploy the premises. Since the plans are being processed and scrutinized, the Administration is not in a position to disclose details at this stage.

- (c) According to the student enrolment survey conducted in September 2010, the 47 international schools in Hong Kong have provided about 36 000 places. Amongst them, there are about 41 000 vacancies, including about 1 900 at primary level and 2 200 at secondary level, which spread over the Hong Kong Island, Kowloon and the New Territories. Breakdown on the number of school places provided by individual schools are set out at Annex 4.

Annex 1

A Breakdown of the 37 Premises by District and
by Year of Cessation of School Operation

<i>District</i>	<i>School Year in which the Relevant Schools Ceased Operation</i>		
	<i>2008-2009</i>	<i>2009-2010</i>	<i>2010-2011</i>
Central and Western	0	0	0
Eastern	0	1	1
Islands	1	1	0
Kowloon City	2	1	0
Kwai Tsing	1	2	0
Kwun Tong	2	0	0
North	1	0	0
Sai Kung	3	0	0
Sham Shui Po	0	0	0
Sha Tin	3	5	0
Southern	2	0	0
Tai Po	0	0	1
Tsuen Wan	0	0	1
Tuen Mun	0	0	2
Wan Chai	1	0	0
Wong Tai Sin	1	0	1
Yau Tsim Mong	1	0	1
Yuen Long	2	0	0
Total	20	10	7

Annex 2

School Name, District and School Cessation Year of 14 Vacant School
Premises Re-deployed/Re-allocated for Educational Uses

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
Shun Tak Public School Cheung Chau	Islands	2008-2009
GCEPSA Tseung Kwan O Primary School	Sai Kung	2008-2009

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
TWGHs Tam Shiu Primary School	Sha Tin	2008-2009
PLK Wong Clan Association Primary School	Sha Tin	2008-2009
Kwong Yuet Tong Excel Foundation Primary School	Southern	2008-2009
Hong Kong Weaving Mills Association Primary School	Yau Tsim Mong	2008-2009
Sam Yuk Middle School	Sai Kung	2008-2009
Caritas Shatin Marden Foundation Secondary School	Sha Tin	2008-2009
Hong Kong Sam Yuk Secondary School	Wan Chai	2008-2009
Hung Hom Government Primary School	Kowloon City	2009-2010
Lok Sin Tong Chan Cho Chak Primary School	Sha Tin	2009-2010
Sheung Kwai Chung Government Secondary School	Kwai Tsing	2009-2010
Ha Kwai Chung Government Secondary School	Kwai Tsing	2009-2010
SKH All Saints' Primary School	Yau Tsim Mong	2010-2011

Annex 3

School Name, District and School Cessation Year of
10 Vacant School Premises Returned to the Government for Disposal

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
Tsing Yi Public School (Cheung Hong)	Kwai Tsing	2008-2009
Hoi Bun School	Kwun Tong	2008-2009
King Sau School	North	2008-2009
Chi Tak Public School	Wong Tai Sin	2008-2009
Luen Kwong Public School	Yuen Long	2008-2009
Yuen Kong Public School	Yuen Long	2008-2009

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
Cheung Chau Fisheries Joint Association Public School	Islands	2009-2010
Sir Ellis Kadoorie Secondary School (Sha Tin)	Sha Tin	2009-2010
CCC Kei Ching Primary School	Tai Po	2010-2011
SKH Kei Sum Primary School	Wong Tai Sin	2010-2011

Annex 4

Provision of Places in International Schools*
(Based on the Student Enrolment Survey
conducted in September 2010)

<i>Name of International School</i>	<i>Number of Places Provided</i>
Primary-cum-Secondary	
American International School	594
Australian International School Hong Kong	1 239
Canadian International School	1 872
Carmel School	251
Chinese International School	1 403
Christian Alliance PC Lau Memorial International School	617
Delia School of Canada	1 315
Discovery Bay International School	710
German Swiss International School (English)	857
German Swiss International School (German)	620
Hong Kong International School	2 652
Hong Kong Academy	396
Hong Kong Japanese School	1 035
Kellett School	552
Kiangsu & Chekiang Primary School and Kiangsu-Chekiang College	748
Korean International School (English)	480
Korean International School (Korean)	525
Lyc'ee Francis International School (English)	564

<i>Name of International School</i>	<i>Number of Places Provided</i>
Lyc'ee Francis International School (French)	1 604
Sear Rogers International School — Peninsula	475
Singapore International School	1 080
Primary	
Beacon Hill School	540
Bradbury School	720
Clearwater Bay School	720
Glenealy School	360
Hong Lok Yuen International School	324
Japanese International School (English)	170
Japanese International School (Japanese)	810
Kennedy School	900
Kingston International School	290
Kowloon Junior School	900
Lantau International School	246
Norwegian School	95
Peak School	360
Quarry Bay School	720
Shatin Junior School	900
International Montessori School	100
Think International School	175
Umah International Primary School	180
Yew Chung International School	642
Secondary	
Concordia International School	90
Island School	1 278
King George V School	1 780
Shatin College	1 224
South Island School	1 470
West Island School	1 272
International College Hong Kong (New Territories)	160
Total	36 015

Note:

* The above figures do not include special school

PRESIDENT (in Cantonese): The Secretary just read out the figure in part (c) of the main reply as 41 000, which should actually be 4 100.

SECRETARY FOR EDUCATION (in Cantonese): Sorry, in which part is the figure mentioned?

PRESIDENT (in Cantonese): Part (c).

SECRETARY FOR EDUCATION (in Cantonese): Is it part (c)?

PRESIDENT (in Cantonese): Yes. It should be 4 100 vacancies.

MS AUDREY EU (in Cantonese): *President, I have complained more than once in this Council that the Government failed to answer my questions. President, in part (b) of my question, I asked the Government about the names and addresses of the 37 primary and secondary schools which have ceased operation. However, there was no mention of any names or addresses of those schools in Annex 1 provided by the Government. It only shows the number of schools that have ceased operation in each of the 18 districts.*

Furthermore, President, in the last part of part (b) of this question, I asked which 13 schools have been provisionally earmarked for educational use. However, again, the Secretary was silent on this. Even if we deduct 37 by 14 and then 10, we still cannot identify those 13 schools as the Administration has not provided the names and addresses of those 37 schools which have ceased operation. President, I hope this is just a slip, and the Government is not deliberating not answering the question, and it will provide the relevant information later on.

President, I have received a number of complaints, not just one, alleging that there are insufficient international school places for children of expatriates of multinational corporations or foreigners. And yet, the Government always

tells us that there are a lot of vacancies. Just now, the Secretary said that there are 40 000-odd vacancies, (Laughter) but there are actually only 4 100, including 1 900 at primary level and 2 200 at secondary level. President, the complainants explained that, very often, students would leave Hong Kong and return to their own country when they reach the senior grades (for example, at the age of 13 or 14). Hence, demand for junior school places, such as from Primary One to Three, is usually greater. Meanwhile, there are also problems relating to students attending schools in other districts and the availability of school sites.

May I ask if the Secretary is aware of such complaints? Has he considered if there is a mismatch of school places? While the Secretary said that there were plenty of vacancies, the school places in great demands are insufficient. Is there any problem with the location, availability of sites or school grades? May I ask if the Secretary is aware of the problem of mismatching?

SECRETARY FOR EDUCATION (in Cantonese): We should have listed the names of the schools concerned. Nonetheless, the names and districts of the 14 schools which have been re-deployed or returned to government department for disposal have been set out in Annexes 2 and 3. We did fail to provide the details of the remaining 13 schools, I will provide the names of the schools concerned for Members' reference after the meeting. (Appendix III)

Regarding part (b) of the main question, I have a better understanding, because relevant discussions have been held with different chambers of commerce, and the British Chamber of Commerce (the BCC) in particular has exaggerated the problem. We have also looked into the matter and I have read the so-called survey report prepared by the BCC. However, the justifications stated therein are not based on objective data but findings of a survey, which are actually the views of respondents. As Ms EU has said earlier, the respondents mainly considered the school location undesirable, as most of them — more than 90% — wish to secure school places on Hong Kong Island. Furthermore, as mentioned by Ms EU, students in need of school places are mostly junior primary students. While there may be sufficient lower primary school places territory-wide, parents usually would not consider sending their young children to

study in schools across the harbour or in the New Territories. Therefore, to a certain extent, this is a mismatch of geographical location rather than school grades.

Remedial actions have been contemplated. However, as we all know, it is difficult to identify sites on Hong Kong Island for building additional schools. The only action we can take is to offer assistance by all means when schools intend to undergo redevelopment or expansion in the adjacent area. The French International School, for example, is undergoing an expansion. We will do what we can to help. Nonetheless, even if new sites can be identified, they are inevitably located in the New Territories or remote places. Even Sha Tau Kok is an option to us, but it will certainly cause inconveniences to parents. This is not an easy task, but we will exhaust every means to rectify the problem. I hope Members would understand that we are not reluctant to take actions, but this is really a thorny issue.

MR CHAN KIN-POR (in Cantonese): *President, I also want to tell the Secretary that he should not take the matter too lightly as I have been told, more than once, by many international corporations that owing to the lack of international school places in Hong Kong, many staff have settled their families in Singapore while they stay in Hong Kong alone for work. We should not allow this situation to persist for this would undermine Hong Kong's status as a financial centre.*

The supplementary question that I wish to ask is: Can the Secretary also list the number of vacancies of each school in Annex 4, so that with this Annex in hand — which is a public document of the Legislative Council — the persons concerned would know clearly the vacancies of each school and they can thus proceed with the necessary application procedure and arrangements. Even if there are no more vacancies on Hong Kong Island, for example, people may still be able to locate a school with vacancies in Kowloon which is closer to them. I wish to ask if the Secretary can provide information on the number of vacancies in each school.

SECRETARY FOR EDUCATION (in Cantonese): We understand Mr CHAN's supplementary question. The chambers of commerce have also requested information on school vacancies during our discussions, and the requested information has already been provided. Although the said information was not provided in Annex 4, it can easily be obtained from the Internet. And, in the course of discussion, the chambers of commerce have been provided with the relevant updates upon their request. After all, the said information is only collected on a yearly basis, that is, in September, when the new school year commences. Schools will be consulted on their admission and vacancies for our reference. Once we obtain the information on school vacancies, the chambers of commerce will be notified, which will in turn inform their members to contact different schools for enquiries about admission.

MR CHAN KIN-POR (in Cantonese): *President, I wish to follow up. I hope that the Secretary will provide the relevant information to the Legislative Council.*

PRESIDENT (in Cantonese): Secretary, can you provide the relevant information to this Council?

SECRETARY FOR EDUCATION (in Cantonese): Sure. (Appendix IV)

MS EMILY LAU (in Cantonese): *The Secretary pointed out that there are currently 4 100 vacancies, but as noted from previous discussions in this Council, foreign chambers of commerce and individual businessman had complained about the unavailability of school places for their children. As Mr CHAN has said earlier, some staff of multinational corporations had chosen not to come to work in Hong Kong. This is reasonable because their children are unable to secure any school places. The current problem is not just the remote location of schools — parents will certainly not feel relieved to send their children to schools in distant location; the genuine problem is whether the quality of the schools is a deterrent factor for parents not arranging their children to study in Hong Kong?*

President, as we have mentioned in the Business Facilitation Advisory Committee and on many other occasions, the authorities are obliged to provide more quality schools for local people — President, as you may aware, many of these children are actually local students — and children of employees whose companies are planning to invest in Hong Kong. And yet, the authorities just provide these figures, which are meaningless to the people concerned. A Member suggested that the Secretary should set out the vacancies in each school. Yet President, do you think that they cannot get hold of such information? The fact is that they are still reluctant to apply for school places even if the relevant information is made available to them.

I wonder if the Secretary can make a response on behalf of the SAR Government. Is the Government aware that the issue should be viewed from different perspectives, for example, from the perspective of education, there is a need to provide quality education facilities? Meanwhile, the Government should also look at the issue from the economic perspective. Can the existing policies facilitate Hong Kong's development?

SECRETARY FOR EDUCATION (in Cantonese): President, the points raised by Ms LAU have certainly been taken into consideration. In addition, we have held more than one meeting with various chambers of commerce to discuss their views. As I have said before, the major problem is the limitation of land supply, complicated by the factor of geographical location, as land is desperately needed on Hong Kong Island. As I said earlier, we will do our best in this regard.

The most important point is that, we have already granted a few sites located in places outside Hong Kong Island, and some new international schools have recently been established in Hong Kong. In fact, a new international school will hold a foundation stone laying ceremony tomorrow. It is a high-quality foreign school which many people would wish their children to enroll in, and boarding facilities are also provided. This school will soon come into operation in Hong Kong. We hope that there will be more of such kind of schools to meet the needs as mentioned by Ms LAU earlier.

MS EMILY LAU (in Cantonese): *President, the Secretary has not answered my supplementary question. Although parents are now aware of those few thousands of school places, they will not and do not wish to send their children to study in the schools concerned.*

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

SECRETARY FOR EDUCATION (in Cantonese): President, parents definitely have the right to choose. And yet, we consider that different schools have their own characteristics and parents can make their own choice.

MR CHEUNG MAN-KWONG (in Cantonese): *President, it is very likely that there is a geographical mismatch in international school places. Parents may wish their young children, like those studying in primary schools, to be admitted to schools on Hong Kong Island; but land available on Hong Kong Island for international schools is in short supply, at least for the time being.*

In that case, will the Government consider granting land to those popular international schools or those having long admission queues to operate secondary schools outside Hong Kong Island, so as to allow primary schools to be concentrated on Hong Kong Island? This would at least address, in the short run, the problem of children going to nearby schools (including those on Hong Kong Island)?

SECRETARY FOR EDUCATION (in Cantonese): President, I thank Mr CHEUNG for his proposal. I think the matter can be discussed with the international schools along this line. The key is, however, the wishes of schools; the preference of parents is, in my view, also of paramount importance.

We did have the experience of granting a site in the New Territories to a school which requested for relocation. However, in view of the remote location of the proposed site and the unwelcome response from parents, the offer was turned down. This is our experience. Notwithstanding that, we will try to

discuss the proposal put forward by Mr CHEUNG Man-kwong with various schools to see if they consider the measure practicable and viable.

MS STARRY LEE (in Cantonese): *President, the Secretary just now mentioned the repeated lobbying of the Government and Members by the chambers of commerce. In fact, we also have frequent discussions with various chambers of commerce. According to the survey results provided by the BCC, 75% of the enterprises interviewed responded that the lack of international school places has affected their plans to operate businesses in Hong Kong. The major reason is that expatriates are unwilling to work in Hong Kong. They also held that the immediate education needs could not be met even with the provision of an additional 5 000 school places within the next three years. The Secretary just now said that additional school places would be provided in both medium and long run, but what the BCC or foreigners demanded is the introduction of immediate or short-term measures. Otherwise, those expatriates will, as far as I understand, have no choice but send their children to study elsewhere, which is pretty undesirable.*

In response to a Member's supplementary question, the Secretary said that discussions would be held with international schools that are more popular and with longer admission queues. Will the Secretary consider inviting international schools that are more popular and with longer admission queues to consider opening more classes so as to admit more students at this critical juncture? This is also the proposal put forward to me by some chambers of commerce.

SECRETARY FOR EDUCATION (in Cantonese): President, I think Members would understand that minimum requirements have been set for schools, such as the space entitled to each student and fire service installations in schools. We have actually done what we can on the premise that the requirements of various ordinances are complied with. The present problem lies in the lack of sites for educational use, which has deprived certain schools of the opportunity to expand.

PRESIDENT (in Cantonese): This Council has spent 23 minutes on this question. Oral question ends here.

WRITTEN ANSWERS TO QUESTIONS**Prices of Textbooks**

7. **MR CHEUNG MAN-KWONG** (in Chinese): *President, it has been learnt that quite a number of parents have complained about textbook prices increasing year after year. In this regard, the Education Bureau has implemented the "Policy of Debundling Textbooks and Teaching/Learning Materials for Pricing" (debundling policy) and suggested that schools should take into account textbook prices as one of the criteria for compiling the textbook lists, with a view to reducing textbook expenditure and alleviating the financial burden on parents. In this connection, will the Government inform this Council:*

- (a) *whether it knows, based on the textbook lists of all government and aided primary and secondary schools in Hong Kong for the current school year, the five highest and five lowest total textbook expenditures of each grade; moreover, given that some schools now suggest in the notes of the textbook lists that continuing students may not need to or may consider not to purchase individual titles of books, such as dictionaries and reference books, and so on, the five highest and five lowest total textbook expenditures of each grade if such titles of books are excluded;*
- (b) *in response to the implementation of the debundling policy, whether the Government has planned to allocate resources to subsidize schools in purchasing teaching materials; if it has, of the amount of resources to be allocated; and*
- (c) *of the short-term and long-term measures or policies put in place by the Government at present to promote textbook recycling; whether such measures will include restricting assignments which require filling in answers or cut and paste exercises in textbooks, in order to support environmental protection and at the same time alleviate the financial burden on parents?*

SECRETARY FOR EDUCATION (in Chinese): *President, our reply to the three-part question is as follows:*

-
- (a) Since the introduction of the School Management Initiative in 2001, schools have not been required to submit their textbook lists to the Education Bureau for approval. Therefore, the information requested is not available. As for students' expenditure on textbooks, the Consumer Council conducts a Textbook Expenditure Survey (TES) annually and publishes the survey report in its "*Choice*" magazine in September every year for reference by the public. Information on the maximum and minimum textbook expenditure for each secondary and primary level contained in the TES report published by the Consumer Council in the September 2010 issue of "*Choice*" magazine is attached at Annex.
- (b) Currently, schools may use the Operating Expenses Block Grant or Expanded Operating Expenses Block Grant to purchase teaching materials. In addition, the Education Bureau provided all schools with a one-off grant in the 2010-2011 school year, amounting to between some \$30,000 and \$70,000 per school, for the purchase of e-learning materials as required over a three-year period. After the implementation of the debundling policy, the Education Bureau will, through the existing mechanism, ensure that schools with genuine needs would have sufficient resources to purchase the required teaching materials.
- (c) Through a circular memorandum issued to schools every year, the Education Bureau encourages schools to work with environmental protection agencies and launch various kinds of textbook recycling programmes, such as donation and sale of second-hand textbooks, buying reference books and story books for loan to students and encouraging students to use recycled textbooks. This is starting to show effects. Among the 537 schools (about 48% of all schools in Hong Kong) surveyed by the Education Bureau in 2009, around 27% of primary schools and 55% of secondary schools have organized used-book sale or donation campaigns. In the long term, the Education Bureau will continue to promote the textbook recycling programmes and assist schools in the purchase of books centrally for reuse by students. As for restricting tasks which require filling in answers or cut-and-paste exercises in textbooks, the Education Bureau considers that it is necessary to strike a balance between students' learning and environmental protection, and such

assignments and exercises should not be prohibited indiscriminately. Nevertheless, the Education Bureau will convey this suggestion to textbook publishers and urge them to make improvements accordingly.

Annex

Changes in average textbook expenditure in 2010

Grade	Average textbook expenditure in 2010					Average textbook expenditure in 2009 ⁽¹⁾	Change in average textbook expenditure in 2010 over 2009 (%) ⁽²⁾
	Lowest	Highest	Difference		Average ⁽¹⁾		
			Amount	Percentage ⁽²⁾			
P1	\$1,425	\$3,361	\$1,936	136%	\$1,946	\$1,935	0.6%
P2	\$1,570	\$3,233	\$1,663	106%	\$2,023	\$2,017	0.3%
P3	\$1,515	\$3,348	\$1,833	121%	\$2,120	\$2,138	-0.8%
P4	\$1,428	\$2,927	\$1,499	105%	\$2,116	\$2,102	0.6%
P5	\$1,509	\$3,300	\$1,791	119%	\$2,155	\$2,153	0.1%
P6	\$1,431	\$3,154	\$1,723	120%	\$2,186	\$2,172	0.6%
Average for primary level					\$2,091	\$2,086	0.2%
S1	\$1,365	\$3,697	\$2,332	171%	\$2,640	\$2,600	1.6%
S2	\$1,385	\$3,095	\$1,710	123%	\$2,332	\$2,262	3.1%
S3	\$1,541	\$3,131	\$1,590	103%	\$2,303	\$2,319	-0.7%
Average for junior secondary level					\$2,425	\$2,393	1.3%
S4 ⁽³⁾	\$815	\$4,315	\$3,500	430%	\$2,603	\$2,553	1.9%
S5 ⁽³⁾	\$578	\$3,725	\$3,147	545%	\$2,135	\$1,415	50.9%
Average for senior secondary level					\$2,369	\$1,984	19.4%
S6 Arts	\$290 ⁽⁴⁾	\$3,525	\$3,235	1 116%	\$1,474	\$1,467	0.5%
S6 Science	\$290 ⁽⁴⁾	\$3,295	\$3,005	1 037%	\$1,905	\$1,823	4.5%
S6 Commerce	\$290 ⁽⁴⁾	\$2,521	\$2,231	770%	\$1,356	\$1,338	1.3%
Average for S6					\$1,666	\$1,622	2.7%
S7 Arts	\$0	\$1,345	\$1,345	N. A.	\$357	\$365	-2.2%
S7 Science	\$0	\$1,624	\$1,624		\$497	\$491	1.1%
S7 Commerce	\$0	\$1,338	\$1,338		\$404	\$402	0.5%

Grade	Average textbook expenditure in 2010				Average ⁽¹⁾	Average textbook expenditure in 2009 ⁽¹⁾	Change in average textbook expenditure in 2010 over 2009 (%) ⁽²⁾
	Lowest	Highest	Difference				
			Amount	Percentage ⁽²⁾			
Average for S7					\$434	\$432	0.5%
Average for matriculation level					\$1,050	\$1,027	2.3%
Average for secondary schools					\$2,016	\$1,886	6.9%

Notes:

- (1) Average textbook expenditure refers to the average spending on textbooks of the sampled schools in this survey (include 56 primary schools and 41 secondary schools) in 2009 and 2010. The effective response rate was 57%.
- (2) The amounts of textbook expenditure are rounded up to the nearest dollar, while the percentage differences/changes in average textbook expenditure were calculated based on the amounts of textbook expenditure before rounding. Therefore, there are some minor discrepancies between the percentage differences/changes set out in the above table and those calculated using the rounded up expenditure amounts in the table.
- (3) Senior secondary classes are no longer divided into Arts, Science and Commerce streams under the New Academic Structure, which is implemented at S4 and S5 in this school year.
- (4) The S6 Arts, Science and Commerce classes with the lowest textbook expenditure are in the same school, and the amounts spent on textbooks for the three streams set out in the table are the same because all students in the three streams are required to buy only three textbooks for the core subjects.

Source: "Choice" magazine, September 2010

Handling of Complaints About Water Seepage in Buildings

8. **DR PAN PEY-CHYOU** (in Chinese): *President, the Food and Environmental Hygiene Department (FEHD) and the Buildings Department (BD) set up a Joint Office (JO) in 2006 to handle complaints and enquiries about water seepage in buildings. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of complaint cases received by JO, the FEHD and the BD from members of the public about water seepage/leakage in residential units in each of the past three years, with a breakdown by the 18 District Council (DC) districts in Hong Kong;*

- (b) *of the procedures for handling cases of water seepage/leakage in residential units at present; the longest and shortest time taken from receipt of each of the complaints to completion of such cases in the past 10 years, with a breakdown by the 18 DC districts in Hong Kong; and the average time needed to complete each procedure;*
- (c) *of the average time taken by the JO to handle each case of water seepage/leakage at present; and*
- (d) *among the cases of water seepage/leakage being handled by the JO or other government departments at present, of the respective numbers of cases which are being followed up for more than one year, three years and five years, with a breakdown by the 18 DC districts in Hong Kong; and the reasons for failure to complete these cases?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, there are many different reasons for water seepage/leakage in buildings but, generally speaking, most cases are caused by defective water pipes, sanitary fittings or drainage pipes. Water seepage/leakage may come from dilapidated pipes in the flats above, in adjacent units or even from inside the same flat. It may also be due to water seeping through common areas, such as the roof or external walls. As property owners are responsible for maintaining and managing their buildings, they also have responsibility for resolving any seepage/leakage problems. Hence, if water seepage/leakage is found inside a private property, the owner should first investigate the cause and, as appropriate, co-ordinate with the occupants and owners concerned for repairs.

Where the water seepage/leakage problem poses a public health nuisance, a risk to the structural safety of the building or water wastage, the Government would step in and take action in accordance with the relevant provisions of the Public Health and Municipal Services Ordinance (Cap. 132), Buildings Ordinance (Cap. 123) or Waterworks Ordinance (Cap. 102). The JO was set up with staff of the BD and the FEHD to tackle such offences through a "one-stop shop" approach.

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

- (a) The number of water seepage/leakage complaints received by the JO during the three years from 2008 to 2010, broken down by the 18 DC districts in Hong Kong, is tabulated below. The JO does not keep separate statistics for domestic and non-domestic premises.

<i>DC districts</i>	<i>Water seepage/leakage complaints received</i>		
	<i>2008</i>	<i>2009</i>	<i>2010</i>
Central and Western	1 085	1 014	1 338
Wan Chai	1 071	874	908
Southern	924	905	1 132
Eastern	2 555	2 761	3 169
Kwun Tong	1 309	1 494	1 675
Wong Tai Sin	672	763	980
Islands	185	103	121
Yuen Long	519	509	613
North	444	564	663
Sha Tin	1 406	1 509	2 003
Sai Kung	520	518	695
Tai Po	594	626	752
Kowloon City	2 641	2 637	3 116
Sham Shui Po	1 754	1 640	1 826
Yau Tsim Mong	2 249	2 298	2 441
Kwai Tsing	996	930	1 188
Tsuen Wan	1 306	1 093	1 330
Tuen Mun	1 487	1 531	1 767
Total	21 717	21 769	25 717

According to past experience, about 45% of the over 20 000 complaints each year did not involve water seepage/leakage (for example, involving only water dripping from air conditioners) or did not constitute an actionable case.

- (b) The general procedures currently adopted by the JO in handling water seepage/leakage complaints in residential units are as follows:
- Upon receipt of a water seepage/leakage complaint, the JO staff will contact the complainant within six working days to arrange a site inspection.

- The JO staff will inspect the unit concerned and survey the condition of water seepage/leakage to assess whether the water seepage/leakage constitutes a public health nuisance, a risk to structural safety of the building or wastage of water.
- Where it is established that the case may involve an offence, the JO staff will conduct basic investigation into the cause of the seepage, by inspecting the pipes and sanitary fitments inside the unit and, as necessary, liaising with the occupants of the upper or adjacent units for further tests including, for example, colour water test, water meter flow check, reversible pressure test and moisture content monitoring test, and so on.
- In case the source of water seepage/leakage could not be identified through the initial investigation and tests, the JO will arrange for a consultant to conduct further professional tests. Depending on the circumstances of the individual case, the consultant will employ more in-depth methods to find out the source of water seepage/leakage, including ponding test, water spray test for walls, water meter flow check, reversible pressure test, ponding test for roofs and moisture content monitoring test, and so on.
- Once the source of water seepage/leakage is established, the JO will issue a warning letter to the party concerned and request it to arrange for repairs. If the situation does not improve, the FEHD may issue a Nuisance Notice under the Public Health and Municipal Services Ordinance (Cap. 132) to the party concerned requesting it to abate the nuisance within a specified period. Where the case involves risks to the structural safety of the building or water wastage, the JO would refer it to the Buildings Department or to the Water Supplies Department for follow-up as appropriate.

In relatively straight-forward cases, where the source of water seepage/leakage could be identified by the JO staff during initial site inspection, the case can normally be concluded within a short period of the inspection. However, for more complicated cases which

may, for instance, involve multiple sources or intermittent water seepage/leakage, the JO staff will have to conduct different or repeated tests in order to ascertain the cause. As these tests take time and require full co-operation from the owners/occupants concerned, from experience such cases would on average take about 170 days. Where vacant units or unco-operative owners/occupants are involved, the JO would have to apply to the Court for warrants of entry in order to proceed with investigations. These cases will take more time. Since circumstances vary from case to case, the time taken for each stage of investigation may also differ widely. The JO does not have statistics on the time taken for each separate stage of investigation for individual cases.

- (c) As stated above, the time required for processing a case largely depends on the complexity of the case and the co-operation of the parties concerned, in particular the owners and occupants involved. In general, relatively simple cases can be completed within four weeks. For more complicated cases and cases involving other occupants, the JO would generally be able to complete the investigations in about 130 days where the parties concerned are fully co-operative.
- (d) The JO spares no effort in conducting different professional tests for investigating into the cause and origin of water seepage/leakage. However, there are still cases where the cause or source of water seepage/leakage cannot be established despite extensive tests conducted. The number of such cases in the three years from 2008 to 2010, for which investigations had to be terminated, is tabulated below with detailed breakdown by the 18 DC districts:

<i>DC districts</i>	<i>Cases with source of water seepage/leakage not ascertained and investigation terminated</i>		
	<i>2008</i>	<i>2009</i>	<i>2010</i>
Central and Western	53	40	91
Wan Chai	39	41	51
Southern	34	42	141
Eastern	72	133	349

<i>DC districts</i>	<i>Cases with source of water seepage/leakage not ascertained and investigation terminated</i>		
	<i>2008</i>	<i>2009</i>	<i>2010</i>
Kwun Tong	69	149	253
Wong Tai Sin	52	59	112
Islands	4	2	1
Yuen Long	26	12	9
North	16	66	47
Sha Tin	67	151	267
Sai Kung	166	80	109
Tai Po	5	33	28
Kowloon City	48	181	248
Sham Shui Po	116	84	151
Yau Tsim Mong	39	116	157
Kwai Tsing	66	90	106
Tsuen Wan	68	46	58
Tuen Mun	46	108	144
Total	986	1 433	2 322

The JO has not compiled statistics on the numbers of cases which remained active for more than one year, three years and five years respectively. Generally speaking, cases which took more time were mainly those with recurring or intermittent seepage/leakage, which in turn called for more prolonged investigations and monitoring by the JO.

Incidents of Death of Animals in Ocean Park

9. **MR CHAN HAK-KAN** (in Chinese): *President, in the past few years, the Ocean Park has continued to develop new attractions and introduce animals from different places for husbandry in the Park, but incidents of death of those animals, including Chinese sturgeon, bluefin tuna, coral reel fish and penguins, and so on, occurred one after another. Concerns have been raised by animal and conservation groups about issues such as the standard of the husbandry staff of the Ocean Park and adequacy of supporting facilities. Some groups have also pointed out that the weather in Hong Kong is hot and queried whether it is*

suitable to introduce animals which live in cold places. In this connection, will the Government inform this Council:

- (a) whether it knows the number of deaths and death rates of animals kept in the Ocean Park in the past five years and the animal species involved;*
- (b) whether it knows the respective numbers, average length of service and turnover rates of the husbandry staff and veterinarians of the Ocean Park in the past five years;*
- (c) whether the Agriculture, Fisheries and Conservation Department (AFCD) and other government departments have taken the initiative to find out more about and investigate the aforesaid cases of deaths of animals; if they have, of the details; if not, the reasons for that;*
- (d) whether, according to the existing practice, the Ocean Park needs to notify the AFCD and other government departments of the deaths of animals in the Park; if so, of the details; whether the Park needs to report the causes of death of animals and whether the AFCD may conduct reviews in this respect; if not, of the reasons for that;*
- (e) whether it knows if the new animal species introduced by the Ocean Park in the past five years are wild or artificially bred; whether the Ocean Park will consult the AFCD or other government departments before it decides to keep animals of new species; if it will, of the consultation procedure; if not, the reasons for that; and*
- (f) how the authorities assess the impact on the environment when the Ocean Park develops new attractions and introduces new animal species, including the impact during transportation, implementation of works and various stages of operation; whether it knows if the Ocean Park has implemented mitigation measures; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, we have collated information from the Food and Health Bureau, AFCD, Environmental Protection Department and the Ocean Park

Corporation (OPC) with regard to the keeping of animals in the Ocean Park. My reply to the question is as follows:

- (a) The number of deaths and death rates of animals kept in the Ocean Park in the past five years are tabulated below:

<i>Animal Group</i>	<i>2006</i>		<i>2007</i>		<i>2008</i>		<i>2009</i>		<i>2010</i>	
	<i>Death</i>	<i>Death Rate (%)</i>								
Mammal	7	12.5	4	7.3	3	5.6	2	3.5	3	4.2
Bird (in individual cages)	6	5.3	9	4.7	9	6.8	5	4.3	8	4.7
Bird (in aviary)	17	2.3	68	9.4	86	12.9	80	11.1	43	6.8
Marine Fish ⁽¹⁾	271	16.5	534	29.2	239	16.5	413	26.2	426	11.4
Freshwater Fish ⁽²⁾	192	55.8	193	40.9	48	20.5	36	15.5	75	33.5
Elasmobranchs	6	10.0	16	24.2	19	8.1	27	10.1	14	9.3
Reptiles	1	2.9	3	8.5	2	5.4	6	9.5	5	11.1

Notes:

- (1) The relatively high mortality rate of marine fish in certain years is because of the less than satisfactory quality of fish intake from some suppliers or donors and of the introduction of some species with short lifespan.
- (2) The relatively high mortality rate of freshwater fish in certain years is because of the introduction of some species with short lifespan specifically of certain special events organized by the Park.

There are over 6 700 animals in the Ocean Park, with up to 394 species. Owing to the relatively short lifespan of most animals, the majority of animal death cases within the Park are natural. There were other causes of deaths, such as illness, accidents, and attack between animals, and so on. However, these only account for about 10% to 20% of the overall death cases.

- (b) The respective numbers, average length of service and turnover rates of the husbandry staff and veterinarian/technician of the Ocean Park in the past five years are tabulated below:

2006

	<i>Number</i>	<i>Average length of service (years)</i>	<i>Turnover rate</i>
Husbandry staff	98	7.6	9.2%
Veterinarian/technician	6	4.7	0.0%

2007

	<i>Number</i>	<i>Average length of service (years)</i>	<i>Turnover rate</i>
Husbandry staff	105	7.9	8.6%
Veterinarian/technician	7	3.4	14.3%

2008

	<i>Number</i>	<i>Average length of service (years)</i>	<i>Turnover rate</i>
Husbandry staff	115	7.7	6.5%
Veterinarian/technician	8	4.4	0.0%

2009

	<i>Number</i>	<i>Average length of service (years)</i>	<i>Turnover rate</i>
Husbandry staff	120	8.2	1.7%
Veterinarian/technician	8	5.0	25.0%

2010

	<i>Number</i>	<i>Average length of service (years)</i>	<i>Turnover rate</i>
Husbandry staff	131	7.9	6.1%
Veterinarian/technician	8	6.0	0.0%

The veterinary team of the Ocean Park has extensive experience working in zoos or aquaria. Their experience includes working with existing animal species in the Park, as well as species newly introduced under the Master Redevelopment Plan (MRP), such as the primates in the Amazon Rainforest, and the penguins, walrus and seals to be introduced to the Polar Adventure.

(c) and (d)

The AFCD inspects the Ocean Park at least once a month to ensure that the animals' health and welfare are properly taken care of. The scope of the inspections includes whether the temperature and humidity of the accommodation are suitable for the relevant species of animals, whether the feed materials are properly stored and whether other facilities, such as transportation vehicles, meet animal welfare requirement, and so on.

According to the licensing conditions imposed by the AFCD, the Ocean Park should report to the AFCD cases of death of animal(s) (mammal and reptile) and bird(s), and investigate the cause of animal death. The death certificate or post-mortem report issued by a registered veterinary surgeon should be submitted to the AFCD as soon as practicable. Should abnormal animal deaths occur (for example, massive numbers of deaths), the AFCD will proactively carry out investigation, with a view to determining the cause and working out preventive measures. No such abnormal cases of death of animals in the Ocean Park were discovered by AFCD.

- (e) In order to prevent infectious diseases being brought into Hong Kong through imported animals, the AFCD inspects the quarantine facilities of the Ocean Park to ensure that the requirements are met prior to the introduction of new animals. The AFCD will also specify the conditions under the relevant health certificates according to the species to be imported. The Ocean Park has to comply with the relevant conditions when the animals are introduced. As stated above, the AFCD will also conduct inspections to determine if the accommodation and other facilities are suitable for that particular species to protect animal health and welfare. According to the information kept in the AFCD, the Ocean Park introduced 24 species of animals in the past five years (with a total number of 84), 23 of which were of captive bred origin, and only one was from the wild (one in number).

If the animals introduced are listed in the Appendices of the Convention on International Trade in Endangered Species of Wild

Fauna and Flora, the Ocean Park will report the latest development on the introduction of new animals to the Endangered Species Advisory Committee periodically.

- (f) The Ocean Park's MRP involves reconstruction/modification of existing facilities and expansion of the Park. As it is a Designated Project subject to statutory control under the Environmental Impact Assessment Ordinance (EIAO), the potential environmental impacts arising from the construction and reconstruction of various new and existing attractions/venues, and the operation of installed amusement rides and new open-air laser/night show venue have been assessed in an Environmental Impact Assessment (EIA) Report before the commencement of the project. The EIA Report concluded that, with mitigation measures in place, the Ocean Park's MRP could comply with relevant EIAO Technical Memorandum environmental standards and criteria. The EIA Report was approved by the Director of Environmental Protection on 12 July 2006, and the Environmental Permit (EP) for the construction and operation of the MRP was issued to OPC on 28 July 2006.

In accordance with the EP, the OPC is required to implement various mitigation measures as recommended in the EIA Report, including the use of silt removal facilities for the treatment of construction wastewater, dust suppression measures, quiet construction plant and movable noise barriers and compensation of lost shrubland, and so on, during the construction stage. During the operation of the redeveloped Park, the OPC is also required to implement specific control measures on noise and air quality impacts arising from the new open-air laser/night show venue, such as adhering to the restrictions on the sound power levels of loud speakers and carrying out air quality monitoring. Furthermore, the OPC is required to comply with other relevant pollution control legislation.

The Ocean Park has also considered whether the weather of Hong Kong is suitable for introducing polar animals. For example, there will be real snow, icebergs and aurora borealis in the new attraction Polar Adventure which help create an environment suitable for polar animals. The attraction will help the public learn about global warming, actions at home affecting the polar region, and the plight

of polar species and their habitats, and so on. In order to minimize the environmental impact of Polar Adventure, the OPC has designed the exhibit as a fully enclosed insulated space to minimize heat exchange and energy loss. An energy efficient water-cooled chiller system, which consumes 30% less power than a conventional air-cooled system, will be used. LED lighting will also be used throughout the facility to lower energy consumption and minimize heat production.

Application of New Practice Notes on Gross Floor Area Concessions to Development Projects of MTR Corporation Limited

10. **MR LEE WING-TAT** (in Chinese): *President, the Government drew up a set of new practice notes (including a 10% cap on the granting of gross floor area (GFA) concessions) earlier this year for controlling "inflated buildings", and has requested the West Rail Property Development Limited to redesign six property developments above the railway stations along the West Rail to comply with such new requirements. In this connection, will the Government inform this Council:*

- (a) *whether the Government, as the largest shareholder of the MTR Corporation Limited (MTRCL), has requested the MTRCL to redesign other property development projects above the railway stations along the rail lines if their construction has yet to commence, so as to comply with such new requirements; if it has, of the results; if not, the reasons for that;*
- (b) *of the respective numbers of residential blocks, numbers of floors and residential flats as well as flat sizes in each block, and levels of the podiums and numbers of parking spaces to be built under the original designs of the development projects above the Tin Wing Light Rail Transit Station in Tin Shui Wai and the Tai Wai Station in Shatin; whether it knows, in terms of GFA concessions to be granted, the number of floors and residential flats as well as flat sizes in each block, as well as the level of podiums and number of car parking spaces, how the original designs of such projects compare with the designs amended according to such new requirements; and*

- (c) *whether the Government has any measure to make the MTRCL reconsider amending the designs and flat mixes of its property development projects which will be put to tender within this year to comply with such new requirements, so that the Government's policy for controlling "inflated buildings" can be consistently implemented and the supply of small-to-medium-sized flats can be increased?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the new requirements of quality and sustainable built environment, including the measures to control "inflated buildings", have been incorporated into the practice notes promulgated by the Buildings Department which have come into effect from 1 April 2011. The practice notes set out objective criteria for the design of new buildings and provide appropriate incentives for inclusion of green features in new buildings.

Building plan applications submitted to the Buildings Department before the relevant new practice notes came into effect are considered in accordance with the relevant old practice notes.

I reply to the three parts of the question as follows:

- (a) The MTRCL is a listed company and has the discretion to decide how to implement property development projects it owned. According to the Buildings Department's relevant arrangements, the Department considers building plan applications submitted before 1 April 2011 in accordance with the old practice notes, and considers building plan applications submitted on or after 1 April 2011 in accordance with the new practice notes.
- (b) The building plan for the property development project above Tin Shui Wai Light Rail Terminus owned by MTRCL was approved in December 2009, whilst MTRCL submitted the building plan application for its property development project above Tai Wai Station to the Buildings Department before 1 April 2011. Therefore, the two building plans are not required to comply with the new practice notes.

According to the Master Layout Plan (MLP) approved by the Town Planning Board (TPB) in 2001, MTRCL's property development above Tin Shui Wai Light Rail Terminus comprises four blocks of 43 storeys (including a three-storey podium for Light Rail Terminus, carparks and clubhouse/podium garden respectively), providing 1 600 flats with an average flat size of about 57 sq m, as well as 287 and 25 parking spaces for private cars and motorcycles respectively.

As for MTRCL's property development above Tai Wai Station, according to the MLP approved by the TPB in 2009, it comprises eight blocks of 40 to 50 storeys (in addition to a five-storey podium for station facilities, shopping mall and carparks), providing 2 900 flats with an average flat size of about 66 sq m as well as 849 and 90 parking spaces for private cars and motorcycles respectively.

Just like other private property development projects, MTRCL has the discretion to decide how to implement the two property development projects it owned referred to in this part. As mentioned above, the building plan for the property development project above Tin Shui Wai Light Rail Terminus was approved in December 2009, whilst MTRCL submitted the building plan application for its property development project above Tai Wai Station to the Buildings Department before 1 April 2011. Therefore, the two building plans are not required to comply with the new practice notes.

- (c) As mentioned above, MTRCL has the discretion to decide how to implement its own property development projects.

Heritage Conservation

11. **MR WONG KWOK-HING** (in Chinese): *President, in recent years, there has been increasing public concern about heritage conservation and the Government has taken forward its heritage conservation work through various measures, including organizing visits to historic buildings and implementing the Revitalizing Historic Buildings Through Partnership Scheme (the Revitalizing Scheme). In this connection, will the Government inform this Council:*

- (a) *of the number of activities of opening historic buildings for public visit organized by the Commissioner for Heritage's Office (CHO) under the Development Bureau in each of the past three years, of the respective anticipated number of visitors and actual turnout for each of the visits; and whether members of the public have reflected that they were not able to participate in such activities because the admission quotas for the visits were too small;*
- (b) *of the average cost for organizing each of the aforesaid visits for the public and details of the manpower required;*
- (c) *given that there has been increasing public concern about antiquities, monuments and historic buildings, whether the authorities will consider increasing the admission quotas for visits organized for the public under various historic buildings revitalizing projects; if they will, of the details; if not, the reasons for that;*
- (d) *given that under the existing Revitalizing Scheme, the authorities will invite non-governmental organizations (NGOs) to operate the facilities in the historic buildings which are to be revitalized, of the respective roles of the Government and NGOs in the Revitalizing Scheme; and*
- (e) *upon implementation of Batch III of the Revitalizing Scheme, what factors the authorities will consider when deciding which historic buildings are to be included in the Revitalizing Scheme?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the CHO of Development Bureau has been actively promoting public participation in heritage conservation since its establishment in April 2008. The CHO and the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department organize various activities, such as guided tours for historic buildings, open days and public fora in order to raise public awareness and interest in heritage conservation. My reply to the five parts of the question is as follows:

- (a) During the past three years, the two aforementioned offices organized a variety of public open days and guided tours so that the public would get to know and appreciate the historic buildings and their heritage value at close range. Among these activities, the CHO organized guided tours for five historic buildings and open days for the Former Police Married Quarters on Hollywood Road, Haw Par Mansion and King Yin Lei. The AMO, on the other hand, organized guided tours for a number of Heritage Trails and historic buildings for the public. Details of these activities are at the Annex. The above activities were generally popular among the public. Depending on the public response, we made arrangement where feasible to enable more people to participate in these activities. For example, the open days for Haw Par Mansion in October 2010 were extended from four days to seven days; while the open days for King Yin Lei held in April this year, which was originally scheduled for 10 days, were extended for five more days due to an overwhelming response.
- (b) Generally speaking, we will try to utilize existing resources to organize these open days and guided tours for historic buildings. The expenditure and the required manpower for each event varied, subject to factors such as the scale of the activity (for example, the number of participants and the duration of the activity) and whether the historic building is already open to the public. Moreover, some activities were routine in nature (for example, the guided tours for district-based historic buildings organized by the AMO) while some of them are specially arranged events (for example, the guided tours organized by the CHO for specific target attendees, and so on). Hence, it is difficult to estimate the average expenditure and the manpower required for these events.
- (c) Under the Revitalization Scheme, we require all selected applicants to allow the public to visit the historic buildings under their respective projects. The specific arrangements will be stipulated in the tenancy agreement to be signed with the selected applicants.
- (d) Under the Revitalization Scheme, Government works in co-operation with the non-profit-making organizations (NPOs).

While Government provides historic buildings for adaptive reuse, the NPOs put forward social enterprise proposals that are both creative and manifest the heritage value of the historic buildings. The selected NPOs are responsible for the renovation and conservation of the historic buildings as well as the operation of the social enterprises. Any profit generated will be ploughed back to the same project so that the project will become sustainable and benefit the community.

As a partner of the selected NPOs, Government provides them with financial support, including a one-off grant, where necessary, to cover the cost of major renovation of the buildings either in part or in full; charging of nominal rental for the buildings; and a one-off grant to meet the starting costs and operating deficits of the social enterprises for a maximum of the first two years of operation, subject to a cap of \$5 million. Government also provides the selected organizations with one-stop technical support, which includes assisting them to seek approval from various bureaux/departments in accordance with the relevant administrative and statutory procedures, such as the submission of Heritage Impact Assessment reports to the Antiquities Advisory Board, planning applications to the Town Planning Board based on the proposed uses, and building plans to the Building Authority. To ensure that the selected organizations implement the revitalization projects as originally approved, Government also plays a monitoring role. Government will sign tenancy agreements with the selected organizations to set out the terms and conditions of the operation, and examine the operation of the projects regularly. The selected organizations are requested to submit regular progress reports and annual reports in order to ensure that the social enterprises are operated to the satisfaction of the Government.

- (e) Projects under the Revitalization Scheme are operated by NPOs in the form of social enterprises. In general, we take into account the following factors when identifying suitable historic buildings for inclusion in the Revitalization Scheme, that is, historical value and architectural significance of the historic buildings; the location, scale and usable area of the buildings, their setting and accessibility, any

technical issues which may hinder future revitalization works, and so on. We will identify suitable historic buildings for inclusion in Batch III of the Revitalization Scheme based on the above factors.

Annex

Visits to historic buildings organized by
the Commissioner for Heritage's Office, Development Bureau and
the Antiquities and Monuments Office in the past three years

Commissioner for Heritage's Office, Development Bureau

<i>Event</i>	<i>Target</i>	<i>Number of visitors</i>
Central Police Station Walking Tours	Primary Five and Six and secondary school students	3 615
Tai Tam Waterworks Heritage Trail Guided Tours	Youths from 12 to 18 years old (Signed up through schools or NPOs)	991
Guided Cultural and Architecture Walking Tours in West Kowloon (covering five historic buildings)	General public	498
Family Joy Tour — Heritage Architecture Tours Central and Sheung Wan (covering eight historic buildings) Tsim Sha Tsui (covering five historic buildings)	Low-income families	1 918
Barrier-free Heritage Architecture Tours Central (covering five historic buildings) Tai Po (covering five historic buildings)	People with disabilities	486
Open Day and Public Forum of the Former Police Married Quarters at Hollywood Road, Central, Hong Kong	General public	3 500

<i>Event</i>	<i>Target</i>	<i>Number of visitors</i>
Haw Par Mansion Open Day	General public	31 000
King Yin Lei Open Day	General public	27 800
	Total	69 808

Antiquities and Monuments Office (all guided tours are targeted for the general public)

<i>Event</i>	<i>Number of visitors*</i>
Guided tours of the Lung Yeuk Tau Heritage Trail in Northern District (covering 13 historic buildings)	5 060
Guided tours of the Ping Shan Heritage Trail in Yuen Long (covering 12 historic buildings)	17 155
Guided tours of the Central and Western Heritage Trail (1) The Central Route (covering 40 historic buildings or spots) (2) The Sheung Wan Route (covering 35 historic buildings or spots) (3) The Western District and the Peak Route (covering 25 historic buildings or spots)	14 803
Guided tours of the Tai Fu Tai Mansion in Yuen Long	40 882
Guided tours of the Hong Kong Heritage Discovery Centre (Former Whitfield Barracks, Blocks S61 and S62)	7 414
Guided tours of the Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre (Old Ping Shan Police Station)	11 488
Total	96 802

Note:

* figures as at April 2011

Public Columbarium and Crematorium Facilities

12. **MR LEUNG KWOK-HUNG** (in Chinese): *President, I have received complaints from quite a number of members of the public and groups about the*

problems they encountered when they arranged for the cremation and burial of their deceased family members according to the various applications and waiting arrangements prescribed by the Food and Environmental Hygiene Department (FEHD), including application for cremation permits, requesting to use eco-coffins, scattering cremated human ashes in Gardens of Remembrance (GoRs) and waiting for niches. In addition, they pointed out that they were unable to secure mourning halls in funeral parlours to pay respect to the deceased as all the mourning halls had been fully booked. In this connection, will the Government inform this Council:

- (a) as such members of the public pointed out that there are "queuing gangs" queuing up almost 24 hours a day on behalf of undertakers to book the cremation services of crematoria under the FEHD, making it impossible for the underprivileged people to book those services, whether the FEHD will immediately provide telephone or on-line registration for booking cremation sessions of its crematoria to replace the current practice of allotting a maximum of five chips to each person on a first-come-first-served basis, so as to eliminate and combat "queuing gangs"; if it will, of the implementation timeframe; if not, the reasons for that;*
- (b) as the information from the FEHD reveals that there are at present 10 non-governmental organizations (NGOs) or charities in Hong Kong providing burial support services specifically for poor people relying on the burial grant from the Social Welfare Department and even the elders who do not have any relative, whether the Government will consider afresh allowing such NGOs or charities to directly use the cremation services of the Government without having to arrange such services via licensed undertakers, as well as issuing undertaker's licences to such NGOs or charities; if it will, of the implementation timeframe; if not, the reasons for that;*
- (c) of the respective numbers of cases using eco-coffins, applications for cremation services and scattering cremated human ashes in GoRs, and registrations on the waitlist for public niches in each of the past five years (to be listed in the following table);*

<i>Year</i>	<i>Number of cases using eco-coffins</i>	<i>Number of applications for cremation services</i>	<i>Number of applications for scattering cremated human ashes in GoRs</i>	<i>Number of registrations on the waitlist for public niches</i>
2010				
2009				
2008				
2007				
2006				

- (d) *as the FEHD indicated at the meeting of this Council's Panel on Food Safety and Environmental Hygiene on 15 October 2010 that about 100 000 new niches would be available in the next three years, of the number of additional niches to be supplied in each of these three years and their locations;*
- (e) *of the expiry dates of the licences/operation rights of the existing seven licensed funeral parlours in Hong Kong; as it has been reported that the Government holds the ownership of one of those funeral parlours and had granted its operation right through tendering, whether the Government will call an open tender again for the operation right by publishing on its website or through advertisements upon the expiry of the existing operation right of that funeral parlour; and*
- (f) *whether it knows the respective numbers of large and small mourning halls in each licensed funeral parlour at present; as the mourning halls in funeral parlours are often fully booked due to the ageing population, whether it has any plan to increase the number of funeral parlours in the next three years to meet the service demand; if it has, of the details, including the districts in which lands will be allocated for constructing funeral parlours and the implementation timeframe; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, in respect of funeral matters, it is the Government's policy to promote cremation and to provide efficient and dignified cremation service. We are also committed to promoting more environmentally-friendly and sustainable means of disposal of the dead. The FEHD is empowered to regulate undertakers of burials under the Public Health and Municipal Services Ordinance (Cap. 132). Any person interested in operating in the trade of undertaking duties connected with burials must apply for a licence from the Director of Food and Environmental Hygiene and comply with the statutory requirements on handling human cadavers and maintaining records. Besides, the Government will review the provision of cemeteries, columbaria and crematoria facilities from time to time in order to ensure that burial facilities and amenities can keep abreast of the times. To meet the future demand, the Government will strive to identify suitable sites for building more burial facilities with appropriate design. My reply to the six parts of the question is as follows:

- (a) At present, applicants for cremation services are required to produce the original documentary proof (for example, certificate of registration of death, cremation permit, and so on) for verification by the FEHD before booking a cremation session. Applicants can either make the application in person or authorize licensed undertakers of burials to act on their behalf. Since a vast majority of members of the public choose to entrust licensed undertakers of burials to arrange one-stop after-death services for the deceased, the FEHD has, after discussion with the representatives of the funeral trade, implemented a new arrangement for booking cremation service starting from 2003. Under the arrangement, a person waiting for booking cremation service will be allocated a maximum of five "chips", provided that they can produce the aforesaid original documents as the evidence of an equal number of authorizations for booking cremation service.

The above arrangement was made in the light of the community's mainstream practice of entrusting undertakers of burials to arrange after-death services for the deceased, with a view to striking a balance among the needs of various parties. Irrespective of whether applications for booking cremation service were made through undertakers of burials or by the applicants in person, the FEHD will offer a cremation session within the following 15 days from the day

an application is made in accordance with the performance pledge. The FEHD will review this arrangement as and when necessary.

- (b) Under the existing legislation, burial matters must be handled by licensed undertakers of burials. Any person (including NGOs or charitable organizations) interested in operating in the trade of undertaking duties connected with burials can apply for a licence from the FEHD. There are at present 101 licensed undertakers of burials, with social welfare organizations included.
- (c) The respective numbers of cases using eco-coffins, applications for cremation service and scattering of cremated human ashes in GoRs as well as registrations on the waiting list for public niches in each of the past five years are as follows:

<i>Year</i>	<i>Number of applications for cremation service</i>	<i>Number of cases using eco-coffins</i>	<i>Number of cases of scattering ashes in GoRs</i>	<i>Cumulative number of registrations on the waiting list for public niches</i>
2010	38 006	964	1 171	11 945
2009	36 486	794	650	12 333
2008	36 410	618	383	8 790
2007	34 427	Statistics not available	175	Statistics not available
2006	32 215	Statistics not available	58	Statistics not available

- (d) The Government is now constructing a new public columbarium at Kiu Tau Road, Wo Hop Shek to provide about 41 000 niches and a GoR. The facilities are expected to be completed for public use in mid-2012. In addition to public niches, the Board of Management of the Chinese Permanent Cemeteries expects to provide about 50 000 niches in the coming three years. Private cemeteries managed by Catholic, Protestant, Buddhist and other religious bodies also plan to build more niches. Besides, to increase the supply of public niches, the Government has been actively exploring further the feasibility of building additional columbarium facilities in existing cemeteries, and has also been promoting the district-based

columbarium development scheme. So far, the Government has identified 24 potential sites in 18 districts across the territory. Relevant technical feasibility studies are being conducted to assess whether these sites would be suitable for columbarium development. The relevant District Councils will be consulted before sites are confirmed for development.

- (e) According to the existing legislation, anyone interested in carrying on the business of a funeral parlour should first obtain a funeral parlour licence issued by the FEHD, which is to be renewed every year. At present, there are seven licensed funeral parlours in Hong Kong, one on the Hong Kong Island, one in the New Territories, and the other five in Kowloon. Except for the Sai Sing Funeral Parlour located at Hung Hom, Kowloon, which operates under a contract awarded by the Government through open tender, the other six funeral parlours are owned and operated by private companies or NGOs. The contract signed between the Government and Sai Sing Funeral Parlour stipulated that the contractor should provide low-cost basic funeral services to people in need as recognized by the Social Welfare Department or other relevant agencies (such as Comprehensive Social Security Assistance recipients). The current contract of the Sai Sing Funeral Parlour will expire on 29 February 2012. The Government will then conduct open tender again for the operation right of the funeral parlour.
- (f) The mode of operation of each funeral parlour varies, so does the size of the mourning halls they provide. The number of mourning halls in the seven licensed funeral parlours in Hong Kong is set out below:

<i>Name of funeral parlour</i>	<i>Number of mourning halls</i>
Hong Kong Funeral Home	19
Po Fook Memorial Hall	21
Kowloon Funeral Parlour	17
Universal Funeral Parlour	26
Diamond Hill Funeral Parlour	13
International Funeral Parlour	21
Sai Sing Funeral Parlour	21

At present, the average utilization rate of the seven funeral parlours is 70%. Operating a funeral parlour is a business decision. The FEHD will continue to keep in view the utilization of the funeral parlours, and handle applications for funeral parlour licence according to the established licensing procedures.

District Support Scheme for Children and Youth Development

13. **MR CHEUNG KWOK-CHE** (in Chinese): *President, since 2005, the Social Welfare Department has been provided with an annual recurrent provision of \$15 million for implementing the District Support Scheme for Children and Youth Development (the Scheme) through the District Social Welfare Offices to address the developmental needs of disadvantaged children and youths aged 0 to 24. Some of the funding is used for implementing individual projects in various districts, while some is granted to children and youths in need in the form of direct cash assistance (DCA). In this connection, will the Government inform this Council of:*

- (a) the amount used to support district projects and cover related programme expenses in each of the past three years, broken down by district;*
- (b) the amount of cash assistance granted directly to deprived children and youths as well as the number of beneficiaries in each of the past three years, broken down by district;*
- (c) the number of projects approved as well as the amounts involved in each of the past three years under each of the following categories: (1) organizing small group activities to address the developmental needs of those children and youths who have keen interest and immense talent in sports and arts (for example, music, painting and drama, and so on); (2) implementing mentorship, job skills training programmes, and so on, on self-employment/job-hunting so as to enhance the self-reliance of unemployed youths; and (3) arranging volunteer services, leadership skills training and youth exchange programmes; and*

- (d) *in each of the past three years, the number of applications for DCA, as well as the number of cases not approved and the reasons for that?*

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

- (a) The breakdown of funding granted under the Scheme to support district projects and cover related programme expenses by district in the past three years is as follows:

<i>District⁽¹⁾</i>	<i>Amount used to support district projects and cover related programme expenses (\$)</i>		
	<i>2008-2009</i>	<i>2009-2010</i>	<i>2010-2011</i>
Wong Tai Sin and Sai Kung	673,248	639,958	601,840
Tsuen Wan and Kwai Tsing	645,000	662,700	656,095
Tai Po and North	600,020	575,000	575,000
Yuen Long	597,274	589,122	589,450
Central Western, Southern and Islands	445,941	415,530	397,758
Kwun Tong	283,666	275,790	444,390
Sha Tin	388,263	451,392	471,573
Tuen Mun	444,441	471,944	471,996
Eastern and Wan Chai	480,000	480,000	480,000
Kowloon City and Yau Tsim Mong	479,925	429,982	444,957
Sham Shui Po	349,655	380,000	380,000
Total	5,387,433	5,371,418	5,513,059

Note:

- (1) According to the boundaries of the 11 District Social Welfare Offices under the Social Welfare Department.
- (b) The breakdown of DCA granted to deprived children and youths as well as the number of beneficiaries by district in the past three years is as follows:

District	<i>Amount of DCA and number of beneficiaries</i>					
	2008-2009		2009-2010		2010-2011	
	<i>Amount (\$)</i>	<i>Number of beneficiaries</i>	<i>Amount (\$)</i>	<i>Number of beneficiaries</i>	<i>Amount (\$)</i>	<i>Number of beneficiaries</i>
Wong Tai Sin and Sai Kung	1,010,984	702	977,098	684	909,253	640
Tsuen Wan and Kwai Tsing	938,384	681	1,022,059	717	969,830	682
Tai Po and North	846,468	590	878,558	610	841,377	583
Yuen Long	844,023	601	835,380	589	834,314	586
Central Western, Southern and Islands	764,770	542	907,379	670	895,504	634
Kwun Tong	837,418	585	631,452	452	699,099	488
Sha Tin	769,653	539	719,328	494	701,994	493
Tuen Mun	712,226	521	688,457	497	697,206	512
Eastern and Wan Chai	689,928	497	608,359	430	668,489	470
Kowloon City and Yau Tsim Mong	714,901	502	741,492	523	729,116	509
Sham Shui Po	621,422	434	753,281	517	795,613	556
Total	8,750,177	6 194	8,762,843	6 183	8,741,795	6 153

- (c) The number of projects approved in the past three years and the funding involved in the following categories: (1) organizing small group activities to address the developmental needs of those children and youths who have keen interest and special talent in sports and arts (for example, music, painting, and drama, and so on); (2) implementing mentorship, job skills training programmes, and so on, on self-employment/job-hunting so as to enhance the self-reliance of unemployed youths; and (3) arranging volunteer

services, leadership skills training and youth exchange programmes, are set out below:

Project nature	2008-2009			2009-2010			2010-2011		
	Total number of projects ⁽²⁾	Break-down by nature	Funding approved (\$)	Total number of projects	Break-down by nature	Funding approved (\$)	Total number of projects	Break-down by nature	Funding approved (\$)
(1)		141	2,108,974		107	2,046,660		102	2,291,896
(2)		34	554,925		22	446,905		21	436,894
(3)		159	2,723,534		143	2,877,853		136	2,784,269
Total	210	334	5,387,433	195	272	5,371,418	192	259	5,513,059

Note:

(2) A single project may be categorized as featuring more than one nature of activities. Hence the sum of the breakdown figures by nature is larger than the total number of projects.

- (d) In the past three years (that is, 2008-2009, 2009-2010 and 2010-2011), the numbers of DCA applications approved were 6 194, 6 183 and 6 153 respectively while the number of applications not approved were 10, 15 and 18 respectively. The reasons for not approving some applications include the requested items being out of scope of the Scheme, failure of the applicants to pass the financial assessment, insufficient information provided for vetting, and so on.

Refuse Collection Vehicles

14. **MR KAM NAI-WAI** (in Chinese): *President, regarding the refuse collection vehicles (RCVs) in Hong Kong, will the Government inform this Council:*

- (a) *of the respective numbers of private and government-operated RCVs in Hong Kong in each of the past five years, together with a breakdown by the emission standards met by RCVs and by whether those vehicles are covered; whether the Government has any plan to replace its uncovered RCVs with covered ones; if it has such a plan, of the details and the timetable; if not, the reasons for that;*

- (b) *at present, whether and how private and government-operated RCVs are required to be kept clean and hygienic, and to reduce dripping of foul water and emission of odour; if it is so required, of the measures concerned and the penalties, and whether penalties had been imposed on organizations and people who breached the requirements in the past five years; if so, of the details; and*
- (c) *whether prosecutions had been instituted in the past five years against RCVs dripping foul water, emitting odour and causing adverse impact on the environment; if so, of the number of prosecutions instituted in each of the past five years, together with a breakdown by grounds of prosecution?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Food and Environmental Hygiene Department (FEHD) has formulated guidelines and contract provisions to ensure respectively that the Department's RCVs and those of its contractors are kept in a clean and hygienic condition. In monitoring the services rendered by its contractors, the FEHD will take punitive actions against the contractors in accordance with the relevant contract provisions, if any breach of contract provisions is found. My reply to the three parts of the question is as follows:

- (a) The numbers of RCVs of the FEHD and its contractors in each of the last five years are set out below:

<i>Year</i>	<i>Number of RCVs of the FEHD</i>	<i>Number of RCVs of the FEHD's Contractors</i>
2006	182	108
2007	167	117
2008	160	117
2009	149	122
2010	153	125

The FEHD's RCVs have a general service life of eight to 10 years. All these RCVs comply with the statutory requirements at the time of purchase, including using diesel engines which meet the Euro

emission standards. Besides, in order to prevent the emission of odour, all the RCVs of the FEHD are either fitted with a packer plate to cover the rear refuse hopper (33 vehicles) or are of an enclosed type design (120 vehicles). All the RCVs fitted with packer plate will be replaced with those of an enclosed type design in or before 2013.

As for the RCVs of the FEHD's contractors, it is provided in the refuse collection service contracts commencing after November 2008 that they must be fitted with petrol or diesel engines which meet the Euro emission standards as stipulated in the contracts. So far, 58 RCVs have been fitted with such engines and the rest will be fitted with the same in the coming two years. Also, all RCVs of contractors must be fitted with tailgate cover to prevent the emission of odour. To further improve the situation, contractors are required to use RCVs of an enclosed type design as provided in the refuse collection service contracts commencing after May 2011. Currently, 30 RCVs of its contractors are of the enclosed type design and the other vehicles will be replaced by those of the same design upon the renewal of contracts.

- (b) To keep the RCVs clean and maintain environmental hygiene, the FEHD has installed sump tanks in all RCVs to trap leachate. Besides, among the 153 RCVs, 130 have been installed with deodourizing systems in the loading compartments, and installation to the rest of RCVs will be carried out by 2012 to further prevent odour emission.

It is also stipulated in the FEHD's refuse collection service contracts that the contractors' RCVs must be installed with sump tanks at the bottom of the vehicles and that the contractors have to take all necessary preventive measures against dripping of leachate during refuse loading, unloading and transportation.

After the refuse is unloaded at refuse transfer stations or landfills, RCVs of the FEHD and its contractors will have their sump tanks emptied and their vehicle bodies and/or wheels washed with the vehicle washing system at the site before departure. These RCVs

have to undergo the washing process again after the daily collection work is finished or when they return to depot.

The FEHD reminds its staff from time to time that RCVs must be kept in a clean and hygienic condition, and washed properly every day in accordance with the relevant guidelines. As for the contractors, if any breach of contract provisions on requirements for and operation of RCVs is found, the FEHD will take punitive actions accordingly, including the issue of verbal warnings, written warnings and default notices. The monthly amount payable to the contractors who have received default notices will be deducted in the light of the breaches. The numbers of verbal warnings, written warnings and default notices issued by the FEHD for the contractors' breaches of contract provisions on requirements for and operation of RCVs (that is, leachate dripping from RCVs and filthy RCVs) in the last five years are as follows:

<i>Year</i>	<i>Number of Verbal Warnings</i>	<i>Number of Written Warnings</i>	<i>Number of Default Notices</i>
2006	10	7	6
2007	10	3	0
2008	10	2	2
2009	9	1	2
2010	9	8	2

- (c) Over the past five years, the numbers of prosecutions instituted by the FEHD concerning RCVs dripping leachate or dropping waste are as follows:

<i>Year</i>	<i>Number of Prosecutions Concerning Dripping of Leachate</i>	<i>Number of Prosecutions Concerning Dropping of Waste</i>
2006	0	0
2007	4	3
2008	0	2
2009	0	0
2010	3	1

The existing legislation does not empower the FEHD officers to take enforcement action in cases involving RCVs emitting odour.

Waiting Time for Allocation of Public Rental Housing Units

15. **MR RONNY TONG** (in Chinese): *President, according to the figures provided by the Transport and Housing Bureau, there were about 145 000 public rental housing (PRH) applications on the Waiting List (WL) as at the end of 2010. Among such applications, the number of general PRH applications had already reached 84 700 while the number of one-person applications under the Quota and Points System (QPS) was 60 300. In this connection, will the Government inform this Council:*

- (a) *given that the target of average waiting time (AWT) currently maintains at three years and the figures provided by the Transport and Housing Bureau show that the forecast production of PRH is only 42 200 flats for the next three years (that is, from 2011-2012 to 2013-2014), whether it is necessary for the authorities to increase the annual PRH production so as to ensure that the WL applicants can be allocated a flat within three years; if it is necessary, of the planned increase in annual PRH production; if not, the reasons for that;*
- (b) *of the number of cases in the past five years of the general PRH applicants actually accepting a flat offer (that is, being successfully allocated a flat) within three years and the situation of flat allocation, as set out in the table below:*

Year	Number of general PRH applicants on WL in the year	Number of successful flat allocations within three years of waiting time			Number of unsuccessful flat allocations within three years of waiting time	
		The first flat offer being accepted	The second flat offer being accepted	The third flat offer being accepted	Flat offers not being made	Flat offers being turned down/Applications being withdrawn
2006-2007						
2007-2008						

Year	Number of general PRH applicants on WL in the year	Number of successful flat allocations within three years of waiting time			Number of unsuccessful flat allocations within three years of waiting time	
		The first flat offer being accepted	The second flat offer being accepted	The third flat offer being accepted	Flat offers not being made	Flat offers being turned down/Applications being withdrawn
2008-2009						
2009-2010						
2010-2011						

- (c) *given that the five-year Public Housing Construction Programme (PHCP) devised by the Transport and Housing Bureau provides information on PRH construction for the period up to 2014-2015 only, whether any site has been earmarked at present for the PRH construction plan after such period; if so, of the details; if not, the reasons for that; and*
- (d) *whether the authorities have formulated any strategy at present to effectively deal with the PRH applications submitted by one-person applicants or QPS applicants; if they have, of the details and the estimated waiting time for such applicants; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government and the Housing Authority (HA)'s objective is to provide PRH to low-income families who cannot afford private rental accommodation, and the target is to maintain the AWT for PRH for general WL applicants (excluding non-elderly one-person applicants under the QPS) at around three years. My reply to the four parts of the question is as follows.

- (a) and (c)

On the supply of PRH, according to the HA's latest five-year PHCP, we estimate that a total of 75 000 PRH flats will be provided in the coming five-year period starting from 2011-2012, that is, an average

of about 15 000 new PRH flats per year. Details are at Annex. Together with the existing PRH flats anticipated to be recovered every year, the HA estimates that the production programme would meet the target of maintaining the AWT for the general PRH applicants at around three years. We will closely monitor the demand for public housing, roll forward annually the PHCP and suitably adjust the programme according to the latest demand and supply situation.

Since projects beyond 2015-2016 are mostly at an early planning and design stage, and are subject to resolution of various problems such as change of land use, views from the local communities and timing on availability of site (for example, need for land resumption, clearance and site formation, and so on), flat production and programme beyond the next five years cannot be determined at this stage.

- (b) As regards the WL, under the established calculation methodology, the AWT of general WL applicants refers to the average time taken between registration on the WL and the first flat offer for those rehoused to PRH in the past 12 months, excluding any frozen period during application, for example, when the applicant has not yet fulfilled the residence requirement, the applicant is imprisoned, or the applicant has requested to put his/her application on hold pending arrival of family member(s) for family reunion, and so on. The aforementioned calculation methodology counting the time between registration and first flat offer forms the basis for formulating and maintaining the target of keeping the AWT at around three years. While eligible applicants are given three flat offers, the applicants are provided with a housing opportunity right from the first offer. It is a matter of personal choice if the applicant declines the first flat offer to wait for subsequent offers. Thus, the waiting time is counted up to the first flat offer.

The number of rehoused general WL applicants, their AWT and distribution of acceptance of offer in the past five years are tabulated below:

	<i>Rehoused general WL (excluding QPS) applications</i>				
	<i>Rehoused cases within the year</i>	<i>AWT (years)</i>	<i>Acceptance of the first offer among those rehoused within the year*</i>	<i>Acceptance of the second offer among those rehoused within the year *</i>	<i>Acceptance of the third offer among those rehoused within the year *</i>
2006-2007	17 400	1.8	32%	27%	41%
2007-2008	11 400	1.9	36%	31%	34%
2008-2009	22 600	1.8	20%	39%	41%
2009-2010	18 900	2.0	21%	41%	38%
2010-2011	14 200	2.0	25%	42%	33%

Note:

*Percentages may not add up to 100% due to rounding.

Separately, as at end of March of 2006-2007, 2007-2008, 2008-2009, 2009-2010 and 2010-2011, 55 000, 51 900, 56 400, 62 800 and 74 300 general applications on the WL had not received any flat offer respectively. However, it should be noted that while waiting on the WL, applicants' circumstances may change, rendering them ineligible for PRH. When the applicants are due for allocation, they must undergo detailed vetting prior to PRH allocation. As such, not all applications on the WL would need PRH. In the five years aforementioned, 7 400, 7 900, 8 600, 7 500 and 5 800 general WL applications were cancelled due to various reasons including failure to pass the eligibility vetting prior to allocation, refusal of all flat offers, and so on.

- (d) As regards non-elderly one-person applicants, under the QPS, the relative priority of PRH allocation is determined by the points the applicants have, and the points are determined by applicants' age at registration, their waiting time and whether they are PRH tenants. In general, older applicants at registration or those who have waited for a longer period of time would have higher points. As new applicants with higher points may join the queue, the relative priority for allocation among applicants under QPS would change. In addition, depending on the choice of district and the distribution of

supply of PRH flats in different districts, applicants with the same number of points may have different waiting time in different districts. Therefore we are unable to estimate the waiting time of non-elderly one-person applicants.

In fact, under the current PRH application arrangements, apart from applying under the QPS, non-elderly one-person applicants can also apply for PRH together with their family members. To encourage the younger generation to live together with their elderly relative(s), the HA has introduced a host of enhanced housing arrangements to foster family harmony. Under the Harmonious Families Addition Scheme, eligible adult offspring may apply for addition to the tenancy of elderly tenants. Under the Harmonious Families Priority Scheme, young people may apply with their elderly relative(s) for a PRH flat of any district of their choice and enjoy a six-month credit waiting time. For eligible non-elderly one-person applicants with pressing need for housing, they may apply for the Express Flat Allocation Scheme, or compassionate rehousing through recommendations by the Social Welfare Department for earlier rehousing.

Annex

Production of PRH Flats in the Coming Five Years
(2011-2012 to 2015-2016)

<i>Year of Completion</i>	<i>District[#]</i>	<i>Planned Flat Number</i>
2011-2012	Urban	11 200
	Extended urban	-
	New Territories	-
	Sub-total	11 200
2012-2013	Urban	12 000
	Extended urban	2 800
	New Territories	1 000
	Sub-total	15 800
2013-2014	Urban	7 900
	Extended urban	7 500
	New Territories	-
	Sub-total	15 400

<i>Year of Completion</i>	<i>District[#]</i>	<i>Planned Flat Number</i>
2014-2015	Urban	8 500
	Extended urban	3 500
	New Territories	6 300
	Sub-total	18 300
2015-2016	Urban	4 900
	Extended urban	8 100
	New Territories	2 100
	Sub-total	15 100
	Total	75 800

(Based on PHCP as at March 2011)

Note:

Extended urban areas include Kwai Tsing, Tsuen Wan, Sha Tin (including Ma On Shan), Sai Kung (Tseung Kwan O) and Tung Chung.

Cheung Chau Bun Festival

16. **MR PAUL TSE** (in Chinese): *President, regarding the Cheung Chau Bun Festival, which has successfully drawn tens of thousands of citizens and visitors from the Mainland and abroad every year, will the Government inform this Council:*

- (a) *as it has been reported that earlier, the lack of policy co-ordination between the Food and Environmental Hygiene Department (FEHD) and the Home Affairs Department has resulted in inflexible law enforcement, affecting the traditional Cheung Chau Bun Festival which has all along been popular among local citizens and overseas visitors for many years, in that one of the bakeries selling lucky buns stamped with peace messages for the festival decided to close its business on the 10th of May during the Cheung Chau Bun Festival this year to protest against the inflexible law-enforcement practices of the FEHD, causing visitors who wished to seek "symbolic blessings" to wait for several hours in order to buy lucky buns and thus spoiling the mood of the tourists, whether the Government will look into ways to improve the problem of insufficient co-ordination among government departments and exercise discretion in law*

enforcement under special and viable circumstances so as to enable similar large-scale tourism events to come to full fruition;

- (b) given that in recent years, the number of citizens and tourists coming to the Cheung Chau Bun Festival has increased each year, coupled with the fact that the parade-in-the-air is usually performed under high temperature, and there were even suspected cases of visitors suffering from heat stroke this year while watching the parade, whether the Government has any plan to improve the transportation, medical and other ancillary facilities on the island, so as to further spice up this spectacular tourism event with local characteristics;*
- (c) as some members of the public have pointed out that the success of the Cheung Chau Bun Festival demonstrates that as long as events have local characteristics, it is sufficient for them to be developed into "sustainable" iconic tourism events, and that the authorities need not spend huge amounts of public money to launch massive promotional campaigns to "boost" "spectacular events" which are large in scale but lack cultural characteristics, whether the Government will make reference to the success of the Cheung Chau Bun Festival and thoroughly review the policy under which hundreds of millions of dollars are spent every year on tourism promotion;*
- (d) given that it has been reported that the Hong Kong Tourism Board (HKTB), used the Internet as the main platform to promote this year's Cheung Chau Bun Festival and the overall promotion expenditure was not large, thus achieving cost-effectiveness with "maximum effect and minimum cost", whether it knows the amount of promotion expenditure made by the HKTB for this year's Cheung Chau Bun Festival; whether the HKTB will consider extending such mode of promotion to other events, such as the annual Chinese New Year Night Parade and Summer Concert, and so on, so as to effectively utilize the annual funding for promotion which amounts to hundreds of millions; if so, of the details of the plans; if not, the reasons for that;*
- (e) whether the Tourism Commission and the HKTB had tried to join hands with registered travel agencies to promote the Cheung Chau*

Bun Festival as a spectacular tourism event in the past three years; if they had, of the details of the promotional policies; if not, the reasons for that; and

- (f) *as in the floats of the parade-in-the-air which is the highlight of the Cheung Chau Bun Festival this year, some children imitated situations such as "the Financial Secretary and the Chief Executive handing out candies", "crabs being hard-pressed under a rock" and "on guard against radiation", and have struck a chord with the public, whether the Tourism Commission and the HKTB will use the Cheung Chau Bun Festival's special characteristics of making iconic mockeries of the current affairs as a selling point to step up promotion of the Festival?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the Cheung Chau Bun Festival is a cultural celebration of long history and full of local characteristics. The event, which was successfully staged on 10 May this year, attracts many local residents and overseas tourists annually.

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

- (a) and (b)

The Cheung Chau Bun Festival is organized by Hong Kong Cheung Chau Bun Festival Committee. As a large number of tourists are attracted to Cheung Chau by the event every year, the Islands District Office co-ordinates the effort of relevant government departments to make appropriate arrangements on aspects such as marine traffic control, crowd control, emergency medical services and additional hygiene facilities (such as temporary toilets). The Islands District Office will improve and strengthen its co-ordination work with relevant departments with reference to the experience gained from the festival each year.

The lucky buns incident which occurred during the Cheung Chau Bun Festival this year falls within the enforcement responsibilities of

the FEHD. The co-ordination work of the Islands District Office does not involve enforcement action of individual departments. The FEHD is responsible for ensuring food safety to safeguard public health. Since 16 April 2011, the FEHD has received eight complaints (two of which were referred by the Legislative Council Secretariat) against the shops at Pak She Street, Cheung Chau and its vicinity for the manufacturing and handling of lucky buns outside the shops.

Upon receipt of the complaints, the FEHD staff carried out follow-up inspections to the licensed food premises in Pak She Street, Cheung Chau and its vicinity, but no irregularities were detected. However, in view of the complaints received, the FEHD staff had advised the persons-in-charge to refrain from carrying on food manufacturing and handling outside the licensed area. During the course of inspection, no warning was issued and no enforcement action was taken.

In fact, the FEHD received a similar complaint last year and no irregularities were detected during the follow-up investigation. As an enforcement agency, the FEHD has to act according to the law to safeguard food safety. If the licensed food premises concerned have any proposals to improve their business operation, they should ensure that the manufacturing and handling of the lucky buns would comply with the relevant food safety and hygiene requirements. The FEHD would be pleased to offer advice on such proposals.

- (c) The Government has been working with the HKTB to actively develop and promote Hong Kong's cultural tourism so as to achieve a more diverse portfolio of tourism products and to enhance Hong Kong's overall attractiveness as a premier tourist destination.

During the year, the HKTB rolls out different mega events and large-scale activities, including local events, traditional festivals and international arts, sports and cultural activities, and bundles them under various promotional campaigns. For example, the four traditional festivals in April and May, namely the birthdays of Tin Hau, Lord Buddha and Tam Kung and the Cheung Chau Bun

Festival, are packaged by the HKTB under its "Hong Kong Cultural Celebrations" promotion to showcase Hong Kong's cultural characteristics. As regards mega events like the New Year Countdown Celebrations, Chinese New Year Parade, and so on, which are organized by the HKTB, they are very popular among overseas visitors and serve to build up Hong Kong's image as a city of endless excitement. All these events attract considerable coverage by the international media and help enhance the attractiveness of the city. At the same time, these events provide Hong Kong's travel trade and other related sectors with opportunities to launch tourism products of different themes, creating further business for the trade.

(d) The HKTB's latest revised estimated expenditure for the promotion of the "Hong Kong Cultural Celebrations" in 2011 is about \$2.8 million. Major activities include the followings:

- produced and uploaded a fun viral video on the Cheung Chau Bun Festival onto YouTube, Tudou, Sina Video and other online video sharing sites; promoted this video on online social media platforms, such as Sina Weibo, and encouraged viral sharing by the public;
- by adopting a focused approach and targeting visitors with an interest in traditional festivals (such as long-haul visitors), the HKTB, in collaboration with the local travel trades in the target markets, promoted travel itineraries which covered these festivals;
- displayed posters, banners and other publicity materials at major ports of entry; arranged a Cheung Chau Bun Festival mascot to greet visitors at the Hong Kong International Airport so as to create a festive atmosphere to the visitors; and
- produced a dedicated website and activities guide on the "Hong Kong Cultural Celebrations", to introduce details of the festivals and to encourage visitors to take part in the festivals in various districts.

In view of the popularity of the social media, the HKTB will strengthen its digital marketing efforts in 2011-2012 to publicize Hong Kong through creative means. It also plans to invite famous Twitter users and bloggers to visit Hong Kong and share their experience, and to encourage Internet users to spread and share Twitter and blog entries.

Digital marketing and traditional marketing channels serve to complement each other. The major purpose of utilizing digital marketing is to ride on the viral effect on the Internet, so as to reach more consumers, especially potential visitors, with a view to maximizing the impact of the HKTB's promotion.

In devising its promotional strategies and channels for each campaign, the HKTB will take into account the scale of the project, as well as the target markets and visitor segments. Taking the annual Hong Kong Summer Spectacular and WinterFest as examples, the HKTB will make use of the Internet to complement advertising, public relations activities and consumer promotion, such as road shows. Further to these, the HKTB will collaborate with the trade to promote travel itineraries and special offers, in order to achieve maximum exposure and publicity for the campaigns and Hong Kong as a whole.

- (e) Each year, the HKTB issues circulars to the travel trades, including local travel agencies, to notify them of the programmes of the promotional campaigns, including the four traditional festivals during April and May. The HKTB also encourages the travel trade to develop festival-themed tour products and incorporate them into the travel itineraries for visitors to experience the fun-filled festivals. This year, a number of guided tours themed on the Cheung Chau Bun Festival, such as "Bun Festival Tour", "Cheung Chau Island Floating Colours Parade and Lamma Island Fishing Village 1-Day Tour", have been organized by the local travel agencies.
- (f) The floating colours parade, which is full of local characteristics, is one of the highlights of the HKTB's promotion of the Cheung Chau Bun Festival. This year, with the support of the Hong Kong

Cheung Chau Bun Festival Committee, the HKTB produced a fun viral video to tell the story behind the parade. The HKTB will continue to promote events and activities in Hong Kong that cater for visitors' interests and preferences.

Taxation Problems Faced by Enterprises Engaged in Processing Trade Operations in the Course of Upgrading and Restructuring

17. **DR LAM TAI-FAI** (in Chinese): *President, regarding the taxation problems faced by Hong Kong enterprises engaged in processing trade operations in the course of upgrading and restructuring, will the Government inform this Council:*

- (a) of the number of enterprises from which recovery of taxes had been demanded by the Inland Revenue Department (IRD) in the past three years because of issues relating to section 39E of the Inland Revenue Ordinance (Cap. 112) (section 39E) and the 50:50 basis of tax apportionment, the amounts of taxes involved and the amounts of fines imposed, as well as the number of relevant appeal or objection cases in which the Commissioner of Inland Revenue (CIR) had demanded the enterprises concerned to purchase Tax Reserve Certificates (TRCs); if such records or statistics are not available, whether the authorities will establish a record system for this purpose and provide the number of cases being vetted or reviewed in relation to such issues at present;*
- (b) given that it is stipulated in the Code on Access to Information that members of the public are entitled to access government documents, yet the Secretary for Financial Services and the Treasury has repeatedly ignored my requests for the provision of the contents of the views of the sector on section 39E as reflected by the Commerce and Economic Development Bureau, of the reasons for that;*
- (c) given that in reply to my question on 11 May this year, the Secretary for Financial Services and the Treasury indicated that the State Administration of Taxation (SAT) had confirmed that if a Hong Kong enterprise provided some machinery and plants (including moulds) to its associated enterprise on the Mainland rent-free for production*

of finished products which would be sold to the Hong Kong enterprise at a price below normal price, such arrangement might constitute an "offsetting transaction" under the "Implementation Measures of Special Tax Adjustments (Provisional)" (Guoshuifa (2009) No. 2) of the Mainland, and in the course of conducting transfer pricing investigations, the Mainland tax authorities will make transfer pricing adjustments to restore the offsetting transactions, but members of the sector have pointed out that it has been a long-standing practice for Hong Kong enterprises to provide machinery/plants and moulds, and so on, for Mainland processors, and all along, Mainland taxation authorities have not questioned that there is any issue of transfer pricing, whether the authorities can put forth facts and examples to illustrate the problems of transfer pricing which have emerged as a result of Hong Kong enterprises providing machinery and plants to Mainland processors rent-free;

- (d) given that some Hong Kong enterprises have pointed out that since the provision of machinery and plants to Mainland processors by Hong Kong enterprises rent-free has made it possible for Mainland enterprises to reduce their costs, the prices of the finished products may of course be adjusted downward correspondingly, and that these are reasonable and normal transactions, why the authorities consider the price of such products as "below normal price" and believe that the arrangement may give rise to the issue of transfer pricing, as well as whether the authorities can make public the confirmation documents issued by the SAT;*
- (e) given that in reply to my question on 11 May this year, the Secretary for Financial Services and the Treasury did not directly explain why taxpayers whose objections or appeals have been determined in their favour cannot be compensated with interest calculated at "judgment debt rate", as in the case of the Government, in order to uphold the principle of fairness, whether the authorities can provide a direct response to this question;*
- (f) given that the Secretary for Financial Services and the Treasury has not provided direct responses to my questions raised on 13 April and 11 May this year on whether an "import processing" enterprise*

which gives up its efforts of upgrading and restructuring itself and then engages itself again in "contract processing" will again be eligible for the depreciation allowances for machinery and plants, and whether the 50:50 basis of tax apportionment will again be applicable to it, whether the authorities can give a clear reply; if not, of the reasons for that;

- (g) given that although I have asked the Secretary for Financial Services and the Treasury, at least on seven occasions in the past two years, why the authorities had not considered the independent legal advice of the legal sector or the Department of Justice on the issue of section 39E, the Secretary for Financial Services and the Treasury still did not provide a direct response, whether the authorities can explain the reasons why the Secretary for Financial Services and the Treasury is not willing to give a reply;*
- (h) given that the Secretary for Financial Services and the Treasury indicated on 11 May this year that the IRD was not aware of any Hong Kong enterprises which were nominally "import processing" enterprises but actually still engaged in "contract processing" mode of operation on the Mainland, whether the authorities can explain why such scenarios had been mentioned in the cases of CIR v Datatronic Ltd (CACV 275/2008) and CIR v C G Lighting Ltd (CACV 119/2010), and whether the authorities will approach members of the industrial and commercial sector, the accounting sector, tax experts as well as the legal sector to learn about the facts; if they will, of the details; if not, the reasons for that;*
- (i) given that the Secretary for Financial Services and the Treasury indicated on 11 May this year that it would be necessary to approach the SAT rather than the local tax authorities for discussions for entering into "advance pricing arrangements" (APAs), when the authorities plan to initiate such discussions with the SAT and of the contents of the relevant discussions; and*
- (j) whether, when the Board of Review (the Board) heard the case numbered D61/08, the CIR's representative in the hearing was a practising barrister; whether the authorities have assessed if that*

representative's failure to truthfully and wholly inform the Board of the relevant law interpretation principles and the relevant case law (including the "purposive approach" recognized by the Courts, the requirement of establishing the legislative intent in interpreting law under section 19 of the Interpretation and General Clauses Ordinance (Cap. 1), the Court of Final Appeal's comments on interpreting law made in its judgment on the case of Medical Council of Hong Kong v Chow Siu Shek David (2000), and the views on interpreting law held by the authorities in the case of CIR v Sawhney (HCIA1/2006), and so on) constitutes a breach of duty, deliberate concealment for the purpose of misleading the Board or violation of paragraph 136 of the Code of Conduct of the Bar of the Hong Kong Special Administrative Region?

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

- (a) The IRD does not have the relevant data and does not have any plan to compile statistics on such data. The IRD has to handle a wide variety of data during its day-to-day operations. For better use of resources, the department has to take into account cost-effectiveness in considering what kinds of key data should be included in the compilation of statistics.

(b) and (g)

As indicated in our replies to a number of oral and written questions raised by Dr LAM Tai-fai, in reviewing whether the restriction in section 39E of the Inland Revenue Ordinance (IRO) should be relaxed, we have already taken into account the views of the industry, including those conveyed to us through the Commerce and Economic Development Bureau and Members of the Legislative Council. We have also explained to the Legislative Council in detail the outcome of our review and the relevant justifications. We have indicated repeatedly that given the established fundamental principles such as "territorial source principle" and "tax symmetry" of Hong Kong's tax system, as well as the transfer pricing issue, we

consider that there are no justifiable grounds to relax the existing restriction in section 39E.

(c), (d) and (i)

In our reply to the oral question raised by Dr LAM Tai-fai on 24 November 2010, we have already explained in detail the transfer pricing arrangements that may arise from the rent-free provision of machinery and plant by Hong Kong enterprises to their associated enterprises in the Mainland under "import processing", and the stance taken by the tax authorities around the world (including the Mainland) on the issue.

We have already indicated clearly in our reply to the written question raised by Dr LAM Tai-fai on 11 May 2011 that the SAT has confirmed with us that if a Hong Kong enterprise provides production equipment to its associated enterprise in the Mainland rent-free for production of finished products which would be sold to the Hong Kong enterprise at a price below normal price, such arrangement may constitute an "offsetting transaction" under the "Implementation Measures of Special Tax Adjustments (Provisional)" (Guoshuifa (2009) No. 2) of the Mainland. In the course of conducting transfer pricing investigations, the Mainland tax authorities will make transfer pricing adjustments to restore the offsetting transactions. We have already conveyed clearly the views of the SAT. There is no need to make public the relevant documents from the SAT. Moreover, if the Mainland tax authorities make transfer pricing adjustments, the IRD of Hong Kong has to make corresponding adjustments to the amount of tax charged in Hong Kong in accordance with the "Arrangement between the Mainland of China and the Hong Kong Special Administrative Region for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income" (the Arrangement).

The "APA" mentioned in our reply to the written question raised by Dr LAM Tai-fai on 11 May 2011 is a channel for taxpayers to initiate discussions on transfer pricing issues with their respective tax

authorities in order to ascertain in advance their tax burden and to reduce disputes with the tax authorities. Since transfer pricing between Hong Kong enterprises and their associated enterprises in the Mainland involves tax revenue of the two places, according to the Arrangement, the Mainland enterprises should initiate discussions on APAs with the SAT whereas the Hong Kong enterprises should approach the IRD and the tax authorities of the two places will then enter into discussions. The IRD will pursue APA matters with the SAT under the framework of the Arrangement. In addition, at the annual working meeting between the IRD and the SAT on the Arrangement, the IRD will discuss with the SAT the administrative and implementation details regarding the Arrangement, including the transfer pricing issues between associated enterprises.

- (e) Where a taxpayer's objection or appeal case is allowed, the Commissioner of Inland Revenue (the Commissioner) will refund the tax paid by the taxpayer according to the IRO. However, there are no legal provisions requiring the Commissioner to pay any interest on the tax refunded to the taxpayer. If a taxpayer has purchased TRCs in pursuance of a "conditional stand-over order" in relation to an objection or appeal case, interest will be paid to the taxpayer (the current interest rate on TRCs is 0.0433% per annum) on those TRCs to the extent to which the TRCs are eventually not required to settle the tax held over, that is, the parts in which the taxpayer's objection or appeal are successful. As we have explained in our previous replies to a number of written questions raised by Dr LAM Tai-fai, the relevant provisions of the IRO aim to protect tax revenue by preventing taxpayers from abusing the objection mechanism for the purpose of deferring tax payment.
- (f) In response to the questions raised by Dr LAM Tai-fai, we have explained to the Legislative Council on a number of occasions that whether an enterprise is actually engaged in "contract processing" is determined by the facts of the case. In assessing the chargeable profits of the relevant Hong Kong enterprises, the IRD would apportion the profits on a 50:50 basis when the activities of the relevant enterprises fully meet the mode of operation of "contract

processing", and allow such Hong Kong enterprises to have 50% of the depreciation allowance for their machinery and plant.

- (h) As the judicial proceedings of *CIR v C G Lighting Ltd* (CACV 119/2010) have not completed yet, it is not appropriate for us to discuss the case at this stage. For the case of *CIR v Datatronic Ltd* (CACV 275/2008), the Court of Appeal, in applying relevant legal principles to the facts of the case, has rejected the contention that Datatronic was engaged in "contract processing" operation, and held that the company was not engaged in manufacturing operation and its chargeable profits were actually derived from selling the goods purchased from the enterprises in the Mainland.
- (j) The Commissioner was represented by a practising barrister appointed by the Department of Justice in the Board's hearing of the case with reference number D61/08. As we have stated in our reply to the written question raised by Dr LAM Tai-fai on 11 May 2011, each and every case heard by the Board or the Court has its unique facts which require application of different legal principles. No particular decision would fit all cases. In fact, the IRO protects the rights of both parties to an appeal to raise their legal points to the Board and to make reasonable defence against the other party's points.

Telebet Centres

18. **MR WONG SING-CHI** (in Chinese): *President, when the Hong Kong Jockey Club (HKJC) proposed to the authorities in 2009 to introduce five additional race days per racing season, it estimated that the proposal would create 1 500 new jobs, and help sustain the 2 500 jobs planned for its Telebet cum Volunteers and Training Centre already established in Tin Shui Wai. In this connection, will the executive authorities inform this Council:*

- (a) *whether they know the total number of new jobs created by HKJC in the past six months to tie in with the introduction of the additional*

race days, and the number of additional staff employed; among these staff members, the respective numbers of those who were offered posts at the telebet centre in Tin Shui Wai, and those who were offered off-course betting, catering and other posts;

- (b) *given that quite a number of front-line staff working at telebet centres have relayed to me that they have suffered from different levels of hearing impairment because they are engaged in jobs which require them to listen to telephone instructions for a prolonged period of time, which has even affected their daily lives, and that they are worried that it will be difficult for them to return to the labour market once they lose their jobs, whether the authorities know the number of working hours per day for staff working at the telebet centre in Tin Shui Wai in the past six months, as well as the number of bets placed in the calls received by them per hour, and list in a table the average, maximum and minimum figures; if such figures are not available, of the reasons for that; and*
- (c) *whether the authorities have any targeted measure to help the staff of telebet centres in part (b); if they have, of the details; if not, the reasons for that?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) According to information provided by HKJC, since the introduction of five additional local race days per year in the 2009-2010 racing season, HKJC has provided 2 100 new jobs and employed 1 870 additional staff to tie in with the work arising from the additional race days. Among the additional staff employed, 1 470 of them have been offered posts at the Tin Shui Wai Telebet Centre, while 400 of them have been offered catering and other posts.
- (b) According to information provided by HKJC, peak service periods of the Tin Shui Wai Telebet Centre mainly fall on every local race days, days on which Mark Six Lottery are drawn and evenings in which bets for football matches are accepted. In the past six

months, the staff are, on average, on duty for six to seven hours per day during the peak service periods. The maximum number of working hours per shift is nine while the minimum is four.

Local race days are the peak service periods of the Tin Shui Wai Telebet Centre and each staff would on average need to answer 40 betting calls per hour. This figure is calculated using the total number of calls handled by the Centre per hour divided by the number of on-duty staff. HKJC does not have the maximum or minimum number of calls handled by individual staff.

- (c) According to information provided by the Labour and Welfare Bureau, the Labour Department has measured on-site the exposure of workers to noise while working at the telebet centres of HKJC on local race days. The results indicate that their daily noise exposure falls within the acceptable limit. There is, therefore, no evidence showing that the workers may have an increased risk of occupational deafness because of employment in such work. Nevertheless, the Labour Department has recommended the management of HKJC to strengthen the training for workers to enhance their awareness of lowering the volume of the earphone as far as possible if it does not affect their work.

The Labour Department provides comprehensive and free employment services to assist job seekers with different employment needs to find jobs, including the able-bodied and job seekers with disabilities. Job seekers with employment difficulties can join the various employment programmes launched by the Labour Department to enhance their employability.

Job seekers with hearing impairment may also approach the regional offices of the Selective Placement Division (SPD) of the Labour Department for employment assistance. SPD provides them with free employment services to seek open employment. The placement officers will help job seekers seek suitable work, having regard to their background, qualifications and job preference.

Air Pollution Problems in Old Districts

19. **MR ABRAHAM SHEK:** *President, it has been reported that Friends of the Earth had analysed the Air Pollution Indexes (API) at 11 general stations set up by the Environmental Protection Department over the 13-month period from January 2010 and found that Sham Shui Po had the worst air quality, with an average API of 44.58, followed by Kwai Chung (43.28) and Kwun Tong (43.08); and that the poor air quality in these areas could be due to a higher number of old diesel vehicles running on the roads, compared to other areas. However, the yearly average API readings of these general stations were within the medium range of air pollution level by the Government's standard, meaning that air quality was acceptable. In this connection, will the Government inform this Council:*

- (a) given that roadside stations are set up in Causeway Bay, Central and Mong Kok, whether it will consider setting up roadside stations also in Sham Shui Po, Kwai Chung and Kwun Tong; if it will, of the details with regard to the increase in the estimated expenditure; if not, the reasons for that;*
- (b) whether it has assessed if the current API standard in Hong Kong meets the World Health Organization (WHO)'s air quality guideline standard; if the API does not meet the WHO standard, whether it has considered tightening the API system to keep it up to par accordingly; if not, of the reasons for that;*
- (c) as it was reported that there were months during the aforesaid 13-month period in which APIs of Sham Shui Po, Kwai Chung and Kwun Tong exceeded 50, and that it is harmful for people to breathe the air with that API level for long, whether it had implemented any measure in the past three years to improve the air quality in the aforesaid areas; if it had, of the details; and*
- (d) given that three pilot low-emission zones (LEZs) will be designated in Causeway Bay, Central and Mong Kok;*
 - (i) whether it has considered extending the pilot LEZs to Sham Shui Po, Kwai Chung and Kwun Tong; if it has, whether it will conduct public consultation; if it will, of the timetable; if it has not considered extending the pilot LEZs, the reasons for that;*

- (ii) *whether it will consider issuing a guideline on the suggested ratio of low-emission franchised buses running in these areas; if it will, of the details; and*
- (iii) *of the current progress of the retirement of Euro II and III franchised buses operating in these areas; and whether it has considered providing any financial incentive to the franchised bus companies for the related increase in operation expenses; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT: President,

- (a) Siting of the roadside air quality monitoring stations (AQMSs) in Causeway Bay, Central and Mong Kok has been made to measure the roadside situations in busy urbanized areas of Hong Kong. These three AQMSs are surrounded by a mix of commercial buildings and commercial-cum-residential buildings in the presence of heavy traffic. Such physical environment typifies the air quality in other busy urbanized areas like Sham Shui Po, Kwai Chung and Kwun Tong. As such, we consider that the air quality data collected by these roadside stations are representative of the roadside air quality of busy urbanized areas in other parts of the territory and do not propose to set up additional roadside AQMSs;
- (b) The WHO has not issued any standards and guidelines on the calculation and reporting of API values and internationally, there is also no standardized approach on the issue. Our API system is in general similar to those of Singapore and Taipei. It calculates API by making reference to the current Hong Kong Air Quality Objectives (AQOs). In parallel to our current exercise to examine how best the AQOs should be updated, we have already commissioned a team of leading academics including health experts and air scientists from the local universities to review our API system for providing more timely information to the public on the level of air pollution and the associated health effects;

- (c) In Hong Kong, air pollution in different districts is caused by common air pollutant emission sources such as power plants, vehicles, and so on. Cutting these local emissions, coupled with the joint efforts with the Guangdong Provincial Government to reduce emissions from the Pearl River Delta Region, will help improve air quality in all districts including Sham Shui Po, Kwai Chung and Kwun Tong. We implemented the following key measures in the past three years to reduce local emissions:
- (i) imposed statutory emission caps on power plants since August 2005. The caps have recently been tightened to require power plants to further reduce their emissions by 34% to 50%, starting from 2015, as compared with the 2010 levels through maximizing the use of existing gas-fired generation units and prioritizing the use of coal-fired units retrofitted with emission abatement facilities;
 - (ii) introduced on 1 July 2010 a 36-month one-off grant to encourage the early replacement of Euro II diesel commercial vehicles with new commercial vehicles after completing on 31 March 2010 a similar scheme for pre-Euro and Euro I diesel commercial vehicles;
 - (iii) introduced in April 2008 a first registration tax concession scheme for environment-friendly commercial vehicles in addition to the one for environment-friendly petrol private cars;
 - (iv) mandated motor vehicle fuels to comply with Euro V standard from 1 July 2010;
 - (v) mandated the use of ultra low sulphur diesel in industrial and commercial processes from October 2008; and
 - (vi) amended the Air Pollution Control (Volatile Organic Compounds) Regulation in October 2009 to include products such as adhesives, sealants, vehicle refinishing paints, marine vessel paints and pleasure craft paints, to limit their volatile organic compounds contents in phases from January 2010;

The above measures, together with ongoing air quality improvement measures and those implemented in the Pearl River Delta Region by the Guangdong Provincial Government, have brought improvements to our air quality in recent years. Between 2008 and 2010, the levels of sulphur dioxide and respirable suspended particulates in Sham Shui Po, Kwai Chung and Kwun Tong reduced by 31% and 8% respectively.

(d) (i) and (ii)

The pilot LEZs to be designated in Causeway Bay, Central and Mong Kok seek to restrict the access of franchised buses to low-emission models (that is, those meeting the emission level of a Euro IV or above bus). We are working with the franchised bus companies to increase as far as practicable the ratio of low-emission buses running in these zones from 2011, with the target of having only low-emission buses in these zones by 2015.

To meet the above target, the franchised bus companies will accord priority to the deployment of low-emission buses to routes serving the pilot LEZs. They are also working with us to undertake a trial of retrofitting on their Euro II and III buses selective catalytic reduction devices (SCRs) which, together with the diesel particulate filters already installed on the buses, could upgrade their emission performance to the Euro IV level. Subject to satisfactory trial results, the Government will fund the full cost of retrofitting all Euro II and Euro III buses with SCR devices.

As many of the franchised buses serving the pilot LEZs will also pass through other districts such as Sham Shui Po, Kwai Chung and Kwun Tong, these districts will also benefit from the designation of the pilot LEZs. Should the trial on SCR retrofit be successful, we expect the majority of the franchised bus fleet would be upgraded to Euro IV level by 2015.

- (iii) Franchised bus companies are required to operate their franchised bus services with buses under the age of 18, and have been replacing their serving buses accordingly. This arrangement has taken account of the maintenance, operational and financial capability of the bus operators, and their obligation to provide a proper and efficient service to the public.

Currently, about 70% of franchised buses are Euro II or Euro III vehicles. Given their large numbers, it would be difficult to phase them out in the coming few years. The Government is looking into other options which are more cost-effective than expediting their replacement to reduce emissions from franchised buses. That is why we are working jointly with the franchised bus companies to undertake a trial to retrofit SCRs on Euro II and III franchised buses. As stated above, subject to satisfactory trial results, the Government will fund the full cost of retrofitting Euro II and Euro III buses with SCRs to bring their emission performance on a par with Euro IV level.

Implementation of Race Discrimination Ordinance

20. **MS EMILY LAU** (in Chinese): *President, the Race Discrimination Ordinance (Cap. 602) (the Ordinance), which came into full effect in 2009, provides protection for all ethnic groups in various fields such as employment, education and the provision of goods, facilities and services. Regarding the implementation of the Ordinance since its commencement, will the Executive Authorities inform this Council:*

- (a) *whether they know the respective numbers of enquiries and complaints received by the Equal Opportunities Commission (EOC) relating to the various fields protected under the Ordinance since its commencement;*
- (b) *given that ethnic minorities have relayed to this Council many times that the authorities have not provided sufficient and effective*

educational support to non-Chinese speaking (NCS) students and have affected the further study opportunities of such students, and most school sponsoring bodies (SSB), principals and teachers do not have sufficient understanding of the details of the Ordinance, whether the authorities know if EOC will follow up by:

- (i) carrying out a study and a formal survey on whether there is institutional racial discrimination against ethnic minority students under the education system of Hong Kong; if it will, of the details concerned; if not, the reasons for that; and*
 - (ii) formulating a Code of Practice on Education in accordance with the Ordinance by drawing reference to that of the Disability Discrimination Ordinance (Cap. 487), so as to explain the legislation and provide a practical guidance for SSB on how to comply with the Ordinance; if it will, of the details concerned; if not, the reasons for that;*
- (c) given that 11 direct investigations were carried out by EOC in respect of the Ordinance in 2010, and among them, the greatest number of cases (with a total of six cases) involved the provision of goods, facilities and services, whether the authorities know if EOC will consider formulating a code of practice on this field; if it will, of the details concerned; if not, the reasons for that; and*
- (d) given that the attainment of a pass in the subject of Chinese Language in the Hong Kong Certificate of Education Examination (HKCEE) as one of the entry requirements for most ranks in disciplined services departments such as the Police Force and the Correctional Services Department render many NCS people ineligible to apply for a post in the disciplined services, and it is learnt that the Police Force has made adjustments to such requirement recently, whether the authorities will revise comprehensively such entry requirement regarding the subject of Chinese Language in all disciplined services departments, so that ethnic minorities will have an equal opportunity to join the disciplined services; and whether the authorities know if EOC will take the initiative to carry out an investigation on whether the*

language proficiency requirement (LPR) set by government departments in recruiting staff is in contravention of the Ordinance?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President,

- (a) During the period from the commencement of the operation of the Ordinance on 10 July 2009 up to 30 April 2011, the EOC had received 731 enquiries and 99 complaints relating to racial discrimination. Of these 731 enquiries, 320 were related to the employment field and 411 related to fields other than employment, (the EOC does not keep further statistical breakdown by protected fields other than employment for enquiries under the Ordinance). Of the 99 complaints received, 54 were complaints on discrimination related to provision of goods and services, 30 related to the employment field, five related to education and three related to government services, while the remaining seven cases were complaints on harassment or vilification.
- (b) Regarding education support, the Administration has put in place a series of measures to support NCS students. The Education Bureau has revised the arrangements for admission to Primary One for NCS students since 2004 to enable them to choose schools which, by tradition, admitted a larger number of NCS students, or other public sector schools. A three-year longitudinal research was conducted in tandem. The Education Bureau has also issued circulars to schools and, in collaboration with the EOC, conducted briefings on the Ordinance for staff of the Education Bureau and schools in November 2008 and July 2010 respectively, in which educational establishments were reminded of their responsibilities to make their best endeavours to support the teaching and learning of all students irrespective of race, to create an accommodating environment for ethnic diversity in schools, to respect cultural and religious differences, and to maintain communication with parents.

Studying the education needs of ethnic minorities in Hong Kong is an important area of the EOC's work. The EOC set up a Working Group on Education for Ethnic Minorities (the Working Group) in

July 2010 to explore the practical problems faced by NCS students and recommend measures for improvements. Having consolidated the concerns of different stakeholder groups including principals and teachers of designated schools, ethnic minority parents, students and non-governmental organizations serving the ethnic minorities community, the Working Group has forwarded its views to the Education Bureau and exchanged views with the Bureau on the issues concerned.

Taking into account the situation of relevant enquiries and complaints received so far by the EOC and the EOC's work priority and the effective use of its manpower resources, the EOC will first work closely and follow up with the Education Bureau and stakeholders on the views submitted by the Working Group to the Education Bureau, and consider conducting formal investigations and formulating a Code of Practice on Education under the Ordinance at a later stage if necessary. Meanwhile, the EOC will continue with its publicity and public education efforts to promote equal opportunity in education.

- (c) The EOC carried out 11 self-initiated investigations in respect of the Ordinance in 2010, six of which were related to the provision of goods, facilities and services. The outcome of these investigations shows that out of these six cases, two were in breach of the Ordinance. No unlawful act was found in the other four cases although there is room for improvement by the service providers in these cases to avoid misunderstanding of discrimination. The EOC has issued advice to the service providers concerned accordingly.

Since the implementation of the Ordinance, most of the complaints relating to provision of goods and services arose from inadequate communication or misunderstanding between the parties concerned. With more operational experience, and taking into account the number, nature and complexity of complaints received in the field, the EOC will consider the need for issuing a Code of Practice or guidelines on the provision of goods, services and facilities. The EOC will continue its efforts in public education to raise the public awareness of and sensitivity to racial discrimination.

- (d) According to the Code of Practice on Employment (the CoP) issued by the EOC under the Ordinance, an employer must ensure that any language requirement for a job is relevant to and should be commensurate with the satisfactory performance of the job. In line with the CoP, Heads of Department/Grade have specified appropriate Chinese and English LPRs as part of the entry requirements for appointment to each of the grades under their purview, having regard to the job requirements and operational needs of the concerned grades. The prevailing arrangement on LPRs is also conducive to the Administration's policy to maintain a fully biliterate (Chinese and English) and trilingual (Cantonese, Putonghua and English) Civil Service.

At present, the LPRs for appointment to all the disciplined services grades are set at Level 2 in Chinese Language and English Language subjects in the HKCEE, or equivalent. In order to facilitate applicants who may not possess these local qualifications, results in other public examinations, such as Grade D in Chinese Language subject and Grade E in English Language subject in the International General Certificate of Secondary Education, UK General Certificate of Secondary Education, and General Certificate of Education 'Ordinary' Level, are also accepted as equivalent to Level 2 in Chinese Language and English Language subjects in the HKCEE respectively. The Administration will from time to time review the LPRs for appointment to the relevant grades in the light of operational needs.

The EOC has liaised with different disciplined services on matters relating to the selection criteria and compliance with the requirements of the Ordinance. As the disciplined services are re-examining their recruitment and appointment policies and practices, and the EOC has not received any complaint in this regard, the EOC has no plan at this stage to launch a formal investigation on the LPRs for recruitment in the disciplined services or other government departments. The EOC will continue to monitor the development of the matter and consider the need to take other actions in the light of the circumstances.

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

ENDURING POWERS OF ATTORNEY (AMENDMENT) BILL 2011**ROAD TRAFFIC (AMENDMENT) BILL 2011**

CLERK (in Cantonese): Enduring Powers of Attorney (Amendment) Bill 2011
Road Traffic (Amendment) Bill 2011.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

ENDURING POWERS OF ATTORNEY (AMENDMENT) BILL 2011

SECRETARY FOR JUSTICE (in Cantonese): President, I move the Second Reading of the Enduring Powers of Attorney (Amendment) Bill 2011 (the Bill).

The Bill proposes an amendment to the Enduring Powers of Attorney Ordinance (Cap. 501) (the Ordinance) to relax the existing requirement for the execution of an enduring power of attorney under section 5(2)(a) of the Ordinance and to adopt new statutory forms and associated explanatory information which are drafted in plain language and in a more user-friendly format.

President, a power of attorney is an instrument with legal effects, under which one person (the donor) appoints and empowers another person (the attorney) to act on the donor's behalf and in the donor's name. A power of attorney can only be made by a mentally capable person. If the donor

subsequently becomes mentally incapable, the power of attorney is revoked and the attorney no longer has power to act on the donor's behalf. Actually, the donor more earnestly needs the attorney to act on his behalf under such circumstances. To resolve these difficulties, the Enduring Powers of Attorney Ordinance enacted in 1997 creates a special type of power of attorney, namely, an enduring power of attorney (EPA), which survives the onset of the donor's mental incapacity provided that it is in the prescribed form and executed in the prescribed manner under the Ordinance. Unlike ordinary power of attorney, the scope of an EPA is restricted to the donor's property and financial affairs, other areas are not included, for instance, making decisions relating to the donor's healthcare. Under section 5(2)(e) of the Ordinance, a doctor witnessing the execution of an EPA is required to certify that "he satisfied himself that the donor was mentally capable".

When EPA was introduced into Hong Kong in 1997, it was something new, but EPA has already existed in a number of overseas jurisdictions for some time and has also been widely used. However, there is an exceptionally low take-up rate in Hong Kong as compared with other jurisdictions. Between 1997 when the Ordinance was enacted and late 2010, only 40 EPAs were registered in Hong Kong. On the contrary, more than 19 000 EPAs were registered in England and Wales in 2006 alone.

Organizations such as The Law Society of Hong Kong are of the view that, the existing provisions on EPA signing are excessively onerous, which is one of the reasons for the exceptionally low take-up rate. In response to their concern, the Government referred the above subject to the Law Reform Commission (LRC) for consideration in November 2006.

The LRC published the Report on Enduring Powers of Attorney (the Report) in March 2008, stating that there may be a variety of reasons for this exceptionally low take-up rate. For instance, there may be cultural factors and a lack of public awareness and understanding about the concept of EPAs. One factor that may discourage the use of EPA is the requirement that an EPA must be signed by the donor before a solicitor and a registered medical practitioner, who must both be present at the same time. Therefore, the LRC proposed the abolition of the existing requirement in section 5(2) of the Ordinance that an EPA must be signed by the donor before a registered medical practitioner. It also proposed that the Law Society should be encouraged to issue practice directions

to its members, making clear that where a solicitor has grounds for doubting the mental competence of his client to execute an EPA, the solicitor must obtain an assessment of his client's mental capacity from a medical practitioner before the EPA is executed. The LRC added that, if, contrary to the LRC's recommendation, it is decided to retain the existing requirement in section 5(2) of the Ordinance, the requirement should be relaxed by allowing a donor and a solicitor to sign an EPA within 28 days after the EPA has been signed by a registered medical practitioner.

It is further proposed in the Report that the statutory form for EPAs and its explanatory notes should be drafted in plain language and in a more user-friendly format. The Report proposed a new form and explanatory notes.

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

Deputy President, the Bill adopts the second recommendation of the LRC, that is, allowing a donor and a solicitor to sign an EPA within 28 days after the EPA has been signed by a registered medical practitioner. The Bill also implements the proposal of the LRC and adopts a new statutory form and its explanatory notes drafted in plain language and in a more user-friendly format.

The main reason for not adopting the first recommendation of the LRC about the total abolition of the requirement that an EPA must be signed by the donor before a registered medical practitioner is that, the medical and social service sectors strongly objected to the proposal when they were consulted by the Department of Justice in June 2010. Their concern is that, if it is not provided in the Ordinance that a donor's mental capacity shall be assessed and confirmed by a medical practitioner, the donors including elderly persons cannot have adequate protection. The Bar Association also expressed reservations when the Panel on Administration of Justice and Legal Services of the Legislative Council discussed this proposal at a meeting in December 2010.

After careful consideration of the Report of the LRC and the views of all those being consulted, the Government adopted the second proposal on partially relaxing the existing requirement under section 5(2) of the Ordinance on the signing of an EPA, which can strike the right balance between providing donors

with adequate protection and encouraging wider use of EPAs.

Deputy President, as stated in the Report of the LRC, the use of EPAs would not only benefit the donor but also for the donor's family and the general public. We hope that the passage of the Bill and the adoption of measures to increase public awareness and understanding of EPAs would encourage the wider use of EPAs in the local community for making arrangements concerning property and financial affairs.

With these remarks, I hope that Members would support the Bill.

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Enduring Powers of Attorney (Amendment) Bill 2011 be read the Second time.

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

ROAD TRAFFIC (AMENDMENT) BILL 2011

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, I move the Second Reading of the Road Traffic (Amendment) Bill 2011 (the Bill).

The number of drug driving arrest cases rose sharply last year. There were 84 arrest cases involving drug driving in 2010, which was more than seven times the number in 2009, and most of these cases involved drug. The increasing trend in drug driving cases and the potential road safety hazards they pose have caused serious concerns in our community. On the other hand, there are no provisions at present that require a person suspected of drug driving to undergo drug tests or to provide body fluid specimens, which makes a charge difficult to prove. We have honoured our commitments and introduced the Bill in the legislative year 2010-2011 on schedule, introducing supporting measures that will make enforcement more effective. An object of the Bill is to provide the necessary legislative framework for implementing measures to strongly

combat drug driving. The major measures are listed as follows.

First, we propose the introduction of "zero-tolerance offence" targeting six "specified illicit drug", namely heroin; ketamine, commonly known as "K"; methamphetamine, commonly known as "crystal"; cannabis; cocaine; and 3,4-methylenedioxymethamphetamine (MDMA), commonly known as "ecstasy". These are common dangerous drugs of abuse in Hong Kong. Driving with any concentration of a "specified illicit drug" in blood or urine is an offence even if the driver does not show any signs of being under the influence of these drugs. An offender is liable to a fine of \$25,000 and to imprisonment for three years. He is also liable to be disqualified from driving for a period of not less than two years for a first conviction and five years for a subsequent conviction.

Second, we propose to specify that a person will commit the general drug driving offence if his or her ability to drive properly is, for the time being impaired under the influence of a drug, and to introduce two-tier penalties. If the case involves "specified illicit drug", the offender shall be subjected to much more severe penalties: besides being liable to a fine of \$25,000 and to imprisonment for three years, he is also liable to be disqualified from driving for a period of not less than five years for a first conviction and 10 years for a subsequent conviction. If the person has previously been convicted of the same offence, there will be clear guidelines in the Ordinance that, having regard to the circumstances under which the offence is committed and the behaviour of the offender, the Court may make an order disqualifying the person from holding or obtaining a driving licence for life. I would like to stress that people driving after taking "specified illicit drug" will pose serious threat to themselves and other road users; severe penalties should thus be imposed.

Furthermore, if a person is driving under the influence of a drug but the drug involved is not a "specified illicit drug"; the offender will be subject to lighter penalties: he is liable to a fine of \$25,000 and to imprisonment for three years. He is also liable to be disqualified from driving for a period of not less than six months for a first conviction and two years for a subsequent conviction. In addition, a defence is proposed to be provided to protect the drivers who have taken appropriate measures to avoid drug driving.

Third, the Bill proposes to increase the disqualification period for a person

convicted of dangerous driving causing death: the minimum disqualification period for a first conviction will be increased from two years to five years, and that for a subsequent conviction will be increased from five years to 10 years. Having regard to the circumstances under which the offence is committed, the Court may make an order disqualifying a subsequent offender from holding or obtaining a driving licence for life, so as to ensure that the penalties for dangerous driving causing death offence tally with the penalties for drug driving offence.

Fourth, the Bill empowers a police officer to require a driver who is involved in a traffic accident or has committed a moving traffic offence or suspected of driving under the influence of a drug to take preliminary drug tests, including Drug Influence Recognition Observation, Impairment Test (IT) and Rapid Oral Fluid Test. If the results of the preliminary drug tests indicate that the driver is suspected of having taken any of the six "specified illicit drug" mentioned above, or is assessed as having his or her ability to drive properly impaired, the police may require the driver to provide a specimen of blood or urine for a laboratory test, to determine if the specimen contains drug and the concentration. The driver shall surrender his or her driving licence to the police for 24 hours as it is unsuitable for him or her to drive a motor vehicle right away. A driver who, without reasonable excuse, refuses to undergo a preliminary drug test or refuses to provide a specimen of blood or urine for a laboratory test commits an offence. Furthermore, we propose that when a police officer suspects that the driver is driving under the influence of drink or drugs, he may request for a medical practitioner to take blood from the driver for a laboratory test. Nevertheless, where the driver is unable to consent to providing specimens due to injury, intoxication by alcohol or unconsciousness, the police officer may request for the medical practitioner to take blood from the driver first, and when the driver regains consciousness, the police officer will require him or her to consent to have the blood tested.

Fifth, the Bill empowers the police to conduct random drug tests but the provisions should only be introduced depending on the prevalence of drug driving and factors such as whether there are suitable and reliable equipment for the Rapid Oral Fluid Test.

Deputy President, we conducted a public consultation on the proposal to combat drug driving last summer, and we received positive response from the Legislative Council Panel on Transport, the Transport Advisory Committee, the

Road Safety Council, the medical and pharmaceutical professional bodies and the transport trades. They expressed strong support for strongly combating drug driving. In the course of consultation, we explained that the IT had a fairly high accuracy rate.

We also explained that as health professionals currently had the duty to label all medicines they dispense and advise their patients of the suitable dosage and the side effects of the drugs they prescribe, this legislative proposal will not change or increase the relevant duties of health professionals. Furthermore, some professional drivers' organizations are concerned about the administration of the IT and that driving after taking medicinal drugs may make them liable for an offence. We have already explained to drivers' organizations that the IT is designed to screen out persons who are grossly impaired by a drug to the extent of being incapable of properly controlling a vehicle, and that most medicinal drugs, if taken in accordance with medical advice, will not cause impairment to the extent of being unable to properly control a vehicle; so they need not worry too much. In addition, we have proposed lighter penalties for drug driving offences not involving the "specified illicit drug". On the whole, the proposals of the Bill have addressed the concerns of the community and various sectors.

Deputy President, the measures for combating drug driving are conducive to enhancing road safety and the public at large would like these measures to be taken forward by the Government. I hope that Members would strongly support them to facilitate the early passage of the Bill so that the relevant proposals can be implemented as soon as possible.

Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Road Traffic (Amendment) Bill 2011 be read the Second time.

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

MEMBERS' MOTIONS

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

DEPUTY PRESIDENT (in Cantonese): First motion: Safeguarding freedom of the press and the right to expression.

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

I now call upon Ms Cyd HO to speak and move the motion.

SAFEGUARDING FREEDOM OF THE PRESS AND THE RIGHT TO EXPRESSION

MS CYD HO (in Cantonese): Deputy President, I move the motion as printed on the Agenda.

It is stated in Article 19 of the Universal Declaration of Human Rights that, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Deputy President, everyone should have the right to choose his own style of life and enjoy autonomy in thinking and feelings, unless his behaviour has jeopardized the safety or interest of another person. For this reason, in the course of development of society, certain persons will be chosen to make arrangements and formulate regulations for members of society to follow, so that people can live peacefully together in society. However, the power for making the arrangements and formulating the regulations should be restricted. The

arrangements or regulations are intended to safeguard the interest of everyone; and the power should not be exercised to restrict freedoms and rights.

Some 150 years ago, the philosopher J. S. MILL wrote about this theory in his book *On Liberty*. Nowadays, these theories have become the common values of the general public in society, which is common knowledge to us. However, people in power can easily be corrupted by power and interests. They may, out of interests, stupidity or arrogance, or being driven by the lust for power, do something to infringe upon the rights and freedoms of people on the pretext of protecting the people.

In the event of such incidents, the significance of the right to expression and the freedom of the press to report and comment become increasingly important. People have to, through words and actions, express their anger against the abuse of power; they have to disseminate the messages through the media and make use of public opinions to restrict those powers. In such case, the freedom of the press and speech and the right to expression are no longer individual concerns. In times of social unfairness, this is a kind of soft power to restrict the Government, which can achieve special and effective social and political functions. It is stated unequivocally in the Basic Law that the International Covenant on Civil and Political Rights is applicable to Hong Kong. The SAR Government reiterates from time to time that freedoms in Hong Kong will remain intact.

Recently, when the Government responded to a report published by the United States on the condition in Hong Kong, it reiterated this point. But in reality, freedom in Hong Kong has slipped away unnoticeably since 1997. If a comparison is drawn between the situation today and that of yesterday, that is 24 May 2011, the difference is definitely insignificant. However, if we compare the situation today with that before 1997, the differences are obvious and significant. Hence, Deputy President, in the light of the present motion debate, I would like to take stock of the situation in the past 14 years to see how much freedom of speech and expression in Hong Kong we have lost.

Let us first look at some objective indexes. Every year, the Reporters Without Borders assesses the freedom of the press of about 178 countries to compile a ranking list. According to the latest ranking, Hong Kong ranked 34th, after the Czech Republic, Hungary and Lithuania. These Eastern European

countries are emerging democratic countries established after separating from the control of the former Soviet Union in 1989. Hong Kong often brags about its foundation of freedom, but it now ranks after these newly emerged democratic countries. In fact, the marking of Hong Kong has increased from 4.83 in 2002 to 10.75 in 2010 — Deputy President, the higher the index, the worse the situation is, so do not presume that a higher mark is better.

In 2007, when Donald TSANG was first elected as the Chief Executive, the index of Hong Kong was as high as 20. The Freedom House in the United States had removed Hong Kong from the list of "free places" and put Hong Kong under the list of "partly free places". In view of these objective indexes, Hong Kong should be on alert.

Freedom is slipping away unnoticeably by the slow-boiled frog approach. These cracks in the systems are made by the authorities. Let us take a close account. In June 1997, before the establishment of the SAR Government, amendments to the Public Order Ordinance were passed by the Provisional Legislative Council, which was an illegitimate institute, to restrict the freedom of assembly. The amendments reduced the freedom of assembly which had been relaxed in the 1980s and the 1990s. Organizations or organizers of assemblies have to obtain the "No Objection Letter" from the police before assemblies can be held, and peaceful assemblies may easily be liable to the prosecution of the police. Freedom in this respect has been reduced.

Second, in the past, the police selectively initiated prosecution against participants of assemblies and invoked section 36(b) of the Offences Against the Person Ordinance to prosecute people participating in peaceful assemblies. That Ordinance used to be invoked to charge violent criminals, that is, criminals who attacked police officers with weapons. Before 2007, the authorities had never invoked the Offence Against the Person Ordinance to prosecute participants of assemblies. However, in 2007 alone, the authorities invoked the Ordinance 19 times to initiate prosecutions.

Third, the authorities abuse the legislation on municipal management, such as the Places of Public Entertainment Ordinance, to prevent the public from displaying objects, and prohibit the public from expressing their opinions with body language on the grounds that they have not applied for a licence. Two weeks ago, the police prohibited homosexual groups from staging dancing

performance on the street for this reason, and vigorous actions were taken to combat graffiti. The public have been deprived of their rights to use public space.

Fourth, the authorities make use of its administrative power to reduce the area of public space in actuality. Deputy President, I am referring to the planters built outside the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office). In 2002, the authorities lost its case on YEUNG May-wan, that is, the prosecution against Falun Gong for causing obstruction as it staged demonstration outside the Liaison Office. After the case, the width of the pedestrian way outside the Liaison Office was narrowed down from 9 m to 3 m. What had the authorities done? It planted flowers there. The authorities had made sophisticated planning, intending to get its way by hook or by crook.

Fifth, the authorities make use of administrative arrangements to circumvent the monitoring of the media. It organizes informal briefings to disclose information from anonymous source, where recording and photo-taking are not allowed, and invitations are offered on a selective basis, with the objective of affecting the report of the media. Earlier, I asked a reporter from *Apple Daily* outside the Chamber and learnt that they were usually not on the invitation list of those informal briefings. This is how the authorities would make use of administrative arrangements to influence the media.

Sixth, the authorities condone the MTR Corporation Limited (MTRCL) operating on commercial principles to exert commercial pressure on the media. Deputy President, it is noticed that the authorities are making use of the legislative and administrative procedures within its purview to impose more and more tangible and intangible restrictions on the right of freedom on expression.

I would like to thank a number of Members from the democratic camp for proposing the amendments, including Ms Emily LAU, Mr LEE Cheuk-yan and Mr Alan LEONG. They will give further explanation to the various points I mentioned early. Mr CHEUNG Kwok-che proposes further amendment to Dr Philip WONG's amendment. His proposal is very specific. He urges the authorities to formulate indexes on freedom of the press and the right to expression respectively and publish reports annually, so that we may have an

overall review of the rights and freedom in Hong Kong every year.

I would like to examine the amendment of Dr Philip WONG in advance. The amendment of Dr WONG urges that freedom of the press and the right to expression should be safeguarded in accordance with the Basic Law and the principle of "one country, two systems". However, what is the meaning of "one country, two systems"? According to the Basic Law, apart from defense and foreign affairs, Hong Kong may handle affairs of the SAR of its own accord, which naturally include the freedom of the press and the right to expression. However, we cannot but worry about this. For the concept of "one country, two systems" has been interpreted in many different ways in recent years. People close to the Beijing authorities consider that "one country" should come first. Take the consultation paper on civic education published recently as an example. It is pointed out that students have to understand human rights, democracy and the rule of law, but if necessary, they should make judgment from the perspective of the nation and the situation of the State. This implies that when Beijing authorities consider that certain issues may affect stability, we have to give up our bottomline and stance in safeguarding freedom.

The Police Force of the SAR has a good and sophisticated understanding about how freedom under the "two systems" has been eroded by the concept of "one country". All along, we can see various kinds of advertisements posted on the street for mending sofa to plumber services, where self-employed persons disclose their contact numbers. Another well-known example is the calligraphy of TSANG Tsou-choi, nicknamed the "King of Kowloon". So far, society has been tolerant in dealing with such cases, and the police has never assigned the District Crime Squad to handle such cases. We can see graffiti everywhere in country parks stating "who and who had visited here" or depicting two hearts pierced by an arrow. We just dismiss them with a smile. Though these are acts of vandalism, the public will tolerate it, and the District Crime Squad will not be deployed to trace who has made the graffiti. Recently, on the ground of the pedestrian zone at Sai Yeung Choi Street, someone wrote in chalk the names of deceased students in Sichuan and wordings requesting for the release of AI Weiwei. The police immediately closed a large section of the road and recorded the identity card numbers of the passers-by, the measures taken are more stringent than cases involving the throwing of acid from height.

It comes to the final analysis that the law-enforcement departments of the

Hong Kong Government are becoming more considerate of the will of the superior power. In the past, these acts were considered as acceptable and tolerable to society, but now, they become criminal offence, for these acts will get on the nerve of the leadership at Zhongnanhai.

Recently, Mr HAO Tiechuan, head of the Department of Publicity, Culture and Sports of the Liaison Office, described civic education as an "education to exercise the brain", and he had made the case very clear. In August 2010, at a meeting with the Hong Kong Journalist Association, he made a speech stating that, "When social order is in crisis, the most urgent and fundamental public interest is to overcome the crisis and restore order in normal times. Hence, the media is obliged to assist the Government in implementing contingency measures and restrain its right temporarily." He laid bare the very fact that the media had to assist the Government even at the expense of restraining their rights, or giving up their inherent duties of reporting the truth. He then said in a threatening tone that, "While reporters should have the lofty spirit of sacrifice, they should be conscious of the need to protect themselves; they should adapt to the normal environment in conducting interviews, as well as in the extreme environment; they should cover more news and be cautious of not becoming the subject of the news." When were these remarks made? The above remarks were made when Hong Kong reporters were wrongly accused of drug possession during their visit to the Mainland for an interview with TAN Zuoren, and when Hong Kong reporters were beaten by military police when they covered news about the riots in Xinjiang in 2009.

Deputy President, I worry that if the SAR authorities adopt the usual attitude of entertaining the will of the superior power in interpreting HAO Tiechuan's remarks, the media which dare criticizing the Government will gradually disappear, and by then, the authorities can do whatever it wants. I am afraid that press freedom and the right to expression in Hong Kong will be subjugated to the "one country". At that time, society will have no power to prevent any abuse of power and perverted justice from occurring in Hong Kong.

Ms Cyd HO moved the following motion: (Translation)

"That this Council urges the authorities to safeguard freedom of the press and the right to expression."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and

that is: That the motion moved by Ms Cyd HO be passed.

DEPUTY PRESIDENT (in Cantonese): Ms Emily LAU, Mr LEE Cheuk-yan, Dr Philip WONG and Mr Alan LEONG will move amendments to this motion; and Mr CHEUNG Kwok-che will move an amendment to Dr Philip WONG's amendment. This Council will now proceed to a joint debate on the motion and the amendments.

I will call upon the above Members to speak one by one; but no amendments are to be moved at this stage.

MS EMILY LAU (in Cantonese): Deputy President, I move that Ms Cyd HO's motion be amended.

Freedom of the press and freedom of expression are the cornerstones of the success of a civilized society. The people of Hong Kong greatly cherish freedom in this respect. As a former journalist, I fully understand this. I also understand that on the one hand, certain media groups have, over the years, adopted self-censorship, thereby reducing their scope of freedom; and on the other hand, members of society very much hope that the media can be truly independent, objective and fair in reporting news, so that they can be provided with the necessary information to make important and informed decisions that may affect themselves, their families and even Hong Kong society as a whole. Hence, this is a matter of great importance. I have to thank Ms Cyd HO for proposing this motion today.

In my proposed amendment, I mainly mentioned a recent incident involving the MTR Corporation Limited (MTRCL), which the Deputy President is most familiar with. The MTRCL really makes me agitated. I got the letter issued by the MTRCL on 19 April to the media. Of course, I will not read out the whole letter, it is really long; if I read it out, I will not have enough time to speak. It is said in the letter that if the press media reported negative news about the MTRCL, the scope was broad, including products, services and real estate projects of the MTRCL, and anything owned by the MTRCL in Hong Kong and overseas, a death sentence would be imposed, that means the MTRCL reserved the right to cancel its advertisements placed in the press media. When the

incident was made known, many members of the media and the public were shocked.

Deputy President, upon reviewing the information, I found a possible culprit leading to the MTRCL's action. It is a report published in page A4 of *Ming Pao* dated 4 April, which stated that the MTRCL attempted to get on the last train of "inflated flats" in the LOHAS Park Phase IV project and that Members, some of our Members here, criticized the Government for failing to set a good example and demanded immediate explanation. It was a criticism against the MTRCL on "inflated flats". However, right below that news report was an advertisement of the MTRCL stating, "MTRCL, though not pregnant, conducts ultra-sound check-up every night".

The MTRCL would naturally find this unacceptable. With such a huge amount spent on press advertisement for publicity, the criticism placed right next to the advertisement had offset the effect. From this perspective, we may find this understandable. We also hope that there is a good business environment in Hong Kong. We understand that the business sector has to promote their products by means of advertisements. However, should the MTRCL be so mean as to threaten the withdrawal of advertisements in the event of negative press coverage of the MTRCL?

The MTRCL's letter may not necessarily mean to say that the press media should not place MTRCL's advertisements and the negative reports on the same page; the implication is that the MTRCL would not place advertisements whenever there is negative coverage, and furthermore, the MTRCL should be notified. Upon receiving the notification, the MTRCL will say, "What? You are going to criticize us again. We will cancel all the advertisements then." Deputy President, the MTRCL actually wants to do so. Hence, the media was extremely shocked about this and they came to me that night even though it was late.

Deputy President, the media groups that were shocked did not limit to those you presumed. Let us see how *Ta Kung Pao* reported the incident. *Ta Kung Pao* pointed out that the advertising agency of the MTRCL was suspected of intimidating the media, for the agency wrote to the media, urging them to refrain from reporting negative news about the MTRCL and threatening to stop placing any advertisements. It was also pointed out that, "Advertising hegemony is suspected of intervening the operation of the media. The leading

company in the advertising sector, Optimum Media Direction (OMD), an advertising agency of the MTRCL, wrote to most of the press media this week, instructing the media, in a set of guidelines in black and white, how to handle the news involving the MTRCL. It also warned the media that should there be any negative reports about the MTRCL, the MTRCL has the right to cancel the advertisement reserved for the MTRCL on that day."

I think this is unacceptable to any dignified media, no matter it belongs to the leftist, centrist and rightist camp. How ridiculous the MTRCL is. How did the MTRCL explain the case? A few days ago, 20 Members from the democratic camp wrote to Raymond CHIEN. Yesterday, he replied us in writing, stating that "the MTRCL always respects the freedom of the press and has never attempted or intended to inhibit the freedom of the press, nor has the MTRCL ever cancelled any reserved advertisement because of any news report about the MTRCL." That was what he said. I hope that if any media has their advertisements cancelled by the MTRCL, they should come forward immediately to reveal that he was lying.

We urge the media not to be scared, for the MTRCL has said, "We fully understand and respect the inherent duties of journalists". The MTRCL respects the media, so the press should not be scared, they should not adopt self-censorship and ruin their own business. The MTRCL said it would apologize to the journalists, but it should apologize to Hong Kong as a whole instead.

Deputy President, some journalists told us that it was far from satisfactory even though the MTRCL had said so. They considered that the Government, being the major shareholder of the MTRCL, should also assume responsibility. Though the Government had come forward at that time to express disagreement of such actions, investigation should be carried out. Why should investigation be carried out? For the MTRCL knew about the incident at that time. When the MTRCL gave an account of the course of the incident, it mentioned that in early April, the MTRCL requested the OMD to optimize the effectiveness of the advertisements through better positioning in newspapers. Subsequently, the OMD issued the letter with those improper wordings.

According to this remark, the MTRCL had read the letter concerned, and the OMD told the MTRCL that it was a standard practice of the trade. That is bad. If the OMD, one of the largest advertising agencies around the world,

states that it is a standard practice, it reflects that not only the MTRCL has threatened the media, but many companies may have adopted the same practice. As pointed out by *Ta Kung Pao*, the agency was caught red-handed by raising such a blatant demand in black and white, and there is no chance that it can get away. Yet, the OMD considers this a standard practice. In that case, Deputy President, please tell us how would we not feel worried and anxious. You and I know that income from advertisements is the lifeline of all staff in a company. We often hear the story that staff of the advertising department call the editing department, saying, "Hey, do you want to receive no pay cheques, are you ready to quit? Don't you know this act will ruin our business?" As such, we are extremely worried.

I do not know if the SAR Government has exerted its influence in other areas through other channels, but today, we only discuss this incident involving the MTRCL. This standard guideline is worrying. I hope the Secretary will convey a clear message, we hope that companies doing business in Hong Kong will respect the core values upheld by the people of Hong Kong, and that they should not threaten the media via these major international advertising agencies with these standard guidelines.

The most desirable approach is that members of the media would come forward and provide us with a list, listing when advertisements were cancelled and the company involved. Some newspapers have never carried advertisements of estate developers. In fact, the most tyrannical hegemony should be the "property hegemony", though Henry TANG said there was no property hegemony, many people consider that such hegemony does exist. For fear of advertisements being cancelled, there is seldom negative news about estate developers.

Why is it that while we can take action against sellers if we get cheated in buying things at markets; yet in the case of buying a flat which involves several millions to tens of millions of dollars, why are there no laws to take actions against problems such as "shrunk flats"? Should such situation occur in other places, the media would have launched an avalanche of criticism. However, we do not see much negative news in Hong Kong about these super rich persons, who are so fat that they can hardly put on their socks.

Regarding the issue on the MTRCL discussed today, the problems that

hegemony and plutocrats stifle the freedom of the press and our right to access to information are only the tip of an iceberg. I hope Honourable colleagues will give their views and the Secretary should state clearly the position of the Government. We welcome businessmen to run their business in Hong Kong, but they must follow and respect our core values, and allow the press to make report in a free, independent and objective manner. Report of the media should not be threatened by these shameless members in the business sector.

MR LEE CHEUK-YAN (in Cantonese): Deputy President, regarding the motion proposed by Ms Cyd HO today, I think it is necessary to be brought up for discussion from time to time, for the situation may deteriorate now and again.

Deputy President, we all know that freedom of the press and freedom of speech are the cornerstones of Hong Kong. If we do not want Hong Kong to become one of the many cities of the Mainland, if we want to retain the features of Hong Kong in upholding universal values, we must safeguard the freedom of speech. However, freedom of speech is very fragile. The Administration may at any time adopt the "slow-boiled frog" approach to gradually stifle the freedom of speech. When no advancement is made in freedom of speech, it means regression.

Why do I say that debates have to be held from time to time? That is because the effect of a "slow-boiled frog" can be seen occasionally as there is a gradual regression of the freedom of speech. Several incidents in the past have caused considerable worries about the freedom of speech in Hong Kong.

First, it is the MTR Corporation Limited (MTRCL) incident mentioned by Ms Emily LAU earlier. The MTRCL incident reflects that under the money-dominated politics, the media may easily adopt self-censorship because of the power of money. As a result, freedom of the press is sacrificed and the public are deprived of the right to access to information and freedom of speech. No coverage of information implies no freedom of speech. In the letter from the MTRCL to the media, as mentioned by Ms Emily LAU earlier, there was a spine-chilling term: the standard practice. To put it coarsely, the adulterers are caught on the scene this time — it may be vulgar to say so, but if this is the standard practice, the arrangement may be made very often. It just happened that a letter in black and white involving the MTRCL was issued this time. How

many similar incidents not involving such written requests have happened? We do not know. It may happen every day for it is the "standard practice". Such requests may be made every day over the phone as a "standard practice". How many incidents of this kind have happened? We really cannot tell. It is most desirable that the media will come forward and explain the case. Yet, I do not believe they will do so. The advertising departments of the media companies surely do not want to displease their clients. Neither will the leading advertising agency, being one of the best, come forward to give a clear account of the case. How many times have such incidents occurred? We do not know, yet we can be sure that it happens when monetary power dominates in politics in Hong Kong. As in the case of Cheong Kong (Holdings) Limited, LI Ka-shing has made it very clear that his group will not place advertisement on a certain newspaper for the newspaper has criticized him. This is Hong Kong. Under the influence of monetary power, how will there be freedom of speech and freedom of the press in Hong Kong? This has been eroded by monetary power. This is the first hindrance threatening the freedom of speech at present.

The second hindrance is from the Government. I would like to specially point out that the Government has recently taken an unprecedented action. While the Chief Executive has recently criticized others for abusing judicial procedures, the Government has in fact abused the law. Why do I say so? Ms Cyd HO mentioned this point earlier. I was only aware last year that we have a legislation named Places of Public Entertainment Ordinance (PPEO). I only know about this recently. I have been staging street campaigns for 30 years, but I have never heard about the need to apply for place of public entertainment licences. Today, I learnt from the Court that the PPEO was enacted in 1919. I am going to cite two incidents to illustrate how the PPEO is applied to the freedom of assembly, and how it has affected our freedom of speech and expression.

Last year, before the 4 June, a two-day display was held on 31 May and 1 June at the Times Square. What had been displayed? In memory of the 4 June incident, the "Goddess of Democracy" statute and the relief sculpture "Tiananmen Massacre" were displayed. The police had been good to us. They opened up the road for us for unloading the exhibits. But once we unloaded the exhibits, officers from the Food and Environmental Hygiene Department (FEHD) appeared suddenly and questioned if we had obtained the place of public entertainment licence. We asked them why we needed to apply for the place of

public entertainment licence, as we had never heard of that before. I have been engaging in street campaigns for 30 years and have displayed numerous articles, but I have never been requested to apply for the place of public entertainment licence. There is no reason to request us to apply for such a licence now. At that time, we were warned by the FEHD staff, and after that, a squad of officers from the Police Tactical Unit approached and snatched the "Goddess of Democracy" statute from us.

Our position is very clear. The 4 June memorial event is no entertainment. How would a publicity and education activity become an entertainment? What happened next? I believe the scene is still fresh in Members' memory: The police snatched the Goddess of Democracy. Today, the FEHD will invoke the PPEO to initiate prosecution against a standing committee member of the Hong Kong Alliance in Support of Patriotic Democratic Movement of China, LI Yiu-kee. He will be charged for violating the PPEO in displaying the Goddess of Democracy on that day. Today, he is still involved in a lawsuit, awaiting the ruling of the judge, and I do not know whether the ruling will be handed down today.

What is a place of public entertainment licence? I would like to examine this with Honourable Members. According to section 4 of the PPEO, "No person shall keep or use any place of public entertainment without a licence granted under this Ordinance". What is the definition of "entertainment"? Today, when we speak at this Council, it is kind of entertainment. Let me cite some of the examples. These events include concert, opera, cinematograph and a circus — perhaps our performance here is comparable to that in a circus. Lecture or story-telling is also included, and it is interesting that lecture is kind of entertainment. Moreover, a bazaar, a sporting exhibition or contest and a dance party is included. Exhibition is a kind of entertainment activities. In other words, according to this definition, all activities on the street are public entertainment, including lecturing. We speak on the street every day, should we apply for the licence every day? Since we engage in public entertainment throughout the year individuals and groups, we may as well apply for a 365-day licence. This is ridiculous, is it not? If the interpretation of the Government about the law is true, it is really ridiculous. Secretary, you and your colleagues speak on the street too — the "Act Now" campaign launched by the Chief Executive was a kind of entertainment, and it was really entertaining when the Chief Executive came forward to chant the slogan, so it should be regarded as entertainment. In that case, why did the team not apply for such a licence? I

do not believe they had applied for a place of public entertainment licence on that day. In other words, the Government has been selective in law enforcement. Hence, we oppose any prosecution on a political basis. In actuality, the Government is being selective in law enforcement, and this is political prosecution.

The situation has deteriorated recently. The Government suddenly prohibited a dancing session in the assembly organized by a homosexual group on the ground that they had not obtained a place of public entertainment licence. Deputy President, the abuse of the ordinance has been carried to such an extent that we consider that the Government is actually the culprit in infringing freedom of speech.

Moreover, the approach of affinity differentiation adopted by the Government towards the media has also affected the freedom of speech. What is the Government good at? It is good at holding informal briefings to disclose information. According to the survey of the Hong Kong Journalists Association, in March, a total of 2 478 articles in the Chinese newspaper in Hong Kong had quoted information provided by informed sources, which means an average of 29.8 news articles per day were based on information from anonymous sources. This is a frequent tactic adopted by the Government. Simply consider the daily figure of 29.8 articles, do Members consider that the Government has abused the term "informed source"? The "informed source" approach is a favourable tactic. If the information reported is from an "informed source", the Government can evade its responsibilities while it can manipulate reporters. In case someone should be held responsible, the Government may, after testing the response, claim that it has not mentioned the issue, and that reporters are just making things up.

Moreover, this approach provides a convenient means for the Government to circumvent the issues. The Government may disclose information to the media in a selective manner, which actually manipulates and influences the perspective and content of the report of the media under a carrot and stick system. Whoever is obedient will be given exclusive information, and informal briefings will be closed on anyone who holds opposite views. The Government is now doing so to influence the freedom of the press and the freedom of speech. Thank you, Deputy President.

DR PHILIP WONG (in Cantonese): Deputy President, before I speak, may I

raise a point on procedural matters? I heard clearly from you earlier that the above Members would be called to speak one by one but they could not move amendments at this stage. However, I heard clearly from the first sentence of the speech of Ms Emily LAU that she moved to amend the motion of Ms Cyd HO

DEPUTY PRESIDENT (in Cantonese): Mr WONG, since Ms Emily LAU and other Members proposing amendment may only move their own amendment after Members speak on the motion debate, it is invalid even though she mentioned moving the amendment when she spoke earlier, it does not mean that she has already proposed the amendment. Please continue with your speech.

DR PHILIP WONG (in Cantonese): Please give me another 34 seconds as a compensation for my speaking time.

DEPUTY PRESIDENT (in Cantonese): Please speak.

DR PHILIP WONG (in Cantonese): Deputy President, I believe a majority of Hong Kong residents, including me, will support freedom of the press and the right to expression. However, in the motion debate today, I consider it necessary for us to review the Basic Law, and to understand and implement the principle of "one country, two systems".

I have participated in the consultation and formulation work of the Basic Law. Since then, I am deeply impressed that the fundamental feature of the Basic Law is to authorize the SAR Government to exercise a high degree of autonomy on the premise of upholding the sovereignty of the State, national unity and territorial integrity. Many friends of mine, including some from the opposition camp, agree that in terms of freedom, tolerance and respect of human rights, the Basic Law is far better than the Royal Instructions and the Letter Patent adopted during the Hong Kong-British rule.

Under the Basic Law, Hong Kong residents enjoy all kinds of fundamental

rights. Among them, Article 27 of the Basic Law stipulates freedom of the press and the right of expression, which is one of the fundamental rights we most cherish.

Hong Kong residents have all along enjoyed freedom of the press and freedom of speech. When we read newspapers or turn on the computer and the television, we can easily find various kinds of articles and programmes with differing nature, such as expounding views, making satirical comments, exposing strange and queer stories, spreading rumours and false information, criticizing the governance of the Government and the behaviour of politicians, as well as supporting or opposing struggles in a populist manner. Undoubtedly, various views are expressed, and positive and negative views can co-exist, which is a realization of the protection enshrined in the Basic Law.

Hong Kong residents respect the law. We cherish the rights enshrined in the Basic Law, and we must comply with the Basic Law and respect the equivalent rights given to other people under the Basic Law. According to Article 11 of the Basic Law, the systems and policies practiced in the SAR, including the social and economic systems, the system for safeguarding the fundamental rights and freedoms of its residents, the executive, legislative and judicial systems shall be based on the provisions of the Basic Law. Article 42 of the Basic Law also stipulates that Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the SAR.

To be fair, Hong Kong residents in general comply with the Basic Law and local legislation in exercising freedom of the press and the right to expression, as well as in making petitions and staging demonstrations and processions, which are carried out in a peaceful, rational and non-violent manner. To be specific, we must uphold the rule of law, the ethics of the press and social responsibility in safeguarding freedom of the press and the right to expression. The core values of our society lie in respecting others and convincing others with justifications. Upholding our core values and opposing violent behaviour are the fundamental characteristics of a civilized society. Any violent behaviour challenging the rule of law, undermining morals and jeopardizing the legitimate rights of others will pervert the ethos of society and violate the spirit of the Basic Law. I believe the majority of Hong Kong residents will not support, nor will they tolerate, the spread of violent behaviour. For if that is the case, Hong Kong will never enjoy a day in peace. Where should Hong Kong head to? Is it possible to strike a

balance between "rights" and "responsibilities"? This is an important issue truly warrant deep thoughts.

It is obvious to all that one of the cornerstones of Hong Kong's success is "one country, two systems". Under "one country, two systems", we respect the existence of the two different systems in one country. In my view, it is undoubtedly important to safeguard freedom of the press and the right to expression, and the compliance with the Basic Law and the principle of "one country, two systems". Even under the theory of journalism in western countries, the "freedom of the press" is constrained by the "media responsibility" and the "beliefs of the nation".

At a meeting of the Legislative Council in October 2009, I proposed an amendment on freedom of the press and media responsibility. I cited a number of examples to illustrate the complimentary nature of the two, which jointly constitute the media's morals, code of practice and parameters. I recall that before the reunification, the British had, through the think tank and the adoption of various tactics, manipulated the media of Hong Kong, including the press, the television and the radio. One of the tactics employed was the so-called "public interest". On the pretext of so-called "public interest", they employed tactics like confusing concepts, taking a part for the whole and distorting the right for wrong, and so on. Lenient and high-handed approaches were adopted alternatively; and the principle of "prosperity for those who comply and extermination for those who oppose" was applied. All these tactics were adopted to safeguard and strengthen the rule of the British over Hong Kong. However, accusations like the "infringement of freedom of the press" and "stifling of the right to expression" had never been raised by the opposition camp, nor had anyone ever dared to oppose to the ruling authority of Britain on Hong Kong.

Now that the colonial system has ended and Hong Kong is making continuous advancement in its economy, society, democracy and the rule of law. As the relationship between Hong Kong and the Mainland grows closer, there are more exchanges in news coverage and mutual understanding. Both places should work hard to seek common ground and accommodate the differences, so as to minimize conflicts and clashes. Since then, Hong Kong and the Mainland have come to a new starting point in history, where development and advancement are most precious. We should be farsighted and forward-looking

in promoting integration, for only this can properly address the series of deep-seated conflicts and bring hope to the future of Hong Kong.

As a series of major and important elections will soon be held in Hong Kong, the competition among various political parties and groupings will be intensified. Various major media will be put to test in acting strictly within their purview and not attempting to intrude "river water" with "well water". Hence, I urge the SAR Government, as well as the legislature and the judiciary, to review the latest situation and latest development in Hong Kong and continue to safeguard freedom of the press and the right to expression in compliance with the Basic Law and the principle of "one country, two systems".

First, government officials should study the Basic Law. They should acquire a full understanding of the principle of "one country, two systems" for proper implementation. They should have a more comprehensive perspective, long-term planning, a pragmatic attitude and the intention to heed the aspirations of the public. This is the responsibility of the Government and that of the legislature. All strata and sectors of society, particularly mainstream media, have a joint responsibility in doing so.

Second, government officials and the authorities concerned should adopt various approaches via different channels to publicize the Basic Law and the principles of "one country, two systems" in a more extensive and in-depth manner. Certain misunderstandings or prejudices should be rectified, so that the Basic Law and the principles of "one country, two systems" can be made more familiar to the public and promote solidarity, and Hong Kong residents will be more willing to make concerted effort for the prosperity and stability of Hong Kong.

Moreover, in a pluralistic society like Hong Kong, government officials should have courage and a sense of commitment and mission. They should enhance their capability in adjusting public opinion and legal monitoring, so as to promote mainstream public opinions conducive to governance. They should understand that, amongst voices of opposition, disagreement or anxieties, there are reasonable and fair views which should be respected, reviewed, rectified and pursuit. I hope the media and individuals will, in expressing their views, keep abreast of the times, so that government officials can well prepare for the danger in times of peace, accept public views extensively, adopt an open mind in making

decisions and governance, enhance their efficiency, keep a close watch on public pulse and minimize blunders, so as to better address the overall interest of Hong Kong residents.

Deputy President, I so submit.

MR ALAN LEONG (in Cantonese): Deputy President, it is an indisputable fact that under the Mainland system, people cannot enjoy freedom of the press and human rights protection. Mainland media may not want to be the mouthpiece of the government. Take the cases of LIU Xiaobo being awarded the Nobel Peace Prize or the memorial activities of the 4 June incident as examples, how will the Mainland media handle such cases? They may adopt an abstract approach by publishing a picture of a tank drawn by a child, or publishing photos of "empty chairs". They have to tread cautiously to get through the stringent scrutiny so that they commemorate these historic incidents in their newspaper for record purpose.

The freedom of processions and assembly, or participation in movement initiated on the Internet like the "Jasmine Revolution" are not possible; even for parents attempting to get justice done for their children suffered from poisoned milk powder or tofu-dreg construction works, it is next to impossible for them to find out the truth and seek justice. People like Zhao Lianhai, AI Weiwei, as well as many other petitioners, activists and human right lawyers are put under house arrest, detention or imprisonment. These examples are abundant. Deputy President, Hong Kong people are familiar with these incidents. Hence, we have all the more reasons to safeguard this right in Hong Kong, the only place in China where human rights are truly and adequately protected. We have to cherish what we have.

To take it further, in seeking integration with the Mainland in economic and infrastructural development, Hong Kong should make no compromise in safeguarding freedom of the press and the right to expression. We should also render support to those who fight for human rights, freedom of the press and the right to expression. Regrettably, Deputy President, in view of the practices adopted by the Government in the past few years, we are losing our patience. Regarding the freedom that we enjoy in processions and assembly, the freedom of the press, human rights and the right to expression, there are signs of gradual

regression.

Deputy President, relevant legislation has to be put in place for the protection of human rights. Most importantly, universal education on human rights should be carried out properly. If Hong Kong people do not know the powers and rights they are entitled to, they will not be able to exercise these rights.

Deputy President, perhaps you may still remember an oral question raised by Mr Albert HO last week, which asked about the human rights education work undertaken by the Government and the question was answered by Secretary Stephen LAM. He tried to include every relevant expenditure items, even the expenditures on the Equal Opportunity Commission and that of the support services for the ethnic minorities, which are inevitable expenditures, the total amount spent in this respect only added up to about \$200 million.

He also mentioned the establishment of the Human Rights Education Working Group in 2005. The Working Group was dissolved in 2007 after the reorganization of the Government despite a number of important target works had not yet been completed. According to the explanation of Secretary Stephen LAM last week, the Working Group was no longer needed for the Government considered that human rights were fully protected and there were civic organizations monitoring the Government. Upon hearing that, I cannot help thinking that he was shifting the blame and evading responsibilities. It is obviously the work to be undertaken by the Government, how can it be carried out by the community?

Secretary Stephen LAM also stressed that the Education Bureau and the Committee on the Promotion of Civic Education would provide human rights education in primary and secondary schools, but he stopped short of stating the specific work to be carried out. If we just ask some young people at random about the human rights knowledge they learn from the school curriculum, we will find that it is extremely inadequate. It is in stark contrast with the consultation paper on "Moral and National Education" (Primary One to Secondary Six) introduced by the Government recently. We notice that when the Government is willing to do something, it will spend lavishly by all means to promote it. In just a couple of months, the Government managed to put forth an elaborated consultation paper of 243 pages, supplementing with lesson plans for various

grades with detailed and precise questions.

Upon the release of the consultation paper, many members in the teaching profession consider this a "brain-washing education" rather than national or moral education. I cannot but ask one question: In the absence of corresponding human rights education as a counter balance, how can we rest assured that education in Hong Kong will not be "mainlandized"? How can we rest assured that the rights and freedoms enshrined in and protected under the Hong Kong Bill of Rights Ordinance (HKBORO) and the International Covenant on Civil and Political Rights (ICCPR) will continue to be protected? By promoting human rights knowledge, it can prevent the executive and law-enforcement agencies from power abuse. I hope that the Government's negligence in human rights education is not an attempt to nurture docility among Hong Kong people for easy manipulation.

Deputy President, I would like to point out that Article 21 of the ICCPR stipulates unequivocally that, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." This provision is included under Article 17 of the Hong Kong Bill of Rights in section 8 of the HKBORO (Cap. 383). Despite the explicit provision on human rights protection under the law, law-enforcement agencies have to exercise self-discipline in invoking legislation.

However, the recent approaches adopted by law-enforcement agencies towards protesters and their practices adopted in handling assemblies are obviously taking a backward step, which are much more conservative than previous practices. The situation seems to take a turn for the worse since the new chief, so-called "Warhawk No. 1", took office. Take the Choi Yuen Village incident as an example. We did see some officers responsible for land resumption coming into physical clashes with protesters, where some protesters fell, got hurt and required hospitalization. It is reported that over 200 police officers were at the scene at that time, but not a single officer tried to stop the clashes, nor had any one of them examined the condition of the person injured. The protesters are citizens of Hong Kong. The police is obliged to ensure their safety, so as to uphold the principle of freedom of peaceful assembly and

demonstration. When facing clashes between both sides, the police should remain neutral, and should maintain the order at the scene and disallow any violent acts in the course. Yet, in exercising public power to enforce the law, the police must be given the discretion in making judgment and decisions to advance or withdraw. It should not give people the impression that it is helping the powerful to suppress the disadvantaged or siding with one side.

Deputy President, today, I would like to thank Ms Cyd HO for proposing this motion debate, for it is really of great importance to protect freedoms of speech, assembly and demonstration. If one day these freedoms are no longer found in Hong Kong, or not adequately protected under the law and properly exercised by law-enforcement agencies, Hong Kong will only be reduced to another Mainland city and no more.

I so submit.

MR CHEUNG KWOK-CHE (in Cantonese): Deputy President, freedom of the press, expression, assembly, association and procession should not be infringed on and should be protected in any regions and countries. Hong Kong is an international cosmopolitan and a civilized society. The SAR Government should duly protect the rights of the people of Hong Kong in these regards.

According to Article 39 of the Basic Law, the Hong Kong Government is duty-bound to observe the International Covenant on Civil and Political Rights, so as to ensure that every Hong Kong resident is entitled to the rights to free speech. However, with much regret, there have been signs of regression in terms of freedom of the press, expression and assembly in Hong Kong in recent years. For example, processions to the Liaison Office of the Central People's Government in recent years have often been suppressed; police officers have used pepper spray on innocent children, and the incident of the MTR Corporation Limited tempering with freedom of the press. All these have given us the impression that our right to expression in general has been encroached on.

Now I wish to turn to freedom of the press. Contemporary political science calls freedom of the press, to which the public are entitled, as the fourth power, that is, the fourth political power after the power of "the executive, the legislature and the judicature". Freedom of the press seeks to monitor the

operation of the Government and prevent it from power abuse. The media should thus be independent of the Government. It should enjoy autonomy and be free from government intervention so that it can monitor the Government.

However, the room of the free press in Hong Kong has been narrowing down in recent years, not only due to pressure from the Government, but also due to self-censorship by the media itself. As just mentioned by Ms Cyd HO, Freedom House is an international organization which set up the Freedom of the Press index on countries worldwide. According to the index, Hong Kong ranked 72 in 2010, which was lower than the rankings of South Africa and the Kingdom of Tonga. When compared with its ranking at 65 five years earlier, Hong Kong's ranking is definitely dropping. As for the overall assessment of our press freedom, we have regressed from completely free to partially free. Our status is worrying.

As for the annual report on the Press Freedom Index released by the Reporters Without Borders, Hong Kong's ranking is not any better. Ranked 34 in 2010, press freedom in Hong Kong is in general worsening because the index, which measures press freedom, has gone up from 4.83 in 2002 to 10.75 now. As Ms Cyd HO has explained, the larger the figure, the worse the status of press freedom is. Our ranking fell behind most European and American countries in the west and was even lower than that of some African countries. Dr Philip WONG just asked why the former Legislative Council did not raise more issues on press freedom for debate before the reunification. In fact, we can get a clue from the falling ranking of Hong Kong in the reports on press freedom worldwide by the two international organizations, that is, the Freedom House and the Reporters Without Borders.

Although the Government may not have blatantly intervened with press freedom, people close to the media know that in recent years the Government has often entrusted its spin doctors to dispatch so-called exclusive news to its "friendly" media organizations, in an attempt to influence the stance of the media coverage and in turn change public opinion. It may even make deals with media organizations and allow them to conduct exclusive interviews with senior public officers, in exchange for a biased coverage which only heralds government policies or decisions. In my opinion, this has sacrificed the duty of the media as the watchdog and critique of the Government.

Hence, as the SAR Government shall regularly submit human rights reports

to the United Nations Commission on Human Rights in compliance with the United Nations human rights treaties, the same logic applies that it should also hold itself accountable to the public by publishing every year the indexes on free press and free speech in accordance with the International Covenant on Civil and Political Rights stipulated in the Basic Law.

In order to ensure that the indexes reported are credible, the details of the indexes should be highly transparent and be made available for public discussion. Members should understand that once the fourth power to monitor the Government disintegrates, the administration of this "river crab"¹ Government will be even more detached from the people. The general public will be the biggest victims and the administration of the Government will be crippled. More social grievances will then be incited and resistance will become increasingly violent.

However, with much regret, self-censorship of mainstream local media is worsening. This is understandable as existing news media are all led by businessmen whose prime goal is to earn money and make profits. Hence, if the stance of any piece of news directly or indirectly undermines the interests of the media organization, inevitably, the decision of profits generation shall prevail and the autonomy of the news media will be sabotaged.

This explains why more and more independent media are found to counteract the mainstream media. To address the problem of the tycoon-led mainstream media, the Government is even more duty-bound to open the airwaves to provide more room for people to voice their opinions through the independent media.

Recently, we noticed that many people have expressed their dissatisfaction by radical means over the perverse administration of the Government. The Government, however, often smears against these social activities and equates them with violent conducts, and uses the police as a political tool to suppress people's opinions and free speech.

The Chief Secretary for Administration Henry TANG a few days ago wrote

¹ "river crab (河蟹)" in Putonghua is pronounced the same as "harmonious".

an article in the newspaper, calling on young people to be more positive and asking them to think about "why they cannot be the next LI Ka-shing".(*The buzzer sounded*) I think

DEPUTY PRESIDENT (in Cantonese): Mr CHEUNG, the speaking time is up.

MR CHEUNG KWOK-CHE (in Cantonese): Sorry. Should I not have 10 minutes to speak?

DEPUTY PRESIDENT (in Cantonese): As you seek to move an amendment to an amendment, you only have seven minutes to speak.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the SAR Government has all along been determined in safeguarding freedom of the press and freedom of speech, which are some of the core values of Hong Kong. Since the reunification, Hong Kong residents enjoy various freedoms and protection under the Basic Law, the Hong Kong Bill of Rights Ordinance (HKBORO) and other local legislation. Article 27 of the Basic Law stipulates that Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike. According to Article 16 of the Hong Kong Bill of Rights, everyone shall have the right to hold opinions without interference, and except as provided by law, everyone shall have the right to freedom of expression

(Mr WONG Yuk-man interrupted)

DEPUTY PRESIDENT (in Cantonese): Mr WONG, it is now the time for the Secretary to speak, please keep quiet.

Secretary, please continue.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): All along, the Government has been firmly committed to the compliance of law and the maintenance of order to allow a free and active press to operate under minimum regulation, make extensive coverage of the views held by different sectors and the news obtained by the press. At present, there are 40 newspapers and 630 periodicals registered in Hong Kong, and about 100 international media organizations have chosen to set up their offices in Hong Kong, including the *Financial Times* and *The Wall Street Journal*, which are familiar to Members. According to the Press Freedom Index compiled by the Reporters Without Borders for 170 countries and regions around the world, the ranking of Hong Kong has for two consecutive years improved, from 51 in 2008 to 48 in 2009, and further improved to 34 in 2010. For the year 2011, Hong Kong was ranked as being in a "satisfactory situation", comparable to that in the United States, Canada, the United Kingdom and Australia.

Freedom of speech is always respected in Hong Kong. Every day, in various media, there are commentators, experts, academics and members of the public expressing opinions and commentaries freely on various political, social, economic and livelihood issues. Apart from the various media, the public may definitely express their aspirations via actions like procession, assemblies and demonstrations, and so on. This is evident by the 4 500 public assemblies and 1 100 public processions held in Hong Kong in 2010.

Regarding the amendment proposed by Ms Emily LAU alleging that the MTR Corporation Limited (MTRCL) is suspected of interfering editorial autonomy, the MTRCL had clarified on 22 April 2011 and declared that the company had all along respected the freedom of the press and had no intention of infringing such freedom. The MTRCL had requested its advertising agency to withdraw the letter issued to the advertising departments of newspaper publishers and clarify the case. Moreover, the advertising agency had admitted that the content of the letter concerned did not conform to the wish of the MTRCL and it had withdrawn the letter. We noted that the MTRCL had apologized for the misunderstandings caused by this incident to the public and media organizations. We consider the content of the letter totally unacceptable. The MTRCL had responded and completed the investigation swiftly. On 22 April 2011, it made public the findings of the investigation and clarified the position of the MTRCL.

Advertising issues are part of the routine operation of the MTRCL, and the MTRCL had not notified the Administration of its action prior to the incident.

Mr LEE Cheuk-yan proposed an amendment about the mass media and the Places of Public Entertainment Ordinance (PPEO). The Government has always adopted an open and transparent approach in disseminating information to the media and the general public. Whenever policies or measures of great importance are to be announced, or in the event of any important incident in society, the Policy Bureaux or administrative departments concerned will make news publication, which may be in the form of staging press conferences, issuing press release, attending radio or television programmes, or taking direct questions from the press, the public or programme hosts. Arrangements will be made for Internet live broadcast of important press conferences, so that reporters and the public may watch the course of the entire press conferences in real time.

In respect of news publication, the public information divisions of Policy Bureaux and administration departments of the Government will adhere to the principle of being open and transparent. As a yearly average, 1 000 press conferences are held, about 40 000 news releases in Chinese or English and 5 000 pictures are released, and close to 1 million replies are made to the enquiries from the media. Government officials attend radio and television programmes frequently.

The objective of enacting the PPEO is to ensure that areas covered under the places of public entertainment conforms to the requirements on building safety, hygiene, fire safety and ventilation facilities with a view to safeguarding public safety and order. According to the PPEO, a place of public entertainment refers to any place in or on which a public entertainment specified in the schedule to the PPEO is presented or carried on, to which the general public is admitted with or without payment. Any person who keep or use any place of public entertainment shall obtain a licence. The Food and Environmental Hygiene Department will grant a licence to an applicant who has meet the licencing requirements. Hong Kong is a society upholding the rule of law, where all departments of the SAR Government act in accordance with the law and follow the relevant legislation in law enforcement, and it is not related to the freedom of expression.

The amendment of Dr Philip WONG urges the SAR Government to continue to safeguard freedom of the press and the right to expression in accordance with the Basic Law and the principle of "one country, two systems". The Basic Law is the little constitution of Hong Kong, whereas "one country, two systems" is an important principle we hold fast to and a fundamental cornerstone for the prosperity and stability of Hong Kong. It is stipulated unequivocally in the Basic Law that the press enjoys freedom and the freedom of speech of Hong Kong people is protected. We will adhere to the established practice in ensuring the continual free expression of views by the public and the free report of incidents occurred in any corner of Hong Kong by the media according to the principle of "one country, two systems" and under the legal framework.

Mr CHEUNG Kwok-che urges the SAR Government to formulate an index of freedom of the press and an index of the right to expression in his amendment. There is no provision under the International Covenant on Civil and Political Rights (ICCPR) and the drafting guidelines of the relevant report for contract states to formulate the index of freedom of the press and the index of the right to expression. The SAR Government has followed the requirement of the United Nations in drafting regular report according to the ICCPR and submitted the reports to the United States. The report states the response of the authorities to the various views and proposed measures set out in the previous concluding observations of the United Human Rights Committee. Moreover, the report covers the development of the SAR in various aspects, including freedom of the press, freedom of opinions and freedom of expression, since the submission of the previous report.

As for the amendment of Mr Alan LEONG, it urges the authorities to abide by the ICCPR, the Basic Law and the HKBORO, so as to protect people's right to expression in the form of procession and assembly, and so on. At present, Hong Kong residents enjoy the freedom of speech and freedom of expression, which are fully protected by law. In addition to Article 27 of the Basic Law, Article 39 of the Basic Law also stipulates that the provisions of the ICCPR as applied to Hong Kong shall remain in force. Provisions relevant to the protection of freedom to hold opinions, freedom of expression and right of peaceful assembly have been included in Article 16 and Article 17 of the Hong Kong Bill of Rights under section 8 of the HKBORO, which are implemented through domestic laws. The SAR Government is law-abiding, and we have all along been acting in accordance with the ICCPR, the Basic Law and the HKBORO.

Deputy President, I will respond to issues on individual aspects again after listening to the further views expressed by Members on the subject.

Thank you, Deputy President.

MR WONG YUK-MAN (in Cantonese): Deputy President, today, I originally intend to speak in my capacity as a "veteran" in the press or the mass media, or to share my introspection from my decade-long teaching in journalism in tertiary institution and explain the logic why "the easiest way to capture a fortress is from within". However, after listening to the Secretary who has spoken like a "human tape recorder", I am obliged to point my finger at the SAR Government.

I originally planned to make introspection. Freedom of the press is never absolute, but rather, it is a form of relative freedom affected by factors such as political pressure, law, economy, external pressure and self-censorship. In fact, I do not mind giving you a lecture on this subject. However, although this freedom is relative, it should be fully protected. They use a new ploy when they feel like it The Electoral Affairs Commission (EAC) turned out to be a manipulating tool for administrative and political purposes. The EAC has revised the campaign guidelines to include the mass media, requiring radio and television stations on the Internet and the electronic media to comply with the new guidelines. I do not know if the Secretary knows what the Internet is. I am talking about online television and radio stations. Do you know what they are? Do you know how to regulate them? I now tell you, I announce in advance, I will challenge the guidelines. When the guidelines are introduced, I will challenge them immediately. See what you can do about me. All I need to do is to use an overseas IP (Internet Protocol) address. What do you know about the world today?

It is absolutely because of you that the EAC has come up with this ploy. I notice that you have some problems recently. Actually, you have been in my prayers. I hope that you will have a good recovery for the recent coronary bypass surgery, but look what you have done after the surgery. You have done so time and again. Maybe I have taken the guidelines personally, but some of the guidelines seem to be tailored made for me. If I stand for the election next year and concurrently I host an online radio programme, according to your

guidelines I will have to withdraw from being the host. However, Secretary, I will definitely remain as the host.

I do not know if you have done any research. The most popular online radio station in Hong Kong at present is my "humble" radio station, particularly those programmes on politics and current affairs. Want to come after me? Be my guest, but now you also have to come after the people, not just us. The Government has exhausted its every possible ploy. What kind of government is this? Society should move forward with every passing day, but now everything move backwards. What is more, Members of the democratic camp even dare to play a part and tighten the regulation of the Rules of Procedure. Did I not challenge the order yesterday? Because of you, I was the first one evicted from yesterday's meeting.

In the special meeting held yesterday I was the first one evicted from the Chamber by the panel chairman. In fact, the chairman also had a tough time for he had put up with me for a long time and in the end he could not help but evict me from the meeting. Can the revised Rules of Procedure not be applied? If so, what is the point of passing the revised Rules of Procedure? Do you really believe in the words of Mr LEE Cheuk-yan, that is, since Yuk-man was also a panel chairman, he could also evict members from the meeting? Can the revised Rules of Procedure be treated as standby rules? They use the revised rules immediately after endorsement and I was the first one evicted.

Our freedom of the press is relative and freedom of the press in the United States is absolute. Their absolute freedom is protected by constitution, but in actual operation their freedom of the press is still relative and we can understand that. In the United States, the spirit of the First Amendment to its Constitution lies in the words "No Law", meaning that the legislature shall not make any law to infringe on the freedom of the press and religious beliefs. Hence, when reporters are forced to disclose their sources of information in court and face with the sentence of imprisonment because they refuse to do so, they often invoke the First Amendment to the Constitution as a plea. Secretary, you can look this up in many books or search it on the Internet.

Those are absolute freedom, but there are corresponding restrictions as well. The Government can resort to various administrative means, including the informal briefings that we just mentioned, to fool the disobedient media.

Nevertheless, the constitution is in place to serve as the final protection. The so-called constitutional protection is equivalent to everything you, the "human tape recorder", have just said but with the "proviso". Do you know what a "proviso" is? In other words, you are entitled to such and such freedom provided that you do not undermine the moral standard in society; or that you do not do so and so, or that you do not undermine national safety. This is the proviso. Secretary, the problem now is that the proviso has been indefinitely expanding. This was precisely what happened yesterday. The "judge" was really a bit muddleheaded. When asked how regulation was going to be conducted, he did not even know how to answer, except saying "er the mass media". However, that is not the mass media; it is the "minor" media. Buddy, all it takes to set up an online radio station is a few persons and a server. How could he be so muddleheaded all the time, always thinking about how to regulate and control? How are you going to regulate? I will show you what I said. Can you lock me up in a prison?

DEPUTY PRESIDENT (in Cantonese): Mr WONG, please face the President when you speak.

MR WONG YUK-MAN (in Cantonese): Sorry, Deputy President. I am furious when I see him.

I originally did not plan to say this. I have submitted my speech to you. It is titled "The easiest way to capture a fortress is from within". We make introspection. Having worked in the mass media for decades, 38 years since 1973, we do make introspection for things like self-censorship, yellow journalism, and so on. We have taught these subjects countless times in the classroom. There are indeed some news media which sell garbled news and scandals and are not bound by any rules, but they are not as worse as the Government which in plain terms not only "covertly" plots against others, but "overtly" plots against others. The Government openly forces its policy through, including the proposal on the replacement mechanism and many other such examples. Do you think smiling at me now can do any good?

As I said yesterday, if you implement the replacement mechanism, I will contend with you till the end. Stephen LAM, even if you become the Chief

Secretary for Administration in future, I will do the same. I originally do not plan to stand for the next election, but because of you I will stand for the election again and contend with you for another four years. That's all I have to say.

MR RONNY TONG (in Cantonese): Deputy President, undoubtedly, Hong Kong has or I should say still has freedom of the press.

Deputy President, freedom of the press is an important gatekeeper of a democratic establishment. It is also an important tool to single out inequality in an unjust and unfair system. However, under an unfair system, freedom of the press and the rule of law are equally vulnerable.

Deputy President, I think the topic today has digressed a little from the focus that I think it should be placed. Deputy President, I think our present concern is not simply about freedom of the press, but also about what qualities a free press should possess.

Deputy President, what I mean is, under the present situation, how media practitioners can remain determined to uphold editorial independence in face of economic and political pressure, so as to preserve a high standard free press. Deputy President, after the reunification and in particular up till recently, we are increasingly concerned about the quality of press freedom in Hong Kong. Of the economic and political pressure which I just mentioned, perhaps let me talk about the economic pressure first.

In today's society, it seems that no news agency can convince us that it is not affected by economic pressure. Many colleagues have talked about the incident of placing advertisements by the MTR Corporation Limited (MTRCL). Deputy President, I certainly know that the MTRCL has clarified the incident and recently issued a letter to Members of the democratic camp to reiterate its position.

Deputy President, I have no evidence to prove what the MTRCL said in the clarification is true or not, but the fact is that its advertising agency thought that economic pressure could work the magic. Deputy President, this is precisely where the problem is. Why would the advertising agency have such an idea? Why did it make such a proposal? Why did the advertising agency think that the

proposal could help the MTRCL achieve its goals or achieve the goals that it, on behalf of the MTRCL, thought the MTRCL should achieve? In fact, is it because the agency has found the weakness of the news media; or it thought that the public were just having empty talks about their aspiration to have freedom of the press? It is because when money is king, no one will succumb to it sorry, Deputy President, it should be no one will not succumb to it.

The Chief Secretary yesterday said to young people in Hong Kong that they should not have any aspiration but to be the next LI Ka-shing. Perhaps, this is precisely what our social culture is like. The performance of the mass media in the past few years is indeed a cause of concern.

Deputy President, we are certainly aware of some not news but a social consensus that if a certain newspaper offended a certain consortium, the consortium would not place any "full-face" advertisements of its supermarkets and properties in that newspaper sorry, it should be no more full-page advertisements. How many newspaper organizations can stick to their principle and say, "It does not matter if you do not place your advertisements with us. We will speak for social justice at any cost."? Deputy President, if there is such a newspaper organization, I truly think that But I cannot find any.

Apart from economic pressure which seems irresistible, we also feel the intangible political pressure. Deputy President, similarly, after the reunification, how many printing media or how many bosses of newspapers is unconnected with the Central Government? Deputy President, I can only think of one such newspaper and it is not even allowed to send reporters to cover news in the Mainland. In fact, does this newspaper really have no connection with Beijing? I really do not know. I am only looking from the outside. However, the most alarming question is: when newspapers have established these connections, how many of them can resist self-censorship and self-suspicion and maintain editorial independence at critical moments? Deputy President, I think the people of Hong Kong cannot rest assured about this. This trend has unfortunately been spread to other forms of the mass media recently. I mean the television stations and possibly radio stations. Ultimately, all forms of the mass media cannot escape this fate. All printing and electronic media will somehow be subject to political pressure. Intentionally or unintentionally, the editorial independence will be affected and in turn the quality of press freedom will be jeopardized.

Deputy President, we should never turn a blind eye to these problems. A number of universities in Hong Kong offer journalism as a subject for study, but how many people in the news media are not afraid of economic and political pressure?*(The buzzer sounded)*

DEPUTY PRESIDENT (in Cantonese): Mr TONG, your speaking time is up.

DR MARGARET NG (in Cantonese): Deputy President, Ms Cyd HO's motion today discusses "Safeguarding freedom of the press and the right to expression". Of course, one is free to support the Government or flatter the bigwig; one is also free to report the tidbits, or report only the good news but not the bad. However, I believe the news reporting that Ms Cyd HO means to say is reporting the truth. Even if reporting the truth will cause inconvenience to many people or reveal the darker side of the world, the freedom to report the truth should still be upheld. Even if the views expressed are unwelcoming, not only to the Government, but also to other people, one should still be allowed to express his views. This is where the difficulties lie.

Deputy President, if freedom of the press and the right to expression seek to express unwelcoming views or reveal the dark side of the world, then promoting these forms of freedom is the same as directing a person to walk a thorny path because the person reporting unwelcoming news will have to face many risks, including suppression from the political powerhouse (this is only one of the risks) and the economic risks which Mr Ronny TONG has just mentioned. If there are risks involved, people will then ask whether the newspaper will become unpopular if it does not report such news? The answer is negative. When I worked in the press, the mission of newspapers was clear and readers, unlike the readers now, had expectations. Nowadays, many surveys are conducted to find out if readers believe the tidbits reported in newspapers. The results show that they do not believe the tidbits. People do not think credibility matters as long as the tidbits are amusing. If a newspaper covers too much serious news, the readers will find it boring and they would rather read articles on how to dress up. Hence, purely from the point of sales, there is nothing wrong with such news. Then, why do newspapers not opt for an easier path and abandon the thorny one? In particular, in today's situation, there are various

complications such as political pressure, cancellation of advertisements and even the lawsuits of libel.

Deputy President, when I worked in the press, these risks already existed. During the riot in 1967, a person barged into the editorial department of *Ming Pao* with a weapon in his hand and he asked where the chief editor was. At the time, the chief editor of *Mingpao Weekly* "Uncle Bor" was there. The person asked who he was and he answered he was a nobody. The person then asked for the boss and "Uncle Bor" said the boss had not yet returned. The person then went down to the lobby to wait for the boss. The situation could be that critical. There were incidents where people were arrested and the news organization closed down. There were also cases of cancellation of advertisements. All these have happened before. These risks exist all along, not just today. However, why do people still opt for this thorny path?

Deputy President, the strong belief that we hold in our heart is the only power that we rely on to counteract these dangerous situations, believing that it is the right thing to do. I have written critique on others and thus many people criticized me in return. I said to myself: as I have criticized others, why should others not criticize me? Will they not protest? In fact, you should expect that there are people waiting to rebuke you for every word you say. Thus, you have to be very careful with what you say. Be sure that you have grounds for every word you utter. See whether the person you criticize is capable of retort; if not, you should treat him with even greater fairness. You have to take all these factors into consideration. Contrarily, if you do not say anything critical, you need not worry about these. However, why should people still write critique? It is because they think that it is important. They have a strong belief, the calling to salvage and the sensitivity to hardship; because they have dreams, they are convinced that it is worth taking the risk and making sacrifice. Why are we and Mr Ronny TONG so sad today? It is because on the one hand the risk is mounting and there are fewer people willing to safeguard freedom of the press; and on the other hand, no one is willing to stand out for anyone because those who do so will be thrashed. If media practitioners do not speak out, the incident will quickly be forgotten. So why bother to report? Hence, news reporters will refrain from reporting such news as no one will speak up for them if they are unjustly criticized. It all boils down to the fact that they do not have this sentiment. People nowadays are very down to earth.

Deputy President, why are we so down to earth? This is the question that we should explore. Is there something wrong with the law? In fact, the law itself is fine. The problem lies in the people who use the law, the problem lies in the fact people would remain silent when the law has been misused.

Deputy President, I have great admiration for certain Mainland media. They try every possible means to report the news, taking no account of how big a risk they have to take, there is the possibility that their media organization may be shut down, or that their chief editor may be arrested. They may temporarily stop reporting the news in face of suppression, but their report will continue when they are out of the limelight. Why? Is their law more lenient than ours? Is their framework on safeguarding press freedom better than ours? No. It is simply because of their love for their country and their belief that the future of China hinges on people speaking the truth and revealing injustice; otherwise, the human race will perish. They believe that human dignity lies in speaking the truth and having the right to speak the truth. Even if they have to sacrifice themselves, they still find it worthwhile to stand by this belief.

Deputy President, should we not ask ourselves why Hong Kong today does not have this love for our country? Thank you.

MR TOMMY CHEUNG (in Cantonese): Deputy President, Article 27 of the Basic Law clearly stipulates that Hong Kong residents shall have freedom of the press, of speech, of procession and demonstration, and so on. The Liberal Party adopts the words "dzi6 jau4" meaning freedom in Chinese in its name, and it will certainly strive to defend, like every citizen in Hong Kong, various forms of basic freedom that we now enjoy, not to mention that these forms of freedom are the core values of Hong Kong and the foundation to its success.

Most of the time since the reunification, people are satisfied with the freedom of the press being exercised here. For instance, the University of Hong Kong announced on 26 April the result of a survey conducted from 11 to 18 April, in which 68% of the 1 003 interviewees were satisfied with the extent of freedom of the press in Hong Kong while those who found it unsatisfactory only accounted for 13%.

As a matter of fact, commemorative activities of the 4 June incident were allowed to be held in the Victoria Park every year since the reunification and the media could freely report the activities and were allowed to follow up the news on human rights activists on the Mainland. All these are real examples showing that people of Hong Kong still enjoy a high degree of freedom of the press and of speech.

However, it is worth noting that although a majority of people find the extent of freedom of the press satisfactory, the percentage of people who express satisfaction has shrank since it peaked at 75.3% in the latter half of 2009. The same survey also found that 54% of the interviewees thought that self-censorship existed in the news media, which was the record rate since the reunification. The trend undoubtedly reflects that the mass media have been facing many challenges, and that we, including the mass media, need to remain vigilant all the time and strive to safeguard our core values from being sabotaged.

A month or so ago, there was a controversy concerning freedom of the press. A Chinese newspaper has placed an advertisement of the MTR Corporation Limited (MTRCL) on the same page with an article about the MTRCL "Catching the last train of inflated buildings". Shortly afterwards, all 15 news organizations in Hong Kong received a letter from OMD, the advertising agency of the MTRCL, saying that if the organizations had negative coverage about the MTRCL, OMD would reserve the right to withdraw advertisements placed on the newspapers.

The incident, after being disclosed, sparked a public uproar. Public opinions suspect that the MTRCL has used advertising revenue as a threat and attempted to temper with the autonomy of the news media. Thomas HO Hang-kwong, the then acting Chief Executive of the MTRCL and OMD apologized to the public on the very day the incident was disclosed, claiming that the incident was purely caused by a misinterpretation of the instruction of the MTRCL by the advertising agency and the letter was withdrawn by OMD. Mr HO also admitted that a member of the MTR Marketing Department had reviewed the draft letter before it was sent out and that the staff lacked sensitivity in handling the matter. However, he clarified that the matter "has not been brought to the attention" of the management which has never attempted to nor has the intention to intervene with freedom of the press.

We hold that the letter has blatantly undermined freedom of the press. One such letter is already too many. As to whether the incident is purely a "misinterpretation" as the MTRCL has claimed, or there is another story behind, we think the SAR Government, as a major shareholder of the MTRCL, should at least be duty-bound to look into and investigate the matter and then report to the public. The Government should never act like the Secretary for Transport and Housing who brushed aside the responsibility by simply saying, "The incident was a commercial decision of the MTRCL."

Yet, we beg to differ with Ms Emily LAU who jumped to her conclusion without sorting out the incident and accused that the MTRCL has blatantly undermined freedom of the press.

In respect of Mr LEE Cheuk-yan's amendment, in fact, we are also aware of the views claiming that the Government often releases informal information to "friendly media" and influences various mass media on the basis of affinity differentiation. Whenever a major policy is about to be announced, such as before the delivery of the policy address or the budget speech, certain mass media often get the "dope" ahead of others and manage to release fast and accurate news. Sometimes, even we Members have to rely on such news to decide how to react. It is thus understandable that the public have such an impression of the Government.

Although it is hard to prove the validity of this saying, it is not a story without foundation either. The Government should consider the feeling of the public. In this connection, we wish to tender an advice to the Government, that is, a simple word "caution": it must be cautious not to do anything to arouse suspicion or attempt to intervene with the autonomy of the media.

As to whether the Government has used the Places of Public Entertainment Ordinance to suppress freedom of expression, we hold that there is not sufficient evidence to say so. Nevertheless, past incidents did show that the authorities had sparked many controversies when they enforced the law. There is indeed a great need to review the Ordinance and the criteria for law enforcement.

We agree with the principle mentioned in Dr Philip WONG's amendment. As for the further amendment proposed by Mr CHEUNG Kwok-che, which proposes that the Government should formulate an index of freedom of the press

and an index of the right to expression, attention should be paid to whether the indexes will arouse the question of independence if they are to be formulated by the Government, given the fact that regular assessments have already been made by the University of Hong Kong and other organizations.

Deputy President, I so submit.

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

MR ALBERT CHAN (in Cantonese): Deputy President, since the reunification in 1997, Hong Kong has gradually dovetailed with our great Motherland on the political, economic and cultural fronts. In an earlier motion debate on economic integration discussed in this Chamber, most of the Members supported economic integration between Hong Kong and Guangdong in the Mainland.

In fact, the two places are getting closer in the area of news reporting. Hong Kong is gradually moving like other big cities in China in areas of economy, politics, culture and news media. The fact that netizens have dubbed the Television Broadcasts Limited (TVB) as "CCTVB" clearly indicates that TVB has become similar to the China Central Television (CCTV) in the selection of programmes and news. Both television stations are biased and only seek to glorify and promote government policies. There are increasingly few programmes which criticize and lash at government blunders. News reports which provide impartial coverage are increasingly rare. In particular, views expressed by the pan-democrats, the opposition camp or people like us who belong to the radical opposition camp are seldom covered.

In fact, the situation is the same for radio and television stations, but the English channels are slightly better. For example, if you compare the frequency of my appearance in programmes of the Radio Television Hong Kong before 1997, you will find that the number of times that my news was reported in the Chinese and English news channels was more or less the same, sometimes more frequently reported in the Chinese news channel than the English news channel; but after 1997, particularly in recent years, the number of times that my news was reported in the English news channel was three to four times more than by that in the Chinese news channel. It is thus evident that the Chinese news channel has

tighter control on reporting news and commentary about relatively radical Members.

Deputy President, as far as the system and the law are concerned, the mass media in Hong Kong still enjoy freedom of the press. However, the biggest problem now is that despite there is room for freedom of the press, many media practitioners have to follow the will of their boss who is often a business tycoon or a person having close ties with the Mainland. As the bosses have a pro-Beijing or pro-establishment political background, the staff they employed will have to follow their will. As a result, the news media and freedom of the press will be sabotaged. This is a common phenomenon in Hong Kong, considering particularly that more and more people with money and power have bought up newspaper organizations or are extending their control to the electronic media. For example, the media newly set up by our former colleague Mr Albert CHENG is also backed by many consortia. The political inclination of his new media will never be the same as the style of his programme "Teacup in a Storm" years ago because having pocketed others' money, he has to avert others' perils. Apparently, he will continue to be the trumpeter and escort of the pro-establishment Government.

The second problem of the Hong Kong media is that Hong Kong is too small a community. The personal network is so closely knitted that there is a lot of resentment against each other. Many news media will target at individual political figures because their chief editor or their boss has put their personal resentment above public interest. In this regard, *Ming Pao*, *Apple Daily* and the Hong Kong Commercial Broadcasting Corporation Limited have shown their stance outright. Their past rancour against "Yuk-man" has completely clouded their judgment as an independent media and prevented them from discharging their due social responsibilities. Because of their resentment against Mr WONG Yuk-man, they have used their newspaper which is a public tool to serve their private interest. This resentment distorts their news coverage. Any news that is in any way connected with Mr WONG Yuk-man's political party will be defamed or exaggerated, while any positive news will be completely ignored. What is more ridiculous is that some newspapers even completely omitted the news that he tendered his application to stand for the Legislative Council election. Even *Wen Wei Po* and *Ta Kung Pao* had covered the news, but some so-called democratic newspapers had not even mentioned a word of it. From this we can see the problems of traditional Chinese people, no wonder Bo Yang called them

"the ugly Chinaman" and indeed he has his reasons for saying so. I am surprised that they have put their personal rancour on top of public interest and the supposed professional ethics of a journalist.

If we look at how political leaders and the mass media in overseas countries maintain the principle of mutual respect, we will understand the agony of the Hong Kong news media. In fact, many front-line media practitioners are very professional. Quite many of them have told me, "'Big Guy', we have covered the news, just that our boss did not use it." Sometimes, they have covered an event in detail, but three quarters of the article were deleted and the title was seriously distorted. Their chief editors have let their personal emotions and temper get the better of them to such an extent that they have completely forgotten their capacity as a professional journalist. Their professionalism is questionable.

Let us look at some famous slogans. In particular, the *New York Times* had, more than 140 years ago, declared its tenet "All the News That's Fit to Print" when the newspaper was first established. The newspaper was founded more than 140 years ago, but it has all along upheld its founding principle and spirit, which are unshakable. It has also become a paragon of the American press for its determination to find the truth and its indomitable and impartial status that knows no factionalism, regionalism or special interests.

I hope that journalists in Hong Kong, whether they are front-line staff, administrative officers or the boss, they would learn from the founding principle of the *New York Times* and professionally insist on a free press; they should never be degenerated to be "shameless flunkeys" like our senior officials.

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

MR IP KWOK-HIM (in Cantonese): Deputy President, freedom of the press and of expression are indispensable elements in a modern democratic society. As news has an impact on public opinion, it is thus an important asset to people who wish to participate in social administration and public affairs.

After the reunification, the Basic Law has given Hong Kong greater freedom of the press and of expression than in the past, thus turning the news media into a sharp sword to extol virtue and denounce vice as well as to promote public affairs. Freedom of the press and freedom of expression do not freeze in time; they change when society changes. Ever since Hong Kong was returned to China, society has progressively opened up and become increasingly democratic. With the continuous development and prevalence of new technologies such as the Internet, the freedom of the press and freedom of expression have also leaped forward. Everyone can express their opinions through the Internet and some people can even set up an online news feed or discussion forum on their own or with the power of a small group of people. In the meantime, the traditional mass media are also actively developing their online news, thus injecting much vitality to the present news businesses.

Freedom of the press and freedom of expression are the core values of Hong Kong. People attach great importance to these rights, protecting them like protecting their eyes. There are local as well as overseas academic institutions or groups closely monitoring the freedom of the press and freedom of expression in Hong Kong. The Public Opinion Programme of the University of Hong Kong has conducted an ongoing survey on freedom of the press and freedom of expression for over a decade. With 10 marks indicating absolute freedom, the survey shows that the public ratings on the freedom of the press and freedom of expression have generally stayed above seven since the reunification. According to the latest survey in February this year, freedom of the press scored 7.12, while freedom of expression scored 7.4, indicating that freedom of the press and freedom of expression are protected in Hong Kong.

On the front of safeguarding people's freedom and rights, freedom of the press and freedom of expression are never considered enough. From the perspective of governance, the Government should strive to be more open and transparent in its administration. Just look at places around the world, even in the most democratic society, there is information which many government officials are unwilling to disclose. Hence, it takes the concerted efforts of the entire community and the news media to have a "sunshine policy". The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) is of the view that resorting to rowdy and radical approaches which politicize every issue, blindly put labels on others and launch political attacks cannot help the Government make its administration more transparent. As a committed political

party, we wish to enhance mutual trust by strengthening social values and sensible discussions, in a view to enhancing the transparency of the Government and safeguarding public right to information and to participate in politics. Moreover, we should also support the news media to consolidate press freedom and free speech through faithful and accurate coverage and impartial and balanced commentary, thus turning Hong Kong into a more democratic place.

Hong Kong is under the rule of law. Freedom of the press and free speech are protected by law, but they are still constantly challenged. With the challenge of the Internet, the loss of readers and the subsequent loss of advertisements, traditional news media are at a low ebb, struggling to survive and, at the same time, strive to uphold the journalistic principles. In the process, some media, over-obsessed with the sales figures, may have tilted towards sensationalism and jeopardized the quality and creditability of their news. This is what we would not wish to see. A survey conducted by the School of Journalism and Communication of The Chinese University of Hong Kong last year end showed that the public ratings on the creditability of media organizations have dropped across the board.

We also noticed recently that OMD, the advertising agency of the MTR Corporation Limited, had issued a letter to a number of news organizations on 19 April. The incident has seriously infringed on the freedom of the press. In this regard, the public must clearly indicate that they cannot tolerate such incidents.

Deputy President, Ms Cyd HO's original motion is about a principle which is universally applicable, that is, to protect freedom of the press. However, we think that Dr Philip WONG's amendment is more accurate and comprehensive in presentation. The DAB will thus support Dr Philip WONG's amendment.

The DAB holds that the incident of OMD infringing on freedom of the press has already been thoroughly investigated. The incident was caused by a mistake committed by OMD. However, we do not agree with the approach of using the incident to attack the Government because this will over-politicize the matter. We will thus oppose Ms Emily LAU's amendment. The DAB will also oppose Mr LEE Cheuk-yan's amendment which lacks solid grounds and is based on hearsay.

The DAB thinks the Basic Law has already conferred constitutional protection to freedom of the press and freedom of expression. The SAR Government is duty-bound to enforce the law. The International Covenant on Civil and Political Rights is a convention among sovereign states, which has given effect to us through local legislation. The provisions on freedom of the press and free speech in the Covenant are protected under the Basic Law and other local legislation. Thus, the DAB hopes that this debate can drive home the message that we have to safeguard freedom of the press and (*The buzzer sounded*)
.....

DEPUTY PRESIDENT (in Cantonese): The speaking time is up. Does any other Member wish to speak?

MR IP KWOK-HIM (in Cantonese): the right of expression. Thank you, Deputy President.

MR PAUL TSE (in Cantonese): Deputy President, 13 November 2000 was a memorable day to me for I had to go to the Court of Final Appeal (CFA) with anxiety to receive a judgment on that morning. Since the other party — as seemed to me — did not envisage getting a favourable judgment, he did not show up at all. The judgment handed down by the CFA on that day — which concerns Albert CHENG and I — has become a landmark decision in Hong Kong's libel law.

The incident happened after 1997. In fact, the judgment was generally considered to be an expansion of the coverage of legal actions relating to libel and freedom of speech. From then on, even allegedly fair remarks made out of hatred or revenge must unprecedentedly be responded in accordance with the law.

My knowledge of journalism is definitely not comparable to some colleagues, but being a lawyer, a barrister, as well as a programme host and a copy writer in a radio station almost on a full-time basis for so many years, I do have a bit of a variety of experience.

In respect of Hong Kong's freedom of the press, is it as pessimistic or regressive as described by some colleagues? Or, contrarily, the balance has already been upset. Today, there is a very prominent coverage in the international news page A31 of *Apple Daily* about a member of the British Parliament disclosing the news concerning the alleged extra marital affair of a soccer star Mr Ryan GIGGS. Why is the news so shocking? This is because despite a clear injunction ordered by the Court, which is actually a popular super-injunction, as well as six other similar injunctions issued in the United Kingdom, none of them is enforceable.

In the Internet era, coupled with the birth of Twitter, the speed of communication is appalling. It is downright impossible to monitor the freedom of speech with our traditional legal system and existing laws in a proper and balanced way. I am afraid that, like other countries (including the United Kingdom mentioned by me earlier), the balance has been upset and Hong Kong has now entered a period when comments spread unchecked.

Deputy President, just now Mr WONG Yuk-man has expressed some subjective views relating to websites and his inclination, as well as the restrictions on future elections. Honestly speaking, I often listen to the Hong Kong Reporter and I know what have been said. The remarks and wordings used to attack other people have gone far beyond the permissible scope of public media under normal circumstances in accordance with the previous or even the existing laws. Not only foul language has been used, they have even placed Ms Emily LAU's background and sexual orientation under attack. There was a time when two political parties or party members within a party attacked each other by raking up each other's past. The wordings used were so free that they were hardly acceptable.

Therefore, I think that the problem in hand is not the imposition of excessive restrictions on freedom of speech in Hong Kong. Rather, I consider that we should discuss how a proper balance can be struck in an era flooded with speeches and freedom, so as to ensure that there is proper check and balance in society. Or else, we will only head towards anarchism.

In this connection, I hope that the authorities will make reference to what has happened in the United Kingdom, and start plugging the loopholes in areas where laws have failed to check and balance. As to what should be done, I am

afraid that this is a very broad topic and there is not enough time for me to make concrete elaboration. In my opinion, a more important problem at hand is how proper check and balance can be imposed, but not as some colleagues have said, to address the regression in the freedom of speech in the institutional or legal perspective.

Just now, our colleagues did not mean to highlight the problems found in our systems or laws. They just want to state the inclinations of some members of the public, the media or business organizations. Even if the best system has been put in place, people may still choose to bow to the hegemony of developers, the media or any kind of hegemony. This is not a problem of the system, but a problem of value judgment. Although the value judgment nowadays is rather negative, I am afraid that legislation is not a solution. The best that we can do is to promote education and cultivation, which is precisely the problem currently faced by us.

The most important point is not what can be done to relax the restrictions, but whether sufficient choices are available for the public or the media. It is possible that some organizations might abuse their economic power or hegemony, but as long as sufficient choices of media are available for people who oppose such hegemony, or for the general public and readers, the community can still enjoy freedom of speech. Above all, we do not want to become one of the communities which have no choice at all. Instead of being a place with no choice, Hong Kong is now presented with more and more choices, and has even come to an extent that something must be done to strike a proper balance, as I have said earlier.

Deputy President, as I am running out of time, I can only say one more thing. As Members may aware, even in the United States, the relatively freest society in terms of tycoonocracy or political power, the Fox News always complains of being neglected or sometimes even boycotted by the OBAMA regime. From this, we can see that it is absolutely no big deal for a government or certain businessmen to selectively use the services provided by the media with which they are familiar. Availability of choices is the key. All we need is the availability of a media that is not so closely affiliated with the political or business circle. Thank you, Deputy President.

MR ALBERT HO (in Cantonese): Deputy President, the Secretary highlighted the level of freedom of the press in Hong Kong right at the beginning of his speech, by quoting the points given by the Reporters Without Borders. It seems that he is pretty complacent, saying that Hong Kong's ranking has risen from 51st in 2008 to 34th in 2010. Yet, I cannot figure out why he still feels complacent when Hong Kong only ranked 34th.

Deputy President, what is our ranking in respect of economic freedom? We came first, or at least second, if not first. We are also top on the list in respect of the rule of law. How come no one feels appalled or worried when our ranking dropped to below 30th in respect of the freedom of the press? Some people may say that freedom is visible. Do people not see the candle vigil held annually to commemorate the 4 June incident after the reunification? Who dares to stop the vigil? This is the best proof of the existence of the freedom of expression. Falun Gong practitioners may still take deep breaths in public places and even outside the Liaison Office of the Central People's Government in the Hong Kong SAR (Liaison Office). How many demonstrations have been held in Hong Kong throughout the year? We are called the city of demonstrations.

Deputy President, Hong Kong has all along enjoyed freedom and is a renowned city of freedom. Are we going to compare our expectations with that of the Mainland? You may say that we enjoy more freedom than the Mainland, which is undeniable, but do we wish to continue to enjoy a free environment and protection of human rights which we can be proud of in Hong Kong?

We have been facing the threat of shrinking freedom and social space after the reunification, and many incidents have reminded us of an old saying, "the falling of one leaf heralds the autumn". We must heighten our vigilance, especially in the absence of a comprehensive democratic regime that offers multiple protections, and take extra care as if we are treading on thin ice.

Very simple, did the Secretary still remember what happened on the day of reunification? As many people demonstrated outside the Hong Kong Convention and Exhibition Centre, the police was allowed to play BEETHOVEN music at a very high volume to subdue people's freedom of expression. Although complaints had been lodged to the Complaints Against Police Office, the case ended up unsettled after a long period of time. The police denied the

accusation that the music was played to subdue the freedom of speech. This is the first point. The second point is, as we all know, the freedom of expression does not only mean that people are undisturbed when they protest in the streets and hold up placards, or free from any obstruction or threats. More importantly, people wishing to convey a message can be allowed to go freely to their targeted destinations, particularly buildings with symbolic implication power, like the Government Secretariat and the Liaison Office, without unreasonable obstruction.

Deputy President, soon after the reunification, a "bird cage" was suddenly erected at the Government Secretariat, turning it into a bird cage. It was erected allegedly for security reason after the arson incident. Nonetheless, as Member may recall, it is only an isolated incident. Since then, the bird cage has performed an exemplary function. Actually, it is the best action art as the Government has made use of this bird cage to demonstrate its accommodation and tolerance. Deputy President, I wonder if you still remember that from then on, all demonstrations and protests outside the Government Secretariat were initially prohibited on public holidays, which had prompted us into lodging the first appeal since the appeal mechanism came into operation. It was fortunate that the case was tried by a pretty open-minded judge and our appeal was allowed in the end. Thereafter, the Government should at least open the Government Secretariat for our demonstrations even during non-office hours and on public holidays. These series of actions have actually reflected the mentality of the Government.

Similarly, planters were suddenly installed outside the Liaison Office, which have rendered us unable to assemble there. Mills barriers have also been set up in the narrow passageway, thus making it extremely difficult for us to hold even small-scale demonstrations. Neither is it possible for reporters to get a closer coverage or shot. Why do they do so? Worse still, a group of Falun Gong practitioners had been unreasonably and unlawfully detained and prosecuted by the Government for staging silent protest outside the Liaison Office earlier.

Deputy President, this is the prevailing situation. There are many other cases where the Government has exercised its discretion to impose restrictions. For instance, some technicians of the Shen Yun Performing Arts were denied entry by the Government earlier on the ground that they might snatch away the "rice bowls" of local technicians. As a result, they were unable to come to Hong

Kong to set up stage lightings and installations on and behind the stage. At last, judicial review had been sought. The Government lost and had to pay compensation. If this is not the responsibility of the Government, who else?

As evident from these government actions, there are indeed many invisible hands manipulating the media. The MTRCL is just one commonly known example which the Government has carelessly disclosed. Nonetheless, it is precisely the situation that we are facing (*The buzzer sounded*)

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

MR ALBERT HO (in Cantonese): I hope that the Secretary will respond to the abovementioned examples.

MS AUDREY EU (in Cantonese): Deputy President, I thank Ms Cyd HO for proposing today's motion, which has provided us with an opportunity to discuss the freedom of speech, freedom of the press and freedom of expression.

Deputy President, people who work in Central like me can always see many people distributing free newspapers, but I have never taken any copy. As free newspapers have to rely on advertisements, the news reported is generally less controversial and mostly confine to entertainment news. I am very worried that if I take a copy of these free newspapers, I will put those traditional newspapers which have to pay for their reporters and engage in serious news reporting in an even more difficult position.

Deputy President, I well understand that financial factor is very crucial to news reporting and the freedom of the press. I recalled that a few years ago, I read an article written by a veteran journalist about *Ming Pao's* editor-in-chief singing praises of an applicant who was a fresh graduate in journalism. This applicant vowed to become a journalist even though she knew that the remuneration of journalists was meager and would have to scrimp and save. The editor-in-chief was very glad to meet this young lady who was so enthusiastic about journalism. The writer, a veteran journalist, was nonetheless furious at the present remuneration of a greenhorn journalist, which is more or

less the same as that when he first started as a journalist. He thought that the editors or major newspapers should not take advantage of these young people's zeal towards journalism and continue to offer them exceptionally low remuneration.

No doubt, freedom of the press can be led and controlled by financial factors. In fact, the proposal of this original motion by Ms Cyd HO today is largely related to a letter from an advertising company. The incident concerned has lively demonstrated how financial factors have a significant bearing on the freedom of the press. That is why I said right at the beginning that getting free newspapers would, to a certain extent, threaten the survival of traditional newspapers and deprive journalists of the right to receive more reasonable remuneration. Dr Margaret NG just now also mentioned in her speech that the value judgment and personal sentiments of journalists have a significant bearing on the freedom of the press. Thus, I think that not only the authorities are obliged to protect the freedom of the press, but also the public at large.

Nonetheless, Deputy President, the authorities should undoubtedly assume greater responsibilities. On the issue of the freedom of the press or freedom of expression, I must mention the recently widely reported graffiti girl who has made projection and spray-painted graffiti of AI Weiwei in various spots in Hong Kong.

As Members may aware, TSANG Tsou-choi, also known as the "King of Kowloon", used to draw graffiti everywhere to show off his calligraphy. LAU Kin-wai, who used to accompany TSANG wherever he drew graffiti, wrote a newspaper article about the graffiti girl. In his article, he recounted that he had once accompanied TSANG to draw graffiti at the Chi Lin Nunnery in Diamond Hill, escorted by a camera crew of CNN. After the "King" (that is TSANG Tsou-choi) had written for a while, a police car arrived and some police officers alighted and intervened. Since he intended to have the quality of Hong Kong Police Force fairly reflected, he did not tell the police officers that he was accompanied by a camera crew of CNN, an international media. The police officers politely requested the "King" to stop writing and asked if he needed a ride home. LAU Kin-wai said that the civilized Hong Kong Police Force was a pride indeed. He went on to say even though the "King" had drawn graffiti in the streets of Hong Kong and Kowloon for 50 years, he had never been chased after by the Regional Crime Unit (RCU). During the 10-odd years which he

spent with the "King", LAU had only paid a fine of \$500 for him. This is the only cost in law to be borne by the "King of Kowloon". Noting that the graffiti girl is now investigated by the RCU, LAU wrote that, "The world has changed, so have the police officers — although the poor graffiti girl has only spray-painted the image of AI Weiwei and the words 'Who's Afraid of Ai Weiwei?' in the streets, she is being chased after by the RCU as if this is a serious crime. Drawing graffiti in the street is now as serious a crime as homicide and drug trafficking. Is this not a drastic change in the value judgment of the Hong Kong Police Force? No wonder some people criticized that the police has become a political tool in this case. Political consideration has changed the value judgment of the police, which has lost its sense of direction."

Mr LEE Cheuk-yan's amendment also touched on an issue previously raised by me, and that is the police's obstruction of the display of the Goddess of Democracy by invoking the Places of Public Entertainment Ordinance. This shows that more and more people have been arrested by the police. The number of people arrested by the police in the demonstration against the Budget in March this year, in particular, can be said to be the largest of its kind in local history. This has reflected, to a certain extent, the intention of the police or authorities to narrow the scope for free speech in Hong Kong.

I am very grateful to a number of colleagues who proposed amendments and spoke today. I wish to draw the attention of Hong Kong people that the freedom of speech must be protected by all of us and the Government together. Thank you, Deputy President.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, the speech given by Ms Audrey EU just now is indeed very simple, which is precisely the Chinese story of the "concocted charges". The general YUE Fei was tried in the Da Li Temple, but was there any reason to put him to death? If not, a charge must be trumped up for it is "essential".

On the Handover night, LEE Ming-kwai used BEETHOVEN music to subdue the voice of the demonstrators. In retrospect, LEE Ming-kwai was not that bad for at least he had not acted blatantly, but had only done his best to save the Government's face. Being a concerned party of this "BEETHOVEN music incident", I had accused him time and again after the incident. At first, it

seemed to me that BEETHOVEN music was played to save the faces of the Government and the Hong Kong Police Force. I also wondered why such powerful music, which had subdued all other voices, was played at the beginning of the demonstration. Unlike the incumbent Commissioner of Police (the Commissioner) who blatantly made arbitrary decisions, LEE had actually done it out of good intention.

Let me cite a simple example. The 4 June demonstration will be held this Saturday and again, I will carry a coffin to the Office of the Commissioner of the Ministry of Foreign Affairs (OCMFA) in Hong Kong. Although the OCMFA is the representative deployed by Communist China to station in Hong Kong, it allows me to leave the coffin there. Why? I was not allowed to do so at first, but then permission was granted as OCMFA officials are not as bureaucratic as those of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office). The Liaison Office can be said to be the immediate supervisor of the SAR Government. Their relations are so intimate that the Liaison Office can summon Secretary LAM or the Chief Executive at any time, chide them or even reproach them whenever they met face-to-face. The OCMFA, on the other hand, is responsible for external affairs. As a Chinese saying goes, "the mountain is high and the emperor is far away". It will not summon and chide Secretary LAM and the Chief Executive. I was allowed to leave the coffin outside the OCMFA because this is an annual event.

The Liaison Office is not only a hotspot for protests against the Chinese Communist's imprisonment of political prisoners, but also a place where the police officers take enforcement actions in accordance with their political inclination. I am eager to tell Hong Kong people one thing. While many people said that "Long Hair" should be suppressed if he stirs up trouble in Hong Kong, there is one thing they should understand. Do you still regard police officers as human being when someone in the high echelon of the regime implicitly granted permission for his subordinates to do unlawful acts, make false accusations and unreasonably obstruct people's exercise of their normal legal rights? They certainly are human beings. Nonetheless, "if the upper beam is not straight, the lower ones will go aslant". It is possible that police officers who are asked to take political enforcement actions do not have any choice, but then in the course of law enforcement, they discover that with the supervisor's acquiescence, they can do whatever they want. In other words, as long as the Commissioner has the acquiescence of the SAR Government, which in turn has

the acquiescence of the Chinese Communist Government, enforcement actions can be taken according to personal preference. This may not necessarily be political preference. It may depend on their acquaintance or whether the person concerned is very influential.

Many Hong Kong people do not understand one thing. Police officers will be corrupted once they become a tool of those in power, and will then take enforcement actions in accordance with their own criteria on different grounds. Once he is aware that his supervisor is asking for his favour, or is implicitly or explicitly granting him permission to do something, he might be lured to think that unlawful acts can be done. When a subordinate assists his supervisor in doing unlawful acts, a relations, which is interactive, has actually been developed between them. If you followed my instruction to arrest "Long Hair" the other day, I will probably turn a blind eye to your release of "Short Hair" in future. This is indeed very dangerous, which implies that the law-enforcement authorities have started to act in accordance with the wish of the "Big Brother". While a political pretext is used today, it can be an economic one tomorrow or something else in future.

Those who support this regime today will probably find an extremely rotten regime in future. Examples are if the son of HU Jintao fled the scene after his car ran over a passer-by in Hong Kong, and if the wife of WEN Jiabao accepted bribes from the sale of jewelry, both the authorities and the Independent Commission Against Corruption had not instituted any prosecution. Such unlawful acts and ungrounded allegations made against the minority or people hated by the Government are actually the seeds of a corrupted regime. It also reflected the seriousness of corruption. This is our utmost concern.

My personal right is not important. After all, demonstrators protesting outside the Liaison Office will be arrested anyway. A couple of them will be arrested as a gesture whenever they do not feel happy. This is why members of the League of Social Democrats were frequently arrested these days. The Chief Executive has certainly reported to the police after claiming to be injured. When he was asked how he was injured in the Accident & Emergency Department, he replied that his wife asked him to seek consultation after noticing the bruise on his chest. Naturally, he was then asked where he had been. He said he had attended a ribbon-cutting ceremony. The people arrested would definitely be

prosecuted for assault on police officers. The suspects were subsequently charged for assault on police officers.

In order to protect one-party dictatorship and the rich tycoons, the glamorous building owned by LI Ka-shing at Queen's Road Central is inaccessible to the ordinary people. The entire system is designed to protect the autocratic regime which found its basis on a group of rich tycoons. This is indeed a sign of corruption.

In fact, Secretary, you are a vivid example. As an old saying goes, "an official's horse, claiming the power of its owner, defecates wherever it wishes". You are just like the dung of a horse left blocking the road to democracy. Why did anyone dare to remove you? Because you are appointed by the Emperor and blessed by Donald TSANG, and also subject to the protection of the Hong Kong and Macao Affairs Office, which is even superior to Donald TSANG. When you were asked about your promotion, you just smiled without saying a word. This implies that your promotion is not far off, and it is believed that you will also have a part to play in the legislation of Article 23 of the Basic Law. This is the root of corruption. It is this dung of an Information Officer which does not only block the way of Hong Kong people, but even defend the existing regime. However, there is no way we can get rid of it. I think that corruption is already pretty serious, and I am gravely worried that political enforcement will embark on another round of corruption.

MR PAUL CHAN (in Cantonese): Deputy President, the motion proposed by Ms Cyd HO today only contains a very simple sentence, "..... urges the authorities to safeguard freedom of the press and the right to expression". I believe people will not cast doubt on this aspiration. Even in Article 27 of the Basic Law, it provides that: "Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike."

I have pointed out time and again that freedom of the press and the right to expression has all along been one of Hong Kong's advantages and core competitiveness. In our competition for the status as China's financial centre, this is the advantage which our Mainland counterparts can hardly match up with.

We should treasure this advantage. Does Hong Kong still have this advantage? Let us examine from two perspectives.

Firstly, judging from a more scientific angle, that is, according to the findings of a survey on People's Appraisal of the Local New Media announced by the Public Opinion Programme (POP) of the University of Hong Kong (HKU) in April this year, people's satisfaction with the performance of the local news media has slightly dropped while dissatisfaction has slightly increased. Notwithstanding that, the findings are generally similar to that of the previous surveys. Even if we looked further backward at the findings of a survey on "social indicators" announced by the POP at HKU in February this year, we can see that, among the 10 freedom sub-indicators, the ratings of two indicators, namely freedom of publication and freedom of the press, were more or less the same. The findings of these two surveys showed that the respondents considered that Hong Kong still had an advantage in freedom of the press.

Deputy President, I also wish to explore from another perspective, that is, from the angle of front-line media practitioners, to find out if they share similar views.

Last Friday, the Hong Kong Journalists Association (HKJA) held its Annual Gala Dinner. Over the past decade, its Guests of Honour included Secretaries of Departments and Directors of Bureaux. Even the Chief Executive had accepted its invitation before. While the media might feel honoured to have their presence, it might be more eager to see the high transparency on information and the Government's commitment to safeguard Hong Kong's freedom of the press, especially in respect of the transparency of information dissemination.

According to the data set out in HKJA's Annual Report, between March and May last year, the Government had conducted 22 press conferences and as many as 12 off-the-record briefings where the names and titles of officials were not disclosed. Some of these briefings had released information on important government policies, or information closely related to people's livelihood, such as housing and minimum wage. Although the Government could also release information on policies to be introduced, the media still considered that the Government has abused these briefings and people's right to know might have been undermined as a result. Worse still, the media worried that if they do not

disseminate information favourable to the Government, they might not be invited to these briefings in future. Such concern is undoubtedly a threat to them.

Furthermore, Deputy President, if people know more about the Government's consideration in policy formulation and its rationale through open press conferences, and subsequently make responses, it is believed that this would enable the Government to keep a more direct tab on public sentiments. In view of the highly popular use of the Internet in this era, and the round-the-clock electronic media broadcast, government officials may try to interact with the public to discuss government policies via the Facebook. In my opinion, there is no reason why the Government would not move one step forward and exert more effort to further deepen and widen the dissemination of information to the public.

Last of all, I wish to take this opportunity to reiterate another point. When Ms Emily LAU moved a motion on "Defending freedom of the press" two years ago, she mentioned the need to "to review the remuneration, insurance coverage and working hours of journalists and safeguard their personal safety, so as to avoid journalists leaving the profession and attract talents to pursue a career in journalism." At that time, I had called upon media organizations to offer journalists with reasonable remunerations. Unfortunately, as shown in a survey conducted by the HKJA this year on the remuneration package of journalists and their views about their future, over 30% of the interviewees said they would leave journalism within two years mainly because of low salaries. Some interviewees even pointed out that their hourly wages might be lower than the minimum wage.

Deputy President, there has been no improvement in the remuneration of journalists over the past two years. Here, I would like to appeal again, regardless of whether the hourly wage is \$28 or \$280, the media is the fourth power to monitor the Government and the status of journalists should be respected. Therefore, they should receive reasonable remunerations. I so submit.

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

MR CHIM PUI-CHUNG (in Cantonese): Deputy President, people have forgotten me as I have not spoken for so long. *(Laughter)*

For people at my age, I regard that we have sufficient freedom of the press in Hong Kong. Why? Because anyone can publish magazines and newspapers the next day upon completion of the necessary registration processes. The problem mainly lies in the fact that people have different views towards the press, and one of them is its economic value, that is, whether the publication of magazines and newspapers is financially viable. A friend of mine runs dozens scope of businesses, all of them are financially viable, except the publication of newspaper, which has been operating in the red over the past decade or so. This demonstrates that the freedom of the press is not safeguarded by us, but by its practitioners.

Hong Kong is a free society where only the fittest survives, and there is no favouritism to anyone. Neither do we have the responsibility nor ability to do so. If we like a certain newspaper which has decades-long history, we can simply buy a copy of it as an indirect means of safeguarding it. And yet, it will close down in the end if it is not financially viable.

Deputy President, news media may have different political stance, and so do their operators, leader writers, practitioners and editors-in-chief. Regardless of whether their stance is right or wrong, they should not be subject to criticism. While they should be respected, we do not have the responsibility and duty to render protection.

(THE PRESIDENT resumed the Chair)

Hong Kong media must understand that, apart from upholding social justice and safeguarding public interests, they should more importantly avoid abusing government resources for personal gains. However, as evident from the behaviour of the operators and leader writers of media organizations, just as some colleagues have said, they are not only dedicated but also feel obliged to criticize whoever they dislike in an extremely targeted way. As we all know, an article can be far more damaging than a blade.

A magazine has always taken things out of context and made exaggerated reports on the information collected. What purpose does that serve? The only purpose is to promote sales and thereby increase the advertising revenue. It has however ignored the grave damage done to the subject being attacked and criticized. Certainly, people who have social status and who are representative figures cannot escape. Who is going to protect their freedom?

There is currently an undesirable trend in society, in that people like to criticize others purely based on their own liking, without considering that the person being criticized may not have the eloquence to raise objection, nor do they have the status or ground to reply or defend. Therefore, a review is necessary in areas such as politics, public speeches or the media. A review does not mean the removal of protection, but to remind media practitioners to safeguard their own interests. Thus, media practitioners must fully understand that the benefits currently enjoyed by them are actually dependent on the financial conditions of the trade and their own efforts. Another more important reason is to help the practitioners cultivate a sense of commitment and mission. Or else, they will wait for an opportunity to look for a better way out.

On the issue of how the Government should face the media and safeguard Hong Kong's freedom, I think the Government has already pampered the media to an extent that is undesirable in the eyes of the people. No doubt, the Government should be monitored by the media. In the face of criticisms from the media, the Government should, first of all, examine if they are made out of good intention. If so, rectifications should be made and the media concerned should be thanked in writing for its advice. Secondly, if the media has any misunderstanding, the Government is obliged to make clarifications or even post advertisements to state its stance. Thirdly, in case it is a malicious attack of the media, the Government is obliged to make elucidations or even take appropriate actions for the interests of Hong Kong people and the future of Hong Kong. So long as their actions are appropriate, they are open to the interpretations of the public.

While we respect the freedom of our Honourable colleagues, it does not mean that we can act on our own will. Here, I would like to make an impolite criticism against the President. When some Members exercised their freedom of expression, their behaviour has actually infringed upon the rights of other colleagues. I hope that if you remain in this chair in the next Session, you will

conduct a review and strictly require the relevant committees to lay down rules for implementation, with a view to protecting the freedom of expression of all Members.

Empowerment is the granting of power, but not an infringement of power to facilitate anyone to infringe upon other people's rights. Here, I would like to make a statement. The place where I am sitting is likely to be affected by the things being thrown out. In case I am hit by anything being thrown out, someone will have to bear all the consequences. I am taking this opportunity to express my personal views, and state my freedom with a view to protecting my own rights and freedoms. I hope the Government and the President could hear what I have said.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Ms Cyd HO, you may now speak on the amendments. The speaking time limit is five minutes.

MS CYD HO (in Cantonese): President, I am grateful to the several Members who have proposed amendments to my motion, especially the one proposed by Dr Philip WONG, which is worth our discussion and debate. In his amendment, he proposed that the Government should "safeguard freedom of the press and the right to expression in accordance with the Basic Law and the principle of "one country, two systems". It is true that the principle of "one country, two systems" has different interpretations. However, I would like to reiterate that it is not the media's responsibility to implement the beliefs of a country, but to report the facts. The media should boldly disclose facts even though this might antagonize people in power. The media is not only responsible to speak for the weak and powerless, but also to report the facts to the public when the Government abuses its power and does something unlawful.

Today's debate is actually a review of the Government's suppression on the freedom of the press and the right to expression over the past 14 years. And yet,

there will be more challenges ahead of us which are posed by the different interpretations of the principle of "one country, two systems".

I am also very grateful to Dr Margaret NG for raising the issue of patriotic sentiments. In fact, it is precisely because of our patriotic sentiments that the freedom still enjoyed in Hong Kong under the principle of "two systems" should be fully utilized by diligently and responsibly monitoring the Government and expressing views. It is hoped that the remarks will serve as soft power to promote the country's modernization.

Exercising the right to expression and the freedom of the press in Hong Kong does not only intend to restrain the SAR Government and focus on the rights of Hong Kong people, but to utilize the freedom in Hong Kong to promote the modernization of the country. We have to speak for those who are being imprisoned in the Mainland, and vent the anger of our Chinese compatriots.

Compare to other Mainland cities, Hong Kong still enjoys relatively more freedom. While the commemoration of the 4 June incident is prohibited in the Mainland, it is permitted in Hong Kong and has been carried out incessantly for 22 years. We intend to continue our efforts until the incident is vindicated. When Mainland human rights activist HU Jia was imprisoned for probing into and expressing views on cases of poor peasants who sold blood and contracted HIV from contaminated syringes, we spoke for him. When ZHAO Lianhai was charged with the crime of "picking quarrels and provoking trouble" for campaigning for compensations to which the "kidney stone babies" are entitled, we aired grievances for him. When AI Weiwei tried to comply a list of students who died in the Wenchuan earthquake as a result of the tofu-dreg projects and used the schoolbags of the deceased students to make a line to show the high casualties of children in the disaster, he made himself a thorn in the eyes of the corrupted officials and was subsequently arrested unlawfully for ridiculous charges, Hong Kong people have spray-painted and made graffiti projections of him in the streets. When human right activist lawyer who has been detained for a few days remained in silence upon release, not daring to say what had happened during his detention, the freedom of the press and the right to expression in Hong Kong would have a more important role to play. This is because the relevant expression of views and criticisms not only concerned about the freedom of 7 million people, but also the interests of the entire country. Furthermore, our

expression of views is not only a manifestation of the rights of 7 million people in Hong Kong, but also the responsibility borne by the Chinese people.

President, Dr Philip WONG just now mentioned that Hong Kong media should reduce conflicts and collision under "one country, two systems", and pointed out that regulation on the media must be stepped up. If we look from this perspective, his idea is actually well in line with the remarks made by HAO Tiechuan, who proposed to tighten the freedom of the media and the right to expression. This is absolutely in contrast with the understanding of the patriots in the pro-democracy camp.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, today, a number of Members have put forth many important views on the subject of safeguarding freedom of expression of Hong Kong people. Although views expressed may not necessarily be unanimous, it does not matter, for the Chamber of this legislature is a place to manifest and realize the fact that Hong Kong is a free society.

As I mentioned in my speech at the beginning, freedom of speech and freedom of the press are some of the core values of Hong Kong. These fundamental freedoms are protected by the Basic Law, the Hong Kong Bill of Rights Ordinance (HKBORO) and other local legislation. Hence, the SAR Government agrees with the amendment proposed by Dr Philip WONG. On the premise of not contradicting the laws, all Hong Kong citizens and other organizations definitely can speak and express their views freely. Surely, we welcome the press media and other newspapers and publications to continue to comment on issues now taking place in Hong Kong according to the laws of Hong Kong.

Freedom of expression is a sign post of Hong Kong being an open, civilized, pluralistic and inclusive society. The SAR Government completely understands that the rapid and free flow of information is one of the strengths significant to the development of Hong Kong. Hence, we will do our level best and make every effort to safeguard this edge.

In safeguarding freedom of the press, the SAR Government should not be counted on solely in making the effort, the ethical practice and professionalism of

the press also have a bearing. According to the results of an interview conducted by the Public Opinion Programme of the University of Hong Kong, a majority of the public considered that news media had given full play to the freedom of speech. However, at the same time, some people considered that the media had misused or abused freedom of the press, and 30% of the interviewees considered that Hong Kong media had been responsible in their reporting. I think these figures warrant deep thoughts from various perspectives and due deliberation.

Concerning the dissemination of information by the Government, Mr LEE Cheuk-yan mentioned that the SAR Government had organized informal briefings when he put forth his amendment earlier.

President, we have explained to the Legislative Council and the media that the SAR Government adopts a proactive and positive attitude in staging official press conferences and informal briefings or responding to questions raised by the media. President, the practice adopted by the SAR Government in this respect is fully comparable to that adopted by overseas government of any free and democratic society. We have interviews with members of the media every day inside and outside the Legislative Council and at the Government Secretariat to answer questions on popular subjects at the time. Principal government officials and other colleagues have all done their level best.

As I mentioned in my speech at the beginning, the Government holds a lot of press conferences every year, and nearly 1 million questions from the media have been answered. Hence, we will uphold this tradition and make continuous effort to do our job properly, so as to maintain Hong Kong as an open and civilized society.

In respect of the Place of Public Entertainment Ordinance and the Public Order Ordinance, quite a number of Members of the Legislative Council have given their comments. On the part of the SAR Government, we will facilitate the public in expressing their opinions via various lawful means as far as possible. As in other cosmopolitan cities, legislation is put in place in the SAR to regulate public assemblies. The objective of such legislation is to protect individuals' right of speech and assembly while ensuring public safety and order and the overall interest of society, maintaining a balance between the two. It has been an established practice of the SAR Government and the Hong Kong Police Force

to render assistance as far as possible so that the activities concerned can be carried out smoothly.

The police follow the principle of endeavouring for a balance in law enforcement. On the one hand, they will facilitate the public in staging lawful and peaceful public assemblies and processions; and they will strive to minimize the influence of these public assemblies and processions on other members of the public and road users on the other hand. The police have to strike a balance between ensuring public safety and public order and safeguarding the freedoms concerned. When participants of public assemblies or processions exercise their freedom and right to express their aspirations, it is reasonable that the demonstrations and processions should be carried out on the premise of complying with the laws of Hong Kong and not affecting the order of society, and in a peaceful and orderly manner.

The Hong Kong Police Force has always been fair, impartial and law-abiding in handling activities involving demonstrations and processions. It strikes a balance between the freedom of expression of protestors and public order, which is not swayed by the political stances and the objectives of demonstration or the venues of the processions.

Regarding the incident in May last year, where staff from the Food and Environmental Hygiene Department (FEHD) took action at Times Square in Causeway Bay to seize certain exhibits, the Judiciary advised the FEHD to invoke the PPEO to prosecute the persons concerned according to the guidelines and policies for initiating prosecution. Since the case concerned is now in judicial proceedings, we will not comment the case at this stage. The FEHD, like other law-enforcement departments, has all along upheld the law and fulfilled its duties in accordance with the law. There is no question of political suppression, nor is there any relation to freedom of expression.

President, on the advertising incident of the MTR Corporation Limited (MTRCL), I have earlier made clear our position on behalf of the Government. It is part of the routine operation of the MTRCL to handle advertising matters, and the MTRCL had not notified the Administration in advance. After the incident, the management of the MTRCL had reported to the Board of Directors, and the content of the report tallied with the information distributed by the MTRCL to the public.

President, before I come to the conclusion, I would like to respond further to certain viewpoints put forth by individual Members.

When Mr Alan LEONG proposed his amendment, he specifically mentioned human rights education and pointed out that with regard to an oral question raised at the Legislative Council meeting last week, a number of Members considered that the budgeted expenditure of the SAR Government spent directly on human rights education and protection would only amount to a total of \$200 million, irrespective of the methods of computation.

President, this is not the actual case. For Hong Kong as a whole is the best manifestation of the realization of human rights and a free society. A lot of work of the SAR Government is related to the protection of human rights. As I mentioned earlier, there are thousands of processions and demonstrations carried out in Hong Kong every year and there are thousands of newspapers and hundreds of publications reporting the latest issues in Hong Kong every day. Moreover, we explain the policies and positions of the Government inside and outside the Legislative Council each day. All these manifest that freedoms and human rights are protected in Hong Kong society. As such, I do not think that the Government's efforts in protecting human rights are confined to the work in question, for Hong Kong society as a whole, including the operation of the Legislative Council and the SAR Government, manifest that Hong Kong is a society where freedoms and human rights are protected.

Mr CHEUNG Kwok-che specifically mentioned that the Government should formulate "human rights index", which he considered a more scientific approach and could bring into full play Hong Kong's attribute of being a free society.

President, in my view, if things are put into figures, it may confine the attributes of the free society of Hong Kong. Hong Kong society as a whole is an extremely free system. The Government submits reports to the United Nations Human Rights Committee at Geneva every five years in this respect, including reports on international human rights covenants, the International Covenant on Civil and Political Rights and other covenants, and the coverage is comprehensive. These reports are explained to the public in a transparent manner and are discussed frequently at meetings of the Legislative Council and various panels.

Dr Margaret NG highlighted in her speech that some newspaper publishers were threatened by certain people in the 1960s and 1970s in Hong Kong, and she even said that "arrests and closures" had been carried out. But the fact is that Hong Kong has reunified with the Mainland, and under the protection of the Basic Law and the HKBORO, as well as other legislation, no action of "arrests and closures" has ever taken place. Had there been law-enforcement actions, they were all carried out in full compliance with the protection provided under the laws of Hong Kong and the HKBORO.

Ms Audrey EU and Mr LEUNG Kwok-hung mentioned a recent incident on graffiti in particular. As explained by the Commissioner of Police, the incident is assigned for consolidated investigation by the District Crime Squad because similar incidents and cases occurred at different times and in different police precincts. The arrangement mainly seeks to avoid duplication of efforts by the various front-line criminal investigation teams, but not as the Member claimed that the incident was handled on a par with serious cases involving drug trafficking or other criminal violence. Anyone drawing graffiti at public or private places may violate several ordinances, such as section 60 of the Crimes Ordinance (Cap. 200) involving the destroying and damaging of property.

After responding to Mr LEUNG Kwok-hung's views, I may as well respond to the views of his "neighbour", Mr WONG Yuk-man. In the past couple of days, Mr WONG Yuk-man has mentioned a number of time of his intention to "challenge the law", and I heard him say this more than once within the past few days. As we have known each other for years, may I advise him that "the fish that nibbles at every bait will be caught". I do not wish to see Mr WONG Yuk-man being sanctioned by the law some day.

Mr WONG Yuk-man said that human rights protection in Hong Kong is often provided with provisos, or say under certain conditions. Allow me to make a pun out of that: In Hong Kong, Mr WONG and his comrades can "run without condition" in expressing their views and taking actions in this Chamber. The protection of human rights and freedoms in Hong Kong is extremely high.

In the concluding remarks, Mr WONG Yuk-man gave me a tip. He said if I remained in public office, he might continue to stand for election. President, we are now talking about the political career of Members. Before the reunification, an expatriate colleague from Britain once said, "Don't easily put

something as a hostage to fortune", reminding one should avoid hastily connecting incidents that will occur in future with incidents that may occur. To make it simple, when it comes to politics, one week is already too long. Who knows what will happen 14 months later. However, if Mr WONG Yuk-man is prepared to stand for election, I surely welcome his decision as a Director of Bureau overseeing constitutional affairs. For the greater the number of candidates standing for election, the more intense the competition will be and the greater the chance of better Members being elected.

I would like to go further to answer the query raised by Mr Albert HO about our mentioning of the survey of the Reporters Without Borders and the ranking of Hong Kong. President, we surely agree that Hong Kong society should continue to make progress. We will not consider Hong Kong being one of the best around the world in terms of freedoms in all aspects. Mr Albert HO is correct in saying that The Heritage Foundation has ranked Hong Kong the freest society in terms of economic freedom for 17 years in a row. In respect of press freedom, we mention the index specifically to prove to Members that press freedom in Hong Kong is making progress according to surveys of independent organizations, but not in regression as pointed out by a number of Members from the pan-democratic camp today. This example is quoted as an exchange of reference with Members.

Mr IP Kwok-him has specifically pointed out other indexes. He considers that the freedom of speech and freedom of the press in Hong Kong is satisfactory, basing on a certain index with 10 as the highest score and Hong Kong scores something more than seven

MR WONG YUK-MAN (in Cantonese): President, I request clarification from the Secretary. He said I often challenge the law and did not want to see me sanctioned by the law. Buddy, he is now blackmailing me. When have I challenged the Judiciary?

PRESIDENT (in Cantonese): Mr WONG Yuk-man, this is not the time for you to speak, please be seated.

MR WONG YUK-MAN (in Cantonese): In what way have I challenged the Judiciary?

(Mr WONG Yuk-man sat down)

PRESIDENT (in Cantonese): When a Member or an official is speaking, and another Member wants to seek elucidation from him, the Member has to seek the consent of the Member or official speaking, as well as my permission, before doing so. Will Members please follow the Rules of Procedure.

Secretary, please continue.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Yes, President. I respect the feeling of Mr WONG Yuk-man. Allow me to say this to him: Earlier, I said I heard you say that you want to challenge the law, and since we knew each other, I did not wish to see you sanctioned by the law one day. I say so out of good intention, you may have got me wrong.

President, I return to the remarks made by Mr IP Kwok-him. He pointed out that according to the two indexes, the condition of freedom of speech and freedom of the press was satisfactory. Though the situation is satisfactory, we will continue to work hard, hoping that Hong Kong will always make better achievement.

Mr Paul TSE said that the information technology was well developed in Hong Kong, including the Internet, Twitter, YouTube, and so on. As such, the Government understands very well that we have to work overtime to ensure information is disseminated and explained to the public as soon as possible, and to maintain transparency. This is a common practice in society. Hence, at present, human rights in Hong Kong are not only protected under the Basic Law, the Hong Kong Bill of Rights Ordinance and other laws. These well-developed networks have in a way maintained and safeguarded Hong Kong's attributes of being a free and highly transparency society. On the contrary, Mr TSE reminded the Government of the need to consider protecting the privacy of individuals. President, we have been working on this and have come up with a

set of proposals on amending the Personal Data (Privacy) Ordinance to reinforce the protection of privacy.

President, to conclude, the SAR Government will continue to stipulate various rights according to the Basic Law and local legislation, and we would do our level best to safeguard the rights and freedoms of Hong Kong citizens. I believe the freedom of speech and of expression, and the freedom to assembly, procession and demonstration enjoyed by Hong Kong citizens will rank the top of the list worldwide. The attribute of freedom in Hong Kong lays the foundation of its success. Hence, the SAR Government, like Honourable Members, will endeavour to bring this attribute of Hong Kong society to full play and maintain Hong Kong's status as a cosmopolitan city in Asia. This is an essential and vital element contributing to Hong Kong's ongoing success.

President, I so submit.

PRESIDENT (in Cantonese): I now call upon Ms Emily LAU to move her amendment to the motion.

MS EMILY LAU (in Cantonese): President, I move that Ms Cyd HO's motion be amended.

Ms Emily LAU moved the following motion: (Translation)

"To delete 'this Council urges the authorities to' after 'That' and substitute with 'in April this year, the advertising agency of the MTR Corporation Limited ('MTRCL') issued a letter to various press media in an attempt to resort to the means of cancelling advertisements so as to reduce negative news reports on MTRCL; this Council considers that MTRCL, in so doing, blatantly intervenes in editorial independence and seriously undermines freedom of the press, and should be strongly condemned; as the major shareholder of MTRCL, the SAR Government should bear the responsibility and thoroughly investigate the aforesaid incident, so as to'."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Emily LAU to Ms Cyd HO's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ms Cyd HO rose to claim a division.

PRESIDENT (in Cantonese): Ms Cyd HO has claimed a division. The division bell will ring for three minutes.

(During the ringing of the division bell, Mr Abraham SHEK stood up)

PRESIDENT (in Cantonese): Mr Abraham SHEK, do you have any question?

MR ABRAHAM SHEK (in Cantonese): President, since the MTR Corporation Limited (MTRCL) is mentioned in the motion today, I would like to declare my interest as the Independent Non-executive Director of the MTRCL.

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 LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Kwok-him and Dr Samson TAM voted against the amendment.

Mr Paul CHAN, Mr IP Wai-ming, Dr PAN Pey-chyou and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert 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 WONG Kwok-hing 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, 26 were present, five were in favour of the amendment, 17 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment, seven against it and two 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 "Safeguarding freedom of the press and the right to expression" 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 "Safeguarding freedom of the press and the right to expression" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may move your amendment.

MR LEE CHEUK-YAN (in Cantonese): President, I move that Ms Cyd HO's motion be amended.

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

"To delete "this Council" after "That" and substitute with ", given that the Government treats the various mass media differently on the basis of close and distant relationships, frequently releasing exclusive information on a selective basis to 'friendly' media in an attempt to influence their editorial stance, and that recently, the Government repeatedly uses contravention of the Places of Public Entertainment Ordinance as an excuse for suppressing people's freedom of expression, this Council expresses deep disappointment and"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Cheuk-yan to Ms Cyd HO'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, Dr Joseph LEE, Dr LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the amendment.

Mr Paul CHAN and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert 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.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, five were in favour of the amendment, 19 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr Philip WONG, you may move your amendment.

DR PHILIP WONG (in Cantonese): President, I move that Ms Cyd HO's motion be amended.

Dr Philip WONG moved the following amendment: (Translation)

"To delete "authorities" after "Council urges the" and substitute with "SAR Government to continue"; and to add "in accordance with the Basic Law and the principle of 'one country, two systems' " immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Philip WONG to Ms Cyd HO's motion, be passed.

PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che, you may now move the amendment to Dr Philip WONG's amendment.

MR CHEUNG KWOK-CHE (in Cantonese): President, I move that Dr Philip WONG's amendment be amended.

Mr CHEUNG Kwok-che moved the following amendment to Dr Philip WONG' amendment: (Translation)

"To add "formulate an index of freedom of the press and an index of the right to expression and publish reports annually in accordance with the International Covenant on Civil and Political Rights mentioned in Article 39 of the Basic Law, and" after "SAR Government to" and to delete "the Basic Law and" before "the principle of"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Kwok-che to Dr Philip WONG's amendment, 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): Mr CHEUNG Man-kwong, have you casted your vote?

(Mr CHEUNG Man-kwong pressed the button to cast his 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 LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the amendment.

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

Mr CHIM Pui-chung, Mr Paul CHAN, Mr IP Wai-ming, Dr PAN Pey-chyou and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Mr

LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert 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 WONG Kwok-hing 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, 26 were present, five were in favour of the amendment, 16 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment, seven against it and two 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): I now put the question to you and that is: That Dr Philip WONG's amendment to Ms Cyd HO's motion be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr 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 Raymond HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted for the amendment.

Mr CHEUNG Kwok-che abstained.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted against the amendment.

Mr LEE Cheuk-yan, Mr Andrew CHENG and Ms Cyd HO abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 25 were in favour of the amendment and one abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 20 were in favour of the amendment, three against it and three abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was passed.

PRESIDENT (in Cantonese): Mr Alan LEONG, as Dr Philip WONG's amendment has been passed, you may move your further amendment.

MR ALAN LEONG (in Cantonese): President, I move that Ms Cyd HO's motion as amended by Dr Philip WONG be further amended by my original amendment.

Mr Alan LEONG moved the following further amendment to the motion as amended by Dr Philip WONG: (Translation)

"To delete "and the right to expression" after "the press" and to add "and abide by the International Covenant on Civil and Political Rights, the Basic Law and the Hong Kong Bill of Rights Ordinance, so as to protect people's right to expression in the form of processions and assemblies, etc." immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Alan LEONG's amendment to Ms Cyd HO's motion as amended by Dr Philip WONG 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 Philip WONG rose to claim a division.

PRESIDENT (in Cantonese): Dr Philip WONG 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 Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr Paul TSE and Dr Samson TAM voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Prof Patrick LAU voted against the amendment.

Mr WONG Yung-kan, Mr LAU Wong-fat, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Dr LAM Tai-fai, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Dr Priscilla LEUNG voted against 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 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, 26 were present, nine were in favour of the amendment, nine against it and eight abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment, one against it and eight 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): Ms Cyd HO, you may now reply and you have one minute 29 seconds.

MS CYD HO (in Cantonese): President, Mr Alan LEONG's amendment urges the authorities to abide by the corresponding international covenant and ordinance. If such an amendment has to be voted in abstention or negation, we should know the kind of freedom of the press and right to expression that we are having under "one country, two systems".

Although the Member who proposes a motion usually urges for Members' support, I wish to take the opposite approach this time and ask Members to vote in abstention or negation. As the freedom of the press and the right to expression rendered by our national situation or in the eyes of our country are heavily discounted, it will not make much difference if we abandon these rights.

Despite the fact that the Government has cited public survey data, the data cannot alter the fact that the authorities will suppress the right to expression through legislative amendments, power abuse and administrative arrangements. Another "splendour" measure of the authorities in depriving people's rights to expression is to abolish the replacement mechanism for vacancy in the membership of the Legislative Council. Without this replacement mechanism, a total of 3.7 million voters will be deprived of the right to express their choice of candidates should there be a vacancy in the membership of the Legislative Council.

Members of the pro-establishment camp and the Administration have joined hands today to deprive people of the right to expression. Although they say that they agree to safeguard freedom of the press, they have actually revealed their duplicity and hypocrisy in voting.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Cyd HO, as amended by Dr Philip WONG be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

(When the division bell was ringing, some Members were talking loudly)

PRESIDENT (in Cantonese): The meeting is in progress. Will Members please keep quiet.

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

PRESIDENT (in Cantonese): Mr IP Kowk-him, has you casted your vote?

(Mr IP Kwok-him pressed the button to cast his vote)

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

Functional Constituencies:

Dr Raymond HO, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Wai-ming, Mr IP

Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted for the motion as amended.

Dr Margaret NG and Mr CHEUNG Kwok-che abstained.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr CHEUNG Hok-ming, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted for the motion as amended.

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion as amended.

Mr LEE Cheuk-yan, Mr Andrew CHENG, Ms Audrey EU, Ms Cyd HO, Mr Alan LEONG and Miss Tanya CHAN abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 23 were in favour of the motion as amended and two abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 16 were in favour of the motion as amended, three against it and six abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion as amended was passed.

PRESIDENT (in Cantonese): Second motion: Hong Kong as a sustainable regional cultural hub.

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

I now call upon Mr LAU Kong-wah to speak and move the motion.

HONG KONG AS A SUSTAINABLE REGIONAL CULTURAL HUB

MR LAU KONG-WAH (in Cantonese): President, today's motion is about turning Hong Kong into a sustainable regional cultural hub. Recently, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) has conducted a study. While the findings of the study have yet to be published, we hope to put forth some major views of the DAB in this regard to the Government expeditiously.

In fact, two years ago, the DAB paid a visit to Taiwan for the purpose of observing its cultural development. We had also put forth our proposal on arts and cultural policy to the Government. Why does the DAB consider the development or policy of culture so important that we have to put forth our views time and again? The reason is that we do consider the cultural ambience of Hong Kong very important, yet there seems to be inadequate discussions in the Legislative Council. Hence, we hope to seize this opportunity to trigger off more discussions in the community so that greater attention will be paid by the Government. Regarding the said report, Ms Starry LEE and other DAB Members will talk about it in further details later on.

First of all, I want to focus on exploring the cultural problems of Hong Kong from a wider perspective. President, Hong Kong is an economic society and we always concentrate on Hong Kong's economic development. But when it comes to culture, it always seems to take a back seat and is not given due attention. Let us consider Hong Kong's ranking in the world. Recently, according to a Swiss-based management institute, Hong Kong ranks first in the world in terms of competitiveness, sharing the same ranking as the United States. The Chinese Academy of Social Sciences (CASS) also put Hong Kong on the top

in terms of competitiveness among Chinese cities. However, the CASS cautioned that if Hong Kong wanted to enhance or maintain its competitiveness, various infrastructural projects should be implemented as soon as possible. We totally concur with this view.

If Hong Kong wants to maintain or even strengthen its competitiveness, I think cultural infrastructure is just as important. This is by no means less significant than physical infrastructure. Culture is a kind of soft power. Some eight years ago, the Cultural and Heritage Commission had undertaken a three-year study in this regard. President, in his letter to Mr TUNG Chee-hwa, the former Chief Executive, Mr CHANG Hsin-kang, the former President of the City University of Hong Kong, put forth a very important viewpoint. He said, "Should Hong Kong neglect creative thinking and cultural education, it will lose its competitive edge". When such words are applied in the present-day Hong Kong, they are all the more valid. If we just focus on our economy without due regard to culture, Hong Kong's competitiveness may not necessarily climb to a new height.

As a matter of fact, the soil of Hong Kong is indeed very unique. Being a place where East meets West, the city is free and open, yet subtle and demure. We embrace both Chinese heritage and Western culture. This unique characteristic is given full play under "one country, two systems". The crux is whether this unique characteristic can be sustained through the co-operation of the Government and the community.

Just now, I mention the soil of Hong Kong. President, Hong Kong is indeed home to a living national treasure, Mr JAO Tsung-I. He is 95 years old now. A few months ago, the DAB and a group of young people paid a visit to Mr JAO and talked with him. This 95-year-old elder had greatly inspired us. The first thing he told us was that, "Hong Kong is a blessed place." He even wrote the Chinese character "福" (meaning "blessing") as a gift to the DAB. As far as this blessed place is concerned, Mr JAO Tsung-I happened to come to Hong Kong to conduct academic researches in 1949, and he stayed here afterwards. Looking back, he recently said that if he had gone back to the Mainland in 1949, he could have gone through a number of political movements and many sufferings, and would thus be prevented from conducting academic researches. I find his words thought-provoking.

During his 50-year stay in Hong Kong, Mr JAO has conducted academic researches on various subjects ranging from Chinese culture, Western culture to Indian culture. That makes him a living national treasure. We should treasure this soil. President, after the visit, I bought a book entitled *A Journey on the Path of Culture and the Arts*, which records the dialogues between Mr JAO and a Japanese philosopher, Mr Daisaku IKEDA several years ago. I find one passage in these dialogues particularly important in today's world. Mr JAO mentioned that, "Human beings tend to think from the perspectives of practicality and interest. Disputes arising from conflicting interests have left the world with nothing but numbers. It turns out that civilizations created by human beings are now bragging about the making of lethal weapons aimed at conquering others. In fact, this has deviated significantly from the true spirit of human beings. Finally, men are also turned into numbers. What purpose does it serve anyway? Maybe culture is the only salvation."

He speaks of a lofty purpose. In Hong Kong, we always talk about digitalization. His words are meant to ring an alarm for the people. As we look around, there are riots in many places of the world. In Hong Kong, our political ecology has worsened; our cultural standard and the quality of the people have not been enhanced. Under the circumstances, culture and enlightenment are of crucial importance.

In fact, another characteristic of the soil of Hong Kong is embracement. Let me cite an example about religious culture. Earlier, we have talked to several leaders of Taoism. We notice that Hong Kong is a rare place in the world in that six major religions will get together three times a year for exchanges. I think this is something hardly imaginable to people living in Israel or the Middle East. But Hong Kong is such a unique place. We cherish peace and that is the core value of Hong Kong. We should ensure the continuation of this culture so that an ambience can gradually be formed in society.

Hence, as I see it, Hong Kong should seize the opportunity presented by the revival of Chinese culture and the interests of Western societies on Chinese culture and play a unique role in the world. Of course, it is regrettable that the Government's policies are sometimes contradictory. For example, while we consider it extremely important to ensure the continuation of Chinese culture, Chinese History is not a mandatory subject in the curriculum. That is indeed very contradictory.

In view of this situation, I think the Government should study or explore, from a higher perspective or the perspectives of civilization and enlightenment, the establishment of a cultural and education bureau. I consider that policies presently scattered among the Hong Kong Tourism Board, the Commerce and Economic Development Bureau, the Home Affairs Bureau, the Leisure and Cultural Services Department (LCSD), and so on, should come under central co-ordination such that promotion efforts will be organized with the Government taking the lead. While I do not deny the importance of the market, the role of the Government in promoting culture and enlightenment should not be overlooked or alienated.

President, to be more specific, the West Kowloon Cultural District (WKCD) is the single most important project of the Government. In my view, culture is of course not only restricted to performing arts. But the WKCD does present an opportunity. Hence, I think it is most important for us to pool our ideas together.

In fact, performing arts in Hong Kong are developed through concerted efforts by many parties including the LCSD, the Hong Kong Arts Development Council, as well as various artists and performers. All along, I am more of a drama fan; and over the past 20 years, drama has seen rapid development in Hong Kong. Every year, I attend the performances of the Hong Kong Arts Festival. This year, the number of audiences reaches up to 140 000, or 40 000 more than that of last year, representing an increase of 40%. That is a remarkable increase. Out of the 140 000 tickets sold, the attendance rate is as high as 95%.

The Hong Kong Arts Festival is a remarkable achievement. That is why I often tell its Chairman that the festival should not only be held in spring, but also in autumn. With two festivals held in spring and autumn, we can bring in world-class artists from around the world to perform in Hong Kong. This is very important. As the spring festival is now attended by 140 000 audiences, if another festival is held in autumn, the total number of audiences can reach up to 300 000, it can form the basis for the development of the WKCD.

Given that the WKCD will be commissioned in four years' time, we have held discussions with the nine major arts groups. On the one hand, they are of course dissatisfied with the recent decision to freeze some of their subsidies (I also think that there should be certain relaxation); on the other hand, they mention

another important issue, namely the establishment of strategic partnership between the WKCD and the nine major arts groups. Notwithstanding our views on the matter, they cannot see how this can be put into actual practice. I hope the Government can step up co-ordination in this regard. Moreover, there is even a greater need for the Government to establish strategic partnership with The Hong Kong Academy for Performing Arts. Otherwise, there is no way to ensure the supply and management of talents.

Regarding the media, I think the Government can consider the opening of some channels. When issuing licences to media organizations, the Government can consider stipulating a licensing condition that they must provide certain cultural channels. In particular, requirement should be imposed on the Radio Television Hong Kong as it will launch digital broadcasting in future. I think the Government can impose certain requirements in respect of cultural inheritance.

Finally, while the participation of the business sector has just taken off, I think the Government can consider providing tax relief for the establishment of arts development funds by the business sector, or certain facilitation and support for the development of public arts space. President, it is my earnest wish that Hong Kong can excel both in terms of economic development and cultural development.

PRESIDENT (in Cantonese): Mr LAU, please move your motion.

MR LAU KONG-WAH (in Cantonese): President, I move that my motion be passed.

Mr LAU Kong-wah moved the following motion: (Translation)

"That the West Kowloon Cultural District Authority (WKCD) has designated a conceptual plan as the master plan for developing the West Kowloon Cultural District (WKCD), and the authorities will launch the Stage 3 Public Engagement Exercise in summer this year to consult the public on the development plan of the WKCD; whether the WKCD can develop into a first-class arts and cultural facility in the world will largely depend on Hong Kong's overall cultural development, and whether we can

seize the opportunity presented by the WKCD to upgrade people's cultural qualities as well as artistic tastes, so as to establish Hong Kong's cultural edge and status; in order to build Hong Kong into a sustainable regional cultural hub, this Council urges the Government to:

Perfection of framework and policies —

- (a) explore the establishment of a cultural and education bureau to co-ordinate the policies and resources presently scattered among other government departments, and explore and formulate territory-wide and regional policies as well as development strategies for culture and the arts;
- (b) enhance the professional composition of the Advisory Committee on Arts Development and its function as a think tank;
- (c) formulate a checklist with culture and arts as the core to assist various government departments in giving more attention and consideration to the needs of local culture and arts in the process of policy evaluation and project implementation;

Resources allocation and market development —

- (d) increase participation and investment in culture and arts by requiring the Government and major public bodies to spend 1% of the construction expenses of their public works projects on public arts;
- (e) provide major performing arts groups with venues that suit their needs and financial support, so as to foster their sustainable and healthy development and drive the upgrading of Hong Kong's overall cultural level;
- (f) assist in building a vibrant cultural and arts market, and allocate resources to train talents of the relevant industries, and attract more people to participate in the relevant intermediary industries and professional services;

- (g) enhance support for young art workers, so as to encourage more young people to join cultural and artistic industries;
- (h) promote arts popularization, with a view to enlarging Hong Kong's arts appreciation population;

Facility and space enhancement —

- (i) establish regional cultural and arts resources centres in various districts, so as to more effectively foster the promotion and education on traditional folklores, festivals and customs in the districts, encourage the development of budding arts talents and provide room for community activities;
- (j) through various policies, encourage private developers to provide cultural and arts facilities, and flexibly utilize the existing district resources for increasing the number of cultural and arts venues, so as to progressively form a cultural ambience in society;
- (k) open more public space to street performers, so as to enable performing arts to enrich streets in Hong Kong, and relax the existing legislation on street performances, so as to encourage public arts to enter the communities;

Promotion of public arts education —

- (l) promote public arts education, and intensify public education and promotion, so as to reacquaint people with arts and culture as well as their professional nature and status;
- (m) station in each secondary school and primary school a sufficient number of professionally trained teachers, and provide ample teaching facilities and room, so as to facilitate the full-scale, universal and professional conduct of arts education;
- (n) establish a close partnership among the WKCDA, arts organizations and The Hong Kong Academy for Performing Arts, so as to bring in professional perspectives to assist in the

development of the WKCD and promote culture and arts education, and to strengthen the professional development of local arts and culture in the WKCD;

- (o) develop the WKCD into an international cultural district with Asian, Chinese and Western cultural features;

Provision of an information and exchanges platform —

- (p) establish a systematic and free public cultural channel, including a public television channel and an arts web, so as to enable the arts sector to conduct publicity and exchanges; and
- (q) through the Broadcasting Authority, encourage free television channels to provide daily newscasts on cultural affairs."

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

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

I will call upon Mr LEE Wing-tat to speak first, to be followed by Dr PAN Pey-chyou and Miss Tanya CHAN respectively; but no amendments are to be moved at this stage.

MR LEE WING-TAT (in Cantonese): President, I am glad to have the opportunity to revisit the subject of Hong Kong's arts and cultural development. I recall that when we debated the relevant subject in the last one or two years, we had put forth some suggestions, but the Government had not given them much consideration. Although Mr LAU Kong-wah proposes this motion today, he has not mentioned any of those suggestions, one of which is about the policy on funding arts and culture. The policy on funding arts and culture has already been formulated in a number of overseas territories with more mature

development. For example, in New York, a certain percentage is imposed in respect of construction projects, such that 1% of the construction costs of all government-funded capital works projects is divested to encourage local arts and cultural creation. So far, about US\$20 million to US\$30 million have been spent by New York in the United States, and about 200 to 300 young artists have been identified to stage performances and set up installation arts in various spaces and government buildings in New York. The advantage of this policy is that a stable income source is provided for arts and culture development. Such a policy has been introduced in many cities with mature development, such as New York, London and Paris. Even Taipei has started to adopt a similar practice. However, the Hong Kong Government has yet to provide any concrete response in this regard. I hope when the Secretary replies later, he can tell us whether the Government will consider adopting this practice. That is the first point I want to raise.

The second point is about software and training in arts development in Hong Kong. I have raised this point time and again on various occasions. Last time, President, two weeks ago at the meeting of the Subcommittee on the West Kowloon Cultural District Project, many friends attending the meeting also brought up this point again, stating their concern about the adequacy of software development. At that time, I said that this problem had been brought up time and again. We had to tackle the problem from several major areas through in-depth discussions. President, actually, the problem is only related to several areas, with the first being basic education.

So far, I am still quite doubtful about the information provided by the Education Bureau. According to the information provided by the Administration, primary students spend 10% to 15% of their time on arts education and training. However, my personal experience tells me otherwise. Here is an example I often quote: Young people will spend \$200 to \$300 for a concert ticket of pop singers — I am not saying that there is anything wrong; it is alright to do so — but not many young people are willing to spend several tens of dollars for a ticket to attend a more serious exhibition or drama performance as mentioned by Mr LAU Kong-wah. There are indeed relatively fewer young people who are interested in such activities. However, the Education Bureau is now saying, by way of meeting its target, that every primary or junior secondary student spends 10% to 15% of his time on arts education. The figure is certainly impressive, but I am doubtful about its accuracy.

That is because if arts and culture are really embraced by the students as part of their lives, the following situation should never have happened. What is the situation? Parents in Hong Kong are most keen to arrange piano lessons for their children. I think Hong Kong must rank first among the world in terms of the percentage of children learning to play the piano. However, if you ask the parents, given that their children have learnt to play the piano, whether their children have ever spent \$50 on their own initiative when they grow up to buy a ticket for of course, a ticket of LANG Lang's performance costs more than \$50, but there are also many local pianists and a ticket for attending a performance in the City Hall costs just about \$100 on average Given that the children have achieved Grade 7 or Grade 8 piano qualification, would they be interested to spend \$100 on a piano performance when they grow up? President, not many young people will do something like that. While there are seemingly many people learning to play the piano in the community, why is it that piano playing has not been become their favourite hobby or a cultural activity? It just becomes I am not sure whether parents only want to build a so-called "unauthorized" cultural sense in their young children — I think this is an apt term, there are many unauthorized building structures now — something that are added on artificially. When the children are small, they attend piano, ballet or drama classes, or join a playgroup. But when they grow up, they give up everything because they have not developed any real interest in these activities.

Therefore, President, I think the software of these arts and cultural activities has yet to become mature. The numbers may look good. I agree very much with the point just mentioned by Mr LAU Kong-wah that numbers do not mean anything. I once saw the movie "Moonstruck" starred by Nicolas CAGE. In the movie, an Italian bread-baker invited his girlfriend to see an opera on a date. Of course, I am not singing praises for Western societies where even bread-bakers would go to the opera. However, Hong Kong may lack such cultural ambience. A person may invite his girlfriend to sing karaoke or enjoy an elegant candle-lit dinner. While the Deputy Secretary may tell me how much has been done by the Government, I cannot feel anything in real life. That is very clear.

Besides, I hope to draw the Deputy Secretary's attention to the fact that through the many contacts we made in the context of the Subcommittee, we come to know that training for cultural administration staff is not going smoothly because in the past, most of the cultural administration staff in Hong Kong were

working under the Leisure and Cultural Services Department (LCSD) and tasked with the management of cultural venues of government organizations such as museums, auditoriums, libraries, and so on. Such people are seldom employed in private organizations. As such, there is a gap in manpower supply. Hence, if we do not have any training programmes to nurture such talents, we will have a problem of manpower shortage.

I note that Macao has done a good job in this regard — they outdo us not only in respect of "handing out money". In Macao, subsidies are provided to the staff of arts groups to undertake certificate programmes on arts administration so that they can undertake middle-management duties. If that is what we want to achieve, we should take actions now because I think we do not have adequate administration talents in this respect. Many arts groups had relayed their plight to us, and they considered that more should be done by the Government. When attending meetings of the Legislative Council, many arts groups opined that the Government did not think people who engaged in arts had a living to make. Hence, the remuneration of staff of arts groups is particularly low — or just like the case of Members' assistants whose remuneration is also particularly low — people with ideals are being exploited; people who engage in arts are being exploited. Some arts groups have previously received a letter, saying that they could determine the salary of their staff according to the salary scale of the LCSD. They were very angry after reading the letter because with the meagre financial support provided by the Government, how could they determine the salary of management staff of arts groups according to the salary scale of the LCSD? That was impossible except if the block grant provided to the arts groups was increased. I think the Government must consider this question. The Government should not ask these persons to participate in arts development as voluntary workers forever.

President, finally, I want to talk about the promotion of street performing arts. It is an issue I often advocate in recent years. The Deputy Secretary will no doubt tell us that promotion efforts have been made by the Administration — the Deputy Secretary is also smiling — in various districts such as Sha Tin, Kwai Tsing and Tuen Mun. But those are not actually street performances with public participation. The Administration has merely designated the open space adjacent to the city halls as a performance zone. Staff members of the city halls are then instructed to accept occasionally applications from members of the

public for staging performances in the open space on Saturday evenings. That is by no means adequate. While I am aware that the Deputy Secretary is reviewing the situation — I have to commend you because you are undertaking the relevant initiatives — I urge you to adopt a bolder attitude. The Administration should not evict performers when they are staging arts performances in public places. While scenes of evicting people are rarely seen now, the Administration had previously evicted persons who were just painting. Is that ridiculous?

Street performance is prohibited in many streets of Hong Kong, even at the "pedestrianized streets". Applications are required for staging street performances. As an ambience cannot be formed in the community, budding young local artists are actually prevented from staging performances in those places. While I accept that control should be exercised by the Administration, it should adopt an open attitude and policy in this regard. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, regarding the subject under discussion today, being a member of the labour union, I am in fact concerned about two issues. First, how many good jobs can be created for wage earners in Hong Kong if it is built into a regional cultural hub? Second, when a quality cultural industry is eventually established in Hong Kong, what kinds of benefits can be shared by wage earners or the citizens of Hong Kong?

First of all, in building Hong Kong into a regional cultural hub, we have both disadvantages and advantages. Undoubtedly, Hong Kong is a small place, lacking in natural resources and with a small population of just 7 million residents ordinarily living in the territory. However, if we put Hong Kong in the big picture, we can see that Hong Kong is in fact situated in a unique location — the centre of several major cultural planes. Of course, Hong Kong, being a part of Mainland China, has its roots in Chinese civilization. To our south, there are many colourful South East Asian countries; while to our north, there are the Japanese and Korean cultures. Across the Pacific Ocean, there is the western civilization of the United States and the Oceania. Hong Kong is situated in the intersection of these major cultural planes. From a historical point of view, Hong Kong is always a place where East meets West. History has made Hong Kong a place where western civilization touches oriental culture to create impact and integration that eventually breeds its unique cross-cultural characteristics.

As a matter of fact, one can say that Hong Kong is the one place across the Chinese territory under the most influence of western civilization. In this small place, the substantial flow of people comes from all over the world. According to the statistics from the Hong Kong Tourism Board for 2010, Hong Kong has received 36 million visitors last year, with about 70% coming from Mainland China and Taiwan, 10% from South and South East Asian countries and the rest from America, Europe, North Asia and the Oceania (each made up about 5%). It is clear that many visitors come to Hong Kong from all around the world. These high-spending visitors have both the money and time to spend in Hong Kong. Statistically, we can see that last year, 56% of the visitors had stayed overnight. On average, these overnight visitors stayed 3.6 nights in Hong Kong. Moreover, the length of stay of in-bound visitors is becoming longer. On average, they spent about \$6,700 in Hong Kong. But if we examine the spending pattern of these visitors carefully, we should indeed feel worried. It turns out that 70% of their money was spent on shopping. The percentage is even more frightening for same-day visitors, as more than 90% of their money was spent on shopping. What attractions, other than shopping, can Hong Kong offer to our visitors? We are gravely concerned about this situation. If Hong Kong ceases to be a shoppers' paradise one day, these visitors will not come again. Hence, we must offer more attractions to the visitors so that they will keep coming back to Hong Kong and stay longer. That is how we must look at the matter from a practical point of view.

Let us turn to our cultural facilities. At present, there are 18 cultural facilities, 36 cultural venues and five exhibition venues/museums. These facilities are in fact inadequate, and frankly speaking, quite localized. Seemingly, cultural events in Hong Kong — for which admiration has been expressed by Mr LAU Kong-wah — are aimed at satisfying local audiences, rather than attracting overseas visitors. What is the proof? According to the statistics of last year, only 3% of our over-night visitors have attended these programmes or visited the venues. As for visitors from the Mainland (that is, our biggest source of in-bound visitors), only 1% have visited those venues. Hence, it is clear that they do not find these activities/venues attractive.

Separately, in terms of cultural software, it goes without saying that we have yet to meet a reasonable standard. However, given our unique cultural atmosphere and substantial flow of people, we enjoy enormous advantages in developing Hong Kong's cultural industry. Given the hinterland support

provided by the huge population in the Pearl River Delta Region, Hong Kong can benefit from the substantial flow of people. Hong Kong people are good at doing business. Just like business operations, business comes when there are people. The only worry is whether the people will keep coming. Hence, I think positive actions must be taken to promote our cultural industry because it will not only help elevate our own cultural standard, but also result in positive knock-on effect in many areas, such as tourism and accommodation, catering and transport industries, as well as the creation of a large number of employment opportunities. Hence, from a labour point of view, we very much support the development of cultural industry and we will strive to promote its development.

However, the development of cultural industry requires a firm buttress locally. In fact, an industry can only thrive with local participation. Only a cultural industry with vitality locally can drive innovation, creativity and sustainable development. If the products are not even embraced by the local population, how can we say they are good products? Hence, the sustainable development of cultural industry can only be achieved with participation across a wide spectrum of Hong Kong citizens. However, the participation rate of cultural activities in Hong Kong is indeed not high. We can identify the reasons from the statistics. Why is that so? Money can be one reason, but I do not think this is the major reason. I think the most important reason is that we do not have the time. Students spend too much time on studying, and grown-ups on working. According to the statistics in 2009, more than 20% of employees in Hong Kong worked over 10 hours each day. If they must work more than 10 hours a day, and the rest of their time is spent on sleeping, bathing and eating, how much time is left for other activities? Honestly, even if they are invited to the opera, they would say they are too tired. Sadly, this is the reality.

If we want wage earners or citizens of Hong Kong to participate in cultural activities, the problem of excessively long working hours must be resolved. How? At present, the labour sector is actively holding discussions on standard working hours. Nonetheless, I believe that in order to proceed with the legislation for standard working hours, there must be widespread discussion in the community so as to forge a consensus. It is not something to be achieved right away, even though we do agree, after deliberation, that the implementation of standard working hours can help resolve the problem. However, at the same time, we consider that we should concurrently promote a new occupational culture.

In fact, the Hong Kong Clerical and Professional Employees General Union of the Hong Kong Federation of Trade Unions and other labour unions have been promoting this culture in recent years. I recall that Mr Paul CHAN has also mentioned an occupational culture campaign in this Council. This campaign is about employers and employees entering into an agreement or establishing a consensus to improve the working condition of wage earners and enhance their efficiency. Wage earners can then have more time to manage other aspects of their life. In other words, it is about achieving work-life balance to enable wage earners to have more free time to manage other aspects of their life, such as personal well-being, further studies, and so on. They can also have more time to improve personal disposition, as well as develop hobbies and good taste.

Hence, President, my personal experience is that when we travel overseas, we always visit museums or art galleries. We sometimes go to the opera or musicals. In the United Kingdom, some long-running musicals can run for several years in a row.

I hope that some day, visitors to Hong Kong can go back to their home countries and tell their family members that, "We have visited Hong Kong for a few days. During our stay, we enjoyed a lot of good food, bought a lot of quality things at bargain prices, and we went to a lot of wonderful and spectacular cultural programmes. That is fantastic!"

I so submit.

MISS TANYA CHAN (in Cantonese): President, I will first state the stance of the Civic Party on the motion proposed by Mr LAU Kong-wah. We support the original motion proposed by Mr LAU Kong-wah, as well as the amendments proposed by other Members. I will not speak on those areas mentioned by other Honourable colleagues just now. I very much support their views.

Regarding my amendment, I want to share with you my views. First, if Members have noticed, my amendment particularly mentions the need to review the role, functions and composition of the Hong Kong Arts Development Council (ADC), and to bring in more members with professional background.

The ADC has been established for a long time. I have taken the opportunity to review the legislation governing the ADC and its history. The ADC is now a statutory body, but when it was established in 1994, it was a non-statutory body, and it became a statutory body in 1995. If we review the scrutiny process as well as Second Reading of the relevant Bill at that time, and compare it with the current legislation, we will find its background very interesting. One aspect is relevant to the amendments proposed by me and Mr LEE Wing-tat today, namely the demand for introducing democratic elements to the ADC. Upon review of the Hansard of the former Legislative Council then, I note the request made by many Honourable Members that direct elections be held for ADC members. But the then Government threatened to withdraw the entire Bill if Members insisted on direct election for the ADC. Hence, a compromise was reached, and the ADC was formed as it is now — of course, the number of arts interests then was not as many as that of today because some arts interests have been added subsequently. Notwithstanding, I notice that throughout the 10-odd years' of history of the ADC, little has been changed about its organization. We hope that the ADC, as a statutory organization, can introduce a more democratic mechanism so that it can perform greater functions and be more representational.

Regarding the nomination system of arts interests representatives, the matter has been discussed thoroughly at the meeting of the Panel on Home Affairs held in March this year. In particular, we hope the Government can study the issue of "blank votes". If my memory serves me right, an undertaking has been given by the Government to keep in view the casting of many blank votes, particularly in the arts interest of arts administration where blank votes outnumber the total number of votes cast. I hope we can pay more attention to this situation.

Let us turn to the requirement under the existing legislation. The functions and powers of the ADC are stipulated in sections 4 and 5 of the Hong Kong Arts Development Council Ordinance respectively. Regarding the functions of the ADC, President, we can say that its functions are quite extensive. As I quote, one relevant provision stipulates that the ADC is tasked "to plan, promote and support the broad development of the arts, including the literary, performing, visual and film arts, and to develop and improve the participation and education in and the knowledge, practice, appreciation, accessibility and informed criticism of the arts, with a view to improving the quality of life of the whole

community". President, I will stop quoting because the scope specified in this provision is already wide enough. Then we ask ourselves whether the ADC has already performed all its functions now? What has really happened? Its functions should be extensive and far-reaching. But seemingly, the six committees of the ADC have not been involved in all aspects of its functions as mentioned. Does it need improvements in this regard? As such, I propose to amend the motion moved by Mr LAU Kong-wah by adding point (d) which seeks to improve the structure and organization of the ADC, bring in more members with professional culture and arts background, and review the selection system. I hope the Government will pay more attention in this regard.

Notwithstanding the extensive scope of the ADC's functions, so little have been done. Let us now turn to the Advisory Committee on Arts Development (ACAD), which reminds me of a Cantonese slang, "a maid is more important than her mistress". Why do I say so? President, the ACAD was established last year. But strangely, it was mentioned in the relevant press release that the ACAD was formed by merging two former committees, yet the paper submitted to the Legislative Council talked about three committees. I will just accept that the ACAD was formed by merging two former committees (namely, the Committee on Performing Arts and the Funding Committee for the Performing Arts). According to the Government, the merger is intended to rationalize the functions of these committees.

Why do I say that it is a case of "a maid being more important than her mistress"? First, unlike the ADC, the ACAD is not a statutory organization; second, all its members are appointed by the Secretary for Home Affairs. Moreover, the ACAD is responsible for managing two funds. President, extensive powers are held by the ACAD. What funds are managed by the ACAD? They are the arts portion of the Arts and Sport Development Fund (ASDF) and the Arts Development Fund — I have not mixed up the information, there are indeed two funds. These two funds managed by the ACAD have a close relationship with the ADC. If Members still recall, an audit report on the ADC was prepared by the Audit Commission in 2009. Information at that time showed that in 2007-2008, 20% of the ADC's income came from the arts portion of the ASDF. That funding source accounted for 20% of the ADC's income. While the ADC is a statutory body vested with certain powers and regulated by law, it turns out that the ACAD, being an advisory body comprised of appointed members, is vested with more powers than the ADC, even covering the funds for

the ADC's expenditure. The terms of reference of the ACAD consist of five items, namely to advise the Secretary for Home Affairs on the use of funds, the formulation of themes and priorities for inviting arts and cultural proposals, and the promotion of arts. That is why we hope the ACAD can bring in more professionals. I still recall the undertaking given by the Administration that in future, members of the West Kowloon Cultural District Authority would be appointed to the ACAD. I hope the Administration can give us an explanation later on.

Separately, I want to tell the Deputy Secretary that when I tried to look up information about the ACAD, I found the search quite inconvenient. Only basic information about the ACAD is provided on the Internet. I of course hope that the Administration can make public more information about the ACAD including its meetings, papers, and so on. I learn from information set out in the paper submitted to the Panel on Home Affairs that four Sub-committees have been formed under the ACAD. But we can only find information about one Sub-committee, but not the other three. I hope the Administration can, if possible, build an independent website for the ACAD so as to increase its transparency and enhance public understanding.

Regarding another amendment I propose, it specifically raises an issue of general concern about whether there are sufficient arts teachers to teach the children? We always talk about the concept of "train the trainer". We hope to bring in more teachers well-versed with arts to schools such that arts and culture can go into schools. In turn, arts and culture can go into the community through schools.

Last Thursday, I attended a programme of the Hong Kong School Drama Festival 2010-2011 with performances by secondary and primary students. However, a terrible thing happened that night. This long-established Drama Festival is sponsored by the Education Bureau and the programme that night should have gone on smoothly. But at one minute past nine o'clock, a strange thing happened. When the children were still on the stage performing — President, they were all primary students — when the curtain was still up and the children both in front and behind the scene were running round on the stage, the lights on stage suddenly went out. Yet the children were very professional and they went on reading their lines. Then the curtain went down suddenly and I saw some stage crews pull away two children between the gaps of the curtain.

All parents and audiences, including myself, did not know what had happened and why the performance would end in such a way? We were extremely puzzled as nobody came out to take the curtain call and bow, not even an announcement was made. Then the main lights were switched on, seemingly to beckon the audience to leave. We only found out afterwards that the programme was curtailed because the performance staged by that particular primary school had overrun. Buddy, if you go to a concert of Andy LAU Tak-wah — not a concert of Mr LAU Kong-wah — the show will not be curtailed even if it has overrun. How can they treat primary students who are not professional performers this way? I know the Education Bureau will deal with this matter seriously. I hope they can account for the matter to the children and their parents. It hurt me most when I saw the children crying in the stairs. This incident will create grave negative impact on them. I hope the Administration will give an explanation expeditiously.

My suggestion of establishing an artwork resources platform is primarily intended to give young artists the opportunity to conduct more thorough exchanges. It is also my hope that our artworks will be given due respect by the Government. I so submit.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I thank Mr LAU for his concern about cultural development in Hong Kong and raise this motion debate today on "Hong Kong as a sustainable regional cultural hub". I also agree with the view that culture is indeed an important element in a society's overall competitiveness. I also thank Mr LEE, Dr PAN and Miss CHAN for their amendments to the motion.

Being a place with cultural diversity, Hong Kong embodies the best of both Chinese and Western cultures. As the department responsible for local cultural affairs, we have on various occasions explained to Members the cultural policy of Hong Kong in detail. Briefly, our cultural policy comprises several major elements as follows:

- (a) respect and encourage freedom of creation and artistic expression;
- (b) encourage diversified and balanced arts development including all arts fields, and promote artistic innovation;

- (c) provide opportunities for wider participation in the arts, and enhance arts appreciation in the community as a whole; and
- (d) provide a supportive environment for artistic creation in terms of venues, funding, education and administration.

The above policy is in line with the core values of Hong Kong as a free, diversified and open society. As a facilitator, the Government has strived to safeguard arts and cultural creation as well as the freedom of expression, and create an environment conducive to the development of arts and culture. Under this policy direction, our arts development strategy involves the provision of hardware and space, as well as the upgrading of software development.

In terms of hardware (and excluding venues operated by non-government organizations), there are now 15 performance venues of different scales and 14 museums all over the territory under the management of the Leisure and Cultural Services Department (LCSD). We are now in the process of converting Yaumatei Theatre and Red Brick Building into a Cantonese Opera Centre and constructing an annex building at the Ko Shan Theatre. In addition to performance venues managed by the LCSD, different types of performing arts venues are also provided by various organizations such as The Hong Kong Academy for Performing Arts (APA), the Hong Kong Arts Centre, the Hong Kong Fringe Club and the Jockey Club Creative Arts Centre. Moreover, the Government has provided a one-off endowment of \$21.6 billion to the West Kowloon Cultural District Authority (WKCD) for the development of the West Kowloon Cultural District (WKCD). This is the Government's important strategic investment to tie in with the long-term need of the arts and cultural sector. The WKCD will become a world renowned integrated district of arts and culture, a cultural hub for attracting and nurturing talents, as well as a cultural gateway to the Pearl River Delta.

In the meantime, great efforts have been made by the Government to promote the development of cultural software. In the 2010-2011 financial year, the Government's expenditure in arts and culture exceeds \$2.82 billion (around 1% of the Government's total expenditure), which excludes non-recurrent expenditure such as the capital cost for the construction of venues. The Government and its collaborators are strengthening Hong Kong's cultural software through a multi-pronged approach involving arts programme

development, manpower training, promotion of arts education, audience building and cultural exchanges. During the period between 2010-2011 and 2014-2015, we have reserved an additional provision exceeding \$486 million in recurrent expenditure to strengthen support for local cultural software development and manpower training by implementing a series of measures geared towards the above development strategy. Specific measures include:

- (a) launching training programme for arts administrators to provide more internship and training opportunities for people engaging in arts administration;
- (b) increasing financial support to local major performing arts groups on top of their regular subvention to assist the groups in organizing audience building and educational outreach programmes at schools and the community, and in brand building through advancing cultural exchanges;
- (c) supporting students to participate in cultural and arts activities and stepping up the promotion of public art, organizing more popular arts and cultural activities to further bring arts to the community;
- (d) providing additional resources to the Hong Kong Arts Festival for programme enrichment, supporting the production by local arts groups and artists as well as their exchanges with world-renowned performers; and
- (e) providing additional funding to various Cantonese Opera preservation, promotion and development projects and supporting budding Cantonese Opera talents.

Moreover, in July last year, we have injected \$1.5 billion into the arts portion of the Arts and Sport Development Fund. With the annual investment returns and through the newly-established Arts Capacity Development Funding Scheme (ACDFS), support can be provided to local artistic talents who meet the four major objectives of arts development (namely, contents development, audience building, arts education and capacity development). Concurrently, through the grant schemes administered by the Hong Kong Arts Development Council (ADC), support can be provided to small to medium sized arts groups as

well as budding artists. Therefore, resources are provided to the ADC and the Advisory Committee on Arts Development (ACAD) separately. Through these two organizations, we can enhance the overall support provided for local arts practitioners so that our cultural and arts team can become stronger. In respect of participation of the business sector, we indeed see growing support from the businesses for culture and the arts in the past few years. Some organizations have even established internal curatorial teams to organize exhibitions in their own venues or invited local artists for collaboration in their regular sales and publicity campaigns. The ACAD also has plans to further promote and encourage the participation of the business sector in arts development through the mechanism of matching grants so that local arts development can benefit from multi-faceted and comprehensive support.

Under the existing framework of the Government, the Home Affairs Bureau is the Policy Bureau responsible for co-ordinating matters in relation to cultural affairs. During the process of formulating and implementing arts and cultural policies, the Home Affairs Bureau will co-ordinate with the relevant Policy Bureaux and departments, and maintain close contacts with arts and cultural groups so that we can jointly promote the development of arts and culture in Hong Kong. We have also maintained close partnership with the ADC, the WKCDA and the APA. When attending meetings of these statutory bodies in the arts sector, we will advise on matters relating to policy issues. The ACAD established by the Government will advise the Home Affairs Bureau on matters relating to the subvention of the major performing arts groups, arts education, promotion on arts and cultural exchanges, as well as the ACDFS. Furthermore, we will hold regular meetings with the major performing arts groups so as to understand their latest situation and review their needs. The Home Affairs Bureau has a comprehensive overview on the cultural policy of Hong Kong. We will maintain continuous communication with all collaborators and stakeholders so that we can jointly cultivate the cultural soil of Hong Kong, preserve the Chinese heritage and promote the development of arts and culture in Hong Kong.

Regarding other specific views put forth by Members, I will give a consolidated response later after listening to the speeches of Members.

Thank you, President.

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

MR JEFFREY LAM (in Cantonese): President, I would like to declare that I am a board member of the West Kowloon Cultural District Authority (WKCDA).

The development of the West Kowloon Cultural District (WKCD) has always been the concern of this Council and the public. Within the current session, this is already the second time that we have a motion debate about the hardware and software facilities of the WKCD and its future development. This precisely reflects that this Council and the general public are highly concerned about the development of the WKCD, hoping that the Government can draw on collective wisdom in respect of the construction, with a view to creating a culture centre that belongs to Hong Kong people, has a strong Hong Kong flavour and integrates with international culture and art.

During the debate on the motion on "Territory-wide participation in building the West Kowloon Cultural District" in November last year, the wordings of the motion and the remarks made by Honourable colleagues covered extensive areas such as the WKCD being a hardware facility, the development package, the surrounding environment and cultural policies. I believe the authorities concerned have carefully listened to and considered Members' views.

The motion debate proposed by Mr LAU Kong-wah today focuses on discussing how we can seize the opportunity presented by the WKCD to upgrade people's cultural qualities and artistic tastes, and to establish Hong Kong's cultural edge and status. For this reason, I think this motion, which focuses on discussing our long-term cultural policies and software support, should be given due attention by the Government and the WKCDA.

President, in the preceding phase, the City Park designed by Norman FOSTER was the most preferred Conceptual Plan Option, and I believe that the Phase III public consultations will be launched this summer. Even though there is some time before the completion of the WKCD hardware facilities, "before the troops move, fodder and provisions go first". As the preparation and construction of hardware facilities would take some time, we should make better use of this period of time to get fodder and provisions ready. We should

enhance Hong Kong's cultural development, upgrade people's cultural qualities as well as artistic tastes, so as to create an artistic ambience. To form a cultural ambience, the energy, resource and strength required of the Government will not be less than that required for hardware construction, and the Government must have perseverance.

For Hong Kong to become a sustainable regional cultural hub, as mentioned in the original motion, the essential points include perfection of framework and policies, resources allocation and market development, facility and space enhancement, promotion of public arts education and provision of an information and exchanges platform. Besides being responsible for the construction of the WKCD hardware facilities, the WKCD also aims at developing cultural software, which includes promoting the development of Hong Kong into an international arts and cultural metropolis in the long run, enhancing and promoting arts and cultural excellence and innovation, identifying and cultivating local arts talents, encouraging community participation in arts and cultural activities, and so on. These objectives represent the duties of and important challenges for the Government and the WKCD.

President, apart from the four major factors including policies, resources, training and exchanges, I would like to add that, the software construction for the WKCD should be centred upon the East-meets-West feature of Hong Kong so as to embody the spirit of Hong Kong. I believe many Hong Kong people hope to find in the WKCD their personal identity and home-like feelings.

President, Hong Kong has unique characteristics that other places in the world do not have. The path of our development from a small fishing village into an international financial centre is also rare in the world. Hong Kong today contains the hard work of several generations of people and this hard-won achievement is worthy of our record and of preservation in the WKCD; we should also pass this spirit onto the world and our future generations.

President, for example, my father ran a toys business and he produced very simple plastic toys and cars in the past. However, the situation is completely different today. My son and I are still running the business but the toys produced included quite a lot of electronic and new technologies, in keeping with the times. Nevertheless, many simple but classic toys such as GI JOE, Barbie

and transformers are still very popular with adults and children. I frequently buy new toys for this helps me cherish the past memory and find out more about new stuff that children like nowadays, it also helps narrow the generation gap. Classic toys are well liked by the young and old generation, because they represent the common memories of a generation and are the cultural symbols of a generation.

Given the very fast pace of the times, various industries and sectors including the toys industry have to carry on the past and open a way for the future, as well as to find new approaches on the basis of old theories; yet, we must record the history and characteristics of Hong Kong. For the sake of inheritance, we should seize the opportunity of the WKCD being planned and prepared, for instance, to establish a toys museum or various other museums, so that these feelings can be continued into the next generation. Similarly, the Legislative Council will soon be relocated; I believe that we have had many happy or contentious moments here that we would like to be recorded. Hence, the establishment of a Legislative Council museum in the WKCD may also be considered.

President, I so submit.

MR WONG KWOK-HING (in Cantonese): President, I would like to speak on three points, that is, points (h), (p) and (s) in Dr PAN Pey-chyou's amendment.

First of all, I would like to express my views on promoting arts popularization and making ticket prices affordable to the ordinary people. President, there is recently a report about CAI Hongping, a vendor selling vegetables in a market in Shanghai; some people call her Sweet Mom CAI, who became famous overnight after she sang a song adapted from a classic Italian opera "Nessun Dorma", which means "none shall sleep tonight". This report reminds me that the essence of arts and culture comes from people and life; it transcends life and should serve the people.

Arts and culture should not merely become social activities for the upper class, or public relations activities sponsored by enterprises or commercial organizations, or leisure activities exclusively for the rich or upper class who can afford them. In particular, with aggravating wealth gap and widening

differences between the standards of living in urban centres and remote new towns, should we reflect on why we cannot make ticket prices affordable to the ordinary people so as to promote arts popularization in Hong Kong? For some residents in remote new towns, they have never been to Central and Wan Chai; are culture and arts just too high for them to reach?

President, with regard to the Annual Arts Survey Report 2008/09 released by the Hong Kong Arts Development Council in March this year, I would like to discuss two features. First, there are problems of impoverishment and polarization in respect of arts popularization. In the year 2008-2009, a total of 6 866 performances were staged for a total of 3 742 programmes; among them, around 30%, that is, 1 848 performances were free, drawing a total of 3 123 000 attendances. Calculating on the basis of 7 million people in Hong Kong, the average attendance per person is only 0.45, meaning that each person in Hong Kong attends these arts and culture programmes less than once. However, this statistics has not shown the attendance rate of people who can afford to pay. Based on this statistics, it can be said that many arts and culture programmes, especially those performed by the most distinguished artists, will make life even better for those living in well-off areas; whereas for residents in impoverished areas, they hardly get any care and attention. Should the Government and the community ponder over this phenomenon?

Second, the expensive ticket prices will shut ordinary people out. As stated in the Report, more than 60% of 4 524 paid performances were sponsored by public funds. There were programmes sponsored by public funds and by other funding sources. Let us look at the pricing of the tickets. For performances sponsored by public funds, 43% of the tickets are priced at less than \$140, and 18.4% at more than \$280. For performances sponsored by other funding sources, 29.4% of the tickets are priced at less than \$140, and 39.1% at more than \$280.

From the above figures, we can see that for performances sponsored by public funds and by other funding source, only around 30% to 40% of the tickets are priced at less than \$140, accounting for less than a half of the total number of tickets. President, spending \$140 on a performance is actually rather costly, and it is even unaffordable to the working class and households whose incomes fall below the median income.

Taking the annual Hong Kong Arts Festival as an example, among some 40 programmes in 2011, apart from an installation art exhibition charging \$20 per head, the highest price for an adult ticket for other opera, dance, music and drama performance is \$1,380; for the grassroots, they would never dream of watching a show because they only make a few thousand dollars a month, and the cheapest ticket is priced at \$120. President, ticket price is a major consideration major of the general public in considering attendance, thus expensive ticket prices will hinder the general public from participating in cultural and arts activities. Should the Government reflect on this point?

I would also like to talk about strengthening cultural and arts exchanges with the Mainland and the international community. According to the statistics in the year 2008-2009, there were 3 461 local productions, accounting for 92.7% of the total number; 261 visiting productions, accounting for only 7%; and 11 mixed productions, accounting for only 0.3%. The very low percentage of visiting productions of the total number of programmes offered the public little opportunity to attend performances by foreign arts groups. Should the Government also give some thoughts to this situation?

Lastly, I think that the Government should promote the joint participation of the arts sector in the formulation of a five-year plan. President, in August 1996, the former Urban Council announced its five-year plan for cultural development. I was one of the members of the cultural committee of the former Urban Council responsible for the formulation of the five-year plan. Regrettably, no efforts were made in this area after the dissolution of the two municipal councils.

I hope Honourable colleagues and the Government would stop and think, is the development of culture in the WKCD tantamount to a cultural policy of Hong Kong? Can the culture in the WKCD completely replace local culture? Certainly it cannot. Why then in the past 11 years, the Government has failed to summarize, review, plan forward, identify a direction, make plans, bring various sectors together to create and develop? Why has it completely abandoned the arts sector, not allowing them to participate in the work? I trust that the Government must formulate a five-year plan once every five years to promote the development of arts and culture.

DR PRISCILLA LEUNG (in Cantonese): President, when I moved a motion on "Territory-wide participation in building the West Kowloon Cultural District" in November last year, I expressed in detail what I expected of the West Kowloon Cultural District (WKCD). Half a year later, the West Kowloon Cultural District Authority (WKCDA) had undergone major personnel changes, turning the WKCD into a "Bermuda Mystery". The reasons why Graham SHEFFIELD resigned is still an irony for Hong Kong and the WKCDA. I still think that the WKCDA has unshirkable responsibilities in this incident and it owed Hong Kong people an account.

In 2008, my team and I — more than 20 District Council Members from the Kowloon West New Dynamic, more than 20 professionals, engineers and architects — jointly drafted a planning brief on the WKCD and I submitted the proposal to Secretary TSANG Tak-sing. During the consultation period on the planning of the WKCD, we directly conveyed our views to the Secretary on 1 November 2010, and we raised five main points.

First, can the construction of the WKCD benefit the local economy, professionals and workers? Second, the accessibility of the WKCD is highly important. The residents in "inner districts" such as Sham Shui Po, Tai Kok Tsui and Kowloon City frequently ask: what does the WKCD has to do with us? These residents in the West Kowloon district have frequently asked how the WKCD is relevant to them.

The third point that we made at that time was that the water quality of the Victoria Harbour damaged the image of the WKCD as an international cultural district, which would become a major scandal. Fourthly, national culture and arts education was not popularized. Fifthly, we failed to make good use of our geographical and cultural advantages. In other words, the cultural characteristics of the ethnic minorities as well as local traditional arts and culture were still not manifested in the overall planning.

Owing to the time constraint, I will mainly ask the authorities to seriously address various issues in connection with culture, arts, education and accessibility. The Kowloon West New Dynamic has always been devoted to the promotion of arts education. In our view, the most important element of the WKCD is not just hardware — excellent hardware is certainly a must — we also need software, that is, outstanding performers. More importantly, we must have

sufficient art appreciators and consumers. Just like the case in Taipei, the Eslite Bookstore in Taipei not just sells books, its cultural products are popular among the public and have attracted many consumers. We have just discussed how culture can be commercialized. If we can nurture good appreciators and consumers, the culture and arts chains of the WKCD can really take root and have vitality.

It has been our wish that the WKCD would belong to every citizen. In other words, everyone, disregarding their sex and age, can find his own performing stage in the WKCD. How can one find his own performing stage? How can he go there and how our cultural and arts policy can make full use of the excellent hardware? These are vital factors to be considered.

At present, many residents in Sham Shui Po and Tai Kok Tsui cannot see the harbour. It is hoped that through the landmark WKCD project, residents can have a glimpse of the harbour. I recall that I once told Secretary TSANG Tak-sing that we really wanted to have a boulevard in West Kowloon, so that residents would walk to the harbourfront. If they can walk to the WKCD, they will consider that the WKCD is related to them. Even though they may not afford to enjoy the quality cultural products as mentioned by Mr WONG Kwok-hing, they will regard that arts and culture are related to them.

Moreover, many local artists and arts have been neglected, for example, the traditional shadow play and paper cut, even TSANG Tsou-choi's graffiti (which is now very famous), street performances, and so on. Also, many ethnic minorities have told me that it was very difficult for them to find venues for performance. While local people only have to spend dozens of dollars on a movie, they have to spend more than \$100 to appreciate the arts performance of their country. They have also requested repeatedly that some venues could be provided in the hardware facilities of the WKCD to host the so-called "Bollywood" activities. Apart from broadcasting movies of their country in this venue, they can also enjoy the facilities together with local people.

A more important point is that, the residents in old districts have asked what the WKCD had to do with them. I have discussed this issue with the Secretary many times. We hope that he can, for example, construct a community hall that can accommodate 1 000 people in old districts such as Sham Shui Po, so that residents can spend money in local district. For example, the

elderly can easily go to the community hall to enjoy Chinese opera shows. In addition, the primary and secondary schools in the district no longer need to hold graduation ceremonies in Ngau Chi Wan or Tsuen Wan, as in the present case. Although we requested for the construction of community hall for the residents, the Secretary said that community hall would not be constructed because of the construction of the WKCD. In that case, we have to consider seriously if the WKCD can provide venues for ordinary people and schools to organize activities, as well as for holding performances such as Chinese opera. For this reason, venue design is extremely important.

There is one more point I would like to raise, the WKCD should, in an orderly way, open to street art performers at specific times, so that everybody can find his own performing stage in the WKCD. Members of the public can spend money to enjoy the performances staged in the WKCD or they can participate in the performance staged there. They can also enjoy the fruits of the WKCD together with their family members of all ages.

Thank you, President.

MS STARRY LEE (in Cantonese): President, the Chief Executive stated in the Policy Address 2008-2009 that the Government would like to build Hong Kong into a regional cultural hub. To achieve this objective, even though the West Kowloon Cultural District Authority (WKCDA) is beset with difficulties, the hardware facilities would still be ready very soon. However, we cannot help but ask if our culture software can also be ready to tie in with the hardware facilities? Many Members have just expressed their feelings and views, but the general public still regards Hong Kong as a cultural desert. As we have noticed, the construction of the West Kowloon Cultural District (WKCD) will soon be completed but we are really worried that the culture software would lag behind and could not take off at the same time.

Being anxious, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) started to conduct a study on Hong Kong as a sustainable regional cultural hub more than a year ago. The result of the study reflects the outcome of our discussions with different arts groups and people, and I earnestly hope that the Bureau would consider it carefully. The contents of the motion today have incorporated the results of the study, as well as the views of other arts

groups. Now that the hardware is about to be launched, whether the software can take off together depends on the views of the Secretary and the executive authorities.

Fundamentally, to build Hong Kong into a regional cultural hub, I believe the toughest work is not to accomplish the various tasks listed in the motion today but how to change people's values of arts. Mr LEE Wing-tat has just talked about an observation, and I had also mentioned this point at a meeting of a joint committee on education and culture. In fact, children in Hong Kong start learning about arts in their early age when they attended kindergarten and primary school. The objective is to include these learning experiences in their kindergarten curriculum vitae. Why not pursue with the learning? How come when students go to universities or join the workforce, they do not even have the motivation to watch dramas or participate in cultural activities? This is because the community has not changed its concept regarding the prospect or financial gains of joining the arts profession, and many parents may still have the same idea. If this culture and value remain unchanged, it is indeed difficult for parents to encourage their children to join the culture and arts profession to pursue their interest. It is extremely tough to change values, customs and habits; yet "a thousand-li journey is started by taking the first step", and we must start working even if it is not easy. If the Government does not take the lead and the stakeholders do not participate actively, I believe such value will sustain and the situation will not change upon the completion of the WKCD.

First and foremost, the framework is of vital importance. We understand that presently, the Government does not have a cultural policy. Simply speaking, the objective of not having a policy is to encourage the free development of pluralistic and different culture and arts in Hong Kong. However, without a policy, no prominent local culture can take root or develop into an industry. Having made reference to some cities in various places considered as having very strong cultural deposits, we have found that these places have different structural arrangements. For example, Japan integrates cultural and education policies, with the Ministry of Education concurrently in charge of education, culture and arts while its subordinate Culture Department is specially tasked for work in the literary and artistic fields. The situation in Taiwan is more or less the same as that in Japan while the cultural policy of Korea is integrated with the policies on tourism and information technology. To

put it simply, in these cities which have excelled Hong Kong in terms of cultural work, they regard culture as an important work of a Policy Bureau.

The Home Affairs Bureau is currently in charge of the cultural software policy but it has an extensive scope of work covering district administration, sports, culture and arts and other areas, and culture is just one aspect of work. The position it occupied gives the public a message that the authorities do not attach sufficient importance to culture. Therefore, the first point in the motion urges the Government to explore the establishment of a cultural and education bureau to effectively promote the integration of culture and education. In the final analysis, we all understand that education is the starting point to change values, customs and habits. Apart from the structure, the Government also needs to help promote and create a bigger market for arts to change people's values. The Government must create a stable demand such that those working in the arts sector can have a promising future.

Actually, as I have observed, the most successful culture and arts sector in Hong Kong is the entertainment circle and many people would like to join in. Certainly, some people want to become movie stars for they want to make a lot of money. However, we must not forget that there are different sectors in the entertainment circle apart from being movie stars; for example, there are managers, production companies, advertising agencies, the media and the public relations sector. People in these sectors perform their functions and support their own lives. Yet, these media are not found in other culture markets. How can the Government expand the market in this connection? As Mr LEE Wing-tat has just said, 1% of the construction funds of the public works projects undertaken by the Government and major public institutions should be spent on public arts. This approach is also adopted in other places and I believe that the reason is to create a stable demand for the arts and culture market, as I have just mentioned. Furthermore, I hope that the Government would consider working out a checklist with culture and the arts as the core. Similar to the list previously proposed and prepared by the Women's Commission, the provision of such a list and the 1% funds will enable the sustainable development of our culture and arts market, provided that there is a stable demand.

President, I so submit.

MR TOMMY CHEUNG (in Cantonese): President, in early March, the West Kowloon Cultural District Authority (WKCD) finally decided to adopt the "City Park", designed by Foster+Partners as the master plan for the development of the West Kowloon Cultural District (WKCD). I believe the WKCD will soon announce the newly appointed Chief Executive Officer (CEO), and I hope the new CEO would stay in office for a longer period. Besides ensuring that the WKCD has world-class facilities, the CEO should assist and support the authorities at the policy level to give the WKCD the essence of culture and arts, so that it would not be vague and devoid of substance.

The Policy Bureau in charge of culture and arts plays a crucial role in avoiding the crisis arising from the inconsistent pace of hardware and software development in respect of culture and arts in Hong Kong. Therefore, the Liberal Party supports the direction in the original motion on perfecting the administrative structure, so that the new Policy Bureau can co-ordinate the functions presently scattered among different Policy Bureaux and departments, with a view to pooling resources together to promote vigorously the development of culture and arts.

The original motion proposes to alleviate Secretary TSANG Tak-sing's function of promoting culture and arts by transferring these functions from the Home Affairs Bureau to Secretary Michael SUEN who is in charge of education; this proposal is however a bit worrying. It is because the Education and Manpower Bureau, the predecessor of the Education Bureau, handed over the policy area of manpower to the current Labour and Welfare Bureau in 2007, so as to focus more on education policies. At present, the Education Bureau has heavy commitments, can the Education Bureau also take up the work on cultural policies, will the Bureau thus become overburdened and eventually fail to perform well in areas of education and cultural affairs?

President, to develop the soft power of culture and arts, it is certainly important to rationalize the administrative structure; however, measures to provide cultural and arts professionals with a display platform and increase the opportunities for public access to works of art are also indispensable.

In Singapore and Taiwan, as well as in various places in Europe and the United States, programmes like "Percent for Art" are launched, requiring the Government or public bodies to spend 1% of the total construction expenses of

new or redevelopment projects to fund or install public artwork. These programmes can serve multiple purposes, such as create an artistic ambience for the city as a whole, popularize arts, and create markets and display platforms for the cultural and arts sectors.

However, I think the Government can take one step further. It can provide more incentives, such as tax concessions, awards or relaxation of plot ratio to encourage the business sector to participate in the relevant programmes, so as to join hands in expanding the space for the display of public arts. Similar incentive measures have been implemented in Singapore, Taiwan and Toronto, Canada, the authorities can draw on their practices.

The original motion proposes to provide major arts groups with greater support, we opine that we should try to be impartial and should not overlook the provision of assistance and support to small and medium arts groups. For example, in recent years, the authorities have allocated \$30 million each year for the implementation of the Arts Capacity Development Funding Scheme. As for Springboard Grants, the arts groups have to get a minimum of \$1 million from commercial sponsorship and ticketing revenue before they can get the Government's dollar-to-dollar match. Yet, for small and medium arts groups, the threshold of \$1 million is far too high.

We expect the Government to expand the funding scope of Springboard Grants so that large arts groups which can get external support can have less demand for public funds, thus enabling the authorities to deploy more resources to assist small and medium arts groups; in this way, they can thrive and become major arts groups in the future.

President, for a region to develop into a cultural hub, apart from world-class facilities, arts groups, as well as cultural and arts practitioners, it is also essential to have high quality audience. Therefore, we agree to the proposals in the original motion on promoting arts popularization, promoting public arts education, and enhancing professional training for teachers.

In particular, we hope that the authorities would pay attention to the problems of lacking in consistency in basic arts education. At present, though arts is a compulsory subject in the primary and junior secondary curricula, it is an elective subject in the senior secondary curriculum. Specific issues such as the

allocation of course hours and the forms of activities to be provided are to be decided by individual schools. As a result, take the academic year 2009-2010 as an example, 11% of secondary schools had not scheduled arts classes for Secondary Four students, which inevitably created a gap in arts education. The Culture and Heritage Commission also raised concern in this connection in 2002; I hope the authorities would address the issue and make improvements.

Lastly, regarding the amendments proposed by three Members today, such as deepening the level of structural review, establishing scholarships for arts administration, increasing the space for the display of public arts, conducting studies on offering more post-secondary culture and arts programmes, and strengthening cultural and artistic exchanges, and so on. All these amendments can enrich the original motion and increase the soft power of local culture and arts, the Liberal Party will support them.

President, I so submit.

PROF PATRICK LAU (in Cantonese): President, I am really delighted to find in the original motion and various amendments today that many positive improvements to the software and hardware strategies were proposed, which are essential for the development of Hong Kong into a sustainable regional cultural hub. However, it seems that Honourable colleagues have forgotten an important proposal about hardware projects, that is, the works on the West Kowloon Cultural District (WKCD) should be launched as quickly as possible.

President, we still have to handle a lot of work insofar as hardware projects are concerned. The site has been left vacant for more than 10 years and a few international design competitions have been held for the WKCD project. Members of this Council had also been to Bilbao for a site study. Through our concerted efforts, the Government finally agreed to plan afresh, and decided that the WKCD would not be developed by property developers. This is a very important step.

Frankly speaking, we have conducted several consultations within 10 years or so; sufficient time and opportunities have been provided for members of the public, the cultural sectors and professionals to make suggestions and express their views through various channels such as consultation meetings and

exhibitions. Moreover, I always believe that cultural hardware and software must complement each other in order to be effective. For this reason, we should also make efforts to develop the hardware and software of the WKCD in order to rationalize the arrangements and operation of various facilities as soon as possible.

That being the case, with the announcement by the West Kowloon Cultural District Authority (WKCDA) of the selected conceptual plan as the master plan for developing the WKCD in March this year, I believe it is time for the WKCDA and the Government to act decisively and efficiently to immediately launch a architectural design competition; otherwise, how can the Government commence the construction of various related projects of the WKCD?

Moreover, as pointed out by me and members of the sectors, in order to implement sustainable cultural policies, the authorities must formulate long-term arts and cultural education policies, and continue to make long-term investments. To cultivate one's cultural literacy and sense of art appreciation, the best approach is to provide more opportunities for children to be exposed to different arts and culture since childhood. We should guide them to develop their own talents in the light of their independent thinking and personal preference. Most importantly, the authorities should not force children to enjoy certain arts and cultural programmes for this will leave a bad impression and stifle their creativity.

More important still, the authorities should reform the education programmes (many Honourable colleagues have just spoken on this issue), so that children will not be overburdened with homework and tests; instead, they should be provided with more space and time to refine their temperament. The British philosopher Bertrand RUSSELL said long ago: "to be able to fill leisure intelligently is the last product of civilization".

We should not overlook the significance of a regional cultural hub. For this reason, Hong Kong should cherish its unique history and culture capital, it should capitalize on its advantage of being a place where Chinese and Western cultures blended, and being so closely related to the Mainland, to attract cultural talents from the neighbouring Asian countries or Mainland China to come to Hong Kong for development and exchanges.

For this reason, the Government must implement a set of liberal cultural policies, providing various stakeholders, cultural bodies and education institutions with different incentives, as well as supporting local and foreign cultural talents, thereby achieving bottom-up and top-down interactive effects. The Government must start doing so as quickly as possible lest it should be overtaken by other Asian cities in the future.

Concerning long-term cultural investments, I think the Government should consider establishing suitable mechanisms to encourage the participation of the private sector in cultural investments and market development. As members of my sector have suggested, in subsidizing arts and culture groups, the authorities should also provide them with administration and business management courses, so that they can survive and develop in the market, and have genuine sustainable development.

President, lastly, I hope that Honourable colleagues would visit the Pearl River New Town culture area in Guangzhou, where a grand theatre and an art museum have been built. They will find that Guangzhou provides people with the opportunities for cultural participation, and the culture area has significant influence on the cultural development of Guangzhou.

Thank you, President.

MS EMILY LAU (in Cantonese): President, I really want to visit the culture area in Guangzhou, it is a pity that I cannot do so even though President has taken the trouble to make the relevant arrangements for us. Although I cannot go to Guangzhou, I attended the "Qingming Riverside" show in the Hong Kong Cultural Centre last Sunday, thanks to the invitation of the Hong Kong Dance Company. President, in fact, this is the second time that I watched the show and I found it equally interesting. Many people attended the show and I met Raymond TAM and Mr WONG Sing-chi. I went with a friend who watched the show for the first time; he also found the show very attractive. I fully agree with the reasons given by some Honourable colleagues just now as to why the arts and cultural programmes in Hong Kong are not very popular, one of the reasons is the expensive ticket price, and the another reason is that many people are really very busy.

President, Mr LAU Kong-wah has mentioned in the motion how to upgrade people's cultural qualities and artistic tastes. We are very concerned about this because we worry that there will be few performances after the commissioning of the West Kowloon Cultural District (WKCD) and that the public may not know how to appreciate these performances. I frequently watch the performances of the Hong Kong Sinfonietta, one of the nine major arts group, and I notice that the conductor, YIP Wing-sie, would say "Hush!" to the audience to remind them not to clap because they do not know when they should clap; the same situation also happens in the City Hall. This is one of the points I would like to make. How are we going to teach the public how to appreciate the performances so that they would not behave in embarrassing ways? Some people start clapping before the completion of the performance. Therefore, we hope the Government would make more efforts to educate the people.

President, the Panel on Home Affairs and the Panel on Education held a joint meeting on this subject on 13 May. As the Bureau would not take the initiative to communicate — President, you are also aware that the Director of Audit has pointed out in every report that there is a lack of communication — we thus invited the representatives of the Government to attend the meeting so that the two Bureaux can discuss together how to step up efforts in respect of arts and cultural education, so as to nurture children to appreciate and support cultural activities since childhood.

President, regarding the support for cultural activities, the nine major arts groups think that the Government's support is insufficient in this respect. For this reason, I had invited Permanent Secretary, Raymond YOUNG, to attend the meeting to discuss with the arts groups. I thank Raymond YOUNG for his attendance on 11 May — President, I am sorry that I was absent from the Council meeting for more than an hour on that day. We found it odd that it was the first time that representatives of the nine major arts groups met with Raymond YOUNG, perhaps the nine major arts groups did not find it odd for they have not had discussions with the Government all along. When the Subcommittee on the WKCD had a meeting on 16 May, Mr LEE Wing-tat asked many arts groups — not the nine major arts groups, as only Zuni Icosahedron among the nine major arts groups had sent representative to attend the meeting — he asked if they opined that the Government regarded them as partners. The answer was in the negative.

President, when the nine major arts groups met with Raymond YOUNG on 11 May, they did not consider that the Government had treated them as partners. The nine major arts groups were greatly concerned about government funding because they did not have stable income. Raymond YOUNG asked at the meeting, this was also covered in the press reports later, if the three-year interim funding arrangement, as in the case of universities, could be adopted. The arrangement has not yet been finalized. Money is definitely important, but can we also consider that, in terms of sources of funding, these groups need not necessarily rely on government funding, the business sector can actually be attracted to do more. Furthermore, if the public are willing to spend money for their shows, this is also a very important source of income.

President, as you are also aware, whenever some world-renowned overseas arts groups perform in Hong Kong, tickets will be sold out swiftly even though they cost \$2,000 to \$3,000 each; thus we cannot say that there is no audience in Hong Kong. However, it is true that some performances have few audiences. Therefore, the problem is how we can support the arts groups so that Hong Kong people in various age groups would know how to appreciate these performances, and are willing to spend money to watch these performances. In what way can the authorities popularize culture and arts, so that more people, especially those lacking in financial means, can watch the performances?

Actually, the nine major arts groups have already made much effort. Besides attending the said meeting, Zuni Icosahedron has sent letters to all Members, to the Hong Kong Academy for Performing Arts (HKAPA) and the Hong Kong Arts Development Council (HKADC). As mentioned by Mr LAU Kong-wah just now, the Administration and the West Kowloon Cultural District Authority (WKCDA) should regard the arts groups as partners, and as the development I once asked the representatives of the WKCDA if they had discussed the relevant matters with the arts groups, they responded that they were going to consult them. As the venues constructed by the Government will be used by these arts group, it should discuss with these groups about the facilities they need. Hence, I hope that the authorities, the WKCDA and the HKADC would discuss the relevant matters with the nine major arts groups. Of course, these arts groups may not exist forever, when there are other new arts groups, the Government must discuss with them. A partnership relationship can facilitate their development.

President, according to the arts groups, they have proposed to the Hong Kong Art School a "Venue Partnership Scheme" and to convene regular meetings for discussion. Through this debate, I hope that the authorities can get the message and convene such meetings. We should support the nine major arts groups and other groups to make contributions and give advice. Furthermore, members of the arts groups are really lowly paid. President, at the meeting attended by Raymond YOUNG, it was also mentioned that the low salary could hardly attract more people to join the sector. I thank Mr LAU Kong-wah for proposing this motion. The authorities should consider numerous views raised and discuss the relevant matters with the Legislative Council, the arts groups and various parties for a better development in the future.

MR RONNY TONG (in Cantonese): President, when we debated on the West Kowloon Cultural District (WKCD) project last year or the year before last, I remember I had said that money could not buy culture and arts, and neither could infrastructure. Certainly, resources and hardware can facilitate us in promoting culture and arts; the problem is how we can capitalize on them.

A rare incident happened in April this year: around 300 local artists, both budding artists and reputable artists took to the streets. Artists taking to the streets are as astonishing as lawyers taking to the streets because artists seldom express themselves in this way; they express their ideas through artistic means. Hence, when artists are forced to take to the streets, the implication is the same as lawyers being forced to take to the streets. In other words, they only do so because there are no room for maneuver.

President, if you asked those artists why they took to the streets, they would tell you in simple terms that they could not create a piece of artwork out of thin air, there should be a breeding base, a cultural background, a message to be expressed and a driving force or a passion. These things cannot be drilled out from a stone in an environment that is completely devoid of cultivation.

For this reason, when I heard the Government say that with the implementation of the WKCD project, Hong Kong can become a cultural centre or there is hope for local culture and arts, I find its remarks over generalized. I am not saying that the WKCD project should not be implemented; I have all along considered that, if the WKCD project is really to be taken as the hardware

for promoting the development of arts, we should minimize by all means the monetary element, the business ambience as well as the proportion of real estate involved. However, even if the WKCD project is implemented, it will not bring benefits to local artists and be conducive to the development of local arts and culture. Regarding the magnificent performance venues to be built under the project which can accommodate a large number of audience, may I ask how these venues can help local culture and arts practitioners give their full play? These venues only serve to hold cultural performances of foreign art groups, they would not contribute to the promotion of local culture.

Although these arts practitioners had reflected to Secretary Carrie LAM and Secretary TSANG Tak-sing a year ago that the policy on revitalizing industrial buildings was not ineffective in helping them, regrettably, the Government seemed to be deaf to their views. According to the paper recently submitted by the Development Bureau to the Legislative Council on the progress report and mid-term review on the revitalization of industrial buildings, as at late March this year, the authorities have received a total of 47 applications, among which, 37 applications were for wholesome conversion. These were mainly applications for conversion of industrial buildings for offices, restaurants, retail and service trades; and 10 applications were for redeveloping the industrial buildings for residential, commercial premises or hotel. Among these applications, not one application was for the development of arts and culture. Therefore, the policy on revitalizing industrial buildings actually fails to achieve the objective of promoting the development of local arts and culture.

President, furthermore, the Chief Executive Donald TSANG had, after his visit to Beijing in 2007, highly praised the 798 Art Zone in Beijing. He said that a similar art zone should be established in Hong Kong. However, it seems that he only had a superficial understanding of the 798 Art Zone because there are great differences between the 798 Art Zone and the WKCD. The 798 Art Zone is established because some artists wanted to have their own little world, and the local authorities allowed them to gather there. So, the area has rapidly become a must-see place for art lovers visiting Beijing. Regarding the supporting facilities, the local authorities only adopts a tolerant attitude or provides some help, but it has not undertaken massive construction projects or spent large sums of money on the art zone. If the Chief Executive has followed up the issue, he would know that the 798 Art Zone has started to change because many artists have moved out of the art zone since 2002 owing to soaring rents and the place

being increasingly commercialized. Some shops and restaurants have moved in instead, thus it has now become an art zone without artists.

President, this is exactly where the problem lies. If the Government wants to promote local arts and culture, it should give due consideration to the working environment of artists and give them room for creation. I would like to emphasize again that this also proves that culture and arts are priceless. We can only cultivate an environment that allows the growth of culture and arts. I hope that the authorities would bear this in mind when they promote the development of local culture and arts. These artists are waiting for the Chief Executive to make some accomplishments in this area. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the subject of our discussion today is very interesting. On the one hand, we talk about the establishment of a sustainable regional cultural hub; on the other hand, the Government has continuously been suppressive in respect of politics and creative freedom. Everything can be sacrificed for the sake of political needs.

As we have noticed, the Government has spent tens of billions of dollars on the creation of the so-called cultural district; it has spent \$66.9 billion on the high speed railway (I call it the West Kowloon cultural express train) so that residents in our neighbouring areas can take the express train to enjoy orchestral music and drama in Hong Kong and they can take the express train to return home after the performance. These cultural activities are subsidized by Hong Kong people.

The Government has spent public money on the construction of cultural palaces or temples, but the "night bazaar" that Hong Kong people loved over the years has been uprooted. In other words, the venue for mass culture is now gone. However, the Government has spared no effort in constructing cultural palaces or temples for the rich, the leisure class and the so-called middle class, and even the last and the most valuable piece of urban land in Hong Kong has been used for cultural purposes.

Of course, everybody in support of democracy will definitely strive for cultural development, and this is a very important part of democratic efforts. The reason is that democratic appeals can only be satisfied when there is cultural and creative freedom. President, the several periods in history that had

significantly contributed to and promoted cultural development were closely related to the city-state political development. Let us review the Chinese history. Over the past 5 000 years, the most thriving period of cultural development, in terms of freedom in political thought and academic debate was the Spring and Autumn and Warring States period. With the absence of strong political control during the period, all schools of thoughts could contend for attention. On the other side of the world, it was also the city-state period in Ancient Greek. Many works of art, architecture, and philosophical contributions were made possible due to the existence of city-state republics, which brought the idea of democracy and freedom into full play. The development of Ancient Greek was closely connected with free space. Another example is the Renaissance period in Italy. As there was no strong central control and governance on regional politics, the ideologies and artistic creativity were given free rein in some regions, in particular, regions around Florence.

Let us look at the history in China and in the world, the development of culture and arts is certainly associated with political control or the lack of strong political control. However, ironically and sadly, we have the discussion on the development of a cultural district some 10 years ago. Nevertheless, when the cultural district has gradually been formed, the political control has become increasingly tightened. In reviewing the Spring and Autumn and Warring States period, Ancient Greek, and the Renaissance period in Italy, we will find that under the city-state republics, art practitioners and political thinkers could bring their ideas into full play because they were not subject to strong control of the central government. Yet, there is gradual shrinkage of political space in Hong Kong and room for creation has gradually been compressed. Under such circumstances, though we have the so-called cultural palaces, the "night bazaar" has been uprooted, leaving less and less space to the public. Even though there is an industrial estate in Fo Tan, the property prices have increased sharply, thus new artists cannot afford to rent places there. When I went there two months ago, I found that the rents were spiralling and some new artists or art practitioners who had just graduated could not afford to rent places there.

Without free space, without opportunities for free creation or without a free soul, artists definitely cannot create great works of art and a stimulating culture cannot be fostered. Therefore, while we are discussing about the so-called sustainable regional cultural district, we must understand that the political space and creative freedom in Hong Kong are still controlled by a group of "shameless

lackeys". A regional cultural district governed by "shameless lackeys" will certainly not have free soul or great artistic creation.

MR IP KWOK-HIM (in Cantonese): President, the result of the "selecting one out of three" design of the West Kowloon Cultural District (WKCD) has finally been announced; and the winner is the "City Park" design by the British architectural firm Foster+Partners. Finally, a conclusion has been reached on the WKCD project over 10 years of dispute, including re-launching of the project. However, the winning design has still attracted some criticisms. Some people said that this design lacked local characteristics; some even said that it was unofficially decided to select this design. For a long period in the past, the community spent a lot of time arguing endlessly about the software planning and the construction of the WKCD. Having argued for 12 years, I think it is time for a cease-fire and focus the attention on developing the culture software. We should understand that the success or failure of the WKCD project hinges on hardware development, and more importantly, on software development as well.

There is a long way to go before Hong Kong can become a regional cultural hub, mainly because over the years, Hong Kong has not attached importance to culture and arts as compared with other major cities at the same educational and economic levels. The new generation in Hong Kong seldom regards culture and arts as a career. In New York, the United States, around 4.3% of the labour force is engaged in cultural work. Can Members guess the percentage in Hong Kong? Only 0.6% of our labour force is engaged in cultural work. For the film, television and other performing arts sectors that have been developed more successfully in Hong Kong, they are generally business-oriented and emphasize on economic results; thus they are arts and culture industries. There is no problem with developing arts and culture industries; yet this should not be what our arts and culture industries are all about.

President, in my capacity as Chairman of the Panel on Home Affairs, I went to Japan and Korea last year for duty visit with many Members now present in the Chamber, to learn about the development of the culture software in these two countries. My deepest impression is that the Japanese and Korean Governments attach great importance to the popularization and promotion of arts and culture, and a strong ambience of culture and art has thus been created, which cannot be found in Hong Kong.

Japan and Korea have enacted laws for the revitalization of arts and culture, and the relevant provisions stating that the Government must subsidize amateur arts groups. The objective of encouraging amateur arts groups is to improve the quality of people. These arts groups organize activities not only for entertainment but also for nurturing and cultivating people's artistic qualities so that they will be subtly nurtured and cultivated in the process of artistic participation. This exactly solves the problem mentioned by Ms Emily LAU that the audience do not know when to clap while listening to symphony.

There are a large number of popular arts groups in Hong Kong, which insist on creation on the one hand; and set up workshops to promote popular arts and culture on the other. For example, there is a popular dance company called "Y-Space". The group invited dancers from the famous Taipei art group "Cloud Gate Dance Foundation" to teach in Hong Kong, giving Hong Kong people the opportunities to experience non-mainstream fine art. Out of love and passion for arts, people form arts groups on their own initiative, however, they have to face a lot of difficulties in raising funds for activities.

In the past decades, the Government's funding for culture and arts mainly went to major arts groups while small arts groups have received little funding, which impeded the development of new artistic power. At present, the incomes of the nine major arts groups mainly come from government funding. For instance, 84% of the income of the Hong Kong Chinese Orchestra comes from government funding while more than 70% of the funding of the Hong Kong Dance Company and the Hong Kong Repertory Theatre also come from the Government.

Although the Hong Kong Arts Development Council has funding schemes for small arts groups, they must meet four assessment criteria under these schemes, including the artistic values of the projects and the feasibility of the budgets. There are some assessment guidelines apart from these four criteria, which include the requirements related to income level. For example, the ticketing revenue of an arts group is calculated on the basis that the number of tickets to be sold should not be less than 60% of the attendance rate, and the average ticket price for each performance is not less than \$50. This sounds easy to achieve, but for arts group that are not well known, no people may show up even if free tickets are given. Will it be realistic to charge \$50 for a ticket? The arts group will not receive any grants if the sale of tickets is not satisfactory.

Hence, the authorities should review the current policy for offering grants to small and medium arts groups. If the SAR Government can follow the examples of Japan and Korea and strongly support popular arts groups, I trust that arts can be penetrated into people's life. Thank you, President.

DR RAYMOND HO (in Cantonese): President, Hong Kong possesses many favourable conditions for developing into a regional cultural hub. Regarding geographical location, Hong Kong is at the centre of the Asia-Pacific Region and it is the transport hub in the region. For historical reasons, Hong Kong has been a place where East meets West, and the Chinese and Western cultures have harmoniously co-existed in Hong Kong throughout the years. Moreover, Hong Kong has multicultural characteristics as an international city. Also, many members of the new generation in Hong Kong have been nurtured by their parents to be interested in arts through learning musical instruments or drawing. In recent years, Hong Kong has also attracted top musicians such as LANG Lang, a Mainland pianist, to become local residents.

However, as compared with some cosmopolitans such as New York in the United States and London in the United Kingdom, Hong Kong is still lagging behind in the area of artistic development. I believe this unsatisfactory situation may, to a certain extent, attribute to insufficient attention attached to arts and culture in the past. Furthermore, Hong Kong people have always been more pragmatic and the mentality to pursue high efficiency may also be one of the reasons. Many adults have focused on work and career development, to the neglect of cultivating their interest in arts. Fortunately, the situation has begun to change in recent years and members of the community have attached increasing importance to cultural and arts development. In addition, quite a number of local arts groups have been established, which can enhance people's interest in the arts through various activities. These arts groups also have exchanges with the relevant organizations on the Mainland and overseas from time to time to promote arts and cultural development.

Of course, if Hong Kong is to be developed into a regional cultural hub, it is not sufficient just to rely on people's strength. First, the authorities concerned must provide venues for performances and displays, and the West Kowloon Cultural District project is developing in the right direction. Nevertheless, apart from having excellent hardware, we must also enhance public interest and

qualities in arts and culture, as well as give local artists more room for development.

To upgrade people's artistic and cultural qualities, a fundamental approach is to nurture their understanding and appreciation of arts from childhood. Yet, we cannot do so through rigid impartation of knowledge. Instead, we should, through some flexible means, arouse children's interest and desire to participate, so as to avoid having negative effects. For ordinary people, the authorities should, in collaboration with famous Mainland and overseas museums, organize large-scale exhibitions to display famous works of art. Besides visual arts, the scope of co-operation can also cover other realms of arts such as the performing arts. In organizing co-operative projects, the authorities must provide detailed information through large-scale publicity activities, so as to increase and arouse people's interest. These activities will increase people's interest in arts, enhance their ability to appreciate arts and enjoy different artistic forms, and attach greater importance to cultural qualities. Co-operation and co-ordination in various aspects are essential in achieving these effects.

In addition, the authorities should provide support and space for the development of local artists with potential. For example, it should provide various scholarships and opportunities for advanced studies, to help them give full play to their potential. The Government should reserve some space and venues for local young artists to engage in artistic creations and related developments.

These proposed measures will involve a lot of resources and co-ordination on a long-term basis. Therefore, some Honourable colleagues have proposed the establishment of a cultural and education bureau. I think the authorities should carefully consider this proposal because the establishment of the proposed bureau will help the Government formulate comprehensive policies to promote local arts and culture, and implement the related measures. Relatively speaking, the current policies lack focus and fail to effectively promote the development of arts and culture in Hong Kong.

President, if the authorities can systematically put in more resources to promote local cultural development and be committed to enhancing the public's respect for cultural qualities, coupled with the advantages and conditions that

Hong Kong already has, Hong Kong can hopefully be developed into a regional cultural hub; this is not wishful thinking.

I so submit. Thank you, President.

MS AUDREY EU (in Cantonese): President, Mr LAU Kong-wah's original motion involves the West Kowloon Cultural District Authority, the West Kowloon Cultural District (WKCD), and whether or not Hong Kong can be developed into a cultural hub.

President, I wish to highlight that, in order to develop a vibrant cultural region or become a cultural hub, it is not enough only to have the hardware or some landmark buildings. Mr Ronny TONG has also mentioned this point in his earlier speech. As evident from overseas experiences, in the famous Broadway in New York, the West End of London and Paris Rive gauche for instance, the most active and vibrant cultural activities always originated from those inconspicuous theatres and small performance venues. Principles such as "hidden in a city", "small is beauty", "bottom-up" and "making the best use of the situation" are very important; magnificent buildings, infrastructures, works projects or property developments do not guarantee cultural development.

How does the Government promote cultural development at present? Apart from developing the WKCD, it has also introduced policies like the revitalization of industrial buildings. I am not too optimistic because as I have just said, the WKCD has stressed too much on hardware construction. It may probably turn out to become a property development like the Cyberport or a high-priced art zone, instead of genuinely enhancing Hong Kong people's quality in arts and culture.

Regarding the revitalization of industrial buildings, people have actually suffered before getting any benefits as this initiative has significantly pushed up the rental of nearby factories or industrial buildings. As a result, artists who can only afford low rental cannot survive if exorbitant rental is charged. Just look at the abovementioned famous cultural areas in other countries, the largest theatre in Broadway in New York, for instance, has 1 933 seats; the Royal Opera House in the West End of London has 2 268 seats; the Piccadilly Theatre has 1 232 seats, and our Sunbeam Theatre, which is of a similar scale, has 1 700 seats.

Furthermore, in Paris Rive gauche, there are also plenty of small-scale art galleries, publishers or cafeterias. They are the best places for nurturing arts and cultural life.

These facilities are mostly located in downtown or in highly vibrant old regions. It is therefore not necessary to construct any large-scale landmark buildings and remove all old developments to make room for the new facilities. In fact, there are also some old-styled cultural venues in Hong Kong. The Sunbeam Theatre mentioned earlier is an example. Recently, an overseas friend of mine who teaches music came to Hong Kong. As he was very eager to watch Hong Kong's typical and traditional arts performance, so we went to the Sunbeam Theatre. Unfortunately, the tickets were sold out. President, many people failed to buy a ticket.

Why do Cantonese opera groups often choose to perform in the Sunbeam Theatre? Why did the Government urge them to perform at the Ko Shan Theatre all the time? After paying a visit to the Ko Shan Theatre, one would understand why many Cantonese opera groups do not like to perform there. This is because opposite the theatre is a garage street, a car park and a park. If people want to eat something before or after the performance, they have to walk all the way from Shansi Street, through the East Kowloon Corridor and Shek Tong Street to Ma Tau Wai Road, where most restaurants or transport facilities like bus stops are located. This is pretty inconvenient. Contrarily, the Sunbeam Theatre is easily accessible.

In fact, the Eastern District Council has been urging the Government to upgrade the Sunbeam Theatre. However, it seems that this subject matter always triggers the nerve of the Government, especially that of former Secretary Patrick HO. Similarly, his successor Secretary TSANG Tak-sing is also very hesitant about this subject matter and had even made many unpleasant remarks about the future of the Sunbeam Theatre. Notwithstanding, prominent Cantonese opera groups, like the one led by Joyce KOI, chooses to stage their Chinese New Year Celebration performance at the Sunbeam Theatre every year. The opera group of prominent actress TANG Mi-ling would rather perform at the Sha Tin Town Hall than the Ko Shan Theatre, and the new talent YU Ling-nung prefers the stage of the Sunbeam Theatre.

Why do I have to highlight this situation time and again? Because I want to tell the Government that local artists or members of the cultural circle often have different views, but the Government always sticks to its own way, and this has stifled our cultural development. The final solution may not necessarily be what some people have proposed, that is, the establishment of a cultural and education bureau or the provision of more relevant subsidies can solve the problems. In fact, cultural development should start from the bottom, and the authorities should listen to the voices of the cultural sectors and allow them to develop naturally in a bottom-up manner, thereby making the best use of the situation. Only by doing so can Hong Kong be developed into a cultural hub.

I also hope that the government would accept the proposals put forward by members of the Eastern District Council or a few Members on this matter, and upgrade the existing community hall in ex-North Point Estate with 450 seats to a theatre with more than 900 seats. The Government should utilize the existing well developed performance venues and assist street-artists and small arts groups by all means, these measures may bring more substantive results than building magnificent large-scale facilities. Thank you, President.

MR TIMOTHY FOK (in Cantonese): President, being a cosmopolitan city where East meets West, Hong Kong should capitalize on its geo-cultural advantages and consolidate the inherited Asian arts and culture, so as to become a new cultural landmark in Asia. Although the West Kowloon Cultural District (WKCD) has undergone years of planning, its cultural positioning is not clear. While people can perceive the WKCD as a City Park, they fail to see it as a stage to manifest the inherent human qualities and to integrate the East-meets-West culture of the past and the present, not to mention to serve as a new engine for the promotion of local cultural creative industries.

The development of the WKCD intends to transform Hong Kong into a new force that promotes the global development of arts and culture as well as cultural creative industries, and in particular, to build up attributes that are unique from other Asian regions. To put it simply, the WKCD aims to give full play to the freedom of artistic creation and ethnic diversity, to promote and pass on Chinese legacy, as well as to go international, such that it can be the bridgehead for the interface of arts and culture between China and the rest of the world, and for the exchange of arts and cultural resources within the region.

Being the major driving force of Asia's cultural centre, the West Kowloon Cultural District Authority must demonstrate an enterprising spirit to develop under a restrictive environment, with a view to increasing economic efficiencies and human space, as well as further capitalizing on its advantages in regional positioning, humanities, resources, ecology and industries.

The development of cultural creative industries is the key to WKCD's success, and the publication industry is one of the elements that have long been neglected. Hong Kong's publication industry has been closely linked to the destiny of China over the past century or so, especially in the recent decade, which is the golden era of exchange and co-operation between the publication industry of the Mainland and Hong Kong. In future, as Chinese culture becomes more influential in the world, Hong Kong's role as an intersection point of the Chinese publication markets will become more obvious and the market will in turn expand. The Government must inject more resources in this regard to press forward and support the development of the industry.

With these remarks, I support the motion.

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

MR ALAN LEONG (in Cantonese): President, in today's motion debate, many colleagues have added constructive and useful proposals to Mr LAU Kong-wah's original motion. This shows that this Council is very concerned about the proposal of turning Hong Kong into a regional cultural hub. While I consider that these advices or proposals are earnest in nature, I am afraid that if they fall into the hands of an insincere government, the result might not be what we wish to see.

President, sincerity is of utmost importance and I strongly agree that the West Kowloon Cultural District (WKCD) project carries a very important strategic meaning. Firstly, I think Hong Kong people will be delighted if the WKCD project can be a bright spot in the international cultural and artistic scene. This is because, at least, we can have a project which we are proud of. And yet, in order to become a bright spot in the international cultural and artistic scene, the construction of landmark buildings alone is not enough.

The second important consideration is, President, strategically speaking, the launching of a project having such a profound quiddity of culture and arts would facilitate the enhancement of Hong Kong people's cultural qualities. I recall that when I spoke in this Council earlier, I had mentioned that I was received by Mr Jason HU, the incumbent Mayor of Taichung City, during my visit to Taichung about two years ago. He said that he has been Mayor for about seven years and after all these years, the community participation rate in culture and arts activities in Taichung has increased from four times to nearly 34 times per person annually. He said that this was an increase of many folds. Furthermore, some objective changes have been observed. For instance, Taichung City becomes cleaner with reduced crime rate, and the export products are of excellent design and higher standards. We can therefore see the significant impact of an outstanding cultural and arts project on the quality of local people.

The third strategic consideration is that Hong Kong definitely has the conditions to enrich our art-based quiddity and make contribution to arts and culture. This would render Hong Kong a great service by doing so.

Nonetheless, President, from what we observe, the present WKCD project will most likely be degenerated to become venues for hire and the charges recovered will be used to pay for the costs. If this is the case, it would be a waste as \$21.6 billion would have to be spent. President, this can be evident from the Government's adoption of Norman FOSTER's design under the "selecting one out of three" approach. Mr SHEFFIELD had not participated in the selection process as he was determined to leave at that time. I was aware that he had not participated. If a person with vision in culture and arts had not participated, the hardware will be developed at a pace and direction different from that of the software I cannot say that they are incompatible as the relevant work might not have started at all. Thus, at present, the developments are progressing at different paces, which is our gravest concern.

The new Chief Executive Officer has yet to be appointed and the Government said that the announcement would soon be made. Yet, what is more important is how we can achieve profound quiddity of culture and arts. As reflected by the questions asked by the Government via The Hong Kong Polytechnic University in "selecting one out of three", they were far off the mark. The questions asked were not about whether the WKCD should be operated under

a system of artistic responsibility, or how to nurture an environment to facilitate interaction among artists, audience or users. Instead, the respondents were asked to indicate if they would go to the WKCD by the Express Rail Link, bus or ferry, which was totally irrelevant. They were even asked if the box office should be set up in the foyer or rear hall, which was again irrelevant. President, you may also consider how are we going to put this major project with strategic importance in the hand of someone who only cares about accounting or the construction of hardware? This is indeed pretty worrying.

Therefore, the Civic Party would like to make an appeal again. While we should not cry over split milk, as the City Park proceeds to move on from today onwards, will the West Kowloon Cultural District Authority undertake to develop the hardware and software at the same pace rather than at different paces? In fact, it is our wish that the software and hardware development can be carried out at the same pace. It is hoped that through basic education and the curriculum of primary and secondary education, Hong Kong will be able to nurture more people who know how to appreciate arts and culture.

President, I think Hong Kong would be greatly benefited if this can be done. I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr LAU Kong-wah, you may now speak on the three amendments. The speaking time limit is five minutes.

MR LAU KONG-WAH (in Cantonese): President, apart from speaking on their amendments, Mr LEE Wing-tat, Miss Tanya CHAN and Dr PAN Pey-chyou have also expressed views on other aspects. I would like to respond to a few of them.

Mr LEE Wing-tat has focused on financing, an issue which has also been mentioned by many Members, especially the financing of small and medium arts groups. Mr LEE Wing-tat also wondered, for children who learnt arts and

culture when they were young, what would they become when they grow up and would they have the literacy in art appreciation.

Miss Tanya CHAN touched on the election of the Hong Kong Arts Development Council (ADC). Although she has not gone into great detail, this is a related issue.

Dr PAN Pey-chyou, on the other hand, has expressed concern about overseas tourists coming to Hong Kong to enjoy cultural and arts programmes. I would like to make a collective response. In my opinion, these are views with vision. Dr PAN said that as the West Kowloon Cultural District is located at a transport hub, and Hong Kong is a place where East meets West, these two centres certainly have the requisites to become a regional cultural hub. Yet, the presence of the necessary condition is not a guarantee of success. Since many colleagues have put forward numerous proactive and constructive proposals today, I hope government officials and the West Kowloon Cultural District Authority will seriously take heed of their advices.

President, you and I always see many children participating in various cultural activities in the community, including Cantonese opera and tango. In schools, the "One Sport and One Art for One Student" scheme has been introduced. So, I think that efforts have been made in respect of popularization and promotion. The question is how to nurture these children to be elites in the process of popularization, to let them see their future, like what we did in the development of elite athletes. In this respect, the present arrangement is far from satisfactory and I think the Government should pay due attention.

In respect of financing, not only professional arts groups have grievances, many amateur or small and medium arts groups have also expressed many views. Recently a Cantonese drama "The Liaisons", has been staged. Perhaps the Secretary has watched it for it is the highlight of Hong Kong for the Shanghai Expo. Since the drama was highly commended by Mainland audience, the arts group was invited to perform in Beijing. This was a good news for Hong Kong, but the group, having financial problems in meeting the travelling expenses, almost could not set out. They finally obtained government subsidies a fortnight before their departure. The undesirable financial condition has stifled the development of local arts and creativity. Recently, the Director of "The Liaisons" Fredric MAO wrote an article about the lack of sponsors for local arts and cultural activities, and the absence of an arts atmosphere in Hong Kong. I

hope that my recount of the above case and the speeches made by Members earlier will prompt the community or the Government to look for a solution.

Regarding the election of the ADC, a number of reviews have been carried out. While I think that it is good to elect representatives to speak for the trade, I notice that Ada WONG — she is very concerned about the development of culture and arts — has offered a pretty unique point lately. In her article, she wrote that: "With the presence of elected members and a breakdown into 10 arts interests, each unit is only required to take care of a small tree. Thus, only a minority of members are willing to take a bird-eyed view and think about the Hong Kong's cultural position and its development strategies." This is possible. So, I think that the ADC should be tasked to seriously consider the possibility of reviews and reforms. The resultant system may not be perfect, but as long as we are sincere and determined to promote the development of local arts and culture, I believe Hong Kong will definitely have a way out. It is hoped that the Government will do its best in these respects. Thank you, President.

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, Members, I have to thank all Members who spoke on Hong Kong's cultural development just now. Cultural policy is indeed an important element in uplifting the overall quality of our city. Hong Kong's cultural policy has always aimed at ensuring freedom of expression in respect of arts and cultural creation and building a supportive environment for arts and cultural development.

As a number of Members have mentioned, the construction of the West Kowloon Cultural District (WKCD) will provide an unprecedented opportunity for Hong Kong's long-term arts and cultural development. We have, after many rounds of public consultation, finally selected the present option for the development of the WKCD. The option has incorporated many views from members of the public, experts and friends from the relevant sectors, and it also represents further efforts to enhance the green features of the area so that the WKCD will become a green cultural hub. We will seize this opportunity to construct more infrastructure, allocate the necessary resources, develop arts and culture in the direction as expounded in my opening speech, enhance our cultural software, strengthen the local cultural and arts team, popularize arts education, promote the integration of arts in people's lives, and cultivate a culture of arts appreciation and participation in Hong Kong.

Many Members who spoke today have invariably focused on the building of arts software. That is also a subject of grave attention and concern of the entire Home Affairs Bureau and the West Kowloon Cultural District Authority (WKCDA). I would like to give a consolidated response to Members' views in respect of public art, arts popularization, manpower training, arts education, determination of ticket price, funding support to arts groups, arts co-operation and exchanges, organizational structure of advisory and administration bodies, arts space, and so on.

In 2010-2011, the Government's expenditure in arts and culture amounts to \$2.82 billion (around 1% of the Government's total expenditure), which excludes non-recurrent expenditure such as the capital cost for the construction of venues. The resources are mainly deployed for the provision of venue support for arts activities, funding support to arts groups in programme development, manpower training, promotion of arts education, audience building and promotion of cultural exchanges, and so on. Our resource allocation in this regard is relatively higher than that in many other places. Our per-capita resource allocation is even higher when compared with that in many territories. Notwithstanding, we will still proactively allocate more resources to further promote the development of arts and culture in Hong Kong.

Just now, Mr LEE Wing-tat and several Members have mentioned the example of New York, that is, the so-called Percent for Art programme. In fact, that is primarily a programme about public art. There are of course places which adopt this mode to promote public art, but in even more places, the resources would come from private funds. There are also places — as shown in our study — which previously adopted the Percent for Art programme, but have it cancelled after controversies were caused by the purchase of artworks with public resources. Nonetheless, even without such a programme, there are now 200-odd pieces of sculpture displayed in public space in Hong Kong. If Mr LEE and other Members are interested, I am happy to conduct a tour for Members to visit these sculptures at various locations. Very often, we are too busy with our work and may have missed the opportunity to appreciate those artworks even if we walk pass them. However, there are indeed more than 200 pieces around and many are quality art pieces. Moreover, I know that concerted efforts are made by many friends to promote the development of public art.

In order to proactively promote arts and culture among the populace, we will also step up the promotion of public art and organize a greater number of popular arts and cultural activities so as to achieve arts popularization as mentioned by Mr WONG Kwok-hing. One of the ongoing programmes is the "Art@Government Buildings" project which showcases art pieces in the public space of three government joint-user buildings. Furthermore, we have rolled out a number of public and community art projects including ArtAlive@Park and Park Déco which aim at showcasing the works of budding artists and students in communal areas of parks frequently enjoyed by members of the public. The purpose is to imbue park facilities such as tables, chairs and railings with artistic elements so that our lives can be richly infused with an arts ambience. In addition to injecting artistic elements into our public spaces, these art projects also provide local artists with more creative opportunities and exhibition space.

Separately, Mr LEE Wing-tat also mentioned his concern about street performances. At present, there is no legislation in Hong Kong prohibiting street performances so long as they do not constitute nuisance or safety hazard to the public. The relevant enforcement agencies will handle each case carefully according to specific circumstances. In order to provide a platform for street performances, the Leisure and Cultural Services Department (LSCD) has launched the "Open Stage" pilot scheme in July last year. Under the scheme, performance zones are set up at three venues with a relatively high pedestrian flow and an enabling setting for outdoor performances (that is, the Piazza of the Hong Kong Cultural Centre, the Plaza of the Sha Tin Town Hall and the Plaza of the Kwai Tsing Theatre, which normally have a relatively high pedestrian flow). Individuals or performing groups can apply for staging performances for free. The registration system under the pilot scheme will operate on a first-come-first-served basis. No charges will be payable by the performers or performing groups. They are also allowed to collect money rewards in the performance zones so as to promote the culture of cultural consumption. The trial period of the pilot scheme has been extended to end-June this year so as to attract greater participation and accumulate more experience before we review its effectiveness for mapping out the way forward.

Regarding training of cultural talents, as I have mentioned just now, the Government has reserved an additional provision exceeding \$486 million in recurrent expenditure to step up our cultural software during the period between 2010-2011 and 2014-2015. Specific measures include launching training programme for arts administrators, increasing financial support to local arts

groups, supporting students to participate in cultural and arts activities, stepping up the promotion of public art, enriching signature programmes of the Hong Kong Arts Festival, and providing funding to various Cantonese Opera development and preservation projects.

In respect of manpower training, around 180 000-odd people are employed by the cultural and creative industries in Hong Kong, and there are 32 000 enterprises engaging in culture and creativity business. If calculated on the basis of a working population of 3.5 million, this number of practitioners is equivalent to about 5% of our working population. Given the industry's great demand for arts and cultural talents, we will continue our work in manpower training on various fronts. Every year, The Hong Kong Academy for Performing Arts provides training for approximately 850 students under its full-time programmes, producing over 300 full-time equivalent graduates every year, and 770 students for its Junior Music and Gifted Young Dancer programmes. Furthermore, professional training is provided to approximately 8 000 students each year.

Last year, the LCSD has launched training programme for arts administrators to provide more internship and training opportunities for people aspired to a career in performing arts and museum administration. At the same time, internship programmes have also been organized by the Hong Kong Arts Development Council (ADC). I understand from Members' speeches just now that this is a matter of concern for many Members. Under these internship programmes, arts talents with potential will be given internship opportunities in local arts groups. Moreover, scholarships and grants are also available for them to undertake training programmes overseas such as the Clore Leadership Programme in the United Kingdom and The Sage Gateshead Internship Programme.

Furthermore, since 2007-2008, the ADC has administered the Budding Grant Scheme to provide budding artists with opportunities to create and launch their artworks and accumulate professional experience so that they can further develop their career in the arts.

In addition to the existing framework, the WKCDA is collaborating with various arts and cultural organizations as well as educational institutes to take forward a series of manpower training programmes, including cultural leadership training programmes and scholarships.

Regarding cultural software, many Members are concerned about the subject of arts education. At present, arts education is one of the eight key learning areas of the school curriculum. Apart from music and visual arts, schools provide learning opportunities of various arts forms, for example, drama and dance, and through other subjects to provide relevant knowledge, cultural context and values to enrich arts education for students, as well as strengthen their interests and abilities in the arts and culture.

To tie in with the New Senior Secondary Curriculum, additional resources have been provided to enhance the promotion of arts and culture in schools and develop young people's interest in these areas. Ultimately, we hope to achieve the goal of further popularization of the arts in schools mentioned by Ms Emily LAU.

Regarding the determination of ticket price mentioned by Mr WONG Kwok-hing, we must balance the needs of both sides. On the one hand, we hope that with a suitable level of ticket price, the public can develop the habit of cultural spending. In other words, they will buy tickets to support the arts groups so that a market and an industry generally conducive to the development of arts and culture can be created. Of course, this can also partially address the questions mentioned by Ms Starry LEE about how to create a better future for arts practitioners and change the overall sense of value about arts practitioners. In this connection, it can help to a certain degree. In balancing the market and the development of the industry, we must, on the other hand, allow members of the public who have neither the opportunity nor the means to come into contact with the arts to gain easy access to arts. Hence, in order to promote student participation in arts and cultural activities, it is the LCSD's policy to offer 50% discount tickets to full-time students for the arts programmes sponsored by the department. Its museums also offer a 50% discount in admission fee for full-time students, and school group visits may apply for free admission. These are provided in addition to the established arrangement of granting free admission to museums for the public for one day in a week.

Moreover, on account of the direct subsidies provided by the Government, the nine major performing arts groups devote much effort to offering concessionary tickets to students. For example, last year, over 25% of the total number of tickets sold by the groups was student concessionary tickets, so that the students could enjoy their performances. The nine major performing arts

groups have always been our strategic collaborators. Under the established mechanism, we will meet with them as a group twice annually. In addition, the Permanent Secretary for Home Affairs has lately conducted individual meetings with the nine major performing arts groups respectively — those are in addition to the recent meeting in mid-May mentioned by Ms Emily LAU just now — so as to jointly discuss matters in relation to arts development and the direction for future development of the performing arts groups.

Apart from the nine major performing arts groups, Members have expressed concern about small and medium-sized arts groups including the views stated by Mr IP Kwok-him and Mr Tommy CHEUNG. Small and medium-sized arts groups as well as budding artists play an important role in ensuring the healthy and vibrant development of Hong Kong's arts scene as a whole because they are the echelon of the future. Through various funding arrangements including grant schemes administered by the ADC and the newly established Arts Capacity Development Funding Scheme (ACDFS), we will continue to strengthen support for small and medium-sized arts groups as well as budding artists. In 2010-2011 alone, the ADC has provided funding support to over 340 arts groups or artists to meet their creation needs, among them, 39 small and medium-sized arts groups which receive one-year/two-year grants from the ADC.

Regarding the new ACDFS, Mr Tommy CHEUNG pointed out just now that the threshold of \$1 million was relatively high. But in fact, by a matching grant of \$1 million, we do not mean that the arts groups must at least raise \$1 million. Instead, the requirement is quite relaxed such that potential ticket revenue can also be counted towards the amount. Hence, the minimum level of sponsorship they need to get is not \$1 million.

Moreover, through regular cultural programmes and promotion activities for culture and the arts in the districts, the LCSD has been providing support and performance opportunities for small and medium-sized arts groups to promote their arts creation and outreach activities. Commercial sponsorship is vital for arts development in Hong Kong and even in other neighbouring places. Hence, we will step up the matching fund I just mentioned with the hope of further promoting arts development in future.

Mr Albert CHAN just talked about ancient Greece and Italy. It is exactly at that time that all the great works of Michelangelo were created under commercial sponsorship or patronage of merchant families. That kind of support is vital for the promotion of arts development in any societies.

That also brings us to the Sunbeam Theatre mentioned by Ms Audrey EU. Members will no doubt understand why it is difficult for us to provide support in the first place. That is because the operator and the private landlord have failed to reach an agreement on the continued operation of the Theatre in terms of the tenancy. In the past few years, an accumulated amount of over \$10 million of public funds has been spent on supporting the operation of the Theatre. If that amount was spent to provide direct subsidies to Cantonese Opera troupes and budding artists, the result would have been more effective. Of course, we will further listen to the views of Members and the public in this regard so as to identify ways to achieve better development of Cantonese Opera.

Separately, Dr Raymond HO talked about issues relating to co-operation and exchanges. That is in fact an important aspect in the development of arts groups, as well as the arts and culture in Hong Kong. Let me give Members a brief introduction here. In respect of arts and cultural development, we have, on the international level, entered into Memorandum of Understanding on Cultural Co-operation with 12 countries/places. In respect of Hong Kong-Guangdong co-operation, we will press ahead in six major areas including manpower training and exchanges, information exchanges, collaboration in museum services, library networking, Cantonese Opera, as well as the cultural and creative industries. We will continue our work in these six areas in future.

Moreover, views have been expressed by some Members (including Miss Tanya CHAN) on the composition of the Advisory Committee on Arts Development (ACAD). The ACAD was established in November last year. At that time, there were originally three committees under the Home Affairs Bureau advising the Government on the performing arts, namely the Committee on Performing Arts, the Advisory Committee on the Arts Development Fund, and the Funding Committee for the Performing Arts. The terms of these committees all expired in end-October 2010. As neither of these committees dealt with visual arts, we finally decided to merge them to form the ACAD, to rationalize the structures of these advisory committees and to take this opportunity to

incorporate visual arts and other disciplines of the arts. In this way, the ACAD could advise the Government on the broad development of arts in Hong Kong.

Regarding the members of the ACAD, Miss Tanya CHAN just asked whether any members are professionals or come from the arts sector. In fact, the existing membership of the ACAD — perhaps I will not mention their names individually — comprises professional music and dance artists, professor in arts faculty, specialist academic in visual arts research, academic in the preservation and development of Cantonese Opera, and so on. They all come from different arts sectors. Of course, there are also members from other professional sectors. We hope that with their concerted efforts and input, arts and cultural development in Hong Kong can be promoted.

The major difference between the ACAD and the ADC is that the former is now tasked to advise the Government on the Home Affairs Bureau's day-to-day work in relation to arts and culture. Such work includes the setting up of the ACDFS under the arts portion of the Arts and Sports Development Fund (ASDF), introducing matching funding support in the arts sector, encouraging the participation of the businesses and individuals, and providing sustainable development opportunities to arts groups with potential. The ACAD will also assist the Home Affairs Bureau in vetting funding applications from arts groups and arts practitioners for conducting overseas visits and exchanges. Moreover, the ACAD is also responsible for the funding of performing arts groups such as the review on the Government's existing mechanism for funding major performing arts groups, and promoting arts education.

The major responsibilities of the ADC are to advise the Government on behalf of the arts sector in the planning, promotion and support of arts development locally as well as manpower training, and to assist in the implementation of relevant initiatives. Throughout the years, with the resources provided by the Government through recurrent provisions and the ASDF, the ADC has been assisting the small and medium-sized arts groups in professional development and manpower training. Through various grant schemes administered by the ADC, support is given to local arts practitioners and arts groups in their creative pursuits. In view of the current pace and trend of arts and cultural development in Hong Kong, the ADC will step up its work in policy research.

Regarding the election system of the ADC, I must clarify that the existing arrangement of appointing elected representatives of the arts sector as members of the ADC is a consensus forged after extensive discussion between the Government and the arts community before the establishment of the ADC. In fact, this arrangement is unique among other places, countries or territories established with a similar arts development council. In fact, as mentioned in the critique just raised by Mr LAU Kong-wah, we are also aware of the situation. During our contacts with the arts and cultural sectors, we note the view that all members of the ADC should come from the arts community so that they can participate purely from an arts perspective. That actually echoes the view in the critique he just mentioned. As to how the ADC will continue operating in future, my understanding is that the present term of the ADC has already decided to set up a task force to review the arrangements of its representation system. We will also continue to work closely with the ADC and examine possible measures to further enhance its operation.

Moreover, Members are also concerned about arts space in Hong Kong, including the relevant matters raised by Mr Ronny TONG and other Members. In order to increase arts space in the territory so that budding art practitioners and artists with potential can engage in artistic creation, the ADC and the Home Affairs Bureau have recently conducted negotiations with various landlords of industrial buildings. We hope that arts space can be provided in the industrial buildings at various districts in Hong Kong, Kowloon and the New Territories. We also hope that the offer of rental concessions for industrial units in Kwun Tong and Wong Chuk Hang can be finalized shortly so that some arts space can be provided to local artists to engage in creative pursuits with the support of the commercial sector.

Information is crucial to the promotion of arts software and arts popularization. Hence, in respect of information, allow me to report to Honourable Members that we are contacting various collaboration partners in the hope of making better use of the mass media and online platforms for providing arts information to the public and audience building, so as to enhance Hong Kong's cultural quality. Under one such initiative, we will co-operate with a local pay television station to produce a special section in cultural programmes on interviews with local artists so as to introduce their creative process and the characteristics of their works. The Home Affairs Bureau will also establish an independent channel on YouTube for sharing with the public various arts and

cultural activities, news and information. We will continue to make use of online platforms and explore the possibility of collaborating with different media to further promote arts development.

As I have explained in my opening statement, the SAR Government has been striving to promote the development of arts and culture in Hong Kong. As the department in charge of formulating arts and cultural policies, the Home Affairs Bureau has been closely liaising with all relevant Policy Bureaux and departments in the Government, as well as arts organizations including various statutory bodies and advisory committees such as the ADC, the WKCDA and the ACAD. Dedicated professional teams have been established under the LCSD to bring forward the actual implementation of arts policies. One example is the Audience Building Office. For example, in last year, we have served more than 300 000 audiences. Others include the Art Promotion Office and the Music Office. We will continue to roll out different programmes to further promote culture and arts in the community and schools.

Through the briefing just now, we have shared with Members the fruits of our work. In fact, the purpose of cultural promotion is to realize the cultural vision of Hong Kong, further uplift the cultural quality of Hong Kong, and strengthen Hong Kong's position as an international metropolis for showcasing the blending of Oriental and Western cultures, integration of tradition and modernity, as well as the balance of popular and high arts. We hope that the people of Hong Kong can experience life through cultural activities, take pleasures in arts and integrate arts into their daily life.

Arts and culture are always present in our lives; they are never far away. Our speech and behaviour are moulding our culture. Through concerted promotion efforts in the community and by the Government, as well as the encouragement, support and constant advice of the Council, we hope that arts and cultural development of Hong Kong will be enhanced.

Thank you.

PRESIDENT (in Cantonese): Mr LEE Wing-tat, you may now move your amendment.

MISS TANYA CHAN (in Cantonese): President, a point of order, sorry. It is because just now, the Deputy Secretary may have misunderstood some of my points, that is, the speech I made earlier. I would like to elucidate because just now

PRESIDENT (in Cantonese): This is not a point of order. You request to make an elucidation.

MISS TANYA CHAN (in Cantonese): Yes, I request to make an elucidation.

PRESIDENT (in Cantonese): You consider that the Secretary has misunderstood the contents of your speech just now, and hence, you request to make a short elucidation now.

MISS TANYA CHAN (in Cantonese): Yes, I will make a very brief elucidation. I have also read the relevant provision in the Rules of Procedure. Regarding the point made by the Secretary that I did not know the professional background of members of the Advisory Committee on Arts Development, I indeed have such knowledge and I also have the membership list on hand. I have also known Ms MUI Cheuk-yin, Hong Kong dancer, for more than 20 years. Thank you, President.

PRESIDENT (in Cantonese): Mr LEE Wing-tat, please move your amendment.

MR LEE WING-TAT (in Cantonese): President, I move that my amendment be passed.

Mr LEE Wing-tat moved the following amendment: (Translation)

"To add ", given that" after "That"; to delete "and" after "('WKCD'),"; to add "(d) reform the Hong Kong Arts Development Council's method for selecting members from the community, and step up the studies on and implementation of local arts and community development strategies, so as to improve the operation of existing cultural hardware and its ancillary

facilities;" after "project implementation;"; to delete the original "(d)" and substitute with "(e)"; to delete the original "(e)" and substitute with "(f)"; to delete the original "(f)" and substitute with "(g)"; to delete the original "(g)" and substitute with "(h)"; to delete the original "(h)" and substitute with "(i)"; to add "(j) train local talents engaging in culture and arts administration, and set up scholarships for people aspiring to develop in the areas of culture and arts to pursue overseas studies on arts administration and venue management, etc., so as to nurture talents for Hong Kong in this regard and meet the demand for arts administration talents after the completion of WKCD;" after "population;"; to delete the original "(i)" and substitute with "(k)"; to delete the original "(j)" and substitute with "(l)"; to delete the original "(k)" and substitute with "(m)"; to add "(n) strengthen inter-departmental co-operation, and use existing premises or resources for providing more exhibition space, including public space not designated as formal exhibition venues, so as to enable arts workers to have more opportunities to display their works to the public;" after "communities;"; to delete the original "(l)" and substitute with "(o)"; to delete the original "(m)" and substitute with "(p)"; to delete the original "(n)" and substitute with "(q)"; to delete the original "(o)" and substitute with "(r)"; to delete the original "(p)" and substitute with "(s)"; to delete "and" after "exchanges;"; to delete the original "(q)" and substitute with "(t)"; and to add "; and Relationship with arts organizations — (u) regard various arts organizations as partners, maintain close co-operation with them, and request the WKCDA to face up and proactively respond to the views put forward by arts organizations on the WKCD, so as to allay their concern about the present 'black hole in WKCD consultation' " immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Wing-tat to Mr LAU Kong-wah's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): As Mr LEE Wing-tat's amendment has been passed, Dr PAN Pey-chyou has, as Members have already been informed, withdrawn his amendment.

PRESIDENT (in Cantonese): Miss Tanya CHAN, as the amendment by Mr LEE Wing-tat has been passed, you may now move your revised amendment.

MISS TANYA CHAN (in Cantonese): President, I move that Mr LAU Kong-wah's motion as amended by Mr LEE Wing-tat be further amended by my revised amendment.

Miss Tanya CHAN moved the following further amendment to the motion as amended by Mr LEE Wing-tat: (Translation)

"To add "; Perfection of framework and policies — (v) review the role, functions and composition of the Advisory Committee on Arts Development, and introduce the participation of more people with professional cultural and arts backgrounds; (w) review the functions and composition of the Hong Kong Arts Development Council as a territory-wide statutory public cultural organization, improve its structure and composition, bring in more members with professional cultural and arts background, and review the system for selecting representatives from the arts interest; Promotion of public arts education — (x) conduct studies on offering cultural and arts education programmes at more universities and tertiary institutions; and Provision of an information and exchanges

platform — (y) conduct studies on establishing an artwork resources platform for collecting local artists' works, and arrange for the identification of appropriate artworks by organizations interested in borrowing or renting artworks for exhibition purposes, so as to enable local artists to display their works in more places" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Miss Tanya CHAN's amendment to Mr LAU Kong-wah's motion as amended by Mr LEE Wing-tat be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr LAU Kong-wah, you may now reply and you have one minute 50 seconds.

MR LAU KONG-WAH (in Cantonese): President, when the debate started, a colleague reckoned that this debate would conclude by 6.30 pm in any case. *(Laughter)* Now that the debate has lasted for over an hour, it proves that this colleague has underestimated the concerns of Members on culture and arts.

Hence, I hope the Government would also treasure this debate and all the proposals made.

President, in conducting the relevant study, we had interviewed Mr Maurice LEE Wai-man, former Vice-chairman of the Hong Kong Arts Development Council. He mentioned a particular view point — art creation is about "point", "line" and "plane". As a matter of fact, it is the same with the promotion of cultural policy. Now we have many "points" in the community, but these points can hardly be connected to become "lines". Even when "lines" are formed, there is hardly any communication. There is no communication among government departments; even if there is communication, a "plane" can hardly be formed.

Hence, I think we must seize this opportunity to highlight the need for establishing a cultural and education bureau. Even though this cannot be implemented within the present term of Government, I think any "likely Chief Executive candidates" of the next term of Government should take heed of this view of the Democratic Alliance for the Betterment and Progress of Hong Kong. We will organize several workshops later on, one of them is related to the work on cultural education.

President, in the area of culture, we have already voiced many views just now. I personally consider that instead of putting forth complaints, accusations and criticisms, we should pool our minds together so that more beneficial and constructive suggestions can be made. The West Kowloon Cultural District is not all that matters. I think the crux actually lies with the formulation and implementation of a comprehensive cultural policy.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAU Kong-wah, as amended by Mr LEE Wing-tat and Miss Tanya CHAN, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 1 June 2011.

Adjourned accordingly at twenty-five minutes to Eight o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Director of Environmental Protection to Dr Priscilla LEUNG's supplementary question to Question 1****Reply to Request for Amending the Noise Control Ordinance about
the Control on MTRCL**

Noise emanating from railway operation of the MTR Corporation Limited (MTRCL) is controlled under section 13 of the Noise Control Ordinance (NCO). The Environmental Protection Department (EPD) will request the MTRCL to make improvements if the noise emanating from railway operations of the MTRCL is found exceeding the statutory limits set out in the NCO. However, as the MTRCL's East Rail (ER) Line, Tsuen Wan Line, Kwun Tong Line and Island Line are all built before the commencement of the NCO, there are practical difficulties and constraints if noise abatement facilities are to be retrofitted along these lines. Therefore, section 37 of the NCO stipulates that section 13 shall apply to the MTRCL only so far as it is practicable and compatible with the discharge of any function or the exercise of any power or duty conferred or imposed upon it according to law. As for new railways, they must meet the requirements and statutory limits set out under the Environmental Impact Assessment Ordinance. The MTRCL must also carry out works and operate the railways in compliance with the requirements of the relevant legislation and the environmental permits, including the necessary noise reduction measures.

Railway is a convenient means of transport. Following the start of train services, many facilities and buildings would be developed along the railway. However, due to the limitations of the original planning, there is a great difficulty in requiring the rail company to implement noise mitigation measures for new buildings developed after the railway is completed.

Despite the above constraints, the EPD, upon receiving complaints, would request the MTRCL in accordance with the NCO to adopt appropriate measures to reduce noise generated by running trains by taking into account the merits of each case, the varied conditions of different rail sections, the development of technology and the topography. The measures include grinding the rails and wheels regularly, proper maintenance of trains and rails, lubricating the tracks and wheels,

WRITTEN ANSWER — *Continued*

adjusting the running patterns of trains and reducing train speed where feasible, installing wheel dampers, welding the rails at the joints where applicable in order to reduce noise from wheel movements on the track, and constructing noise barriers. These various practicable measures help reduce noise generated during the operation of railway. We would also relay Members' views to the MTRCL requesting them to explore practicable noise reduction measures.

The enactment of the NCO and relevant Technical Memorandum was completed after comprehensive discussion and consultation, balancing the needs to protect residents against excessive rail noise and practical difficulties in retrofitting noise abatement facilities along existing railways. At present, we have no plan to amend the relevant provisions.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Food and Health to Dr Joseph LEE's supplementary question to Question 3**

As regards nursing manpower ratio in the Hospital Authority (HA), the HA has developed a ward workload assessment tool since 2007-2008 to estimate nursing manpower requirements. The model is more than a strict nurse-to-patient ratio. It has taken into account the number of patients and patient dependency for nursing care via a four-category patient nurse dependency tool. The different dependency categories are derived from the needs for direct nursing care for patients. It also includes other workload factors such as nursing time in providing patient education, counselling and care planning as well as non-bedside nursing work such as care co-ordination and liaison. Other specific factors which have impacts on nursing workload such as patient turnover including admission, discharge and transfer of patients are also taken into consideration.

The model is now being used for assessing nursing workload hours and staffing requirements in acute wards. It is currently being refined for estimation of manpower requirements in extended care wards.

Appendix III

WRITTEN ANSWER

Written answer by the Secretary for Education to Ms Audrey EU's supplementary question to Question 6

The list of the 13 vacant school premises earmarked for further educational uses is set out as below for Members' reference.

School Name, District and School Cessation Year of
13 Vacant School Premises Earmarked for Educational Uses

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
Poo Ai Catholic Primary School	Kowloon City	2008-2009
The Society of Natives of Chaolian Cheung Chuk Shan Memorial School	Kowloon City	2008-2009
Grantham College of Education Past Students' Association Kwun Tong Primary School	Kwun Tong	2008-2009
Hang Hau Central Shing Hang Fong Memorial Primary School	Sai Kung	2008-2009
Hong Kong Cheng's Clansmen General Association Cheng Jack Yiu School	Southern	2008-2009
TWGHs & LKWFS Mrs Fung Yiu Hing Memorial Primary School	Eastern	2009-2010
Buddhist Bright Pearl Primary School	Sha Tin	2009-2010
The Church of Christ in China Kei Kok Primary School	Sha Tin	2009-2010
Five Districts Business Welfare Association Mrs Fung Ping Shan Primary School	Sha Tin	2009-2010
Chai Wan Star of the Sea Catholic Primary School	Eastern	2010-2011

WRITTEN ANSWER — *Continued*

<i>School Name</i>	<i>District</i>	<i>School Year in which the Relevant School Ceased Operation</i>
Tsuen Wan Lutheran School	Tsuen Wan	2010-2011
Buddhist Lau Tin Sang Primary School	Tuen Mun	2010-2011
Salvation Army Sam Shing Chuen Lau Ng Ying School	Tuen Mun	2010-2011

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Education to Mr CHAN Kin-por's supplementary question to Question 6**

As regards information on the number of vacancies in individual international schools for reference, student enrolment fluctuates throughout the school year and varies across different grades. To enhance the dissemination of information on student enrolment, we will provide cross-links to individual international schools in the Education Bureau's website and expect the schools to update their information regularly including the availability of vacant school places for reference of the incoming investors and the public.