

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 16 June 2011

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING, J.P.

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

THE HONOURABLE CHAN HAK-KAN

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

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

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:

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

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

DR THE HONOURABLE LEUNG KA-LAU

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

PUBLIC OFFICERS ATTENDING:

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

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

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

CLERKS IN ATTENDANCE:

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

BILLS**Second Reading of Bills****Resumption of Second Reading Debate on Bills**

PRESIDENT (in Cantonese): Good morning. We now resume the Second Reading debate on the Residential Care Homes (Persons with Disabilities) Bill.

RESIDENTIAL CARE HOMES (PERSONS WITH DISABILITIES) BILL**Resumption of debate on Second Reading which was moved on 30 June 2010**

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

MR WONG SING-CHI (in Cantonese): President, in my capacity as Chairman of the Bills Committee on the Residential Care Homes (Persons with Disabilities) Bill, I now report on the deliberations of the Bills Committee.

The Residential Care Homes (Persons with Disabilities) Bill (the Bill) aims to provide for the control of residential care homes for persons with disabilities (RCHDs) through a statutory licensing scheme. The Bills Committee has held 14 meetings and also received views from 14 deputations. To better understand the operation of private RCHDs, the Bills Committee paid a visit to two private RCHDs.

In the course of deliberations, members have examined issues relating to the statutory framework of the licensing system, the application mechanism, enforcement of the licensing system, the licensing standards and requirements and the likely impact of the licensing scheme on the operation of private RCHDs.

Members understood that the private RCHD sector was gravely worried about the impacts of the licensing scheme on the operation of RCHDs. According to the sector, to meet the proposed minimum spatial requirement, that

is, the minimum area of floor space for each resident of homes for mildly to moderately disabled persons is 6.5 sq m, the fees of most private RCHDs will inevitably increase as a result of the reduction in the number of beds; some RCHDs may close down because of inability to meet the licensing requirements, resulting in displacement of residents.

The Administration has assured members that it is fully aware of their concerns, and will formulate suitable complementary measures to encourage private RCHDs to upgrade their service standards. To this end, a pilot Bought Place Scheme will be introduced prior to the implementation of the statutory licensing system, and a Financial Assistance Scheme will be implemented upon the enactment of the Bill to provide subsidies to private RCHDs to carry out improvement works for compliance with the licensing requirements in building and fire safety. Besides, there will be a grace period of 18 months after the commencement of the Bill to allow time for RCHDs to put in place suitable arrangements.

Some members remain of the view that the Administration should critically consider upgrading the minimum spatial requirement, to ensure that RCHD residents are provided with adequate activity and nursing care space. Some members suggested that consideration should be given to including outdoor space (or a portion thereof) for the purpose of calculating the spatial requirement in order to encourage the operators to provide more spacious area for recreational activities for the RCHD residents. Having considered members' views, the Administration has agreed to review afresh the level of minimum area of floor space to be required for each resident in a RCHD and the criteria for determining the area in a RCHD for the purpose of the spatial requirement. The space standard per capita will be stipulated in the Regulation which will be tabled for negative vetting by the Legislative Council after passage of the Bill.

Other issues of concern to members are the minimum staffing requirements for each type of RCHDs and the impact of the statutory minimum wage on the manpower requirement of RCHDs. Members stress the need for the Administration to assist the private RCHD sector to upgrade and enhance the service quality, instead of lowering the staffing requirement to facilitate the continued operation of private RCHDs after the implementation of the licensing scheme.

The Administration has reiterated that the minimum staffing requirements are the results of the deliberations of the sector, representatives of persons with disabilities, parent groups, and representatives from the Hong Kong Council of Social Service, and have balanced the different views of the rehabilitation sector and stakeholders. The minimum staffing requirements for each type of RCHDs in different periods will be set out in the Regulation to be tabled later. The Administration believes that the private RCHDs would achieve a material improvement in service standards after the introduction of a licensing system. Although the actual number of working hours per shift is usually agreed upon in the contract of employment between the employer and the employee, the Administration has explained that the RCHD operators had been advised to observe the requirements under the Minimum Wage Ordinance in arranging duty hours for their staff. To allay members' concerns, the Administration has agreed to spell out explicitly the arrangements in the Code of Practice to be issued later by the Director of Social Welfare (the Director).

The Bills Committee has considered the licence application system in detail. Upon members' request, the Administration has provided information on the Administration's criteria for classification of a mixed home. As members have expressed concern about the appropriate level of care provided to the residents, the Administration has assured members that, after determining the category of a RCHD, the Social Welfare Department (SWD) will specify clearly the level of care services provided by the RCHD in its licence and it will also conduct regular inspections.

Members note that the Director is empowered to issue a certificate of exemption (COE) to a licence applicant and specify the validity period of the certificate as being not more than 36 months, and a holder of COE may apply for the certificate to be renewed for a period of not more than 36 months; members have expressed concern about the potentially long validity period of COEs. The Administration has explained that the intention of COEs is to encourage an existing RCHD to strive to meet all the licensing requirements and obtain a licence as early as practicable. Hence, a COE will only be issued or renewed where the Director considers that there are full justifications for allowing a reasonable time for completion of the rectification works. Upon members' request, the SWD will upload onto its website the list of licensed RCHDs together with a copy of their licence and COE on which the conditions imposed will be specified.

Members welcome the Administration's provision of an avenue of appeal so that a licence applicant aggrieved by any decisions of the Director may appeal to the Administrative Appeals Board. Members support the Administration's amendment that when a person appeals against certain decisions of the Director made under the Ordinance, the decision should be suspended in operation as from the day on which the appeal is made until such appeal is disposed of.

Regarding the commencement of the licensing system, the Bills Committee considers the Government's proposed timetable agreeable. Since the Bill specifies a statutory regulatory framework, the requirements on the operation, management and supervision of RCHDs, and the licensing requirements and standards will be set out in the Regulation. Members appreciate the need to gazette the proposed Regulation as early as practicable so that the RCHD sector will be aware of various requirements on RCHDs, and make rectification works within the 18-month grace period as appropriate.

In response to members' views and concerns, the Administration will later on move a number of Committee stage amendments (CSAs). Members support all amendments proposed by the Administration.

President, the above is my report on the work of the Bills Committee. I am now going to express my views and state clearly the position of the Democratic Party.

President, this Bill the Second Reading debate of which is resumed aims to provide for the control of RCHDs; the Democratic Party strongly supports the Bill. The law on RCHDs also regulates the specifications of RCHDs; the Democratic Party welcomes these provisions. We believe that enhancing the regulation of RCHDs has every gain to make and none to lose. The formulation of various specifications can ensure that RCHD residents would have an appropriate living environment. More importantly, this can ensure that they will have a safe place to live.

Before the introduction of the Bill, the SWD issued a Code of Practice (CoP) in 2002, which is not legally binding and it serves as a guide on the service standards for all RCHDs, including subvented, self-financing and private homes. Later, after collecting and balancing the views of various stakeholders and the mainstream views of the sector, the Working Group on RCHDs established by the

SWD in July 2007 drafted the 2008 CoP. After more than six months' deliberations, and having listened to the views of different deputations and the Government's explanations, the Bills Committee hoped that the Bill would be more comprehensive and better meet the demands of the community. The development from a CoP which is not legally binding to the passage of the Bill to control RCHDs is a big step forward in protecting RCHD residents. I believe the community has made such appeals and voices for years.

We are concerned about the operational difficulties and financial viability of private RCHDs after the implementation of the licensing scheme. In fact, many private RCHDs have raised this point with us. I am not sure if the Secretary has received a study report published by the Hong Kong Private Hostel for Rehabilitation Association which belongs to the private RCHD sector. If necessary, I will give the Secretary a copy of the report later so that he can better understand the difficulties and hardships faced by private RCHDs currently. Most RCHD residents are Comprehensive Social Security Assistance (CSSA) recipients; the amounts of CSSA payments they receive are rather small and they are not given additional RCHD allowances. They have to live in RCHDs, but their CSSA payments are just enough for meeting their daily living expenses.

If their services are unconditionally expanded without any support or improvement, and if there are so many requirements, they may not be able to manage to provide the services. Members have heard similar views at the Bills Committee meetings and when they contacted these private RCHDs in private. Even though we support enhancing the service standards of RCHDs, if we do not face up to and address the present situation of RCHDs, most RCHDs may close down in the future, and persons with disabilities and their family members will be victimized.

Although the Government has proposed or implemented the Pilot Bought Place Scheme for Private RCHDs, the pilot scheme unfortunately met a lot of setbacks. I am now handling two cases. In one case, I heard some representatives of RCHDs say that some members of the DAB objected to the establishment of a RCHD within their premises though the Government has basically approved the buying of places in this RCHD. Mr IP Kwok-him may not know that, but I will later provide him with some information to help him and other Honourable colleagues understand that their obstruction has disadvantages.

The second case is about the establishment of a RCHD in Tuen Mun. Although the Lands Department considered that there was no problem, the Planning Department (PD) thought otherwise. The SWD prefers this RCHD and is ready to buy some places; but, its plan eventually does not work out. It seems as though the government departments' left and right arms are having a wrestle, each of them flexing its muscle to approve or disapprove it. What exactly is the Government doing? We have proactively striven for the Government's approval and support of private RCHDs, but it turns out that government departments are beating and obstructing one another.

President, I hope that Secretary Matthew CHEUNG (not only Secretary Matthew CHEUNG — as Mr CHEUNG Man-kwong reminded me yesterday, Secretary Matthew CHEUNG and Secretary Dr York CHOW belong to the government team and the Government should work as a team) can talk with Secretary Carrie LAM, such that the PD should not obstruct the SWD which supports the Lands Department (LandsD); yet, the LandsD cannot do anything. We do not want such a situation to occur almost every day.

I also hope that various political parties will try their best to support the construction of these RCHDs, and they should not raise strong objection just because the District Council election will be held soon and some corporations or people within the district dislike the establishment of RCHDs in their neighbourhood. How can the community enable persons with disabilities to live in a favourable environment and in RCHDs? For this reason, I hope that my political party and I implore the DAB to understand other Members within the district, community officers or those who are prepared to stand for the District Council election, and that it will not take advantage of the situation of persons with disabilities or suppress persons with disabilities for the sake of gaining an upper hand.

President, at the last meeting of the Panel on Welfare Services, we discussed the Government's intention to provide financial assistance to private RCHDs after the passage of this Bill. However, we have not been given any specific information so far. I hope the Government will provide the relevant information as soon as possible.

The day before yesterday, 50 to 60 residents of RCHDs and their parents and some RCHD operators slept out overnight, and they made a petition to the Legislative Council yesterday. Unfortunately, those opponents to the tobacco tax increase snatched the limelight from them, thus their petition was given little coverage. This happens sometimes in our society: nobody may care about the most miserable group while those who just need to pay a few dollars more for two cigarettes are widely reported. I really do not quite understand this phenomenon in our society. I hope that the Government can take action as soon as possible so that these private RCHDs whose residents are CSSA recipients will not have special operational difficulties in the face of rising rents, serious inflation and additional costs incurred due to compliance with the Minimum Wage Ordinance.

President, I would like to take this opportunity to discuss the needs of persons with disabilities and their carers. According to government data, there is a very long queue for RCHD places. Let me give an example in the year 2009-2010, where the average waiting time for hostels for moderately mentally handicapped persons was 79 months, that is, more than eight years. In other words, a 10-year-old applicant had to wait until he was an 18-year-old adult. The average waiting time for hostels for severely mentally handicapped persons was 68 months, almost seven years; and the average waiting time for hostels for severely physically handicapped persons was 61.9 months. All of us can see how miserable the situation is.

I believe some of our friends need to take care of some persons with disabilities and we all understand very well the pressure on the carers of persons with disabilities. They are under such pressure because they lack social support, and some of them have to give up their jobs in order to provide persons with disabilities with full support. We think that these carers should be given social support, which is much better than handing out \$6,000 to each person. Concerning the \$6,000 handout, I have asked the family members of many residents of RCHDs, and they have told me that they would rather donate the \$6,000 handout from the Government. If the Government does not have enough money for the construction of RCHDs, they would give it back the money in the hope that they will be given a place in a RCHD. I believe the Government will have a greater surplus in the future owing to the flourishing land sales this year and the upsurge in land premiums. Now that the Government is so affluent, why are persons with disabilities still required to wait for seven to eight years?

Therefore, I hope that the Government can increase subsidized places for persons with disabilities and construct more RCHDs. If the Government is willing to do so, the private RCHDs will not always have to take in CSSA recipients and provide to them services that fail to meet the specifications. As regards the Government's practice, I know that a subsidized place costs \$16,000 or more while a bought place costs less than \$7,000. I do not understand why there is such a big difference. Is it because subsidized homes require special care while private RCHDs or homes for the elderly that are willing to take up the Government's outsourced work is merely considered by the Government as outsourcing services or hired services? That is why the Government thinks that they must be making profits. This kind of thinking makes us feel very sad.

Furthermore, we hope that the Secretary can suggest to the Chief Executive that "residential care home vouchers" be introduced in the next policy address. These vouchers can allow those who need residential care services to make a choice, thereby giving private RCHDs an incentive and encouraging them to enhance the quality of services and improve the space of residential care homes. When their standards are higher than those required under the existing ordinance, persons with disabilities and their family members will be the ultimate beneficiaries. We hope that the Government would start working on this as soon as possible.

Besides monitoring RCHDs, the Democratic Party hopes that the Government would strengthen community care services. Regarding the burden of the carers of persons with disabilities, I mentioned just now that many people have to give up their jobs to take care of family members or elderly persons with disabilities. I have chatted with many parents of persons with disabilities, and found that many of them are professionals who have worked for many years. To take care of their children with disabilities who definitely needed their care when they were young and also need their care when they grow up, as they cannot find residential care homes places, they have to give up their professional jobs and take care of their children on a full-time basis. Some parents who have given up their jobs have formed some teams together with other parents and continued to support one another. This is a desirable phenomenon, but the problem is that they cannot contribute to society with their professional knowledge, which is our loss. We can help them take care of their children or persons with disabilities on a part-time basis so that they will have some time to work hard for their career and ideals. Under such circumstances, I believe the Government should

consider introducing more services. Should the Government be more concerned about these carers? The demand of the Democratic Party is very simple. We hope the Government can provide these carers with an allowance.

This allowance for carers has two merits: first, it shows that the Government identifies with the difficulties and situation of these carers giving loving care; honestly speaking, an allowance of \$1,000 or \$1,500 may just be a drop in the bucket for a carer, but it can serve as some sort of encouragement and recognition. Why has the Government not done so? It does not need to spend too much. Second, the allowance for carers can be turned into an institutional care allowance. When the carers cannot take care of persons with disabilities at home and they need to send them to RCHDs, \$1,000 or \$1,500 can be granted on top of CSSA payments to meet their expenses on RCHD services. This can actually help many private RCHDs enhance the quality of their services. Why has the Government not done so?

President, I also hope that the Government will provide these carers with emotional support and skills training, and that it can consider allocating more resources for the establishment of carers' centres to facilitate mutual support among carers and enable them to face up to their situation together. President, the Democratic Party has always wanted the Government to take a few steps further in the care of persons with disabilities. It should not just pay \$120 or \$150 at a time, or pay \$400 when it is forced by strong public opinion. Taking a small step at a time will not help the community at all.

Through this Bill on RCHDs today, we would like to support the Government in regulating RCHDs more effectively, and in making more improvements to the services of RCHDs or the services for persons with disabilities. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, after reading two recent news reports about persons with disabilities, I cannot dismiss them from my mind after a long while.

The first incident happened in the adjacent Guangdong Province. HAN Qunfeng, the mother of two twin brothers suffering from cerebral palsy, had been taking care of them in the past 13 years. During these 13 years, she had been

physically busy and mentally exhausted, taking care of her twin sons suffering from cerebral palsy. We knew from the experience told by her personally that the condition of the younger brother was not very serious and he could go to school. She carried the younger brother on her back travelling up and down five floors every day though he was a teenager weighing dozens of kgs. She was in a very miserable state and she had used up all her savings on the treatment of the twin brothers. On 10 November last year, she could not hang on any longer and did a very terrible thing: she drowned the twin brothers. This case caused a great shock in Guangdong and throughout China, especially among the parents of children with disabilities. Everyone was wondering why this loving mother would act like a demon all of a sudden.

The second news report was on an incident that happened in Bristol, England which is thousands of miles away. There was a private RCHD operated by a group, dedicated to admitting persons with learning disorders, autism, other types of mental illness and other mental problems such as personality disorder. When some staff members discovered that other colleagues were abusing the residents, one of them bravely complained to the head office of the group, but his complaint was not entertained. He then complained to the regulatory authority, but his complaint was similarly not entertained. Lastly, he could only seek help from the British Broadcasting Corporation (BBC). BBC finally lived up to his expectation and a reporter who pretended to be a staff member of the home conducted an undercover interview. This person concealed his identity and did not reveal it throughout the interview, and he even filmed all kinds of outrageous and appalling scenes of abuse, such as pulling the residents' hair and battering them, and some young residents being forced to jump from a building. When the incident was exposed, the evil-doers were arrested and faced legal sanctions.

These two news reports touched the nerves of the family members of persons with disabilities. The first news report reflected that taking care of persons with disabilities is a very tough and even painful experience. When family members cannot take care of these children, they are very often admitted to residential care homes, which may be a very guilty choice for their family members, but there is no alternative. Family members are often suspicious about and lack confidence in the services provided by these homes. The second news report precisely affirms the worst-case scenario badly feared by family members, telling them that these things actually happened. We are really lucky that these two incidents have not happened in Hong Kong, but we cannot help

asking if there is not any chance for such things to happen here. I do not think so, for we are very lucky actually.

At present, persons with disabilities and their family members are facing immense difficulties. First, there are inadequate community services and support. I believe we are performing worse than many advanced countries in the West in this area. As these family members do not have adequate support, they will send their children to residential care homes when they finally have nowhere to go, resulting in very long queues for places in these homes.

According to the figures provided by the Government in late March this year, 7 183 persons are waiting for various kinds of RCHDs. Even though there are long queues, as persons with disabilities are admitted to these homes at a young age, there is a very slow turnover of places. A person who has been admitted will live there for 10 to 30 years, so the waiting time is really long.

In October last year, the figures provided by the Government told us that (Mr WONG Sing-chi has just mentioned these figures, but I have done some calculations too, and I found his method of calculation may be a bit inaccurate. Therefore, I have done some calculations on my own, and I am going to discuss the results) moderately mentally handicapped persons have to wait for six years and seven months; the severely mentally handicapped have to wait for five years and eight months while the severely physically handicapped have to wait for five years and two months. There are many other queues.

Under such circumstances, we may all think that private residential care homes should be a way out, but private homes actually have serious problems. Owing to the lack of supervision in the past, the standards of these homes vary greatly. The Government has only implemented a voluntary registration system, what is the result? Only six out of 54 private homes have participated in the system. For this reason, the 2 900 residents of private homes have an extreme lack of protection. Hence, we think that standardization of the services of these homes, especially private homes, is badly needed and compatible with the interests of all parties, even the operators.

When the Residential Care Homes (Persons with Disabilities) Bill (the Bill) was introduced to the Legislative Council for deliberations, and when the public

and the relevant deputations were consulted, a considerable number of comments were received, as Mr WONG Sing-chi has just summarized on behalf of the Bills Committee. On the whole, many stakeholders have asked for more stringent regulation. Most of them are members of the community, family members of persons with disabilities or self-help organizations. They consider that the maximum validity period of a certificate of exemption being 36 months and renewable for 36 months is too long. They also find the requirement on the minimum area of floor space for each resident and the manpower requirement under the Code of Practice (CoP) for all RCHDs too lenient, even more lenient than the requirements under the pilot Bought Place Scheme and the 2002 CoP. Some organizations are very dissatisfied that some of the provisions are excessively lenient.

I personally think that the legislation on regulation of RCHDs has taken a big step forward, and it is understandable that more lenient provisions should be made at the very beginning to allow time for the sector to adjust. However, this is not enough in my view, and the relevant standards and requirements should gradually be tightened and enhanced in a planned manner after the enactment of the legislation, so as to genuinely improve the quality of life of the residents of RCHDs.

In this process, the Government should work out a mechanism for regular reviews and amendments of the CoP. The Government should have exchanges and discussions with various stakeholders, to absorb the views of various parties on the one hand, and enable the parties to become aware of their respective different needs on the other. They can then try to address the issues from other aspects or angles in order to reach a consensus, thereby gradually improving the regulation, requirements and systems of these homes. Insofar as enforcement is concerned, now that the conditions as currently specified are rather lenient, there must be strict inspection and enforcement supervision; otherwise, given the lenient requirements, there will be no effect if enforcement is equally lax. Hence, I believe the Government should do a better job in this aspect.

As the operators have financial difficulties, I think that the Government should really consider the matter from their perspective because they are not just doing an ordinary business, they are providing services. I trust that the Government should practically study whether the Bought Place Scheme should be

expanded, or whether it can provide them with funds for the improvement of facilities. In making improvements to these homes and benefiting more people through the Bought Place Scheme, the waiting time for these homes should be shortened.

President, we all want to live together with our family members and persons with disabilities and their family members wish the same. Nevertheless, we have just heard that those carers of persons with disabilities are under great pressure, and the pressure may be unbearable for individuals or the whole family. In that case, these families need "emergency exits" and RCHDs exactly serve as their "emergency exits". When persons with disabilities are taken care of in these homes, their family members can lay down the heavy burden.

To legislate on regulation of RCHDs is the first step taken to assure a certain standard of living for persons with disabilities. Second, such assurance will make their family members feel more relieved as they know that their dear ones with disabilities are in good hands. Third, regulating these homes will help the operators build up their goodwill, thereby creating more job opportunities for the benefit of local workers.

I believe Hong Kong still has a long way to go in the development of RCHDs and in the care of persons with disabilities and their family members. In fact, we can tread this long road step by step and now, a very important step is being taken and it worths our support. I state clearly on behalf of the Hong Kong Federation of Trade Unions that we support the passage of this Bill.

MR TAM YIU-CHUNG (in Cantonese): President, currently there are more than 300 RCHDs in Hong Kong. Besides subvented homes and self-financing homes operated by non-governmental organizations (NGOs), more than 2 300 persons with disabilities are living in more than 60 homes operated by the private sector. As the Government lacks a statutory framework for monitoring the operation of these homes, the standards of these private homes vary greatly. In the middle of last year, a mentally ill resident of a private RCHD committed suicide in his room and the case was only discovered the next morning by family members who visited him. It was found after the incident that no staff member had made the rounds of the rooms within 12 hours, so the tragedy could not be stopped in time.

The Bill today aims at protecting the well-being of the residents of RCHDs, however, as estimated by the Hong Kong Private Hostel for Rehabilitation Association, half of the private RCHDs may have to close down after the implementation of the Bill. Therefore, we ask the Government to proactively think of ways to help these private RCHDs so that they can continue to provide services and the standards of their services can be enhanced.

The most controversial point of the Bill centres around the licensing standards to be adopted. If the Code of Practice (CoP) issued in 2002 is taken as a guide, none of the private RCHDs can fully comply with the manpower requirements under the CoP. If all homes are required to meet the spatial and manpower requirements under the CoP, 24 RCHDs in the urban areas may find it financially not viable. In other words, the 671 residents of these 24 RCHDs will be forced to move to other RCHDs, and the care needs of some of them may not be met if they cannot find suitable RCHDs. The Social Welfare Department (SWD) has drafted the 2008 CoP setting out lower minimum requirements, mainly for high-level-care homes. For instance, the respective minimum staffing provision for ancillary workers in a high-level-care home is one for every 30 residents in the 2002 CoP and one for every 40 residents as proposed in the 2008 CoP. As to spatial requirements, the minimum area of floor space for severely disabled persons is the same as that for mildly to moderately disabled persons, that is, 6.5 sq m rather than 8 sq m. For persons with disabilities in RCHDs, a higher service standard is certainly desirable, but if they will then be deprived of the only place that they can rely upon, this is definitely not the original intent of the Bill.

During the course of scrutiny of the Bill, I visited three RCHDs in the urban areas and witnessed with my own eyes how the operators of these RCHDs regarded the residents as their own children or family members and made great efforts to take care of them, so as to enable them to enjoy the warmth of a family in these RCHDs. I would like to say that, if these RCHDs striving hard to survive cannot continue to operate, what course should persons with disabilities with intellectual disability, mental disorders and physical disabilities follow? If the 2008 CoP is adopted, I believe the service standards of private RCHDs will be improved considerably after the implementation of the licensing system because most RCHDs currently fail to meet the requirements under the 2008 CoP. For example, based on the figures in late 2009, 52 of the 64 private RCHDs known to

the SWD will need to carry out improvement works in respect of building and fire safety pursuant to the implementation of the new law, and the number of care staff will have to increase. Before finalizing the licensing standards under the CoP through the subsidiary legislation, the Government should listen to more views expressed by disabled groups and parents groups, and practically adopt the proposal that better meets the demands of those who need such services.

After the implementation of the law, private RCHD fees will inevitably increase so as to meet the additional costs for carrying out substantial improvement works in RCHDs or to compensate the loss of income arising from the reduction in the number of beds. At present, most residents of RCHDs pay the RCHD fees with CSSA payments. At the current CSSA payment levels, these residents or their family members will not be able to afford the increased fees of RCHDs. I think that the Government should consider giving RCHDs and their residents stronger support, such as providing subsidies to RCHD operators for carrying out improvement works, and increasing nursing care subsidies for persons with disabilities in RCHDs to enable them to participate in outdoor activities and receive rehabilitation training and care, thus alleviating their financial burden caused by higher RCHD fees. Furthermore, as family members cannot additionally subsidize CSSA-recipient residents, the Government should relax the relevant provisions so that family members can pay the difference between RCHD fees and the CSSA amounts.

The operational difficulties of private RCHDs include gaining the tolerance of residents in the neighbourhood. When Mr WONG Sing-chi expressed his views a while ago, he took the opportunity to attack the DAB, alleging that the DAB had suppressed persons with disabilities for the sake of gaining the upper hand. Such opportunist attempts at smearing, attack and slander are meaningless. The position of the DAB towards this issue has always been the same. If problems are encountered, we will try our best to think of ways to counsel the residents and consider how best we can solve the problems together with the Government. As Hong Kong is a densely populated place, when quite a number of residents and owners' corporations encounter problems, they sometimes do not want to — this is not only the case with RCHDs but also with residential care homes for the elderly — have these institutions established near their homes. In that case, we can only patiently convince them until they accept our proposals. I will talk about planning issues in a short while.

When I visited the RCHDs, I found that some RCHDs in the urban areas even dared not hang up signs lest other residents in the buildings should raise objections. Thus, I think the Government should provide assistance in this area. We certainly understand the legal advice received by the Government, that is, it is inappropriate for the SWD as the licensing authority to exercise its authority to enforce any provision in the Deed of Mutual Covenant (DMC). Therefore, just like the Bill on residential care homes for the elderly, the Residential Care Homes (Persons with Disabilities) Bill this time has not authorized the SWD to require an applicant to prove compliance with the provisions of the DMC. Nonetheless, the SWD as the licensing authority has to repeatedly remind an applicant to note the requirements of the DMC, and it should proactively participate in mediating the conflicts between RCHDs and the residents. In particular, most RCHDs need to carry out improvement works in respect of building and fire safety such as fire services sprinkler systems pursuant to the new licensing conditions, and these RCHDs cannot be licensed if other inhabitants of these buildings are not co-operative. As the Government has estimated that 11 RCHDs may have to move out or even close down because of the failure to improve the building structure or ameliorate the problems with the means of fire escape, it should try its best to assist them in identifying suitable premises and help needy RCHD residents in transferring to other RCHDs.

The Government should also be endeavour to increase the supply of premises for RCHDs, and this involves planning issues. Similar to the Government's policy on residential care homes for the elderly, it is best for RCHDs to be established in special premises for such RCHDs; so, the Government should construct more government institutions and allow the lease of institutions already constructed by NGOs and the private sector at nominal rent.

Currently, more than 6 000 persons with disabilities are still waiting for places in government subvented homes, and they generally have to wait for eight to 10 years. Compared with places for the elderly, the problem of places for persons with disabilities is even more serious. Although the Government will increase places for severely mentally handicapped persons this year, the average waiting time is still 68 months, while the waiting time for places for hostels for moderately mentally handicapped persons is even 79 months, that is, eight and a half years. Nonetheless, the number of places has not increased, and the waiting time for places in hostels for severely physically handicapped persons is 62 months. All these figures make us feel uneasy. Private RCHDs can play an

important role of relief. Hence, while the Government includes private RCHDs in the scope of monitoring, as I mentioned at the very beginning of my speech, it should enhance assistance and support to better assure the well-being of persons with disabilities.

With these remarks, I support the Bill.

MR IP WAI-MING (in Cantonese): President, persons with disabilities are regarded as socially disadvantaged groups in our society because they have physical defects and they have to cope with the rapid pace of urban life today and other people's views on them. Therefore, persons with disabilities and their carers often endure difficulties and pressures in life. We hold that a responsible government emphasizing love and harmony is duty-bound to help these socially disadvantaged persons such that they can live in a suitable, convenient and dignified manner. This is an essential responsibility of the Government. Article 28 of the United Nations Convention on the Rights of Persons with Disabilities which entered into force in Hong Kong in 2008 specifies that States Parties recognize the right of persons with disabilities to an adequate standard of living and social protection. Evidently, the care for persons with disabilities is recognized as a universal value all over the world.

President, according to the data released by the Census and Statistics Department in 2009, there were over 440 000 persons with disabilities in Hong Kong, which was not a small number. Among them, approximately 190 000 persons had restrictions on physical activities (physically disabled), 90 000 persons were suffering from mental/emotional illness, and 70 000 to 90 000 persons had intellectual disabilities. We should have noticed that these numbers are not small.

Out of these tens of thousands of persons with disabilities, some can take care of themselves in daily life after certain training; yet, many others need long-term care or nursing. Unfortunately, we consider the care they received under the present welfare policies most inadequate. For example, concerning institutional services that we are discussing today, several Honourable colleagues have just mentioned that there are problems of excessively long waiting time, inadequate disability allowance and Rehabus services, slow progress in the

provision of barrier-free facilities, and the Government's refusal to set quotas for the employment of persons with disabilities. We have repeatedly discussed these problems in this Council. Nevertheless, the Government has constantly been making improvements at turtle speed, or it has been responding to the appeals of the community as though it is squeezing toothpaste out of a tube. Thus, it is desirable for the Bill today to propose regulating private RCHDs through licensing. But we do not think that the problems of RCHDs can be successfully solved after the passage of the Bill, and we conversely think that the Government should make greater efforts to solve the problems as quickly as possible.

President, the community has all along been concerned about the problems of the services of RCHDs operated by the Government or private RCHDs. As the latest information on the website of the Social Welfare Department (SWD) reveals, more than 7 100 persons with disabilities are now waiting for the services provided by various institutions through the Central Referral System for Rehabilitation Services, and the waiting time seems indefinitely long for many waitlisted persons with disabilities and their carers. For example, the waiting time for hostels for severely disabled and mentally handicapped persons is 12 years, the waiting time for hostels for persons with moderate intellectual disabilities is 10 years while the waiting time for hostels for severely physically handicapped persons exceeds 12 years. We find this timetable really astonishing. President, there is a common saying which goes: How many decades are there in our life? Should the Government make these persons with disabilities and their carers wait for such a long time?

Admitting those who do not want to rely on the Government to private RCHDs is certainly an alternative, but the present problem is the lack of regulation. Information provided by the Bills Committee shows that, as at late 2009, there were 70 RCHDs operated by the private sector known to the SWD, providing a total of 3 700 places. Are there other private RCHDs not known to the SWD? In-depth investigations may have to be conducted. Yet, the Government required these private RCHDs to exercise self-regulation in the past, for example, it issued a CoP and implemented a Voluntary Registration Scheme in 2006 to improve the service standards of private RCHDs. It turned out that self-regulation is ineffective. The original aim of the Voluntary Registration Scheme is for all RCHDs to comply with the requirements on general

management, fire safety, building safety and healthcare; however, the figures provided by the Government to the Bills Committee showed that only eight RCHDs have participated in the Scheme and the CoP is not legally binding. Although quite a number of service standards have been proposed, they are just empty words on a sheet of paper, and they cannot really protect the interests of persons with disabilities admitted to these RCHDs. Since quite a lot of persons with disabilities may have difficulties in taking care of themselves in daily life or in communicating with people, they may not know how they can seek help or make complaints when the private RCHDs taking care of them are problematic. A few years ago, there were news reports about some RCHDs being suspected of abusing the residents or keeping poor environmental hygiene. Hence, objectively, we think that it is extremely important to regulate private RCHDs and a licensing scheme is the first step to be taken with a view to bringing these private RCHDs back on the right track. As Dr PAN said just now, we support the Bill and we hope that it can be implemented as soon as possible.

President, even though we support regulating these RCHDs, we have certain views on the contents of the Bill. For instance, the Bill is modelled on the Residential Care Homes (Elderly Persons) Ordinance and we are worried that RCHDs may subsequently run into the same problems that are found in the residential care homes for the elderly (RCHEs), including inadequate inspections and difficulties in prosecution. The home operator must hold a licence either under the RCHE Ordinance or the RCHD Ordinance as proposed in the Bill, and we are worried that these homes may take the easy route in the future and obtain a licence with more lenient requirements first. Then, they will admit persons with more severe disabilities as they can operate legally without raising standards. In spite of the fact that the Bill has categorized RCHDs into high-care-level RCHDs, medium-care-level RCHDs and low-care-level RCHDs, as their residents may change with time and needs, while the equipment and standards of RCHDs are subject to changes. In that case, RCHDs may be medium-care-level RCHDs or low-care-level RCHDs when they applied for licences but they may have admitted quite a few persons with disabilities who need a high care level after a few years' operation; so, the complementary measures may become inadequate. The authorities have indicated at the meetings of the Bills Committee that regular inspections will be conducted to protect the residents' interests. Yet, if the Government fails to effectively play a gatekeeper's role or to vigorously monitor the situation and enforce the legislation, there may be confusion and problems in

these RCHDs. Hence, we hope that the Government could do a better job in the future, and deploy additional manpower to step up the inspections of RCHDs and properly regulate them in the future.

During the scrutiny of the Bill, we were also concerned about the licensing standards and provisions. President, in light of the existing licensing standards such as those on the proposed minimum area of floor space required for each resident in licensed RCHDs and the manpower requirements of RCHDs, we think that the Government is trimming the foot to suit the shoe. This is because the Government has modelled these standards on the 2008 CoP for RCHDs instead of the 2002 version which was more meticulous. Taking the minimum area of floor space required for each resident as an example, under the 2002 CoP, the minimum area of floor space for each resident of homes for severely disabled persons is 8 sq m while the minimum area of floor space for each resident of homes for mildly to moderately disabled persons is 6.5 sq m. About the manpower requirements, the respective minimum staffing provision for ancillary workers in a high-level-care home is one for every 30 residents in the 2002 CoP and one for every 40 residents as proposed in the 2008 CoP. The manning ratio for the night shift is reduced from one care worker to 30 residents to one care worker to 60 residents; and the manning ratio for the night shift is reduced from one nurse to 60 residents to no nurses required. The original requirement of one social worker in each RCHD has also been abolished. We think that the authorities have obviously adopted lower standards. In fact, we have also heard the worries expressed by some social workers, academics and parents at the public hearings held during our scrutiny of the Bill. I certainly understand that the authorities may have adopted lower standards to facilitate the operation of more private RCHDs, but I wonder if the authorities needed to trim the foot to suit the shoe for the sake of facilitating their operation. In our view, granting the Government is willing, it should inject more resources for these private RCHDs to improve their equipment, and provide more subsidy schemes so that they can employ sufficient staff and meet the 2002 standards. If the Government is ready to do so, we think that many private RCHDs could meet the 2002 standards.

President, we are worried that the adoption of lower standards will cause the quality of life for persons with disabilities and the services provided to them to drop, and the staff members of RCHDs would have to work longer hours and be exploited. Hence, after the enactment of the legislation, we hope that a working group under the Government will regularly review the licensing

standards and monitor the quality of private RCHDs so as to ensure that the residents, staff members and operators of these RCHDs can be protected under the legislation and will not be unnecessarily harmed and oppressed.

President, as I said at the beginning of my speech, if the Residential Care Homes (Persons with Disabilities) Bill is passed today, it is just one of the steps taken to solve the problems with the services of RCHDs, and there is a long way to go before we can achieve our objective. The problem of excessively long waiting time for RCHD places is still pressing and an urgent solution is badly needed. Many people still need to wait for places and all of them have to wait for a very long time. We think that the authorities must enhance monitoring, inspection and review under the legislation. We reiterate that the most important task of the Government is to be committed to helping persons with disabilities and providing more resources and services to these people who cannot start running with us at the same starting line. We trust that this is the moral obligation of a responsible government. With these remarks, President, I support the Bill.

MR CHEUNG KWOK-CHE (in Cantonese): President, as we have noticed, the Residential Care Homes (Persons with Disabilities) Bill (the Bill) aims to balance the existing service standards of RCHDs and include all private RCHDs in the scope of regulation, as well as ensuring the provision of reasonable services to users. On the basis of this premise, I support the enactment of the Bill. However, we should not make the provisions of the Bill excessively harsh to avoid leaving private RCHDs with little room for survival. Besides, the provisions should not be excessively lenient in order not to affect the service standards.

How can we strike a balance? I think that the Code of Practice (CoP) to be worked out is very important. We have not yet discussed the details of the CoP while many Honourable colleagues have mentioned just now such issues as manning ratios and the per capita spatial requirement for each resident. As these issues are still under discussion, in the next few months, the Government should fully consult various stakeholders such as private RCHDs, the persons in charge of these RCHDs and their staff members who face service users and their family members on a daily basis, so as to work out a CoP that meets the needs of various parties. Nevertheless, the authorities should not forget that many members of

the community and groups are seriously concerned about this issue. For this reason, I believe a comprehensive consultation is extremely important. With the interests of RCHD residents in mind, the authorities should eventually strike a balance.

The Bill will put into effect there are many types of RCHDs. The first type is subvented homes fully funded by the Government. Some Honourable colleagues have just mentioned that the subsidy amount often exceeds \$10,000. So, subvented homes are fully capable of providing satisfactory services.

There are a few kinds of RCHDs operated by the private sector. The first kind is Bought Place Scheme homes partially funded by the Government. But, as some Honourable colleagues have remarked just now, the subsidy amount is only slightly more than \$7,000, which is a far cry from the subsidy amount for subvented homes which exceeds \$10,000. Some of the private RCHDs levy higher charges that frequently exceed \$10,000; so, only those who can afford the fees can live there.

Another kind of private RCHDs providing services to the grassroots charge a few thousand dollars only for their services. As the charges of most of these RCHDs are linked with Comprehensive Social Security Assistance (CSSA) payments, they may encounter a paradoxical problem as many Honourable colleagues have mentioned earlier.

These private RCHDs will increase charges when they have insufficient operating funds. This is not a problem for residents who have means, but what can those who cannot afford the higher fees do? Sometimes, it is not true that they cannot afford the higher fees some residents are CSSA recipients who may have made a clean break with family members so that the amounts of money they received from family members would not be deducted from their CSSA payments. For this reason, private RCHDs will be caught in a dilemma if their charges are linked with CSSA payments.

The Hong Kong Private Hostel for Rehabilitation Association (the Association) submitted a paper to all Members yesterday. Please allow me to cite a paragraph from the paper: Most operators of private RCHDs are professional social workers and medical personnel, and they have joined these

private RCHDs as they find that persons with disabilities are neglected by society and the Government, and it is difficult for their family members to take care of them.

There are 43 private RCHDs under the Association, providing services to more than 2 000 residents, and helping around 2 000 families (the actual number of persons involved may exceed 10 000 because the services provided by private RCHDs can relieve the pressure on most families). It is also mentioned in the paper that the Government is fully responsible for the existence of low-quality RCHDs because it has failed to invest appropriate resources in persons with disabilities in the past decades. Private RCHDs do not mean to evade responsibilities but they just blame themselves for tightening their belts and operating frugally in order to quietly provide services to persons with disabilities. It is expressed at the end of the paper that they never know how to take to the streets to fight for their rights Why did the Association submit the paper yesterday? It is because private RCHDs are now facing serious problems in connection with working capital and charges; I will discuss this point later.

I would like to provide further information to help the Secretary understand the situation. The Association has recently conducted a survey and found that the manning ratios all private RCHDs of larger scale in Hong Kong range from 1:4.6 to 1:9, and the average ratio is 1:6.6, much higher than the 1:10 (on the basis of one care worker to 60 residents in medium-care-level RCHDs) and 1:20 (on the basis of one care worker to 60 residents in low-care-level RCHDs) as proposed in the CoP. No matter how accurate the survey is, the average ratio of 1:6.6 is much higher than the manning ratios of 1:10 and 1:20 as required by the authorities. That depicts the daily operation of the sector. Private RCHDs will face even heavier financial pressure if they operate on the basis of this manning ratio.

How about the area of floor space for each resident? As the Association has stated, the per capita floor space in an ordinary RCHD ranges from 3.5 sq m to 4 sq m, which is relatively smaller than the 6 sq m proposed by the authorities. If RCHDs are required comply with the requirements under the CoP, the number of residents may have to be substantially reduced. Even though the manning ratio of 1:6.6 is extremely high, the per capita floor space seems very small. Yet, that is the general situation in RCHDs.

I would like to discuss the CSSA requirements. I believe the principal problem to be solved lies not in whether private RCHDs can increase charges. On the contrary, if private RCHDs increase charges, CSSA residents must move out because they will be caught in a dilemma. Their family members, relatives and friends cannot pay the additional fees for them, or else, the Government will deduct the amounts from their CSSA payments. Furthermore, the Government will not top up the difference; so, the residents have to pay the higher fees themselves. What should they do?

As two Honourable colleagues have suggested today, an institutional care allowance can be introduced or their family members, relatives and friends should be allowed to pay the difference as Mr TAM Yiu-chung has proposed. In the latter case, the authorities would have to revise the CSSA policy, and I believe it would be easier to introduce the institutional care allowance.

Under the CSSA Scheme, there are rent and maintenance allowances but not a carer allowance. This loophole can be plugged if an institutional care allowance is provided by the authorities. Private and subvented RCHDs have always been providing institutional care services that are not subsidized under the CSSA scheme. The amount of institutional care allowance can be negotiated later on. Mr WONG Sing-chi suggested \$1,000 to \$1,500 earlier and I think the authorities may take that into consideration. Can the authorities promptly start discussing an institutional care allowance and put it into effect as quickly as possible so that private RCHDs will not have to close down because of the failure to increase charges by \$3,000 or \$4,000? I do not agree that we should regard the operation of private RCHDs as business operations because they serve to relieve the pressure of many families which have persons with disabilities, and reduce the number of persons waiting for government services. Should the Government regard operating a private RCHD as running a business, it will make the operators very angry.

Another operational problem is that private RCHDs may be subjected to the pressure of a rent increase if the remaining lease term is less than a year. As I mentioned yesterday, the original rent for a private RCHD was \$9,000 but it had to move out as the lease would not be renewed for the rent would increase to \$20,000. The operator has to tighten the belts and it is uncertain how much longer it can hang on.

The staff members of private RCHDs have always been offered lower wages, but their wage level must not be lower than the minimum wage level after the implementation of the minimum wage.

Another issue is imported inflation. As all of us have observed, there is a high rate of imported inflation at almost 20%. All these factors have contributed to an increase in operating costs. The Association has estimated that the operating costs have increased by 50%. Our inference is that half of the private RCHDs interviewed in the survey may have to close down within a short time. How can the Government defuse this bomb?

In addition, private RCHDs face a new problem, namely, all of them must carry out conversion works on internal facilities under the CoP after the Bill has taken effect. The expenses on conversion works are estimated to be approximately \$500,000 to \$1 million. Although we are delighted that the Government has committed to subsidize 60% of the expenses, there are very harsh conditions for the provision of subsidies. The subsidies will only be reimbursed after the works have been completed and assessed as having met the requirements of the Government.

At present, most operators of private RCHDs are small and medium sized enterprises. Even if the Government subsidizes 60% of the expenses, they will bear a heavy operational burden if they need to spend \$1 million on the conversion works and they can only be reimbursed the 60% government subsidy when all the works have been completed (probably two to three months later). Therefore, I propose that the Government should establish an interest-free loan fund for private RCHDs. I believe all problems could be solved within two to three years after the fund has been established, thus, private RCHDs need not encounter serious operational difficulties.

The problem so caused is that, if the Government fails to solve the problems of private RCHDs in raising funds for the conversion works and their operation, these RCHDs may have to increase charges. In fact, it is most likely that private RCHDs will increase charges, and most private RCHDs are calling for an increase in charges. The problem is how suitable places can be found for the CSSA-recipient residents of private RCHDs when the charges are really increased. Under these circumstances, if the Government does not give these two issues top priority on its agenda I believe the Government should

examine the important consequences that may be caused by the Bill during the scrutiny of the Bill. It is imperative for the Government to deal with the matter.

I so submit, President.

MS CYD HO (in Cantonese): President, it has repeatedly been reflected in the questions asked in this Council that the RCHD places in Hong Kong are inadequate. There is a huge demand for places and the waiting time is very long, and there are high rents and little space in Hong Kong; so, many private RCHDs have attempted to reduce costs by lowering standards with a view to admitting more residents. However, quite a number of RCHD residents have deficiencies in terms of behaviour or mental capacities and they have inadequate abilities to express themselves. For these reasons, they do not know how to voice complaints even when they have been subjected to inhumane treatment. Therefore, the Bill seeks to regulate the quality of RCHDs and set minimum service requirements. I am going to support it on this count.

Indeed, there is a dilemma. For the sake of controlling costs in the past, quite a few private RCHDs might not meet the requirements. They will have a lot of difficulties once the Bill is implemented. Therefore, there must be a transitional period. There are some highly controversial points in the CoP which have yet to be endorsed, thus, there will be a consultation in the coming few months.

In the face of the dilemma, we have to vote in support of the passage of the Bill today and we will then have to practically follow up and review the administrative arrangements. For instance, we have to find out if the changes in the loan or subvention modes and the transitional period will just be immediately made in a very rigid and bureaucratic manner, without taking into account the difficulties of RCHDs and the residents. I trust the Bills Committee and this Council will pay close attention to the progress.

There will certainly be additional costs if RCHDs try to meet the requirements of the framework proposed in the Bill and the CoP. If the Government cannot introduce some complementary measures, some RCHDs may have to close down, and this scenario is really harsh and unsatisfactory. The Government has the responsibility to arrange for the provision of appropriate

services to the residents when RCHDs close down. Therefore, it is really a test of the executive authorities' wisdom. How can they gradually move ahead and achieve balance?

President, apart from inflation and additional costs due to inflation as Honourable colleagues have mentioned earlier, the rents of private RCHDs constitute the largest part of their operating costs. Mr CHEUNG Kwok-che just mentioned that the rents of RCHDs would increase from over \$9,000 to \$20,000; but it applies just to those small RCHDs and the areas of RCHDs of larger scale may reach 10 000 sq ft. Actually, it is very difficult to identify suitable sites for RCHDs because some members of the community still have fears beyond description when they meet persons with disabilities, and they do not want the establishment of RCHDs in their neighbourhood. Even if some RCHDs have rented premises in residential/commercial buildings or industrial buildings, they dare not hang out signs. They would rather engage in low-key operation lest nearby residents should protest or be unfriendly to their residents.

Because such social factors, people's apprehensions and expensive rents, the best way in which the Government can assist in the operation of RCHDs is to provide them low-premium premises, so that they can operate on the basis of predictable premiums. At the meetings of the Public Accounts Committee of this Council, we often discover that the car parks, shops or shopping centres of the Housing Department have very low occupancy rates and there may not be any successful tender after they have been left vacant for several years. Also, there is a strange phenomenon in Hong Kong where some premises are left vacant while there is a serious shortage of services needed by the public. Thus, it is practical to foster inter-departmental communication between the Housing Department and the Government Property Agency in order to identify vacant premises, redevelop them and lease them out at lower rents for use as RCHDs or other institutions. Given inter-departmental efforts, more such premises can certainly be found.

President, as regards the passage of the Bill, the Bills Committee is also worried that the Government may employ the method of trimming the feet to fit the shoes and set lower requirements, and it may conversely rationalize and legitimize unsatisfactory situations, the last thing we would wish to see. Nonetheless, the authorities are really smart in setting out in the CoP extremely controversial contents such as the per capita floor area. This is only a

requirement in principle under the existing legislation, and the contents of the CoP can certainly be changed from time to time. I hope that the authorities can identify all resources in terms of government venues available for use, and relax to a certain extent various requirements such as the per capita floor area, when circumstances permit. Regarding the per capita floor area, Members from professional sectors have participated in the relevant discussions at the meetings of the Bills Committee. The new requirement is 6.5 sq m; yet, an ordinary narrow single bed is not enough for a mobility-impaired resident. There must also be sufficient space between beds to allow two healthcare workers to place a wheelchair or stretcher, and to give these workers manoeuvring space so that they can move a resident from a wheelchair to his bed. It is unfeasible for there to be a two-foot gap between beds as currently found in public hospitals. There is even less space in a private RCHD, though the passageway in public places in these RCHDs must be wide enough to allow the passage of a wheelchair and a healthcare worker; there are also greater needs for bathroom and toilet facilities.

Some private RCHDs have proposed including outdoor leisure space. I would like to thank the executive authorities for not accepting this proposal. If outdoor platforms and space for leisure activities and smoking of the residents are also included, the passage in RCHDs and the available space for use by healthcare workers will become ever smaller. Given the premiums and the minimum basic requirements on provision of services, as well as the minimum requirements under the legislation, we cannot think that everything will be all right after the passage of the Bill and that the services will be improved. This will not work and there must be different forms of government subsidization, either by increasing the prices of bought places or providing subsidies through lower premiums or rents. The services of RCHDs can only be improved through the utilization of public resources.

President, another point that I would like to make is that, there is another group of persons with disabilities who have been forgotten under the legislation, and I am talking about the boarding services for students with disabilities. In the course of handling this Bill, we have found that the boarding services are not within the scope of regulation of RCHDs, and the regulatory authority is the Education Bureau rather than the Social Welfare Department. Even though we know that the situation of some schools do not meet the requirements under the Bill, nothing can be done currently. This problem arises from the existence of a

number of regulators within the Government and the isolation of departments from one another. Although we have proposed the most basic requirements for the service of these private, Bought Place Scheme and subvented homes, the same people and services are not protected or protected just because boarding services are regulated by the Education Bureau. Hence, I urge the Commissioner for Rehabilitation to expeditiously open discussions on the relevant matters with the Education Bureau through the Chief Secretary for Administration, and I also hope that he can think of ways to ensure that the residential services under the Bureau meet the same requirements. Age discrimination should not arise. At present, students with disabilities are living in dire circumstances while adult RCHD residents are given protection. Thank you, President.

MR LEE CHEUK-YAN (in Cantonese): We have actually waited too long for the Bill to come to this stage today. President, as Members may recall, the Government had implemented a Voluntary Registration Scheme (VRS) for some time. But before its implementation, we had already requested the Government to enact a law to regulate the operation of RCHDs. However, the Government said that there was no plan on legislation then and the VRS would be implemented first. I wonder if this is a case similar to the introduction of the voluntary Wage Protection Movement (WPM) before the legislation on minimum wage, where legislation would only be enacted when irregularities were detected. It turned out that the VRS did not work well. I find it most sarcastic that even subsidized RCHDs dared not register, which led to the failure of the VRS. Nonetheless, the Government has succeeded in doing one thing, and that is, delaying the problem for a few more years. The Government has always been very successful in doing this, delaying the problems time and again.

Can the present legislation completely resolve the problem? Not indeed. Although the legislation will be followed by the prescription of standards, which we have all along supported, there are still plenty of problems to be dealt with by the Government in a resolute manner. I will further discuss this issue later on.

Coming back to the legislation, there are actually a few points which are very important to us. The legislation itself has nothing special and does not worth too much attention. It is mainly about registration. However, behind this registration system is a Code of Practice (CoP), which still requires an

extensive discussion. The CoP which I am holding was published when the VRS was implemented in 2008. It is the CoP issued under the VRS with lukewarm support. Since not many RCHDs registered at that time, the Government has lowered the threshold in the present legislation. For instance, the per capita floor area was 8 sq m in the past, but has now been reduced to 6.5 sq m. However, we are dissatisfied because the floor area proposed by me at the Bills Committee meeting was 8 sq m, especially for persons with disabilities, wheelchair users and severely disabled persons, who need more space. The outcome has yet to be seen and the ultimate standard provided in the CoP is still controversial. Although we have all along proposed 8 sq m, I believe the Government dare not use this as the standard because it takes up more space, thereby increasing the cost of the operators. Can they survive in the face of increasing costs? Just now, Members might have heard that private RCHDs also encounter various problems and difficulties in operation. So, what will be the per capita floor area in the end? It all depends on whether the Government can address the difficulties encountered by the operators of private RCHDs. The first major issue is therefore the problem of floor area.

To the Hong Kong Confederation of Trade Unions, the second major issue is certainly the manpower establishment and conditions of service. We think that the manpower establishment provided in the existing CoP still has room for further discussion. We will demand revisions, and improvement is absolutely necessary. I am not going to talk about the staffing requirement of the medium-care-level and low-care-level RCHDs. In respect of severely disabled persons, the Government proposed that a home manager should be employed to arrange for staff to work in different time slots between 7 am and 6 pm. The manning ratio for ancillary workers should be 1:40, whereas the ratio for health workers is 1:30. For care workers, the manning ratio is 1:20 between 7 am and 3 pm, and 1:60 between 10 pm and 7 am. In other words, assuming that there are 40 residents, there will be four care workers taking care of 40 residents between 7 am and 3 pm, but only two care workers between 3 pm and 10 pm. Using this standard, there will be only one care worker between 10 pm and 7 am. Come to think about this, there will be at most four care workers to take care of 40 residents. I wonder if my computation is correct, and the Government may clarify it later on. Our concern is that a lot of manpower is needed to take care of severely disabled persons, thus the manning ratio of 1:10 can hardly render them good care. As Members can imagine, care workers are not only required

to feed and bath the severely disabled persons who are mobility impaired, they also have plenty other work to do. Under this circumstance, the quality of service provided under such poor manpower establishment will certainly be very bad as well. Members might have heard of cases about the severely disabled residents being treated in a non-dignified way. An example is that they were washed quickly with a hose, and live a non-dignified life in the RCHDs. Therefore, manpower is a very important factor. The Secretary may talk about the manpower requirement later on. In my opinion, the previous CoP fails to provide residents with dignified residential services in terms of manpower requirement.

Another issue is the conditions of service. In the CoP, the Government has spent two pages on conditions of service. However, after reading it, I think that the Government had better save some paper by simply referring to the labour legislation. This part has nothing special, and it is merely modelled on the labour legislation in the provision of, for instance, Mandatory Provident Fund. It has at best stipulated the requirement for compliance with the minimum wage law, which is indeed frivolous. Like the provision of maternity leave, as is known to all, is compulsory. Is it possible for any employers to get away with it? There is actually no need for the Government to put down all these. I wonder if the Government would tell me later on which of the conditions of service is not found in the labour legislation and is considered better. If so, I really want to know what it is. If not, it would be better for the Government to say that the conditions of service are drafted on the basis of the labour legislation as no special condition of service has been added. The most ridiculous of all is the provision on the hours of work, a complete nonsense that is not mentioned in the law. While the labour legislation is silent on standard working hours, the CoP provides that "For all types of residential care homes for persons with disabilities, there should be a minimum of two shifts of workers serving in the home." Is the two-shift arrangement a great proposal? It only means that the workers work 12 hours but not 24 hours per shift. Is this a great achievement or magnanimous favour? It only specifies that the work is not done by workers in one shift. The sentence that follows is "The number of working hours is usually agreed upon in the contract of employment between the employer and the employee". What is so special about this? There is downright no need to put it down in black and white. What is the point of stating this? All in all, a worker has to work 12 hours a day, regardless of whether this is stated in the contract.

In any event, the workers have to work 12 hours a day and the provision is therefore meaningless. I would rather not have this provision as it seems that people are encouraged to work at least 12 hours.

I consider such a drafting approach meaningless. Do they expect the workers to work 24 hours per shift? How come it seems that the two-shift arrangement is a blessing? This is sick. We have been discussing whether a three-shift arrangement of eight hours per shift is possible for jobs as tough as these. Nonetheless, as we all know, the current problem is that no one wants to do the job — it is not surprising that such mean conditions cannot attract workers. If workers are only required to work eight hours a day with reasonable conditions and wages which should be no less than minimum wage. I actually think that these workers should not only receive minimum wage; they should be paid more than that. The point is, in the market, people who join this profession are usually low-skilled workers, who join and leave the profession very quickly. The mobility is very high for the job is really very tough, unreasonably tough, and workers have to work for 12 or 10 hours, which is impossible.

However, what I said was meaningless because, according to the Government, the RCHDs would not be able to cope if the hours of work were set at eight. The Government would definitely say that it would not intervene. Neither is there any regulation on bought places I still have another point to make. President, while the Government purchased places on the basis of workers working eight hours a day, it does not care if the RCHDs actually require workers to work eight hours a day. So, what is the actual situation? While the cost of bought places is calculated on the basis of eight hours of work, Secretary, everyone admits that you have not monitored if the RCHDs use eight hours as the basis of calculation. As you have admitted and was made known to us during the deliberation of the Bill, the RCHDs did not use eight hours a day as the basis for calculation and you allowed them to do so. You only care that the cost is calculated on the basis of eight hours of work per day. You could not care less if the RCHDs have arranged for workers to work an eight-hour shift. This is the greatest problem.

Having said that, in the end, those private RCHDs might say, "LEE Cheuk-yan, you have said too much and we might find it impossible to cope." Operators of private RCHDs asked me not to mention the issue of eight hours of

work, anything better than the labour legislation, nor remuneration better than the minimum wage. The worst thing is that they even find the minimum wage impossible to cope.

What makes it impossible to cope? It boils down to the same old problem. We are well aware that those RCHDs cannot increase their charges because the residents are mostly CSSA recipients. This is why the problem got stuck. If the Government does not deal with it, it is tantamount to creating labour disputes. This is *de facto* exploitation of the workers because, after all, the Government foots the largest portion of the bill.

President, you can actually look at it from another angle. In fact, the Government is the major contractor whereas those private RCHDs are subcontractors who help the Government to take care of those CSSA recipients. The major contractor, however, is reluctant to pay the bill but will at most pay the minimum wage Yet, those RCHD staff cannot even receive minimum wage. The Government has only subsidized the cleaning workers but not the RCHD staff. Neither did it undertake to increase the amount of CSSA. It has simply abandoned them and let them die. It is this unscrupulous contractor who has created the unscrupulous subcontractors.

Therefore, in these last few minutes, I am going to speak for the RCHD operators. After reading a paper submitted by them setting out the unit cost, I learnt that before the enactment of the legislation, the unit cost was \$4,550 in the urban area and \$3,967 in the New Territories. After the enactment, the unit cost is \$4,789 in the New Territories and \$5,923 in the urban area. This is reasonable as rent is higher in the urban area. I doubted if the figures are outdated as the rent has been soaring lately. I then discovered a bigger problem after looking at the footnote. It says that the \$7,000 wage was calculated on the basis of an 11-hour shift with an hourly rate of \$25 in the past. Following the implementation of minimum wage, the monthly salary rose to \$7,700. The problem is that the monthly salary is only \$7,700 but the hours of work is 11. The computed unit cost is therefore \$5,923 and \$4,789 respectively. The minimum wage \$7,700 is not reasonable at all. The Secretary is also aware of the 11 hours of work. Will the wage be as little as \$7,700 if the calculation is based on the wage level comparable to that of workers of the Government's outsourced cleansing services? With the inclusion of rest day pay, a security guard will earn more than \$9,000 for working 12 hours a day and more than

\$8,000 for working 11 hours a day. The wage \$7,700 is absolutely falling short of this level. Yet, the RCHDs are forced to use such a basis for calculation.

They are nonetheless pretty "humble" in certain respects as the costs of the residents' lunch and dinner is \$15 respectively. After doing some calculations, we found out that the meal cost for each resident is only \$40. Is this viable? I have no idea how they get this answer. Even if the assumption is viable, Members may notice that the cost is \$5,923. How about the amount of CSSA? As Members may be aware, the maximum is \$4,000-odd even in the case of severely disabled persons.

Therefore, in order to achieve the eight-hour-work target and surpass the minimum wage, the only way is for the Government to buy places. Some Members proposed just now to increase the residents' CSSA payment, but I do not agree. I think that the simplest way is for the Government to buy places.

I consider the Government too mean because it has offered up to some \$100 per tonne to invite major consortia, such as the Swire Group, to manage a landfill. What is more, it has not only bought half of its service. For residential places, however, the Government has only purchased half of them. Why did it not ask the Swire Group to dispose of half of the waste, and leave behind the other half for it to dispose? The Government did not do that; it paid for the full service.

Given that the Government has paid for the full disposal services provided by the major consortia, I would like to break its rigid mindset. From another perspective, is it possible for the Government to treat the buying of places in the same way as the buying of residential services for persons with disabilities? If the Government can build all the RCHDs on its own and assign the operation of these RCHDs to subvented organizations, I would surrender and render it my full support. However, before this target is met, can the Government purchase all residential places?

The Government will certainly say that it is already doing this, but there are two problems. Given that only 300 residential places would be bought in two years against thousands of persons with disabilities and residents, and among them 2 000 are probably CSSA recipients, what is the use of buying only 300

residential places? The second problem is only half of the places can be bought. In this connection, I suggest that the Government should buy residential places for all those 2 000-odd persons with disabilities and residents. After that, it should determine the prices of the residential places to be bought and specify the eight-hour work. It must ensure that the staff are working eight hours a day and receiving wages higher than the minimum wage. The Government should not confine itself to buying just half of the places. Assuming that a RCHD has 100 residential places in total, it should buy all of them. I think that the problem can be resolved in this way. If the Government just sits with its arms folded, it will only turn itself into an unscrupulous contractor. We must continue to press the Government to take action. Thank you, President.

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

PROF PATRICK LAU (in Cantonese): President, with changes in time, I think colleagues should not have many disputes over this Bill. However, just now I heard many colleagues say that numerous problems will arise after the enactment of the Bill. Therefore, I find it necessary for the Secretary's entire Policy Bureau to deal with this situation.

In fact, the revision of laws relating to the residential care homes of persons with disabilities or elderly people have significant impact on architects. I wonder if the Secretary is aware of this. Many Members talked about the hardware and software earlier on. Doubtless, hardware is important as the spatial conditions of all residential care homes would be greatly improved as a result of the CoP after the enactment. This is important as we can see that most residential care homes do not have enough space, and they are narrow and small.

President, perhaps I have to make a declaration. Being an architect, I have designed many such residential care homes. I have also served in many of these organizations.

Members may notice that as many as six persons with disabilities and elderly people have to squeeze into one room and the beds are close to one another. How can those wheelchair-bound residents get on and off the bed?

Given the insufficient space, the only solution is to put fewer people in one room. As there are now six people living in one room, perhaps it should be reduced to four in future so as to gain more space. What should be done then? Certainly, an alternative site should be identified or a larger premises should be rented, just as Members have mentioned earlier on. The difficulties, as Members have said, lie in Hong Kong's overall planning, land administration and housing.

First of all, consideration should be given to planning. As the Planning Department has imposed building height and plot ratio restrictions almost everywhere, the room for development is limited. Even persons with disabilities suffer as a result. At a meeting of the Public Works Subcommittee earlier on, we learnt that the plot ratio of certain communities was set at 1.5. Can Members figure out why the plot ratio is 1.5 in a city as dense as Hong Kong? This is impossible. At present, the plot ratio of residential buildings is eight and 15 for commercial buildings. The plot ratio 1.5 is therefore not realistic at all. How come? These areas are exactly important areas of GIC sites where the building of RCHDs can be planned.

There are also many problems in land administration. I have rendered assistance to some old RCHDs to see what can be done. What can be done to these old RCHDs will depend on There are currently different types of RCHDs. For the government RCHDs, I think that the Government will know what improvements could be made. For subvented RCHDs, with the availability of resources, consideration could be given to building more rooms in better RCHDs and install more and better washrooms. This is indeed a very simple principle. What shall we do then? We shall examine if conversion works can be carried out. I will first look at the land lease of the RCHDs to see why only a limited area has been used. As we all know, an application for lease modification takes time in Hong Kong. Perhaps we have to ask a special favour of the Secretary, otherwise he will say that there is no such government policy and thus reject our application for lease modification. Thus, this is very important. If the lease reveals that a larger area can be used, we may then build an extra block and move some people there to gain more space. I am currently engaged in similar work and this is the only way to help them.

Members may be aware that many existing RCHDs are very dilapidated. Like urban renewal, plans for redevelopment are also essential. Like urban

renewal, the city also needs a new look. Following the enactment of the Bill, those buildings can no longer meet the area requirement prescribed in the CoP and overall improvement would have to be made. It is preferable to have the per capita floor area increased from 4 sq m or 5 sq m to 6.5 sq m or even 8 sq m. Space is therefore desperately needed.

Another thing is that, given the high land price in Hong Kong, private RCHDs which need to rent private land must bear the exorbitant rent. The Development Bureau has talked about the revitalization of industrial buildings time and again and such buildings are indeed most suitable for use by RCHDs. Mrs Carrie LAM, however, insisted that they are not suitable for residential purpose, which is wrong. President, the Faculty of Architecture of the University of Hong Kong (HKU) once carried out a very good project, which explored how Hong Kong's industrial area could be converted into an ideal residential area. This is possible without having to pull down all the buildings. Only some of the buildings will be removed to facilitate air circulation, such that the buildings can be used for residential purpose. This project has won a global award. I had suggested my students to carry out this project more than a decade ago, which was widely recognized by world architects and an award was granted to them. Very few people know that students from the Faculty of Architecture of HKU are so brilliant, albeit they think that those world renowned architects are more superior. This is another issue. I opine that in the case of Hong Kong, priority should be given to planning, land administration and housing. Only by doing so can we improve community facilities and provide persons with disabilities and elderly people with a better place to live. This is also very important, and it involves a package of plans.

How can we identify sites for them to properly revitalize the whole project? This is of the utmost importance, and it requires a series of co-ordination work, instead of Staff has been deployed to visit and explain to the RCHDs that they are overcrowded. The work is in progress and they are also aware that the legislation is just around the corner. I think that the preparatory work should be done properly, otherwise, President, I am very worried that what happened after the implementation of the minimum wage will recur. Nothing could be done after the enactment and social conflicts have arisen.

I eagerly hope that social harmony would help yield more satisfactory results. The legislation itself is good, but if it cannot be implemented, it may

become a thorny issue and even give rise to serious problems. Similar problems emerged after the passage of the minimum wage law, which is most unsatisfactory. Therefore, I hope that after the passage of the Bill, the Secretary could Just as many colleagues have mentioned, money is the problem. I believe the Hong Kong Government is very wealthy. I have seen Mr Albert CHAN hurling joss money, saying that it is useless to keep the joss money. He actually has a point there. Of course, I do not approve of his act, but he does have a point there because money will simply become joss money if it is left idle in the bank but not used. Come to think about this. If the wealthy people do not spend a penny but just keep the money in the bank, what will happen? Again, to save up for their children I am not sure. It would be best if they can donate the money to the community. This is again a problem of the Government. If the Government cannot — we have mentioned different problems such as CSSA — help persons with disabilities, it would be a waste of effort. Many colleagues said earlier that they did not understand what the Government was doing. I understand the Government's provision of a 60% subsidy for private RCHDs to improve their facilities, but why should the money be reimbursed only after they have completed the jobs? Why did the Government do that when the Treasury is not lacking in money? The RCHDs have to pay us for the architect's fee anyway. How can we work for them if the Government does not pay them? In this connection, colleagues were so right in saying that the Government must think about how the subsidy should be provided to enable them to get the plan properly executed.

In order to make better plans, hardware is certainly not the only consideration. Software must also be dealt with. I am talking about the intensive manpower required to take care of persons with disabilities. I have mentioned a ratio earlier on. As an architect, I want to tell Members what the best hotel is. What makes a five-star hotel? Apart from accommodation, the quality of service is also an important consideration. A customer — Mr Paul TSE is well aware of this and he is therefore nodding — the most important factor is how many hotel service workers are there to serve the customers. The best ratio for a hotel is 1:1. President, it means one hotel service worker to one customer. How can such a ratio, say 1:10 or whatever, help persons with disabilities? Able-bodied people demand good services from a hotel and the best ratio is 1:1. Members should understand that, in comparison, persons with disabilities should have more demands. In order to provide a quality service,

there must be sufficient manpower. What is more, the necessary manpower must be employed with minimum wage. Only quality service can help them.

President, I have been to many countries, such as Japan, to design good services for the local persons with disabilities and elderly people. As Members may be aware, Japanese people enjoy taking a bath very much. I think that not only persons with disabilities, but the able-bodied people also know how the Japanese wash their bodies. It is a pretty comfortable and enjoyable experience. For persons with disabilities, they want not only good accommodation or an environment where they can live comfortably, they also need a helping hand to clean their bodies.

Therefore, apart from the hardware, I hope that the Secretary will also provide software such as supporting facilities in a pragmatic manner after the enactment of the law. All government departments should work for the successful implementation of this legislation. Thank you, President.

MR RONNY TONG (in Cantonese): President, the underlying notion of this Bill is both correct and good. It attempts to provide for a consistent service standard for all RCHDs in Hong Kong. It is hoped that the control of RCHD operators could be further tightened through a licensing system, thereby ensuring that the service standards of RCHDs would not be lower than the Government's prescribed level, which is a reflection of the general standard.

A problem commonly encountered in the Legislative Council is the Government often puts forward legislative proposals which appear to be well-intentioned and beneficial to the community as a whole, but actually contain some unacceptable details. In fact, during the past six years as a Legislative Council Member, I would come across many such cases almost every year, every session. This Bill is no exception. As Members, we cannot support them, but neither should we oppose them.

When this Bill was first tabled before the Legislative Council for scrutiny, I was agitated and told the Secretary clearly that I was inclined to opposing the Bill. Subsequently, during the deliberations on the Bill, I heard many industry bodies say that they had no alternative but to hope that the Bill could be passed. This is particularly the wish of some parents, and I will give an account of this

later on. Why did the Government put Members in such a difficult position? Just as I said earlier on, it is good for the Government to prescribe a consistent and acceptable service standard. But the Government has first significantly lowered the existing service standard, which is voluntary in nature, and then sought to maintain this lowered standard by way of legislation. In other words, the quality of RCHDs has been lowered in disguise. President, I consider this extremely unacceptable.

I can cite a few examples for Members' information. Basically, we used to have a voluntary service standard in the past, and that is the Code of Practice for Residential Care Homes for Persons with Disabilities (CoP) issued in 2002. However, in 2008, the Government issued a new CoP as a prelude to the enactment of the Bill and significantly lowered the service standard. For instance, in the present CoP, the acceptable manning ratio for care workers during the busy hours in the morning and afternoon is at least three to 40 residents in a RCHD.

President, just think about it. If there are only three care workers to take care of 40 persons with disabilities, there will not be enough workers for feeding, not to mention helping the residents to do simple exercises or go to the washroom. If this is the prescribed standard, it would sound reasonable for the RCHDs to provide services of an unacceptable standard. What can we say if the operators argue that this is the standard prescribed in the law? To the families or parents of persons with disabilities, this is utterly unacceptable indeed. In fact, many RCHD operators have told me in private that, in order to ensure that the services provided can meet a certain or an acceptable standard, there should be at least six workers for a RCHD with 40 residents, which is the most basic service standard.

Another example relates to the spatial requirement. The revised CoP issued in 2008 has reduced the average space for each resident from 8 sq m to 6.5 sq m. This is no doubt an extremely unfair regression to the RCHD residents. Even if a person with disabilities applies for a public housing rental flat, he is entitled to a non-adjointing unit for one person with kitchen and washroom of 16 sq m to 17 sq m. How can we accept the Government's proposal to reduce the spatial requirement from 8 sq m to 6.5 sq m?

Apart from proposing a significant reduction in service standard in the Bill or the CoP, the Bill has also provided for an exemption period. An exemption period means the period during which the operator can apply for an exemption. The period of exemption is 36 months for the first application and another 36 months upon renewal. However, it does not rule out a further application six years later. This is tantamount to allowing certain RCHDs to be exempted indefinitely. Worse still, there is no incentive in law for the RCHDs to improve their service quality. What is the use of this piece of legislation then?

According to the Government, if we maintained the service standard as prescribed in the 2002 CoP, many RCHDs would have to close down. It further pointed out that since the implementation of the Voluntary Registration Scheme in 2006, only six out of 54 RCHDs have successfully registered as at April 2010. And yet, what is most surprising is that the number of private RCHDs has increased from 27 in 2006 to 54 in 2010, providing a total of 2 900 places. In other words, the number of private RCHDs has doubled. It seems that there is no way we can go back. If these newly established RCHDs fail to meet the statutory requirements and cannot operate anymore, where can those 2 000-odd persons with disabilities go? Is this not tantamount to placing Members in a dilemma?

As I have said earlier on, the number of private RCHDs has doubled over the past few years. Having said that, there are still more than 4 000 people on the waiting list, accounting for 57% of the subsidized places. If the number of residential places does not increase, these people will have to wait for at least six to eight years. How can we deal with this problem?

I have had a great struggle with regard to this Bill. If I am asked what is the most unacceptable point to me, I would say the Government's act of passing the ball of taking care of the disadvantaged groups and persons with disabilities to the community organizations, which have entirely assumed the Government's responsibility in this regard but operated in a commercial manner. By operation in a commercial manner, I do not mean that those private RCHDs aim to reap huge profits. And yet, regardless of how noble the mindset of the operators is, there is a need to balance the books. How long can they sustain if they operate in the red? How much loss can they bear? It is believed that they will close down sooner or later. Where can the persons with disabilities go then? Do they have to sleep in the streets?

After all, the most unacceptable point is the mismatch in government resources and its reluctance to spend on the provision of services. Prof Patrick LAU just now even said that Mr Albert CHAN's hurling of joss money was acceptable to him. President, I really cannot subscribe to this approach though what he said has a point. Despite the financial abundance, the Government has forced the non-government organizations to provide residential services. Worse still, the service standards are unacceptable. However, those RCHDs are indispensable. So, who should be blamed?

I certainly have no intention of condemning the incumbent Secretary because I appreciate his difficulties. The one who should be blamed is the governing team led by Chief Executive Donald TSANG. They are callous and have failed to understand or care about the difficulties faced by persons with disabilities. They talk as if they are invincible, but do not possess any actual capability. Why did the Government not inject more resources to ensure that the service standard is not lower than that prescribed in the 2002 CoP? Why was the previous standard not maintained instead of being significantly lowered and maintained through a licensing system? So just how much money are we talking about?

Should we endorse this Bill? President, as I pointed out earlier, I was agitated at the early stage of the deliberations on the Bill and wished to oppose it. This is because once the Bill is passed, the pressure on the Government will be temporarily released and it can then breathe a sigh of relief, as in the cases of the Racial Discrimination Ordinance, the Interception of Communications and Surveillance Ordinance and the Minimum Wage Ordinance. It will then go on to say that no further efforts would be required to put on RCHDs. This is our gravest concern.

Will Members eventually make up their mind on whether or not to support this Bill, want not, waste not, based on the abovementioned concerns? Unfortunately, the answer is in the negative. During the Bills Committee meetings, Mr CHEUNG Kwok-che has incessantly persuaded us to support this undesirable Bill as far as practicable, whereas individual RCHD operators and the community organizations have expressed their helplessness.

The Civic Party asked me whether we should support or oppose this Bill. I still could not make up my mind yesterday. Then, Dr Margaret NG, as usual, gave me some wise advice, saying that I could support it after venting my dissatisfaction and grievances. President, I discovered that this is the attitude that has been most consistent over the past six years. *(Laughter)* Mr Paul TSE said that we have become Members of the pro-establishment camp, but I definitely cannot agree with this. Yet, I must admit that the situations are all similar. This is entirely attributable to our helplessness. If we can move amendments to this Bill, as Mr Paul TSE has said just now, and request the Government to inject more resources with a view to maintaining a minimum standard, I do not think we need to adopt such an attitude. However, very regrettably, like many other ordinances, I can only support this undesirable Bill after stating my serious condemnation of the Government's ignorance of the plight of the disadvantaged groups. Thank you, President.

DR MARGARET NG (in Cantonese): President, I would simply like to add a footnote to Mr Ronny TONG's speech. I share Ronny TONG's feelings and I believe that he should feel very awkward just now. When he asked us if we agreed or disagreed, I asked him whether he thought that we should agree or disagree and what the factors for consideration were. He said that the Bill ought to be passed because there would be a bigger problem if it was not passed, though he was very dissatisfied with it. What should be done? In that case, I think that he could strongly rebuke the Government before supporting the Bill not supporting, but passing the Bill.

President, this was exactly the same as the problem we encountered when we scrutinized the Race Discrimination Bill, and the problem was even more serious at that time. The problem was: once certain provisions in the Bill were passed, some seriously problematic issues under common law would no longer be problems as there would be express provisions. For this reason, I was very reluctant about passing the Race Discrimination Bill back then and I would rather choose not to pass that Bill. Nevertheless, we consulted the affected ethnic minorities and we were prepared to bear whatever pressure they would face. What did they want us to do if we had exhausted all methods? President, such difficulties always exist and we see the same difficulties in connection with this Bill. We actually face similar difficulties in connection with other Bills. For

instance, we also encountered such difficulties in respect of the Minimum Wage Bill. What were we supposed to do when workers badly needed a minimum wage but many provisions of the Bill were unfavourable to them?

President, I think that this Bill has clearly shown that the Government has always adopted this most irresponsible attitude of "take it, or leave it". If Dr Fernando CHEUNG, a former Legislative Council Member, were a member of this Council today, I could imagine how badly he would rebuke the Government for he would opt for crash and burn. I have not asked his opinion, and I may have mistaken him.

President, I really hope that Secretary Matthew CHEUNG will listen carefully. Members have a lot of dissatisfaction about the contents of this Bill and we think that it is regressive. If this Bill is passed today, he should immediately make changes to some unfair provisions in this legislation so that the valid criticisms of Members today can be addressed and the grievances of the community will not keep growing. Thank you, President.

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

(No Member indicated a wish to speak)

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the Residential Care Homes (Persons with Disabilities) Bill (the Bill) was tabled before the Legislative Council for scrutiny on 30 June last year, and today, it has almost been one full year. The Bills Committee has conducted a total of 14 meetings in the past year and invited the stakeholders to express their views. The Bills Committee has also visited two private RCHDs to understand their actual operation. Here, I would like to express my sincere gratitude to Mr

WONG Sing-chi, Chairman of the Bills Committee, and 11 other members. I am very grateful to their careful and detailed deliberation, and the various constructive proposals put forward for improving the Bill.

First of all, I would like to briefly introduce the overall policy objectives of the Government on residential care services for persons with disabilities, as well as the background and reasons for making the Bill.

As Members may be well aware, the overall objective of the Government's rehabilitation policy is to help persons with disabilities develop their physical and mental capabilities as well as their ability to adapt to the community by all means, and encourage them to integrate into the community. For persons with disabilities who cannot live on their own and cannot be adequately cared for by their families, the Government has all along taken proactive measures to meet their residential care needs, enhance their quality of living and help them develop their ability to live on their own. In this connection, a three-pronged approach has been adopted in accordance with the strategic directions laid down in the Hong Kong Rehabilitation Programme Plan. It encourages different sectors to provide residential care services for various types of persons with disabilities, including:

- (a) to regulate all the RCHDs so as to ensure their service quality on the one hand while helping the market to develop RCHDs of different types and operational modes on the other;
- (b) to support non-governmental organizations to develop self-financing homes; and
- (c) to continue to steadily increase the number of subvented RCHD places.

In view of the rising public demand for residential services for persons with disabilities, the Administration will keep on increasing the supply of subvented residential care places. At present, there are about 11 680 subvented residential care places for persons with disabilities in Hong Kong, representing an increase of nearly 83% compared with the 6 400 residential care places in 1997. During

2010-2011 and the current financial year (2011-2012), the Government will significantly increase 1 046 places. It will strive to obtain more resources and identify suitable sites for the building of new RCHDs, as well as continuing to increase, in particular, the supply of subvented residential care places.

Meanwhile, it is equally important to assist the development of the private sector to meet part of the demand and develop more service options for persons with disabilities. Frankly speaking, the quality of service of RCHDs operated by the private sector is not always satisfactory and this has aroused grave public concern. Although the Social Welfare Department (SWD) had issued a "Code of Practice for Residential Care Homes for Persons with Disabilities" (CoP) in 2002, which serves as a guide on the service standards for all RCHDs, the service standards are not mandatory as the CoP is not mandatory.

On the other hand, the SWD has implemented a Voluntary Registration Scheme (VRS) for private RCHDs since 2006 — as Members have pointed out — the purpose of which is to encourage operators of private RCHDs to enhance service quality. However, as at May 2011, of the 71 private RCHDs known to the SWDs, only eight have joined the VRS and the response was pretty unsatisfactory. Legislation is apparently the only option to ensure that all RCHDs meet the basic service standards. This is also the consensus reached by the Legislative Council, organizations of persons with disabilities, parent associations and stakeholders of the rehabilitation sector after the Government's consultation. Therefore, the Government tabled the Bill before the Legislative Council on 30 June last year for regulation of all RCHDs through a statutory licensing system, with a view to ensuring the quality of service.

When drafting the licensing provisions, the Government has involved the rehabilitation sector and other stakeholders, including the Legislative Council, Rehabilitation Advisory Committee, rehabilitation sector, parent associations, organizations of persons with disabilities and operators of RCHDs. I am very grateful to the various sectors for the extensive support they rendered the implementation of the licensing scheme. I also noticed that during the consultation and deliberation of the Bill, Legislative Council Members and members from the rehabilitation sector have expressed concern that some RCHDs might close down upon the implementation of the licensing system, thereby

resulting in displacement of residents. There was also the concern that some might increase their fees to meet the additional costs incurred in complying with the requirements in building and fire safety, or make up for the loss of income arising from the reduction in the number of beds. During the deliberation of the draft CoP revised in 2008, some people opined that the spatial and staffing requirements currently proposed by the Government are lower than those set out in the CoP issued by the SWD in 2002, which is a major regression — just now some Members also shared this view — and suggested the Government to consider developing a CoP similar to the 2002 CoP on prescribing similar or even higher licensing requirements.

In response to these views, we have formulated and implemented a series of suitable complementary measures to encourage private RCHDs to upgrade their service standards, and help the market to provide more service options for persons with disabilities. First of all, the SWD introduced a pilot Bought Place Scheme in October last year to encourage the RCHDs to enhance their service quality and increase the supply of subvented places. Participating private RCHDs are required to meet higher spatial and staffing requirements. The pilot scheme could induce the private sector to provide more quality places, which does not only help to shorten the waiting time for subvented services, but also help the market to develop more service options. The pilot scheme will be implemented in two phases and a total of 300 places will be purchased in the first phase. As at June this year, the SWD has purchased 60 places from two private RCHDs. Subject to the selected operators meeting the requirements of the pilot scheme, the SWD expects to purchase more residential care places in this financial year (2011-2012).

We also planned to introduce a Financial Assistance Scheme after the enactment of the Bill. It aims to provide subsidies for private RCHDs to carry out improvement works, such as fire safety installations, fire exits, barrier-free facilities as well as electrical and gas installations, with a view to complying with the licensing requirements. The Government has already consulted the private RCHD sector and the Rehabilitation Advisory Committee on the Financial Assistance Scheme and sought Members' views at the meeting of the Legislative Council Panel on Welfare Services held on 13 June. The Financial Assistance Scheme will be expeditiously implemented after the passage of the Residential Care Homes (Persons with Disabilities) Regulation (the Regulation). In order to

allow time for individual RCHDs to put in place suitable arrangements to apply for a new licence, there will be a grace period of 18 months after the commencement of the Bill.

Regarding the staffing and spatial requirements, the proposed licensing requirements were formulated by the Government after an extensive public consultation, carefully balancing the opinions of different parties and considering the feasibility of the licensing system. We must be cautious that many RCHDs may close down because of the inability to meet the statutory requirements, thereby resulting in displacement of residents. In the end, it is the persons with disabilities who will suffer.

Furthermore, just as I already stressed in moving the Second Reading of the Bill, the proposed licensing standards under the Bill provide for only the minimum requirements and that the RCHDs with bought places in future would need to meet higher standards. As a starting point, it is a practical approach. On the one hand, it can ensure that the RCHDs can comply with an acceptable standard with the least disruption to existing residents, and on the other, service quality can be further upgraded through the pilot scheme.

President, in fact, none of the existing private RCHDs comply with the requirements under the 2002 CoP, and a majority of them do not comply with the proposed requirements under the 2008 CoP. In the absence of a licensing scheme, the RCHDs are likely to continue to operate below not only the standards of the 2002 CoP, but even those of the 2008 CoP. In case the Bill is not passed, the Government will not be able to introduce a statutory regulatory framework. We can also envisage that those private RCHDs will very likely continue to operate well below the proposed statutory service standards. The Government thinks that this outcome is not acceptable to the public and the persons with disabilities. Contrarily, the passage of the Bill and therefore the introduction of the licensing scheme would ensure that the RCHDs can meet a reasonable service standard. In my opinion, this is an important step forward.

Besides, the staffing and spatial requirements, for instance, are not included in the principal legislation of the Bill, but the Regulation and the CoP. Just as I said earlier on, after the passage of the Bill, we plan to table the draft Regulation to the Legislative Council on 6 July for more detailed discussions.

President, last of all, I would like to thank again the Bills Committee and members of the public for their general support of the implementation of the licensing scheme. The submission of views by the Bills Committee and different walks of life, which are of much reference value, has enabled the legislative work on the licensing system to proceed smoothly.

I very much hope that Members will support the Bill. I will move amendments at the Committee stage to ensure the expeditious introduction of the licensing system for RCHDs. This is a significant step in assuring the service quality of RCHDs and the development of residential services for persons with disabilities.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Residential Care Homes (Persons with Disabilities) Bill be read the Second time. Will those in favour please raise their hands?

(Members raised hands)

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

(No hands raised)

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

CLERK (in Cantonese): Residential Care Homes (Persons with Disabilities) Bill.

Council went into Committee.

Committee Stage

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

RESIDENTIAL CARE HOMES (PERSONS WITH DISABILITIES) BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Residential Care Homes (Persons with Disabilities) Bill.

CLERK (in Cantonese): Clauses 1, 3 to 7, 10, 11, 13, 14, 15, 18, 21 to 33, 35 to 38 and 40 to 47.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 2, 8, 9, 12, 16, 17, 19, 20, 34 and 39.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Chairman, I move the amendments to clauses 2, 8, 9, 12, 16, 17, 19, 20, 34 and 39 read out just now. I also move that two new provisions be added, namely clauses 41A and 41B. As these amendments are interrelated, I will highlight their main points here.

First of all, the amendment to clause 2 seeks to delete the reference to "the presence in the body of organisms causing disease or illness" from the definition of "persons with disabilities". This amendment is made in consideration of the professional medical advice given by the Bills Committee and the Department of Health. The Bill seeks to cover persons with disabilities with residential care needs, but people with "the presence in the body of organisms causing disease or illness" may not necessarily have such a need. Furthermore, the other provisions defining "persons with disabilities" under clause 2 have adequately covered persons with disabilities who have a need for residential services because of his illness or disease caused by organisms. With this amendment, the definition of "persons with disabilities" in the Bill can more accurately reflect the objective of the legislation without being too broad.

The amendments to clauses 8 and 9 are made at the suggestion of the Bill Committee. They seek to achieve two legal effects: firstly, if an RCHD operator lodges an appeal against a decision made by the Director of Welfare to refuse the renewal of a licence, and the licence would expire before the determination of the appeal, the licence shall remain in force until the appeal is disposed of, withdrawn or abandoned. Similarly, if an appeal is lodged against the decision made by the Director of Welfare in relation to the cancellation or suspension, amendment or variation of conditions of licence, then the decision shall be suspended in its operation as from the day on which the appeal is made until the appeal is disposed of, withdrawn or abandoned.

Secondly, based on the abovementioned arrangements, if the Director of Welfare considers that it would be contrary to the public interest for the licence to remain in force, then even if an operator lodges an appeal, the decision would still come into force at once without any suspension, and the licence would expire in the event of rejection of an application for renewal.

Subject to the principle of "one licence for one residential care home", in order to ensure consistency in the operation of the licensing systems of residential

cares homes for elderly people and persons with disabilities, I will also move an amendment to clause 39 to make the necessary amendments to the Residential Care Homes (Elderly Persons) Ordinance.

Clause 16 aims to empower a person performing a duty to enter and inspect, or collect evidence from any RCHD or premises which the person "has reason to suspect are used as or for the purposes of a residential care home for persons with disabilities" (suspected premises). The Bills Committee held that clause 16 has failed to state clearly if the power to collect evidence can be exercised in "suspected premises".

In response to the suggestion of the Bills Committee, the clause 16 as amended now states clearly that a person performing a duty is not only empowered to enter suspected premises, but may also request the person who operates or manages the suspected premises to produce information relating to the operation of the relevant residential care homes. If the person has reason to suspect that the book, document or other article is evidence of the commission of an offence against the Bill, it can be removed for further examination. These amendments meet the actual operational need and provide a clearer guideline to persons performing a duty.

Consequential amendments will also be made to section 18 of the Residential Care Homes (Elderly Persons) Ordinance to ensure consistency in the operation of the two licensing systems. I will therefore move to add a new clause 41A to the Bill to achieve this legal effect.

Clauses 17 and 20 are immunity provisions which involve a number of technical amendments. First of all, the heading of clause 17 will be amended as "Protection of specified persons from liability for certain acts and omissions" to the effect that the heading can clearly spell out the intention of the provision.

Furthermore, at the suggestion of the Bill Committee, I move an amendment to add the term "civil liability" to clause 17(1) to provide that the immunity only covers civil but not criminal liabilities. I also move the same amendment to clause 20(3).

In response to the Bills Committee's suggestion, we agree to include immunity provisions similar to those of clauses 17 and 20 in the Residential Care Homes (Elderly Persons) Ordinance to provide the same protection to persons

enforcing the Ordinance. In this connection, I move an amendment to clause 34 and the addition of clause 41B to the Bill to achieve this legal effect.

The remaining amendments are purely textual and technical amendments made to express the intent of the legislation more clearly and accurately.

These amendments have obtained the support of the Bills Committee, and I hope Members will support them.

Thank you, Chairman.

Proposed amendments

Clause 2 (See Annex II)

Clause 8 (See Annex II)

Clause 9 (See Annex II)

Clause 12 (See Annex II)

Clause 16 (See Annex II)

Clause 17 (See Annex II)

Clause 19 (See Annex II)

Clause 20 (See Annex II)

Clause 34 (See Annex II)

Clause 39 (See Annex II)

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

(No Member indicated a wish to speak)

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

(Members raised hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 2, 8, 9, 12, 16, 17, 19, 20, 34 and 39 as amended.

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

(Members raised hands)

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

(No hands raised)

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

CLERK (in Cantonese): New clause 41A

Section 18 substituted

New clause 41B

Section 18A added.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Chairman, I move the Second Reading of new clauses 41A and 41B. As I have already given an explanation in my earlier speech, I am not going to repeat it. Thank you, Chairman.

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That new clauses 41A and 41B be read the Second time.

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

(No Member indicated a wish to speak)

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

(Members raised hands)

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

(No hands raised)

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

CLERK (in Cantonese): New clauses 41A and 41B.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Chairman, I move that new clauses 41A and 41B be added to the Bill.

Proposed additions

New Clause 41A (See Annex II)

New Clause 41B (See Annex II)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That new clauses 41A and 41B be added to the Bill.

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

(Members raised hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Third Reading.

RESIDENTIAL CARE HOMES (PERSONS WITH DISABILITIES) BILL

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the

Residential Care Homes (Persons with Disabilities) Bill

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Residential Care Homes (Persons with Disabilities) Bill be read the Third time and do pass.

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 of the Members present. I declare the motion passed.

CLERK (in Cantonese): Residential Care Homes (Persons with Disabilities) Bill.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two proposed resolutions under the Interpretation and General Clauses Ordinance. First motion: Extending the period for amending five items of subsidiary legislation relating to the Inland Revenue Ordinance, which were laid on the table of this Council on 18 May 2011.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR JAMES TO (in Cantonese): President, at the House Committee meeting on 20 May 2011, Members agreed that a Subcommittee be formed to study the five items of subsidiary legislation contained in the motion. The subsidiary legislation concerns with double taxation and the implementation of agreements entered into with other countries. As the Subcommittee needs more time to conduct deliberations, in my capacity as Chairman of the Subcommittee, I move that the period for scrutinizing the five items of subsidiary legislation be extended to 6 July 2011.

President, the content of the motion has been set out on the Agenda. I urge Members to support the motion.

Mr James TO moved the following motion:

"RESOLVED that in relation to the —

- (a) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Japan) Order, published in the Gazette as Legal Notice No. 64 of 2011;
- (b) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital) (French Republic) Order, published in the Gazette as Legal Notice No. 65 of 2011;
- (c) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital) (Principality of Liechtenstein) Order, published in the Gazette as Legal Notice No. 66 of 2011;
- (d) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (New Zealand) Order, published in the Gazette as Legal Notice No. 67 of 2011; and

- (e) Specification of Arrangements (Government of the Grand Duchy of Luxembourg) (Avoidance of Double Taxation on Income and Capital and Prevention of Fiscal Evasion) (Amendment) Order 2011, published in the Gazette as Legal Notice No. 68 of 2011,

and laid on the table of the Legislative Council on 18 May 2011, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 6 July 2011."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr James TO 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.

PRESIDENT (in Cantonese): Second motion: Extending the period for amending nine items of subsidiary legislation relating to the Electoral Affairs Commission Ordinance, which were laid on the table of this Council on 18 May 2011.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR IP KWOK-HIM (in Cantonese): President, I move that the motion under my name be passed. The content of the motion has been set out on the Agenda.

At the House Committee meeting on 20 May 2011, Members agreed that a Subcommittee be formed to study the nine Amendment Regulations made under the Electoral Affairs Commission Ordinance.

To allow sufficient time for the Subcommittee to conduct deliberations and report its deliberations to the House Committee, in my capacity as Chairman of the Subcommittee, I move that the period for scrutinizing the nine Amendment Regulations be extended to 6 July 2011.

President, I urge Members to support the motion.

Mr IP Kwok-him moved the following motion:

"RESOLVED that in relation to the —

- (a) Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 71 of 2011;
- (b) Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 72 of 2011;

- (c) Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 73 of 2011;
- (d) Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 74 of 2011;
- (e) Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 75 of 2011;
- (f) Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 76 of 2011;
- (g) Electoral Procedure (Village Representative Election) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 77 of 2011;
- (h) Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 78 of 2011; and
- (i) Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 79 of 2011,

and laid on the table of the Legislative Council on 18 May 2011, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 6 July 2011."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr IP Kwok-him 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.

PRESIDENT (in Cantonese): 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.

PRESIDENT (in Cantonese): First motion: Perfecting tree management system.

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

I now call upon Miss Tanya CHAN to speak and move the motion.

PERFECTING TREE MANAGEMENT SYSTEM

MISS TANYA CHAN (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. President, actually, I have waited for this day for a long time. I am not saying that I have met any obstruction in proposing this motion, only that I have all along wished to do so. I hope that proposing this motion today is the first step, and I hope all the more to hear the Secretary tell us a clear direction, that is, she will examine making a law on trees.

Many colleagues know that I have been following issues related to trees for some time. Today, only the Secretary for Development is attending this meeting to make responses. I think it may be unfair to her because tree management actually involves many departments and many departments are related to trees. The Government now adopts an integrated approach of management. At the departmental level, there are 10 departments the work of which may involve trees, namely the Agriculture, Fisheries and Conservation Department (AFCD), Architectural Services Department (ASD), Civil Engineering and Development Department, Drainage Services Department, Highways Department, Housing Department, Leisure and Cultural Services Department (LCSD), Water Supplies Department (WSD), Lands Department and Planning Department. Each of these departments covers a different number of trees with the AFCD obviously covering the largest number of trees because we are talking about country parks. However, the LCSD also manages over 700 000 trees, which is not a small number at all. Moreover, the ASD also manages quite many trees, so many that it is temporarily unable to provide the relevant data because I have looked up the past record.

It goes without saying that trees are an important friend to Hong Kong. Yet, government measures on trees seem not sound enough. The integrated management approach that I mentioned just now is jointly enforced by many departments. There seems to be some improvement since the establishment of

the Tree Management Office (TMO) last year, but the way in which the problem is actually dealt with is not necessarily satisfactory, not to mention the existing integrated management approach. A recommendation was made at the Coroner's Court back then that an independent department be established to take charge of the risk management of trees. Members can refer to a report titled "People, Trees, Harmony" published back then for further information. The Report was published by the Task Force on Tree Management subsequent to the making of recommendations by the Coroner's Court.

Members can see that over the years, a unified and dedicated department that takes charge of tree management has been lacking. What is the consequence then? The biggest problem is that, in the end, the task is split among different bureaux and departments and taken forward according to their different modes of management. The last line of Annex 7B of the Report tells us a fact: "In addition, while the TMO will be the authority and co-ordination body of tree management matters, the existing 'integrated approach' will continue and the respective policy bureaux will continue to housekeep those departments under their jurisdiction." Although the TMO is the authority, but other departments can still share its power. What kind of authority is it? Perhaps, it is an unauthoritative authority. Hence, this is still not desirable.

We recently handled a case concerning a tree in Kennedy Road. The tree was situated inside a private housing estate but its branches reached onto the road and the pedestrian pavement. The authorities wanted the housing estate to have the branches pruned, but the Government apparently did not provide any assistance in co-ordinating the pruning. The incident has caused inconvenience to the residents and is not likely to encourage the residents to preserve the tree, for they might find it easier to cut the tree and save the trouble. This is something we do not wish to see and we hope that some changes can be made in this regard.

My motion mentioned a framework. We proposed the setting up of an advisory body or framework, preferably a high-level advisory body. The Expert Panel on Tree Management now consists of five non-official members, including Prof JIM Chi-yung. Nevertheless, we hope that this advisory body can be elevated to the professional level and vested with statutory power and authority, as well as duties and functions. We also hope that this Expert Panel can be more open because we cannot find any of its agenda or minutes on the Internet. With

the setting up of a high-level advisory framework, we hope that tree management and the work of greening can be more professional.

In respect of greening, we certainly know that a Greening and Landscape Office (GLO) has been established and it has done a lot of work, and that it is proceeding in the right direction. However, we hope that the GLO can go one step further. In addition to incorporating local characteristics into district greening efforts and designating green belts in the outline zoning plans that we commonly see, we hope that a "special tree reserve" can be established. Taking reference from other countries, we find that in addition to country parks or other areas under statutory protection, these countries have also set up special tree reserves. These reserves are certainly not as vast as country parks, but they can provide appropriate protection, in a bid to preserve the green-covered areas.

Moreover, when it comes to training of talents, I must explain why a licensing and regulatory system should be established. It is because government contractors are indeed Works projects can be briefed out, but not the responsibilities. We have come across countless cases which are really saddening. Let us take the Victoria Park as an example. President, both you and I belong to this district and we are very familiar with the Victoria Park. After the trees had been pruned, some people complained to us about this pruning method. There seems to be nothing wrong with this pruning method, but it is actually not. According to Prof JIM Chi-yung, he would definitely fail his students if they pruned the trees like that. In other words, this pruning method is unacceptable. Why? The TMO of the Government has issued circulars, guidance notes and notices teaching people or contractors how to prune trees. The TMO overseen by the Secretary for Development has advised people not to commit certain pruning errors, but the contractor has committed them all.

One of the advice is not to top a tree and I will later cite some examples of topping. This is a lion tail pruning. In other words, the tree is pruned into the shape of a top-heavy lollipop which may fall if it cannot support the weight. In fact, apart from the tree crown which can be top-heavy, the branches can also be top-heavy and these branches will easily break. In fact, this pruning method has been banned in many places. Moreover, we often see some trees with a columnar crown because the branches at the bottom are pruned once they reach a

level as low as the top of people's head or car. Thus, as the trees grow, they become increasingly columnar in shape. Hence, these trees are prone to collapsing.

President, you can see this picture most clearly. A large cut is left on the branches after they are pruned, just like this branch on the picture. What is wrong with this pruning? The tree will be prone to fungal infection. According to international standard, there are three ways of cutting a branch, but they have chosen the most convenient but the worst way of cutting it. This is indeed most undesirable. The contractor has used all the pruning methods which the TMO advises against. What is the consequence? It is simple. Apart from excluding the contractor from the invitation list for bidding next similar outsourced works for the Victoria Park (only the Victoria Park), a written condemnation will be issued to the contractor in relation to the incident, reminding the contractor that its poor performance will impact negatively on its chance of success in bidding similar works contracts in future.

A tree improperly pruned will certainly not fall immediately, but it will in future. However, the consequence that the contractor has to bear is too slight. The management of the Victoria Park will probably not engage his service in future, but other places will. He may still be able to employ this improper pruning method again. What is our greatest concern then? As such a pruning method can be used in public parks, people will think that it is acceptable to see this pruning method used in their private housing estates. As the Government can do this, why can private housing estates not follow suit? Once a bad practice spreads, it is difficult to rectify it.

Besides, there is the method of topping which I just mentioned. In fact, it has been explicitly stated in some government notices that government departments are not allowed to use this pruning method. Yet, have we not seen this method employed before? A few years ago, a tree was topped in the Diocesan Girls' School and it was basically on the verge of dying. However, a similar incident happened again recently in the Diocesan Girls' School where campus extension works was in progress. All trees were basically covered by a canopy constructed on campus, leaving no space for them to grow. The trees were topped and then a canopy was constructed over them. This is simply hopeless. Members should know that once your feet are bound, they will stop growing. The canopy is a straight structure and the trees simply cannot grow.

It is suspected that the trees have already died and might need to be removed to avoid any negative consequence. Hence, we can see that the training of talents is very important. We hope that the training can be elevated to the professional level so that they can command the respect of the public.

I also mentioned tree surveys in my motion. By survey, I mean a survey covering all land. I know that the Government is currently preparing a database covering quite many data, including the data on fallen trees and topped trees. Moreover, the authorities are also setting up a digital information system on tree management. I am looking forward to its commissioning which will be in mid-2012, as I heard. With respect to old and valuable trees, I hope the Government can conduct a comprehensive survey. Why? Because the number of trees listed in the Register of Old and Valuable Trees of the LCSD has already dropped from 520 to less than 500. There are now only 499 old and valuable trees left. These trees are dwindling in number. This is unacceptable. We believe that these trees urgently need to be put under statutory protection because many places have already put in place such statutory protection for old and valuable trees.

Moreover, there is education. We have also conducted a survey on education. The Civic Party conducted a simple telephone survey and over 80% of the public held that community education should be strengthened. However, while community education should be strengthened, efforts should also be made to educate the employers. Occupational safety and health are very important. Appropriate work uniform and tools should be provided to workers carrying out tree pruning to protect their safety. Moreover, I know that the TMO also wishes to standardize the present code of practice or practice note. I hope the authorities can take forward the work in this regard more expeditiously.

Last but not least, I wish to talk about the law. We conducted a survey on the law and found over 84% of the public supported having a piece of legislation specifically on trees. I mentioned the "People, Trees, Harmony" Report just now. The Government said at that time that existing legislation already accords sufficient protection to trees. However, in reality, this is not the case. The eight ordinances listed in the Report only provide supplementary rather than direct protection to trees. The Government has explained the reasons why trees are given sufficient protection, one of which is that tree preservation clauses have

been added to land leases since the 1970s. However, the protection cannot prevent incidents like the one concerning Canossa Hospital from happening. Although the Hospital was fined, the tree had already been pruned and damaged. Once the damage is made, it can never be made up by any fine. Recently, it has been said that the Diocesan Girls' School might also be fined.

Similarly, the Antiquities and Monuments Ordinance (AMO) and the Country Parks Ordinance were also mentioned in the Report. After the incident concerning the Maryknoll Convent School If the AMO has functioned properly, I believe because the protection is simply inadequate and the fact that the AMO does not cover nature conservation. As for the Country Parks Ordinance, we can see in the incident happened in Tai Long Wan West that the protection offered by the Country Parks Ordinance was not powerful enough to bring the contractor to justice for cutting the trees. The contractor was penalized only pursuant to some subsidiary legislation. How could the contractor be fined only \$2,000 for having brought a piece of machinery into the Country Park? The trees were simply not given sufficient protection and a whole stretch of wood was cut. I hope that the Secretary can later tell us a piece of good news, that she will start studying the subject of enacting legislation on trees, just as my motion has proposed. I do not pin high hopes on her enacting legislation on trees, but I do hope that she will start studying this issue.

President, yesterday was a heartrending day because, strangely enough, several friends passed away within the same day on this tiny piece of land called Hong Kong. We feel sad and indignant. However, similarly, I am saddened by the death of trees. To date, whenever I look at this tree, I still feel that it has died meaninglessly. I wish that it could die with a value. I hope that there will be a sound piece of legislation on trees in future. Although trees cannot speak out their mind, they are also our friends. I hope that we can listen to them with a caring heart and respond to them by making a law on trees.

I so submit.

Miss Tanya CHAN moved the following motion: (Translation)

"That planting trees may achieve the effects of improving air quality, alleviating the greenhouse effect and lowering the temperature in urban

areas, and improve the urban environment; greening may also improve community landscape as well as people's living environment, thereby upgrading quality of life; a comprehensive system of tree preservation and management is an indispensable segment of the greening process; while proper tree management may strike a balance between conserving trees and protecting people's lives and properties, it can also reduce the chances of the Administration having to handle tree risk management and hazardous trees in the future and reduce expenditures; in this connection, in order to further perfect Hong Kong's tree preservation and management system, this Council urges the Government to:

Establishment of a framework and perfecting resource allocation —

- (a) set up an independent and dedicated department to co-ordinate the work of green planning, tree preservation and tree risk management, which is at present scattered among various government departments;
- (b) set up an advisory framework comprising tree and greening experts as well as community members for advising the relevant Policy Bureaux and government departments on policies and specific measures relating to green planning as well as tree preservation and management;
- (c) increase resources for green planning, tree preservation and tree risk management;
- (d) study enacting specific legislation on tree management, establish a comprehensive legal framework, and formulate various policies and measures on tree preservation and management, so as to ensure that trees can receive comprehensive and appropriate protection;

Perfection of green planning —

- (e) add green elements to various large-scale public and private works projects as well as new development areas, and formulate a tree preservation and management mechanism;

- (f) formulate a comprehensive green planning system, and comprehensively examine the greening arrangements in Hong Kong;

Perfection of the training and regulation of talents —

- (g) formulate a licensing and regulatory system for tree management personnel and tree management contractors;
- (h) strengthen the training of tree preservation and management personnel, and encourage various organizations to offer courses on tree preservation and management as well as green planning;

Strengthening of community work —

- (i) conduct tree surveys in the various communities, so as to identify trees of conservation value, and include such trees in a specific register, and conserve them through specific legislation on tree management; and
- (j) strengthen public education on tree preservation and management, and organize the participation of interested people and groups in tree preservation and management work in the districts."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Miss Tanya CHAN be passed.

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

I will first call upon Mr CHAN Hak-kan to speak, to be followed by Mr IP Wai-ming, Mr KAM Nai-wai and Prof Patrick LAU respectively; but no amendments are to be moved at this stage.

MR CHAN HAK-KAN (in Cantonese): President, first of all, I would like to thank Miss Tanya CHAN for moving this motion today, so that we can express our views again on the issue of tree management in this Chamber. I also hope that the Government can listen to Member's views on how to do a better job of tree conservation and eventually formulate a law on trees.

President, tree management has always been an issue of concern to DAB long term. From the protection of old and valuable trees to the establishment of tree management volunteer teams in recent years for conducting territory-wide inspections on problematic trees, the motive of the DAB has always been very simple, and that is, we hope that Hong Kong can do a good job of tree management, so that in addition to increasing green belts, the lives and properties of the public can also be protected from the threat of dangerous trees. President, the DAB released a proposal on improving tree management, a copy of which was submitted to the Chief Secretary for Administration, in June 2009; and on comparing our proposal with the motion moved by Miss CHAN today, we find that the contents of both are very similar. As such, I will only move a few amendments today to enrich its content.

President, we know that tree management and greening is a very professional job, and there are very high professional requirements for each task, from the choice of tree species and seedlings, tree planting distance, routine inspections, and preservation work to the method of handling problematic trees. However, many of the existing front-line staff engaged in tree management in Hong Kong does not have any professional qualification, and the employment of contractors is also not subject to very specific or high requirements on quality. As a result, though the Tree Management Office (TMO) has worked hard to produce a lot of guidelines, procedures or publicity leaflets for their reference, many contractors have still adopted very inappropriate or arbitrary methods for tree pruning.

Miss CHAN quoted the example of the Victoria Park just now and here I also have a similar example for the President's reference. The place in question is Yuen Chau Tsai, Tai Po (that is, the waterfront promenade cycle track, and President, you might have noticed it if you had gone there cycling). The situation was the same in that noise barriers were built next to the trees and the branches of 20-odd trees were all uniformly chopped away by the engineering

department after they had grown out of the trees. There is no doubt that everyone can see the wounds of the trees, and they are similar to those of the trees in the Victoria Park which Miss CHAN has talked about earlier.

It can be seen that such incidents do not only occur at the Victoria Park and Tai Po and the same thing may be happening throughout Hong Kong, only that we might not have seen it or that it has not been reported by the media. As such, we think that requirements should be imposed on the professional qualifications of front-line tree management staff and a company registration system should be established. As the organization which manages the largest number of trees and employs the largest number of outsourced contractors for tree management work, the Government should also establish a demerit point system and a corresponding penalty mechanism, so as to strengthen the monitoring of outsourced contractors' quality, in order to ensure that they will follow the Government's guidelines on pruning and caring of tree, instead of doing so arbitrarily.

President, in order to achieve the result of effective management, we actually need a complete information system in addition to a professional team. As the Government still adopts an "integrated approach", under which different departments are responsible for managing trees within their own purview, information on the trees are fragmented and incomplete. An even more serious problem which we have often talked about is it is very hard for us to find out which departments are responsible for certain trees in areas with unclear boundaries. For this reason, trees located in areas where management responsibilities are unclear are like "orphans" for there is no one to take care of them and nobody will pay them any attention even if there are accidents.

President, the second example which I would like to talk about is a tree which grows near Tin Ming House, Tin Ping Estate. Though the tree is very beautiful, some of its branches have extended over the road and the pavement, thus posing a danger to pedestrians and vehicles. As the tree was located within the housing estate, we naturally approached the Housing Department (HD), but little did we expect to be told that the tree was under the management of The Link Management. So we contacted The Link Management, but were told after it had checked some information that the tree in question was still under the purview of the HD for the formalities regarding the lease of the lot had not yet been completed; so we contacted the HD again, but they said the tree was not under

their management. Finally, we managed to get hold of the LCSD and the Lands Department, and the pruning work could only proceed after we had gone through three months of twists and turns. This precisely reflects the problem which I earlier on talked about unclear responsibilities and situations where the buck was passed from one department to another.

We can see that the database of the TMO has only got the information on 1 000 problematic trees at present and they may not have a very clear idea about other problematic trees in the communities. As such, with no information at hand, the TMO actually has difficulties in bringing its co-ordinating and management role into play, despite the fact that it bears the name of a co-ordinator. Therefore, I proposed in my amendment that a comprehensive community database should be established to record basic information on trees, such as species, growth and health conditions, locations, units which are responsible for their management, and so on. In order to enhance the efficiency of the Government's management, we also hope that numbers can be assigned to the trees.

A more important point is, as the number of trees managed by the SAR Government amounts to millions, we fully understand that it may not be possible for it to do the best management job with the existing resources, and it is thus necessary to rely on the help of the people to monitor the trees together. As such, the other purpose served by the community tree database is to make such information available to the public, so that they can make immediate reports to the Government once problematic trees in the community are discovered and help the Government to monitor the trees; and the Government can then take immediate follow-up actions if the people come across situations of inappropriate pruning and caring, as in the case mentioned earlier. The database will facilitate the work of the Government as well as that of the public in the monitoring of trees.

In addition, if the Government hopes that the whole community can participate in the work of tree management, it must establish a channel for direct communication. The existing arrangement under which the Government solely relies on the 1823 hotline for handling all complaints or reports on trees in a central manner is inappropriate. We think that as a result of the absence of a dedicated hotline service for tree management, a lot of the public's time has been

wasted on referring the cases to the relevant authorities; it has always been the hope of the public that an express direct complaint hotline would be available for dealing with the problem, unlike the case which I mentioned earlier during which we were kicked around in handling the case of the Tin Ping Estate.

We note that GPS smart phones have now become very popular, and the University of Hong Kong has introduced an application for phone positioning which enables the public to make immediate reports on problematic trees to the Government. We think that the Government can make reference to this example and explore the possibility of adopting the same method in future to speed up the process of dealing with problematic trees upon receipt of complaints from the public.

President, I would also like to mention another point. We find that the awareness of society as a whole of greening and tree management work is still relatively low, a major reason for which is that the Government has not attached great importance to research and community work. As such, I proposed in the last paragraph of my amendment that funds should be allocated for encouraging the community to organize research projects and activities in relation to greening management and tree preservation; I suggested that funds can be allocated from the existing Environment and Conservation Fund for supporting the relevant activities and enhancing public awareness of tree conservation.

President, the public holds great expectations for the establishment of the TMO and hope that the work of tree management can be enhanced. However, the biggest problem of the TMO is that it is a "general with no soldiers", and I believe it will not have much room to bring its role into play if government departments continue to adopt a management approach of "divided jurisdiction and management".

President, the DAB supports the amendments proposed by Mr IP Wai-ming and Prof Patrick LAU; but we are a bit doubtful about Mr KAM Nai-wai's proposal on establishing a conservation fund to finance the tree management work of certain publicly-funded organizations (such as the Hong Kong Housing Authority, the Hong Kong Housing Society and public organizations), because such organizations have already got resources, so why is it still necessary to

establish a fund to finance their tree management work? Thus, the DAB has reservations about this.

President, I so submit.

MR IP WAI-MING (in Cantonese): President, over the past several years, we have often heard of cases of withered, collapsed and stolen trees, and could not help but wonder whether the existing greening and tree management measures of the Government are really effective.

President, in the Policy Address of 2000, the Government decided to set up a Steering Committee on Greening so as to formulate a strategic direction on greening. In July 2005, the Government briefed the public on the measures for developing urban Greening Master Plans (GMPs), for the gradual formulation of an overall regional greening policy which includes designing different greening themes, planting species, and so on. The urban GMPs have now been in force for six years and we think that it is time to consolidate the relevant experience and improve the implementation details.

We think that recognition should be given to the Government's efforts on introducing the GMPs, taking the initiative to increase greening areas and incorporating the objective of greening design in planning public works projects. We also think that the coverage of green areas in Hong Kong is lower than that of cities in other regions and that the Government still has room for improvement in implementing the GMPs. According to our understanding, there are currently as many as 10 departments which are responsible for greening, planting and preservation work, but it seems that there is inadequate co-ordination among them. This coupled with the fact that some departments lack experience in plant preservation has made the continual growth of some new plants difficult. This point was also been mentioned by colleagues earlier.

Moreover, we think that the relevant authorities have not done a proper job of post-greening preservation and many plants have withered as a result. As in the case of the roundabout area outside Lei Yu Mun Village, we can see that many greening areas have already become withered and brown due to the lack of dedicated care and the situation is really appalling for some planters have even been turned into garbage bins.

Furthermore, in deciding whether certain plants should be planted, we think it is most essential that the authorities should consider whether it is suitable for the plants to grow beside busy roads, to prevent them from being blackened as a result of long-term exposure to vehicle emissions, as in the case of the long cypress and evergreen grown in the middle of Nathan Road and Lockhart Road. Or else, we would think that the original efforts on greening were wasted.

President, we think that this is only the tip of the iceberg. We hope that the authorities will take this opportunity to review the relevant greening policy and measures, in order to strike a balance between the need for greening and that of pedestrians. We think that the width of pavements should not be reduced for the sake of placing greening facilities. Furthermore, we think that only species which will not easily turn brown, become withered and can survive with minimal care should be planted by the roadside of streets with heavy traffic. After greening the environment, the authorities should also undertake frequent and regular preservation work, so as to keep the relevant greening project sustainable.

The current urban GMPs projects should have been largely completed, and we hope that the Government will implement the New Territories GMPs as soon as possible. In 2009, the Government divided the New Territories into four regions, namely the North East, South East, North West and South West regions, in accordance with the recommendations of four consultancy reports, for the purpose of implementing the New Territories GMPs and it planned to conduct greening works at densely populated locations, scenic spots, along the main roads and on the rooftops of government buildings. We hope that such works can commence as soon as possible.

Consultancy studies on the North West and South East regions of the New Territories have commenced in mid-2011 and we hope that the Government can formulate a detailed timetable and progress plan as soon as possible, and at the same time, encourage public organizations and private developers to participate in the greening work. Moreover, District Councils and community organizations should be given more opportunities of participating in decision-making, to facilitate the early completion of the entire New Territories greening project

In addition to the GMPs, we think that the authorities should also employ more civil servants to handle the increasing heavy tree management workload.

Though the Government has already established a Greening, Landscape and Tree Management Section for formulating greening, landscape and tree management policies, the greening, preservation and tree risk management work of the whole territory is only undertaken by 24 full-time civil servants, including officials at the Directorate Grade.

Moreover, the number of trees managed by the AFCD, LCSD, Highway Department, Housing Department, ASD, Drainage Services Department and Water Services Department alone has amounted to more than 1.35 million per year, among which 700 000 to 900 000 trees are planted by the AFCD alone. However, there are only a total of 280 staff responsible for tree management, and that means, each staff member has to manage at least 4 800 trees on average. From this figure, we can see that the public officers are kept constantly on the run. We hope that the relevant authorities can co-ordinate the tree management and preservation work which are now dispersed among different departments by employing more civil servants and by means of integration, so that the work of tree management will become more effective.

President, in addition to employing more civil servants for tree management, we also hope that the Government will inject resources into establishing a professional training college for training tree management, preservation and greening talents.

Though the Vocational Training Council, International Society of Arboriculture of the United States and various continuing education institutions currently offer different arboriculture courses and the LCSD will also send their staff to the United Kingdom and Australia for training, Hong Kong still lacks a set of unified curriculum standards. As such, we think that the Government should take the initiative to consolidate the curriculum of various courses offered by the training institutions and set up a qualification certification mechanism, in order to help the arboriculture industry build up a professional image.

The vigorous promotion of outsourcing work by the Government several years ago has resulted in the problems of shortage of experienced staff in this area. We think that in order to solve the problems of brain drain and succession

gap, the Government should adopt more positive and effective measures to attract more young people to join the industry and become qualified arboriculture personnel. In the long run, we think that the Government should introduce a series of measures to develop the arboriculture industry into a structured and specialized profession.

President, recently we have seen many reports about many "tree-stealing gangs" coming to Hong Kong to make fast bucks for there is a great demand for the so-called highly valued "feng shui" trees or plants with economic value on the Mainland, thus causing many valuable trees being felled and stolen.

Some time ago, many Buddhist pines in Sai Kung were felled by "trees-stealing parties". As Buddhist pines are a valuable and rare species which have a slow growth rate and high ornamental value, they are often targets for criminals. During the period from October 2005 to April 2006, the Kadoorie Farm conducted a number of surveys in conjunction with the AFCD and the Marine Police at seven Buddhist pine locations in Hong Kong, and discovered that the number and size of wild Buddhist pines have continued to decrease.

For this reason, we think that the Government should strengthen its efforts in law enforcement in this area, so as to prevent "tree-stealing gangs" from coming to Hong Kong and continuing to fell our wild trees with economic or ornamental value. In order to intercept cross-boundary tree fellers, we urge that members of the Police Force and the AFCD should step up their patrols. Furthermore, in order to get hold of the latest data, we hope that the Government will conduct a survey on these valuable trees, and educate the public, so that they will learn about the trees, protect them and make reports to the authorities as soon as possible if they see people stealing or felling trees.

President, I so submit.

MR KAM NAI-WAI (in Cantonese): President, today we are once again debating on a motion in relation to the protection of trees and, in fact, the Legislative Council has conducted several debates on the issue of trees. Everyone knows that there are a considerable number of trees in Hong Kong, and our information shows that 67% of the land in Hong Kong is covered by bushes,

forests or grasslands. Some people said Hong Kong is a "concrete jungle", but in fact, trees can be found in many places of Hong Kong. Moreover, since Hong Kong is located in the subtropical region, we have many species of rather special trees. There is no doubt that the trees in the urban areas are more valuable for they are trees in the "concrete jungle". Thus, people will think that it is very unfortunate if any of them collapse or die.

Colleagues have mentioned in many of our past debates and also earlier that the Tree Management Office (TMO) was established by the Government after the report of the Task Force on Tree Management was issued in June 2009. According to an earlier reply of the Government to Members' questions on its tree risk management assessment approach, we learnt that the TMO does have a set of tree management measures, and that is, the area-based and tree-based management approaches. However, according to my personal assessment, the past performance of the TMO was really far from satisfactory. In particular, the Democratic Party has always hoped that the Government will perfect its relevant existing legislation, and that legislation on tree protection must be formulated for, after all, this is the starting point of the most fundamental policy for tackling the issue of tree protection at root.

Back at the time when the Government conducted a consultation in regard to the review of tree management, the Democratic Party already said that we hoped the Government could formulate legislation on tree protection. We all know that the Government can invoke the provisions of eight major relevant existing ordinances, such as lighting fires in country parks is prohibited, and trees located within the sites of monuments should not be removed, and so on, or it can invoke certain provisions in the Summary Offences Ordinance for the protection of trees. It can be said that trees are protected and preserved under the provisions of various different ordinances.

However, the Democratic Party finds this inadequate. We have been proposing that the Government must enact legislation on tree preservation, including distinguishing the big trees, old trees or valuable trees, and most importantly, we must set penalties for prohibiting any persons from felling, transplanting, trimming or damaging trees without authorization, and must set relevant penalties. At the same time, a list of approved tree care contractors should be compiled and technical standards in this relation should be established, and clearly stated in the legislation on tree preservation. However,

unfortunately, the Government has now indicated that it does not have any intention to introduce tree preservation legislation for the time being and we are very disappointed. I believe this is the consensus of various parties in the Legislative Council. I hope that the Government can listen to our demand for a tree preservation law and that the Government can hear our consensus.

In the amendment proposed by the Democratic Party to Miss Tanya CHAN's original motion today, we said that the Government must conduct a study on establishing a trees and greening conservation fund to offer funding on a "dedicated-funds-for-dedicated uses" basis for application by various types of organizations or institutions, including civil society institutions, so as to conserve trees and valuable trees which are beneficial to the community and which are grown on non-government land (for example, the land under the Hong Kong Housing Authority, the Hong Kong Housing Society and public organizations, as well as private land of public welfare purposes) and not managed by the Government (wordings of the amendment); and the Government may use this fund for education and the promotion of green tourism purposes. I hope that the Government can consider establishing a similar greening conservation fund.

Of course, we have also covered the issue of planning in our current amendment, for open space is hard to come by under the existing land planning, and very often, the Government will not carry out any development on land designated as open space, and it seldom develops open space in the urban areas. For example, we cannot see any green belt on the piece of land in North Point which we have talked about. There may be an open space, but the green belt which we are hankering after is lacking. Perhaps, it is due to the fact that urban land is more valuable that even though open space is found on a piece of land, actual green belts can seldom be seen.

The Democratic Party has made two proposals to the Government in our amendment. Firstly, we hope that the Government can explore the possibility of establishing tree protection and observation teams in various districts, and secondly, implementing a tree adoption scheme. We hope that in every district because even if the Government mobilizes all of its manpower — some colleagues said more civil servants should be employed and some colleagues said that the manpower of the TMO should be increased — but since there are so many trees in Hong Kong, it is really difficult to fully monitor all the trees, and moreover, it is also impossible to ask all the full-time staff to perform the task of

monitoring. As such, how can we mobilize members of the community to help? The Government can consider allocating funds for instilling in members of the public professional knowledge through training, so that they can gain an understanding of how trees can be protected. This way, the community can monitor the conditions of the trees on a voluntary basis and make reports. For example, local tree protection and observation teams may be set up in each of the 18 districts in Hong Kong.

I do not know whether Members may all still recall that there was a Clean Hong Kong Campaign in the past, and similar campaigns were held during the onslaught of the avian flu and swine flu. Back then, the black spots of various districts were first identified, and the regional District Offices would then organize members of the local community to conduct inspections at the black spots on a regular basis. The concept of the campaigns and that of our proposal is actually similar, in that if local observation teams can be established, they can conduct regular inspections at various districts, and then work with the Government of course, the professional work must be done by the Government, but local observation teams can still play a quite important role.

Furthermore, I have also mentioned earlier that we hope that the Government can implement a tree adoption scheme. This kind of scheme, under which people can monitor the growth of trees, for example, observing whether they have been infested, near their homes, is very popular in overseas countries. Compared to tree observation teams, the tree adoption scheme can enable closer observations, and I hope that the Government can take into account the specific comments which we have made with regard to these two proposals.

As regards the issue of tree preservation, we all know that colleagues have proposed many amendments today and I do agree to the proposals of some amendments, and support the one which urges the Government to formulate strategic greening plans. However, all in all, as I have said earlier, after the establishment of the TMO, I find its performance far from satisfactory, and in fact, community education on such work is still inadequate. I hope the Government can enhance its work on this aspect.

For all the reasons mentioned, today, the Democratic Party will support the original motion and all the amendments to the motion. Thank you, President.

PROF PATRICK LAU (in Cantonese): President, the constituency I represent comprises of architects, surveyors, planners and landscape architects. With the benefit of their many professional opinions, I drew up my proposed amendment to the motion. A surveyor is dissatisfied that trees in the neighbourhood of his home are frequently felled by government departments haphazardly, such that a greenery slope has become a tree cemetery. And the felled trunks are just left on the slope, with no one to dispose of them or carry out replanting.

In its reply to my question, the Development Bureau once stated that this policy would be reviewed so that in future, apart from trees removed as a result of construction works, consideration would also be given to replanting trees that are removed as a result of illness or other reasons. That is very important. That is why Miss Tanya CHAN said earlier that after felling trees with special characteristics, even better trees should be replanted. I hope the Secretary can brief us on the relevant progress because I have lately received complaints again about the recurrence of arbitrary felling of trees.

Apart from the arbitrary felling of trees, the professions I represent have also raised many questions about the arbitrary planting of trees, especially the landscape architects who are particularly dismayed by the fact that as a result of limitations imposed by government departments, the relevant landscape designs have failed to achieve the effect of beautifying the city. Although the planting of theme trees is an objective of GMPs implemented by the Civil Engineering and Development Department, other departments responsible for tree management have worked without any co-ordination and imposed various limitations on tree planting. This has effectively hindered the systematic integration of urban greening efforts and the achievement of aesthetics.

Criticized as the department most unsupportive of greening efforts, the Highways Department often rejects creative landscape designs on the ground of insufficient resources. The Water Supplies Department has even basically required that no vegetation (including pot plants) be planted at grade with underground water pipes in the vicinity. But with underground water pipes everywhere, how many streets are available for tree planting then? As I have

said time and again, the most important aspect of urban design is the provision of common utility ducts underground to allow for tree planting at grade.

Given the lack of any legislative control at present, any persons, and even those without professional qualifications, can submit applications for the planting of trees to the Planning Department (PD) or the Lands Department (LandsD). A long time is required to process those applications not prepared to professional standard, and the whole vetting and approval process can take at least six months. The departments even have to organize classes to teach members of the public how to submit an application, further aggravating their heavy workload. I came to learn about all these from members of the professions I represent. This clearly goes against the spirit of ensuring professional tree management work. Hence, I support the introduction of regulation by way of legislation so as to strengthen the training of professionals to meet the need of urban greening.

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

Deputy President, as a result of unco-ordinated tree management among various departments, several fatal tree collapse incidents have occurred. In recent years, the Government has only focused on the diagnosis of trees, but neglected the overall integrity required in urban greening. Hence, Miss Tanya CHAN's proposal of setting up a dedicated department to co-ordinate the greening work of various departments should be a more satisfactory approach, although I understand that tree management and urban greening work each requires different professionals.

Miss Tanya CHAN has proposed a number of improvements to tree management. In fact, a lot of work has been done by the Tree Management Office. It is most imperative to formulate a set of comprehensive greening policies so as to ensure the sustainable development of our green city.

In the past 10-odd years, the Hong Kong Institute of Landscape Architects has been advocating the cause of greening to the Government. Finally, one such initiative in relation to minimum greening ratio has been adopted recently. According to the Practice Note for Authorized Persons under the latest Buildings

Ordinance as amended in January this year, new building developments (with site areas between 1 000 sq m to 20 000 sq m) shall be provided with a total greenery areas of at least 20% of the site, and at least 30% for developments with site areas above 20 000 sq m. Greenery areas include pedestrian zone, communal podium roof, slope and retaining structure. However, in China, the requirement of 30% site coverage of greenery has long been made, while the ratio is 30% to 40% in Singapore. In Japan, the requirement is that for private buildings, there should be at least 20% of greenery area on the roof for every 1 000 sq m; for public buildings, at least 20% of greenery area for every 250 sq m. In comparison, Hong Kong's requirement may be on the low side.

Other aspects of the greening policy advocated by the Hong Kong Institute of Landscape Architects include the planting of theme trees with local characteristics, formulating design guidelines for the greening of streets, establishing a territory-wide greenery pedestrian network, drawing up a greening strategy for redevelopment areas, ensuring the greening of public spaces generally and tree conservation, providing green waterfront promenade, and conducting studies to support the sustainable development of green planning. All in all, a lot of work is still required as we have yet to formulate any legislation to underpin our greening policy.

According to a survey on tree management strategy conducted by The Chinese University of Hong Kong in 2009 which interviewed 1 000 people, although the duties of tree management were scattered among at least 11 government departments (including the AFCD, Civil Engineering and Development Department, LCSD, PD, LandsD, Highways Department, ASD, Water Supplies Department, Buildings Department, Drainage Services Department and Transport Department), as just mentioned by Miss Tanya CHAN, more than half of the respondents could not name any of these departments; 70% of the respondents considered that the Government did not have a clear policy on tree management, and supported the enactment of a law on trees; 75% of the respondents agreed that work in relation to tree management and greening should be placed under a new department to be established; and 60% of the respondents agreed that trees on private land should also be subjected to control. Nonetheless, the most important point is that nearly 70% of the respondents considered that there were not enough tree management professionals in Hong Kong.

Having analysed and collated the findings, Dr Eric LEE who was in charge of the survey opined that a sustainable tree management strategy should embrace the following features: First, public safety should always come first; second, the Government and universities should take the lead in strengthening professional training and public education; third, a fair and impartial appraisal system should be established so as to step up professional training and qualification accreditation; fourth, a database should be established (as far as I know, such work is being undertaken by the Administration) so as to ensure that work procedures are standardized to improve the monitoring system; fifth, suitable locations should be chosen to plan the right species of vegetation; sixth, the notion of "30% planting and 70% preservation" should be adopted so as to strengthen tree preservation after planting; seventh, urban development should be balanced against ecological conservation; and eighth, as "having the determination is more important than legislation", the Government should, in addition to legislation, be committed to perfecting the work on tree management.

Deputy President, the crucial factor is the commitment of those people who are responsible for tree management. Hence, I agree that the advisory framework should comprise community members with a passion for tree preservation. A high greenery coverage ratio does not necessarily mean an aesthetic effect. Hence, strategic green planning is very important. Apart from extensive greening in the vicinity of residential areas and on urban structures, it is even more important to adopt different themes of landscape design for various districts, and stop any haphazard planting of trees which can ruin their beauty. The planting of theme trees in designated streets, such as *Delonix Regia* with its flaming red flowers, *Bauhinia* which is the emblem of Hong Kong, or bamboo with its Chinese characteristics, can beautify the urban areas and greenify the rural areas to attract both local residents and tourists. This can help promote the development of local economy and tourism.

As part of a comprehensive greening policy, the Government should conduct studies on sustainable development so as to develop a green economy to dovetail with sustainable urban development. For example, I think it is worthwhile to conduct studies on the planting of bamboo groves because bamboo grows quickly and its photosynthetic rate is three times that of other plants. Bamboo can convert more carbon dioxide into oxygen, thereby helping to alleviate the greenhouse effect. It also has the property of tightly gripping the soil and is safer than other trees. Of course, bamboo can also provide natural

construction material. Hence, studies on its application can help (*The buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

PROF PATRICK LAU (in Cantonese): Thank you, Deputy President.

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I welcome the motion proposed by Miss Tanya CHAN today on further perfecting our green planning and tree management system. The motion proposed by Miss CHAN, as well as the amendments proposed by four other Members respectively demonstrate the concern of Members about the work of greening and tree management in Hong Kong. Through this debate, I will gladly take Members through various work initiatives taken forward by the Greening, Landscape and Tree Management (GLTM) Section under the Development Bureau since its establishment in March last year. I notice that several Members who spoke just now have used quite positive expressions about our work over the past year. Miss Tanya CHAN hoped that we could "go one step further", and as a matter of fact, the starting point of today's motion is about perfecting the system. Mr CHAN Hak-kan also hoped that we could do better. Although Mr KAM Nai-wai has twice described our performance as "barely satisfactory", I will take "barely satisfactory" as a passing mark given the stringent attitude always demonstrated by Mr KAM.

In 2009, the Task Force on Tree Management (the Task Force) led by the Chief Secretary for Administration conducted a detailed examination on various issues regarding tree management in Hong Kong. Subsequently, a review report entitled "People, Trees, Harmony" was published in June the same year. The report set out recommendations in various aspects relating to the institutional framework and resource allocation, strengthening green planning, promoting professionalism in tree management, manpower training, regulating the contractors for greening works, enhancing community involvement and public

education, and so on. Points raised by Miss Tanya CHAN in her motion and other Honourable Members in their amendments cover exactly those areas which we are taking forward at full throttle.

Let me first talk about the improvement of institutional framework and the allocation of additional resources. As the saying goes, "Craftsmen must first sharpen their tools before they can do a good job", an appropriate institutional framework is pivotal for improving tree management work. Under our current arrangement, the overall policy responsibility in relation to greening, landscaping and tree management is taken up centrally by the Development Bureau, and various departments will manage trees on Government land by adopting an "integrated approach". Such an approach can ensure that our division of responsibility is effective and systematic, rather than "scattered" among various government departments as claimed by Miss Tanya CHAN in the motion. In fact, as pointed out by the Task Force, it is impractical for one single department to take charge of the greening and tree management work in the territory. Just think about this. The AFCD is responsible for managing our country parks which account for 46% of the land in Hong Kong. It is quite impractical for another department to manage the trees in the country parks.

In March last year, the GLTM Section under the Development Bureau was formally established to lead the enforcement of new policies and initiatives. The GLTM Section is underpinned by the Greening and Landscape Office (GLO) and the Tree Management Office (TMO) for promoting a holistic and professional greening approach. In fact, by this framework of "two offices under one section", it is clear that we have a full understanding of the view just mentioned by Honourable Members, that our focus should not merely be tree management, but also greening. That is why I had insisted back then that if the responsibility was to be taken up by the Development Bureau, our work should not be restricted to that of tree management in the narrow sense, but should also cover the greening and landscaping of Hong Kong in the wider sense. Core members of the GLTM Section as well as its two Offices are all professional grade officers who possess the relevant professional qualifications and work experience in landscape design and tree management. It is a "knowledge-based" professional team. In fact, the current number of landscape architects within the Government has substantially increased to almost 60. As Prof Patrick LAU has mentioned the Hong Kong Institute of Landscape Architects repeatedly in his speech, I think

he must also be aware that the Hong Kong Institute of Landscape Architects has quite a high regard for the work of the Development Bureau in relation to landscaping over the past year or so.

It is clear from the practical experience of the past year that the GLO and TMO, as the executive arms of the Policy Bureau, can effectively oversee and co-ordinate the work of relevant departments in respect of greening, landscaping and tree management. Hence, if Prof LAU is worried that landscape architects have no bargaining power with the departments, he need worry no more because they now have the "backing" of the Bureau. Various aspects of their work include leading the departments in the implementation of new tree risk assessment arrangements, giving professional advice to the departments in respect of landscaping and arboriculture, and assisting the departments in handling projects of a complex nature or those requiring inter-departmental consideration. We consider that initial results have been achieved by this fine-tuned institutional framework, and there is no need to establish a dedicated and independent department.

In order to widely solicit the views of community members and experts in respect of our work on greening, landscaping and tree management, the Development Bureau set up the Community Involvement Committee on Greening (CICG) and the Expert Panel on Tree Management (Expert Panel) in March this year. Members of the CICG include unofficial members with a passion for greening and tree management, such as Mr CHAN Hak-kan who is not in the Chamber now, as well as representatives of government departments. The CICG will advise the Development Bureau on measures to encourage quality greening and to nurture a culture of care for trees through public education and community involvement activities. As its name suggested, the Expert Panel comprises local experts and experts from outside Hong Kong, such as Prof JIM Chi-yung, to provide the needed expertise in both policy and operational aspects concerning tree management, with the objective of promoting the well-being of trees in Hong Kong, especially those with special value or interest. That is also a measure to enhance the institutional framework. I heard Miss Tanya CHAN's suggestion that the work of these committees should be made more open and transparent. I will pay special attention to this point in future.

In order to tie in with the strengthening of work by the Bureau and departments in greening, landscaping and tree management, we will increase the

provision of both manpower and financial resources, subject to actual operational need. In terms of manpower, in addition to the establishment of the GLTM Section under the Development Bureau, a total of 35 new civil service posts have been created since the last financial year in the seven departments responsible for tree management. Some of these posts are related to the new Tree Unit established in the LandsD (which previously did not have any professional tree management staff) so that it can effectively discharge the relevant duties. Internal deployments will also be made by these departments to meet the workload of tree management. For example, the LCSD has reorganized its tree management structure, and the number of staff in its tree teams has increased from 122 to 210. In addition, depending on their individual needs in operation, the departments have been given additional resources to procure equipment for tree inspection, provide training for departmental staff, conduct researches on tree management, and so on.

Both Mr CHAN Hak-kan and Mr KAM Nai-wai suggested that funds should be allocated for encouraging the community to organize activities in relation to greening and tree planting. At present, various government programmes are available to provide subsidy for community activities in relation to greening. Some examples include the Environment and Conservation Fund administered by the Environmental Protection Department, and the Greening School Subsidy Scheme and the Greening Hong Kong Activities Subsidy Scheme administered by the LCSD. As far as I know, various District Councils will also provide subsidy for district activities according to the local situation.

Under the new greening, landscaping and tree management policy, emphasis is placed on giving overall consideration to the two aspects of tree management and landscape planning through a holistic, professional and sustainable approach to ensure adequate space allocation for new planting, proper selection of species at suitable locations to achieve healthy growth, and quality landscape design to enhance the cityscape.

Regarding green planning and design, the GLO is actively taking forward diversified greening work, with emphasis being placed on both quality and quantity. In respect of increasing land for planting, the GLO is striving to develop quality green space in the process of urban planning, particularly that for

greenfield sites and urban renewal locations. For example, we have already stipulated a more stringent greenery coverage ratio for the Kai Tak Development Area so as to achieve the planning objective of turning it into a green hub. The GLTM Section will also continue to explore with the PD the stipulation of greenery ratio for greenfield sites. In terms of individual projects, the GLO will closely liaise with various works departments so that new landscape design features, such as vertical greening, as well as the greening of stormwater networks, noise barriers, rooftops and slopes, can be adopted when undertaking various works projects so as to beautify the environment. In addition, the GLO is now undertaking joint studies with the PD, Highways Department, Transport Department and other relevant departments on the formulation of technical specifications to require the reservation of planting space on roadsides and central medians, including the reservation of adequate planting space on pedestrian walkways with no common utility ducts underground. In respect of developed areas, the GLO will, at the strategic level, provide assistance to the Civil Engineering and Development Department in the formulation and implementation of district-based GMPs so that desirable planting themes and species can be identified for individual districts to bring out their vibrant characteristics. By mid-2011, we will have almost completed the greening work in relation to the urban GMPs. The work in relation to the urban GMPs has also been recorded in the book. Under this initiative which involves a total expenditure of \$357 million, 24 000 trees and 4.8 million shrubs have been planted. Upon completion of urban greening, we will embark on preliminary consultancy studies on extending the GMP initiative to the New Territories. Regarding Mr IP's concern about the timetable and consultation work, we will certainly take into account and learn from the experience gained in implementing the urban GMPs, integrate the unique characteristics of various districts of the New Territories, and seriously listen to and incorporate the views from District Councils and the community.

In terms of enhancing the quality of landscape designs, and co-ordinating the green programmes implemented by various departments while taking into account urban design considerations to achieve an overall co-ordinated greening effect, the GLO is now considering the formulation of a comprehensive landscape design framework so that practice notes can be provided for landscape design work of major categories of capital works projects. The GLO will also identify suitable locations for planting theme trees in co-operation with various

departments. The GLO will also provide professional advice for different categories of capital works projects, such as waterfront works of the Central and Wan Chai Reclamation, overall landscape planning of the Kai Tak Development Area, greening of noise barriers, landscape design for heritage conservation and revitalization projects, and on species of plants so as to improve the standard of landscape design of capital works projects. In terms of promoting the technologies of rooftop greening and vertical greening, the GLTM Section has already established an in-house working group to promote innovative greening technologies so that it can share with the relevant government departments the planting experience and research findings. The working group will also organize professional seminars to popularize the technologies of rooftop greening and vertical greening.

Regarding tree management, the TMO has adopted a multi-pronged approach to enhance the professional standard of government departments and the industry. In order to promote a holistic and quality-oriented approach to tree management among government departments, the TMO has been disseminating knowledge on various aspects of tree management through training and the formulation of guidelines and best practices. Just now, Miss Tanya CHAN has also shown Members some of our practices. To date, the GLTM Section has issued guidelines on a variety of tree management topics, including tree risk management, proper planting practices, proper pruning practices, identification of common tree problems, identification of brown root rot and tree protection measures on construction sites. These tree management guidelines and best practices will also be disseminated to the industry and the community at large through the dedicated greening website of the Development Bureau, seminars, workshops, and so on.

Moreover, regarding academic research and as mentioned by one or two Members, it will help build the basis of our professional knowledge. We have already identified the following research topics, including wood strength of common tree species in Hong Kong, common biological tree decaying agents in Hong Kong, choice of planting medium and selection of suitable tree species. All these are areas of our research. The research findings will be shared among the tree management departments as well as the industry. The TMO is also developing a database on tree failures and tree removals. It is hoped that through further analysis of the details of such cases, the cause of tree problems can be identified so that appropriate improvement measures will be identified and

implemented. In this way, tree management departments can also learn from the experience of others.

At present, tree management departments indeed do not have a standardized information system for maintaining tree records. However, as Members are aware, the TMO is now working with the Efficiency Unit on the development of a new electronic Tree Management Information System so that relevant information on individual trees (for example, species, size, location and health/structural conditions as well as tree care records) could be captured systematically for future reference. Upon the completion of the system by the first quarter of 2012, tree management departments will be able to input the data of their tree stock into the system to facilitate the discharge of their day-to-day tree care responsibilities. Some Members mentioned that it might be unclear as to which department was responsible for a particular tree or its exact location. When I am back in the office, I will ensure that such information would be properly provided in the system.

As regards the preservation of Old and Valuable Trees (OVTs), we have a high regard for the relevant work because after all, OVTs are Hong Kong's valuable natural assets. Under the Government's policy, priority is given to preserving the trees on the Register of Old and Valuable Trees (the Register), such as by designating the area surrounding registered trees as a tree protection zone so as to protect them against any impact caused by construction works. We will continue to identify trees with preservation value and update the Register periodically. In order to grasp better techniques in the management and preservation of old trees, the TMO will maintain contact and strengthen exchanges with relevant organizations and experts, such as the Chi Lin Nunnery which is well-versed in these techniques. Incidentally, a number of Members have called on the Government to study enacting specific legislation on tree management to ensure that trees can receive comprehensive and appropriate protection. Although it remains the Administration's stance that we should give priority to administrative measures for strengthening tree protection, and we have no intention to initiate immediate discussion on such legislation, I will seriously consider Members' request that the Administration should start studying the matter. But, as a matter of fact, just like the discussion I heard this morning about legislation, while it is difficult to legislate, it is even more difficult to enforce the legislation. Hence, we hope that we can first implement various

administrative measures so that certain supporting measures are in place, and then we can activate the study process concurrently.

The Task Force considered that when undertaking tree preservation work, the protection of public safety must be a priority consideration. Hence, there is a need to enhance tree risk management. Under the new tree risk arrangement introduced by the TMO in 2010, tree management departments will conduct tree risk assessment in accordance with a systematic methodology which focuses on the identification of trees that require particular care in areas with high pedestrian or vehicular flow, dead trees that might pose hazards to the public, as well as trees with health or structural problems. Detailed inspections are then conducted for these trees individually. Depending on the tree conditions, appropriate risk mitigation measures will be prescribed. If there are no other feasible remedial measures, departments will remove hazardous trees as a last resort because, as Prof Patrick LAU said, we must give priority to public safety. Recently, we had to make the painful decision of removing two old trees on Battery Path, Central. That is precisely the responsible course to take, given the priority consideration of protecting public safety.

To ensure that the tree risk assessment is properly carried out, the TMO has provided training to staff responsible for tree risk assessment duties, including consultants commissioned by departments and contractor staff. In addition, the TMO will carry out desk-top checking of the tree inspection forms completed by departments on a selective basis and random inspections on site of the condition of trees on Government land to ensure that the tree risk assessments are conducted in compliance with the established procedure.

In order to enhance the transparency of tree data and encourage community-wide surveillance on the condition of trees within the community, relevant tree management departments are required to upload information about those trees which require continuous monitoring to the Tree Register (which is published on our website). Moreover, they also need to keep the Tree Register up-to-date. We call on members of the public to report suspected problematic trees through various channels such as the 1823 hotline, "Tree Care Report" standard form available at the dedicated tree website and the "Tell me@1823" smart-phone application recently launched by the Efficiency Unit, so that follow-up actions can be taken by the relevant departments expeditiously.

Apart from taking actions to ensure that trees on Government land are safe, the TMO has also been contacting private owners to remind them of their duty of care for trees within their properties and raising their awareness of tree risk management. In this connection, as the typhoon and rainy season is approaching, the TMO has written again to owners' corporations, mutual aid committees, area committees, Rural Committees, property management companies as well as other non-governmental organizations, appealing to them to take proper care of the trees within their premises.

I totally agree with Honourable Members on the utmost importance of strengthening staff training. Our focus is to nurture a professional workforce capable of providing quality landscaping and tree care services through enhanced training. The GLTM Section, in collaboration with tree management departments, is formulating a training and manpower development plan to ensure an adequate supply of professional staff at the managerial, supervisory and front-line levels for the competent discharge of the full spectrum of responsibilities in relation to landscape planning and design, as well as tree management. In his amendment, Mr IP Wai-ming suggested that resources be allocated for setting up specialist academies to train professionals in green planning, tree preservation and tree risk management. At present, relevant courses are offered by various local tertiary institutions and training providers. In order to continuously upgrade the professional level of the industry, the GLTM Section will hold discussions with relevant institutions, training providers and stakeholders for the purposes of formulating a manpower development strategy, training of personnel and encouraging more people to enter the profession of landscaping and tree management.

In the meantime, the TMO will continue to organize training sessions for government staff engaged in these duties. To date, these training sessions have registered a total attendance of 8 191. Moreover, the GLTM Section will continue to liaise with local training providers to upgrade available training opportunities for the industry.

Apart from in-house expertise within the Government, some Members are worried about the performance of our contractors. At present, in addition to relying on in-house government staff to carry out duties in relation to greening, landscaping and tree management, relevant government departments have in fact engaged consultants and contractors to assist in discharging such duties as

landscape design, planting, caring of plants and tree risk assessment. As a major user of such services, government departments can help enhance the overall service standard of the industry through appropriate contractual management arrangements. At present, we are reviewing the qualification requirements for contractors interested in admission to the List of Approved Specialist Contractors for Public Works (under the specialism of greening works). In addition, the GLTM Section will examine jointly with relevant departments feasible ways to promote continuous improvement in consultant/contractor performance, for instance, through formulating more clearly-defined service requirements, stepping up arrangements on works supervision, and perfecting the performance management system of consultants and contractors. Regarding a Member's suggestion on adopting a demerit point system, we will certainly consider this idea.

We all need to make greater efforts in public education and community involvement because public support and participation are crucial to ensuring the sustainable development of a greener environment in Hong Kong. The GLTM Section and relevant departments seek to foster a culture of care in Hong Kong for greenery, including trees, across the territory through a variety of community involvement and public education activities. Such activities can be broadly divided into the following categories:

- (a) Enhancing public awareness of matters relating to greenery and tree management, such as imparting to members of the public knowledge about the identification of common tree problems and benefits of greenery;
- (b) Promoting public appreciation for natural landscape and urban greenery environment in the territory through guided tours at tree walks, as well as landscape design competition and prizes;
- (c) Organizing seminars in the community, as well as seminars, training courses and exhibitions in schools, establishing thematic green web pages and websites, and launching the "Community Garden Programme";
- (d) Enhancing community involvement in greening and tree management work; in this regard, constructive ideas put forth by

many Members such as enlisting volunteer teams and ambassadors have already been adopted, but we can of course try to do better; and

- (e) Proactively listening to views of community members when taking forward greening works.

In 2010, the Development Bureau and relevant departments have organized more than 150 community involvement and public education activities in relation to greening and tree management to take forward various aspects of work I just mentioned, with a total attendance of 1.4 million. We will continue to make greater efforts in this regard.

Deputy President, I will seriously listen to the speeches of other Members. If necessary, I will speak later to supplement or respond. Thank you, Deputy President.

DR PAN PEY-CHYOU (in Cantonese): Deputy President, I would like to speak on the motion as an amateur tree preservation practitioner. I have always had a fond interest in gardening and planting. In 1991, I emigrated overseas and lived in New Zealand for five-and-a-half years. My home there sat on a quarter-acre plot. At that time, I grew about 30 trees in both the front and back yards of my house. Some of them were flower trees, some fruit trees, and some for beautifying and improving the landscape. Every Saturday, I would spend much time pruning the plants in the garden. I enjoy these activities very much as they can help people relax, be happy and forget their worries. As I have this five-and-a-half years' experience with trees, I do have some knowledge of tree care.

I think tree preservation is no simple task, and one must have a lot of experience in order to do a good job of it. What analogy shall I use? As a doctor, I am of course most familiar with practising medicine. As I see it, there are many similarities between tree preservation and practising medicine. First, both require considerable knowledge. In order to practise medicine, one must of course understand pathology and the physiological conditions of a normal human being. Likewise, it would require considerable expertise before one knows about choosing the right trees, planting trees, as well as understanding the habits of trees, their diseases and micro-organisms that can be fatal to the trees.

Second, both require a caring heart. When practising medicine, a doctor should adopt the attitude of "regarding the patient as his own relative". Likewise, a tree preservation practitioner must have the feeling of "regarding the tree as his own relative" before he can do a good job of it.

Third, both require meticulous observation. Doctors use the so-called methods of "observation, auscultation and olfaction, interrogation and pulse feeling and palpation" in diagnosis; and if necessary, these will be supplemented by further clinical tests. For trees, observation and palpation can always give us an idea of their health condition.

Moreover, both require the development of a long-term partnership. A good family doctor knows his patients well, and have a clear understanding of the health condition of individual patients. If there is any change in the conditions of a patient, he will notice it quickly. It is the same for a front-line tree preservation practitioner. He should be very familiar with the trees under his care. He may have taken care of those trees for months or years. Whenever any change happens to those trees, he will notice them easily.

However, I doubt whether such a standard of tree preservation work is allowed under the current tree management system in Hong Kong. I really have serious doubts about this. In fact, there are great problems with the current system. First, there is the fragmentation of the system. While the current tree management system in Hong Kong is packaged under the fine name of an "integrated approach", what is the reality? Just now, Miss Tanya CHAN said that 10 departments were involved. But according to the information on hand, I can only name eight departments. To me, the situation is like "the Eight-Power Allied Forces". Let me name them one by one: The AFCD, LCSD, Highways Department, Housing Department, ASD, Drainage Services Department, Water Supplies Department and LandsD. As we can see, as many departments are involved and each having their respective jurisdiction, there is a real question as to whether a good job can be done with such fragmentation?

Second, heavy workload is shared among limited manpower resources. The AFCD is responsible for managing 24 country parks in Hong Kong, which account for 40% of land in the territory. Every year, 700 000 to 900 000 trees

are planted by the staff of AFCD. That is equivalent to 95% of the workload of all AFCD staff, but tree preservation work only takes up 5% of the time and manpower of the department. Is it adequate at all?

Fine, let us put aside the AFCD and ASD. There are indeed actual statistics available. Taking other departments together, a total of 1.35 million trees are under their care and the total number of staff in these departments responsible for tree preservation is 293 (incidentally, both these figures are provided by the Government). In other words, each staff member is responsible for 4 615 trees. With such heavy workload and so many trees, I really want to know how much time each staff member can spend on understanding and meticulously observing the trees so that a real relationship is built between people and trees.

Third, there is uncertainty with the deployment of tree preservation teams. For the eight departments just mentioned, their staff members responsible for tree preservation are frequently transferred between different positions. They are sometimes responsible for tree preservation, sometimes other duties. The worst thing is that many tree management duties are handled by outsourced workers. With the serious exploitation under the outsourcing system, it would be easy to image how uncertain the manpower deployment and team formation of the outsourced contractors are. How can a long-term relationship between people and trees be built with the highly mobile and volatile manpower situation of these contractors?

Hence, I consider that this problem must be tackled from three aspects. First, manpower for tree management should be centralized gradually. While it is not necessary to rally all staff in one single department, their management and training can be facilitated by manpower concentration.

Second, there is a genuine need to increase manpower and formulate a reasonable "man-to-tree" ratio.

Third, in the long run, tree management teams should be staffed mainly by civil servants and supplemented by contract staff. A long-term relationship between people and trees can only be built up this way.

Tree management is an important and major initiative. It is pivotal to building up a professional and stringent tree management team that enhances the

harmony between people and trees. The beautiful vision of "People, Trees, Harmony" as advocated by the Government can be realized only if this point is achieved.

I so submit.

MR CHEUNG HOK-MING (in Cantonese): Deputy President, the previous incident of the Wishing Tree has not only aroused the community's concern about preserving valuable trees, but also exposed the shortcomings of the "integrated approach" of tree management adopted by the Government. Under the current integrated approach of management, the Wishing Tree which was then situated on Government land should be under the purview of the LandsD. But after the accident, the responsibility was temporarily handed over to the Home Affairs Department for no apparent reason. Apart from causing certain confusions in the process, such an arrangement also led to delays in handling the matter. This phenomenon is quite understandable because, as many Honourable colleagues have pointed out just now, there are more than 10 government departments involved in tree management. Trees on roadside are managed by the Highways Department, while those in country parks are managed by the AFCD. There is neither a dedicated department nor a specific law on tree management. Each department follows their own practices for tree management without co-ordination. When problems arise, they shirk their responsibilities, so much so that one department is responsible for felling the tree and another for removing it.

Unfortunately, even after the Wishing Tree incident, a number of tree-falling incidents have happened causing death and injury. But the Government still insists on adopting an integrated approach such that relevant departments are responsible for the management of trees located in land under their purview. It is only willing to establish a new Tree Management Office (TMO). However, the TMO has all along been criticized as "a general without soldiers", which also lacks the function of co-ordinating various government departments. We can envisage that in future, the old problem of different departments having different foci and priorities will certainly resurface under such a tree management approach.

There is indeed a need to reform this "integrated" management mechanism that allows different policies from different departments without any clear delineation of responsibilities, so as to enhance management efficiency and ensure uniformity in policy implementation. In this connection, the DAB suggests that a law on tree management be enacted and a post of "Commissioner for Greening Management" be established. While assuming ultimate responsibility for the management of greening zones all over the territory, the Commissioner will oversee the management and co-ordination of greening facilities by various departments. On top of the Commissioner, a statutory body named "Greening Management Commission" comprising official members, non-official community members and experts in dendrology, landscape planning, and so on, should be established. By gathering the force of different professions in the community, it can help enhance the effectiveness and transparency of tree management. Both the DAB and I hope that the Government can actively study this suggestion.

Deputy President, tree management is a professional job, and professional training is required for every part of the work, ranging from tree species selection, nurturing of tree seedlings, planting and after-care. Unfortunately, training for tree management personnel in Hong Kong is highly inadequate now, particularly in respect of tree species selection, and the past performance of relevant departments is most disappointing. In the past several decades, the Administration's attitude towards tree planting can be described as "convenient", just like the "instant noodles" we usually eat for convenience. Trees are planted just because they can grow fast. There is no consideration at all as to whether specific kinds of trees are suitable for growth in Hong Kong's climate. For example, *Acacia confusa* (Taiwan Acacia) which we always talk about can usually live for several decades. But when they grow old, they tend to become sick trees or problematic trees and they can be time bombs in the community.

Moreover, if a large number of non-native trees are grown, certain negative impacts will be created on the ecology. I can share some examples with Members here. Every year, a type of butterfly called *Euploea midamus* (Blue-spotted Crow) will migrate from the coastal areas of Zhejiang and Fujian to overwinter in Hong Kong. Ten years ago, a record 100 000-odd *Euploea midamus* had come to overwinter in Siu Lang Shui, Tuen Mun, earning the area its famous name of "Winter Butterfly Valley". But in 2008, a large number of

butterflies died in Siu Lang Shui. According to some experts, this phenomenon was caused by the wrong choice of trees planted in the area then. As the area was almost entirely covered by Cadaga (*Eucalyptus torelliana*), they blocked the growth of shrubs underneath and hence, changed the habitat of butterflies, causing their massive deaths. That is a vivid example.

Deputy President, it seems that the Administration has yet to learn its lessons even today. According to the information provided by the Government, tree seedlings and species recently planted in Hong Kong are still predominantly *Acacia confusa*, Brisbane Box (*Tristania conferta*) and Cadaga. There are several hundred species of native trees in Hong Kong. Moreover, local trees have as many advantages as the foreign species mentioned. For example, the commonly-found Camphor trees (*Cinnamomum camphora*) are strong and insect-repellent, and they can live for over a thousand years. Moreover, trees like Autumn maple (*Bischofia javanica*) and Chinese Bishopwood (*Bischofia polycarpa*) are thick and sturdy, making them capable of withstanding the strong winds of typhoons. Fruits and young leaves of these trees also make excellent food for birds. Why does the Government not consider planting these trees instead? It may be because the relevant departments lack the macro vision of maintaining an ecological balance.

Deputy President, as the Chinese saying goes, "The forerunners planted the trees while the later generations enjoy the cool in the shade." If the Government still insists on adopting the management approach of different policies coming from different departments and planting trees with the attitude of eyeing for instant success and quick results, it will only plant an even greater crisis for later generations. It is really a case of doing more harm than good. I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, there are two sets of GMPs in Hong Kong now. With development starting from 2005, the urban GMPs will be completed by mid-2011; and according to the Government, a total of 19 000 trees and 4.4 million shrubs would have been planted by then. In respect of the GMPs for the New Territories, according to the relevant paper submitted by the Government to the Panel on Development of the Legislative Council on 12 February 2011, work for the GMPs for New Territories North

West and New Territories South East will commence by mid-2011 for completion in end-2013; regarding the GMPs for New Territories North East and New Territories South West, work will commence by end-2011 for completion in mid-2014. Highlighting the essential points, these two sets of GMPs have respectively brought forward the overall greening vision of Hong Kong. As everything will fall into place once the key link is grasped, I hope the Government can make greater efforts to bring further improvements in greening and landscaping for Hong Kong's environment.

I would like to take this opportunity to thank the Government, particularly Secretary Carrie LAM, for proposing the New Territories GMPs because many years ago, I already strongly reflected the request of local residents in the New Territories in this regard at meetings of the Legislative Council. At that time, I used relatively strong rhetoric to state my view that if there were only plans for developing GMPs for the urban areas but not the New Territories, the Government was discriminating against residents of the New Territories. I now note that the Government has really listened to and accepted my view, and a concrete proposal for taking forward the New Territories GMPs was made in early 2011. Hence, I would like to take this opportunity to express my gratitude to the Government and the Secretary for accepting public opinion.

Deputy President, I would like to give some views on these two sets of GMPs. First, regarding the urban GMPs, as they have been implemented for many years, I hope the Government will learn its lessons and listen to more views so that the urban GMPs will be improved on this basis. I wish to make two points. First, I hope the Government will consider improving the reserved tram tracks (not all tram tracks) in the urban areas by conducting greening measures on a trial basis. Separately, will the Government consider greening the Light Rail tracks in Tin Shui Wai and Yuen Long of the New Territories?

Deputy President, I would like to show here the situation of tramway greening in several countries and territories. The picture on top is Barcelona, Spain, and the bottom one Strasbourg, France. From these pictures, Secretary, you can see the aesthetic effect. Here is another picture of Rotterdam, Holland, which is also very beautiful. The fourth picture is Kagoshima, Japan, and the fifth one is Bilbao, Spain. On these tram tracks, as the road space is reserved for the exclusive use of trams and not shared with other vehicles, such greening

effect can be achieved. If the same thing can be done in the urban areas of Hong Kong, or Yuen Long and Tin Shui Wai, that will be fantastic. I will forward these pictures to the Secretary for reference after the meeting.

By my second suggestion, I hope the Secretary will consider greening the waterfront areas on both sides of the Victoria Harbour and the continuous waterfront promenade to be built. At present, not many trees have been planted at the Avenue of Stars, Tsim Sha Tsui. Can consideration be given to enhancing the greening work there? Due to the time constraint, I cannot expand any further on that point.

I will save some time to talk about the New Territories GMPs. The characteristics of the New Territories are indeed different from those of the urban areas. I have summarized eight features. When taking forward the New Territories GMPs, I hope the Administration will, apart from consulting the District Councils, Rural Committees and the New Territories Heung Yee Kuk, take into account the topographical and landscape features of the New Territories because the New Territories GMPs must cater for the local situation.

The first feature is the presence of rivers in the New Territories. How can both sides of a river, for example, Tuen Mun River, be beautified? The second point is about landscaping of both sides of nullahs. How can such work tie in with the natural ecology? Third, there are many highways in the New Territories. How can greening and landscaping work be done on both sides of highways and the central medians, especially the noise barriers? Recently, a trial has been conducted in Yeung Uk Road, Tsuen Wan, with much success. The fourth point is about the greening of Light Rail tracks. The fifth point is about the greening of flyovers. We can take a look at Shenzhen, our neighbour, where many hanging greens have been planted along the flyovers there, such as the spectacular Boston ivy. It seems that not so much greening has been done in Hong Kong. The sixth point is about cycling tracks. How cycling tracks can be greenified? The seventh point is about slopes. Eighth, many lands and mountains are laid to waste in the New Territories. Can the Government consider implementing trial schemes to promote greening efforts by their owners or occupiers? While the characteristics of the New Territories are not necessarily limited to the eight points mentioned by me, by giving consideration to these matters, it will help ensure enhanced greening and landscaping in the

New Territories under the New Territories GMPs so that the living conditions of residents can be improved.

Deputy President, all in all, I consider that while Hong Kong now has two major GMPs, I very much hope that the Government can, on the basis of these two GMPs, learn its lessons continuously, study the characteristics of Hong Kong and seek continuous refinements through even greater efforts so that our living environment and air quality will see further improvement (*The buzzer sounded*)
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DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

MR WONG KWOK-HING (in Cantonese): Thank you, Deputy President.

MS AUDREY EU (in Cantonese): Deputy President, when speaking on this motion today, Miss Tanya CHAN and many Honourable Members have made a lot of suggestions on perfecting tree management. Deputy President, I particularly wish to speak on two points I consider to be critically important: First, enacting legislation on tree management; second, formulating a licensing and regulatory system for tree management personnel. The question of whether we are capable of and have the determination to perfecting tree management really hinges on these two points.

I am delighted to hear the cautious remark made by the Secretary for Development earlier, that while she would not consider legislation immediately, she would carefully study our demand in this regard. She even repeated that remark cautiously again. In other words, she meant that there would be room for studying the matter.

Deputy President, all along, the Government's stance is one of refusal to consider legislation. Its excuses are that it is unimportant or unnecessary, and that administrative measures can already serve the purpose because the requirement of tree preservation has already been stipulated in the land grant conditions, or that the relevant conditions have already been incorporated into land leases granted after 1970. Regarding land leases granted prior to 1970, the

Government considers that the matter is unimportant and it can wait until the land is redeveloped or new leases granted to incorporate the relevant conditions. However, Deputy President, I think Secretary Carrie LAM who is also responsible for land matters should know that even if these conditions are incorporated into the land leases, there is still the question of enforcement.

Just now, Secretary Carrie LAM said that legislation was not the most difficult part, but enforcement was. I believe she must be thinking about the problem of unauthorized building works. Therefore, likewise, what will be the situation even if such conditions have been incorporated into the land leases? How do the authorities enforce such conditions? If trees on a site have been removed or are not protected in accordance with the requirement, will the Government resume the site? That is impossible. Will the Government consider imposing a fine then? However, there is no provision for any fine for breach of lease conditions. Moreover, once a site is granted to a small owner, how can a decision be made as to the culprit who damages the trees? Therefore, even if relevant conditions are incorporated into the land leases, they cannot possibly be enforced.

Deputy President, I would like to take this opportunity to mention that laws on tree protection have been enacted in many places, and they are also applicable to trees on private land. For example, under the Taipei City Tree Protection Bylaw, the height, radius and age of trees, as well as their specific habitat are stipulated. Valuable trees in the community are also protected. Moreover, the Taipei Tree Protection Committee was set up under the Department of Cultural Affairs to take charge of the supervision and co-ordination of tree protection work. The responsibilities of various departments are also clearly specified. The Bylaw also covers trees on private land, and advice on tree preservation techniques can be sought from the Public Works Department. When developing a land lot, information on protected trees within the works site should be submitted to the responsible office for approval before construction works can commence.

In Singapore, under the two-part Parks and Trees Act, the Commissioner of Parks and Recreation shall be responsible for the management of trees and national parks. Except with the prior approval of the Commissioner, trees over

1 m in height shall not be felled or damaged. Regarding behaviour causing damage to trees such as poisoning, spilling and ringbarking, clear definitions are drawn up. Moreover, the Singaporean Government is empowered by the Act to designate private land as a tree conservation area. Statutory procedures have been laid down on the conservation and felling of trees for compliance by all citizens. There is also the requirement that trees can only be removed by qualified persons.

Under the Town and Country Planning Act of the United Kingdom enacted in 1947, local planning authorities are empowered to issue Tree Preservation Orders to prevent trees on private land from being damaged without prior approval. Actions such as topping, lopping or wilful damage of trees are prohibited. Any person who is aggrieved by the Order can lodge an appeal according to the appeal procedure. Of course, voluntary organizations there will also help plant and preserve trees, and promote nation-wide efforts in tree preservation.

(THE PRESIDENT resumed the Chair)

A question invariably came up in the speeches of Honourable colleagues. Should there be professionals to take care of trees in Hong Kong? President, I notice that the Secretary for Development has mentioned in her speech just now that many courses are available. But if we really want to encourage more people to take those courses, a promotion ladder and licensing system must first be established so that there is clear distinction between courses intended for professionals and those for ordinary members of public. That is very important in terms of tree care. If there is no licensing system or legislation, the effect of licensing will never be achieved.

President, a few days ago, "Tree Doctor" Prof JIM Chi-yung mentioned a point about Hong Kong having a licensing system even for plumbing works such that these works must be carried out by licensed plumbers. Any kind of technicians such as electricians must also hold a valid license; even for minor works which the Secretary is most familiar with, they must be carried out by licensed persons. In that case, what about trees which are living objects?

Just now, Secretary Carrie LAM said that the safety of trees was very important. Why are trees not safe? To a great extent, it is because they have not been taken care of properly. In order to ensure proper care for trees, the work must be carried out by professionals. In order to encourage more people to enter the profession, they must be given proper recognition. That is an effect only a licensing system can achieve. In order to set up a licensing system, legislation is a prerequisite.

Therefore, President, I hope the Secretary will not only focus on finding the right locations for planting trees, but also consider making available professionals to decide on what tree species are to be planted and how they will be taken care of, so as to bring about real improvement to our tree management system.

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

MR ALBERT CHAN (in Cantonese): President, insofar as tree management is concerned, I submitted a proposal to the Government in June 2009 calling for the establishment of a dedicated department. Of course, the Tree Management Office (TMO) presently established is quite different from my then proposal, but I will give it the benefit of doubt. I will allow the TMO to operate for a certain period of time before deciding whether any change to it is necessary after reviewing whether any benefits have been achieved in terms of administration, cost-effectiveness and the actual growth of trees. Nonetheless, in the meantime, I hope the Secretary can conduct an overall review of the present situation of tree management and its cost-effectiveness, and whether the duties of respective departments are appropriate. Later, the Audit Commission may have to conduct a study on whether there is any maladministration as a result of different policies coming from different departments.

President, through today's debate, I would like to review, together with the Secretary, issues relating to the overall development of greening and tree species in Hong Kong. As a matter of fact, many trees have been planted in Hong Kong. Every year, millions of trees are planted by the Government in country parks. Many years ago, I requested the Government to plant native tree species by all means. While non-native species used to account for 90% of the trees

planted in country parts, the percentage of native species trees has increased to some 60% to 70% now. Nonetheless, this percentage is still not high enough.

Why is it necessary to plant native species trees? Many members of the public, or even government officials, may not know that Hong Kong is in fact a treasure trove of nature. In terms of the number of tree species, Hong Kong may rank first in the world, possibly because new tree species would be brought into Hong Kong by migrant birds. After years of development, many of them have become native species of Hong Kong. Counting only native tree species, there are about 500 to 600 in Hong Kong, while the number is only 50 to 60 for the entire British Isles.

President, come to think about it. The entire British Isles are so much bigger than Hong Kong, yet the tree species in this small territory outnumber those in the entire British Isles by several hundred times. Hence, the development of our natural habitat is really quite vibrant. For example, in Hong Kong, there are 450-odd bird species — I mean native birds — more than 200 species of butterflies, and more than 100 species of dragonflies. It is clear that the growth of trees is closely related to the development of the natural ecology as birds build their nests in trees while flowers and fruits of trees are also beneficial to birds and provide them with food.

However, once non-native tree species are introduced, the entire natural ecology will be upset, such as their fruits cannot serve as food for the birds or their pollen is not suitable. All these will affect the equilibrium of the natural ecology. For example, there is a type of tree known as *Spathodea campanulata* (Flame of the Forest or African tulip tree). Given its high resinous oil content, fire will spread easily in case it is ignited. For many years in the past, especially in the 1960s and 1970s, no consideration was given by the Hong Kong Government for planting native tree species. For example, many non-native *Acacia confusa* (Taiwan Acacia) were planted. The Government's choice of planting *Acacia confusa* was based on the reason that they could grow easily and quickly. They would mature in eight or 10 years. However, there was a drawback in planting *Acacia confusa* as they would only live for 50 to 60 years. Once they are about 50 years of age, they tend to wither and break easily. Hence, many *Acacia confusa* planted on roadsides in the 1960s and 1970s fell during typhoons in Hong Kong.

Tree planting is a specialized subject and a lot of factors must be considered. For example, I already took up the issue of tree planting with the Administration in the context of the reconstruction of the Castle Peak Road. The Government's consideration was that trees planted on roadsides must not lose their leaves easily as drainage blocked by shed leaves would require frequent clearing, creating a lot of work. The Government also pointed out that evergreen was the ideal choice of trees because their maintenance was relatively easy. If trees that would lose their leaves easily were planted, problems might arise in management.

Hence, I have been criticizing the Government all these years that its decisions on various problems are invariably made out of administrative convenience, without any consideration for either the overall need of development or certain important factors such as ecological development and landscaping. Administrative reasons are often cited by the Government. That is why we have always criticized the Government as practising executive hegemony or executive autocracy. Administrative necessity of the Government is overriding everything else. It is the same when deciding what species of trees are to be planted in country parks. Very often, trees are planted according to the varieties available for procurement, without any longer-term planning. Given that more than 2 million or 3 million trees are planted by the Government every year, an annual plan should be prepared so that the decision on procuring native tree species is made in advance, irrespective of whether they are sourced from its own nurseries or overseas. This will obviate the need to make any forced decision to switch to non-native tree species during the planting season because the intended species are out of stock.

The problem of management has been ameliorated with the establishment of the TMO. Regarding tree management, I hope the Secretary can make long-term planning for the planting of trees, such as in the context of GMPs for various districts. In fact, I am not very satisfied with these GMPs because, very often, too much emphasis is placed on landscaping rather than local characteristics. There are 18 districts in Hong Kong and some unique tree species should be planted in individual districts. For example, in the case of Tung Chung, I have suggested to the Secretary time and again that the theme of the area should be *Enkianthus quinqueflorus* (Chinese New Year Flower) because an exceptionally large population of *Enkianthus quinqueflorus* was found in Lantau Island, even though nearly half of them had been removed during the

construction of the railway line. More *Enkianthus quinqueflorus* should be planted by the Government so as to give people the opportunity to appreciate this tree species with local characteristics. In terms of the development of trees, I hope the Secretary will give more consideration to planting native species.

MRS SOPHIE LEUNG (in Cantonese): President, I agree with most of the points raised by Mr Albert CHAN just now, particularly his views on native species. Insofar as the collective memories of Hong Kong people are concerned, I think some trees are perhaps also part of such memories.

For example, *Enkianthus quinqueflorus* (Chinese New Year Flower) is native to Hong Kong. I think that would be a very good idea if more *Enkianthus quinqueflorus* can be planted in a particular place of Hong Kong. However, we are now suddenly very concerned about trees. But trees are like human beings, one cannot dictate how trees are to be handled because the difficulties faced by individual trees are unique. We can only care for them with our hearts, and not President, I totally disagree with the introduction of any licensing system immediately. If a licensing system is introduced, many practitioners in this profession who are now working as an interest would be required to sit for examinations due to the licensing requirement, and some of them may not be able to meet the standard. In that case, they can no longer work in their desired profession and they may also lose their jobs. As I see it, a licensing system should be adopted as a longer-term initiative or introduced at a later stage. Given the current passing fad for tree caring, this passion has so far been maintained for only about a year. Except for certain individuals, the community has become gravely concerned about trees only in recent years. I think we should keep the situation in view for a longer period of time.

Recently, I noticed that some self-proclaimed tree experts who, for whatever reasons I do not know — perhaps for showing off their knowledge or trying to prove that they are genuine experts — have sought to widely publicize some of their particular views in the media or the press. Some friends have once asked me how come they would tell people to fell *Aquilaria sinensis* (Incense Tree). I guess they are just trying to show off their knowledge. However, if they really care about the trees, then I implore them not to say anything more, lest more people would be prompted to fell the trees. In fact, *Aquilaria sinensis* is

another native tree species, and if there is any place available for their massive planting Or perhaps, not necessarily massive planting as I also oppose colonization. I think other species should also be found in one place. There is also a kind of trees called *Cinnamomum camphora* (Camphor tree) found in the New Territories. They would shed their dead skin continuously, but this kind of trees is very useful. Of course, we can consider other native fruit trees. But I do not know whether non-native fruit flies might be attracted and result in some disasters. I think this is a question for the tree experts to study.

All in all, it is good thing for us to care about trees, but this should not result in excessive rules and regulations. Many people are very keen on regularizing everything, and I sometimes wonder whether they also make rules for everything in their homes. Sometimes, regularization may not help and everything should start from the heart. In order to mobilize the entire population in tree caring, we must not only care about trees, but also all kinds of living creatures. We should understand and care for individual plants so that we will learn how to preserve them.

President, there is no hard-and-fast rule about tree caring. Every tree is growing at a specific point of time, at a specific location and in specific conditions. We have to consider carefully the remedial measures required. I think this is the right perspective to consider the question. I think it is a good thing for people to care about trees, but there is no quick fix for many things. Just like we care about the children and their education, but there is no quick fix either. We must consider what we have to do, taking into account the prevailing conditions. We must act in this direction. Hence, President, I just want to add one point, that is, tree caring work must be taken forward progressively. Thank you.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Miss Tanya CHAN, you may now speak on the amendments.

MISS TANYA CHAN (in Cantonese): First of all, I would like to talk about Mr CHAN Hak-kan's amendment. I do not know if it is because Mr CHAN Hak-kan is relatively younger that his amendment is specifically focused on technology. In fact, as far as I know, The Chinese University of Hong Kong has also made use of Quick Response (QR) codes to facilitate members of the public. By scanning the QR codes on tree labels with a smartphone, information about the trees will be displayed instantly. Of course, a demerit point system and a penalty mechanism can be developed gradually over time. But in the meantime, Mr IP Wai-ming is of course particularly concerned about their working environment. Of course, Dr Priscilla LEUNG Sorry, it should be Mrs Sophie LEUNG who raised the question about whether the employment of relevant practitioners would be affected by the sudden implementation of a licensing system. Certainly, such a system must allow a transitional period, and the experience of practitioners should be one of the conditions for licensing.

Moreover, I think the use of Chinese is the most important factor because at present, many international examinations are in English. The Government should establish a licensing and examination system predominantly in Chinese so as to facilitate experienced local practitioners in obtaining the license.

Of course, as we are discussing the issue of greening here, I do not know how much Members know about trees? In fact, due to administrative convenience, a definition of "trees" has been made in Hong Kong. What are trees? Interestingly, President, in fact only those with a trunk diameter exceeding 95 mm as measured at 1.3 m above the ground will be regarded as trees. Hence, I hope the Greening and Landscape Office will pay more attention to greening and planting work.

Separately, regarding the proposals of Mr KAM Nai-wai, I know he has gone for a group photo of the Central and Western District Council, and even Mr IP Kwok-him has left also. As I cannot go, I could only ask him to reserve a gap for me so that my image can be "keyed" in afterwards with computer software. Regarding his suggestion on green belts, we hope it can be taken one step forward through the establishment of a special tree protection zone. Nonetheless, we agree with some of the proposals made by Mr KAM Nai-wai today.

Furthermore, regarding the many viewpoints raised by Prof Patrick LAU, I very much agree with most of them. Prof Patrick LAU cited a case just now about the stumps left on a slope after the tree trunks had been removed. I remember that the Bureau once procured a new machine called a stump grinder, right? I heard that name once, and I still remember it even now. I wonder if the Administration can deploy the machine for some outside duties to grind and remove the stumps. Of course, it may be necessary to enquire into the cause of death of the trees. Given that a tree database has already been established, the stumps might have to be preserved for study purpose.

Moreover, regarding the greening ratio, that is, the greening percentage adopted by arborists in the development of an area, I hope the Bureau can consider introducing enhancement measures in this regard in due course. I think it is a very important aspect of work.

In fact, interestingly, President, as you can see, many amendments have been proposed. Members have added various suggestions which I agree to the original motion, just like hanging ornaments onto a Christmas tree, and in certain particular aspects, our views are almost unanimous. What are those aspects? Those are about establishing a centralized department and enacting legislation. Our views are unanimous. Just now, Ms Audrey EU also talked about legislation. In fact, insofar as legislation is concerned, we can make reference to the experience of many places, including Taipei and Britain mentioned by Ms EU just now, as well as the Tree Protection Act of Australia. Regarding the case of Singapore mentioned just now, the relevant local legislation has in fact been updated thrice. Since its enactment in 1975, the Parks and Trees Act has been updated constantly and three rounds of legislative amendments have already been made. The current version is the updated version and I hope we can go in that direction. Even though the scope of an initial law may not be comprehensive, at least we will have a basic framework so that gradual revisions can be made constantly to guide our work in the right direction.

President, I am very happy to hear a long-awaited reply today. Although we may still need to wait some more time, I believe all Members who have proposed amendments today will also feel very happy. Later, the Civic Party will vote in support of all amendments. I so submit.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, since I have made a rather long speech at the beginning of the debate, I will only respond to the salient points in specific, particularly on the new views raised.

First, regarding the studies on enacting legislation on trees, I have made my position clear today. Let me declare my position once more: I will seriously consider commencing studies on enacting legislation on the issue. Actually, my position has changed slightly. For I consider administration is about adopting the appropriate measures at the right timing. Being an official under the accountability system, I have to examine the latest situation and respond proactively.

Ms Audrey EU can rest assured that in the examination of various subjects, the study on licensing would be indispensable. Take the recent scrutiny of the Lifts and Escalators Bill by this Council as an example. In fact, most of the amendments are about "people". In other words, the amendments seek to ensure contractors, engineers and workers at various levels meet a certain standard, so that they can provide assistance in maintaining lift safety. Hence, I think the two subjects raised and highlighted by Ms Audrey EU in particular will be examined together in future.

If Honourable Members consider that the efforts made in the past have prompted me to change my views on legislating on this issue, may I ask them to try to step into my shoes and let me do some lobbying about one point. This is about the consensus Miss Tanya CHAN said that Members have reached on two issues: first, it is about enacting legislation; second, it is the setting up of a centralized independent agency. About the establishment of a centralized independent agency for handling tree management in Hong Kong, I have enormous reservations. I hope Members will allow me to take this opportunity to do some explaining.

Actually, the organizational framework now in operation is the so-called "centralized leading and integrated management". In view of the abundance of trees, and that trees are regarded as part of the service unit, facilities or assets of individual management departments, I cannot take out part of the facilities or assets from the management departments concerned and place them under the management of another department. The existing approach, which has been adopted for slope management in Hong Kong, is proven. In the past 30 years or

so, we have adopted the approach of "centralized leading and integrated management" in ensuring slope safety in Hong Kong. Thanks to this framework, slope management work in Hong Kong has become well-known throughout the world today.

Under the "centralized leading" approach, the Geotechnical Engineering Office (GEO) under the Civil Engineering and Development Department is to charge, whereas all the slope management work is managed by the relevant departments. However, the department taking up "centralized leadership" is obliged to give clear guidelines, professional knowledge and assistance in other aspects, so that the management department may fulfill their work properly.

Besides, training has to be carried out via "centralized leadership", and the work to enhance exchanges with overseas experts should be enhanced. Please allow me to borrow the analogy of Dr PAN Pey-chyou on medical practice. We want every department and everyone who has contact with trees to have basic knowledge of tree care, like a family doctor knowing when a patient, in the present case the trees, requires care from professional, specific and specialized doctors in addressing their conditions. To bring the analogy of medical practice further, I think the most important point is the heart. Despite having all the official technology and knowledge, all efforts made will be in vain without the heart for protecting trees.

Also, I would like to respond to the issue of the GMPs and the issues of species and themes mentioned by Mr Albert CHAN. We will draw on the experience in implementing the urban GMPs and introduce them to the New Territories, or carry out other greening work in the urban areas. All these measures are carried out with reference to the following aspects: to manifest the characteristics of various districts, to highlight the theme of different districts and to cope with other local cultures of the districts. The greening or planting work to be carried out is decided by these factors. We will also encourage the department responsible for planting to choose native species.

The urban enhancement work under the Development Bureau has indeed provided us with a lot of room for greening, such as, the waterfronts on both sides of the Victoria Harbour, the laying of the 110 km cycling track in the New Territories, green building and slope safety work. If Members have been to

South Lantau Road on Lantau Island, they will notice that in addition to the slope preventive work along the road, significant greening work has been carried out. As for green building, we will introduce green coverage and greening work in certain newly built green buildings. Even in heritage conservation, a lot of room for greening is provided.

The third point I would like to respond to — Mr KAM Nai-wai just returned to the Chamber — is about macroscopic planning. Mr KAM hopes that in addition to planting for greening purpose, we should examine open space and green belts. Actually, among the existing 123 Outline Zoning Plans or Development Permission Area Plans pending development permission in Hong Kong, 2 096 hectares of land are for "public open space", whereas more land, 15 256 hectares, is set aside for "green belts". Therefore, the town planning standard prescribed by the Town Planning Board in providing 20 hectares of open space for every 100 000 people has basically been met, except in the cases of the Central and Western District and the Wanchai District. However, residents in the Central and Western District and the Wanchai District do not have to worry, for upon the completion of the works of Central Reclamation Phase III and Wanchai Development Phase II, a large part of the reclaimed land will be used as open space or "green belts" for public enjoyment.

Why do I have to mention planning in my concluding speech today? For I recently heard a point of view, that given the extremely tight supply of land for housing, some people consider it unnecessary to carry out greening work to such an extent. Some people are eyeing the land in country parks, requesting the authorities to earmark some sites in country parks for housing construction or increasing the development intensity of land. Prof Patrick LAU pointed out in another debate today that the development intensity in Hong Kong was on the low side. It is evident that Hong Kong is a pluralistic and rapidly developing society.

I hope that in other discussions in future, such as the discussion on reclamation beyond the Victoria Harbour and rock cavern development, which has just commenced, we will find an environment for rational discussion with a view to identifying better solutions to meet the demand for land in various aspects.

Thank you, President.

PRESIDENT (in Cantonese): Mr CHAN Hak-kan, you may now move your amendment to the motion.

MR CHAN HAK-KAN (in Cantonese): President, I move that Miss Tanya CHAN's motion be amended.

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

"To add "with the presence of high-rise buildings everywhere, air pollution and the heat island effect are very serious in Hong Kong, and" after "That"; to add ", and establish a demerit point system and a penalty mechanism for the Government's outsourcing contractors for tree management work, so as to strengthen the monitoring of outsourcing contractors' quality" after "tree management contractors"; to add "establish a comprehensive database of trees in the communities for recording the basic information of trees, their health conditions and locations, etc., to facilitate the Government to carry out tree management and the public to access the relevant information, and" after "(i)"; to delete "and" after "on tree management,"; to add "set up a complaints hotline operated by a dedicated department, make use of various channels such as smart phone or the Internet, etc., to facilitate the reporting of problematic trees by the public," after "on tree preservation and management,"; and to add "; and (k) allocate funds for encouraging the community to organize research projects and activities in relation to greening management and tree preservation, so as to enhance public awareness towards tree conservation" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Hak-kan to Miss Tanya CHAN'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): Mr IP Wai-ming, as Mr CHAN Hak-kan's amendment has been passed, you may now move your revised amendment.

MR IP WAI-MING (in Cantonese): President, I move that Miss Tanya CHAN's motion, as amended by Mr CHAN Hak-kan, be further amended by my revised amendment.

Mr IP Wai-ming moved the following further amendment to the motion as amended by Mr CHAN Hak-kan: (Translation)

"To add "; Establishment of a framework and perfecting resource allocation — (l) as the urban Greening Master Plans have been in implementation for quite some time, consolidate the relevant experience in a timely manner, take on board the community opinions, and promote public engagement, so as to further develop and upgrade the effectiveness of the urban Greening Master Plans on the basis of collective wisdom and concerted efforts, thus enabling more effective tree management; (m) drawing on the experience of implementing the urban Greening Master Plans, incorporate the features and characteristics of New Territories districts and seriously heed and take on board the views of District Councils and the community, so as to formulate a clear timetable on drawing up the Greening Master Plans for the New Territories and an implementation schedule as part of perfecting tree management; and Strengthening of community work — (n) adopt proactive and effective measures for strengthening the conservation of local plants of economic value, such as Buddhist pines and incense trees, etc., so as to eradicate

these plants from being stolen and felled by people, and educate the public about caring of trees with local characteristics as well as relevant conservation knowledge, so as to protect Hong Kong's green environment" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr IP Wai-ming's amendment to Miss Tanya CHAN's motion as amended by Mr CHAN Hak-kan 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 KAM Nai-wai, as the amendments by Mr CHAN Hak-kan and Mr IP Wai-ming have been passed, you may now move your revised amendment.

MR KAM NAI-WAI (in Cantonese): President, I move that the relevant motion, as amended by Mr CHAN Hak-kan and Mr IP Wai-ming, be further amended by my revised amendment.

Mr KAM Nai-wai moved the following further amendment to the motion as amended by Mr CHAN Hak-kan and Mr IP Wai-ming: (Translation)

"To add "; Establishment of a framework and perfecting resource allocation — (o) study establishing a trees and greening conservation fund to offer funding on a 'dedicated-funds-for-dedicated-uses' basis for application by various types of organizations or institutions, including civil society institutions, so as to conserve trees and valuable trees which are beneficial to the community and which are grown on non-government land (for example, the land under the Hong Kong Housing Authority, the Hong Kong Housing Society and public organizations, as well as private land of public welfare purposes) and not managed by the Government; this fund may also be used to increase resources for green planning, tree preservation, tree risk management, public education and the promotion of green tourism; (p) set penalties for prohibiting any persons from felling, transplanting, trimming or damaging trees without authorization, so as to ensure that trees can receive comprehensive and appropriate protection; Perfection of green planning — (q) review and increase the green belts as provided in the statutory town plans of Hong Kong (especially the urban areas); Strengthening of community work — (r) study establishing a tree protection and observation team in various districts; and (s) implement a tree adoption scheme to put community-wide tree observation into action; at the same time, invite relevant professionals to provide the public with tree protection knowledge and training" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr KAM Nai-wai's amendment to Miss Tanya CHAN's motion as amended by Mr CHAN Hak-kan and Mr IP Wai-ming 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): Prof Patrick LAU, as the amendments by Mr CHAN Hak-kan, Mr IP Wai-ming and Mr KAM Nai-wai have been passed, you may now move your revised amendment.

PROF PATRICK LAU (in Cantonese): President, I move that Miss Tanya CHAN's motion, as amended by Mr CHAN Hak-kan, Mr IP Wai-ming and Mr KAM Nai-wai, be further amended by my revised amendment.

Prof Patrick LAU moved the following further amendment to the motion as amended by Mr CHAN Hak-kan, Mr IP Wai-ming and Mr KAM Nai-wai: (Translation)

"To add "; Perfection of green planning — (t) undertake extensive greening in the vicinity of residential areas and on urban structures, including wall faces, slopes, pavements and rooftops, etc.; (u) formulate strategic green planning with special landscape design features for various districts and the planting of theme trees in selected streets and places for showing various shades of colours in different seasons, so as to create beautified streets and scenic spots to attract tourists and stop any haphazard planting from ruining the beauty of trees; and Strengthening of studies on sustainable development — (v) through conducting studies on planting bamboo groves or other plants, develop a green economy to dovetail with sustainable urban development; in particular, as bamboo grows quickly and its photosynthetic rate is three times that of other plants, it can convert more carbon dioxide into oxygen, thereby helping to alleviate greenhouse effect; at the same time, bamboo has the property of tightly gripping the

surface of the soil and is safer than other trees; bamboo can also provide substantial natural construction materials and can be used for manufacturing bamboo products; planting bamboo can even increase employment opportunities in the fields of research, planting, landscaping, manufacturing, design and certification, etc.; with the economic benefits of sustainable development, put in more resources to perfect tree preservation and management work" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Prof Patrick LAU's amendment to Miss Tanya CHAN's motion as amended by Mr CHAN Hak-kan, Mr IP Wai-ming and Mr KAM Nai-wai 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): Miss Tanya CHAN, you may now reply and you have 32 seconds.

MISS TANYA CHAN (in Cantonese): President, I have picked up a few lines from the speech given by the Secretary just now and would like to recall them with Members, that is, "centralized leadership, integration and decentralization".

We will continue to persuade the Secretary to consider the possibility of assigning one single department to under the issue. If it is not feasible immediately, I still hope that she will seriously consider commencing studies on enacting legislation. This is the best news I heard today.

I hope I will be holding a bill on trees in A5 size rather than in A4 size.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss Tanya CHAN, as amended by Mr CHAN Hak-kan, Mr IP Wai-ming, Mr KAM Nai-wai and Prof Patrick LAU, 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 motion as amended passed.

PRESIDENT (in Cantonese): Second motion: Moral and National Education Curriculum.

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

I now call upon Mr Albert HO to speak and move the motion.

MORAL AND NATIONAL EDUCATION CURRICULUM

MR ALBERT HO (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed

I always consider it natural and reasonable for a Chinese to understand and care about one's own country and nation, as well as to nurture and establish the sense of national identify. Hence, I have to make it crystal clear from the outset that I do not resist national education, but I am concerned about the approach adopted in and content of national education.

First, I will talk about history. The nature of national education is mainly based on the knowledge of the history of a country. However, the contemporary history of China is fraught with political struggles and man-made disasters arousing many disputes over the significance of right and wrong. At issue is the principle, position and attitude to be adopted by the SAR Government on these issues that involve the significance of right and wrong in advocating the subject of Moral and National Education? More importantly, are we being guided by a great invisible hand behind the screen in handling national education?

Our experience in history and our memory tell us that the ideological education adopted by the Government in Mainland China in the past mainly required its people to love their country, love their political party and love their leaders. Besides, the people were required to take the perspective of the ruling party, that is, the Communist Party of China (CPC), in deciding the right or wrong of issues involving the country and the nation.

People on the Mainland are not allowed to write about the history, only the Government is authorized to approve and write about the history. Worse still, the history of the country is written only after the history of the Party has been confirmed by the Government. In the past, the CPC had passed two resolutions with historical significance to specify the nature and tune of certain significant events in history, which then formed the blueprint of all history textbooks in the whole country and alternative views were not allowed. The people can learn the history of the country only through the official version of history, that is, a version prescribed by the CPC. In the Mainland nowadays, after the nature and tune of the Cultural Revolution and the Gang of Four incidents were finalized, people can express different views freely on the surface to seek vindication for

the large number of victims in the Cultural Revolution, yet criticisms can only be made according to the framework prescribed by the authorities. However, for incidents that occurred lately, such as the 1989 Democratic Movement, the 4 June Incident, the human rights campaigns and the tofu-dreg projects in Wenchuan, as well as the cases of LIU Xiaobo and AI Weiwei, they are still no-go zone for criticism.

President, the Central Government adopts the "rule by the voice of one man alone" approach in writing history on the Mainland to manipulate people's thinking, thereby reinforcing its regime. After the reunification, it is only natural that people in Hong Kong can hardly integrate fully with the Mainland in terms of thinking and culture. Hence, we have to face the consequence of receiving national education now, and this is a cause of worry to the public.

I still remember that in the 1970s, when I was a university student, I participated in the red-hot student movement at the time. I clearly recall the two fundamental principles on the guiding ideology advocated by the patriotic fraction supporting Chairman MAO, the Gang of Four and the Cultural Revolution at the time. The first principle was recognition before understanding, which stated that recognition was essential to understanding. To read between the lines, it meant one could only understand and love his own country based on the values, global perspective and way of thinking adopted by the State. The second principle was the adoption of the correct global perspective to truly understand the situation of the new China, which at the time meant the Marxist- Leninist perspective and the ideology of MAO Zedong. If the values of capitalism and Western countries were adopted, the observation made would only result in a misinterpretation and distortion of China. Surely, in today's context, we may have to adopt the "Three Represents" theory or the "Scientific Development Concept".

In the consultation paper on the Curriculum Guide on Moral and National Education today, it is seemingly for the purpose of adhering to these two fundamental guiding principles that universal values are put under the "Global Domain" and with a footnote which (I quote to this effect) reads that in the face of "controversial global issues make sound judgment in a rational and passionate manner by adopting a global perspective and keeping a good grasp of the situations of the country." (End of quote) That is why the public are so

worried that the special state of affairs in China will become the foundation of the subject on nation education, which in actuality intends to instil certain political ideologies in students, and even to "brainwash" them.

Though the Education Bureau has denied this repeatedly, some evidence causing uneasiness has emerged. Let me read out the remarks made by HAO Tiechuan on his Micro Blog. I will quote the full text to this effect, "Regarding the moral and national education for primary and secondary students in Hong Kong, some people say that it is 'brainwashing'," he highlighted the word "brainwashing" in quotation marks. "But one needs only to look at the systems in Western countries, like the United States and France, to find that this type of necessary 'brainwash' is a common practice in the international community. Some people talk about cultivating a sense of critical thinking among primary and secondary students, but in the international community, the common practice is to cultivate the sense of critical thinking during university education rather than in primary and secondary education. Some people consider it unnecessary to follow the dictates of Central Government in moral and national education, but how can this be called national education in that case?" (End of quote)

Mr HAO has been very honest. His remarks have several points of highlight. First, he admitted the claim about "brainwashing" in quotation marks. He presented cases in Western countries as evidence, attempting to prove that there was nothing wrong to introduce "brainwashing" education in Hong Kong. Second, concerning the sense of critical thinking, he had seemingly set an age limit, coming to the deduction that special attention to cultivating a sense of critical thinking was unnecessary for primary and secondary students. The third point he raised was that only education carried out according to the dictates of the Central Government could be regarded as genuine national education.

Later, in view of the various negative comments, Mr HAO adopted self-consistency and congruence by deleting the remark. However, this is exactly the case of "Freudian slip" as stated by Sigmund FREUD, for Mr HAO has let slip the "true" of national education he has in mind.

Regarding the Curriculum Guide on Moral and National Education introduced by the Education Bureau this time around, the 234-page sample paper for consultation, which provides the curriculum guide for Primary One to Form Six, was completed within a short period of six months. What kind of samples

are these? Let me cite one of the examples. In a teaching material sample, a psychological test about "I am a Chinese" is included. One of the questions of the test asks, "If you are mistaken as Japanese by a foreigner, how would you feel?" If the answer chosen is "no special feeling", it reflects that "you may find foreign culture admiring your recognition of your national identify may be inadequate, you need to learn more and reflect." According to the teaching materials, you have to reflect on yourself. If the answer chosen is "I feel unhappy about this", that means one has an uncomfortable feeling, then the student is considered "holding a positive attitude towards Chinese culture and the Chinese identify". It is ludicrous. It exposes what kind of national education it is.

The entire consultation period will last four months only, ending in February 2012. By then, the finalized curriculum guide will be introduced and implemented in September. The entire course is so hasty that I cannot help thinking that the introduction of the national education subject is the last piece of homework to be completed by the Chief Executive of this term, which must be finalized before the commencement of the next term. No wonder the public query this as a top-down established policy and suspect this an order drafted and handed down by Beijing.

Finally, I would like to reiterate three points. First, it is unnecessary to make national education an independent subject. Our citizenship is only one of our identities, for we are Chinese citizens, Hong Kong citizens and global citizens. The different citizenships we have are not contradictory and mutually exclusive. What matters is how we will realize the concept of rights and sense of obligation behind the different citizenships. As a citizen of modern China, we should be concerned about and supportive of our country and nation, but at the same time, we should uphold universal values such as democracy, freedom, human rights and the rule of law, and so on. On the basis of national education, knowledge of the history, economy, politics and culture of China should be included, so that students can gain a true and comprehensive understanding of the country. Students should be made to realize the fact that the country has experienced successes and failures in its development, there are both bright and dark sides to the development and that open examination and debates on the criteria of right or wrong and success or failure are necessary. The best national education should be like this.

Second, apart from compiling fair and objective teaching materials on national education, it is necessary to ensure that an open platform is provided for discussion and differential thinking, so that students can understand the two important concepts and differentiate various significant concepts, including the relationship between regime, government, political parties and citizens, and a clear understanding of the various factors like nation, history, culture and humanities. We have to understand the differences or similarities of the concept of a state from the perspective of political sovereignty and that of the history and culture of a nation. In short, people should not come up with the glib conclusion that people criticizing or disagreeing with the Government must be non-patriotic, or carry this to the extreme that SUN Yatsen who attempted to overthrow the ruling government back then was also non-patriotic. The reason to refrain from making such glib deduction is that a government is no equivalent to a country.

Third, if the national education to be introduced by the Government can satisfy the conditions proposed in the motion today, the Democratic Party will raise no opposition, and may even support the implementation of national education. The motion debate today offers a good opportunity for the Government to give a comprehensive response, telling Members the many views heard during the one third of the consultation period passed and how the Government will change the curriculum guide accordingly. I hope the Secretary will respond to this.

In the past few days, I was fiercely criticized in many articles in the *Wenwei Po* and *Takung Pao*. These articles regarded the motion I moved (I quote to this effect) "aims at 'de-chinesization', resists to recognize "China's sovereignty", attempts to change 'China's politics', refuses to integrate with 'China's economy' and discriminates against 'China's culture'". The series of serious allegations make me feel more concerned that the national education advocated by the Government seeks to inspire and promote narrow-minded nationalism and patriotism with the ultimate aim of instilling loyalty in the people to the Government. This concern prompts me to believe that the subject of Moral and National Education should not be introduced hastily. The authorities should think thoroughly and identify ways to implement good national education, bringing about extensive and comprehensive examination of the issue in society. This will be a very good lesson on national education to both the Government and the public.

I so submit.

Mr Albert HO moved the following motion: (Translation)

"That the Education Bureau earlier proposed to make Moral and National Education a compulsory subject has aroused public concern; HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, made a high-profile remark on the Internet that the new subject is a type of "necessary brainwashing" and queried that "any education in defiance of the Central Government" was not regarded as national education; subsequently, officials from Hong Kong's Education Bureau even commented at a consultation seminar on the curriculum guide that "universal values (such as democracy and freedom, etc.) are equal to western values", and rebuked teachers for "obstinately discussing the state affairs from a negative perspective"; in order to allay public concern and ensure that the introduction of the new subject will not be utilized as a tool for instilling political ideas, this Council urges the Government to:

- (a) face up to the concern of the education sector and the public, and ensure that the introduction of the new subject is based on open and impartial public consultation, rather than a fake consultation conducted in a top-down manner; the scope of consultation should cover whether the new subject is to be introduced in September 2012;
- (b) instil elements relating to universal values such as democracy, freedom and human rights, etc., into national education, and enhance the existing civic education, so as to establish recognition of national and citizenship identity;
- (c) give teachers a free hand so that they can adopt rational, objective and diversified pedagogical approaches to cultivate students' independent critical thinking;
- (d) through the new subject, teach students to understand the relationship of the state, the nation, the Government and political parties with the people, and to differentiate love for the country and care for the nation from support for the Government, political

parties, the ruling regime and political figures, so that they will understand that love for the country and the people is not equal to love for a political party and support for the leadership; and

- (e) ensure that the new subject can comprehensively and truly depict the state affairs in China; and using Chinese history, particularly contemporary Chinese history, as teaching materials, including the 4 June incident, the rights defending movement and even the suppression of political dissidents such as LIU Xiaobo and AI Weiwei, etc., to enable students to understand the problems faced by China as a result of the socio-political development since its economic reform and liberalization."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Albert HO be passed.

PRESIDENT (in Cantonese): Ms Cyd HO and Ms Audrey EU will move amendments to this motion, while Mr CHEUNG Man-kwong will move an amendment to Ms Cyd HO's amendment. This Council will now proceed to a joint debate on the motion and the amendments.

I will call upon these Members to speak in that order, but no amendments are to be moved at this stage.

MS CYD HO (in Cantonese): President, of course, I object to the comments of Mr HAO Tiechuan in using "brain training" to cover up "brainwashing". Why am I still so adamant today about insisting on replacing Moral and National Education with Liberal Studies and Civic Education? I have reasons for my determination. The following is my explanation.

Civic education is, in fact, political education, which aims to make citizens know their rights and the channels for participation in public affairs of the country under a democratic political system, and use independent thinking to reach a collective decision. In the process of exercising such civil rights, intellect and factual information must form the basis. Hence, citizens should

understand the continual trend of development of the country's history, geography and economy, as well as the structure of the government, the exercise of public powers, the government's constitutional responsibilities and the rights of the people. Civic education also covers humanistic values such as civic virtues, care, equality, integration, courage, loyalty, protection of public safety, and self-discipline for the respect for others. However, national education is of a narrower scope. First, it aims to cultivate people's understanding and practice of their responsibilities for the country, but it only touches on the people's responsibilities, not those of the government. Second, it aims to foster a positive feeling among the people towards ceremonies, festivals and figures that symbolize the country, such as respect for the national flag and national anthem. Third, it worries us most that it aims to foster a negative feeling among the people towards figures, symbols and ideas that run counter to the country.

The similarity between civic education and national education is that we have the responsibility to protect the people's safety. However, the basic difference is that national education only demands loyalty in a top-down manner. They are two totally different concepts. In civic education, priority is given to the people's safety and interest. This applies not only to the people in the country, but also to the people of other races outside the country. Besides, protection is provided from the human rights and humanitarian perspectives. Hence, the most important point is how the people can check their own government to prevent it from hurting their compatriots with oppressive measures. At the same time, they have to check their government to prevent it from harming the safety of other countries and nations. The power and channel to impose this check stem from a democratic political system.

For this reason, civic education only exists in countries with democratic elections. In the absence of a democratic political system, the people have practically no channels to exercise civil rights, and neither do they have the chance to learn to exercise civil rights. Therefore, to them, civic education is unnecessary. It is essential for Hong Kong to establish a democratic political system. And this is the reason why I insist on replacing national education with civic education. National education does not touch on the government's responsibilities towards the people, nor does it facilitate the learning of the contract between the government and the people. Hence, the power and responsibility, as well as the status of both parties are not the same.

National education demands the people to develop an affection for the country. "Affection" is the term used in the consultation document. Loyalty is strengthened at a sentimental level rather than at an intellectual level to understand one's responsibilities. Apart from having a positive affectionate feeling for the country, a negative defensive and mistrust feeling is developed among the people towards collective issues outside the country.

First of all, affection cannot be forced. Education can pass on objective information and knowledge. However, if a specific target is fixed to make the people develop a favourable feeling for that specific target, it will only teach the people to have double standards and fail to establish universal true values. Moreover, national education does not ask the people to do self-examination on state actions. Hence, I cannot agree to the point stated in the consultation document, saying judgment should be made from the perspectives of the country and the state of the country when necessary.

I seldom quote the classics or authoritative works, but I really cannot refrain from doing so today. The book I am quoting is *Identity and Violence* by Amartya SEN, the Nobel Peace Laureate. It is said in the book that if we force a single identity on all the people, it will certainly strengthen their centripetal force. However, if we use the single identity to demand their absolute loyalty at a rational level, we actually deny these people choices. At the same time, we are demanding these people to hurt the interests of other ethnic groups under certain circumstances. If we stress this single identity, placing feeling above intellect, it will absolutely do no good to world peace, and will only result in wars and chaos.

We have the responsibility to understand history. However, doing so does not aim to cultivate recognition of national identity. Recognition of national identity should be the fine feeling for everyday life trivia, and the acceptance of the ethnic identity in exchanges. When we read the history about the expansion of the national territory by Emperor WU of the Han Dynasty, we learn that he invaded the other nations, demanding them to pay him tribute every year. As the Han people, we certainly feel good. However, to those being ruled, how do they feel? When we read the history about the War between Chu and Han, and learn that XIANG Yu buried alive 200 000 surrendered soldiers, exactly which should we side with in terms of our identity?

During the Second World War, Germany carried out massacres of Jews, committing humanitarian crimes. It is precisely because the Germans at the time did not have the courage to criticize and oppose the state regime and allowed such crimes of massacre to happen that subjected them to be accomplices. Many Germans have suffered from this guilty feeling for a lifetime, and they have also been condemned by the world. Hence, Germany has implemented civic education after the War, with the aim of enabling the people to learn how to check the government and exercise the right to vote. Mrs Regina IP said that HITLER had also been elected to power by the people. Actually, HITLER only got 38% of the votes. The purpose of the implementation of civic education is to let the people understand the nature of the extreme rightists so that such political parties cannot even get 38% of the people's votes. However, such extreme-rightist political parties, which are anti-foreign and conservative, bully the disadvantaged groups, and they still exist in today's democratic countries. For example, the United States Tea Party and the British National Party have demonstrated such a trend. If the people in these countries lack the civic awareness of tolerance and mutual care, and follow the lead of these political parties to return to the extreme right, it will only do harm to themselves as well as others.

China started its modernization process in the mid-nineteenth century, following a protracted course filled with blood and tears. Suppression and exploitation of the people by foreign colonialists was the result of the incompetent governance and corruption-driven unpopularity of the Government. Of course, the Chinese Government at the time also showed no mercy in the suppression of its own people. Hence, we cannot only rely on recognition of national identity to unite the people to defend against foreign invasion, and ignore the harms done to the people by our own Government. We have to get to the root to make good use of civic rights to overhaul the Government in order to be on the road to self-enhancement. And, selective self-examination does not help. A review of the development of the People's Republic of China at least has to start from 1949, or even better to go back to the background of the founding of the Communist Party. It should not just focus on the 30 years after the economic liberalization and cover up the lessons learnt through blood and tears in the 30 years before that.

Due to the vast disparity in military power and technology between the East and the West, the Chinese were the first to pay a heavy price during the

globalization process of the past two centuries or so. However, if we do not do any self-examination and just blame foreign invasion to divert the attention of the people, this approach will not help at all. Take the massacre victims as an example. National education in Israel has not explored national equality and integration, and just placed emphasis on past sufferings, thus leading to their use of violence with a victim's mindset against the Palestinians. As a result, Israel and Palestine have today remained the arsenal that threatens the peace of mankind. Hence, I have proposed to change the phrase "care for the nation" in the original motion to "care for various nationalities".

National education with Chinese characteristics has caused grave concern. Associate Prof GU Chengmin of the School of Education of the Zhengzhou University, who is also a Doctor of Laws, described in a thesis titled "The building of civic spirit in our country" that the long confinement by absolute feudalism and patriarchal rules in our country has made all members in society generally lack an awareness of independent personality, manifested in a dispirited and servile personality that lacks a sense of independence, a sense of subjectivity and a sense of self. These traditional concepts have definitely settled through the ways in the heart of the nation and continued to influence the mind and behaviour of the people nowadays. Hence, the building of subjectivity of individual citizens has remained a tall mission in our time.

Due to the colonial past of Hong Kong, we have learnt many painful lessons. However, at the same time, we have had the chance to absorb the more advanced civilization. In the modernization process of China, Hong Kong has excellent conditions and unique responsibilities. Hence, we should not go backwards to implement national education that only aims to demand loyalty to the neglect of powers, responsibilities and causes. Instead, we have to encourage self-examination and courage to criticize or even oppose the Government. I particularly object to the attempt in the consultation document to cover up the due criticisms against the "political China" with the people's recognition of the "cultural China".

Thank you, President.

MS AUDREY EU (in Cantonese): President, in October last year, the Chief Executive announced in the Policy Address the implementation of moral and

national education in primary and secondary schools. In May this year, the Education Bureau issued a paper on Moral and National Education Curriculum to conduct a four-month consultation.

President, national education or moral education can, in fact, be quite neutral. It can cultivate a sense of belonging and a national identity among the citizens or the people for the country. This has nothing wrong with it *per se*. However, we have noted many signs, latest events and comments that have caused grave concern.

First, we have read the text posted on MicroBlog by HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region. This is his own writing, not some misunderstanding of reporters that put words into his mouth. The text he posted reads, to this effect "Regarding moral and national education in primary and secondary schools in Hong Kong, some people say that it is 'brainwashing'. We only have to take a look at the relevant systems in Western countries such as the United States and France to know that such a type of necessary 'brainwashing' is an international practice. Some people say that it is necessary to cultivate primary and secondary students' critical thinking. However, the usual practice of the international community is to cultivate students' critical thinking in universities instead of in primary and secondary schools. Some people say that moral and national education should not follow the dictates of the Central Government. In that case, can we still call it national education?"

In other words, he admitted right at the beginning that the implementation of national education in primary and secondary schools aims at "brainwashing". He even said that it is an international practice. Moreover, he added that national education must be dictated by the Central Government. The message is very clear here. President, under these circumstances, Members may say that these are only the comments of an official of the Central Authorities. And, since this is an internal affair of Hong Kong, the education affair of Hong Kong, we do not have to worry. So, let us see how the Education Bureau of Hong Kong talks about this issue.

President, CHEUNG Wing-hung, Chief Curriculum Development Officer of the Moral, Civic and National Education Section of the Curriculum

Development Institute of the Education Bureau met with a group of teachers and members of the education sector. During the question and answer session, he made some comments which were covered in the press. What exactly did he say? When people asked why Moral and National Education did not touch on some international domains and universal values, he replied that universal values were equal to Western values, which were a means to put pressure on China. Besides, it was very difficult to discuss values or exchange ideas on them.

President, if students are not allowed to discuss or exchange ideas, how can they learn? If it is not "brainwashing", what is it? If you say Western and Eastern values are different, it certainly depends on what values you are talking about. If they are universal values; if we are talking about values accepted by the international community; if they are values espoused in some international conventions quoted in the Basic Law of Hong Kong, why are they not applicable to Hong Kong? I have written an article asking why universal values are not applicable to China and Hong Kong. Of course, "leftist" newspapers have criticized my article. However, this is actually a very easy and simple question. If you say they are universal In particular, China now says that it acts as the centre of the world. Then why are universal values not applicable to Hong Kong? Why are they a means to put pressure on China? What we ask for are just some universal values such as basic human rights, freedom and equality.

President, I have specially proposed an amendment today. However, before I talk about the contents of the amendment, I would like to point out why Moral and National Education is slightly different from other traditional subjects. Standard answers are available for many traditional subjects. However, in the case of moral and national education, it often involves a value and the teacher's approach. I have recently come across some surveys, including the one conducted by the Hong Kong Institute of Education. It pointed out that Liberal Studies teachers have a wrong understanding of the concepts of human rights and the rule of law. There are 50% of them who think that it is necessary for citizens to honour their obligations before they can enjoy human rights. The survey also found that their knowledge of human rights and the rule of law is weak, so much that it borders on misinterpretation or wrong explanation. Under these circumstances, the forced implementation of moral and national education with a "brainwashing" element is absolutely unwise.

President, why have I specially added item (f) in the amendment today? I also wish to read out the proposal in item (f): "As Chinese history is an important element in cultivating the next generation's sense of belonging to the country and national identity, enhance students' knowledge of Chinese history and make Chinese History as a compulsory subject in junior secondary school, so that through learning history, especially contemporary Chinese history, students can better understand the state of affairs in China, and the curriculum contents should also focus on conducting objective analyses of the actual situation in China, so as to increase students' understanding of the state of affairs in the country." President, if national and state affairs education does not involve any discussion on history, it is like water without a source, just a pool of stagnant water. What we are now talking about is the water for "brainwashing". Hence, whenever we talk about national and state affairs education, we must first understand the history of China.

However, we can see that the subject of History has been neglected and marginalized in Hong Kong. A recent survey has shown a high dropout rate in Chinese History among students studying for the new senior secondary curriculum. Of the 72 schools interviewed, two thirds of them would see their senior secondary students sitting for the first-year new public examination giving up the studies on Chinese History when they are promoted to Form Five this school year. The organization responsible for the survey has estimated that the number of candidates sitting for the Chinese History examination in the Diploma of Secondary Education Examination next year will not exceed 10 000. This is only one seventh of the number of candidates sitting for the Chinese History examination in the Certificate of Education Examination in the past.

HO Hon-kuen, vice-chairman of the Education Convergence, has pointed out that at present, 130 junior secondary schools do not offer the subject of Chinese History, which has greatly lowered students' interest in Chinese History when they are promoted to senior secondary years. The resultant impact will be profound and far-reaching.

President, I wish to confess that in the years of my studies, the subject I was most terrified of was actually Chinese History. I even had nightmares about going to the Chinese History examination the next day without any preparation beforehand. In fact, I appreciate why many students are so afraid of taking Chinese History because I have been through it myself. President, this certainly

hinges on whether the teacher's teaching is good or not, and the student's way of study. However, actually, I found afterwards a need to study this subject. In my secondary years, I did not study Chinese History properly. Now, I notice that without taking Chinese History, I have often found myself inadequate when I wish to understand the public sentiments or the culture of China. And, this is also the reason why I have specially proposed an amendment today. No matter whether Hong Kong will develop Moral and National Education as an independent subject, or make it a compulsory subject, or make it part of a subject in the curriculum, it is hoped that the element of Chinese history will not be left aside.

President, we understand that the Chinese Government very much wishes the people of Hong Kong and those in China to appreciate the prestigious status it now enjoys in the world in such areas as the Olympics and space technology. I also appreciate the query of many Hong Kong people about the reason why we have to remain silent on human rights issues such as AI Weiwei, LIU Xiaobo and the 4 June incident. However, actually, I think the two are not conflicting at all. When I bring up the subject of Chinese History in my amendment today, I wish to let students gain an understanding of history in all aspects, whether they are commendable, derogatory, good, bad or neutral. In this way, students should know all of them, so as to develop their objective and critical thinking, as well as their ability to distinguish between right and wrong.

In 2002, the Curriculum Development Institute published the Basic Education Curriculum Guide. In discussing moral and civic education, it said, "Instead of imposing national sentiments on them, we must provide more opportunities for young people to develop a sense of belonging to China." President, I think this kind of attitude is far more correct than that of the SAR Government today in pushing for the implementation of moral and national education. In fact, the correct way is to instil historical facts and objective issues in students to let them learn and understand by themselves, and develop them into not only Chinese citizens but global citizens.

Thank you, President.

MR CHEUNG MAN-KWONG (in Cantonese): President, I have to reiterate that we do not object to national education. In the past, be it the vigil for the 4 June incident, the show of support for LIU Xiaobo and AI Weiwei, the

defending of the Diaoyutai Islands, the understanding of the reform and liberalization, the learning of Chinese history, all of them are actually national education. We only object to the type of national education which adopts a top-down and patriarchal approach which violates the principle of education.

HAO Tiechuan of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region said that national education was a type of necessary brainwashing, and any education not dictated by the Central Government should not be regarded as national education. Cherry TSE said that the 4 June incident and the AI Weiwei issue were gravels in the long river of history. An official from the Education Bureau rebuked teachers, saying universal values such as democracy and freedom were Western values, and asking why they insisted on discussing the state of the country from a negative perspective. These three examples have demonstrated that the Government's national education, in terms of the method, attitude and viewpoint, fails to provide a comprehensive and true understanding of China based on the universal values of mankind.

The design of the national education curriculum has illustrated the bias of the Education Bureau. Why can we not find even one controversial national education issue such as the 4 June incident or the AI Weiwei issue in the consultation document of 200-odd pages? CHEUNG Kwok-wah, an official from the Education Bureau, told us that it was because they could not include everything. Well, what is good is included, and what is not good is not included. This is reporting the happy news but not the bad news; this is selective loss of memory; this is emphasizing the bright side and downplaying the dark side, which fails to provide a comprehensive and true understanding of China. How can it give confidence to teachers? How can society be blamed to have worries of brainwashing?

CHEUNG Wing-hung from the Education Bureau said that universal values were equal to Western values, which were the means to put pressure on China. Universal values, so to speak, are actually values of the mankind. Does it mean the Chinese are not humans and they cannot enjoy human rights and freedom? It is hard to imagine that an education official of Hong Kong will give such anti-human remarks. This has shown that the worries about national education in society are not without good cause.

Government officials are aware that teachers have such a heavy workload that it is impossible for them to prepare teaching materials for every lesson on national education. As long as the Education Bureau controls the vetting and approval of textbooks, publishers will definitely try to figure out the intention at the top and compile textbooks with a more conservative stance in order to pass the vetting. As a result, the government version of national education will nibble away civic education step by step and jeopardize the quality of citizens in the future. Hence, I support Mr Albert HO's proposal to use liberal education with a rational, objective and diversified approach, and civic education based on universal values to rectify the shortcomings of the subject of Moral and National Education.

However, I have also proposed an amendment, urging to add the contents of national history education to the subject of Liberal Studies and Civic Education, so that students will study history and gain a comprehensive and true understanding of the history of our country, especially contemporary history on the interactions between China and the West. Students must know the history of China being invaded by the great powers since the Opium Wars. Students must also know the mistakes made by the CPC since the founding of the country more than 60 years ago in the Great Leap Forward, the Cultural Revolution, the 4 June incident and the human rights cases, and how it is on the road to economic liberalization but political autocracy. Only with the understanding of the miserable experiences of the Chinese nation can students develop national sentiments, cherish universal values and become global citizens with a China heart.

In the absence of Chinese history, national identity and universal values of the mankind, be it national education or civic education, it will be empty and biased. "I will do whatever it takes to serve my country even at the cost of my own life, regardless of fortune or misfortune to myself." True patriots, like LIN Zexu, TAN Sitong, QIU Jin, LU Xun, LIU Xiaobo or SZETO Wah, love the country not because of its strong power and economic strengthen or their personal gains in career and wealth. Instead, they criticize the shortcomings of the country and push for its progress with the sincerity of their lives.

What Hong Kong students need is national history education, national education and civic education based on humanistic care. We do not denigrate national education. However, if officials from the Education Bureau, out of

worries of touching the dark side of the regime, play down or wipe out the painful history of the country, or downplay it as gravels in the long river of history, and only keep things that are so-called bright, correct and great, they will teach students in this way to understand the country or accept the regime. Such a political approach is an enticement with benefits if not a case of deception. Exactly what kind of a young generation we expect national education to cultivate? Is it a young generation that sacrifices principle for profit, acts hypocritically and cunningly, and worships power; or a young generation that possesses historical vision, universal values and independent thinking, knows how to distinguish between right and wrong, and loves the country with sincerity?

History and reality are always interrelated. Today, we should not evade history. When a historical event turns into a taboo, it will become a burden on the progress of the nation. When history can be discussed in the public realm and passed on from one generation to the next, it will become the most valuable asset of the nation, or even the treasure of human wisdom. To carry a burden or wisdom, it hinges on the type of national education we give our children.

President, I so submit.

SECRETARY FOR EDUCATION (in Cantonese): President, first of all, I would like to thank Mr Albert HO, Ms Cyd HO, Ms Audrey EU and Mr CHEUNG Man-kwong for proposing the original motion and the various amendments.

The SAR Government has all along spared no effort since the reunification in helping students establish their national identity. In 2001, the Curriculum Development Council issued the document "Learning to Learn: Life-long Learning and Whole-person Development", which specifies that one of the seven learning goals is for students to "understand their national identity and be committed to contributing to the nation and society", and "moral and civic education" is one of the four key tasks. The learning elements of moral and national education are incorporated into the respective key learning areas and subjects, as well as other learning experiences, in order to nurture quality citizens for Hong Kong society and achieve the curriculum target of the integration of knowledge, sentiment and practice. The Education Bureau issued the Revised

Moral and Civic Education Curriculum Framework in 2008. The domains of society and nation are introduced to strengthen learning in the national domain through life events.

At present, the implementation of moral and national education at primary and secondary levels in Hong Kong has achieved initial results. Apart from classroom teaching, the moral character and national quality of students are cultivated through other learning experiences such as exchange programmes and visits, service learning, inquiry study, and so on. Based on the established advantage in the curriculum and the relevant implementation experiences, the Chief Executive of the SAR, in announcing the Policy Address in October 2010, stated that the Curriculum Development Council would be invited to review the curriculum framework for moral and civic education at primary and secondary levels. To further strengthen the contents of national education, the subject of Moral and National Education (MNE) will be introduced to cultivate students' moral character and national quality in a sustainable and systematic manner.

The subject of MNE we propose aims to cultivate students' positive values and attitudes; facilitates students' identity-building in the different domains of family, society, nation and the world; establishes students' individual aspiration and ideal; and fosters students to make commitment and contribution in the family, society, nation and the world, with the incorporation of values such as integrity, care for others, responsibility, commitment, respect for others, democracy, freedom, human rights, and so on. Hence, importance will definitely be attached to these universal values in the implementation of the subject of MNE.

I would like to ask Members who have just spoken on this point to take note of this, in order to ensure a correct understanding of the facts.

The MNE curriculum will continue the curriculum reform in 2001 and the direction of the Revised Moral and Civic Education Curriculum Framework in 2008 by using teaching modes such as life events, stories and topics for discussion to encourage dialogues and discussions between teachers and students in an open manner, and by providing practices and experiences to enhance students' awareness, thinking and ability to judge in relevant events in the respective domains, to clarify relevant values, and to help students understand

and analyse issues from a diversified and multi-focal perspective to reach a sensible, reasonable and pragmatic judgment.

School curriculum should be regarded as a whole. The subject of MNE aims to cultivate a positive value and attitude. We propose to make use of context knowledge, life events and suitable current affairs in a systematic manner for learning. Therefore, teachers can use recent and suitable events and select appropriate learning contents, materials and modes based on their professional judgment to engage students in free discussions. When it comes to controversial issues, the Education Bureau has no established stance or direction.

Key learning areas and subjects, when linked and coupled with the subject of MNE, can provide a relevant knowledge base to foster a deep understanding of the various developments of the country, such as in nature and geography, humanistic and social customs, historical and contemporary development, relationship between the Government and the people, and so on. Teachers can adopt the usual mode to carry out teaching and learning in General Studies at the primary level, Life and Society Curriculum at the junior secondary level, and Liberal Studies at the senior secondary level. These curriculums should be regarded as a whole. Various subjects can stimulate discussions on values or deepen the understanding of the country from different perspectives to achieve a complementary effect. Therefore, we do not think that a certain subject can replace another subject. The introduction of the subject of MNE can further strengthen the linkage between moral and national education and various subjects, focus on the cultivation of a positive value and attitude, and facilitate identity-building in different domains, so as to give students a balanced learning experience and enhance students' citizen characters and quality as a whole. To boost the teaching-learning efficiency, the strategy lies in consolidating and optimizing the curriculum instead of replacing the subject of MNE with certain other subjects.

The drawing up and consultation of the subject of MNE, like the consultation of all the curriculum in Hong Kong, have gone through detailed studies of and discussion on the learning goals, contents and various arrangements by the Ad Hoc Committee on Moral and National Education under the Curriculum Development Council. In the course of preparing the consultation document, nine focus group seminars were held to listen to the views of different stakeholders. Moreover, after the release of the Moral and National

Education Curriculum Guide (For Consultation) in May this year, a four-month consultation was immediately launched. The Ad Hoc Committee, in conjunction with the Education Bureau, has so far held eight consultation sessions on the MNE curriculum, with an attendance of a total of over 1 600 school representatives. At the same time, the consultation document and the opinion questionnaire on the MNE curriculum have been uploaded onto the relevant website of the Education Bureau. All sectors in society can participate in the discussion and express their different opinions. Moreover, comments and suggestions are also being extensively collected by the secretariat of the Ad Hoc Committee through different channels such as direct interviews, media coverage, emails, letters, faxes, and so on.

I have just given a brief account of the public consultation on the subject of MNE. Opinions collected in the one month from early May to early June have shown a general recognition among schools for the concept and framework of the MNE curriculum in nurturing good citizens for Hong Kong and facilitating students' understanding of the country and national identity building. However, some doubts have also been raised about the implementation details of the subject of MNE, such as the timetabling arrangement, mode of implementation, time of implementation, and so on. The consultation on the MNE curriculum will span from early May to late August, the process of which is still underway. The Ad Hoc Committee and the Education Bureau will keep listening extensively to the comments and suggestions of various parties and carry out detailed discussion and follow-up, so as to facilitate better amendments to the MNE curriculum. I would also like to thank the Legislative Council for holding this motion debate during the consultation period of the MNE curriculum. We hope to listen to Members' opinions. I will further give a consolidated response after listening to Members' speeches. President, I so submit.

MR TOMMY CHEUNG (in Cantonese): President, the Chief Executive proposed in the Policy Address last year the introduction of an independent subject of Moral and National Education. To follow up this proposal, a formal consultation was launched in May this year. It is planned that national education will first be implemented in all primary schools in the territory in September next year, and then extended to all secondary schools in the territory in 2013. The Liberal Party very much supports this proposal. It is because in our view, as part of China, Hong Kong should, as a matter of course, implement national

education to deepen our understanding of the country's performance and achievement in such realms as history, economy and culture, so as to facilitate the national identity building of the next generation and foster their patriotic feeling towards the country and Hong Kong.

In fact, national education is not invented by Hong Kong. Many countries are proactive in facilitating the national identity building of the next generation. For instance, in the United States, an exemplary democratic country, primary and secondary students have to recite the Pledge of Allegiance and declare loyalty to the national flag before school every day. This shows the importance attached to national education in the United States. Even the wordings of the original motion do not demand the Government to abandon implementing national education.

We believe that the major direction of implementing national education generally attracts no opposition in society. The concern of some people actually relates to the form of national education, or to be more specific, whether it will become a "brainwashing" exercise. People holding this view, including Mr Albert HO who proposed the original motion, mainly do not let go of a short text posted on Weibo by HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, and some comments of individual government officials.

However, we must note that Mr HAO Tiechuan clarified afterwards his allusion to brainwashing in the context of national education, saying that when he talked about national education on Weibo, he was always against "brainwashing". So, every time when he mentioned this word, he put it in a pair of quotation marks to show his disapproval. And, Michael SUEN, Secretary for Education, pointed out as early as in his response last year to the policy debate that national education aimed to facilitate students' national identity building rather than brainwashing. Donald TSANG, the Chief Executive, recently also indicated that using "brainwashing" to describe national education was an insult.

During his recent visit to Hong Kong, WANG Guangya, Director of the Hong Kong and Macao Affairs Office, had dialogues with our young people. His open manner has precisely given our young people a good lesson on the state of the country. He pointed out that national education in the Mainland was not

totally relevant to Hong Kong. This may help further clear the misgiving about national education in Hong Kong being a brainwashing project. Therefore, we have reservations about the sceptical angle taken by the original motion in looking at national education.

Moreover, although we do not agree to promoting a good image of the country one-sidedly in national education, we do not agree to promoting a bad image one-sidedly and conveying only negative messages either. Instead, students should be actively encouraged to better re-acquaint themselves with their national identity through national education. Therefore, the Administration and the teachers concerned should not listen to one side and "tilt to one side" by explaining to students only one side of the story without telling them the other side. Only in this way can students gain a more comprehensive understanding of the country.

To help students understand the country's history and to teach them how to know the present by reviewing the past are equally important. Therefore, the element of national history should be added to the national education curriculum to enhance the next generation's understanding of the history of China. Moreover, as the rights and responsibilities of the nationals are an important foundation for the building of national identity, the relevant curriculum should also instil in students the rights and obligations of a national in order to facilitate their understanding of the basic responsibilities as a national.

Regarding elements such as democracy, freedom, human rights, and so on, despite their great significance, they are already included in the subject of Liberal Studies. The repeated presence of these elements in national education will inevitably give an impression of overlapping.

Regarding the amendments, as Ms Cyd HO's amendment equals to calling a halt to national education and starting it afresh, we do not agree to it. Although there is merit in the proposals in Mr CHEUNG Man-kwong's amendment to Ms Cyd HO's amendment and those in Ms Audrey EU's amendment, they have not rectified the sceptical comments in the original motion, we therefore cannot support them either.

In a nutshell, we think that the implementation of national education is essential to the next generation of Hong Kong. In particular, China and Hong Kong have forged an increasingly closer tie in trade, learning, culture and even

daily life since the reunification, such that the integration of China and Hong Kong has become the major trend. What is more, at present, many people in different places of the world wish to acquire a fuller understanding of the rapidly-developing China. How can we Hong Kong people, as Chinese people, exclude ourselves from the country's state of affairs?

President, I so submit.

MR LEE CHEUK-YAN (in Cantonese): President, first of all, regarding the whole national education initiative now proposed by the Chief Executive, in my view, first, it is unnecessary. Why? We actually have the subject of Liberal Studies in place, which can often offer an opportunity for very extensive discussions. The first question that comes to my mind is: What is the difference between Liberal Studies and national education? Does it mean everything related to the country will not be discussed in the Liberal Studies lessons in future and referred to the national education lessons instead? In fact, this is really an unnecessary move.

Second, back in my growing-up years, Chinese History was a compulsory subject. I believe this is the same case for many Members. However, why is Chinese History not a compulsory subject anymore when national education is to be implemented? In fact, we can turn things around and simply make Chinese History a compulsory subject. In this way, students can at least have a chance to understand history. In doing so, they can have discussion all the way to the history after the founding of the country. Now, it turns out that the whole subject of Chinese History no longer exists. I do not know which policy of the Education Bureau leads to this outcome. Why was the compulsory subject of Chinese History abolished without reason in the past, and then students are now required to study history again? Is this not an unnecessary move?

Of course, from another angle, this is not an unnecessary move at all. Why? It is because of the bootlicking culture advocated by the Chief Executive or prevailing in Hong Kong now. This means many people consider Hong Kong people a disappointment. The Central Authorities very much dislike the public sentiments in Hong Kong now, saying the people do not understand the state of the country. Therefore, in order to please the Central Authorities by flattery, this SAR Government is poised to implement moral and national education now.

From this angle, this is not an unnecessary move at all. However, from our angle, and from the angle of Hong Kong's students and teachers in general, I think the whole thing is unnecessary. The Government does so perhaps for the purpose of explaining itself or baring its heart. I believe this is the real purpose, rather than a true wish to do a good job of national education.

The second major issue is, of course, whether it is a case of brainwashing, as mentioned by Mr Tommy CHEUNG just now. According to Mr Tommy CHEUNG, Mr HAO Tiechuan clarified afterwards that whenever he used the term "brainwashing", he had put it in a pair of quotation marks. I do not understand the meaning of the clarification about the use of quotation marks. It seems that he meant he did not mean brainwashing. Conversely, however, if we think that what the Government is doing now is not national education, and the Central Authorities do not mean to brainwash, in my view, this exactly shows an inadequate understanding of the state of the country. If we really understand the state of the country, President, we should know it is obviously a case of brainwashing. The entire propaganda system of the Central Authorities, be it the press or education, has been operating practically with the aim of brainwashing since the founding of the country in 1949. This is obvious to all. I think those who do not admit this point should receive national education instead because this could not be clearer. Brainwashing has prevailed since 1949 and this is the state of the country.

If people cannot even admit this, I do not know how well they understand the state of the country. Please do not lie with your eyes wide open. It is obvious that the state of the country is completely a case of brainwashing. We have to admit this fact. This fact may break our hearts, but this is a fact after all. If you say this is not brainwashing, it actually shows your ignorance of the state of the country. The so-called moral and national education intended to be implemented by the Government now, though the Secretary will definitely deny it, actually aims to achieve the result of brainwashing. Therefore, in my view, the whole point of national education is actually the implementation of bogus national education and in reality, brainwashing education.

Certainly, whether this brainwashing education can succeed or not is another matter. This is probably not the subjective wish of the Secretary or some government officials. However, I think the subjective wish of the entire

policy is definitely brainwashing. Whether it can be achieved or not is another matter. For this reason, brainwashing and anti-brainwashing education will be resulted in future. They wish to carry out brainwashing but, frankly, it is not easy for them to do so. This is the state of Hong Kong. The public sentiment of Hong Kong is invulnerable to brainwashing. This is a good thing. The state of Hong Kong is against the state of the country, and anti-brainwashing is against brainwashing. I hope we can make this work in the future.

However, from the students' point of view, I think they are quite pitiful after all. Why? We are worried that another problem will arise. Will students be made hypocritical students? Why do I say so, President? It is because everyone knows that in the whole appraisal process (the Secretary may talk about this later), there is no examination but assessment only. Remarks will be given, that is, teachers have to give remarks on students. In the course of assessing students' performance, something hypocritical will easily arise. What do I mean by hypocritical? I do not mean teachers in schools being hypocritical. Rather, after the assessment, if the student is "street-smart" enough, he will know how to "put on a show" in future. What is the point of doing this? If it is not something coming from the bottom of their heart, what is the point of asking them to "put on a show"?

In what ways can students "put on a show"? I have noted that a question in the consultation document asks: When the country wins a gold medal, are you very happy? What are your feelings? Then students can "put on a show" by saying that they are very happy. This is just to turn all students of Hong Kong into fans of the Manchester United soccer team. Do we need this kind of patriotic sentiment, that is, patriotic sentiment in a Manchester-United-fan style instead of patriotic sentiment truly coming from the bottom of their heart?

President, for this reason, I think it is actually meaningless if students are forced to make some false statements. However, where can I find something meaningful? I am confident that even without the government input, the implementation of national education is actually underway in Hong Kong. If the Government really intends to implement national education, it might as well subsidize the Hong Kong Alliance in Support of Patriotic Democratic Movements in China to do so. The 4 June candlelight vigil is the best lesson on patriotic education or national education. People attending the vigil recognize their

national identity and at the same time, subscribe to universal values. They are heart-broken when the country has yet attained the universal values of democracy and freedom. This is patriotism from the bottom of the heart. Only this is meaningful.

Thank you, President.

DR MARGARET NG (in Cantonese): President, I actually do not quite understand the meaning of national education in this motion today because I think there is something wrong with this concept of national education. President, from a broad perspective, I very much support national education, which means that on this piece of land of China, we must have an understanding of the country of China. This is the first point, which is also the least thing we must do. Then how can we say we have an understanding of the country? For example, we have to know the landscape and geography of China, and even travel to different places in China, in order to enhance our knowledge of the landscape and geography of the country.

Second, we must have an understanding of the history of the country. President, I am actually quite disappointed that someone as smart as Ms Audrey EU finds Chinese History terrifying. Of course, I do not know her case. If my school years coincided with hers, we had to study at the time the five roadmaps and timetables of ZHANG Qian's epic journey to the Western Region, which is quite boring indeed. However, the history of China, as a whole, is actually very interesting. Therefore, I find it improper to be a Chinese but without any knowledge of Chinese history. We need to have knowledge of Chinese history.

Besides, we have to have knowledge of the Constitution and the constitutional system of China, too. What exactly is the constitutional system of China all about? What exactly is the Basic Law of Hong Kong under the constitutional system all about? What exactly is the framework? Moreover, I think we have to know the obligations and responsibilities of nationals under the Constitution of China. I think this is also an essential part of national education.

We then have to have knowledge of the actual political situation of the country. What exactly is happening now in the modern current affairs and trends in China? Who are the State leaders? I remember that when civic

education was first introduced in Hong Kong, students of Hong Kong could not tell the names of the Legislative Council Members. In this regard, I am very sympathetic to them. Since the Legislative Council Members did nothing back then, why did students have to know their names? Still less they knew the names of the District Board members. I think it is all right even if they did not know anything about them. However, we have to have knowledge of the actual political situation of the country, such as the present political structure of the country, the significant political issues, and so on. If people in overseas countries ask you questions about China, it is indeed quite embarrassing if you cannot even tell the names of the State leaders.

Apart from having knowledge of the country at various levels, we also have to care about the future of the country. As long as we understand the actual situation, we will naturally care about it. If you care about China; if you care about the country as a Chinese, you will definitely attend the 4 June candlelight vigil and join the 1 July march; you will definitely know the development process of Hong Kong in the past and the present, the ways we can make use of the special status of Hong Kong to help develop the future of the country, our issues of concern at present, the reasons why a number of rights lawyers are locked up in the Mainland, the ways we fight for human rights and the rule of law and the state of our pursuit now, the significance of this pursuit to the development of China and the future of Hong Kong and its impact on our status in the world, and the economic initiatives in progress now.

I think the true contents of national education should cover all these aspects, with the aim of enhancing our understanding of China, our own country, at every level. Then starting from such knowledge Knowledge is actually a foundation. Without knowledge, we cannot find a base to care. The greater our knowledge, the more thoughtful our care will be, and the bigger our contribution. In particular, when such issues as human rights and the rule of law are raised, if we have special experiences in these areas, we will be more determined to make contribution backed by such experiences.

President, China's pursuit of the rule of law and its respect for human rights (though it was not called human rights back then) and personal freedom are not something that happened just yesterday. As far as we know, the pursuit of the rule of law in the modern history of China, and even the pursuit of the rule of law as recent as in the 1980s — an expert told me it was the "thick" rule of law, which

was the term used by the expert — our success and failure can actually form part of the very touching history that shakes people's hearts. How can we participate in it? President, I think this is genuine national education. A survey mentioned earlier by Ms Audrey EU found 44% of the Liberal Studies teachers in Hong Kong considered themselves inadequate in teaching Liberal Studies. I think we should not find it shocking. On the contrary, it is a good start. Knowing their own inadequacies means they know they have no knowledge of a lot of things. They can then catch up real fast to find ways to deepen their understanding.

Hence, I very much agree to this kind of national education. I also think that it is not enough and there is a need to strengthen it. However, why is it called "national" education? Does it mean non-Chinese-nationals do not need to take this subject? Or is it all right to fail the examination? Some people even say that Chinese history is part of the subject of History. They are right because History comprises Chinese as well as Western history. However, why is a subject specially assigned to teach national education? The only reason I can think of is that this actually is a "chicken essence class". As we had too little knowledge of this in the past, we have to catch up real fast now. So, teaching is condensed to implement this so-called "chicken essence class".

President, to people who study law like us, due to the very complex nature of law, we wish that a condensed version of some curriculum can be compiled to facilitate our understanding of, say, contract law or land law in five minutes. Hence, as a "chicken essence class", I consider it acceptable. However, I have noted a very special point in the Secretary's speech. He said there should be a linkage between moral education and national education. This means, first, if you wish to have moral education, you have to identify with the country; second, it is a positive value, not independent thinking of an individual but the ways to a more positive thinking; and third, you have to identify with the country.

President, this is not education, but political mission. Article 136 of the Basic Law stipulates that education should be implemented on the basis of the previous educational system, instead of acting as an instrument of political mission. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, I grew up in Hong Kong. My childhood years were not much different from those of many children in the new immigrant families back then. In the year of the Primary Six Secondary School Entrance Examination, I was fortunate to get the results to enrol at a religious English college with a long history.

The school in which I studied was a bit different from the other religious schools. First, the sponsoring body was a church founded by Chinese Christians in the early colonial days of Hong Kong. It was not a mission coming directly from overseas. Second, students from Form One to Form Five, whether they were in the arts or science stream, were required to take Chinese History and sit for the Chinese History examination in the Hong Kong Certificate of Education Examination (HKCEE).

The story does not end here. The HKCEE Chinese History was comprised of four parts which were divided by dynasty. Candidates could choose either the first to the third parts, which covered the history from the ancient times to the Ming Dynasty, or the second to the fourth parts, which covered the history from the Han and Tang Dynasties to modern times. However, students could not choose non-sequential parts. In the years when results meant everything, we can imagine a vast majority of schools chose the first to the third parts because the contents of the first part were simple and high marks were easy to get, whereas the fourth part involved complex and diverse information which made both teaching and learning difficult. However, my school, regardless, required all students to sit for the examination of the second to the fourth parts.

I was young then and always puzzled by this arrangement of the school. However, it was only until I had grown up that I saw through the calculation and intention of the colonial Government's education authorities behind dividing Chinese History into four parts and requiring HKCEE candidates to take only three parts for examination. It was to discourage as far as possible Chinese History students from reading the modern history of China. At the same time, I deeply felt the painstaking effort of my school. To maintain the blood tie between the students and the country, it enabled the students to gain an understanding of the suffering of the country in modern times.

Our Chinese History teacher in Form Four was a very conscientious person. In addition to our textbooks, we were introduced to several reference books he recommended to us. He also prepared for us teaching materials with rich information. Through this teacher, I came to understand the road travelled by the country after the Qing Dynasty.

Since the Opium Wars, due to the long closure of the country from the outside world, the failure to make progress and the corrupted system, the country was bullied and suppressed by the strong Western powers, and tragically carved up and even occupied to a state almost beyond redemption. The deep sufferings of the country drove the rising of people with noble aspirations in one generation after another. They were like the characters in LU Xun's novels. The awakened few locked up in the shed cried out and struggled in an attempt to wake others to break free from the shed with them together. In the end, more and more people awakened. Thanks to their unceasing efforts, the country finally got rid of the ill fate of submission to oppression and built its own independent homeland.

The Chinese History lessons in that year opened the door for me to understand the country. Since then, I would often pay attention to everything about the country. As a rhyming couplet of GU Xiancheng, a thinker in the Ming Dynasty, goes, "Close to the ears are the sounds of wind, rain and reading; deep in the heart are the affairs of home, state and world". They are a description of the feelings from the bottom of my heart. The Chinese History lessons all those years ago and the subsequent continuous "self-learning" have turned into national education of my own.

National education has made me understand that I am a member of Hong Kong as well as a Chinese. My compatriots are not only the 7 million people of Hong Kong, but also the 1.3 billion descendants of Yandi and Huangdi living in the Mainland, Taiwan and overseas. Everything happens in the Motherland has a close relationship with us. Due to this recognition of identity, I tell myself that everything I do must live up to the expectation of the country and my compatriots.

Over the past four decades or so, the development of the country has absolutely not just been plain sailing. Some incidents have made me worried; some have made me sigh. However, more and more often, I am proud of what I see.

I am proud of our success in the launch of satellites and spacecraft; I am proud of our scientists' development of the high-yield hybrid rice; I am proud of the country's effort in improving the ecological environment; I am proud of the determination of our troops in charging forward to disaster zones to save lives and meet emergencies regardless of their personal safety; and I am proud of the self-initiated effort of so many compatriots in putting aside their work and rushing to disaster zones to save lives. There are actually many more other examples. My parents are not perfect. Likewise, my country is not perfect. Improvements are due in many areas. However, I am proud of being a Chinese and confident in the country's continuous progress.

It is actually not common in most of the countries for national education to be made an individual subject. Rather, it is spread in different subjects. As children grow up, their national identity and patriotism are gradually built up through the subtle influence of the school, media, society and family.

However, the situation of Hong Kong is a bit special. It is because we were under colonial rule for over a century. The rulers always regarded the interests of the sovereign state as the end-all. Through some clever arrangements — those arrangements for the HKCEE Chinese History I mentioned earlier are a good example — the national identity of the people in the colony was suppressed to the lowest. These arrangements were made to facilitate the governance of the colonial Government, which were not normal at all.

Due to historical factors, national education in Hong Kong has been left in such a void. Now that Hong Kong has returned to the embrace of the Motherland, it is actually our moral obligation to rebuild a new identity. It is a really good way to develop a specific subject for teaching this topic.

In this information age, national education only has a small impact on young people who are exposed to a lot of influences. It will not make young people lose their independent thinking. National education helps build young people's national identity and cultivate their patriotism. However, it will not make them overlook the shortcomings of the country. It is just like loving our family will not make us overlook their shortcomings. National education will only make us deepen our care for and understanding of our country, and enhance

our willingness to contribute our mental and physical efforts to the well-being of our compatriots.

I so submit.

MS STARRY LEE (in Cantonese): President, since the reform and opening, the ties between Hong Kong and the Mainland have become closer and closer. When China does well, Hong Kong does well, too. The people of Hong Kong know very well that the development of the two places is complementary to each other and closely linked. However, there is a very strange phenomenon in Hong Kong society. Whenever the Government proposes to strengthen national education or allocates funding to supporting students for exchanges in the Mainland, some colleagues or public figures will put up strong resistance, labelling them as a political manoeuvre, or even "a tool for brainwashing". From the speeches earlier, we can clearly sense and notice this feeling of resistance. However, such kind of feeling will only hinder the development of our young people and that of Hong Kong.

It is only natural to enhance Hong Kong people's knowledge of the country and the country's state of affairs. As a Special Administrative Region of China, Hong Kong should of course strengthen the identification of the next generation with the country through the school curriculum. It is also a responsibility that Hong Kong should discharge. It is as natural as asking children to understand and learn more about their parents and family.

When I chat with friends, they are also aware of these similar views. We can see that foreigners are very enthusiastic about learning China's state of affairs, but some Hong Kong people are very indifferent to them. China is enjoying a rising status in the international community. Foreigners know that they must come into contact with the Chinese on the economic front. Therefore, in their view, the earlier they learn China's state of affairs, the earlier they can assess the situation of their counterparts and their own. Therefore, it is the fervent wish of foreigners to visit China and learn the Chinese culture, the situation of the reform and opening, and even the institutions of China. The more they know, the smoother the course in their exchanges and business dealings with the Chinese.

Hong Kong is doing just the opposite. Whenever the Government proposes to strengthen national education in schools and among the young people, strong reactions and loud voices of resistance will appear in society. Members may recall that even the broadcast of the publicity film of "Our Home Our Country" on television several years ago attracted voices of opposition. In short, the strengthening of national education is always equal to "brainwashing", in their view. When the Government intends to make Moral and National Education a compulsory subject in schools, it is criticized as an attempt to put in place a tool for instilling political ideas. These voices of "extreme reluctance" of some Hong Kong people contrast sharply with the enthusiasm of foreigners for understanding more about China.

President, I wish to point out that the proposal of the Hong Kong Government to make Moral and National Education a compulsory subject is actually the moral obligation and due responsibility of Hong Kong as a Special Administrative Region of China. May I ask which country does not have the subject of moral and national education? Countries held in high esteem for democracy and freedom — the United States, the United Kingdom, Australia — have always instilled in students the same and similar concepts. Countries regarded as practising strong nationalism such as Japan and South Korea also have similar subjects in place. The Hong Kong Government's proposal to make Moral and National Education a compulsory subject almost 14 years after the reunification can be regarded as too slow in coming. Apart from being a due responsibility, more importantly, the implementation of moral and national education is actually necessary for the self-development of our young people.

National education is based on the need of social development, and it helps the personal development of our young people. The day before yesterday when WANG Guangya, Director of the Hong Kong and Macao Affairs Office, attended a youth forum in Hong Kong, he encouraged more young people to seek development opportunities northwards. He pointed out that if young people found opportunities for advancement few and far between in Hong Kong, they could think about seeking development opportunities northwards, and the Central Authorities were prepared to offer such opportunities. Since the Central Government welcomes young people to seek development opportunities in the Mainland, should our young people better equip themselves to rise to this challenge?

Closer ties have been forged, be them in economy, daily life or work, between Hong Kong and the Mainland since Hong Kong reunified with the Motherland. More than 40 000 people work across the boundary between Hong Kong and the Mainland every year. The completion of the express rail link in the Mainland is expected to bring Hong Kong a lot closer to other major cities on the Mainland. The Mainland is now in the 10 golden years with boundless prospects and space for development. The mass return of a young workforce is needed in the Mainland.

To grasp the opportunity of development in the Mainland, our young people must gain an understanding of the politics, economy, history, culture and people's livelihood of the country. If they do not have any basic knowledge of the latest development of the country, it is practically impossible for them to integrate into the living circle, let alone compete with the people there. If we do not step up our efforts in this area now, I believe the development of our young people will be seriously hindered.

Therefore, to introduce the subject of Moral and National Education in schools can further consolidate national education for students to understand the country in a systematic manner, and enhance our young people's knowledge of, a sense of belonging to, and responsibility for the country. The DAB thinks it is a necessary measure.

There is another voice in society criticizing national education as "brainwashing". I think this is absolutely an exaggerated and untrue comment, which belittles the independent thinking of our young people. It is suggested in the present curriculum guide that one to two lessons each week in schools are to be allocated to Moral and National Education. Calculated on the basis of 35 minutes per lesson, only a total of 70 minutes each week will actually be allocated to this purpose. If we deduct the time for teachers switching classes and keeping discipline from these 70 minutes, only around one hour's time will be left. One-hour lesson time a week is far less than the time young people spend on watching television and surfing on the Internet. Therefore, even young people themselves do not believe that the introduction of national education will have a "brainwashing" effect on them.

A survey has found our young people to be very confident of themselves as more than half of the respondents do not worry that this subject will have a "brainwashing" effect on them. What is more, the curriculum guide has actually not provided for the contents of the subject. Teachers in schools have the absolute freedom to choose the materials. The Secretary also mentioned earlier that there were no model answers for some sensitive questions. How can this be described as "brainwashing"? Moreover, everybody knows that at present, many teachers are members of the Hong Kong Professional Teacher's Union. I absolutely do not believe these teachers will only choose a large volume of materials related to praises and achievements and avoid any discussion on sensitive issues. Therefore, this accusation of "brainwashing" is extremely unreasonable.

Lastly, I would also like to talk about the subject of Chinese History. If Hong Kong people do not have a thorough understanding of the modern history of China, it will inevitably affect their recognition of national identity. The education sector is generally of the view that the status of Chinese History in schools is on the decline. A colleague also cited an example earlier to illustrate the falling number of students taking Chinese History each year. Therefore, we think that the education authorities should suit measures to the changing circumstances to retain Chinese History as an independent subject and expand the syllabus to cover the modern history and even the latest state of the country, so as to facilitate students' understanding of the development of the country from different perspectives.

President, I so submit.

MR CHEUNG KWOK-CHE (in Cantonese): President, to cultivate our next generation to have a positive value and attitude is an education initiative that cannot be denied. In particular, being a social worker responsible for youth affairs, I all the more understand, given the immature intellect of young people, the key effect of receiving guidance on the direction of life on their development and growth. Therefore, I do not object to the implementation of national education to foster students' moral character, facilitate their identity building and help them establish a positive outlook of life. However, the important point is: How should the contents of national education be decided? And, how should teachers teach it?

Frankly speaking, all countries and places in the world have national education in place. No matter how democratic the political system of a country is, it will not evade touching on these issues. The governments of the United States, Japan, Singapore and Taiwan have carried out national education among their people since childhood, teaching them the history of the country and the nation to establish national and citizenship identity, as well as a positive value and attitude.

However, what contents should be included in national education? I believe Members can raise a heap of topics readily such as the history of the country and the nation, the political structure of the country, the rights and obligations of the people, and so on. However, the identification with the country and the passion for the people and the country are not equal to the love for the political party or the support for the government, and the blind echo of the decision of those in power. Therefore, national education absolutely cannot be turned into a tool of the political party for brainwashing. It is because loving the country is not equal to loving the political party. This concept must be made clear.

In the 4 June democratic movement in 1989, students and the masses holding a sit-in protest at the Tiananmen Square only hoped for the expeditious implementation of democratic reforms in China, having the country and the people at heart. In the end, these patriotic students were driven away by tanks on the order of those in power. Those survivors were listed as wanted. This bloody episode in history is actually a very good example to let students see clearly that loving the country is not equal to loving the political party.

Apart from identity building, due attention should also be paid to the importance of civic education. According to the *Great Learning*, "Things being investigated, knowledge became complete. Their knowledge being complete, their thoughts were sincere. Their thoughts being sincere, their hearts were then rectified. Their hearts being rectified, their persons were cultivated. Their persons being cultivated, their families were regulated. Their families being regulated, their states were rightly governed. Their states being rightly governed, the whole kingdom was made tranquil and happy." To achieve the purpose of cultivating the person and regulating the family needs an understanding of reason and clear distinction between the right and wrong, let alone achieving the purpose of governing the state and making the whole

kingdom tranquil and happy. With solid logical thinking and critical ability, when facing social issues, one can make rational and objective analyses according to one's thinking and avoid parroting other's ideas.

In fact, it is stated in the Education Bureau's consultation document on the curriculum that one of the objectives of the curriculum is to foster students' habit of independent thinking. I hope officials of the Education Bureau can explain this point more clearly. How will teachers be given guidelines by the authorities? And, how will students be guided to acquire independent and critical thinking?

However, I actually have serious doubts about this. I have noted that some Secretaries of Departments and Directors of Bureaux of the SAR Government always lack logic and resort to sophistry in debates, and they are hardly convincing. It is just like the recent case of Secretary Stephen LAM. He said that 2.8 million electors not casting a vote in the Legislative Council by-election-turned-*de-facto*-referendum last year showed that they did not support by-elections. I do not wish to debate with the Secretary whether it is appropriate to turn the by-election into a *de facto* referendum. However, I hope the Secretary will not make any mistakes in logic again in future to avoid giving a bad lesson to our next generation and setting a bad example.

President, I wish to reiterate my support for primary and secondary students receiving national education since childhood. But the important point is my opposition to the Government using national education as a tool for politics. When Mr WANG Guangya, Director of the Hong Kong and Macao Affairs Office, had dialogues with the young people, a Hong Kong youngster raised a question on national education. He asked how we should look at the democratic movement and the Cultural Revolution in modern times, and whether counter-effects would be caused if only one-sided materials were selected. Mr WANG Guangya said in response that the teaching materials of national education in the Mainland were not necessarily suitable for Hong Kong. So, the contents would be devised in accordance with circumstances acceptable to Hong Kong people. I wish to caution the Government here if it presumes that it can "hard sell the state of the country", and cover up the demerits and only praise the merits so as to fool the people and make young people love the country and the political party, it will be totally mistaken. In this age of rich information and widespread access to the Internet, it is extremely hard to "brainwash" the young

generation. If students are forced to accept such nonsense, they will only find it all the more disgusting, and place themselves in a more antagonistic position against the Government. Not only will it pose a risk to the governance of the Government, it will also do no good to society as a whole.

President, I so submit.

MR RONNY TONG (in Cantonese): President, if the parliamentary assembly of another place holds a debate on this topic, I believe the locals will find it very strange and ask: Why is it necessary for the parliamentary assembly to debate national education? Is national education not common knowledge? It is even stranger that not only it is under debate, the parliamentary assembly is seriously divided into two different camps. Why is there such a strange phenomenon?

President, we have to discuss national education or its contents in this Chamber mainly because we are living in the "one country, two systems" environment. In such an environment, the "two systems" are in great conflict with and have serious distrust for each other.

President, I am not saying which system is right. Of course, I can judge, to me, which system is right. But I think this is not the focus. An indisputable fact is that the two have extremely deep conflicts and serious distrust. This indisputable fact applies not just to the Mainland in recent years, making people doubt what national education is, it also applies to Hong Kong. Since October 2004, most probably after the 1 July march which attracted a turnout of 500 000 people, the Government first introduced the broadcast of the short film "My Home My Country" featuring the national anthem in the prime viewing hours of the three television stations, namely, the TVB, ATV and Cable TV. Four complaints were received in four days. Many criticized the film as sickening, hard selling and pointless.

Of course, I dare not question whether these criticisms come from the bottom of these people's hearts, but to the ears of the people of the other "system" under the "two systems", they wonder why Hong Kong people find looking at the five-star flag sickening. President, this is entirely not helpful to eliminating the

conflict under the "two systems". If you ask for my opinion, I can frankly tell you that I find this short film quite sickening.

It is a great pity that from the broadcast of this short film "My Home My Country" on 1 October 2004 in Hong Kong to Madam TSE's comparison of the 4 June incident to gravels of the history of China in a patriotic school last week, not only have we seen no progress, but a gradual decline, resulting in an increasingly wider gap between the "two systems".

Hence, when the Government proposes to implement moral education and patriotic education, alarm bells start to ring in the heads of many Hong Kong people, querying whether we are really talking about national education or using some special methods such as brainwashing or hard selling to influence the view of our young generation on "one country, two systems" in terms of politics.

President, perhaps for this reason, a number of colleagues have expressed various opinions on this topic of national education today. For example, Ms Cyd HO asked whether it should be replaced with civic education. President, I think there is a difference between civic education and national education. If national education were to be replaced with civic education, I personally would find it hard to accept. Nevertheless, it does not mean I will oppose Ms Cyd HO's amendment because I think that under this big umbrella of "one country, two systems" and national education, civic education absolutely has its own significance.

What is the meaning of national education? Is it equal to patriotic education? Does national education truly mean education on understanding one's country? President, when I refer to the term "country", I do not mean the State. What I really mean is the country itself. If we wish to understand this country *per se*, what should we do? Does understanding the current political system of the country or the State mean understanding our country? Or is it actually necessary for us to understand many other things there?

A number of colleagues mentioned history in their speeches earlier. The history of our country is an essential link. How we can understand the current system and situation of the country through history is also an essential link. More importantly, does this kind of education aim to foster some blind obedience or blind patriotic sentiment, or to cultivate an understanding based on critical

thinking so that we can truly understand the past and the future of the Chinese nation from different perspectives?

Hence, if the national education curriculum only covers students' clear understanding of today's CPC or Central Government and the encouraging economic development, I think it is far from comprehensive.

I was very pleased to hear Secretary Michael SUEN stress over and over again just now that this is not the case. We are not talking about these things (*The buzzer sounded*) President, I hope what Secretary Michael SUEN said is true.

DR LAM TAI-FAI (in Cantonese): With two more weeks to go, it is 1 July, the great day to commemorate the return of Hong Kong to the embrace of the Motherland. I cannot help but recall the scene at the reunification ceremony on 1 July 1997: On the television screen was Chris PATTEN in tears, holding the hands of his children and reluctantly waving goodbye to Hong Kong. At the same time, I saw some Hong Kong people also reluctantly wave goodbye to him.

This scene stirred up a thought: Why did we Hong Kong people reluctantly bid farewell to him? Was it a reluctance coming from friendship; or a reluctance coming from the loss of the identity as a Hong Kong citizen under colonial rule; or a reluctance coming from the fear of the taking over of Hong Kong by the CPC? I cannot help but admire Britain for its brainwashing education implemented in Hong Kong during its 150-odd-year rule here, which made Hong Kong people reluctantly bid farewell to the Governor when he left.

Many people say that there was practically no national education in Hong Kong under colonial rule, which is inevitable. How could the colonial Government regard Hong Kong people as nationals? It also dared not regard Hong Kong people as its nationals. So, how could there be national education? In fact, the situation was like a landlord-tenant relationship because Hong Kong was leased to Britain under three unequal treaties, namely, the Treaty of Nanking, the Treaty of Tientsin and the Convention of Peking. To put it bluntly, one party was the invader and the other the invaded. The invader certainly would not regard Hong Kong people as its nationals.

In the days when I was in school and even when I first went to work, or before the reunification, I was puzzled about my own identity, and I did not dare tell people I was a Chinese in an open and aboveboard manner because I did not have an identity as a Chinese. Only after the reunification have I recognized this identity and dared tell people I am a Chinese, a Hong Kong-born Chinese. I have acquired this sense of recognition only in the past decade or so, and I am over 50 years old now.

Let us take today's motion as a discussion on national education rather than a political issue. I remember that when I was in primary school, perhaps because I was naughty, I had to go to the headmaster's room. There I saw a portrait of the Queen of England on the wall. If a portrait of our Party President or state leader is hung in a headmaster's room now, I believe the consequences will be too dreadful to contemplate. Why? Sometimes, I would spend time on reflection — many recent events have given me food for thought — I have found that despite the absence of national education under colonial rule in the past, many things were actually taught in a subtle and pervasive manner.

It has been 14 years since the reunification now. Many people say that despite Hong Kong's return in geographical and political terms, the mentality of many Hong Kong people has yet seen a return. However, 14 years on, this phenomenon is changing gradually. Actually, we can see that the eagerness to migrate abroad has subsided. Instead, more people have moved to the Mainland and lived there. Not only have they gone back there to do business and work, many of them have actually lived there, really showing a weakened resistance to the Mainland. The communication and exchanges between the two places have, of course, increased. These have been brought about and incubated over time.

I think that if the SAR Government should propose to implement national education in a forceful and high-profile manner in the early days of the reunification in 1997, it would definitely attract serious criticisms. It is understandable because we actually had a most shallow understanding of the country at the time. However, it has been 14 years since the reunification now. If national education is not implemented now — or what is wrong with its implementation now? Why has the Government's perfectly justifiable proposal this time of making national education a compulsory subject in primary and secondary schools attracted so much speculation, resentment and even opposition,

and been stigmatized as reddened education, brainwashing education and negative education? Apparently, the stigmatization of national education has turned it into a political issue, which has me really puzzled.

As a responsible person of a school sponsoring body and a school supervisor, I support the implementation of national education from a Chinese's point of view. Looking at it from another angle, Secretary, as a Direct Subsidy Scheme secondary school receiving government subsidies, we have the obligation to help the Government implement this compulsory subject unless we turn down the subsidies. So, the question is: How will it be implemented? How will the purpose be achieved? In fact, there are elements of national education and activities for civic education in the present subjects of Chinese History and Liberal Studies. If national education is made a compulsory subject in future, will there be any overlapping? Therefore, it is necessary for the Government to provide support and subsidies in curriculum co-ordination, objectives, teacher training and timetabling arrangement. Only in this way can we do a good job of it. Moreover, it is also necessary for the Government to allocate additional funding for teacher training and issue clear guidelines on the textbook contents. Otherwise, we do not know how to deal with it.

We actually have not much time today. So, I cannot say a lot. In short, to let the Chinese know the affairs in China, the state of China, the values of the Chinese, the past, the present and the future of China is our bounden duty, something we should do.

President, I so submit.

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

MR WONG YUK-MAN (in Cantonese): President, regarding the Education Bureau's initiative to implement the Moral and National Education Curriculum, my conclusion is that it is utterly unnecessary. Why should national education be introduced? After reading the consultation paper, I would like to give the paper one word: "equivocal". Many people have stated a lot of grandiose reasons for doing so, like "I am Chinese" and "what is wrong with introducing national education after Hong Kong's reunification with China?"

I have written an article on this, but its content is rather political. I do not want to talk about this article now, yet I have to bring forth some concepts.

President, in the early 1980s, during the Sino-British negotiations, the so-called patriotic faction talked about "patriotism" in a high profile, stating that there was no reason for Chinese to oppose the resumption of Hong Kong by China. We, a group of writers publishing articles at the time, were labelled as the "democratic reunification camp".

I recalled a very enlightening article published in the *Ming Pao Monthly*. The article was written by the late Prof SO Man-jok under the title: "The promotion of Chinese culture does not necessarily be carried out on our own land" ("發揚中華文化，不一定要在自己的土地上"). Prof SO said that at the time, Confucius found it impracticable — not being incompetent but impracticable — to practise what he preached in the State of LU. The State of LU did not accept Confucius, and Confucius could not promote his ideology in that state. He was prompted to lament: "Though I yearn for the sight of the duke of LU, it is blocked by Gui Shan. Given no power, I can do nothing about Gui Shan." ("予欲望魯兮，龜山蔽之。手無斧柯，奈龜山何。") It meant that despite his eagerness to return to his home country, he was blocked by many obstacles. He meant political obstacles here. The meaning of the article was straightforward. It explained from the various perspectives and concepts of families, hometown and the state about how we, being Chinese, should interpret Hong Kong's reunification with China and the ruling regime of the CPC. Does the love for one's country require one to love the ruling regime? The love for one's country does not necessarily require one to love the ruling regime. Hong Kong people have never had a crisis with national identification, and they are only facing a crisis of identification with the ruling regime. This is a fact cast in iron.

What is the aim of the Government in implementing national education now? For the understanding of the state of the country, this means the sense of national identity. But it is unnecessary. No people in Hong Kong have ever said that they are not Chinese. The case in Taiwan is different, for their desire for independence has made it a prerequisite for them to deny their Chinese identity. What is the definition of Chinese? It may not necessarily be correct to adopt the definition of blood tie. Consider the case of American born Chinese. They are born in a foreign place, they speak a foreign language, and

they speak only English and do know a single Chinese character. How can they be called Chinese? In terms of bloodline, they are ethnic Chinese, but in terms of culture, they definitely are not Chinese.

History lessons are now provided in Hong Kong, teaching cultures and Chinese culture. It will be more than adequate if the authorities can provide a good curriculum for Chinese Culture and Chinese History. It will be much better than the present case where Chinese History is not listed as a compulsory subject in the junior secondary education curriculum. The number of students taking Chinese History in the Hong Kong Certificate of Education Examination has been decreasing. The Government has taken the lead to ruin the Chinese culture, why bother to introduce the so-called national education? Secretary, let me tell you, national education is unnecessary. The sense of national identity is the self-awareness of dignity developed from knowledge of the culture and history of one's Motherland. Allow me to borrow a phrase frequently used by the DAB: "Praise the right and criticize the wrong".

Chinese culture also includes loads of wicked matters. National education is a very grand project. The Secretary, including his subordinates, does not have the abilities to do so. I may give him a book list if he wants, which includes at least 300 books. Should students study Chinese philosophies? How should students study the history of China? I have written several books on the history of China, but they are only outlines and brief notes, in which ideas and opinions are expounded based on limited data. The implementation of national education is a grandiose project. How will he be capable of doing so? With the appropriate living environment, lifestyle and culture, one will naturally be moulded into a quality citizen. It all depends on the decrees, institutions, cultures, history, lifestyle and living environment in which one lives.

At the time of World War II, the nationalism of the Germans suddenly turned into Fascism and invaded other countries. Nowadays, will the Germans feel dishonoured because of that part of their history? Surely, not.

Members may refer to the situation in the early half of the 20th century. At that time, democratic politics was confronted by two countering forces and one of them was Fascism. Fascism emerged from nationalism. Whenever certain value is regarded as an absolute value and unconditional sacrifices are

required for that value, that value will be turned into totalitarianism. The harm done by totalitarianism is obvious to all. The other countering force was Communism, which was also totalitarianism. Be it nationalism, extreme nationalism or communism, they all carry the characteristics of totalitarianism. Does the Secretary want to cast Hong Kong people with one mould? He is incapable of doing that. Why should this be carried out? It is meaningless to do so. The authorities should endeavour to enhance subjects like Chinese History and Chinese Language. The proficiency in Chinese Language of existing secondary students is poor, and their English is poor, too. One generation has already suffered from the implementation of mother tongue teaching, and now, with the implementation of national education, another generation will suffer.

Regarding the remarks of Dr PAN Pey-chyou and Ms Starry LEE, if it is presented as an exposition, I would not take issue with it. However, in actual practice, what should a Chinese base on in recognizing his or her national identity? What is it? I do not have to mention democracy, freedom and universal values. It goes without saying. Back at the time of HU Shi, which was about 70 to 90 years ago, he made an inspiring remark. He said, "Now that people tell you to sacrifice your freedom for the freedom of the State, I tell you, 'you are striving for the freedom of the State when you strive for individual freedom; you are striving for the integrity of the State when you strive for your integrity. A state with freedom and equality is not built by a group of flunkies.'" The meaning is crystal clear. He wrote this about 80 to 90 years ago. President, this is national education, am I right?

The accomplishment of integrity is the most important point. What is the objective of education? Apart from ensuring the acquisition of knowledge, the most important aim is to ensure the accomplishment of integrity, the integrity of citizens. Do citizens observe order? Do they have the concept of the rule of law? Do they know how to respect others? Do they have democratic attainments? There is no need to set up subjects to teach the citizen about these, for these qualities are developed through the lifestyle, living environment and institutions. As in the case of the United States, these issues have never been told to the people. The founding spirit of the United States is "In God we trust", for mankind is untrustworthy. Thank you, President.

MR ALAN LEONG (in Cantonese): President, the term "brainwashing" does not originate from me. The term "brainwashing" came from HAO Tiechuan,

Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, who made the remark on the Internet that this is "necessary brainwashing". Why would we be so worried in Hong Kong? If the implementation of the moral and national education curriculum is not handled properly, it will become "brainwashing" as Mr HAO said. For we have learnt from Mainland students studying in Hong Kong, who are born after 1989 and have received national education provided on the Mainland, that they know nothing about the 4 June incident, unaware that such an incident had happened. I believe the President should have come across those Mainland students. If the national education to be introduced in Hong Kong adopts the same approach applied on the Mainland for national education, we definitely have every reason to be worried. Are we going too far to feel worried?

President, after gaining an understanding of the motion of Mr Albert HO, I can hardly oppose it. He only requests the Government to define clearly the moral and national education now in question. If it does not carry any political mission as is the case of national education conducted on the Mainland, the Government should make it clear. It is as simple as that.

President, moreover, it is most desirable that our discussion is based on objective facts. The existing consultation document introduced by the Government on moral and national education has provided samples of lesson plans. Let me pick one or two for discussion. Take the lesson plan on "I have learnt to sing the national anthem" for junior primary education as an example. Students are requested to state aloud their national identity and the good national spirits of Chinese. They are also requested to, and I quote, "admit their national identity and love their Chinese identity", and "state aloud 'I am glad that I am a Chinese'." (End of quote) Another lesson plan is about "a dialogue taken place below the national flag". Teachers are not suggested to pose an open question to students, like "How do you feel after observing the flag raising ceremony?" This is not the case. Instead, the teacher has to ask "Why Hong Kong students feel particularly excited when they watch the flag raising ceremony at Tiananmen?" Three model answers are provided, such as "tears well up in my eyes" or "it made my heart warm". Without any reason and without any foundation, a group of junior primary students, from Primary One to Primary Three, are requested to shout aloud that they are glad to be Chinese. What is the foundation for so doing? Why should this be done? Is it because the student

considers the suppression on 4 June was a right thing to do, and had not the 4 June incident been suppressed, we would not have seen astronaut YANG Liwei launched into space? Are there other reasons for so doing? Is it because after the 4 June incident, most people on the Mainland became so profit-minded that they would make tainted milk powder and tofu-dreg projects just for money, and we have had a deep reflection about this and looked forward to a better China in future? Should we be proud of the ability to reflect and the conditions to develop into a better country? There should a foundation and reason for doing so. Why should a Primary One student feel glad to be a Chinese when he or she sees the raising of the national flag? As to whether it is "brainwashing" or otherwise, I believe the public will make a fair judgment.

President, if Members read these lesson plans, they will easily find that they are superficial. As mentioned by colleagues earlier, it is actually a so-called political mission. Why do I say so? For the content only includes praises of achievements but conceals wrongdoings. From primary schools to secondary schools, students are constantly requested to be tears-filled and passionate through constant recap of Chinese athletes winning awards at the Olympic Games and YANG Liwei launched into space. On the whole, the curriculum only includes the good news but not the bad. It mentions observing the national flag raising ceremony at Tienanmen, but not a word about the 4 June incident. It mentions the awards won at the Olympic Games, but not the disappearance of AI Weiwei, the designer of the National Stadium — the Bird's Nest. It talks about understanding the Basic Law, but not that the freedom of expression in Hong Kong may be threatened with the legislation on Article 23. It talks about understanding the Constitution of China, but not the reading of Charter 08. Students will hear the proclamation of the leadership on ruling the country according to law, but they are not introduced to the invincibility of the charge of inciting subversion of state power. Is this not "brainwashing"? Is this not a kind of political mission? Does it simply want to enhance our understanding of China?

President, "Sounds of wind, rain and reading fill the ears, while affairs of the family, nation and around the world are taken to heart." I know how to recite this couplet. I have set these as my targets since my secondary school years. I am afraid I am one of those poisoned by the British colonial education, and I have never received any national education. Regarding the question today, I have been tipped off that the outcome will be "all naught". I was very surprised and astonished to learn that. As I mentioned earlier, Mr HO's motion

has provided a golden opportunity for the authorities to clearly elaborate its case, allowing it to state the national education to be introduced here is different from the one practised on the Mainland. The authorities may as well remove the worries of the public about their children being "brainwashed" and the worries that it is kind of a political mission. Given all these merits, why do the authorities choose not to do so?

I so submit.

MR ANDREW CHENG (in Cantonese): President, I am afraid I may not be here when the voting is held later, so I must state my views in this debate on national education, for the record. President, my heartaches whenever this Council discusses some not so honourable issues involving the nation or the State, for Members from various political parties and groupings, though all being Chinese, will regrettably interpret the situation of the State from different perspectives.

In our views, if national education is strictly confined to exposure to achievements but not inadequacies, we had better do without it. There is a simple example. More often than not, when discussions involving the contemporary situation of the State are held in this Council, more than half of the colleagues will remain silent. During the discussions on the 4 June incident, AI Weiwei and even the human rights award granted to LIU Xiaobo, many Members from the pro-establishment camp upheld the principle of silence is golden. In fact, if the legislature is a reflection of the quality of nationals, it is obvious that the national education to be introduced will only mention happy issues and laudable economic development, and so on.

In fact, I have not prepared any script, and I am now holding the script of Mr CHEUNG Man-kwong. I want to know what he has said, for his speech usually moves all Members. Concerning issues in this respect, I agree with his views in general. I hope that being a Member, we will adopt a proactive and ambitious attitude in educating the next generation properly. In fact, everyone should adopt this attitude. At present, teaching of Chinese History is carried out in a low profile in the primary and secondary school curriculum, which is not even listed as a compulsory subject. Worse still, we do not have much knowledge of the culture of China, which has a history of several thousands of years, nor the origin and development of the history of our nation. Against this

background, is it a responsible approach to education to impose the contemporary history of China — to put it bluntly, the victorious history of the CPC — on the younger generation?

I understand that it is hard to make everyone I sometimes think that when a person is compelled to think in a certain way, he will deliberately avoid thinking so. In the past few years, I have been observing the teaching of Liberal Studies. I visited the schools, primary or secondary schools or universities, to deliver speeches or take part in debates. When I had exchanges with students afterwards, I discovered that many secondary students had developed a largely independent and open mindset. Certainly, I dare not rule out that this may be a merit of Liberal Studies.

However, the most significant discovery is that new arrival students from the Mainland dare to stand up to debate with their senior school fellows, demand the vindication of the 4 June incident and even strive for the implementation of universal suffrage. An increasing number of Mainland students coming to Hong Kong for studies are holding this attitude. Hence, I hope the Government will understand that as far as national education is concerned, many nationals know what is happening now. If the Government continues to adopt the ossified mentality of reporting only the good news but not the bad, presenting the so-called "glorious" deeds of the CPC from an anti-intellectual perspective, I believe it will only backfire.

I heard some colleagues query earlier why the opposition camp or the democratic camp would worry about brainwashing whenever it came to national education and civic education and say that the curriculum was poor. They said that people in other countries also want to know the state of our country. However, people in other countries are not Chinese, and the blood running in their bodies is not Chinese. They may probably want to come to China for business and profit. However, we who have the blood of Chinese running in our bodies do not only aim at making money. More still, we want our country to be a truly great country, not one that only pursues economic development but overlooks human rights and universal values and suppresses dissidents. If a country is truly great and can make us proud of it, the national education it introduces should be diversified rather than being underpinned by an ossified

mentality of reporting only the good news but not the bad and launching propaganda for the ruling party.

Thank you, President.

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

MR TAM YIU-CHUNG (in Cantonese): President, Mr WONG Yuk-man said that the implementation of national education is a grand project. I would like to add that it is a meaningful project. He mentioned that the SAR Government was incapable of implementing such education, and I agree that the SAR is really inadequate in this respect. Hence, the Government now seeks to listen to the views of various sectors through consultation, hoping that the task can be carried out properly.

The SAR Government intends to introduce correct values to all students through the subject of Moral and National Education. Values like developing good morals, loving their family, caring about society, and knowing the world and even their Motherland are definitely worthy of support. However, at present, some people claim that the subject will "brainwash" students and use provoking terms like this to raise strong opposition to the introduction of the relevant subject. Among them are Mr Albert HO and Mr Alan LEONG who has just spoken. They followed the media's report available on hand and said that HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, had made a remark on the Internet some time ago about "national education is 'brain-exercising' not 'brainwashing' education", trying to kick up a fuss about this.

The term "brainwashing" is used frequently by some people. It means that certain organizations or institutes try to instil specific knowledge and information in recipients unilaterally to influence their mode of thinking. Hong Kong is a pluralistic society Come to think about this. Information flow in Hong Kong is extremely good and well-developed, no organization and individual can stop young people from receiving different information. Hence, I think it is impossible that the so-called "ossified approach", and situations of

"reporting only good news but not the bad" or "stating only good deeds", will occur. Against this background, how can the SAR Government brainwash teachers and students at large?

Some time ago, Director-General HAO Tiechuan was alleged to have published the remark about "national education is brain-exercising but not brainwashing" on his personal MicroBlog. However, had Members read the article by Director-General HAO and the report of major newspapers and media, they would have noted that the remarks of Director-General HAO only stated that national education was a common practice in the international community. He said that national education is a kind of "brain-exercising" education stimulating the various abilities of primary and secondary students, but not "brainwashing" education. However, some of the Members in this Chamber turn a blind eye to the deliberate distortion of Director-General HAO's remark by a certain newspaper. Worse still, they find great pleasure in using the distorted remark to stir up a hornet nest. This practice of confusing right and wrong is lamentable.

The DAB considers that the most important objective of a desirable and comprehensive Moral and National Education subject is to develop the ability of students in differentiating the right from wrong and analysing issues from a comprehensive and holistic perspective. Hence, we consider any approach that introduces only positive or only negative information on our Motherland to students is definitely undesirable.

Regarding the motion of Mr Albert HO and the amendments proposed by other Members, they are put forth according to a distorted proposition which is not based on facts. Besides, loads of heavily biased arguments are included, which have made it utterly impossible for students to develop the ability to differentiate the right from wrong and analyse issues from a comprehensive and holistic manner.

Hence, the DAB will vote against the original motion and the various amendments.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr Albert HO, you may now speak on the amendments. The speaking time limit is five minutes.

MR ALBERT HO (in Cantonese): President, the Democratic Party supports the amendments proposed by the various Honourable colleagues.

First, I have made it very clear at the beginning of my speech that the most important issue concerning national education is the approach and content of the education, and it is not a question of whatever specific modes. Many places adopt a pervasive or gradual approach, while some places divide it into various subjects. Based on this concept, civic education should be able to cover all these subjects, as mentioned in the amendment by Ms Cyd HO. I consider this arrangement acceptable to us. Surely, as I mentioned in my main speech earlier, I do not oppose setting up an independent subject for national education. However, if national education is included as one of the subjects under civic education, and that individual identity, as well as his or her obligations and rights, is conceived from the different citizenships held by an individual, I think it is absolutely acceptable.

As for the other amendments, they reiterate clearly certain important issues we need to examine. I fully understand this point and consider that those amendments have enriched my motion. Moreover, one of the points included in the amendments of Mr CHEUNG Man-kwong and Ms Audrey EU is very important, which in gist states that Chinese History should be included as a compulsory subject in the curriculum in future. I think my original motion should have included this suggestion. Hence, I strongly support this point, and consider it necessary to be included. This amendment is a significant supplement to the original motion.

Actually, if we receive education on history since our childhood, so that we understand the important incidents happened to our country from past to present, and if we can fully grasp and understand the political, economic and cultural

developments, we as Chinese will be able to develop a multi-dimensional awareness of the country.

Surely, regarding moral concepts and national identity, it should not be fostered by means of political indoctrination, and the influence should instead be exerted through an understanding of history. It is definitely an important point. In conclusion, if Members support the spirit of the original motion, I implore them to vote for the three amendments altogether.

SECRETARY FOR EDUCATION (in Cantonese): President, I would like to thank Members who have spoken.

I would like to reiterate that the implementation of Moral and National Education (MNE) curriculum in primary and secondary schools aims at achieving six objectives, and I will explain them *seriatim*.

Firstly, it aims at optimizing the curricula to tie in with social development. In fact, our life is inseparable from our society and country, and personal quality is the key to good citizens and good nationals. So, we should attach importance to moral and national education.

Learning should be people-oriented. The Moral and National Education curriculum seeks to enhance personal integrity and quality which has all along been the mission of educators. Moral and civic education has been specified as one of the four key tasks of curriculum reform since 2001. The content of the Revised Moral and Civic Education Curriculum Framework was enhanced in 2008 by incorporating more life events to cultivate students' positive values and attitudes.

Since the reunification, our younger generation is inseparable from the development of our country. In the four consecutive Policy Addresses from 2007 to 2011, the Chief Executive stated that the Government had to promote national education more vigorously. After 14 years since the reunification, we believe it is the appropriate time to further enhance national education, to enhance youngsters' understanding of our country, their identity and sense of commitment.

Schools have always attached great importance to moral and national education and accumulated valuable experience in implementation. So, the proposed subject of MNE will tie in with social and curriculum development and provide a systematic, flexible and sustainable curriculum. It aims at further optimizing the curriculum to ensure that students will gain balanced and adequate learning experiences for cultivating their personal and national qualities and fostering in students an aspiration to make commitment and contribution in the domains of family, society, nation and the world. The subject does not start from scratch. Rather, the curriculum design and implementation strategies are optimized on the existing basis with the objective of effectively cultivating students' positive values and attitudes.

Secondly, emphasis is placed on core values and universal values. Some Members are concerned that the implementation of MNE will be contradictory to the core values and universal values upheld in Hong Kong. We can make it clear that the curriculum theories of MNE will attach importance to the development of whole-person quality. The learning objectives will embrace core values and universal values, including perseverance, respect for others, sense of responsibility, building of national identity, sense of commitment, freedom, democracy, human rights and the rule of law. Students are able to foster their values through discussion, reflection and experiences, broaden their horizons and enhance their critical thinking.

Quite a number of Members who spoke just now are concerned that the implementation of MNE will be used as a tool for "brainwashing" while some other Members have clearly explained that it will not. Here I would like to reiterate that the purpose of the subject is to cultivate students' moral and national character, emphasize the development of multiple perspectives in thinking so that they can analyse issues from different points of view, and facilitate deliberation and debate of related events or issues so that they can make informed decisions in a passionate and rational manner. It will also foster their aspiration to make commitment and contribution in the domains of family, society, nation and the world. The curriculum design will show that the objectives mainly seek to enhance students' independent thinking and critical judgment rather than transmission of knowledge or ideological indoctrination. I must point out that in Hong Kong, which is a pluralistic society with free flow of information, both

teachers and students will receive different information from different sources every day. It is unbelievable that students will be brainwashed by any classroom teaching, and teachers will possess sufficient professional ability to facilitate multi-perspective discussions by students.

Some Members are concerned that restrictions will be imposed on the teaching materials used by teachers for implementing MNE in the class. Such worry is unwarranted. The curriculum emphasizes the cultivation of students' positive thinking, values and attitudes. Teachers are free to select the appropriate learning contents, materials and pedagogical approaches, such as the use of life events or current affairs which are related to individual, society and the country as learning materials to facilitate free discussion with students so as to enhance their thinking and judgment ability and cater for the development of their affection and rational thinking. In short, major consideration will be given to achieving the objectives of the curriculum as a whole and teachers need not avoid any teaching materials or topics.

Thirdly, the curriculum will be complementary to the key learning areas and other subjects. Some Members are concerned that the MNE subject will overlap with certain other subjects in primary and secondary education. In fact, relevant knowledge and foundation have been provided in key learning areas and subjects, such as the historical development, geographical features, and arts and culture of our country. All these elements can facilitate discussion and reflection by students on relevant topics or events and their value judgments. Furthermore, relevant learning activities such as volunteer service learning, Mainland visits and exchange programmes, as well as life-wide and interesting learning activities can enhance their understanding of different areas of life, help them reflect their identity in different areas of life, cultivate positive values, attitudes and rational thinking, so that they can become responsible and committed family members, citizens, nationals and global citizens. With unique status and characteristics, the subject is complementary to other subjects in achieving the overall curriculum objectives. It cannot be totally replaced by any single subject, such as the Liberal Studies or other disciplines.

Some Members are also concerned whether the introduction of the subject implies that the Government is going to replace civic education by national

education. In fact, it has been clearly pointed out in the consultation document that this subject will not replace any other subject. As I have mentioned in my opening speech, the curriculum should be regarded as an entirety and each subject will be linked and complementary to each other. The establishment of the MNE subject will further strengthen the links between various disciplines so that personal and national qualities of students can be cultivated, and their thinking and judgment can be enhanced in a more systematic way. Therefore, the curriculum can complement the implementation of civic education in schools, enhance students' understanding of issues which are related to our society, country and the world. This will in turn facilitate their identity-building under the five different domains, namely, personal, family, society, nation and the world, and foster their aspiration to make commitment and contribution.

Quite a number of Members have raised another issue and that is, the Education Bureau should stipulate Chinese History as a compulsory subject in junior secondary school so as to enhance students' understanding of the state of affairs through learning Chinese History, especially the modern history of China. Do Members know that the Education Bureau has always attached importance to education on Chinese history? Before the reunification, many schools which provided non-mainstream curricula did not offer the Chinese History subject. In view of this, the Curriculum Development Council in 2001, that is 10 years ago, stipulated that all secondary schools should offer Chinese history and culture, which should account for 5% of the total lesson time, to junior secondary classes. The current Chinese History curriculum for junior and senior secondary schools has also included contemporary history as a compulsory part in order to enhance the foundation of contemporary state of affairs and knowledge necessary for national education. We have explained this many times and I have elaborated on this on many occasions in this Chamber. But whenever I listen to Members' speeches, they give me an impression that they have never heard this before. So, today, I have to reiterate this once again and hope that Members will bear this in mind when they speak on the next occasion.

Fourthly, flexibility of the curriculum and flexible learning and teaching approach. Some Members have queried why the Government has to introduce a new subject, thus increasing the workload of teachers and students despite the heavy workloads in schools. I hope Members can understand that MNE is one of four key areas of curriculum reform. Secondary and primary schools in Hong

Kong have all along implemented Moral and Civic Education by using their lesson time and in various forms of class, such as moral and civic education classes, form-teacher periods, life education classes and religious education classes, and so on. Based on the foundation in the past, MNE will provide students with systematic and sustainable learning experiences. By taking into consideration their school contexts and the needs of students, schools may make appropriate use of existing resources and curricula so as to enhance learning and teaching effectiveness. The Education Bureau will also provide various types of teaching resources, including a website on teaching resources, life event stories and professional training courses for teachers with a view to supporting teachers in implementing the subject. In implementing the MNE curriculum, we will encourage teachers to flexibly adopt appropriate teaching strategies, such as discussions on value-related issues, case analyses, role playing and project learning so that students can have dialogues and discussions in an open and rational attitude. Besides, teachers are encouraged to make use of daily life stories as the learning contexts and make adjustments in response to the needs of schools and students in order to promote learning effectiveness.

The curriculum of the subject will not provide students with one-sided knowledge. Take the learning objective in the national domain as an example. It will include an understanding of the difficulties and struggles faced by our country in its development and areas which are worthy of attention and improvement. These will include the hardships, achievements, challenges and areas for improvement in the modernization process of our country and discussions on the way forward in the future. The aim is to help students make informed decisions in a passionate and rational manner from different perspectives and roles, foster a stronger sense of national identity and an aspiration to work hard for the promotion of social and national development.

Fifthly, sustained professional support for promoting the development of the subject. Some Members are also concerned about the lack of support for teachers in the implementation of the MNE subject. We will provide a series of support measures for the MNE curriculum. In respect of training, we will continue to organize a series of focused professional training to stakeholders (including school leaders, middle management and front-line teachers) such as school leadership, curriculum management, learning and teaching, assessment of

learning, use of learning and teaching resources and enhancement of relevant knowledge so as to strengthen the professional competence of the teaching team.

In respect of learning and teaching resources, we will continue to develop a variety of quality learning and teaching resources, including teaching kits and multimedia resources, such as a website on resources, educational television programmes, video discs, and so on. We will also provide a series of lesson plans on life events to support classroom teaching and promote teaching effectiveness. In addition, we will continue to provide Moral and Civic Education Grant to teachers for organization of learning activities related to moral and civic education with a view to enhancing learning and teaching effectiveness.

Finally, which is the sixth point, diverse assessment strategies will be adopted to promote learning and teaching effectiveness. Some Members are concerned about the assessment strategies on students' learning effectiveness after the implementation of the MNE subject in the future. There will be no public examinations for the MNE subject. Teachers are also not required to give marks on students' learning outcome. Rather, we place emphasis on the provision of developmental feedback to students. Teachers should assist and guide students in differentiating the right from the wrong and developing a positive attitude towards life through cultivating and putting into practice the positive values and attitudes developed. In addition, teachers are encouraged to make assessments at different stages of learning and adopt diverse strategies and make descriptive comments and remarks showing students the direction for improvement and self-enhancement. Furthermore, participation by all stakeholders will also be encouraged and the achievements of students in the subject will be highlighted by different ways. Meanwhile, the Education Bureau will employ different means, such as school visits, subject inspections, external review and relevant research to evaluate the effectiveness of the implementation of the MNE curriculum.

I have just now outlined the aims, theories and recommendations related to the implementation of the MNE curriculum. We will continue to conduct wide public consultation so as to collect views of various sectors from different channels for detailed discussion and follow-up by the Ad Hoc Committee on Moral and National Education under the Curriculum Development Council. It will update the curriculum and formulate more appropriate arrangements and support measures. As I have stated in my opening speech, according to the

views collected in the consultation conducted in the past month or so, the education sector and society generally support the introduction of the MNE subject. With reference to the relevant suggestions and concerns, we will optimize the detailed arrangements for the implementation of the subject.

President, I thank Members who have spoken for their valuable views on the MNE curriculum. Thank you

PRESIDENT (in Cantonese): Ms Cyd HO, you may now move your amendment to the motion.

MS CYD HO (in Cantonese): President, I move that Mr Albert HO's motion be amended.

Ms Cyd HO moved the following amendment: (Translation)

"To add ", given that" after "That"; to delete "face up to the concern of the education sector and the public, and ensure that the introduction of the new subject is based on open and impartial public consultation, rather than a fake consultation exercise conducted in a top-down manner; the scope of consultation should cover whether the new subject is to be introduced in September 2012" after "(a)" and substitute with "replace Moral and National Education proposed in the consultation document with the subject of Liberal Studies and Civic Education"; to delete "instil elements relating to universal values such as democracy, freedom and human rights, etc., into national education, and enhance the existing civic education, so as to establish recognition of national and citizenship identity" after "(b)" and substitute with "examine in the new subject the gains and losses of China's modernization process, and explore the reasons for democracy, freedom, human rights and the rule of law lagging behind in China"; to delete "nation" after "care for the" and substitute with "various nationalities"; to delete "China" after "problems faced by" and substitute with "the People's Republic of China"; and to delete "socio-political development since its economic reform and liberalization" immediately before the full stop and substitute with "social, cultural, political and economic development since its founding"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Cyd HO to Mr Albert HO's motion, be passed.

PRESIDENT (in Cantonese): Mr CHEUNG Man-kwong, you may now move your amendment to Ms Cyd HO's amendment.

MR CHEUNG MAN-KWONG (in Cantonese): President, I move that Ms Cyd HO's amendment be amended.

Mr CHEUNG Man-kwong moved the following amendment to Ms Cyd HO's amendment: (Translation)

"To delete "replace Moral and National Education proposed in the consultation document" before "with the subject" and to add "as the basis, increase the contents of national history education" after "Civic Education"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Man-kwong to Ms Cyd HO'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 three minutes.

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

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

Functional Constituencies:

Dr Margaret NG and Mr CHEUNG Man-kwong voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, 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.

Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr CHIM Pui-chung, Mr CHEUNG Kwok-che and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN 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.

Mr LEE Cheuk-yan, Ms Cyd HO and Mr WONG Yuk-man abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, two were in favour of the amendment, 16 against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 10 were in favour of the amendment, nine against it and three 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 the amendment moved by Ms Cyd HO to Mr Albert 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 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 three minutes.

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

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

Functional Constituencies:

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

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, 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.

Ms LI Fung-ying, Mr CHIM Pui-chung and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN 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.

Mr WONG Yuk-man abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment, 18 against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 12 were in favour of the amendment, nine against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Ms Audrey EU, you may now move your amendment.

MS AUDREY EU (in Cantonese): President, I move that Mr Albert HO's motion be amended.

Ms Audrey EU moved the following amendment: (Translation)

"To add ", given that" after "That"; to add "and human rights education in primary and secondary schools by incorporating them into the formal curricula to enable students to learn the basic values of human rights and cultivate civic awareness when small" after "civic education"; to delete "and" after "leadership;"; and to add "; and (f) as Chinese history is an important element in cultivating the next generation's sense of belonging to the country and national identity, enhance students' knowledge of Chinese history and make Chinese History as a compulsory subject in junior secondary school, so that through learning history, especially contemporary Chinese history, students can better understand the state of affairs in China, and the curriculum contents should also focus on conducting objective analyses of the actual situation in China, so as to increase students' understanding of the state of affairs in the country" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Ms Audrey EU to Mr Albert 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 three minutes.

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

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

Functional Constituencies:

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

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, 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.

Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr CHIM Pui-chung and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN 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.

Mr WONG Yuk-man abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment, 16 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 12 were in favour of the amendment, nine against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Albert HO, you may now reply and you have two minutes and 38 seconds.

MR ALBERT HO (in Cantonese): President, when Mr TAM Yiu-chung spoke on behalf of the DAB earlier, he said we had distorted the remarks of Director-General HAO Tiechuan and confused the right and wrong.

Had Mr TAM been in the Chamber earlier, he would have heard that I had indeed read out the whole paragraph of Director-General HAO's remark without omitting a single word. When I came to the term "brainwashing", I even stated solemnly that it was put in quotation marks. I had been analysing his remarks, and I believe these remarks of his had revealed the thought he kept to himself. How could Mr TAM said that I was distorting the remarks? Surely, I did say that he had given a new explanation later attempting to attain self-consistency, and this was a fact. It is a separate issue whether we accept his explanation as not kind of a cover-up or remedial gesture. Hence, it is utterly unfair for Mr TAM to make the allegation of contorting the right and wrong at us. When Mr TAM said that, he was indeed contorting the truth and falsehood himself.

However, Mr TAM is at liberty to say that I am unfair. He may say, "The person concerned has already explained the case, but you remain doubtful about this." Yet the point is whether we have reasons to be doubtful, or even be suspicious, as Ms Starry LEE said earlier. However, as mentioned by Mr Ronny TONG, under "one country, two systems", we can see the education approach adopted by the Central Government on the Mainland, particularly the education approach applied to historical issues. Under the circumstances today, we suddenly come under some top-down pressure for an expeditious implementation of the so-called national education that requires students to be concerned about the state of the country. We just cannot help being suspicious and anxious, can we?

Moreover, certain major officials responsible for the task, such as CHEUNG Wing-hung, compared universal values to Western values and exerting pressure on the State. What did Mrs Cherry TSE from the Education Bureau say? She said that many major incidents were only gravels in the long river of history. In view of these remarks from the officials, how can we not worry about the education approach introduced by them? Hence, as Mr Alan LEONG said, no matter our worries are founded or not, I hope the authorities will remove our worries and clear the air. Why can Members not support this?

It is true that our national education is disappointing in many aspects, but the problem we have to face today is the sense of national identity, which cannot be solved with a top-down approach.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Albert HO 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 HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong and Mr CHEUNG Kwok-che voted for the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, 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 motion.

Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr CHIM Pui-chung and Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

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

Mr WONG Yuk-man abstained.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the motion, 16 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 12 were in favour of the motion, nine against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday 22 June 2011.

Adjourned accordingly at twenty-two minutes to Five o'clock.

Annex II

RESIDENTIAL CARE HOMES (PERSONS WITH DISABILITIES) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Labour and Welfare

<u>Clause</u>	<u>Amendment Proposed</u>
2	In the definition of “person with disabilities” and “PWD”, by deleting paragraph (c).
8(6)	In the Chinese text, by deleting “決定” and substituting “定奪”.
8	By adding – “(9) If a decision to refuse to renew a licence under subsection (3)(b) is appealed against under section 14(d) and the licence would, but for this subsection, expire before the determination of the appeal, the licence remains in force until the appeal is disposed of, withdrawn or abandoned unless – (a) it would, in the opinion of the Director, be contrary to the public interest for the licence to remain in force; and (b) the order on the decision contains a statement to that effect.”.

9

By adding –

“(1A) A decision under subsection (1) that is appealed against under section 14(e) is suspended in its operation as from the day on which the appeal is made until the appeal is disposed of, withdrawn or abandoned unless –

- (a) the suspension would, in the opinion of the Director, be contrary to the public interest; and
- (b) the order on the decision contains a statement to that effect.”.

12(5)

In the Chinese text, by deleting “決定” and substituting “定奪”.

16(2)

- (a) In paragraph (a), by adding “(*suspected premises*)” before the semicolon.
- (b) In paragraph (b), by deleting “a residential care home for PWDs” and substituting “the residential care home or suspected premises”.
- (c) By deleting paragraph (b)(i) and substituting –
 - “(i) produce any book, document or other article relating to the operation or management of the residential care home or suspected premises, or to any other activity in respect of the residential care home or suspected

premises; or”.

(d) By deleting paragraph (c) and substituting –

“(c) remove for further examination from the residential care home or suspected premises any book, document or other article which the specified person has reason to suspect is evidence of the commission of an offence against this Ordinance;”.

(e) By adding –

“(ca) remove for further examination from the residential care home any book, document or other article which the specified person has reason to suspect is evidence of a ground for the cancellation of the licence issued in respect of it; and”.

(f) In paragraph (d)(i), by deleting “a residential care home for PWDs” and substituting “the residential care home”.

(g) In paragraph (d)(ii), by deleting “a residential care home for PWDs” and substituting “the residential care home”.

17 In the heading, by adding “**liability for**” before “**certain acts**”.

17(1) By adding “any civil liability in respect of” after “liable for”.

17(2) In the Chinese text, by deleting “為有關” and substituting

“就有關”。

19(2) By deleting paragraph (b) and substituting –

“(b) takes effect at the following time –

- (i) if it is delivered personally to the person to whom it is to be sent, when it is so delivered;
- (ii) if it is sent by registered post to the last known address of the person, when it would in the ordinary course of post be delivered to that address; or
- (iii) if it is posted in a conspicuous place inside or outside the premises to which it relates, when it is so posted.”.

19 By deleting subclause (3).

20(3) By adding “any civil liability in respect of” after “liable for”.

20(5) In the Chinese text, by deleting “為有關” and substituting “就有關”。

34 By adding –

“(3) Section 4 is amended by adding –

“(3) A person to whom this subsection applies is not personally liable for any civil liability in respect of anything done or omitted to be done by the person in good faith in the exercise of a function or purported exercise of a function under this Ordinance.

(4) Subsection (3) applies to –

- (a) the Director;
- (b) any Deputy Director of Social Welfare; and
- (c) any public officer authorized under subsection (2).

(5) The protection conferred by subsection (3) does not affect any liability of the Government for the act or omission.”.”.

39(4) By adding –

“(1A) A decision under subsection (1) (other than a decision to refuse to renew a licence) that is appealed against under section 12 is suspended in its operation as from the day on which the appeal is made until the appeal is disposed of,

withdrawn or abandoned unless –

- (a) the suspension would, in the opinion of the Director, be contrary to the public interest; and
- (b) the order on the decision contains a statement to that effect.

(1B) If a decision to refuse to renew a licence under subsection (1) is appealed against under section 12 and the licence would, but for this subsection, expire before the determination of the appeal, the licence remains in force until the appeal is disposed of, withdrawn or abandoned unless –

- (a) it would, in the opinion of the Director, be contrary to the public interest for the licence to remain in force; and
- (b) the order on the decision contains a statement to that effect.”.

New By adding –

“41A. Section 18 substituted

Section 18 is repealed and the following substituted –

“18. Inspection of residential care homes

- (1) In this section, “specified person” (指明人士) means –

- (a) the Director;

(b) an officer of the Fire Services Department; or

(c) an inspector.

(2) If a specified person produces, if so required, proof of identity as the specified person, and the specified person's identity card issued under the Registration of Persons Ordinance (Cap. 177), the specified person may –

(a) at all reasonable times enter and inspect any residential care home or any premises which the specified person has reason to suspect are used as or for the purposes of a residential care home (*suspected premises*);

(b) require any person taking part in the operation or management of the residential care home or suspected premises to –

(i) produce any book, document or other article relating to the operation or management of the

residential care home or suspected premises, or to any other activity in respect of the residential care home or suspected premises; or

(ii) give any information relating to the operation, management or activity mentioned in subparagraph (i);

(c) remove for further examination from the residential care home or suspected premises any book, document or other article which the specified person has reason to suspect is evidence of the commission of an offence against this Ordinance;

(d) remove for further examination from the residential care home any book, document or other article which the specified person

has reason to suspect is evidence of a ground for the cancellation of the licence issued in respect of it; and

- (e) do any other things that are necessary for –
 - (i) the inspection of the residential care home; or
 - (ii) the inspection or testing of any equipment, works or system used for or in connection with the operation, keeping, management or other control of the residential care home.”.”.

New By adding –

“41B. Section 18A added

The following is added –

“18A. Protection of specified persons from liability for certain acts and omissions

- (1) A specified person under section 18 is not personally liable for any civil liability in respect of

anything done or omitted to be done by the specified person in good faith in the exercise of a function or purported exercise of a function under this Ordinance.

(2) The protection conferred by subsection (1) does not affect any liability of the Government for the act or omission.”.”.